



# REPORT

**TO:** Gerald Christie  
Manager Development Services

**FROM:** Jennifer Sham  
Planner

**File No:** DP 725-133  
PL20180004

**Date:** July 16, 2018

**SUBJECT:** Development Permit No. 725-133  
Riparian Area Regulation (RAR) Development Permit (DP)

**RECOMMENDATION:** THAT: Development Permit No. 725-133 be denied issuance.

## SHORT SUMMARY:

The subject property is located in Electoral Area C in Sunnybrae at 4990 Sunnybrae-Canoe Point Road. The proposal is to create 14 waterfront residential lots on an Industrial designated property. The proposed reclamation works are within the 30 m RAR assessment area and requires a RAR DP.

## BACKGROUND:

**REGISTERED OWNER/APPLICANT:**  
Herald's Bay Development Ltd. Inc. No. BC1097933

**AGENT:**  
David S. Cunliffe

**ELECTORAL AREA:**  
C (Sunnybrae)

**LEGAL DESCRIPTION:**  
Parcel A (DD148402F and Plan B6878) of the SE ¼ of Section 21, Township 21, Range 9, W6M, KDYD

**PID:**  
013-671-502

**ADDRESS:**  
4990 Sunnybrae-Canoe Point Road

**CURRENT USE:**  
Vacant, former log sort and booming area

**PROPOSED USE:**  
Residential

**PARCEL SIZE:**

11.92 ha

**DESIGNATION:**

Electoral Area C Official Community Plan Bylaw No. 725 - ID Industrial

**FIM Aquatic Habitat Index Rating:**

Low

**FIM Shore Type:**

Gravel

**POLICY:****Electoral Area 'C' Official Community Plan (OCP) Bylaw No. 725 (Bylaw No. 725)**

Section 12.4 Riparian Areas Regulation (RAR) Development Permit (DP) Area of Electoral Area C OCP is designated under the Local Government Act for the protection of the natural environment, its ecosystem and biological diversity. The RAR DP objective is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions and conditions that support fish life processes. Development impact on watercourses can be minimized by careful project examination and implementation of appropriate measures to preserve environmentally sensitive riparian areas.

An assessment completed by Bill Rublee, Qualified Environmental Professional (QEP), Triton Environmental Consultants Ltd., December 12, 2017, in accordance with RAR has been submitted to the Ministry of Environment and provided to CSRD staff.

According to the RAR report:

The development proposal is to reclaim the site and create 14 building lots each with lakefront. The site reclamation will include removing the non-native material, re-contouring, add appropriate growth medium and replanting the area once it has been restored. The SPEA is 15 m throughout the site and there is ample room for houses to be constructed and be outside the defined SPEA.

The QEP indicates that "a post project monitoring assessment will be conducted and a report documenting adherence to the Assessment Report SPEA and Measures designed to protect the SPEA will be submitted."

**KEY ISSUES/CONCEPTS:**

The agent has applied for a RAR DP to support a 14 lot residential subdivision on a property designated Industrial in Bylaw No. 725. The objective of the Industrial designation is to recognize existing industrial uses and support future opportunities for light industrial uses.

Bylaw No. 725 does not support:

- new waterfront industrial development;
- the proposed residential density because the maximum density for waterfront residential development (outside the primary or secondary settlement area) is 1 unit per 2 ha; and,
- new residential development outside of the primary or secondary settlement areas unless co-located with an agricultural use.

Staff have informed the agent that a DP cannot be issued unless the use and density is consistent with the OCP; therefore, an OCP bylaw amendment application is required. In an email dated July 6, 2018, the agent confirmed that his client "will not be applying to re-designate the property from Industrial to Residential."

**LIST NAME OF REPORTS / DOCUMENTS:**

1. Development Permit No. 725-133 including location map, site plan, and RAR report	Attached: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Application		
3. Electoral Area C Official Community Plan Bylaw No. 725	Attached: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

**RECOMMENDATION:**

Staff is recommending that DP725-133 be denied issuance for the following reasons:

- the RAR DP application is for works associated with the creation of 14 waterfront residential lots on a property designated Industrial in Bylaw No. 725 – this industrial designation does not support waterfront industrial or residential development;
- Bylaw No. 725 residential policies and densities do not support this proposal;
- the proposed residential use and density is not supported outside of the primary or secondary settlement areas; and,
- a DP cannot alter permitted uses or density, as being requested by the applicant.

Respectfully submitted,



Jennifer Sham  
Planner

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Team Leader, Development Services		N/A.
Manager, Development Services	07/18/18	