



STAFF REPORT

DATE: March 11, 2025 **FILE:** 0540-04 EASC
TO: Chair and Directors
Electoral Areas Services Committee
FROM: Dave Leitch
Chief Administrative Officer
RE: **ENVIRONMENTALLY SENSITIVE AREAS DEVELOPMENT PERMIT APPLICATION**
 Foreshore Watercourse Eagle Heron

Planning File Nos.: 3060-20 / DP 4D 24
Folio No.: 772 05356.400 **PID No.:** 004-048-679
Legal Descriptions: LOT 1, SECTION 34, TOWNSHIP 4, COMOX DISTRICT, PLAN 43648, EXCEPT PART IN PLAN VIP56119
Civic Addresses: 2986 Paul Rd, Campbell River BC
OCP Bylaw: Bylaw No. 276 *Oyster Bay – Buttle Lake OCP Bylaw 2023*
OCP Designation: Residential / Country Residential
Zoning Bylaw: Bylaw No. 1404 *Campbell River Area Zoning Bylaw, 1991*
Zone: Residential 2 (R-2) / Country Residential Three (CR-3)

PURPOSE

To consider an Environmentally Sensitive Areas Development Permit (ESA DP) application which would allow the development of a five-lot subdivision on a parcel of land impacted by the Riparian Areas Protection Regulation and the Environmentally Sensitive Areas Development Permit Area Guidelines in *Bylaw No. 276, Oyster Bay-Buttle Lake OCP, 2023*.

Sections 488 - 491 of the *Local Government Act* (LGA) authorize a local government to designate Development Permit Areas (DPAs) and establish guidelines within Official Community Plans (OCPs) to protect the natural environment, its ecosystems and biological diversity. In accordance with part 29.1 of *Bylaw No. 276, Oyster Bay-Buttle Lake OCP, 2023*, development within 30 meters from the top bank of a stream connected to fish habitat as identified in the Regional District's Sensitive Habitat Atlas, or as defined by the Riparian Areas Protection Regulation (RAPR), requires an ESA DP prior to the commencement of development activities, including subdivision.

EXECUTIVE SUMMARY

An application has been received to permit the development a five-lot subdivision at 2986 Paul Road in Electoral Area D, which is impacted by the Riparian Areas Protection Regulation. One channelized stream and one ditch connecting to an unnamed waterway which flows directly into Oyster Bay are present along a portion of the southern boundary of the property. As the proposed

development is within 30.0 meters of an identified watercourse under the Riparian Areas Protection Regulation, it is subject to the Environmentally Sensitive Areas Development Permit Area Guidelines as defined by the *Oyster Bay-Buttle Lake OCP, 2023*, and thus requires issuance of an ESA DP prior to subdivision approval.

A Riparian Area Assessment (RAA) has been prepared by a Qualified Environmental Professional (QEP), Strategic Natural Resource Consultants, which provides support for the issuance of the ESA DP, the identification and demarcation of Streamside Protection Enhancement Areas (SPEAs), and associated measures to protect and maintain the SPEAs. The RAA has been reviewed by the Ministry of Water, Land and Resource Stewardship which has confirmed that assessment and reporting criteria for the Riparian Areas Protection Regulation have been fulfilled.

Given that the proposed development is permitted by the *Campbell River Area Zoning Bylaw, 1991*, and that the ESA DP incorporates the recommendations provided within the RAA, issuance of the ESA DP to allow the proposed development to take place is supportable.

RECOMMENDATIONS:

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend approval of the Environmentally Sensitive Areas Development Permit DP 4D 24 (Larmond), as attached to the March 11, 2025 report, and

THAT the Corporate Officer be authorized to issue the permit.

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

An application has received to allow the subdivision of a 1.9-hectare (4.7 acres) parcel situated at 2986 Paul Road in Electoral Area D into four residential lots of 2000 square meters (0.49 acres) each, leaving a 1.1-hectare (2.7 acres) residual lot that contains an existing residence and detached garage. Board approval was issued in June of 2024 to re-designate the parcel Residential/Country Residential in the *Oyster Bay-Buttle Lake OCP, 2023* and to rezone the property to Residential Two (R-2)/Country Residential Three (CR-3) in the *Campbell River Area Zoning Bylaw, 1994* for the purpose of permitting the five-lot subdivision proposal.

The subject property intersects with the development permit area of a roadside ditch and a channelized stream that drain east and west to a culvert crossing Paul Road near the midpoint of the western half of the property, which connects to an unnamed stream 200 meters southeast that flows directly into Oyster Bay. RAPR requires development activities within 30 meters of a watercourse connecting to fish habitat to undergo a RAA to provide recommendations for the protection of the riparian area connected to fish habitat. A report has been prepared by Strategic Natural Resource Consultants and contains recommendations, including demarcation of the SPEA and associated measures to protect and maintain the SPEAs, which have been incorporated into the ESA DP document as attached.

PLANNING ANALYSIS

Sections 488 - 491 of the *Local Government Act (LGA)* authorizes a local government to designate Development Permit Areas (DPAs) and establish guidelines within Official Community Plans

(OCPs) to protect the natural environment, its ecosystems and biological diversity. In accordance with part 29.1 of *Bylaw No. 276, Oyster Bay-Buttle Lake OCP, 2023*, development within 30 meters from the top bank of a stream connected to fish habitat as identified in the Regional District's Sensitive Habitat Atlas, or as defined by the Riparian Areas Protection Regulation (RAPR), requires an ESA DP prior to the commencement of development activities, including subdivision.

To adhere with the Ministry of Water, Land and Resource Stewardship (MWLRS) Riparian Areas Protection Regulations (RAPR), a Riparian Area Assessment dated December 9, 2024 was prepared by a QEP and submitted to the Province to ensure assessment and reporting criteria for the RAPR were fulfilled. Notification of approval by MWLRS was received by the SRD on March 4, 2025. The RAA report provides site conditions and recommendations to minimize any potential impacts to the watercourse, and restoration works of the Streamside Protection and Enhancement Area (SPEA) as necessary. Under RAPR, a post-development report is required to provide information on the measures taken and confirmation that the measures to protect the SPEAs were implemented appropriately.

FIANCIAL IMPLICATIONS

Applicable fees have been collected for the applications under the Planning Procedures and Fees Bylaw No. 5.

LEGAL IMPLICATIONS

The reports and ESA DP as presented comply with the *Local Government Act (LGA)* and Regional District bylaws. DPs are authorized in the circumstances specified in Sections 488 - 491 of the LGA. The authority under this subsection must be exercised in accordance with the applicable guidelines specified under this section in the OCP.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

The Riparian Area Assessment is confirmed to be reviewed and approved by the Province and there are no other intergovernmental/regional implications associated with this ESA DP as all works are limited to the properties.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Citizen/public relations implications associated with this ESA DP should be minimal as all site development and construction works are limited to the properties.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Interdepartmental involvement associated with this development permit is limited; however, the processing of the ESA DP will require both planning and legislative staff resources.

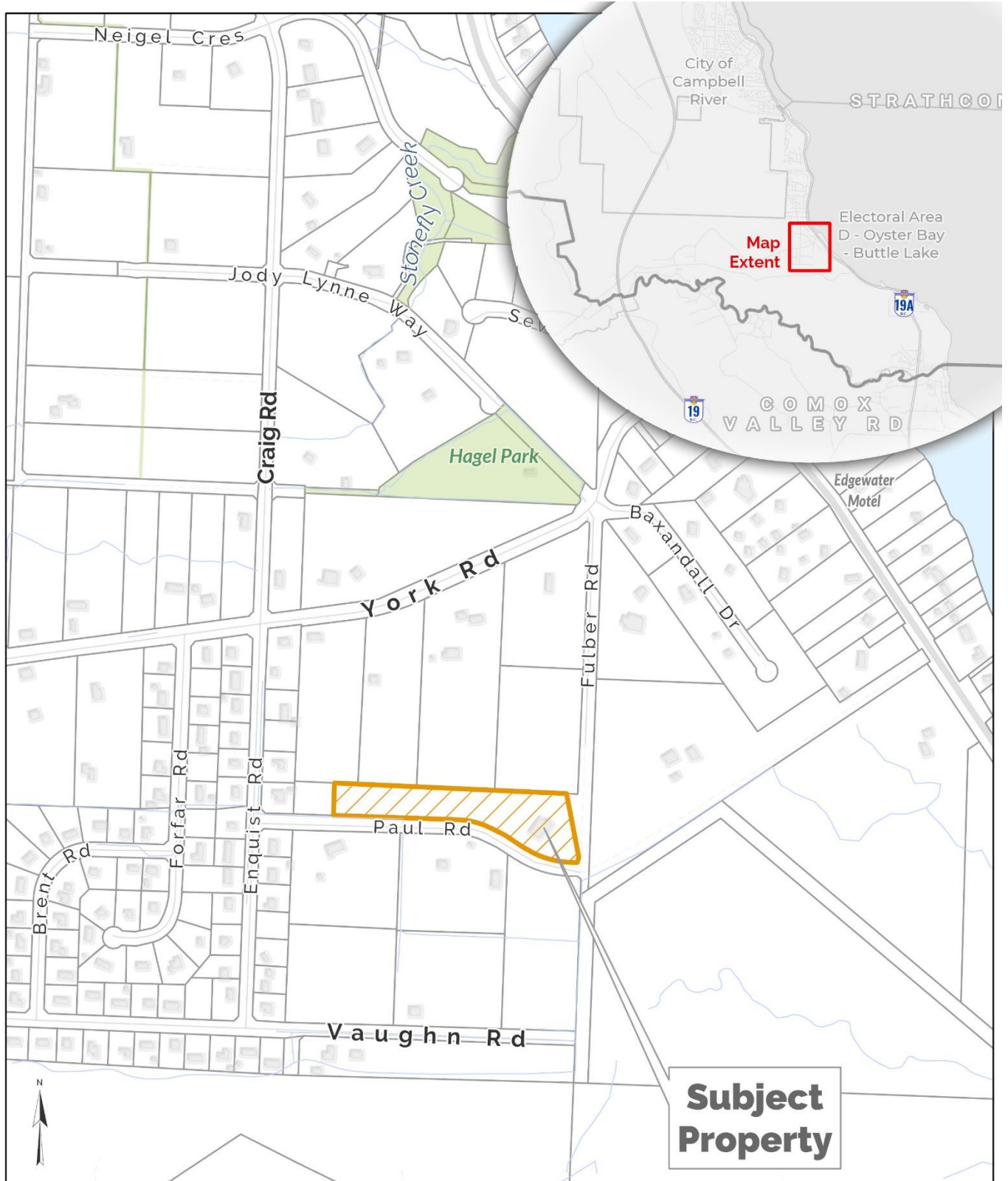
Submitted by:



Aniko Nelson
Senior Manager, Community Services

Prepared by: L. Hougham, Development Planner I

Attachment: ESA Development Permit DP 4D 24



DP 4D 24 - Larmond

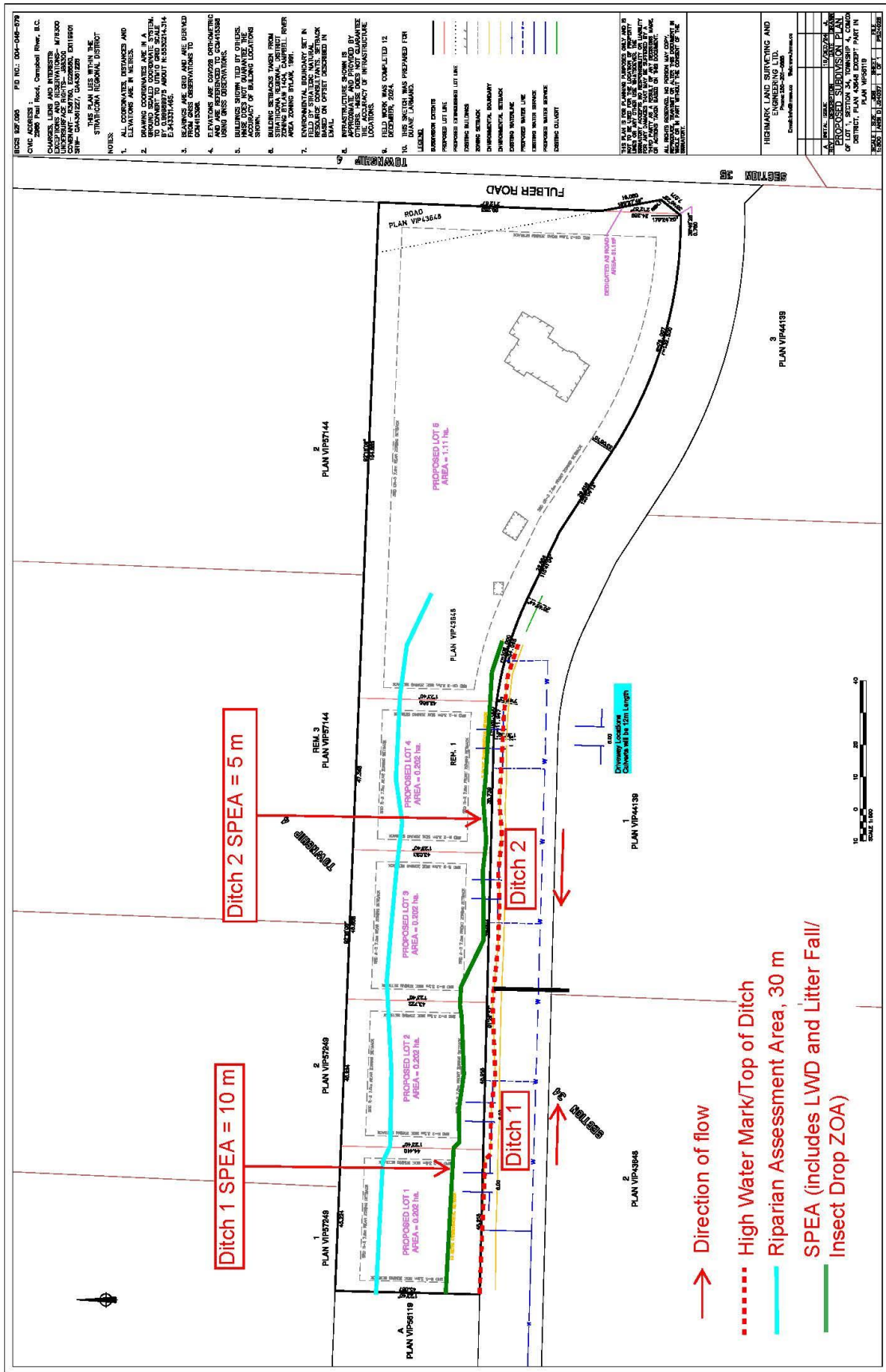
LOT 1, PLAN VIP43648, SECTION 34, TOWNSHIP 4,
COMOX LAND DISTRICT, EXCEPT PLAN VIP56119

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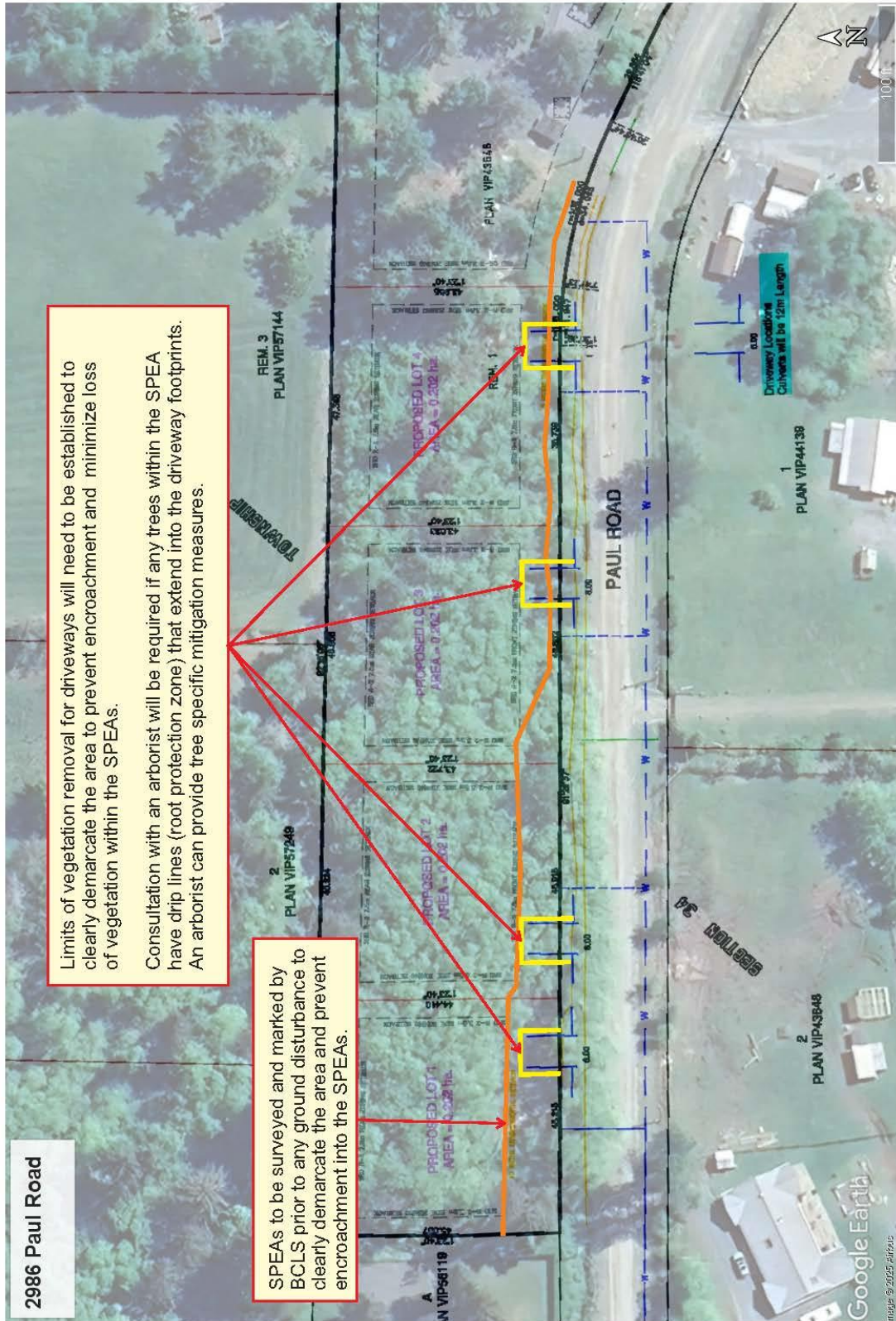
Mar 05, 2025

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Location Map



Site Plan - Identified SPEAs



Site Plan – Required Tree Protection Zones