

Memo

File: 3350-20/CP 1CV 18

DATE: August 24, 2022

TO: Advisory Planning Commission
Baynes Sound – Denman/Hornby Islands (Electoral Area A)

FROM: Planning and Development Services

RE: **Development Permit Area Guidelines – Review and Update**

Staff are proposing changes to four Development Permit Area (DPA) guidelines, being the Eagle Nest, Heron Nest, Aquatic and Riparian Habitat, and Steep Slopes development permits (DP's). The updates are being proposed in order to standardize the language used in them, clearly identify the designation, justification and organization of the guidelines, and to enhance the enforceability of the guidelines. An additional proposed amendment is to allow the issuance of a Temporary Use Permit in commercial and industrial areas within Settlement Nodes and Rural Settlement Areas as well as where they are currently permitted (Settlement Expansion Areas and Rural Settlement Areas).

The four DPAs affected by this update were selected as they are the most commonly required DPs. Staff have delegated authority to approve all of these DPs without going to the Board, which means that the Advisory Planning Commission members will not have seen or evaluated any DP applications under these guidelines. However, your feedback is still sought on the proposed changes as part of the external referrals process and will be considered in drafting the final revisions that are presented to the Board for adoption. For more information, please refer to the attached staff report (Appendix A), dated August 4, 2022, which was reviewed by the Directors at the August 8, 2022 Electoral Area Services Committee meeting.

Sincerely,

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services
Planning and Development Services

Attachments Appendix A – Staff Report, dated August 4, 2022

/dt



Staff Report

DATE: August 4, 2022

FILE: 3350-20 / CP 1CV 18

TO: Chair and Directors
Electoral Areas Services Committee

FROM: James Warren
Deputy Chief Administrative Officer

Supported by James Warren
Deputy Chief Administrative Officer

J. Warren

**RE: Development Permit Areas Review –
Official Community Plan Amendment and Zoning Bylaw Amendment**

Purpose

To seek approval to undertake the external agency and First Nations referrals for amendments to the Official Community Plan (OCP) (Appendix A) and the Zoning Bylaw that aim to streamline implementation and improve enforceability with changes to select Development Permit Area (DPA) guidelines (Appendix B).

Recommendation from the Deputy Chief Administrative Officer:

THAT the Comox Valley Regional District Board direct staff to commence the external agency referral process for proposed Bylaw No. 589 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 4” and Bylaw No. 657 being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 7”, which would update the development permit area guidelines section to improve readability and streamline the application process;

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations on proposed Bylaw No. 589, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 4”, in accordance with the referrals management program dated September 25, 2012.

Executive Summary

- The proposed amendments to the OCP, Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” and the Zoning Bylaw, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, responds to the direction set out in the Comox Valley Regional District (CVRD) COVID-19 Response and Renewal Plan and revises the DPA guidelines in order to streamline the application process, enhance readability, reflect new case law, legal requirements and best practices and improve enforceability.
- The proposed changes apply to four out of the 10 DPAs designated in the OCP for the protection of the natural environmental and development from hazardous conditions, prioritizing the DPAs that are triggered most often. Some key changes include the standardization of the DPA scheme to clearly identify the designation, justification and objectives and the reorganization of DPA sections, relocating the Guidelines section from the OCP to the Zoning Bylaw. This was identified as a key step in enhancing enforceability.

- Additional OCP amendments have also been included as part of the proposed amendment:
 - Section 75, the Development Area Information (Appendix A) amendment proposed to clarify what information may be required to support the issuance of a development permit. This change will facilitate effective DPA implementation and application processing.
 - Part 3, amendment proposed to enable issuance of Temporary Use Permits in all land use designations but agricultural areas.

Prepared by:

Concurrence:

Concurrence:

R. Holme**A. Mullaly**

 Robyn Holme, RPP, MCIP
 Manager of Long Range
 Planning and Sustainability

 Ton Trieu, RPP, MCIP
 Manager of
 Planning Services

 Alana Mullaly, RPP, MCIP
 General Manager of Planning
 and Development Services

Government Partners and Stakeholder Distribution (Upon Agenda Publication)

City of Courtenay	✓
Village of Cumberland	✓
Town of Comox	✓
K'ómoks First Nation	✓

Background/Current Situation

In August 2020, the board approved the COVID-19 Response and Renewal – Electoral Areas under Planning, Building and Bylaw Actions, directing staff to undertake a review of the DPA guidelines to streamline the process, improve readability, ensure best practices and combine some development permits if appropriate. The proposed amendment responds to this direction.

The CVRD designates 10 DPAs in its OCP and in the Mount Washington Local Area Plan. A DPA is an important planning tool used to designate areas and specify special conditions for additional protection or development control. The authority for local governments to establish DPAs is set out in Section 488 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) for one or more purposes including to protect the natural environment, to protect development from hazardous conditions, to guide the form and character of development, to promote energy or water conservation or to promote the reduction of greenhouse gas emissions.

Where a DPA is designated in an OCP or zoning bylaw, a development permit must first be obtained prior to proceeding with certain types of development such as subdivision, construction or land alteration. The DPA describes where the DPA applies and the types of development that require a permit. The DPA also describes the objectives and special conditions that justify the designation and the guidelines that ensures the DPA objectives will be addressed. Some DPA guidelines require a report from a qualified professional such as a Biologist or Engineer, for other supporting information. The permit itself includes conditions that must be adhered to during or after development. Note that the LGA requires that a DPA is designated in the OCP, but the DPA guidelines can be in either the OCP or the zoning bylaw.

The scope of this review is limited to revising the four existing DPAs that are designated for the protection of the natural environment and protection of development from hazardous conditions. These include the Aquatic and Riparian Habitat DPA, Eagle Nest DPA, Blue Heron Nest DPA, and Steep Slopes DPA. The revisions to these DPAs were prioritized as they are triggered by development activity the most often and required updates due to changes to legislation (e.g. LGA).

To accomplish these revisions, both the OCP and Zoning Bylaw are proposed for amendment. The reorganization of the DPA scheme will move the Guidelines section to the Zoning Bylaw, while sections Designation, Area of Application, Justification and Exemptions will remain in the OCP. Based on relocating the guidelines to the Zoning Bylaw, greater enforceability and efficiency in managing future updates will be accomplished.

Key objectives of the DPA review are as follows:

- Introduce a consistent DPA scheme (or framework).
- Improve ease of interpretation and implementation for property owners, applicants, CVRD staff and qualified professionals.
- Improve ability to easily amend DPA guidelines to respond to evolving best practices, changing conditions and new legislation and case law.
- Enhance enforceability by expanding the existing enforcement tools beyond Civil Injunctive proceedings to include Provincial Court prosecutions through ticketing.

The DPA review consisted of a comprehensive review of other local jurisdictions' planning framework with similar environmental features and conditions to identify best practices. The most recent changes to the existing DPAs was in 2014 when the OCP was adopted. Since then, planning staff have had lots of opportunities to process applications, identifying strengths and opportunities for improvements with the existing DPAs. Staff consulted with CVRD planning services, bylaw enforcement, and engineering services (liquid waste), as well as qualified professionals. Specifically regarding current enforceability of DPAs, the review confirmed that guidelines in the OCP inclusively, limited enforcement of any work conducted without the benefit of an approved DP to the CVRD initiating Civil Injunctive proceedings through BC Supreme Court. The relocating of the guidelines to the Zoning Bylaw, allows for enforcement staff to utilize more available and cost effective means of enforcement such as Provincial Court Prosecutions through a Long Form Information, Municipal Ticketing Information, or a Bylaw Enforcement Notice (Adjudication) for more minor offences. The inclusion of these tools will serve to compliment the tools utilized to achieve compliance and will not hinder the ability for the CVRD Board to consider Supreme Court action on more serious offences.

The review also ensured consistency with the Regional Growth Strategy (RGS), the 2014 OCP and other legislation including the LGA, *Riparian Area Protection Regulations* and the BC *Wildlife Act*. The DPAs have been revised to reflect consistent language and wording to assist in interpretation and implementation. Exemptions have been incorporated into each DPA as a way to provide more tailored and specific exemptions, helping to streamline application processing.

Other OCP Amendments

Development Approval Information Designation in OCP Section 75

Through the comprehensive review several recommended changes were identified to the current wording in the OCP regarding the Development Approval Information (DAI) designation. Improving the effectiveness of the DPAs with regard to the information requirements is proposed as an amendment to Section 75 (Appendix A).

Many of the DPAs require professional reports to address the special circumstances and conditions of the DPA. Section 486 of the LGA provides the authority to ask for these and to support Bylaw No. 369, being the “Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015”, the OCP DAI designation has been revised to include specific conditions and objectives to justify the designation.

Temporary Use Permit Revision in OCP Section 31

Finally, a third area of amendments includes revising the language on the issuance of Temporary Use Permits (TUPs) in the electoral areas. The existing OCP only supports the issuance of TUPs in the commercial and industrial areas within the settlement expansion areas and rural settlement areas. The proposed changes would allow and expand the areas for consideration of TUPs in settlement node areas, settlement expansion areas, rural settlement areas, and resource areas. Section 492 of the LGA provides for the CVRD to designate areas in the OCP where temporary uses may be allowed. This proposed change would remove an unnecessary barrier in the issuance of TUPs.

Options

1. Direct staff to proceed with referrals to First Nations and external agencies outlined in Appendix C.
2. Direct staff to further revise the DPAs, and return to the Electoral Areas Services Committee for additional review and direction.

Staff recommends Option 1, as the proposed amendments respond to the COVID-19 Response and Renewal framework, and streamlines implementation, application processing and improves enforceability of the DPAs.

Financial Factors

Resources for the DPA review are from Planning and Development Services. The bylaw process for this draft plan is an internal bylaw process, so funds from the electoral area planning service function will be used for the statutory public hearing, newspaper advertisements and other expenses.

Strategic Considerations: Strategic Drivers and Regional Growth Strategy

CVRD Board Strategic Drivers:						
Fiscal Responsibility	✓	Climate Crisis and Environmental Stewardship and Protection	✓	Community Partnerships		Indigenous Relations

The proposed DPA amendments will facilitate excellence in service by improving implementation and processes. Further, improvements to enforceability enable the CVRD to ensure DPA guidelines are adhered to, enhancing environmental protection.

CVRD Regional Growth Strategy Goals:						
Housing		Ecosystems, Natural Areas and Parks	✓	Local economic development		Transportation
Infrastructure		Food Systems		Public Health & Safety	✓	Climate Change

Once an RGS is adopted, all bylaws and services undertaken by a regional district, including OCP's, must be consistent with the RGS. The proposed OCP amendment is consistent with the goals and objectives of the RGS, Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010", specifically in the following policy areas:

- Ecosystems, Natural Areas and Parks: The Freshwater DPA, Coastal DPA, Eagle and Blue Heron Nest DPA, and Steep Slopes DPA implement guidelines to protect, restore and enhance the natural environment and ecological connections and systems.
- Public Health and Safety: The Steep Slopes DPA implements guidelines to protect life and property from hazardous conditions.
- Climate Change: The Freshwater DPA and Coastal DPA implement guidelines to account for climate change adaptation and sea level rise.

Intergovernmental Factors

Appendix C contains a list of organizations and authorities for external referral. The OCP and Zoning Bylaw amendments will also be referred to First Nations in accordance with the Referrals Management Program.

Citizen/Public Relations

The public will be informed about this project prior to the public hearing. A dedicated CVRD project website page will be created with information regarding the process, timeline and public hearing details. As well, a social media and advertising plan will be created to garner interest in the public hearing and inviting residents to get involved.

Attachments: Appendix A – Proposed Bylaw No. 589
Appendix B – Proposed Bylaw No. 657
Appendix C – External Agency and First Nation Referral List



Appendix A Bylaw Status Report

BYLAW NO. 589	
Bylaw Name:	Rural Comox Valley Official Community Plan Bylaw No. 337, 2014, Amendment No. 4
Applicant:	Comox Valley Regional District
Electoral Area:	A, B and C
File Number:	3350-20 / CP 1CV 18
Participants:	All Electoral Areas
Purpose:	To amend the Rural Comox Valley Official Community Plan
Amends Bylaw:	337
Repeals Bylaw:	N/A
Staff Contact:	Robyn Holme

STATUS	
Application Received	
Electoral Areas Services Committee Approval:	Date Recommendation:
Comox Valley Regional District Board:	1st Reading:
Comox Valley Regional District Board:	2nd Reading:
Public Hearing:	
Comox Valley Regional District Board:	3rd Reading:
Ministry of Municipal Affairs and Housing:	Required: Yes / No Date Sent: Date Approved:
Comox Valley Regional District Board:	Final Adoption:

Schedule A

Section One Text Amendment

1. Part 3: 30., “Land Use” be amended by inserting the following new text and renumbering the subsequent items accordingly:
“Temporary Use Permits 31. Consider the use of temporary use permits in the settlement nodes, settlement expansion areas, rural settlement areas and resource areas. Ensure consistency with OCP policies in designated areas and CVRD Board policy on Temporary Use Permits.
2. Part 3: 38. (3) “Settlement expansion areas – policies (commercial)” be amended by deleting the following text:
“(3) Permit new commercial uses through temporary use permits where it can be demonstrated that the proposed use will not result in additional pressure on local servicing and infrastructure.”
3. Part 3: 39. (3) “Settlement expansion areas – policies (industrial)” be amended by deleting the following text:
“(3) Permit new industrial uses through temporary use permits where it can be demonstrated that the proposed use will not result in additional pressure on local servicing and infrastructure.”
4. Part 3: 46. (3) “Rural settlement areas – policies (commercial)” be amended by deleting the following text and renumbering accordingly:
“(3) Consider temporary use permits in the rural settlement area.”
5. Part 3: 47. (1) “Rural settlement areas – policies (industrial)” be amended by deleting the following text and renumbering accordingly:
“(1) Consider zoning amendments and temporary use permits for industrial uses such as heavy and light industrial, agriculture and aquaculture, and rural resource activities throughout the rural settlement area.”
6. Part 3: 62. (3) “Resource areas policies (general)” be amended by deleting the following text and renumber accordingly:
“(3) Consider temporary use permits on lands designated resource area where the use will not compromise the drinking water quality or quantity.”
7. Part 4: Administration of the OCP, Section 75 “Development approval information areas” to Section 82 “Great Blue Heron Nest Development Permit Area”, be amended by deleting existing text and inserting the following text and renumbering accordingly.

75. Development Approval Information Area

1. Designation

The *Local Government Act* (RSBC, 2015, c. 1) (LGA) provides local governments with the authority to establish Development Approval Information Areas (DAIA). The Comox Valley Regional District (CVRD) wishes to use this authority for those proposed developments that may have an appreciable impact on the natural environment, surrounding properties and the character of the neighbourhood.

Development approval information may be required for:

- (a) An amendment to a Zoning Bylaw
- (b) Temporary Use Permits
- (c) Development Permits

2. Area

The entire area covered by this Official Community Plan is designated as a DAIA in accordance with Section 485 of the LGA.

3. Justification

The purpose of designating a DAIA is to ensure that impacts of proposed development are identified and documented as part of the development review process and to provide the CVRD with complete information to properly assess and mitigate conditions caused by that development. In the case where negative impacts are identified, the CVRD may request certain mitigations from the applicant to improve the proposal and minimize potential negative impacts on surrounding lands.

The CVRD may require applicants to provide information to minimize the effect of developments on lands undergoing development and surrounding lands, especially with respect to transportation, servicing, facilities, the environment and the community. Procedures and requirements are established in the Development Approval Information Bylaw No. 369, being the “Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015”, as amended from time to time.

76. Development Permit Areas

1. General Policies

- (a) Under Section 488 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA), a local government may designate areas of land as a Development Permit Area (DPA) for one or more of the following purposes:
 - i. Protection of the natural environment, its ecosystems and biological diversity.
 - ii. Protection of development from hazardous conditions.
 - iii. Protection of farming.
 - iv. Revitalization of an area in which a commercial use is permitted.
 - v. Establishment of objectives for the form and character of intensive residential development.
 - vi. Establishment of objectives for the form and character of commercial, industrial, or multi-family residential development, or development in a resort region.
 - vii. In relation to an area in a resort region, establishment of objectives for the form and

- character of development in the resort region.
- viii. Establishment of objectives to promote energy conservation.
 - ix. Establishment of objectives to promote water conservation.
 - x. Establishment of objectives to promote the reduction of greenhouse gas (GHG) emissions.
- (b) All development, unless specifically exempt, within the DPA designated under this section of the Official Community Plan (OCP) requires an application for a Development Permit and shall be evaluated in respect to compliance with the applicable guidelines. The term “development” includes, but is not limited to: new construction and redevelopment, as well as subdivision and land/ building alteration. For greater clarity, under Section 489 of the LGA, the following prohibitions apply unless the owner first obtains a Development Permit:
- i. Land within the area must not be subdivided.
 - ii. Construction of, addition to or alteration of a building or other structure must not be started.
 - iii. Land within an area designated under Section 488 (1) (a) or (b) [natural environment, hazardous conditions] must not be altered.
 - iv. Land within an area designated under section 488 (1) (d), (h), (i) or (j) [revitalization, energy conservation, water conservation, GHG reduction], or a building or other structure on that land, must not be altered.
- (c) This OCP designates nine DPAs, collectively using all of the LGA designations, as follows:
- i. Freshwater Development Permit Area
 - ii. Coastal Development Permit Area
 - iii. Eagle and Great Blue Heron Nest Development Permit Area
 - iv. Shoreline Alteration Development Permit Area
 - v. Steep Slopes Development Permit Area
 - vi. Commercial and Industrial Form and Character Development Permit Area
 - vii. Farmland Protection Development Permit Area
 - viii. Union Bay Tourism Highway Commercial Development Permit Area
 - ix. Kensington Comprehensive Development Permit Area
- (d) Where land is located in more than one DPA, all of the applicable DPA requirements must be met, but may be combined into one application and one permit, at the discretion of the Comox Valley Regional District’s (CVRD) General Manager of Planning and Development Services.
- (e) Applicable policies and regulations contained within the CVRD’s bylaws may be varied or supplemented to achieve development in a manner that advances the objectives of the DPA, or that is not otherwise inconsistent with such guidelines. A Development Permit cannot vary use, density or flood plain specifications. Other requirements of applicable bylaws may be varied by way of a Development Permit as follows:
- i. Setbacks from lot lines and public road rights-of-way may be reduced by up to 30 per cent of the required setback.
 - ii. Height limits may be increased by up to 10 per cent of the maximum permitted height.

This is further outlined in the guidelines for each DPA.

- (f) Issuance of a Development Permit does not alleviate the necessity to obtain other approvals of the Regional District, the Province, the Government of Canada and other authorities having jurisdiction.

77. DPA 1 – Freshwater

1. Category of Designation

Development Permit Area (DPA) 1 is designated pursuant to Section 488 (1)(a) (protection of the natural environment) and (b) (protection of development from hazardous conditions) of the *Local Government Act* (RSBC, 2015, c. 1).

2. Area of Application

DPA 1 includes all freshwater watercourses, mapped or unmapped, and lands within 30 metres as measured from the:

- (a) Natural boundary of a watercourse, or
- (b) Hardened shoreline where there is no natural boundary, or
- (c) Top of slope where a steep slope is located immediately adjacent to the watercourse, on both sides of the watercourse.

For assistance in identifying lands within DPA 1, the Comox Valley Regional District (CVRD) will provide mapped data. For greatest certainty, DPA 1 applies to all lands described above, whether mapped or not.

3. Justification

Watercourses and their adjacent riparian areas play a vital role in the Comox Valley's natural environment. Watercourses provide fish habitat and aquatic habitat for wildlife. Riparian areas, when in a natural state, have dense and structurally complex vegetation that:

- (a) Provide shade, nutrients, organic matter and large woody debris.
- (b) Stabilize the stream bank to prevent bank and soil erosion.
- (c) Maintain water quality through the filtering of water-borne sediments and the uptake of nutrients and toxic materials by the vegetation and soil micro-organisms.

Development changes the riparian area through tree and vegetation loss, which alters natural processes. These changes may greatly diminish the ability of riparian areas and watercourses to function as described above. DPA 1 (Freshwater) intends to minimize the impacts of new development along watercourses and to maintain or restore important riparian and watercourse functions and ecosystems.

Extensive areas of the CVRD are subject to periodic flooding, erosion and slope instability. Development occurring adjacent to watercourses, if not carried out with care, can lead to poor water quality, localized flooding, and erosion. These areas should be protected from development and guidelines are necessary to control the extent and siting of buildings and structures to minimize the potential for damage that could be caused by these hazardous conditions.

Retaining natural vegetation and limiting impervious surfaces helps to ensure that runoff volumes and peak flows are affected as little as possible as well as providing reduction in sedimentation of receiving waters. Rainwater runoff controls shall be installed in any new development so as to replicate the natural runoff regime. The controls could include, among others: on-site infiltration,

storage in ponds or constructed wetland, sand filtration, configurations, etc.

The objectives of this DPA are to:

- (d) Protect riparian areas to maintain their natural habitat and environmental quality.
- (e) Implement Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, Objective 2(B) to develop environmental protection on principles of precaution, connectivity and restoration.
- (f) Implement the requirements of the *Riparian Areas Protection Regulation*.
- (g) Preserve, protect, restore or enhance terrestrial and aquatic natural features to provide biologically diverse wildlife corridors and support ecosystem function.
- (h) Restore natural resiliency and the function of watercourses as eco-assets in managing flood, erosion, and slope instability.
- (i) Minimize any negative impact of new development on the natural environment and hazard areas.
- (j) Limit area of impervious surfaces to minimize runoff volumes to restore a natural hydrological regime.

4. Exemptions

A Development Permit is not required for the following activities:

- (a) Alterations which are completely within the interior of an existing building.
- (b) Exterior alterations with no change to building envelope or addition of impervious surface area.
- (c) Removal of trees deemed hazardous by a qualified professional that pose an immediate threat to life or property.
- (d) The manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014* published by the BC Ministry of Environment, or any subsequent editions.
- (e) Works conducted by the CVRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines as determined by the CVRD General Manager of Planning and Development Services.
- (f) Emergency procedures to prevent, control or reduce erosion or other immediate threats to life or property, as deemed necessary by a qualified professional, including:
 - i. Emergency flood and protection works.
 - ii. Clearing of an obstruction from a bridge, culvert or drainage flow, repairs to bridges and safety fences.
 - iii. Provided:
 - 1) Any emergency works undertaken must be in accordance with the *Water Sustainability Act*, *Wildlife Act* and the *Fisheries Act*.
 - 2) Notwithstanding the above, emergency actions for flood protection and clearing of obstruction by anyone other than the CVRD or Ministry must be reported to the CVRD and applicable Ministry immediately to secure exemption under this provision.
 - 3) Once the emergency has passed, a development permit application is required for remediation or permanent protection works within 60 days.
- (g) The manual construction of a fence if no native trees are removed and the disturbance of the native vegetation is restricted to 0.5 metres either side of the fence and where the fence is not on a slope or within 7.5 metres of the top or toe of a slope.

- (h) Construction of, addition to or alteration of a farm building on land assessed as a farm under the *Assessment Act*.
- (i) Growing, rearing, producing and harvesting of agricultural products in accordance with normal farm practice as defined in the *Farm Practices Protection Act*.

78. DPA 2 – Coastal

1. Category of Designation

Development Permit Area (DPA) 2 is designated pursuant to Section 488 (1)(a) (protection of the natural environment) and (b) (protection of development from hazardous conditions) of the *Local Government Act* (RSBC, 2015, c. 1).

2. Area of Application

The coastal DPA applies to all land extending 30 metres upland from the natural boundary of the Strait of Georgia.

3. Justification

Coastal areas are a highly important ecosystem, providing habitat for forage fish, shorebirds and shellfish, and many other marine organisms as well as visual and recreation resources that define the character of the community. Estuaries and shallow protected waters provide rich and diverse habitats.

Development within all coastal areas results in damage to fragile ecosystems and impairs the function of the natural coastline. Structural intrusions interrupt the natural coastal processes that provide materials for the development of sand bars and beach areas and may also alter habitat along rocky shorelines. Hard surfaced structures such as retaining walls cause loss of the riparian vegetation and break the habitat connectivity between upland and the productive habitat that occurs along a natural shoreline edge.

Removal of vegetation and alteration of the land along the foreshore, both above and below the natural boundary can modify natural transport processes, damage the natural ecosystems, and also accelerate the erosion of adjacent properties. Discharge of materials within shoreline and foreshore areas also damages these ecosystems. Filling of marshy areas along shallow shorelines can be particularly harmful to fragile estuary ecosystems, which provide highly important rearing habitat and food supply for many marine organisms. The coastal DPA intends to minimize the impacts of new development along the Strait of Georgia and to maintain or restore the natural coastline functions and ecosystems.

Coastal hazards associated with sea level rise include coastal inundation, erosion, and loss of intertidal habitat (“coastal squeeze”). Climate change also brings the prospect of more frequent and intense storms and floods – particularly if storms occur during high tides. Extensive areas of the Comox Valley Regional District (CVRD) are subject to periodic flooding, erosion and slope instability. Development occurring adjacent to the sea, if not carried out with care, can lead to localized flooding and erosion. These areas should be protected from development and guidelines are necessary to control the extent and siting of buildings and structures to minimize the potential for damage that could be caused by these hazardous conditions and build resiliency in the face of climate change impacts.

Retaining natural vegetation and limiting impervious surfaces helps to ensure that runoff volumes

and peak flows are affected as little as possible as well as providing reduction in sedimentation of receiving waters. Rainwater runoff controls shall be installed in any new development so as to replicate the natural runoff regime. The controls could include, among others: on-site infiltration, storage in ponds or constructed wetland, sand filtration, creative road/curb configurations, etc.

The objectives of this DPA are to:

- (a) Minimize risk to people and property from coastal hazards including sea level rise, storms, wave effects, and flooding
- (b) Support coastal management in reducing flooding risks
- (c) Preserve and enhance the integrity of the intertidal habitat of the foreshore and minimize shoreline erosion

4. Exemptions

A Development Permit is not required for the following activities:

- (a) Alterations which are completely within the interior of an existing building.
- (b) Exterior alterations with no change to building envelope or addition of impervious surface area.
- (c) Removal of trees deemed hazardous by a qualified professional that pose an immediate threat to life or property.
- (d) The manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014* published by the BC Ministry of Environment, or any subsequent editions.
- (e) Works conducted by the CVRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines as determined by the CVRD.
- (f) Emergency procedures to prevent, control or reduce erosion or other immediate threats to life or property, as deemed necessary by a qualified professional, including:
 - i. Emergency flood and protection works.
 - ii. Clearing of an obstruction from a bridge, culvert or drainage flow, repairs to bridges and safety fences.
 - iii. Provided:
 - 1) Any emergency works undertaken must be in accordance with the *Water Sustainability Act*, *Wildlife Act* and the *Fisheries Act*.
 - 2) Notwithstanding the above, emergency actions for flood protection and clearing of obstruction by anyone other than the CVRD or Ministry must be reported to the CVRD and applicable Ministry immediately to secure exemption under this provision.
 - 3) Once the emergency has passed, a development permit is required for remediation or permanent protection works within 60 days.
- (g) The construction of a fence if no native trees are removed and the disturbance of the native vegetation is restricted to 0.5 metres either side of the fence and where the fence is not on a slope or within 7.5 metres of the top or toe of a slope.
- (h) The construction of a building or structure that is less than 10 square metres if all the following apply:
 - i. The building is located within an existing landscaped area.
 - ii. No native trees or vegetation are removed.
 - iii. There is no permanent foundation.
 - iv. The building is located a minimum of 15 metres from the natural boundary of the

sea or from the stable top of bank where the bank has a slope greater than 30 per cent. Where erosion has resulted in a “present” natural boundary upland of the titled boundary, the 15 metres shall be measured from the present natural boundary.

- (i) Construction of, addition to or alteration of a farm building on land assessed as a farm under the *Assessment Act*.
- (j) Growing, rearing, producing and harvesting of agricultural products in accordance with normal farm practice as defined in the *Farm Practices Protection Act*.
- (k) Development where a highway right-of-way separates the subject property from the natural boundary of the sea.

79. DPA 3 – Bald Eagle and Great Blue Heron Nest

1. Category of Designation

Development Permit Area (DPA) 3 is designated pursuant to Section 488 (1)(a) (protection of the natural environment) of the *Local Government Act* (RSBC, 2015, c. 1).

2. Area of Application

DPA 3 Bald Eagle and Great Blue Heron Nest applies to all lands with mapped and unmapped trees containing bald eagle or great blue heron nests, as follows:

- (a) Bald Eagle Nesting Trees:
 - i. 60 metre radius from the nesting tree on lots less than 1 hectare.
 - ii. 100 metre radius from the nesting tree on lots 1 hectare or larger but less than 5 hectares.
 - iii. 200 metre radius from the nesting tree on lots 5 hectares or larger.
- (b) Great Blue Heron Nesting Trees:
 - i. 60 metre radius from each nesting tree on lots less than 1 hectare.
 - ii. 200 metre radius from each nesting tree on lots 1 hectare or larger but less than 5 hectares.
 - iii. 300 metre radius from each nesting tree on lots 5 hectares or larger.

For greater certainty, this DPA applies not only to the lot on which the nesting tree is located, but also abutting and adjacent lots if located within the applicable radius. The size of the lot where the nest tree stands is what determines the radius, not the subject property.

The location and characteristics of the bald eagle and great blue heron nests identified on the Comox Valley Regional District (CVRD) iMap are intended to provide an approximate location only. The CVRD may require ground-truthing by a qualified professional to accurately determine the geographical location and characteristics of the features identified.

3. Justification

Nesting birds such as the bald eagle and the great blue heron are extremely sensitive to impact from development and disturbance by human activity, requiring special treatment in order to protect their ecological value.

Great blue herons are a Species of Special Concern and currently blue-listed (threatened) in British Columbia, while bald eagles are currently yellow listed (regionally significant). Bald eagles are territorial and generally require 1,000 meters between nesting sites. Both species nest near lakes, rivers and shorelines throughout BC where they are close to their food source. The loss of available

nesting habitat near their food source, as well as disturbance from human activity, reduces the birds' ability to thrive and successfully raise their young.

Section 34 of the BC *Wildlife Act* provides for the protection of at risk bird species including bald eagles and great blue herons, their eggs and young, while the nest is occupied, and the nest at all times. The Bald Eagle and Great Blue Heron Nest DPA intends to protect the nesting activities such as fledging and courting to ensure their habitat for breeding is maintained.

The objectives of this DPA are to:

- (a) Preserve, protect and restore bald eagle and great blue heron nesting sites from impacts of development.
- (b) Implement Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, Objective 2(B) to develop environmental protection on principles of precaution, connectivity and restoration.
- (c) Work towards Official Community Plan Policy 4(2) to protect and restore natural systems, physiographic areas, threatened sensitive ecosystems and environmentally sensitive areas.
- (d) Minimize any negative impact of new development on the natural environment.

4. Exemptions

A Development Permit is not required for the following activities:

- (a) Alterations which are completely within the interior of the building.
- (b) Exterior alterations with no change to building envelope or addition of impervious surface area.
- (c) All activities if a qualified professional with relevant experience has confirmed in writing that the bald eagle or great blue heron nest in question no longer exists.
- (d) If a qualified professional with relevant experience has confirmed in writing that no bald eagle or great blue heron activity is present as of April 30 in any given year covered by the application (if nesting has not started by April 30, it can be assumed that the nesting site will not be used that year), the following development or land alteration activities are exempt:
 - i. Removal of trees determined by a qualified professional that represent an imminent risk to life or property.
 - ii. The removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014* published by the BC Ministry of Environment, or any subsequent editions.
 - iii. The construction of a fence if no native trees are removed and the disturbance of the native vegetation is restricted to 0.5 metres either side of the fence.
 - iv. The construction of an building or structure that is less than 10 square metres if all the following apply:
 - 1) The building is located within an existing landscaped area.
 - 2) No native trees or vegetation are removed.
 - 3) There is no permanent foundation.
- (e) Works conducted by the CVRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines as determined by the CVRD.
- (f) Emergency procedures to prevent, control or reduce erosion or other immediate threats

to life or property, as deemed necessary by a qualified professional, including:

- i. Emergency flood and protection works.
 - ii. Clearing of an obstruction from a bridge, culvert or drainage flow, repairs to bridges and safety fences.
 - iii. Provided:
 - 1) Any emergency works undertaken must be in accordance with the *Water Sustainability Act*, *Wildlife Act* and the *Fisheries Act*.
 - 2) Notwithstanding the above, emergency actions for flood protection and clearing of obstruction by anyone other than the CVRD or Ministry must be reported to the CVRD and applicable Ministry immediately to secure exemption under this provision.
 - 3) Once the emergency has passed, a development permit is required for remediation or permanent protection works within 60 days.
- (g) Subdivision.
- (h) Construction of, addition to or alteration of a farm building on land assessed as a farm under the *Assessment Act*.
- (i) Growing, rearing, producing and harvesting of agricultural products in accordance with normal farm practice as defined in the *Farm Practices Protection Act*.

8. Part Four, Administration of the OCP Section 84 “Steep slopes development permit area (Hazardous Conditions)” be amended by deleting existing text and inserting the following text and renumber accordingly:

84. DPA 5 – Steep Slopes

1. Category of Designation

Development Permit Area (DPA) 5 is designated in accordance with the provisions of Section 488 (1)(b) (protection of development from hazardous conditions) of the *Local Government Act* (RSBC, 2015, c. 1), with supporting designation under Section 488 (1)(a) (protection of the natural environment).

2. Area of Application

The steep slopes DPA applies to lands within 30 metres of the top of bank and toe of slope with a 30 per cent or greater slope, plus the sloped land in between the top and toe.

3. Justification

The Comox Valley contains areas of steep slope that in combination with geological conditions, may pose a hazard to development. Due to the topography, slope gradation and thin soil cover, steep slopes are highly prone to erosion and windthrow. This DPA has been created to ensure adequate professional review of geological hazards to minimize risk to structures and properties, and to maintain the integrity of the slope itself to protect the natural environment and to prevent the creation of a hazard.

Extensive areas of the Comox Valley Regional District (CVRD) are subject to periodic flooding, erosion and slope instability. Development occurring adjacent to steep slopes, if not carried out with care, can lead to poor water quality, localized flooding, and excessive erosion. These areas should be protected from development and guidelines are necessary to control the extent and siting of buildings and structures to minimize the potential for damage that could be caused by these

hazardous conditions.

Retaining natural vegetation and limiting impervious surfaces helps to ensure that runoff volumes and peak flows are affected as little as possible as well as providing reduction in sedimentation of receiving waters. Rainwater runoff controls shall be installed in any new development so as to replicate the natural runoff regime. The controls could include, among others: on-site infiltration, storage in ponds or constructed wetland, sand filtration, creative road/curb configurations, etc.

The objectives of this DPA are to:

- (a) Direct development away from hazardous areas.
- (b) Allow for land use suitable under hazardous conditions, in accordance with geotechnical reports.
- (c) Ensure adequate professional evaluation of geological hazards and mitigation works so as to minimize damage to structures and properties.
- (d) Preserve and restore native vegetation and ecosystems in hazard lands.
- (e) Minimize any negative impact of new development on the natural environment.
- (f) Ensure the natural hydrological regime is maintained.

4. Exemptions

A Development Permit is not required for the following activities:

- (a) Alterations which are completely within the interior of the building.
- (b) Exterior alterations with no change to building envelope or addition of impervious surface area.
- (c) Pruning or removal of trees deemed hazardous by a qualified professional that pose an immediate threat to life or property, only to the extent that pruning or removal would reduce the hazard, leaving the stump and/or roots in place per the recommendations of a qualified professional.
- (d) The manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014* published by the BC Ministry of Environment, or any subsequent editions.
- (e) Works conducted by the CVRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines as determined by the CVRD.
- (f) Emergency procedures to prevent, control or reduce erosion or other immediate threats to life or property, as deemed necessary by a qualified professional, including:
 - i. Emergency flood and protection works.
 - ii. Clearing of an obstruction from a bridge, culvert or drainage flow, repairs to bridges and safety fences.
 - iii. Provided:
 - 1) Any emergency works undertaken must be in accordance with the *Water Sustainability Act*, *Wildlife Act* and the *Fisheries Act*.
 - 2) Notwithstanding the above, emergency actions for flood protection and clearing of obstruction by anyone other than the CVRD or Ministry must be reported to the CVRD and applicable Ministry immediately to secure exemption under this provision.
 - 3) Once the emergency has passed, a Development Permit is required for remediation or permanent protection works within 60 days.

- (g) Construction of, addition to or alteration of a farm building on land assessed as a farm under the *Assessment Act*.
- (h) Growing, rearing, producing and harvesting of agricultural products in accordance with normal farm practice as defined in the *Farm Practices Protection Act*.


 Appendix B
 Bylaw Status Report

BYLAW NO. 657	
Bylaw Name:	Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No 7
Applicant:	Comox Valley Regional District
Electoral Area:	All Electoral Areas
File Number:	PJ 2CV 21
Participants:	All Electoral Areas
Purpose:	To amend the Rural Comox Valley Zoning Bylaw by
Amends Bylaw:	520
Repeals Bylaw:	N/A
Staff Contact:	Robyn Holme

STATUS	
Application Received	
Electoral Areas Services Committee Approval:	Date Recommendation:
Comox Valley Regional District Board:	1st Reading:
Comox Valley Regional District Board:	2nd Reading:
Public Hearing:	
Comox Valley Regional District Board:	3rd Reading:
Ministry of Transportation and Infrastructure:	Required: Yes / No Date Sent: Date Approved:
Comox Valley Regional District Board:	Final Adoption:

Comox Valley Regional District
Bylaw No. 657

**A Bylaw to Amend the “Rural Comox Valley Zoning Bylaw No. 520, 2019”
being Bylaw No. 520**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” being Bylaw No. 520:

Section One Text Amendment

- 1) Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

Section Two Title

- 1) This Bylaw No. 657 may be cited as the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 7.”

Read a first time this	day of	2022.
Read a second time this	day of	2022.
Public hearing held this	day of	2022.
Read a third time this	day of	2022.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 657, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 7,” as read a third time by the board of the Comox Valley Regional District on the **XX** day of **XX** 2022.

Corporate Legislative Officer

Approved by the Ministry of Transportation and Infrastructure this	day of	2022.
Adopted this	day of	2022.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 657, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019, Amendment No. 7,” as adopted by the board of the Comox Valley Regional District on the **XX** day of **XX** 2022.

Corporate Legislative Officer

Schedule A

Section One Text Amendment

- 1) The Zoning Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019” be amended by replacing the following text:

Section 107 Penalty Text Amendment

1. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than \$5,000 and not more than \$10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the CVRD pursuant to the *Local Government Act, Community Charter, Offence Act and Local Government Bylaw Notice Enforcement Act and regulations thereunder, all as amended from time to time.*

Section Two Text Amendment

- 1) The Zoning Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, be amended by inserting the following text after Part 1100 (Comprehensive Development Zones) and renumbering the subsequent items accordingly:

Part 1200	Development Permit Areas
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For the area covered by this bylaw, the Official Community Plan designates the development permit area (DPA), describes the special conditions or objectives that justify the designations and the exemptions. The guidelines for the DPAs are contained within this bylaw as Part 1200. The “Post Development Guidelines” identified in the respective DPAs are incorporated as conditions into all Development Permits for those DPAs issued by the Comox Valley Regional District.

1201	Freshwater Development Permit Area
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1. The owner of land within the Freshwater Permit Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur within the Freshwater Development Permit Area (DPA), unless specifically exempted:
 - i) Removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
 - ii) Disturbance of soil, including grubbing, scraping and removal of top soil;
 - iii) Construction or erection of buildings, structures or retaining walls;
 - iv) Creation of non-structural impervious or semi-impervious surfaces;

- v) Flood protection works including shoreline protection works;
- vi) Construction of roads, driveways, parking areas, pathways, trails and structures such as wharves and bridges;
- vii) Subdivision of land; and
- viii) Any other activity that requires a Development Permit first be issued in accordance with Section 489 of the *Local Government Act* (RSBC, 2015, c. 1), as amended from time to time.

2. **Guidelines**

- i) As part of a development permit application made prior to any of the applicable triggers for a development permit identified in Section 489 of the *Local Government Act* (RSBC, 2015, c. 1) and the Comox Valley Regional District's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:
 - Providing the information identified in the following guidelines,
 - Proposing only activities and development consistent with the following guidelines,
 - Not undertaking any activities or development inconsistent with the following guidelines, and
 - Not undertaking any activities or development without a development permit.

Biophysical Assessment Report and Riparian Area Protection Regulation (RAPR) Assessment

- a) Provide a biophysical assessment report as prepared by a qualified professional. The assessment components must include:
 - 1) Project scope and purpose:
 - i) Site plan: the present natural boundary, titled boundary, property lines, existing and proposed development, the location of works and activities, the siting of buildings, structures or uses of land and floodplain setbacks in accordance with the Comox Valley Regional District Bylaw No. 600, being the "Floodplain Management Bylaw No. 600, 2020", as amended from time to time.
 - ii) Scope of work: project description, proposed development works, design considerations, extent of alteration/development, duration of work.
 - 2) Assessment results and inventory of existing environment:
 - i) General description.
 - ii) Biophysical inventory: vegetation, wildlife and wildlife habitat, aquatic resources, fish and riparian habitat, geology/geomorphology, soils and terrain.
 - 3) Impact assessment:
 - i) Identify potential environmental impacts from proposed development.
 - ii) Determine significance of development effects and impacts.

- iii) Identify areas to remain free of development, the Streamside Protection Enhancement Area (SPEA) and appropriate measures to protect the SPEA, if applicable.
- iv) Development alternatives: review of development alternatives, impact assessment of development alternative and recommended alternative with least environmental impact.
- 4) Mitigative measures:
 - i) Outline recommendations for mitigating identified negative environmental impacts.
 - ii) Identify measures to control drainage, erosion and to protect stream banks.
 - iii) Provide recommendations to preserve, protect, restore or enhance identified environmentally sensitive areas impacted by the development.
 - iv) Where applicable, dedicate natural watercourses back to the Crown.
- 5) Other Information Requirements:
 - i) Coordinate with and cross-reference other professional reports such as rainwater management plan, landscape plan, and RAPR Assessment report.
- b) If RAPR is triggered, submit a RAPR assessment report, prepared by a qualified professional, pursuant to Section 4(2) of RAPR.
- c) For subdivision design, proposed lot configuration must:
 - 1) Demarcate and protect the SPEA.
 - 2) Demonstrate that enough developable land is available on each lot to establish a development envelope including a buffer area outside of the SPEA.
 - 3) Meet minimum parcel size, in accordance with Rural Comox Valley Zoning Bylaw No. 520, exclusive of the SPEA.
- d) Permanently demarcate the SPEA, using fencing, landscaping materials or a vegetative buffer to prevent encroachment.
- e) Install temporary silt fencing where there will be soil disturbance, to protect the area from construction. The temporary silt fencing must remain in place until the external works are complete and materials and equipment are moved offsite.
- f) No stockpiling of construction materials, including fill, is permitted in areas identified to remain free of development.

Site Design

- g) To restore connectivity of natural systems and avoid fragmenting wildlife corridors, demonstrate that reasonable efforts have been made to establish an area of development that is clustered and away from any watercourse.
- h) Buildings, structures or retaining walls must not be constructed within 30 metres of the natural boundary of the watercourse unless mitigative measures are proposed that will result in the same or greater protection of a 30 metre

buffer.

- i) The setback for a sewerage system must be at least 30 metres from the natural boundary or top of the bank of a watercourse unless a setback reduction proposal is accepted in consideration of the following:
 - 1) Proposals to reduce this setback must demonstrate a reasonable effort to comply with the setback guideline and must be certified by qualified professional.
 - 2) Setback reduction proposals must address the assurance of environmental performance standards equal to or exceeding those that would be provided by the 30 metre setback.

Landscaping and Vegetative Buffer

- j) A site specific landscaping plan and an estimate of the full cost of the works prepared by a qualified professional and a security deposit per the Bylaw No. 328, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”, as amended from time to time, is required.
- k) Maintain a natural vegetative buffer between sensitive features and proposed development, preserving established native vegetation to support wildlife corridors and biological diversity as required by the recommendations of a qualified professional.
- l) Retain existing native vegetation wherever possible to minimize disruption to habitat and protect against erosion:
 - 1) Clearly mark trees and shrubs to be retained prior to development, and install temporary fencing at the drip line during clearing, grading, storage of fill or building materials and other development activities.
 - 2) Install temporary fencing at the prescribed distance from the natural boundary to protect the bank during construction.
- m) Replanting is required in accordance with DPA guidelines and the qualified professional’s recommendations. Replanting should be determined based on what the site could historically support versus the current state of the vegetation.
- n) Replant with native vegetation species that are suitable to the soil, light and groundwater conditions of the site, and selected for erosion control and/ or wildlife habitat values as needed and required by the recommendations of a qualified professional.
- o) Maintain natural vegetation between sensitive features and adjacent development. Preserve well established native vegetation, tree cover and large woody debris to support biological diversity, mitigate rain water runoff, maintain wildlife corridors and protect stream stability by minimizing erosion. Unhealthy, dying or dead stock must be replaced at the property owner’s expense. Vegetation should be void of invasive plant, non-native species. Large woody debris should not be removed from the vegetation buffer unless a qualified person determines that it poses a hazard to buildings or structures in the event of a flood. Debris associated with the removal of trees and tree limbs from the vegetation buffer should remain in the vegetation buffer.

Rainwater Management

- p) A rainwater management plan, prepared by a qualified professional, is required. The plan must be integrated with the biophysical assessment report and include the following:
- 1) Assess the predevelopment natural hydrologic conditions.
 - 2) Evaluate the impact of the proposed development on site hydrology.
 - 3) Preserve or restore important hydrologic features and functions of the site.
 - 4) Control run-off and limit post-development flows to those of predevelopment flow patterns, rates, durations and volumes.
 - 5) Prepare, adopt and implement rainwater management practices to mitigate the impacts of development.
- q) Development must not increase flood risk or downstream erosion.
- r) Development must demonstrate that impervious surface coverage has been minimized and utilizes site design techniques based on principles of low impact development (LID). Each proposal should consider:
- 1) Where development features such as driveways, parking areas and pathways are proposed to be located within the DPA, such surfaces should be limited to narrow widths to service development and be constructed with pervious or semi-pervious materials such as natural stone, packed gravel or unsealed paving stones.
 - 2) Alteration of the contours of the land should be avoided to minimize the deposit of fill and the removal of soil.
 - 3) The total impervious surface area within the DPA should not exceed 10 per cent of that portion situated within the DPA. Proposals exceeding the 10 per cent maximum should incorporate permanent design features for ground infiltration or retention of run-off from impervious surfaces based on principles of LID. When LID principles are incorporated, the remaining impervious surfaces should not exceed the 10 per cent coverage.
- s) Rainwater must be managed on-site with an emphasis on maintaining the pre-development or natural hydrologic conditions including natural rates of surface runoff, infiltration to shallow groundwater (interflow) and infiltration to deep groundwater and in accordance with qualified professional's rainwater management plan.
- t) Post Development Report: Unless explicitly excluded in a Development Permit issued by the Regional District:
- 1) A post development report is required from the qualified professional to provide an assessment of all permit conditions. The report must assess if the landscaping and drainage works are in compliance with the applicable development permit conditions.
 - 2) The security deposit will be released once the post development report confirms completion of the works.

- ii) The owner of land within the Freshwater Permit Area must comply with all applicable standards set out within and requirements and conditions of a development permit, including and when imposed:
- a) Provision to the Comox Valley Regional District of a qualified professional's biophysical assessment report in accordance with Section 1201.3.i.a.
 - b) Provision to the Comox Valley Regional District of a qualified professional's RAPR Assessment Report in accordance with Section 1201.3.i.b.
 - c) The subdivision design lot configuration must demarcate and protect the SPEA in accordance with Section 1201.3.i.c.1.
 - d) The development envelope must include a buffer area outside of the SPEA in accordance with Section 1201.3.i.c.2.
 - e) The minimum parcel size must be met exclusive of the SPEA in accordance with Section 1201.3.i.c.3.
 - f) The SPEA must be permanently demarcated in accordance with Section 1201.3.i.d.
 - g) A temporary silt fence must be installed in accordance with Section 1201.3.e.
 - h) There is no stockpiling of construction materials, including fill, in areas identified to remain free of development in accordance with Section 1201.3.i.f.
 - i) Building, structures or retaining walls must not be constructed within 30 metres of a natural watercourse in accordance with Section 1201.3.i.h.
 - j) The sewerage system set back must be at least 30 metres from the natural boundary or top of a watercourse unless such setback is reduced in accordance with Section 1201.3.i.i.
 - k) Provision to the Comox Valley Regional District of a qualified professional's landscaping plan and security deposit in accordance with Section 1201.3.i.j.
 - l) A natural vegetation buffer between sensitive features and proposed development must be maintained in accordance with Section 1201.3.i.k.
 - m) Existing native vegetation must be retained in accordance with Section 1201.3.i.l.
 - n) Vegetation must be replanted in accordance with a qualified professional's recommendations and Section 1201.3.i.m.
 - o) Native vegetation species must be replanted in accordance with Section 1201.3.i.n.
 - p) Natural vegetation between sensitive features and adjacent development must be maintained in accordance with Section 1201.3.i.o.
 - q) Provision to the Comox Valley Regional District of a qualified professional's rainwater management plan in accordance with Section 1201.3.i.p.
 - r) Impervious surface coverage must be minimized in accordance with Section 1201.3.i.r.
 - s) Rainwater must be managed on site in accordance with Section 1201.3.i.s.
 - t) Provision to the Comox Valley Regional District of a qualified professional's report to confirm that the landscaping and drainage works are in compliance with the applicable development permit conditions as required in section 1201.3.ii.a.

1202**Coastal Development Permit Area**

1. The owner of land within the Coastal Development Permit Area (DPA) must obtain a Development Permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur within the Coastal DPA:
 - i) Removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
 - ii) Disturbance of soil, including grubbing, scraping and removal of top soil;
 - iii) Construction or erection of buildings, structures or retaining walls;
 - iv) Creation of non-structural impervious or semi-impervious surfaces;
 - v) Flood protection works including shoreline protection works;
 - vi) Construction of roads, pathways, trails and structures such as wharves and bridges;
 - vii) Subdivision of land; and
 - viii) Any other activity that requires a Development Permit first be issued in accordance with Section 489 of the *Local Government Act* (RSBC, 2015, c. 1), as amended from time to time.

2. **Guidelines**

- i) As part of a development permit application made prior to any of the applicable triggers for a development permit identified in Section 489 of the *Local Government Act* (RSBC, 2015, c. 1) and the Comox Valley Regional District's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:
 - Providing the information identified in the following guidelines,
 - Proposing only activities and development consistent with the following guidelines,
 - Not undertaking any activities or development inconsistent with the following guidelines, and
 - Not undertaking any activities or development without a development permit.

Biophysical Assessment Report

- a) Provide a biophysical assessment report as prepared by a qualified professional. The assessment components must include:
 - 1) Project scope and purpose:
 - i) Site plan: the present natural boundary, titled boundary of the sea, property lines, existing and proposed development, the location of works and activities, the siting of buildings, structures or uses of land and floodplain bylaw setback in accordance with Bylaw No. 600, being the "Floodplain Management Bylaw No. 600, 2020", as amended from time to time.
 - ii) Scope of work: project description, proposed development works, design considerations, extent of alteration/development, duration of work.
 - 2) Assessment results and inventory of existing environment:
 - i) General description.
 - ii) Biophysical inventory: detailed description of the shoreline's

current physical and ecological condition, vegetation, wildlife and wildlife habitat, aquatic resources, fish and riparian habitat, geology/geomorphology, soils and terrain, hydrology.

- 3) Impact assessment:
 - i) Identify potential environmental impacts from proposed development.
 - ii) Determine significance of effects and impacts.
 - iii) Identify areas to remain free from development.
 - iv) Development alternatives: review of development alternatives, impact assessment of development alternative and recommended alternative with least environmental impact.
- 4) Mitigative measures:
 - i) Outline recommendations for mitigating identified environmental impacts.
 - ii) Provide recommendations to preserve, protect, restore or enhance identified environmentally sensitive areas and habitat areas impacted by the development.
 - iii) Planting plan for a permanent vegetation buffer upland of, and adjacent to, the present natural boundary.
 - iv) Measures to be taken to preserve, protect, restore or enhance habitat areas.
 - v) Timing of construction to avoid or mitigate impacts.
- 5) Other information requirements:
 - i) Coordinate with and cross-reference other professional reports such as rainwater management plan and landscape plan.
- b) Development within the DPA should be limited and not negatively impact the ecological health of the immediate area, including forage and spawning habitat and eel grass beds, disruption of sediment transport processes, or disruption of native vegetation.
- c) Development shall not create or exacerbate hazardous conditions.
- d) Locate and design new buildings, structures or additions to avoid the need for future shoreline protection devices. Only if all options to locate and design without the need for shore protection measures are exhausted will such works be considered.
- e) Development must not impede public access along the public shore.
- f) Buildings, structures or retaining walls must not be constructed within 30 metres of the present natural boundary of the watercourse unless mitigative measures are proposed that will result in the same or greater protection of a 30 metre buffer.
- g) Construct all occupied areas of buildings at an elevation at or greater than the construction level established Bylaw No. 600, as amended from time to time, and in accordance with provincial coastal floodplain guidelines.

Subdivision and Site Design

- h) Design subdivisions so that new lots will not require shoreline protection measures in order to create useable, safe building sites when considering sea level rise over a 100 year time period and storm surge impacts.
- i) Setback new development on steep slopes or bluffs a minimum of 30 metres from the top of the bluff to ensure that shoreline protection measures will not be necessary during the life of the structure, as demonstrated by a geotechnical analysis that includes an assessment of coastal conditions.
- j) The setback for a sewerage system must be at least 30 metres from the present natural boundary or top of the bank of the sea. Proposals to reduce this setback must demonstrate a reasonable effort to comply with the setback guideline and should be certified by a qualified professional with recognized specialization in hydrology. Setback reduction proposals must address the assurance of environmental performance standards equal to or exceeding those that would be provided by the 30 metre setback.
- k) Locate new driveways, parking areas and sewerage systems outside of the DPA. If such a location cannot be avoided, minimize and buffer the encroachment.

Vegetation Management, Restoration and Enhancement

- l) A site specific landscaping plan prepared by a qualified professional and a security deposit per Bylaw No. 328, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”, as amended from time to time, is required.
- m) Retain existing native vegetation wherever possible to minimize disruption to habitat and protect against erosion:
 - 1) Dune grass is particularly sensitive to foot traffic and often keeping foot traffic away through the use of fencing or signage can result in regeneration in short time periods. Replant dune grass and associated plants where it has been previously disturbed.
 - 2) Coniferous trees provide important perches for eagles, and older trees may be used by eagles for nests. Retain or replant trees within and close to the DPA at the time of development, even if the trees planted are young.
 - 3) Clearly mark trees and shrubs to be retained prior to development, and install temporary fencing at the drip line during clearing, grading, storage of fill or building materials and other development activities.
 - 4) Install temporary fencing at the prescribed distance from the natural boundary or top of bank to protect the shoreline during construction.
 - 5) Permanently demarcate the required vegetation buffer so as to minimize encroachment.
- n) If native vegetation has been previously cleared, replanting is required in accordance with DPA guidelines and the qualified professional’s recommendations. Replanting should be determined based on what the site could historically support versus any post-development state of the vegetation.
- o) Replant with native vegetation species that are salt and wind tolerant, suitable

to the soil, light and groundwater conditions of the site, and selected for erosion control and/ or wildlife habitat values as needed and in accordance with a qualified professional's recommendations. A minor amount of suitably adapted, non-invasive, non-native vegetation may also be considered.

Rainwater Management

- p) A rainwater management plan, prepared by a qualified professional, is required. The plan must be integrated with the biophysical assessment report and include the following:
- 1) Assess the predevelopment natural hydrologic conditions.
 - 2) Evaluate the impact of the proposed development on site hydrology.
 - 3) Preserve or restore important hydrologic features and functions of the site.
 - 4) Control run-off and limit post-development flows to those of predevelopment flow patterns, rates, durations and volumes.
 - 5) Prepare, adopt and implement rainwater management practices to mitigate the impacts of development.
- q) Development must not increase flood risk or downstream erosion.
- r) Development must minimize impervious surface coverage and utilize site design techniques based on principles of low impact development (LID). Each proposal must consider:
- 1) Where development features such as driveways, parking areas and pathways are proposed to be located within the DPA, such surfaces must be limited to narrow widths to service development and be constructed with pervious or semi-pervious materials such as natural stone, packed gravel or unsealed paving stones.
 - 2) Alteration of the contours of the land must be avoided to minimize the deposit of fill and the removal of soil.
 - 3) The total impervious surface area within the DPA must not exceed 10 per cent of that portion situated within the DPA. Proposals exceeding the 10 per cent maximum should incorporate permanent design features for ground infiltration or retention of run-off from impervious surfaces based on principles of LID. When LID principles are incorporated, the remaining impervious surfaces should not exceed the 10 per cent coverage.
- s) Rainwater must be managed on-site with an emphasis on maintaining the pre-development or natural hydrologic conditions including natural rates of surface runoff, infiltration to shallow groundwater (interflow) and infiltration to deep groundwater and in accordance with the recommendations of a qualified professional's rainwater management plan.

Post Development Guidelines:

- t) Maintain replanting for a minimum of two years from the completion date of planting. This may require the removal of invasive, non-native species (e.g. Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock must be replaced at the owner's expense.

- u) Locate, design and construct fill placement to protect shoreline ecological functions including ecosystem connectivity, and enhance natural coastal processes and improve drainage in the immediate area. A drainage plan, prepared by a qualified engineer, will be required for all proposals where fill import is proposed. The CVRD may also require a sediment and erosion plan when fill placement is proposed.
- v) No stockpiling of construction materials, including fill, is permitted in the DPA.
- ii) The owner of land within the Coastal DPA must comply with all applicable standards set out within and requirements and conditions of a development permit, including and when imposed:
 - a) Provision to the CVRD of a qualified professional's biophysical assessment report in accordance with Section 1202.2.i.a.
 - b) Development must not negatively impact the ecological health of the area in accordance with Section 1202.2.i.b.
 - c) Development must not impede public access along the public shore as required in Section 1202.2.i.e.
 - d) Buildings, structures or retaining walls must not be constructed within 30 metres of the present natural boundary of the watercourse in accordance with Section 1202.2.i.f.
 - e) All occupied areas of buildings must be constructed at an elevation greater than the construction level established in Bylaw No. 600 and in accordance with Section 1202.2.i.g.
 - f) New development on steep slopes or bluffs must be set back a minimum of 30 metres from the top of bluff in accordance with Section 1202.2.i.i.
 - g) The sewerage system set back must be at least 30 metres from the natural boundary or top of the bank of the sea unless such setback is reduced in accordance with Section 1202.2.i.j.
 - h) New driveways, parking areas and sewerage systems must be located outside of the DPA in accordance with Section 1202.2.i.k.
 - i) Provision to the CVRD of a qualified professional's landscaping plan and security deposit in accordance with Section 1202.2.i.l.
 - j) Existing native vegetation must be retained in accordance with Section 1202.2.i.m.
 - k) If native vegetation has been previously cleared, replant as prescribed by the recommendations of a qualified professional and in accordance with Section 1202.2.i.n.
 - l) Native vegetation species must be replanted as prescribed by the recommendations of a qualified professional and in accordance with Section 1202.2.i.o.
 - m) Replanting must be maintained in accordance with Section 1202.2.i.p.
 - n) Provision to the CVRD of qualified engineer's drainage plan and if required a sediment and erosion plan in accordance with Section 1202.2.i.q.
 - o) There must be no stockpiling or construction materials, including fill, within the DPA as required in Section 1202.2.i.r.
 - p) Provision to the CVRD of a qualified professional's rainwater management plan in accordance with Section 1201.3.i.s.

- q) Impervious surface coverage must be minimized in accordance with Section 1201.3.i.u.
- r) Rainwater must be managed on site in accordance with Section 1201.3.i.v.

End • Coastal DPA

1203	Eagle and Heron Nest Development Permit Area
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1. The owner of land within the Coastal Development Permit Area (DPA) must obtain a Development Permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur within the Coastal DPA:
 - i) Removal, alteration, disruption or destruction of natural features, including trees, plants and shrubs;
 - ii) Disturbance of soil, including grubbing, scraping and removal of top soil;
 - iii) Construction or erection of buildings, structures or retaining walls;
 - iv) Creation of non-structural impervious or semi-impervious surfaces;
 - v) Subdivision of land; and
 - vi) Any other activity that requires a Development Permit first be issued in accordance with Section 489 of the *Local Government Act* (RSBC, 2015, c. 1), as amended from time to time.

2. **Guidelines**

- i) As part of a development permit application made prior to any of the applicable triggers for a development permit identified in Section 489 of the *Local Government Act* (RSBC, 2015, c. 1) and the CVRD's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:
 - Providing the information identified in the following guidelines,
 - Proposing only activities and development consistent with the following guidelines,
 - Not undertaking any activities or development inconsistent with the following guidelines, and
 - Not undertaking any activities or development without a development permit.

Biophysical Assessment Report

- a) Locate development where it will cause the least impact to the eagle or heron nest. Demonstrate that locating the development entirely outside of the DPA has been considered and provide a description of why it is not possible.
- b) Provide a biophysical assessment report prepared by a qualified professional with relevant experience in ornithology to assess the potential impact of the proposed development on the function of the nest tree and alteration within the DPA or that portion of the DPA on the subject property. The assessment report components must include:

- 1) Project scope and purpose:
 - i) Site plan.
 - ii) Define the study area and the proposed activities in relation to the nesting tree including map(s) identifying the location of nesting trees, proposed and existing buildings and structures, and areas to remain free from development.
 - 2) Assessment results and inventory of existing environment:
 - i) General description of existing environment.
 - ii) Biophysical inventory: nest site, presence of eagles or herons using the nest tree(s), general condition of nest tree(s), habitat to be protected, existing environmentally sensitive features.
 - iii) Identify the breeding season including the courting period. In general terms, this is from January to August but can extend into September.
 - 3) Impact assessment:
 - i) Assess the environmental impacts of the proposed development in relation to the resident birds (i.e. Bald Eagle or Great Blue Heron).
 - ii) Determine significance of effects and impacts.
 - iii) Identify areas to remain free from development.
 - iv) Development alternatives: review of development alternatives, impact assessment of development alternative and recommended alternative with least environmental impact.
 - 4) Mitigative measures:
 - i) Identify appropriate measures to preserve, protect, restore or enhance the function of the nesting area.
 - ii) Provide recommendations on how to mitigate negative impacts during and after construction, if construction is permitted under the *Wildlife Act*, to protect the long term integrity of the nesting activities and habitat.
 - iii) Outline recommendations for mitigating identified negative environmental impacts.
 - 5) Other Information Requirements:
 - i) Coordinate with and cross-reference other professional reports such as landscape plan.
- c) In developing recommendations and best practices for the protection of the nesting activities, nesting tree and nesting tree area, the qualified professional must review and generally be consistent with appropriate sections, including Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia, found in *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the BC Ministry of Environment, or any subsequent editions. Any deviations from these must be explained in the report.
- d) Where the qualified professional recommends specific areas to remain free

from development or identifies a natural feature for protection:

- 1) Temporary fencing or flagged stakes must be installed prior to construction to mark the protection area and avoid encroachment, and as prescribed in the qualified professional's report.
- e) A site specific landscaping plan prepared by a qualified professional and a security deposit per Bylaw No. 328, being the "Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014", as amended from time to time, is required where disturbance or alteration of native vegetation within the DPA is proposed. The plan must provide a revegetation and restoration strategy.
- f) Post Development Report: Unless explicitly excluded in a development permit issued by the CVRD:
 - 1) A post development report is required from the qualified professional(s) to provide an assessment of all permit conditions. The report(s) must assess if the landscaping works are in compliance with the applicable development permit conditions and the property has been developed in accordance with the qualified professional's recommendations.
 - 2) The security deposit will be released once the post development report confirms completion of the works.
- ii) The owner of land within the Eagle and Heron Nest DPA must comply with all applicable standards set out within and requirements and conditions of a development permit, including and when imposed:
 - a) Provision to the CVRD of a qualified professional's biophysical assessment report in accordance with Section 1203.2.i.b.
 - b) Qualified professional's recommendations must be consistent with the best practices for the protection of the nesting activities, nesting tree and nesting tree area in accordance with Section 1203.2.i.c.
 - c) Fencing or flagged stakes must be installed in accordance with Section 1203.2.i.d.
 - d) Provision to the CVRD of a qualified professional's landscaping plan and security deposit in accordance with Section 1203.2.i.e.
 - e) Provision to the CVRD of a qualified professional's post development report in accordance with Section 1203.2.ii.a.

End • Eagle and Heron Nest DPA

1204

Steep Slopes Development Permit Area

1. The owner of land within the Steep Slopes Development Permit Area (DPA) must obtain a Development Permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur within the Freshwater DPA, unless specifically

exempted:

- i) Alteration of land, disturbance of soils, including grubbing, scraping and removal of top soils;
- ii) Removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
- iii) Construction or erection of buildings, structures or retaining walls;
- iv) Construction of roads, pathways, trails and structures such as wharves and bridges;
- v) Creation of non-structural impervious or semi-impervious surfaces;
- vi) Flood protection works including shoreline protection works;
- vii) Subdivision of land; and
- viii) Any other activity that requires a Development Permit first be issued in accordance with Section 489 of the *Local Government Act* (RSBC, 2015, c. 1), as amended from time to time.

2. **Guidelines**

- i) As part of a development permit application made prior to any of the applicable triggers for a development permit identified in Section 489 of the *Local Government Act* (RSBC, 2015, c. 1) and the CVRD's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:
 - Providing the information identified in the following guidelines,
 - Proposing only activities and development consistent with the following guidelines,
 - Not undertaking any activities or development inconsistent with the following guidelines, and
 - Not undertaking any activities or development without a development permit.

Geotechnical Report

- a) A geotechnical report prepared by a qualified professional is required in accordance with *Local Government Act* (RSBC, 2015, c. 1) Section 491(4) and Bylaw No. 369, being the "Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015", as amended from time to time.
 - 1) The report must determine any risks from natural hazards and any required mitigation measures to the satisfaction of the CVRD.
 - 2) Geotechnical reports must meet the report guidelines for *Legislated Landslide Assessments for Proposed Residential Development in British Columbia* published by the Association of Professional Engineers and Geoscientists of BC, March 2006, including submission Schedule D *Landslide Assessment Assurance Statement* as amended from time to time to specify that the land may be safely used for the use intended.
- b) No development is permitted in areas with a potential for natural hazard, unless a qualified professional with expertise in geotechnical engineering provides recommendations for the following, which are subsequently implemented:
 - 1) Mitigation measures to reduce risk of natural hazards for both the subject site and any adjacent or other potentially affected areas to an

acceptable level during all stages of development.

- 2) Conditions (including conditions relating to permitted uses, density or scale of building) necessary to reduce risk of potential natural hazards to acceptable levels, consistent with good engineering, and Provincial and Federal standards and recommendations.

Siting and Design

- c) Ensure all development, including septic fields, swimming pools, hot tubs, ponds or other uses at or near the top or toe of steep slope, is outside of the DPA. This area should be avoided unless there are no other feasible options, and such development is first approved under a permit issued by the CVRD.
- d) Minimize slope alteration by designing development to fit the site rather than altering the site to fit the project.
- e) Cluster development as a means to minimize slope disturbance.
- f) Use variation in lot sizes and subdivision layout to reflect the natural site contours, minimize cut and fill and maximize unaltered developable areas. Do not create large flat terraces on hillsides to expand developable area.
- g) Align access points, pathways, and internal roads to follow natural site contours, conforming to existing topographic conditions rather than cutting across contours.
- h) Provide site grading that is smooth and stable. Finished slopes of all cuts and fills should not exceed a 30 percent grade unless the applicant can demonstrate by way of a qualified professional's report and recommendations that steeper slopes can be stabilized and maintained adequately, and there would be minimal or no detrimental effects to habitat and natural environment.
- i) Avoid undercutting the base of steep slopes for building, landscaping or other purposes except in accordance with the recommendations of a qualified professional.
- j) No stockpiling of construction materials, including fill, is permitted in the DPA.

Erosion and Rainwater Management

- k) When designing retaining walls, respect the natural characteristics of the site and terrace walls. Retaining walls must not exceed 1.5 metres in height adjacent to roads and services and 1.5 metres in height between individual properties.
- l) Terrace retaining walls with sufficient width to allow plantings and maintenance. The height and depth of the retaining wall steps must be consistent with the natural terrain or with the slope above and below the walls. Large concrete block style retaining walls are not permitted.
- m) Step and articulate building forms to integrate and reflect the natural site contours and slope conditions. Avoid large unbroken building masses unsuitable for sloped conditions.
- n) Provide a rainwater management plan prepared by qualified professional to:
 - 1) Assess the predevelopment natural hydrologic conditions.

- 2) Evaluate the impact of the proposed development on site hydrology.
 - 3) Preserve or restore important hydrologic features and functions of the site.
 - 4) Control run-off and limit post-development flows to those of predevelopment flow patterns, rates, durations and volumes.
 - 5) Prepare, adopt and implement rainwater management practices to mitigate the impacts of development.
- o) Design and maintain property, roof drainage and landscaping to shed water away from slopes. Avoid ponding and concentrated water near slopes.

Vegetation and Landscaping

- p) A site specific landscaping plan prepared by a qualified professional and a security deposit per Bylaw No. 328, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”, as amended from time to time, is required.
- q) Maintain and replant vegetation on the slopes and within any required setback above the slopes in order to absorb water and minimize erosion in accordance with the recommendations of a qualified professional.
- r) Reinforce and revegetate disturbed slopes, especially where gullied or bare soil is exposed, as soon as possible, and as prescribed by a qualified professional. Plant in accordance with the recommendations of a qualified professional. Ensure monitoring and maintenance of restored areas by qualified professional until such time as the vegetation is established.
- s) When revegetating near or on steep slopes, plant species native to the Coastal Western Hemlock Biogeoclimatic Zone.
- t) Avoid tree removal and tree topping/ limbing on steep slopes and retain as much as possible elsewhere. Tree removal must be the under guidance of and pursuant to the recommendations of a geotechnical engineer and arborist.
- u) Where appropriate, follow erosion and sediment control measures as recommended by the qualified professional.
- v) Post Development Report: Unless explicitly excluded in a development permit issued by the Regional District.
 - 1) A post development report is required from the qualified professional(s) to provide an assessment of all permit conditions. The report(s) must assess if the landscaping and drainage works are in compliance with the applicable development permit conditions.
 - 2) The security deposit will be released once the post development report confirms completion of the works.
- ii) The owner of land within the Steep Slopes DPA must comply with all applicable standards set out within and requirements and conditions of a development permit, including and when imposed:
 - a) Provision to the CVRD of a qualified professional’s geotechnical report in accordance with Section 1204.2.i.a.
 - b) There must not be development within potential natural hazard areas unless recommendations of a qualified professional with expertise in geotechnical

- engineering are implemented in accordance with Section 1204.2.i.b.
- c) There must not be development, including septic fields, swimming pools, hot tubs, or other uses outside of DPA unless authorized under an issued permit in accordance with Section 1204.2.i.c.
 - d) Development must be designed to minimize slope alteration in accordance with Section 1204.2.i.d.
 - e) Development must be clustered to minimize slope alteration in accordance with Section 1204.2.i.e.
 - f) Large flat terraces on hillsides are prohibited in accordance with Section 1204.2.i.f.
 - g) Access points, pathways and internal roads must not cut across natural site contours as required in Section 1204.2.i.g.
 - h) Site grading must be smooth and stable and finished slopes must be in accordance with Section 1204.2.i.h.
 - i) The base of steep slopes for building, landscaping or other purposes must be in accordance with Section 1204.2.i.i.
 - j) There must be no stockpiling of construction materials, including fill, in the DPA as required in Section 1204.2.i.j.
 - k) Retaining walls adjacent to roads and services must not be greater than 1.5 metres in height in accordance with Section 1204.2.i.k.
 - l) Large concrete block style retaining walls are prohibited in accordance with Section 1204.2.i.l.
 - m) Large unbroken building masses unsuitable for sloped conditions are prohibited in accordance with Section 1204.2.i.m.
 - n) Provision to the CVRD of a qualified professional's rainwater management plan in accordance with Section 1204.2.i.n.
 - o) Landscaping and drainage must be diverted away from slopes in accordance with Section 1204.2.i.o.
 - p) Provision to the CVRD of a qualified professional's landscaping plan and security deposit in accordance with Section 1204.2.i.p.
 - q) Vegetation must be maintained and replanted on the slopes in accordance with Section 1204.2.i.q.
 - r) Disturbed slopes must be vegetated and reinforced as prescribed by the recommendations of a qualified professional in accordance with Section 1204.2.i.r.
 - s) Native species must be planted when revegetating near or on steep slopes in accordance with Section 1204.2.i.s.
 - t) Tree removal, tree topping/ limbing on steep slopes must be under the guidance and follow the recommendations of a geotechnical engineer and arborist in accordance with Section 1204.2.i.t.
 - u) A qualified professional's erosion and sedimental control measures must be followed in accordance with Section 1204.2.i.u.
 - v) Provision to the CVRD of a qualified professional's post development report in accordance with Section 1204.2.ii.a.

Agency and First Nations Referral List

- The following agencies will receive a referral of the proposed Development Permit Area amendments.

First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco Indian Band
<input checked="" type="checkbox"/>	We Wai Kai First Nation	<input checked="" type="checkbox"/>	Nanwakolas Council
<input checked="" type="checkbox"/>	Laich-Kwil-Tach Treaty Society		

Federal Departments and Agencies

<input type="checkbox"/>	Canadian Coast Guard	<input type="checkbox"/>	Public Works and Government Services Canada
<input type="checkbox"/>	Department of National Defence (CFB Comox)	<input type="checkbox"/>	RCMP
<input type="checkbox"/>	Fisheries and Oceans Canada	<input type="checkbox"/>	Transport Canada Navigable Waters
<input type="checkbox"/>	Indian and Northern Affairs Canada		

Provincial Ministries and Agencies

<input type="checkbox"/>	Agricultural Land Commission	<input type="checkbox"/>	Ministry of Municipal Affairs
<input type="checkbox"/>	BC Assessment	<input checked="" type="checkbox"/>	Ministry of Forests
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Ministry of Energy, Mines and Low Carbon Innovation
<input type="checkbox"/>	BC Ferry Services Inc.	<input type="checkbox"/>	Ministry of Environment & Climate Change Strategy
<input type="checkbox"/>	BC Transit	<input type="checkbox"/>	Ministry of Tourism, Arts, Culture and Sports
<input type="checkbox"/>	Ministry of Indigenous Relations & Reconciliation	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
<input checked="" type="checkbox"/>	Ministry of Agriculture, Food and Fisheries	<input checked="" type="checkbox"/> <input type="checkbox"/>	Ministry of Land, Water and Resource Stewardship BC Wildfire Services

Local Government

<input type="checkbox"/>	Comox (Town of)	<input type="checkbox"/>	Alberni-Clayoquot Regional District
<input type="checkbox"/>	Courtenay (City of)	<input type="checkbox"/>	Strathcona Regional District
<input type="checkbox"/>	Cumberland (Village of)	<input type="checkbox"/>	Regional District of Mount Waddington
<input type="checkbox"/>	Islands Trust	<input type="checkbox"/>	Regional District of Nanaimo

Other

<input type="checkbox"/>	Agricultural Community Advisory Panel	<input type="checkbox"/>	
<input type="checkbox"/>	School District No. 71 (Comox Valley)	<input type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)
<input checked="" type="checkbox"/>	Advisory Planning Committee B - Lazo North	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Advisory Planning Committee C - Puntledge-Black Creek	<input checked="" type="checkbox"/>	Advisory Planning Committee A - Baynes Sound – Denman/Hornby Islands