

Appendix 1: Proposed Bylaw No. 4266

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4266

A BYLAW TO AMEND BYLAW NO. 3109,
THE "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW, BYLAW NO. 1, 2003"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 3109 being the "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003" is hereby amended:

A. SECTION 3 INCORPORATION OF SCHEDULES AND MAPS

- (a) By deleting the words "and Maps numbered 1 to 4".

B. SCHEDULE A

- (a) By amending Section 1 Introduction And Background Information, Subsection 1.2.2 Location, by inserting Map 1 before "subsection 1.2.3 Climate".
- (b) By amending Section 4 Development Policies, by inserting Map 2 before Subsection 4.13 Development Approval Information.
- (c) By deleting Section 4 Development Policies, Subsection 4.13 Development Approval Information, in its entirety and replacing with the following:

"4.13 Development Approval Information

In order to assess the impact of a particular development proposal, more detailed information and studies may be necessary. Provincial legislation requires local government to specify the certain areas or special conditions when detailed information and studies may be requested and, by bylaw, describe the procedures for providing the information and the scope of information that can be requested.

Designation

That part of the Port Renfrew Plan area indicated as a Development Approval Information Area (DAIA) on Map 3 is designated as a development approval information area pursuant to Section 485(1) of the *Local Government Act* (LGA). The DAIA shown on Map 3 includes all parcels of land. In addition to the parcels designated on Map 3, the following areas are also designated as a development approval information area pursuant to Section 485(1) of the LGA:

- A. All lands designated as being in the Shoreline Protection Development Permit Area (DPA) on Map 4;
- B. All lands designated as being in the Riparian DPA on Map 4;
- C. All land designated as being in the Sensitive Ecosystem DPA on Map 5;
- D. All lands defined by the *Riparian Areas Regulation* (RAR) as a Riparian Assessment Area, which includes: (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark, (b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and (c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

Purpose

The purpose of this designation is to enable the CRD to obtain information in connection with an application for an amendment to a zoning bylaw, a development permit or a temporary use permit that could affect one or more of the following:

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- A. The natural environment of the area affected;
- B. Traffic patterns and flows, in the case of a zoning amendment that may create twenty or more parcels or units;
- C. The provision of community services, including but not limited to schools, fire protection, policing and similar services; and
- D. Local infrastructure, including water service, sewage treatment and disposal, and other services and utilities.

The CRD has, by separate bylaw, established the procedures and policies on the process for requiring development approval information and the substance of the information that may be required.

Special Conditions and Objectives

Section 485(1) of the *LGA* authorizes local government to: (a) specify circumstances in which development approval information may be required; (b) designate areas for which development approval information may be required; and (c) designate areas for which, in specified circumstances, development approval may be required provided that the special conditions or objectives that justify the designation are described.

The natural environment of the Port Renfrew area supports an ecosystem that includes rare species of flora and fauna, and human habitation. Given the topography and biodiversity of Port Renfrew, the Plan area has numerous environmentally sensitive features that require a thorough analysis to be completed prior to development taking place. This also includes an analysis of any liquid waste disposal to ensure that it has no adverse effect on human health or the natural environment.

Any development with the potential to deplete the groundwater or otherwise interfere with the wetlands in one region also has the potential to diminish the quantity and quality of available groundwater in other groundwater regions. There is the need for more complete information on how development might affect the local hydrology.

Highway #14 is the only major road in the Plan area. A large-scale development could generate sufficient traffic to exceed the carrying capacity of these roads and compromise the safety of drivers, pedestrians and cyclists using these roads. Information is required to assess the potential impact that increased traffic flow from new development may have upon these key access routes.

New development may affect the provision of police protection in Port Renfrew. The ability of CRD Integrated Water Services to provide adequate levels of servicing can be affected by increased population in those areas of Port Renfrew within the CRD Water Supply Local Service Area, Wastewater Service Area and Street Lighting Service Area. It may also affect the ability to provide firefighting service. School District #62 Sooke may have concerns regarding the impact that additional students might have on the capacity of school facilities and bussing services. For these reasons, information is required on the possible impact that development may have upon the provision of fire and police protection, local servicing capacity, and the services provided by School District #62 Sooke. Community services can also be affected by increased population.

There may be unmapped streams or watercourses in the Plan area. Regardless of whether a stream or watercourse has been mapped, the adjacent riparian areas are still subject to the *RAR* if the stream contains or contributes to fish habitat. Provincial legislation requires that a Qualified Environmental Professional (QEP) submit a report on how development might affect the natural environment within the riparian assessment area. Riparian development permits may be approved subject to the conditions outlined by a QEP in a report submitted to the provincial government in accordance with the *RAR*. For these reasons, riparian assessment areas are designated as part of the development approval information area."



- (d) By deleting Section 4 Development Policies, Subsection 4.14 Development Permit Areas in its entirety.
- (e) By adding a new Section 6 Development Permit Areas as follows:

"6.0 DEVELOPMENT PERMIT AREAS

6.1 Development Permits

A development permit is a planning tool for sites, buildings and structures that warrant special protection or development control. These permits must be approved by the CRD Board or its delegates and may require some sort of security to ensure that the conditions in the permit have been achieved. A development permit cannot vary use, density or flood plain specifications.

The guiding principle for the use of development permits is found within Section 488 of the *Local Government Act (LGA)*. Development permit areas (DPAs) can be designated for purposes such as, but not limited to the following:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions;
- Protection of farming;
- Establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- Establishment of objectives to promote energy conservation;
- Establishment of objectives to promote water conservation; and
- Establishment of objectives to promote the reduction of Green House Gas (GHG) emissions.

With respect to areas designated as DPAs, the Official Community Plan (OCP) must:

- Describe the conditions or objectives that justify the designation; and
- Specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

6.2 General Policies for Development Permit Areas and Development Permits

Without limiting the authority of the CRD under the *LGA* or this Official Community Plan (OCP), the following principles apply to development permits:

- A. In accordance with the *LGA*, a development permit must be obtained prior to subdivision, construction, alteration of land, soil deposit or removal or any other development or activity that would impact any of the elements protected by a development permit area.
- B. A development permit is not required where it can be demonstrated that the proposed development is located on that part of a parcel outside the designated DPA. This determination is based on a report or other certification acceptable to the CRD by a Qualified Environmental Professional (QEP), a Qualified Professional (QP) or other appropriately registered professional that the proposed development is not within the designated DPA.
- C. Any development, construction or alteration of land within an area designated as a DPA is subject to the requirements of the relevant development permit guidelines and policies contained in this Plan.
- D. Where land lies within more than one DPA, only a single development permit is required; however, the application is subject to the requirements of all applicable DPAs.
- E. Development permits may specify areas of land that may be subject to natural hazards as areas that will remain free of development except in accordance with any conditions contained in the permit.

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- F. Development permits designated for the protection of development from hazardous conditions may prohibit the installation of septic tanks, drainage and deposit fields and irrigation and water systems in areas that contain unstable soil or water that is subject to degradation.
- G. If the nature of the proposed project in a DPA changes after a report by a QEP or a QP has been prepared, the CRD may require the applicant to have the QEP or QP update the assessment at the applicant's expense and the development permit conditions may be revised.
- H. Any information requested by the CRD will be provided at the applicant's expense.
- I. Security in a form acceptable to the CRD may be required as the condition of issuance of a development permit.

6.3 General Exemptions from a Development Permit

No development permit will be required in any DPA for the following:

- A. Internal alterations to a building.
- B. Structures which are not greater in area than 10 m² (107 ft²) and are accessory to an existing residence, provided that no part of the structure is to be within a Riparian DPA. This may include, but is not limited to gazebos, garden sheds, tool sheds, and decks.
- C. Trails, ramps, at-grade patios, or stairways not greater in area than 80 m², provided that they are not located in a Riparian DPA.
- D. Placement of impermanent items such as tables, benches and garden ornaments provided there is no site clearing.
- E. Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property from forest fire, flood, erosion or other natural or human caused disaster.
- F. Emergency works to repair or replace public utilities or infrastructure.
- G. Clearing of an obstruction from a bridge, culvert or watercourse.
- H. In-stream habitat development or restoration that complies with provincial and federal legislation and requirements.
- I. Boundary adjustments when no new parcels are created, each parcel has a building envelope outside the DPA and the adjusted boundary is not located in a Riparian DPA.
- J. Normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.
- K. Forest management activities as defined in the *Private Managed Forest Land Regulation* on land classified as managed forest land under the *Private Managed Forest Land Act*.
- L. Public works, services and maintenance activities carried out by, or on behalf of, the CRD, generally in accordance with the development permit guidelines. This exemption does not apply to public trails to be developed within a Riparian DPA.

6.4 Shoreline Protection Development Permit Area

6.4.1 Designation of the Shoreline Protection Development Permit Area

That part of the Port Renfrew Plan area indicated as Shoreline Protection DPA on Map 4 is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(b) of the *Local Government Act (LGA)*. The Shoreline Protection DPA established under this section includes all land lying 15 metres upland of the natural boundary of the ocean.

6.4.2 Justification for the Shoreline Protection Development Permit Area

Section 488(1)(a) of the *LGA* authorizes local government to designate DPAs where the protection of the natural environment, its ecosystems and biological diversity is desired and can be justified. Section 488(1)(b) authorizes local government to designate DPAs where the protection of development from hazardous conditions is desired and can be justified.

The marine shoreline and adjacent uplands are ecologically fragile areas and subject to the complex biophysical forces shaping coastlines. Activities on the uplands such as land clearing and adding impermeable surfaces can have harmful impacts on site drainage, bank stability, bird nesting and roosting habitat, forage fish habitat (e.g. surf smelt and Pacific sand lance), shading of intertidal areas and reduction of important organic inputs to foreshore areas. Hard-surfaced retaining walls along the shoreline can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. An uninterrupted shoreline allows for the natural transport of sand and cobble materials along beaches.

Anticipated sea level rise and more frequent severe storm events could increase coastal flooding and erosion. Keeping permanent structures out of high-risk areas for coastal flooding and erosion is a cost-effective and practical approach to reducing this potential threat to life and property. Innovative shore protection measures can maintain and restore habitat values while protecting upland property from wave action and erosion. Development in the Shoreline Protection DPA will be carefully designed and executed to reduce the risk to property and life and maintain the integrity of the ecology unique to coastal areas.

6.4.3 Objectives for the Shoreline Protection Development Permit Area

To regulate development in a manner that:

- i. Protects coastal properties from damage and hazardous conditions that can arise from erosion and flooding;
- ii. Protects and enhances the ecological health of marine waters, the shoreline and adjacent uplands; and
- iii. Preserves the integrity and connectivity of coastal processes.

6.4.4 Specific Exemptions for the Shoreline Protection Development Permit Area

In the Shoreline Protection DPA, no development permit will be required for the following:

- A. External alterations, including adding an additional storey, that are entirely within the building footprint.
- B. Tree pruning that does not adversely affect the health of the tree.
- C. Gardening and yard maintenance activities within an existing landscaped area such as lawn mowing, weeding and minor soil disturbances that do not alter the general contours of the land.
- D. Removal of non-native, invasive species by hand.
- E. Removal of hazardous trees that threaten the immediate safety of life and buildings.

6.4.5 Guidelines for the Shoreline Protection Development Permit Area

Development permits for development in the Shoreline Protection DPA will be considered in accordance with the following guidelines:

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Shoreline Protection DPA.
- B. Alteration of natural shorelines will be avoided.
- C. Erosion and sedimentation will be avoided.
- D. The removal of vegetation and impact to tree root zones will be minimized.
- E. Changes in natural shoreline processes will be minimized.
- F. The use of fill, disturbance to the soil and blasting will be minimized.
- G. Non-structural and soft armouring are the preferred type of works for shore protection and where this approach is not possible, riprap and stone revetment is preferred over single-plane seawalls, subject to approval from federal and provincial agencies.

- H. A Qualified Professional (QP) with experience in coastal marine processes must design any shore protection devices or works.
- I. A Qualified Professional (QP) shall conduct a forage fish survey if work is proposed on the foreshore or if machinery will be driven along the beach. If forage fish eggs are found, the QP shall provide recommendations such as use of low impact mats on the beach to minimize the killing of embryos and conducting works outside of forage fish spawning areas.
- J. Proposed development that may have the potential to adversely affect fish habitat will require the review and approval by appropriate federal and provincial agencies prior to the issuance of a development permit.
- K. Setbacks for buildings and structures will consider the current risk from storms and flooding as well as minimum elevation guidelines established by the CRD or other public authority with respect to the potential risk from erosion and coastal flooding associated with climate change and sea level rise.
- L. Variances to allow the siting of buildings and structures outside the Shoreline Protection DPA will be considered.
- M. Compliance with the conditions or recommendations in a report by a QP will be considered by the CRD and may be included in a development permit.
- N. The planting of native vegetation may be required to reduce the risk of erosion, restore the natural ecology, revegetate disturbed areas, improve water quality and ensure the stability of slopes and banks.
- O. Erosion control measures and fencing may be required during and after construction.
- P. Machinery working in this environmentally sensitive area may be required to use biofuels instead of fossil fuels.
- Q. To avoid disturbance of the upland and foreshore areas for a purpose referred to in Section 491(1)(e) of the *LGA*, heavy machinery may be required to be barged to the site.
- R. Construction may be restricted to certain times of the year to avoid storm seasons, unusually high or low tides and sensitive life-cycle times for wildlife such as nesting or migrating.
- S. Where possible, vegetation and natural resources such as anchored logs and riparian plantings on protected shorelines, will be incorporated into shore protection works.

6.5 Riparian Development Permit Area

6.5.1 Designation of the Riparian Development Permit Area

That part of the Port Renfrew Plan area indicated as a Riparian DPA on Map 4 is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(i) of the *Local Government Act (LGA)*. The Riparian DPA established under this section also includes all lands entirely or partially within a riparian assessment area as defined by the *Riparian Areas Regulations (RAR)*, which includes: (a) for a stream, lake, wetland or ditch, the 30 metre strip on both sides, measured from the high water mark, (b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and (c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

6.5.2 Justification for the Riparian Development Permit Area

Section 488(1)(a) of the *LGA* authorizes local government to designate DPAs where the protection of the natural environment, its ecosystems and biological diversity is desired and can be justified. Section 488(1)(i) of the *LGA* authorizes local government to designate DPAs where the promotion of water conservation is desired and can be justified.

The Province has enacted the *RAR*, under the *Riparian Areas Protection Act*, which applies to the exercise of local government powers by the CRD under Part 14 of the *LGA*. The *RAR* is intended

to protect the features, functions and conditions that support fish life processes. With respect to development proposals related wholly or partially to riparian assessment areas within the Plan area, the CRD must not approve or allow development to proceed in those riparian assessment areas unless it receives notification that the Province has received a copy of an assessment report, prepared in accordance with the *RAR* by a Qualified Environmental Professional (QEP). In addition, when exercising its powers with respect to development, the CRD must protect its riparian areas in accordance with the *RAR*.

Wells are relied upon in parts of Port Renfrew for potable water. It is important to maintain the quality and quantity of surface water and aquifers, both below ground and in surface recharge areas. Through the protection of riparian ecosystems, the Riparian DPA is also intended to address maintenance of the natural hydraulic regime for environmental and water conservation purposes.

6.5.3 Objectives for the Riparian Development Permit Area

To plan and regulate development in a manner that:

- i. Preserves and protects fish habitat and riparian areas;
- ii. Protects, restores and enhances fish habitat and riparian areas in a relatively natural state while supporting adjacent land uses;
- iii. Meets the requirements of the *RAR*; and
- iv. Protects water quality and quantity.

6.5.4 Specific Exemptions for the Riparian Development Permit Area

In the Riparian DPA, no development permit will be required for the following:

- A. Development where a QEP submits a report or provides certification acceptable to the CRD that the proposed development is located outside a riparian assessment area and the Riparian DPA. In the case of a subdivision, the entire plan of subdivision must be outside a riparian assessment area and the Riparian DPA.
- B. External alterations, including adding an additional storey, that are entirely within the existing building footprint, provided that established driveways are used and there is no clearing of land.
- C. Gardening and yard maintenance activities such as lawn mowing, pruning and minor soil disturbances that do not alter the general contours of the land within an existing landscaped area.
- D. Removal of trees that threaten the immediate safety of life and buildings, provided that such trees are deemed hazardous by a QEP.
- E. Removal of non-native, invasive species subject to the prior provision and acceptance by the CRD of a report by a QEP.
- F. Watercourses that have been determined to be non-fish bearing by a QEP demonstrating compliance with the *RAR* Assessment Methods.
- G. Public trails may be developed in the Riparian DPA, but not within a Streamside Protection and Enhancement Area (SPEA).
- H. Public trails may only be developed in the Riparian DPA if a QEP has determined that the trail will not have a detrimental impact on the riparian assessment area, including the SPEA.

6.5.5 Guidelines for the Riparian Development Permit Area

Development permits for development in the Riparian DPA will be considered in accordance with the following guidelines:

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Riparian DPA.
- B. Modification of channels, banks or shores must not result in harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes within

- the Riparian DPA. Any proposed modification of channels, banks or shores first requires the submission of a Notification or Approval under the *BC Water Sustainability Act*.
- C. The removal of gravel and soil from streams is prohibited unless an approval under the *BC Water Sustainability Act* is obtained.
 - D. Proposed plans of subdivision will avoid stream crossings where possible and demonstrate the presence of building areas outside of the SPEA.
 - E. Stream crossings will be avoided, but where this is not possible, bridges are preferred rather than culverts, and any works will be sited to minimize disturbance to banks, channels, shores and vegetative cover, and submission of a Notification under the *BC Water Sustainability Act* is required.
 - F. Culverts may be designed to encourage in-stream storage of water to allow the unrestricted passage of fish in both directions at all life stages.
 - G. Construction at a certain time of year and using methods that minimize the impacts on rare and sensitive species may be required.
 - H. To minimize encroachments into the Riparian DPA, variances for the height and location of buildings and structures may be considered.
 - I. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a QEP, prepared in accordance with the *RAR*, will be considered by the CRD and may be included in a development permit, including submission of a post-development report prepared by a QEP, as required by the *RAR*.
 - J. Development permits may include requirements for environmental monitoring and when required, these monitoring reports must be prepared by a QEP.
 - K. All of the measures specified by a QEP necessary to maintain the integrity of a SPEA will be considered by the CRD for inclusion as a condition in a development permit.
 - L. Development permits will not be issued until the CRD has been notified by the Riparian Areas Regulation Notification System (RARNS) that the Province has received a riparian areas assessment report.
 - M. Where a QEP has required the planting of native vegetation to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks, a landscaping plan of the re-vegetation may be required.
 - N. In situations where a SPEA would reduce the density of development permitted by the zoning bylaw, a QEP is required to provide recommendations on how the permitted density of development could be accommodated with the least possible impact on fish habit.
 - O. An applicant may be required to provide an explanatory plan of a SPEA.
 - P. For all or part of land within a SPEA that has been identified by a QEP, property owners may wish to consider dedicating the land back to the Crown, gifting the land to a nature conservation organization or registering a conservation covenant.
 - Q. All new developments or modifications to existing developments including site works, gardening, landscaping and other related residential activities should be designed and implemented to maintain the quantity and quality of water and to avoid the entry of pollutants or nutrient rich water flowing into streams and wetlands.
 - R. Development will be designed to avoid any increase in the volume and peak flow of runoff and a drainage plan and temporary silt mitigation measures may be required in support of this guideline.
 - S. Plantings of native vegetation may be required to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks.

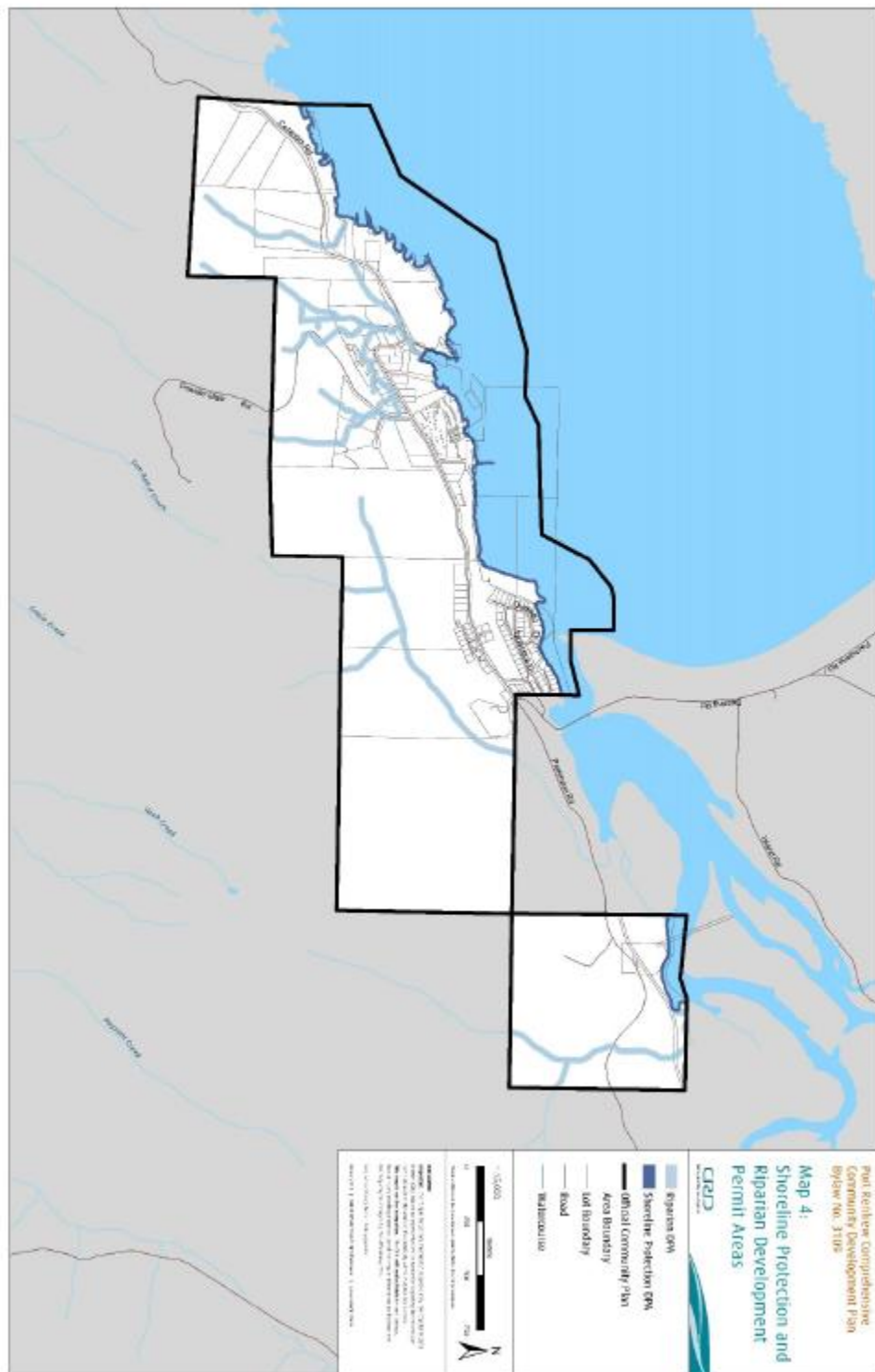
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- T. Where necessary or desirable, a buffer zone to remain free of development may be specified and protection measures for retention and management of vegetation in these areas may be established.
- U. The boundary of the SPEA shall be permanently marked or fenced to avoid encroachment prior to, during and after construction.

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6.6 Sensitive Ecosystem Development Permit Area

6.6.1 Designation of the Sensitive Ecosystem Development Permit Area

That part of the Port Renfrew Plan area indicated as a Sensitive Ecosystem DPA on Map 5 is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(i) of the *Local Government Act (LGA)*. The Sensitive Ecosystem DPA established under this section includes the strip of land 30 metres from the natural boundary on either side of all watercourses.

6.6.2 Justification for the Sensitive Ecosystem Development Permit Area

Section 488(1)(a) of the *LGA* authorizes local government to designate DPAs where the protection of the natural environment, its ecosystems and biological diversity is desired and can be justified. Section 488(1)(i) of the *LGA* authorizes local government to designate DPAs where the promotion of water conservation is desired and can be justified.

The strip of land 30 metres from the natural boundary on either side of all watercourses, have been designated in this Plan as a Sensitive Ecosystem DPA. Riparian ecosystems support a disproportionately high number of species for the area they occupy and are very diverse in terms of plant composition and structure. They support a high number of habitat niches, which provide critical habitats for numerous mammal, bird, reptile, amphibian, fish and vertebrate species. A number of wildlife species are dependent upon these freshwater ecosystems for all of their life cycle, while other utilize this type of habitat at critical life stages.

Wetlands result from the close proximity of water and soil. Along with supporting animal and plant species, wetlands also function as drainage, storage and recharge areas for down-slope groundwater regions important to the community's water supply. They serve as temporary storm water retention and transmission areas and are crucial to the natural environment.

Wells are relied upon in parts of Port Renfrew for potable water. It is important to maintain the quality and quantity of surface water and aquifer's, both below ground and in surface recharge areas. Through the protection of riparian ecosystems, the Sensitive Ecosystem DPA is also intended to address maintenance of the natural hydraulic regime for environmental and water conservation purposes.

6.6.3 Objectives for the Sensitive Ecosystem Development Permit Area

To regulate development in a manner that:

- i. Protects, enhances and restores the biodiversity and ecological values and functions of environmentally sensitive areas;
- ii. Fosters compatibility between development, existing land uses and environmentally sensitive areas;
- iii. Maintains connectivity between sensitive ecosystems; and
- iv. Protects water quality and quantity.

6.6.4 Specific Exemptions for the Sensitive Ecosystem Development Permit Area

In the Sensitive Ecosystem DPA, no development permit will be required for the following:

- A. Gardening and yard maintenance activities, such as lawn mowing, pruning and minor soil disturbances that do not alter the general contours of the land, within an existing landscaped area.
- B. Removal of hazardous trees that threaten the immediate safety of life and buildings as determined by an assessment and report from a Certified Arborist.
- C. Removal of non-native, invasive species.
- D. External alterations that are entirely within the existing building footprint, including adding an additional storey, provided that established driveways are used and there is no clearing of land.

- E. Development where a Qualified Professional (QP) submits a report or provides certification acceptable to the CRD that the proposed development is located outside of any sensitive ecosystem.
- F. Where the sensitive ecosystem has been identified by a QP and is protected by a registered restrictive covenant that includes a reference plan showing the location of the sensitive ecosystem on that parcel.
- G. Development in a riparian assessment area that is subject to the RAR and the Riparian DPA.

6.6.5 Guidelines for the Sensitive Ecosystem Development Permit Area

Development permits for development in Sensitive Ecosystem DPA will be considered in accordance with the following guidelines:

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Sensitive Ecosystem DPA.
- B. The removal of gravel and soil from watercourses is prohibited unless an approval under the BC *Water Sustainability Act* is obtained.
- C. Proposed plans of subdivision will avoid watercourse crossings where possible.
- D. Watercourse crossings will be avoided, but where this is not possible, bridges are preferred rather than culverts, and any works will be sited to minimize disturbance to banks, channels, shores and vegetative cover, and must be approved by the provincial government.
- E. Changes in the land surface, which could affect the health of vegetation or the biodiversity of any plant communities and disturbance of mature vegetation and understorey plants, will be minimized.
- F. Disturbance to existing vegetation not directly affected by the footprint of buildings, ancillary uses and driveways will be minimized.
- G. Planting of non-native vegetation or invasive species in designated sensitive ecosystem development permit areas is not supported.
- H. The CRD may consider variances to siting or size regulations where the variance could result in the enhanced protection of an environmentally sensitive area.
- I. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a QP will be considered by the CRD and may be included in the development permit.
- J. Those areas where existing vegetation is disturbed will be rehabilitated with appropriate landscaping and habitat compensation measures in a manner recommended in a report by a QP.
- K. Development and associated drainage will be designed and constructed so that there is no increase or decrease in the amount of surface water or groundwater available to the sensitive ecosystem.
- L. Culverts may be designed to encourage storage of water within the watercourse.
- M. Where necessary, provision will be made and works undertaken to maintain the quality of water reaching the sensitive ecosystem.
- N. All new developments or modifications to existing developments including site works, gardening, landscaping and other related residential activities should be designed and implemented to maintain the quantity and quality of water and to avoid the entry of pollutants or nutrient rich water flowing into watercourses, lakes, ponds and wetlands.
- O. Development will be designed to avoid any increase in the volume and peak flow of runoff and a drainage plan may be required in support of this guideline.
- P. Plantings of native vegetation may be required to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks.

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- Q. The planting of non-native vegetation or alien invasive species, as defined in the provincial *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation 144/2004*, is not supported.
- R. Construction at a certain time of year and using methods that minimize the impacts on rare and sensitive species may be required.
- S. Where possible, large tracts of wildlife habitat or continuous habitat corridors will be preserved, in order to facilitate movement of wildlife.
- T. A buffer zone may be specified where land alteration or structures will be limited to those compatible with the characteristics of the sensitive ecosystem or those that can be mitigated in a manner recommended by a QP.
- U. In order to ensure unnecessary encroachment does not occur into the sensitive ecosystem at the time of construction, permanent or temporary fencing measures may be required.
- V. Development may be restricted during sensitive life-cycle times.



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- (a) By inserting Map 3 after Part IV Zones, Section 27 M (Marine) Zone.
- (b) By renumbering "Map 3: Zoning" to "Map 1: Zoning" throughout.

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| READ A FIRST TIME THIS | day of | , 2019. |
| READ A SECOND TIME THIS | day of | , 2019. |
| READ A THIRD TIME THIS | day of | , 2019. |
| ADOPTED THIS | day of | , 2019. |

CORPORATE OFFICER