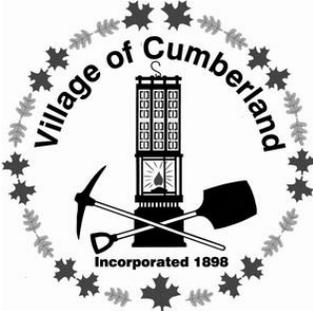


COUNCIL REPORT



REPORT DATE: 12/4/2020
MEETING DATE: 12/14/2020

TO: Mayor and Councillors File: 3200 Coal Valley Estates
 FROM: Karin Albert, Senior Planner
 SUBJECT: Coal Valley Estates – Application for an Environmental Protection (DPA #1) and Wildfire Urban Interface Development Permit (DPA #4)

| | | | |
|---------------------------|---|---------------|----------------------|
| FILE: | 2019-15-DP | | |
| AGENT: | Dale Bellavance, Bell Group | OWNER: | Coal Valley Estates |
| FOLIO No.: | 516 000394.545 | PID: | 003-634-264 |
| LEGAL DESCRIPTION: | DISTRICT LOT 24, NELSON DISTRICT, EXCEPT PARTS IN PLANS 21 RW, 522E, 3130, 3268, 4222, 4661, 4824, 4869, 6793, 6794, 11068, 12569, 13409, 13580, 13640, 14028, 15750, 23224, 19381, 19382, 19383, 20746, 21025, 22199, 23092, 23237, 23600, 23685, 24001, 24314, 24868, 25906, 26084, 26131, 26455, 26629, 26885, 27337, 27857, 29860, 30068, 30809, 32692, 35790, 36785, 35098, 50021, VIP64546 VIP65968, VIP65482, VIP67269, VIP71673 AND EXCEPT PARCEL A (DD 27356N) AND PARCEL B (DD M7897) AND EXCEPT PARTS IN PLANS VIP72020, VIP72021, VIP72022, VIP73804, VIP74156, VIP75434, EPP15708, EPP17313, EPP18594, EPP20118 EPP53358 , EPP71701, EPP79979 AND EPP90590 | | |
| CIVIC ADDRESS: | Penrith Avenue | | |
| OCP DESIGNATION | Mixed Land Use | ZONE: | Mixed Use One (MU-1) |

RECOMMENDATIONS

- i. THAT Council receive the “Coal Valley Estates – Application for an Environmental Protection (DPA #1) and Wildfire Urban Interface Development Permit (DPA #4)” report dated December 4, 2020.
- ii. THAT Council refer the application for a Development Permit (2019-15-DP) to the Advisory Planning Commission for comment.

PURPOSE

The purpose of this report is to introduce an application by Coal Valley Estates for an Environmental Protection (DPA #1) and Wildfire Urban Interface Development Permit (DPA #4) and seek referral to the Advisory Planning Commission for comment.

PREVIOUS COUNCIL DIRECTION

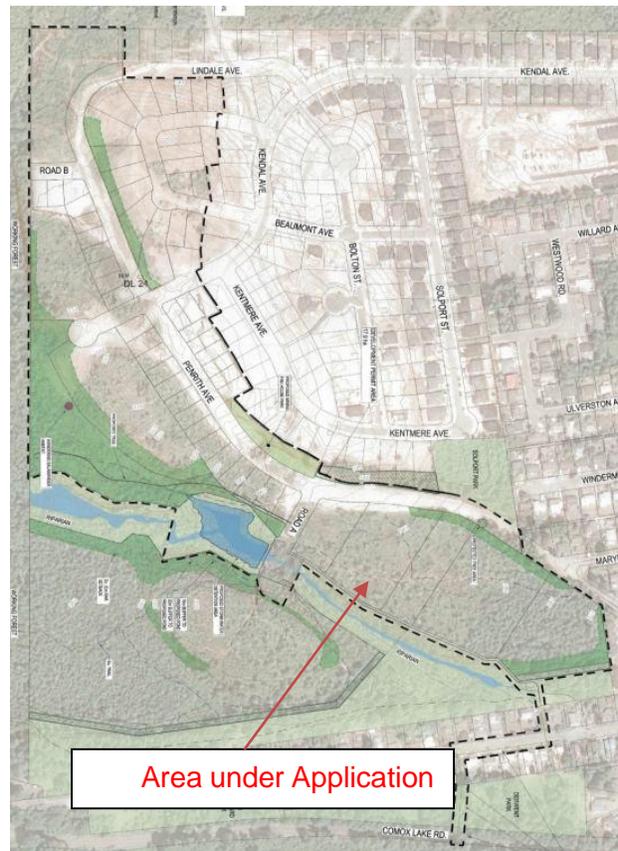
There has not been a Council resolution related to this particular application.

BACKGROUND

The applicant is proposing to prepare the land under application for subdivision. Pursuant to the Official Community Plan Bylaw No. 990, 2014, any land alteration requires an Environmental Protection Area Development Permit (DPA#1).

Development works proposed for Phases 10 and 11 of Coal Valley Estates consist of the following:

1. Blasting and lot grading within the lot areas as shown in Attachment 3.
2. Civil infrastructure construction including potable water, sanitary and storm sewer servicing.
3. Third party utilities infrastructure installation including electrical, gas and telecommunication servicing.
4. Municipal road construction including curb, gutter, sidewalk, multi-use trails and street lighting.



The developer initially proposed a subdivision in the second quarter of 2019. The application for subdivision was returned following an amendment request to the existing Comprehensive Development Agreement (CDA). The Development Permit application was placed on hold, pending the results of the CDA amendment request. Following the Committee of the Whole meeting on July 27, 2020 and concerns and questions raised at the meeting, the developer withdrew the CDA amendment request. He provided responses to the Committee's questions in the letter attached to this report. Shortly afterwards, he asked that the Development Permit be reactivated for the proposed subdivision. Staff reviewed the October 2019 application and sent a detailed letter requesting additional information in late August 2020. In response, Coal Valley Estates updated their application and re-submitted on October 23, 2020.

Site Description

The currently un-subdivided area of the Coal Valley Estates development consists of aquatic and terrestrial ecosystem areas. Portions of the property are disturbed from previous works for water line installation and road works but vegetation is reestablishing on much of the remainder of the site. Vegetation consists of a mix of regenerating native vegetation (Douglas-fir, red alder, salal, Oregon grape and huckleberry) and invasive species (scotch broom and Himalayan blackberry).

The southern section of the property includes the riparian greenway surrounding a seasonal stream/wetland. A water transmission main was installed along the access road (Penrith Avenue extension) as part of a previous phase of the development.

Development Permit Application Overview

The following provides a brief overview of key requests that form part of the two development permit applications. Details on these and other aspects of the application will be provided in the report to the Advisory Planning Commission and the follow-up report to Council.

As part of the Environmental Development Permit application, Coal Valley Estates is requesting to blast and fracture rock in some areas and fill other areas prior to construction in order to regrade the property and increase the buildable area. The map in attachment 3 shows the areas to be blasted and filled.

Coal Valley Estates is also seeking to site five properties along the Penrith Avenue extension and across from the historic Fan House. In order to be able to fit those properties between the road and the wetland, Coal Valley Estates is requesting to reduce the riparian area identified in the Comprehensive Development Agreement (CDA) from 30m to 15m in one area (see maps in attachment 4) In return for the reduction in the riparian area, the developer is proposing to dedicate a 1.6 ha seasonally wet area on the west side of the property to the Village as greenspace. Strategic Natural Resource Consultants who reviewed the proposed subdivision plan, states that this represents a net positive gain in riparian area. Note that the 15 m reduction in riparian area does not encroach into the area around the wetland that has been dedicated as park. As this is not discussed by Strategic Natural Resources Consultants, staff will ask for a peer review of the potential impact of the reduction in riparian area on the wetland.

The surface area of the wetland will increase as part of stormwater management of the site and the high water mark will change as per the drawing in attachment 4. If Council approves a reduction in the riparian area, the greenway/walkway identified in the CDA will need to be relocated closer to the high water mark of the wetland. The blast and fill map in attachment 3 shows the proposed new location.

Further, to allow for the additional lots, Council would also have to approve a modification to the Fan House covenant area to straighten out Penrith Avenue extension to align through the current Fan House covenant area. Coal Valley Estates has submitted a request to modify the Fan House covenant. The request will be presented to Council when the development permit applications subject of this report come back to Council for a decision.

As part of their application, Coal Valley Estates provided a report by Strategic Natural Resource Consultants reviewing the Wildfire Urban Interface Development Permit guidelines and making recommendations for the proposed. As per the permit guidelines, a 10m setback will apply where private lots abut working forest and other vegetated lands.

Public Notification and Consultation

Pursuant to the Village's *Development Procedures and Fees Bylaw No. 1073, 2018*, the applicant will be required to place a notice sign of the development permit application on the property, send out a notification to neighbours within a 75 metre radius, advertise and hold a public information meeting. The meeting shall be held in an accessible venue in the Village of Cumberland at a time convenient for residents to attend.

Any comment received as a result of the mail-out or at the information meeting, will be provided to the Advisory Planning Commission together with further details on the application.

Referrals

Staff is recommending that the application for an Environmental Development Permit and a Wildfire Urban Interface Permit be referred to the Advisory Planning Commission for their comments.

ALTERNATIVES

1. THAT Council not refer the application for a Development Permit (2019-15-DP) to the APC at this time but request additional information prior to referral.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

None.

OPERATIONAL IMPLICATIONS

The review of development permit applications are part of the services provided by Development Services and Operations.

ATTACHMENTS

1. Coal Valley Estates Responses to July 27, 2020 Committee of the Whole Questions
2. Phases 10 and 11 Aerial Photograph with Subdivision Overlay
3. Blast and Fill Map
4. Stormwater Maps

CONCURRENCE

Rob Crisfield, Manager of Operations **RC**

Respectfully submitted,

Karin Albert
Senior Planner

Clayton Postings
Chief Administrative Officer