



MEMORANDUM

TO: CHIEF ADMINISTRATIVE OFFICER
FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER
SUBJECT: DP2025-10 – 279 TAL RD
MEETING DATE: SEPTEMBER 16, 2025
SUBJECT PROPERTY: LOT 15, DISTRICT LOT 13, COWICHAN LAKE DISTRICT, PLAN VIP88703
(PID 028-497-121)

Purpose

The purpose of this application is to approve a development permit for the construction of a retaining structure within the Watercourse & Streamside Protection Development Permit Area (DPA 1) adjacent to a stream and within the Natural Hazard Development Permit Area (DPA 2) for steep slopes and wildfire hazard.

Introduction

The subject property is located on a 1380 m² parcel located at 279 Tal Rd, adjacent to a small stream and linear park that runs from Tal Rd down to Point Ideal Rd. The property is zoned Urban Residential (R-2). The OCP designates the property as within DPA 1 due to its proximity to a small creek on the east side and within DPA 2 for the steep slopes.

There is a public walkway located on the west side of the property. A statutory right of way is registered on the title of the subject property and adjacent lot (lot 16) granting permission for the public to walk across the property.

Reports submitted in support of this application include:

- Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates, dated May 28, 2025
- Riparian Areas Protection Regulation: Assessment Report, prepared by Brittany Brooks and Bob Crandall, dated August 26, 2025

- Wildfire Hazard Assessment, prepared by Strathcona Forestry Consulting, dated August 25, 2025

Watercourse Protection DPA

The purpose of the Watercourse Protection DPA is to protect watercourses and their riparian areas, and the adjacent upland areas and to provide recommendations to minimize negative impacts to the riparian area and where possible enhance the area.

The Riparian Areas Protection Regulation: Assessment Report, prepared by Brittany Brooks and Bob Crandall, dated August 26, 2025, establishes the SPEA at 7.0 m from the top of the bank.

SPEA boundary established on the ground with high visibility fencing before any land alteration takes place.

Implement sediment and erosion control measures in consultation with the QEP consistent with the RAPR, i.e. catchment swales and sediment/silt fencing

No development activity within the SPEA.

Long term install permanent demarcation of the SPEA line. Register a section 219 covenant

Natural Hazard DPA

The purpose of the Natural Hazard DPA is to mitigate the potential risk associated with the steep slopes and fire hazard.

Steep Slopes

The applicant has provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates, dated May 28, 2025 and the report recommends:

- Flood Construction Level (FCL) of 3.0m above the present natural boundary (PNB)
- Establishing a safe building setback of 7.0m from the crest of the watercourse bank slope

The report also provides mitigative measures to maintain stable conditions into the future. The geotechnical report confirms the land is considered safe for the use intended, provided the recommendations in report are adhered to. A condition of this permit is to register the geotechnical on the title with a section 219 covenant.

Fire Hazard

The applicant provided a wildfire assessment report confirming the fire hazard on this property is moderate. The report provides conditions to minimize the fire risk for which the property owner must adhere to.

Public Notification

Development Approval Procedures and Notification Bylaw No. 1109-2024 and the Local Government Act Section 499 require notice a minimum of 10 days prior to Council's consideration of the request. The notice was mailed out on September 2, 2025 and at the time of preparing the staff report one neighbour had questions about the future of the public walkway.

Options

- 1) Approve the development permit for this application.
- 2) Approve the development permit with additional requirements.
- 3) Deny the development permit for this application.

Recommendation

The contract planner recommends approving DP2025-10 for the property located at 479 Tal Road, legally described as Lot 15, District Lot 13, Cowichan Lake District, Plan VIP88703 (PID 028-497-121) in conformance with the following conditions:

1. All development shall be in accordance with
 - a. Attached site plan
 - b. Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates, dated May 28, 2025
 - c. Riparian Areas Protection Regulation: Assessment Report, prepared by Brittany Brooks and Bob Crandall, dated August 26, 2025
 - d. Wildfire Hazard Assessment, prepared by Strathcona Forestry Consulting, dated August 25, 2025
2. Prior to any land alteration and building permit issuance
 - a. Delineate the greater of the two setbacks, i.e. the SPEA boundary or Geotechnical boundary, with high visibility fencing.
 - b. Implement sediment and erosion control measures in consultation with the QEP consistent with the RAPR Assessment Report.
3. Prior to occupancy permit issuance:
 - a. register the following on the certificate of title:
 - i. A section 219 covenant including the Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates, dated May 28, 2025 and saves the Town of Lake Cowichan harmless
 - ii. A watercourse protection section 219 covenant
 - b. Install some form of permanent demarcation of the SPEA line.

Signed:

Brigid Reynolds

Brigid Reynolds RPP MCIP
Contract Planner

Concurrence:

John Thomas

John Thomas
Chief Administrative Officer

ATTACHMENT 2

[Geotechnical Hazard Assessment](#), prepared by Lewkowich Engineering Associates,
dated May 28, 2025

ATTACHMENT 3

[Riparian Areas Protection Regulation: Assessment Report](#),
prepared by Brittany Brooks and Bob Crandall, dated August 26, 2025

ATTACHMENT 4

[Wildfire Hazard Assessment](#), prepared by Strathcona Forestry Consulting,
dated August 25, 2025