

ISSUE BRIEF: Brooks Rd DL5416 - Land Alteration

Summary:

- Three DPAs cover 35-40% of DL5416 (Creek/River Corridor, Ravines, Floodplains) which means that a permit must be obtained before land is altered in these areas. The 39 acre forested property is adjacent to Smuggler Cove Provincial Park and provincial Crown land.
- In November 2023, after confirming unauthorized land alteration without development or building permits, the SCR D issued a Stop Work order for DL5416.
- The Forum is monitoring whether a professional assessment and remediation plan are being requested and approved by the SCR D.

Property Details

Total Area: 39.03 Acres

Land Use Zoning: Rural Residential RU2¹ ([722](#))

Subdivision Zoning: G ([722](#))

OCP Land use: Residential² ([OCP](#), p28)

DPAs: DPA Zone 2A: Creek/River Corridor; DPA Zone 2B: Ravines (15m); DPA Zone 2C: Floodplain

Background

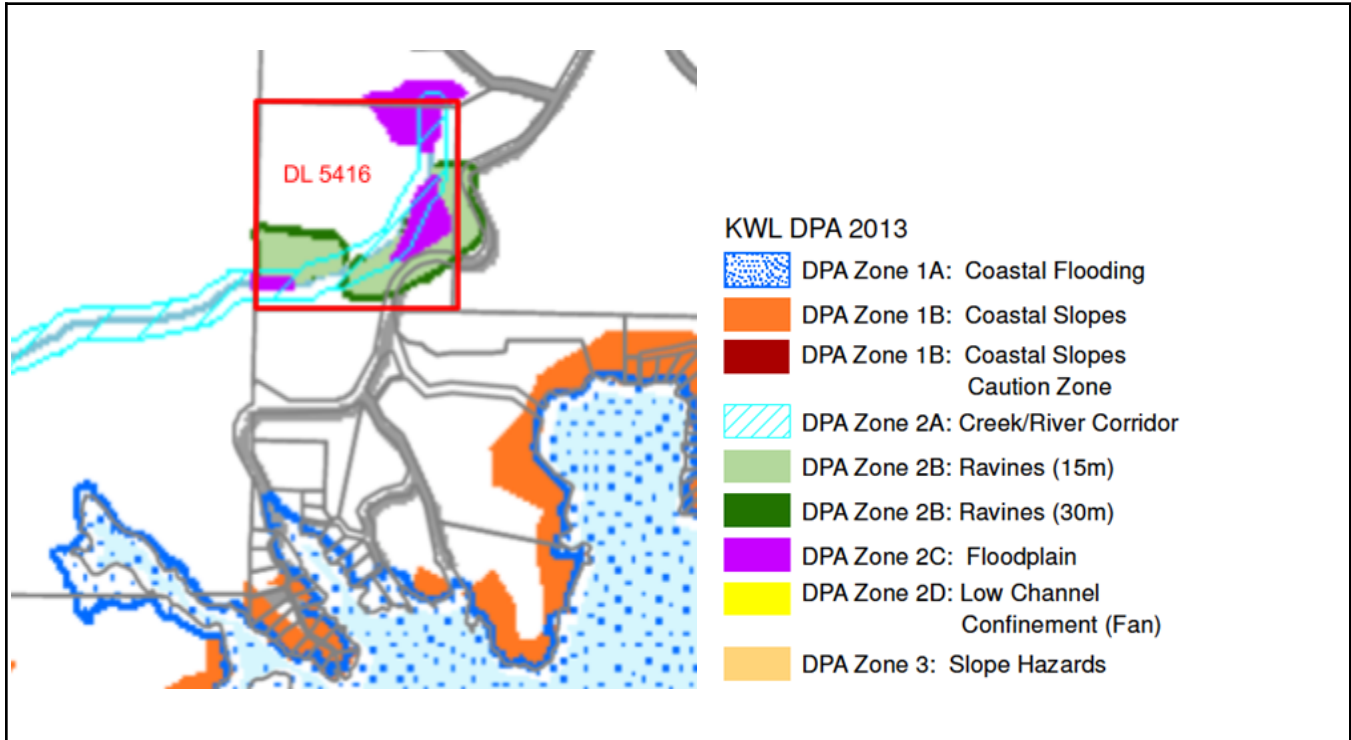
1. The Halfmoon Bay OCP identifies a number of Development Permit Areas (DPAs) to protect sensitive habitats and potentially hazardous lands, such as riparian and coastal areas and dangerous slopes. Three of these DPAs occur on DL 5416 and overlap to cover about 35-40% of the property: DPA Zone 2A: Creek/River Corridor; DPA Zone 2B: Ravines (15m); and DPA Zone 2C: Floodplain (see Map 1 below). A Development Permit is required for lands within these DPAs for subdivision, building permits and “land alteration, which includes, but is not limited to, the removal and deposition of soils and aggregates, paving, removal of trees and the installation of septic fields”.
2. Under the Bylaw 722, which also implements the provincial *Riparian Areas Protection Regulation* (RAPR) in the SCR D, property owners who seek a Development Permit *must* hire consulting biologists and/or engineers to undertake a professional assessment to determine the suitability of the proposed development. Details of what these assessments may require are outlined in the Bylaw.

¹ Bylaw 722 (Dec. 8/22) has zoned the property as RU2 which permits a number of residential, rural and resources uses, providing for as many as 20 land uses including: up to two dwelling units, agriculture, garden nursery and keeping livestock. These uses are subject to other provisions in the Bylaw, such as, among others, parcel coverage, density and, in particular, setbacks.

² The OCP’s designation for DL 5416 is Rural Residential which “permits a range of uses which will help diversify the local economy and assist in local food production”. Specific objectives target flexible rural residential, small scale agriculture, tourist accommodations and some home occupations, with certain caveats. For example, subdivision to 1.0 hectare parcel size may be considered if “sensitive ecosystems such as wetlands, intertidal areas and stream corridors are not impacted and are restricted by covenant”.

- 3. Notwithstanding considerable recent activity involving large machinery on the property, the SCRD confirmed in November 2023 that neither a Development Permit nor a Building Permit have been issued for DL 5416. Shortly thereafter the SCRD issued a stop work order.

Map 1 - Development Permit Areas



Map 2 - Local Area

