

## Bylaw No. 2042

### *RURAL COMOX VALLEY OFFICIAL COMMUNITY PLAN BYLAW, 1998*

#### SCHEDULE “A”

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**LIST OF AMENDMENTS**

This copy is consolidated for convenience only  
and includes the following amendments:

<b>Bylaw No.</b>	<b>Amendment</b>	<b>Type</b>	<b>Adopted</b>	<b>Text Reference</b>
2100	#1	Schedule 'C' Text & Maps	October 25, 1999	Electoral Area 'C' - Electoral Area Plan, Miracle Beach Local Area Plan and Greenways Plan
2152	#2	Schedule 'D' Text & Maps	February 28, 2000	Electoral Area 'B' – Land Use and Greenways Plan
2153	#3	Schedule 'E' Text & Maps	August 27, 2001	Electoral Area 'B' – Anderton Road Local Area Plan
2192	#4	Schedule 'F' Text & Maps	January 31, 2000	Electoral Area 'A' – Electoral Area Plan
2193	#5	Schedule 'G' Text & Maps	January 31, 2000	Electoral Area 'A' – Union Bay Local Area Plan
2194	#6	Schedule 'H' Text & Maps	January 31, 2000	Electoral Area 'A' – Greenways Plan
2348	#7	Text	August 27, 2001	C.4(g) Rural Settlement Areas (RCV OCP)
2366	#8	Schedule 'I' Text & Maps	October 29, 2001	Royston LAP
2368	#9	Schedule 'J' Text & Maps	October 29, 2001	Mt. Washington LAP
2443	#10	Schedule 'K' Text & Maps	February 23, 2004	Quenville/Huband LAP
2447	#11	Schedule 'C' Text & Maps	September 30, 2002	Amendments to Schedule 'C' Saratoga/Miracle Beach LAP Annual Review 2001/2002
2520	#12	Schedule 'I' Map	August 25, 2003	Electoral Area 'A' Electoral Area Plan (McKenzie)
2576	#13	Schedule 'D' Text	October 27, 2003	Amendment to Area 'B' EAP and Greenways Plan – removal of 30% land dedication.
2633	#14	Schedule 'J' – (Text & Maps)	May 31, 2004	Mt. Washington Local Area Plan Amendment to Map 2 – Redesignation to "Resort Recreation" and "Resort Facilities"
2731	#15	Schedule "A"	April 25, 2005	Comox-Strathcona Sensitive Habitat Atlas, 3rd Edition, June 2004

**LIST OF AMENDMENTS**

<b>Bylaw No.</b>	<b>Amendment</b>	<b>Type</b>	<b>Adopted</b>	<b>Text Reference</b>
2812	#17	Schedule "A"; EAP; & Union Bay LAP _ (Text and Maps)	Quashed September 20, 2007	Kensington Island Properties – OCP, EAP; & Union Bay LAP
2814	#18	Schedule 'E' (Text and Map)	March 27, 2006	Jendacee Holdings – Anderton Road LAP
2920	#19	Schedule 'D' Greenways Plan	July 31, 2006	Rensvold
2973	#20	Schedule 'L'	June 28, 2007	CSRD - Croteau Beach Neighbourhood Plan
3027	#22	Schedule "A"	June 28, 2007	CSRD – Amend Sensitive Habitat Atlas (4th edition)
19	#30	Text	February 24, 2009	Part 4 – Development Permit Areas
18	#29	Text: Part 4, Development Permit Areas	May 26, 2009	Addition of riparian planting, stream enhancement and in-stream work to the general exemption section of DP Area No. 1 (Aquatic ESA) (Water Act) exemptions
39	#32	Text and Map Amendment	July 30, 2009	Part four and five of Schedule "A" regarding Sensitive Habitat Atlas Update
50	#34	Text and Map Amendment	July 30, 2009	Land use designation - Electoral Area 'C'
56	#35	Text and Map Amendment	April 27, 2010	Kensington Island Properties
58	#36	Text: Part B.8, C.2	October 27, 2009	To clarify policies and regulations surrounding strata conversions
65	#37	Text Schedule A, Map Amendments	May 3, 2011	To establish policies and guidelines for Development Permit Area No. 8
133	40	Text and map amendment	May 31, 2011	Parts four and five of Schedule "A" regarding Sensitive Habitat Atlas Update
139	41	Text Schedule A amendment	November 15, 2011	Inclusion of development permit area no. 18: shoreline protection devices" - enhanced environmental protection and sustainability requirements associated with the installation of shoreline protection devices along the Strait of Georgia

**LIST OF AMENDMENTS**

Bylaw No.	Amendment	Type	Adopted	Text Reference
48	33	Text and map amendment	January 31, 2012	To accommodate the Saratoga Beach development proposal located on Lot A, Block 29, Comox District, Plan 3865 except parts in Plans 11527, 16307, 28304, 31481 and 39339 and to amend maps 1 and 5 of Schedule 'C'
208	44	Text amendment	February 26, 2013	To amend the OCP so that the minimum lot area designations in the OCP are consistent with those in the settlement expansion areas of the regional growth strategy.
191	42	Text amendment	March 26, 2013	To amend the Rural Comox Valley Official Community Plan (Bylaw No. 2042) by introducing new guidelines, application requirements and exemptions to "Development Permit Area No. 3: Eagle Nest Trees" and "Development Permit Area No. 4: Heron Nest Sites"
276	48	Text and map amendment	February 25, 2014	To amend map 1 of schedule 'C' in the Comox Valley OCP by changing the land use designation from "public use" to "agricultural land reserve" for the property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road) in order to permit principal residential use.
215	45	Text and map amendments Schedule 'J'	April 29, 2014	To replace the existing Mt. Washington Local Area Plan, Schedule 'J' to Bylaw No. 2042, being the Rural Comox Valley Official Community Plan, Bylaw, 1998" with Mt. Washington Integrated Resort Community Plan
310	49	Text amendment	October 21, 2014	To amend Bylaw No. 2042, being the "Rural Comox Valley Official Community Plan Bylaw, 1998" to address the federal <i>Maribuana for Medical Purposes Regulation</i>

# **Rural Comox Valley *Official Community Plan***

## **Preface**

The Rural Comox Valley *OCP* reflects upon the 1996 Draft *OCP* and has been revised to recognize:

- the new strategic focus of the *OCP* established by the Comox Valley Planning Committee;
- community input during August–December 1997;
- feedback from the Comox Valley Planning Committee on March 31, 1998;
- community input to the 1998 *OCP* Public Hearing; and
- government agency comments on the 1998 Draft *OCP*.

The *OCP* is intended to:

- provide broad policy direction which focuses on common ground for Electoral Areas “A”, “B”, and “C”; (excluding Deman & Hornby Islands)
- set an overall planning framework for the Rural Comox Valley which will provide for the development of more detailed plans for the three electoral areas and local areas in the future;
- be a strategic document that will guide land use decisions over the next five to 10 years in the direction of the community’s shared long-term vision for the Rural Comox Valley;
- look at solutions to manage growth and maintain local character;
- look at what the Valley can support with the least impact on the environment;
- recognize the Comox Valley *rural character*; and
- consider the “Comox Valley Greenways Plan Report” in the preparation of the proposed Greenways policies and objectives.

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## SCHEDULE 'A'

# RURAL COMOX VALLEY OFFICIAL COMMUNITY PLAN

## Part One

### Background and Introduction

#### 1. Purpose of the *Official Community Plan*

The primary purpose of the *Official Community Plan (OCP)* is to provide a guide for future land use and community development decisions. The *OCP* is an important statement of shared community values and goals.

This *OCP* is a broad policy document that recognizes the *rural character* of Electoral Areas A, B and C of the Regional District of Comox-Strathcona, excluding Denman and Hornby Islands as their planning authority is the Islands Trust. It provides strategic policy to guide future land use decisions and the preparation of *Electoral Area* and *Local Area Plans*. The *Electoral* and *Local Area Plans* are to provide detailed policy.

The *OCP* proposes to preserve the *rural character* of the area by designating most of the lands as rural, agricultural and upland resource. It creates *Rural Settlement Areas* to manage growth and it provides specific policies for containment of settlement areas. Precise settlement *containment boundaries* are to be established in *Electoral Area* and *Local Area Plans*. It also identifies areas as coastal, industrial and marine industrial.

The Plan has seven goals which address land use and environment, land use and economy, and land use and settlement, and it includes objectives and policies to support the implementation of the goals.

The objectives and policies of this plan are designed to:

- protect the environment of the valley;
- maintain the *rural character* of the Comox Valley by aiming for stability of land-use and increased public confidence in the *OCP* and related bylaws;
- support continued *agriculture, aquaculture* and *forestry* opportunities;
- support expanded parks, recreation, and open space opportunities;
- designate areas for settlement;
- identify areas for commercial development and tourist services; and
- designate areas for industrial activities.

The *OCP* provides land use policy for the Rural Comox Valley over the next five to 10 year time frame. The Plan also provides the basis for regulatory bylaws (e.g. zoning bylaw) which deal with current land use standards. The progress of the Plan will be monitored annually. Amendments will be considered annually. The *OCP* will be reviewed on a five year basis in order that its goals, objectives and policies keep pace with changing values, lifestyles and economic factors.

Where matters in the *OCP* are beyond the jurisdiction of the Board of the Regional District of Comox-Strathcona, such policies shall be considered as broad objectives of the Board pursuant to Section 878(2) of the Municipal Act. These policies are called advocacy policies in the *OCP*.

Advocacy policies reflect community interests and are provided to influence other jurisdictions. These policies are listed following the *OCP* policies where the Regional District has jurisdiction.

Words or terms that are in *italics* are included in the Glossary of Terms found in Appendix A.

## **2. Plan Area**

This *Official Community Plan* is applicable to all portions of *Electoral* Areas “A”, “B” and “C” of the Regional District of Comox-Strathcona, except the Denman Island and Hornby Island Local Trust Committee Areas as designated by BC Reg. 119/90. This area is referred to as the “Rural Comox Valley” for the purposes of this plan.

## **3. Background to the Creation of the Plan**

### **ValleyVision**

An extensive, planning-based, public participation program took place in the Comox Valley in 1994 called ValleyVision. ValleyVision enabled Comox Valley residents to share their views of how they would like the rural community to evolve over the next 25 years. ValleyVision also offered the public an opportunity to influence the political decisions which affect the planning process. Areas where people expressed a desire to give input were community spirit and identity, population growth, settlement plans, land use, governance, economy, employment, housing, neighbourhoods, transportation, environment and resources, arts, leisure, education, health and community services. A draft *Official Community Plan (OCP)* based on the Valley Vision process was brought forward in 1996. The Regional Board chose not to adopt this plan.

### **A New Planning Process**

In 1997, the Regional District contracted with an independent planning firm to identify areas of agreement and concern with the 1996 draft *OCP*, and to work to resolve these outstanding issues.

In November 1997, a series of seven public sessions were held on the topics of vision and goals; *rural character*; environmental considerations; land use and environment; land use and economy; growth management; and land use and settlement.

Participants were asked to help:

- define community values and goals;
- define *rural character*;
- confirm key land use issues (environmental, economic and settlement); and
- identify possible solutions or policy directions.

Two reports were produced and publicly distributed prior to the preparation of a revised draft plan. The Overview Report (October 1997) provided the context in which a new *OCP* for the Rural Comox Valley was being considered. The purpose of the Findings Report (30 December 1997) was to provide a summary of the input to the new *OCP* process for review and discussion by the Comox Valley Planning Committee. This report identified areas of agreement or common ground and areas of varied opinion. The direction provided by the Planning Committee in response to the Findings Report shaped the new *OCP*.

## Part Two

### Community Goals, Objectives and Policies

#### 1.0 Land Use and Environment Goals

- 1.1 To identify the unique natural characteristics of the Comox Valley and protect environmentally sensitive areas.
- 1.2 To protect the quality and quantity of ground water and surface water.

#### 2.0 Land Use and Economy Goals

- 2.1 To encourage economic activities that utilize the resources of the area and which complement the environmental characteristics and natural qualities, culture, and geographic setting of the Comox Valley.
- 2.2 To encourage the stewardship of the land, forest, *agriculture*, fisheries, mineral, and aquatic resource bases.

#### 3.0 Land Use and Settlement Goals

- 3.1 To promote land use patterns which maintain the *rural character* of the Comox Valley and promote a strong rural community that reflects a diversity of lifestyles and economic activities.
- 3.2 To designate appropriately serviced settlement areas.
- 3.3 To support urban growth in the Comox Valley to occur in the municipalities.

### A. Land Use and Environment: Objectives and Policies

#### A.1 *Natural Systems Objectives*

- A.1(a) To promote the protection and stewardship of natural land forms, streams, lakes, shores, and wetlands.
- A.1(b) To maintain appropriate public access to publicly-owned natural areas.
- A.1(c) To increase public awareness of the importance of *biodiversity* and the need for stewardship practices.

#### A.2 *Natural Systems Policies*

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- A.2(a) Despite any other provision of this bylaw, density averaging, density bonusing and density transfer do not apply to the subdivision of lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010. Protection of environmentally sensitive areas may be accomplished through legislated mechanisms such as, but not limited to, consideration of *density transfer* within the Plan area, *density bonusing*, *development permit designations* and the use of *restrictive covenants*.

- .2(b) Development shall be discouraged from locating on known hazard lands and floodplains. Lands subject to flood and erosion hazards shall be designated as Development Permit Areas in this Plan.
- A.2(c) The guidelines and standards of senior government agencies shall be used to promote adequate flood control, bank stabilization, and stream protection.
- A.2(d) The maintenance of public access to the *foreshore* shall be required as part of any waterfront development. Siting considerations for these accesses shall respect the environmental values of the *foreshore*, the use of the upland and ensure that the access points are practical for public use.
- A.2(e) The siting and development of service/utility corridors shall be undertaken in a manner which protects significant environmental and resource features from harmful impacts.
- A.2(f) Landowners and developers shall be encouraged to covenant environmentally sensitive areas for preservation and conservation purposes and to protect trees for wildlife.
- A.2(g) Landowners and developers shall be required to protect natural drainage patterns which are vital to down-slope and surrounding wetlands and streams.
- A.2(h) The Regional District shall establish servicing design standards for all development and standards shall be compatible with municipal standards for areas adjacent to a municipality.
- A.2(i) Forms of permanent marine residences shall not be permitted on fresh water bodies.
- A.2(j) The Regional District shall encourage landowners and developers to covenant riparian land in exchange for tax exemptions as provided for under Section 845.1 of the Municipal Act.
- A.2(k) The Regional District shall work cooperatively with local and senior governments and others to undertake a study to identify and evaluate environmentally sensitive lands and to develop appropriate land use regulations.

### **A.3 Environmental Quality Objectives**

- A.3(a) To encourage the stewardship of atmospheric, aquatic and *terrestrial* resources of the Comox Valley.
- A.3(b) To encourage public education programs and efforts which focus on environmental quality issues.

### **Environmental Quality Policies**

#### **A.4 Air Quality Policy**

- A.4(a) The planning for *Rural Settlement Areas* shall consider ways to reduce the number of daily automobile trips in order to reduce the impacts of air emissions.

#### **A.5 Water Quality Policies**

- A.5(a) Land development and management guidelines to decrease the impact of stormwater runoff on adjacent and downhill properties including Agricultural Land Reserve lands and receiving water bodies shall be developed and implemented in consultation with local government and senior government agencies.

- A.5 (b) The land use policies in the Plan shall work to ensure an adequate supply and quality of water for fish bearing streams and existing settlement and economic activities.
- A.5(c) At the next annual review of the *OCP* following the completion of a watershed management plan for a watershed in the Plan area, strategic level watershed management policies shall be considered for inclusion in the *OCP*.
- A.5(d) The Ministry of Environment Land Development Guidelines shall be used to minimize the impact of stormwater runoff.

## **B. Land Use and Economy: Objectives and Policies**

### **B.1 General Economy Objectives**

- B.1(a) To encourage economic development which is consistent and compatible with the environmental and settlement policies of this plan.
- B.1(b) To promote a match between job creation and the employment needs of Comox Valley residents.
- B.1(c) To support the expansion and diversification of the local economic base.
- B.1(d) To encourage and facilitate the development of home-based and small businesses.

### **B.2 General Economy Policies**

- B.2(a) The Regional District shall establish guidelines for environmental and social impact studies, including the scale and type of proposal to which the guidelines shall apply.

### **B.3 Home Occupations and Cottage Industries Objective**

- B.3(a) To provide opportunities for *home occupations* and *cottage industries*.

### **B.4 Home Occupations and Cottage Industries Policies**

- B.4(a) *Home occupations* and *cottage industries* shall be supported.
- B.4(b) *Home occupations* and *cottage industries* shall be regulated through zoning to:
  - .1 ensure the business remains secondary to the residential use of the property; and
  - .2 minimize potential negative impacts of the business (e.g. traffic, noise, odours) on surrounding land uses and the environment.

### **B.5 Local Commercial Services Objectives**

- B.5(a) To support the strengthening of existing *rural service centres* to serve the needs of the local community.
- B.5(b) To minimize the impact of local commercial development on the environment, aesthetics, and adjoining properties.
- B.5(c) To encourage centrally located commercial areas to provide social focal points to promote an increased level of community interaction and involvement.

## **B.6 Local Commercial Services Policies**

- B.6(a) Commercial operations designed to serve residents of the Plan area shall be located in existing *rural service centres* or *Rural Settlement Areas*.
- B.6(b) Infilling or redevelopment of *rural service centres* as shown on the Plan map shall be considered prior to designating additional *rural service centres*.
- B.6(c) Commercial areas in each *Rural Settlement Area* shall be encouraged to accommodate pedestrians and cyclists as a means of reducing auto dependency and promoting pedestrian orientation.
- B.6(d) Criteria for the evaluation of commercial proposals shall include:
- .1 the provision or maintenance of public access to the waterfront, where applicable;
  - .2 mitigation of potential traffic impacts and noise and light emissions on residential areas;
  - .3 compatibility with adjacent land and water uses and natural resource areas;
  - .4 not located on land located within the *Agricultural Land Reserve (ALR)* or *Forestry Land Reserve (FLR)*;
  - .5 where located adjacent or near *ALR* land, adequate measures are taken to buffer the development from the *ALR*;
  - .6 the provision of adequate services for water, solid and liquid waste management, and recycling and off-street parking; and
  - .7 the provision of adequate transportation links, access and parking.
- B.6(e) All lands, excluding those identified as being environmentally sensitive, hazardous or designated for park or coastal use, may be considered for the issuance of a *Temporary Commercial Use Permit* (see Glossary). The issuance of such a permit shall be conditional on the application being consistent with the policies of this Plan and consistent with criteria, characteristics and scope defined for this use in the applicable *Electoral Area Plan* and *Local Area Plan*, and on the applicant providing:
- .1 a detailed description of the proposed use and the duration of proposed activity;
  - .2 plans for mitigation of potentially harmful impacts on the environment and the local community;
  - .3 approvals/permits from all applicable provincial and federal government agencies;
  - .4 security to the local government to guarantee performance of the terms of the permit; and
  - .5 an invitation to the local community to attend a public meeting on the application.
- Issuance of a permit shall be subject to the public notice and participation requirements of the *Municipal Act*.
- B.6(f) Development permits as outlined in the Plan shall be utilized to provide greater regulation over the form and character of commercial development.

## **B.7 Tourist Services and Highway Services Objectives**

- B.7(a) To encourage and support the area's tourist recreational potential, provided such uses are compatible with the resources and settlement patterns of the area.
- B.7(b) To direct highway commercial development to *Rural Settlement Areas*.

## **B.8 Tourist Services and Highway Services Policies**

- B.8(a)(.1) The strata conversion of tourist/resort commercial uses to residential uses shall not be supported;
- B.8(a)(.2) The strata conversion of campsites, recreational vehicle (RV) pads, or mobile home pads shall not be supported.
- B.8(b) Tourist services and developments, including eco-tourism and destination tourism uses, shall be permitted in the Plan area subject to the policies of this plan and the provisions of the applicable zoning, subdivision, and any other local bylaw. Sites within the *ALR* shall only be considered where the Agricultural Land Commission supports the use.
- B.8(c) The siting of tourist services and developments shall take into consideration:
  - .1 the mitigation of traffic impacts in existing residential areas;
  - .2 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide required buffering and screening;
  - .3 provision for public access to the coastal waterfront, where applicable;
  - .4 provision of adequate water supply and liquid waste management systems; and
  - .5 provision of adequate transportation links, access and parking.
- B.8(d) Tourist and local services developed to meet the needs of visitors to and permanent residents of commercial-recreational resorts shall be located in the *Rural Settlement Area* where the resort is located. Other tourist-related or highway commercial services shall be encouraged to locate within existing urban centres or *Rural Settlement Areas*, and not along the roads leading to the resort areas.
- B.8(e) Existing commercial developments on the Island Highway and other major roads shall be recognized; however, further commercial strip development along these roads shall not be permitted.
- B.8(f) Development permits as outlined in the Plan shall be utilized to provide greater regulation over the form and character of a tourist development and/or highway commercial development.

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## **B.9 Industrial Objectives**

- B.9(a) To encourage industry and *employment centres* that have low environmental impacts.
- B.9(b) To provide criteria for the location of industrial enterprises.
- B.9(c) To support the local resource industry through the identification of areas suitable for *value-added* processing and servicing.

## **B.10 Industrial Policies**

- B.10(a) Lands designated for industrial use are shown on Schedule B as Industrial Area and Marine Industrial Area.
- B.10(b) Uses permitted on lands designated Industrial Area and Marine Industrial Area are shown on Table 1.
- B.10(c) A diversity of industrial uses, including those which support the resource-based economy and those associated with high technology, shall be encouraged to locate on lands designated for industrial use.
- B.10(d) The location of all industrial uses shall take into consideration:
  - .1 traffic generation through existing residential and local commercial areas;
  - .2 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide required buffering and screening;
  - .3 public access to the coastal waterfront, where applicable;
  - .4 provision of adequate water supply and liquid waste management systems; and
  - .5 provision of adequate transportation links, access and parking.
- B.10(e) Industrial uses on *ALR* lands shall contribute to the agricultural economy and be approved by the Agricultural Land Commission.
- B.10(f) Industrial uses of a noxious or hazardous nature may be permitted on an isolated basis where justifiable reason and need can be proven, and where the potential for significant adverse environmental impacts can be eliminated, minimized or mitigated.
- B.10(g) Industrial uses, as defined as heavy by the zoning bylaw, shall be located in designated industrial parks, which are appropriately serviced to provide required quantities of potable water and collect, treat, and properly dispose of waste and stormwaters.
- B.10(h) Industrial sites shall be designated as development permit areas in order to provide for a greater degree of control over the form and character of development and protection of the natural environment.
- B.10(i) Areas designated as upland resource, industrial and marine industrial on the Plan map, excluding those identified as being environmentally sensitive, hazardous or designated for park use, may be considered for the issuance of a *Temporary Industrial Use Permit*. The issuance of such a permit shall be conditional on the application being consistent with the policies of this Plan and consistent with criteria, characteristics and scope defined for this use in the applicable *Electoral Area Plan* and *Local Area Plan*, and the applicant providing:
  - .1 a detailed description of the proposed use and the duration of proposed activity;
  - .2 plans for mitigation of potentially harmful impacts on the environment and the local community;
  - .3 site rehabilitation plans, where appropriate;
  - .4 approvals/permits from all applicable provincial and federal government agencies;
  - .5 security to the local government to guarantee performance of the terms of the permit; and
  - .6 an invitation to the local community to attend a public meeting on the application.



Issuance of a permit shall be subject to the public notice and participation requirements of the Municipal Act.

- B.10(j) The Regional District shall work cooperatively with the Village of Cumberland, the Comox Valley Economic Development Society, the Forest Land Commission, and other appropriate government agencies to obtain approvals for the development of an industrial park for *value-added forestry*.
- B.10(k) A marine industrial land study shall be undertaken to determine the best locations for marine industrial use in the Plan area based on environmental, social and economic considerations and that a moratorium on further marine industrial development shall be imposed until the Courtenay River Estuary Management Plan is completed and appropriate *Official Community Plan* related amendments have been adopted.
- B.10(l) Existing industrial uses located outside of industrial areas shown on the Plan map shall be recognized and shall be considered for industrial designation in the *Electoral Area Plans*.
- B.10(m) Medical marihuana production licensed pursuant to the *Marihuana for Medical Purposes Regulations*, and any subsequent regulations or Acts which may be enacted henceforth, that occurs wholly within buildings on a lot and includes cultivation, processing, research and development, destroying, storing and distribution of plants or parts of plants of the genus Cannabis, may be permitted on lands designated “industrial area” but specifically excludes “marine industrial area” through a rezoning application. Criteria for the evaluation of medical marihuana production proposals shall include:
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- .1 mitigation of potential noise, odour, glare and emissions relative to adjacent land uses through strategies, including, but not limited to: buffering, screening, building setbacks and building ventilation;
  - .2 size and configuration of the building(s) and lot;
  - .3 provision of security measures in accordance with federal government requirements, while respecting integration with the proposed siting and surrounding community;
  - .4 provision of adequate stormwater management to ensure that post-development peak flows do not exceed predevelopment peak flows;
  - .5 provision of adequate water supply and waste management systems;
  - .6 mitigation of potential traffic generation impacts;
  - .7 provision of adequate highway access and parking,
  - .8 provision for the disposal of all waste cannabis material in accordance with federal government requirements;
  - .9 mitigation of potential negative impacts on environmentally sensitive areas and/or features; and;
  - .10 consideration of whether siting for the component parts of medical marihuana production activities should be collectively or separately, in one location or on multiple sites, including the form and character, use, community integration and environmental implications, thereof

## **B.11 Resource-Based Economic Activities Objectives**

- B.11(a) To promote the long-term viability of renewable resource-based industries, including *agriculture, aquaculture, and forestry*.
- B.11(b) To maintain *Agricultural Land Reserve (ALR)* and *Forest Land Reserve (FLR)* designated lands.

- B.11(c) To work to restore and maintain a water quality level which allows for the safe operation of the local shellfish industry and recreational shellfish gathering.
- B.11(d) To encourage responsible *agricultural* and *forestry* practices with respect to soil conservation, water conservation, vegetation removal, and stormwater management.
- B.11(e) To control the deposit and removal of soil, gravel, rock and sand and the deposit of other materials on land in the Plan area.
- B.11(f) To regulate the processing of extracted materials.

## **B.12 Forestry Policies**

- B.12(a) The economic importance of a sustainable forest industry to the Comox Valley shall be recognized and supported.
- B.12(b) The Upland Resource Area designation, as shown on Schedule B, identifies areas with significant natural habitat, resource and recreational values. The importance of these areas shall be recognized for the provision of green space and buffers; *greenways*; recreational opportunities; forest products; wildlife habitat; groundwater recharge area protection; and *biodiversity*.
- B.12(c) Uses permitted on lands designated Upland Resource Area are shown on Table 1.
- B.12(d) The retention, protection and enhancement of lands with high *forestry* capability shall be supported.
- B.12(e) The production and marketing of local wood products shall be supported. [from Greenways]
- B.12(f) The *biodiversity* guidelines of the Forest Practices Code shall be supported.
- B.12(g) The use of forested land for *greenways* corridors shall be encouraged.
- B.12(h) Programs or initiatives which promote stewardship of the forest resource and small scale community and private woodlot operations shall be encouraged.

## **B.13 Agriculture Policies**

- B.13(a) The economic importance of a sustainable *agriculture* industry to the Comox Valley shall be recognized and supported.
- B.13(b) Lands designated for agricultural use are shown on Schedule B as Agricultural Area.
- B.13(c) Uses permitted on lands designated Agriculture Area are shown on Table 1. Uses on lands in the *ALR* are as permitted by the Agricultural Land Commission Act and Agricultural Land Commission.
- B.13(d) The retention, protection and enhancement of lands with agricultural capability shall be supported.
- B.13(e) Consolidation of smaller parcels of agricultural land into larger, more viable agricultural units is encouraged and any reduction in land area of a viable farm operation shall be discouraged.
- B.13(f) The Regional District shall explore methods of water collection, storage, distribution and re-use to meet the irrigation needs of the agricultural industry.
- B.13(g) Non-agricultural uses, including transportation and utilities rights-of-way, which would be in conflict with farming operations and *ALR* lands, shall be strongly encouraged to

locate on other lands.

B.13(h) The Regional District shall take an active role in the administration of the Soil Conservation Act.

B.13(i) New development on non-agricultural lands adjacent to *ALR* lands shall be required to provide natural vegetated or landscaped buffer areas and/or fencing along property lines, in accordance with ALC Landscape Buffer Specifications, to reduce the potential for land use conflicts.

B.13(j) The Regional District shall consider:

- .1 establishing a development permit area for the protection of farming on non-farm lands located in the Plan area to protect farm lands located adjacent to *Rural Settlement Areas*; and
- .2 reviewing its regulations with respect to *ALR* lands to ensure compatibility with the Agricultural Land Commission Act and Regulations.

B.13(k) Medical marihuana production licensed pursuant to the *Marihuana for Medical Purposes Regulations*, and any subsequent regulations or Acts which may be enacted henceforth, that occurs wholly within buildings on a lot within the Agricultural Land Reserve and includes cultivation, processing, research and development, destroying, storing and distribution of plants or parts of plants of the genus *Cannabis*, may be permitted on lands designated “agricultural area” through a rezoning application. Criteria for the evaluation of medical marihuana production proposals shall include:

- .1 mitigation of potential noise, odour, glare and emissions relative to adjacent land uses through strategies, including, but not limited to: buffering, screening, building setbacks and building ventilation;
- .2 size and configuration of the building(s) and lot;
- .3 mitigation of potential impacts to agricultural capability of the lot, including, but not limited to: building footprint, soil classification, building location and building clustering;
- .4 provision of security measures in accordance with federal government requirements, while respecting integration with the proposed siting and surrounding community;
- .5 provision of adequate stormwater management to ensure that post-development peak flows do not exceed predevelopment peak flows;
- .6 provision of adequate water supply and waste management systems;
- .7 mitigation of potential traffic generation impacts;
- .8 provision of adequate highway access and parking;
- .9 provision for the disposal of all waste cannabis material in accordance with federal government requirements;
- .10 mitigation of potential negative impacts on environmentally sensitive areas and/or features and the productive potential of adjacent resource lands; and
- .11 consideration of whether siting for the component parts or medical marihuana production activities should be collectively or separately, in one location or on multiple sites, including the form and character, use, community integration and environmental implications, thereof

## **B.14 Aquaculture and Fisheries Policies**

B.14(a) The economic importance of sustainable aquaculture and fisheries industries to the Comox Valley shall be recognized and supported.

- B.14(b) The Denman Island Local Trust area includes the area up to the eastern coast of Vancouver Island from Mud Bay to Comox Point (not including municipal boundaries). The Denman Island *OCP* and zoning bylaw only extend 1 000 metres seaward from the coastline of Denman Island; the coastal area is outside of this area.  
  
If the Coastal designation remains for this area, the Islands Trust requires that it be consistent with the Islands Trust Policy Statement and the “Object of the Trust.” This will require new policies for this area.
- B.14(c) The Regional District shall work cooperatively with the Islands Trust, local government and senior government agencies to develop policy for the area extending 300 metres seaward from the highwater mark of the eastern coastal boundary of the planning area that falls within the jurisdiction of the Islands Trust.
- B.14(d) Uses permitted in the area designated as Coastal Area are as shown on Table 1.
- B.14(e) Fisheries and *aquaculture* related habitats and resources shall be protected, and where feasible enhanced, through the designation of these lands as Environmentally Sensitive Areas Development Permit Areas, and through the application of appropriate development criteria and regulations.
- B.14(f) The Courtenay River Estuary Management Plan shall be considered for inclusion in the *OCP* during the annual review of the *OCP* following its completion.
- B.14(g) The Regional District shall work with senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources.
- B.14(h) The protection of streams for fish access and the retention of natural open channels for small streams shall be required as surrounding areas are developed.
- B.14(i) The *riparian area* as an important component of a healthy aquatic zone shall be protected.

## **B.15 Resource Extraction and Processing Policies**

- B.15(a) The deposit and removal of soil, sand, gravel and rock and the deposit of other materials shall be limited to Upland Resource and Industrial Areas except for areas identified as environmentally sensitive.
- B.15(b) The processing of minerals, sand, gravel, coal or quarry materials shall be subject to the policies of this plan, and shall require application for industrial zoning or a *Temporary Industrial Use Permit*.
- B.15(c) Existing and future gravel pits and other *aggregate* deposits shall be reclaimed for a plan-supported purpose following the completion of resource extraction activities in accordance with applicable provincial regulations.
- B.15(d) The Regional District shall consider the adoption of a Soil Removal and Deposit Bylaw to ensure sustainable aggregate supply to meet demands while minimizing land use conflicts.
- B.15(e) The Regional District shall work cooperatively with senior government agencies to study aggregate and mineral potential in the planning area.

## C. Land Use and Settlement: Objectives and Policies

### C.1 Rural Area Objectives

- C.1(a) To encourage land use patterns which minimize urban sprawl.
- C.1(b) To ensure that development is serviced to an appropriate and adequate rural standard.
- C.1(c) To support land use proposals that minimize potential negative impacts on the natural environment and the productive potential of resource lands.
- C.1(d) To support the provision of affordable housing appropriate to its rural setting.

### C.2 Rural Area Policies

- C.2(a) Lands designated as *Rural Area* are shown on Schedule B.
- C.2(b) Uses permitted on lands designated *Rural Area* are shown on Table 1.
- C.2(c) Where community water systems and/or community sewer systems are not available, lands in the Rural Areas shall only be subdivided in accordance with the regulations of the authority having jurisdiction for septic system and well approvals and in accordance with the minimum and average lot sizes provided in the applicable zoning bylaw.
- C.2(d) The strata conversion of secondary suites, carriage houses and secondary dwellings shall not be supported. #58
- C.2(e) The strata conversion of second dwellings shall only be supported where the minimum lot size requirement is achieved.”
- C.2(f) Despite any other provision of this bylaw, density averaging, density bonusing and density transfer do not apply to the subdivision of lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010. *Density averaging*, *density bonusing* or *density transfer* may be used to secure community benefits such as the preservation of rural lands, open space, sensitive habitats, and working woodlots. #208
- C.2(g) Settlement adjacent to *ALR* lands shall provide buffering and appropriate and adequate servicing to reduce potential negative impacts on farm land.
- C.2(h) The annexation of land in the Plan area into the municipalities of Comox, Courtenay and Cumberland by means of boundary expansions may be supported where such urban expansion occurs within mutually determined *containment boundaries* or because of verified public health and safety issues. Phasing of such boundary expansions, based upon projected five to 10 year land requirements, shall be encouraged as a means of lessening the impact on rural residents.

### C.3 Rural Settlement Area Objectives

- C.3(a) To establish defined settlement areas in the Rural Comox Valley.
- C.3(b) To encourage settlement patterns which promote compact and complete communities.

- C.3(c) To ensure the availability of sufficient residential zoned land in appropriate areas to manage population growth over the next five to 10 years.
- C.3(d) To promote a unique sense of place for each settlement area.
- C.3(e) To minimize negative impacts of settlement on the natural environment and the productive potential of resource lands.
- C.3(f) To establish criteria for *containment boundaries* for each settlement area in the Comox Valley.
- C.3(g) To encourage a mix of lot sizes and housing sizes, types and styles within each settlement area.

## **C.4 Rural Settlement Area Policies**

- C.4(a) Lands designated as *Rural Settlement Area* are shown on Schedule B.
- C.4(b) Uses permitted on lands designated as *Rural Settlement Area* are shown on Table 1.
- C.4(c) *Electoral Area Plans* shall determine the *containment boundaries* for all *Rural Settlement Areas*.
- C.4(d) *Local Area Plans* shall determine the type, nature, character, density and scale of all “settlement” related land uses to be permitted in *Rural Settlement Areas*.
- C.4(e) *Rural Settlement Areas* shall be considered for the concentration of development to manage anticipated growth in the Plan area for the next 5 to 10 years.
- C.4(f) Rural Settlement Areas shall incorporate a mix of land uses to reduce the need for the use of private automobiles, to promote alternate means of transportation, and to promote the development of self-contained communities.
- C.4(g) Rural Settlement Areas should be designed to provide
 

- i) 30 percent open space; or
  - i) a mutually agreed mix of open space and other amenities.

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The open space requirement may be met by lands provided as existing and new parks, school fields, greenways, dedicated riparian areas or other similar features.
- C.4(h) The planning of each *Rural Settlement Area* shall establish distinctive characteristics which reflect its heritage, geographic location and the surrounding landscape.
- C.4(i) *Containment boundaries* for *Rural Settlement Areas*:
  - .1 shall be coincident with the boundary of the *Rural Settlement Area* land use designation as determined in the *Electoral Area* or *Local Area Plans*;
  - .2 shall not include lands designated *ALR*;
  - .3 shall exclude environmentally sensitive areas, where possible;
  - .4 may consider including *FLR* lands, if approved by the Forest Land Commission;
  - .5 shall consider biophysical limitations of the area; and
  - .6 shall consider natural and built features as *containment boundaries*.
- C.4(j) Re-designation of lands outside the *Rural Settlement Areas* for settlement purposes shall not be supported.

- C.4(k) Development on lands within the settlement area that are adjacent to the *containment boundary* shall be regulated so as to create a buffer between the settlement area and the adjacent land use. This buffer area may be defined by large lots, *greenways*, woodland areas, greenbelts, working woodlots or park use and shall serve as a permanent edge to the settled area.
- C.4(l) Settlement adjacent to *ALR* lands shall provide buffering and appropriate and adequate servicing to reduce potential negative impacts on farm land.
- C.4(m) Parcels of land which lie immediately beyond a defined settlement or urban containment boundary shall be designated for Rural, Agricultural or Upland Resource use to discourage the expansion of settlement-related land uses.
- C.4(n) The phasing of development and installation of infrastructure shall be planned to maintain a compact form of land use.
- C.4(o) The private sector shall be encouraged to be innovative with respect to the integration of settlement areas with adjacent resource uses in order to minimize potential conflicts and maximize potential benefits for both categories of land use.
- C.4(p) The City of Courtenay, Town of Comox and Village of Cumberland shall be encouraged to establish urban containment boundaries that are coincident with or within the legal boundaries of the municipality.

## **C.5 Settlement Form and Character Objectives**

- C.5(a) To protect and enhance the character of the landscape.
- C.5(b) To establish development permit areas for the form and character of commercial, industrial and multiple family development.
- C.5(c) To explore the use of *open space development design* in planning new settlement areas to promote the maintenance of existing natural areas, public open space, the protection of environmentally sensitive areas and provision of opportunities for habitat rehabilitation.
- C.5(d) To encourage innovation in the provision of affordable housing.
- C.5(e) To reduce potable water consumption.

## **C.6 Settlement Form and Character Policies**

- C.6(a) Community design and the built form shall be regulated to enhance or create a character complementary to the Rural Comox Valley and the features of the area and to minimize the potential for development to impact adversely on the *foreshore*, wetlands, streams, lakes, other sensitive areas and adjacent properties.
- C.6(b) Despite any other provision of this bylaw, density averaging, density bonusing and density transfer do not apply to the subdivision of lots within areas designated as "settlement expansion areas" under "Comox Valley Regional Growth Strategy Bylaw No. 120, 2010. *Density averaging*, *density bonusing* or *density transfer* may be used to encourage more efficient use of the land, greater innovation in subdivision design, provision of affordable or special needs housing, and the preservation of rural open space, sensitive habitats and similar public amenities.
- C.6(c) Development permit areas for the form and character of multiple family housing shall be established and shall provide design guidelines for development in these areas.

- C.6(d) In *Rural Settlement Areas*, unserviced subdivisions shall not be supported. Community water supply and/or community wastewater treatment systems shall be required.
- C.6(e) Low flow appliances and fittings shall be required in all new dwellings or structures to promote reduction in potable water consumption.
- C.6(f) Water meters shall be encouraged to be installed on all community water systems.
- C.6(g) The provision of affordable housing shall be encouraged in the Plan area.
- C.6(h) Mobile home parks may be permitted as a means of providing affordable housing.
- C.6(i) Future development within the noise exposure zone, identified in Appendix B – CFB Comox Noise Exposure Forecast Contours – shall be reviewed in the context of applicable federal and provincial agency noise standards, and shall be permitted only where projected noise levels will not constitute a potential health hazard, or noise can be mitigated.
- C.6(j) Development applications for areas adjacent to municipal boundaries shall be referred to the applicable local government for comment.
- C.6(k) The Regional District shall work cooperatively with the City of Courtenay, Town of Comox and Village of Cumberland to limit development on lands in the planning area that may place unnecessary servicing demands on the municipalities.

## **C.7 Transportation Infrastructure Objectives**

- C.7(a) To work cooperatively to create a transportation infrastructure network (land, sea and air) that is compatible with and supportive of existing and proposed land uses.
- C.7(b) To ensure that development is serviced to an appropriate and adequate rural standard.

## **C.8 Transportation Infrastructure Policies**

- C.8(a) The Regional District shall work cooperatively with senior levels of government to develop a safe, efficient, and balanced transportation network.
- C.8(b) Community design guidelines that illustrate pedestrian, equestrian, public transit and bicycle-friendly design shall be developed.
- C.8(c) The provision of trails for the safe and convenient use by pedestrians and cyclists shall be encouraged, where practical, when planning for any new development or subdivision.
- C.8(d) Public transport systems and programs or initiatives which promote shared ridership, pedestrian and bicycle movement shall be supported.
- C.8(e) Marine and air transportation facilities planned as part of any new residential, commercial, or industrial development shall demonstrate design and siting considerations which minimize the potential for negative impact on the natural environment and the community.
- C.8(f) The establishment of marine transshipment facilities to provide local businesses with improved access to marine transportation shall be encouraged.
- C.8(g) Permitted uses on lands adjacent to the Inland Island Highway shall be consistent with its status as a controlled access highway.



- C.8(h) The provision of multi-purpose trails along highways in the planning area shall be encouraged.
- C.8(i) The Regional District shall work cooperatively with the Ministry of Transportation and Infrastructure to establish road standards that enhance the *rural character* of the Plan area and, for areas adjacent to the municipalities, are compatible with municipal road standards.
- C.8(j) The Ministry of Transportation and Infrastructure Grid Network Road Plan shall be considered only as an appendix to this Plan and detailed road networks shall be considered in the development of *Electoral Area* and *Local Area Plans*.

## **C.9 Wastewater and Stormwater Objective**

- C.9(a) To promote the sound management of wastewater and stormwater.

## **C.10 Wastewater and Stormwater Policies**

- C.10(a) Development proposals shall be required to address stormwater management to ensure that post-development peak flows do not exceed pre-development peak flows.
- C.10(b) The use of innovative technologies for the collection, treatment and discharge of wastewater and stormwater shall be encouraged.
- C.10(c) The preparation, adoption and implementation of a Liquid Waste Management Plan for the rural electoral areas of the Comox Valley shall be supported.
- C.10(d) Where deemed appropriate by a Liquid Waste Management Plan, Development Cost Charges, and Local Service Areas bylaws shall be considered as a means of ensuring the appropriate collection, treatment, and disposal of all wastewaters.
- C.10(e) Where approved by agencies having jurisdiction, the use of upland sewage treatment facilities providing advanced secondary or tertiary treatment in conjunction with an ocean outfall may be permitted.
- C.10(f) The Regional District shall work cooperatively with local government and senior government agencies to develop stormwater management plans that support groundwater recharge, retention and re-use of winter stormwater, and address water quality.
- C.10(g) The Regional District shall work cooperatively with local government to resolve servicing problems within existing developed areas adjacent to the municipalities.

## **C.11 Parks, Recreation and Greenways Objectives**

- C.11(a) To identify and work to acquire parks and recreation sites to meet the present and future needs of residents.
- C.11(b) To promote recreational opportunities which meet local needs and complement the natural environment and existing resources.
- C.11(c) To improve and maintain public access to park and recreation resources.
- C.11(d) To promote the development of an integrated trail and park system in the Comox Valley.
- C.11(e) To work cooperatively and seek partnerships to plan and implement a valley-wide *greenways* network.

## **C.12 Parks and Recreation Policies**

- C.12(a) The goals, objectives and policies of the Comox Valley Area Parks Plan (1987) shall be supported.
- C.12(b) Parks, recreation and open space shall be a permitted use in any designation and any zone
- C.12(c) Land and water areas with high recreational potential shall be identified and designated for uses which retain or provide for public accessibility.
- C.12(d) Development Cost Charge bylaws shall be considered for adoption and implementation as a means to provide funding for the purchase of recreational lands, natural open space, and the development of these parcels for the benefit of the community.
- C.12(e) Despite any other provision of this bylaw, density averaging, density bonusing and density transfer do not apply to the subdivision of lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010. Acquisition and/or protection of environmentally sensitive areas, stream protection setbacks, greenbelts, parks, trails and community recreational facilities may be achieved through legislated mechanisms such as, but not limited to:
- .1 *density bonusing, density averaging or density transfer;*
  - .2 development permit area designations,
  - .3 *restrictive covenants* and easements;
  - .4 land trust agreements;
  - .5 dedicated road right-of-way;
  - .6 park dedication;
  - .7 zoning setbacks; and
  - .8 return to Crown of watercourses.
- C.12(f) Where an owner of land being subdivided must provide park land pursuant to Section 941 of the Municipal Act, the owner shall provide cash-in-lieu as provided for under Section 941(1)(b) unless the subject property contains land identified as an area of park/trail interest as outlined schematically in the Comox Valley Area Parks Plan, and/or the Regional District identifies that the land has features which are attractive for park, trail park access, or *greenways* purposes.

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## **C. 13 Greenways Policies**

- C.13(a) The development of an integrated Comox Valley trail and park system that minimizes recreational/residential and recreational/agricultural conflicts and prioritizes environmental protection in trail and park design, management and use, shall be promoted.
- C.13(b) A network of non-motorized recreation and commuting trails linking communities, public lands and parks shall be created.
- C.13(c) The Regional District shall work cooperatively and seek partnerships with land owners, non-governmental organizations, citizens, local governments and others to plan and implement a valley-wide *greenways* network. The Comox Valley Greenways Concept

Plan (October 1997), identified in Appendix E, shall provide a basis for the *greenways* network.

- C.13(d) Senior government, public utilities and crown corporations shall be consulted with respect to opportunities and appropriate agreements for trails and *greenways* to be developed on lands affected by their mandates.
- C.13(e) Appropriate trail design, development, and management standards shall be established and implemented to ensure that environmental values are protected and the potential for land use conflicts is minimized.
- C.13(f) *Working landscapes* shall be recognized as important greenspaces and public access shall be as provided at the discretion of the private land owner.

## **C.14 Institutional Uses Objectives**

- C.14(a) To ensure that land is available to meet educational requirements.
- C.14(b) To support the development of public services in appropriate areas to meet community needs.
- C.14(c) To encourage owners of public lands to consider community uses.

## **C.15 Institutional Uses Policies**

- C.15(a) The designation of land for the provision of educational and public facilities shall be identified within each *Rural Settlement Area*.
- C.15(b) Community facilities shall be encouraged to locate within *Rural Settlement Areas*.
- C.15(c) Institutional uses such as churches, schools, and daycare centres, shall be permitted in *Rural Settlement Areas* or *rural service centres*.
- C.15(d) Programs or initiatives which promote or enhance cultural activities, social interaction and educational opportunities within the community shall be encouraged.

## **C.16 Heritage Objectives**

- C.16(a) To recognize the importance of heritage to the Plan area.
- C.16(b) To encourage and facilitate the identification, protection and conservation of heritage sites and archaeological sites located within the plan area.

## **C.17 Heritage Policy**

- C.17(a) Community initiatives to inventory and identify historical sites and locations with First Nations' cultural values in the Comox Valley shall be encouraged.

## **D. Advocacy Policies**

### **D.1 Natural Systems Advocacy Policies**

- D.1(a) Local government agencies, senior government agencies and residents of the Comox Valley shall be encouraged to work cooperatively in the identification of hazardous lands and environmentally sensitive areas, including site specific habitat

considerations, such as significant wildlife nesting, rearing and migration habitat, within the Plan area.

- D.1(b) Where significant ecological habitat or other sensitive areas are identified, land owners may be encouraged to place these areas into a public trust or return them to the public domain. Access to these areas should be in keeping with the identified level of sensitivity.
- D.1(c) *Foreshore* leases which require landfill or dredging of the aquatic environment shall be discouraged.
- D.1(d) Land owners, local municipalities and senior government agencies shall be encouraged to work cooperatively with the Regional District in the undertaking of water supply studies to identify future demand for water both from resource industries, in particular *agriculture*, and from residential and other urban land uses, and determine the most economically and environmentally appropriate methods of meeting future water needs of the Comox Valley.
- D.1(e) The participation of local farmers in the “BC Ten Point Plan on Agriculture and the Environment” process shall be encouraged.

## **D.2 Air Quality Advocacy Policies**

- D.2(a) The use of alternative forms of transportation, and in particular those which do not require the use of fossil fuels, shall be encouraged.
- D.2(b) Local institutions and organizations shall be encouraged to educate the public regarding the maintenance of atmospheric quality.

## **D.3 Water Quality Advocacy Policies**

- D.3(a) The use of proven innovative liquid waste servicing systems shall be encouraged.
- D.3(b) Senior government agencies and non-governmental organizations shall be encouraged to work cooperatively on watershed management planning processes in order to create policies for an environmentally and economically healthy watershed *ecosystem*.
- D.3(c) Senior government agencies shall be encouraged to work cooperatively with the Regional District in the application of the Land Development Guidelines and Stream Stewardship Guidelines.
- D.3(d) To ensure that vessels using the waters in the Plan area have septic holding tanks and that harbours and marinas provide pump-out stations.
- D.3(e) To establish an environmentally safe drydock facility for vessels to be maintained and repaired.
- D.3(f) To establish guidelines to ensure that marine *aquaculture* operators maintain the health of the *foreshore* during and following use of the area.

## **D.4 General Economy Advocacy Policies**

- D.4(a) The Comox Valley Economic Development Society shall be encouraged to attract businesses which complement the environmental characteristics and the natural qualities, culture and geographic setting of the Comox Valley, and to encourage and

support home-based businesses and small businesses to grow.

- D.4(b) Crown Lands shall be encouraged to provide lands to the community for community uses supported by this Plan prior to marketing.

## **D.5 Forestry Advocacy Policies**

- D.5(a) Senior government agencies and private forest companies shall be encouraged to maintain active consultation with Comox Valley residents regarding the implementation of forest management plans.
- D.5(b) Senior government agencies and private forest companies shall be encouraged to work cooperatively with the Regional District to develop guidelines and standards pertaining to the establishment and maintenance of treed buffers between lands within the working forest and *Rural Settlement Areas*.

## **D.6 Agriculture Advocacy Policies**

- D.6(a) Members of the local farm community shall be encouraged to meet senior government agency environmental guidelines and observe the requirements of the Code of Agricultural Practice for Agricultural Waste Management and the standards drawn up in accordance with the Farm Practices Protection Act, in order that the area's watercourses remain free of agricultural-generated pollution.
- D.6(b) Local government and senior government agencies shall be encouraged to develop a regional plan for *agriculture* in consultation with the farming community and the Regional District.
- D.6(c) Local government and senior government agencies shall be encouraged to continue working with the local farming community to maintain or re-establish natural watercourse patterns and to provide facilities for fish (e.g. spawning channels, fish hatcheries).
- D.6(d) The Provincial Agricultural Land Commission shall be encouraged to retain, protect and support the enhancement of lands, for agricultural uses, within the *ALR*.
- D.6(e) The City of Courtenay, Town of Comox, and Village of Cumberland, and senior government agencies shall be encouraged to coordinate with the Regional District with respect to the planning and development of water sources to meet the irrigation needs of the agricultural community.
- D.6(f) Farm operators shall be encouraged to protect the natural environment by using appropriate conservation techniques.

## **D.7 Aquaculture and Fisheries Advocacy Policies**

- D.7(a) The Baynes Sound Round Table shall be encouraged to continue to bring together various interests to resolve issues associated with Baynes Sound.
- D.7(b) Senior government agencies shall be encouraged to require applicants to provide for the maintenance of appropriate public access to the *foreshore* when considering *aquaculture* leases.
- D.7(c) When watershed management plans are being developed, participants shall be encouraged to include policies to enhance the health of the local shellfish industry and emphasize the need to protect this unique marine habitat for shellfish.

## **D.8 Resource Extraction and Processing Advocacy Policy**

- D.8(a) Senior government agencies shall be encouraged to continue to refer all mineral exploration and *aggregate* development proposals involving surface disturbance to the Regional District for review and comment.

## **D.9 Rural Settlement Areas Advocacy Policies**

- D.9(a) The City of Courtenay, Town of Comox and Village of Cumberland shall be encouraged to define urban containment boundaries to protect adjacent farm land and to limit urban sprawl.
- D.9(b) Where the City of Courtenay, Town of Comox and Village of Cumberland are adjacent to rural lands, they shall be encouraged to implement development regulations which provide buffers to the rural lands.
- D.9(c) The City of Courtenay, Town of Comox and Village of Cumberland shall be encouraged to increase residential density in undeveloped and redeveloping areas.

## **D.10 Transportation Infrastructure Advocacy Policies**

- D.10(a) The Ministry of Transportation and Infrastructure shall be encouraged to:
- .1 give consideration to the policies of this plan and the protection of the *rural character* of the Plan area when planning for any new road alignment;
  - .2 consult with the Regional District with respect the siting of public accesses which provide access to water features and pedestrian connections;
  - .3 work cooperatively with the Regional District on road network planning, including establishing road and lighting standards and designating corridors where appropriate between settlement areas;
  - .4 not widen existing roads without demonstrated traffic and safety benefits;
  - .5 consult with the Regional District and the community with respect to opportunities for the accommodation of community walkways, bicycle paths and bridle trails within the unused portions of road rights-of-way; and
  - .6 consult with the Regional District with respect to the development of a new highway connecting the Comox Valley, Alberni Valley and Cowichan Valley.
- D.10(b) The municipalities of Comox, Courtenay and Cumberland and senior government agencies shall be encouraged to coordinate with the Regional District with respect to the planning and development of the major roads which will pass through and/or serve lands in the adjacent Electoral areas.
- D.10(c) Public agencies shall be encouraged to locate major public service and utility networks within corridors defined by existing road or utility rights-of-way. Agencies shall be encouraged to plan, design and construct corridors to support and accommodate a variety of service and utility systems and *greenways* uses and to identify and designate corridors well in advance.
- D.10(d) BC Transit shall be encouraged to provide bus service or other innovative alternatives, to *Rural Settlement Areas* and *Rural Service Centres*.
- D.10(e) The BC Ferry Corporation shall be encouraged to:

- .1 maintain an adequate level of service to meet the needs of Comox Valley residents;
  - .2 consult with residents respecting future planning and scheduling for ferry services which affect the Comox Valley;
  - .3 plan for and promote foot-passenger services and facilities; and
  - .4 support reduced tariff rates for the off-season transport of agricultural inputs, including lime from Texada Island.
- D.10(f) VIA Rail Canada, in cooperation with the E & N Railway, shall be encouraged to upgrade:
- .1 passenger facilities in the Comox Valley; and
  - .2 the road bed to facilitate greater railway speeds and crossing safety.
- D.10(g) Canadian Pacific Railways, in cooperation with the E & N Railway, shall be encouraged to:
- .1 increase freight service in conjunction with increases in local industrial development; and
  - .2 consider the development of local inter-modal transfer facilities to improve the linkages between rail, road and marine transportation systems.
- D.10(h) Senior government agencies and local governments shall be encouraged to continue to work cooperatively to develop commercial airport operations and related commercial aviation ventures for the economic benefit of the Comox Valley.

## **D.11 Wastewater and Stormwater Management Advocacy Policies**

- D.11(a) The agency responsible for wastewater disposal shall be encouraged to:
- .1 consider the cumulative effects of ineffective individual septic systems;
  - .2 evaluate areas with suspected problems;
  - .3 consult with affected landowners with respect to corrective measures;
  - .4 enforce legislative requirements, where necessary;
  - .5 permit the installation of approved innovative technologies; and
  - .6 encourage the safe reuse of effluent and biosolids in conjunction with the agricultural sector.

## **D.12 Parks and Recreation Advocacy Policies**

- D.12(a) The acquisition of privately-owned uplands adjacent to the *foreshore* through donation to the community, the Crown, or purchase as public open space, as funding allows, shall be encouraged.
- D.12(b) Land owners and developers shall be encouraged to provide land for community recreation facilities.

## **D.13 Greenways Advocacy Policies**

- D.13(a) Senior government agencies and Crown corporations shall be encouraged to retain abandoned rights-of-way for future public use.
- D.13(b) Land owners, citizens, non-governmental organizations, local government and senior government agencies shall be encouraged to work cooperatively with the Regional District with respect to:
- .1 protection of environmentally sensitive areas;
  - .2 retention of greenbelts; and
  - .3 provision of land for parks, trails and community recreational facilities.

**D.14 Institutional Uses Advocacy Policy**

- D.14(a) Senior government agencies shall be encouraged to prepare long range development plans, that include provisions for community use, for public lands in the Plan area.



## Part Three

### Plan Map

#### 1. **Schedule B – Land Use Designation Map**

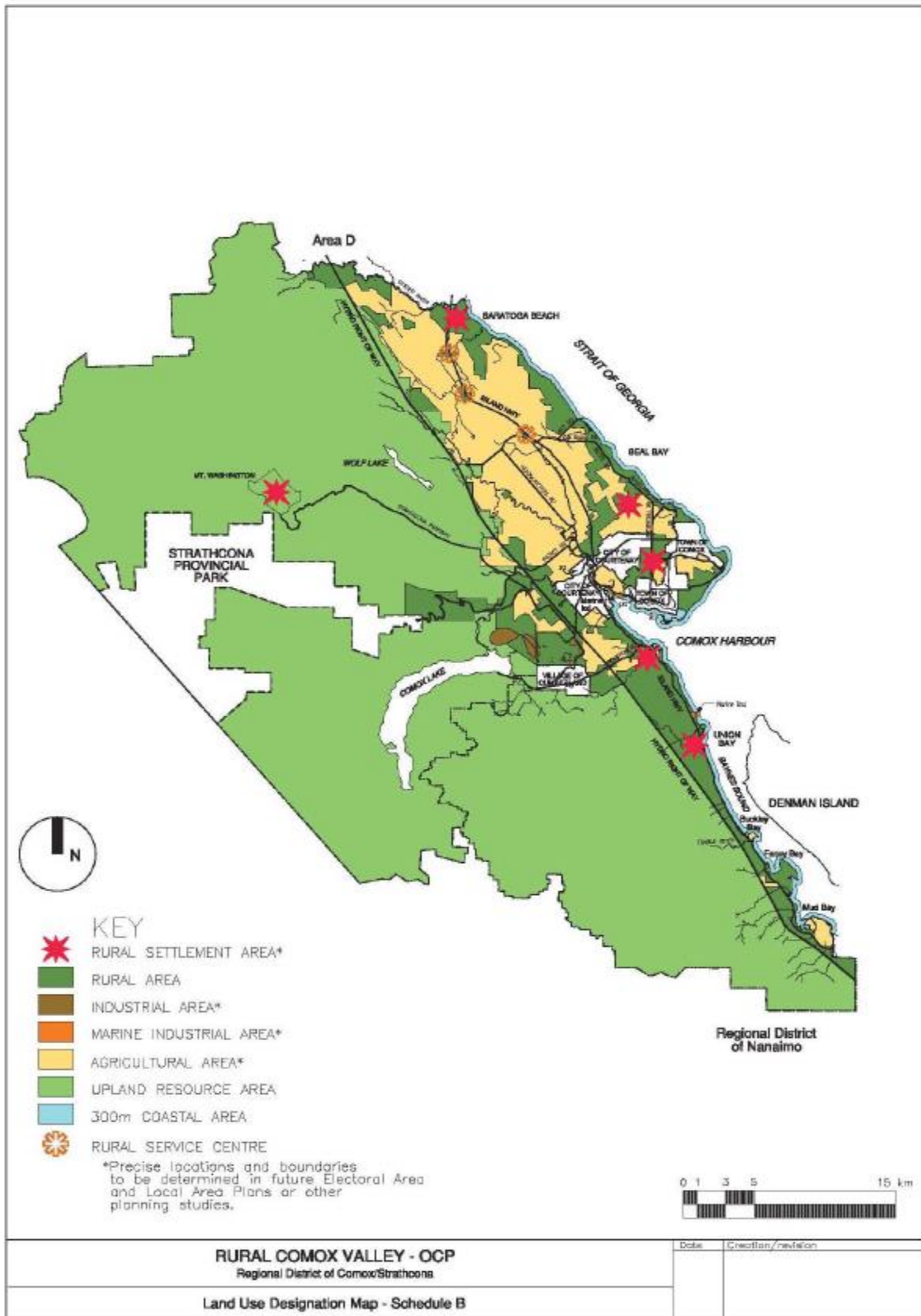
The Land Use Designation Map, Schedule B, identifies the location of the seven land use designations:

- *Rural Settlement Area*;
- Rural Area;
- Industrial Area;
- Marine Industrial Area;
- Agricultural Area;
- Upland Resource Area; and
- Coastal Area.

The Rural Service Centre symbol indicates the approximate location of existing *rural service centres*.

The boundaries indicated on the Land Use Designation Map are to be considered approximations. The exact extent of boundaries shall be determined through *Electoral Area Plans*, *Local Area Plans* or other planning studies.

Permitted land uses are indicated on Table 1 and outlined in the associated text.



## 2. TABLE 1: Land Use Designations and Permitted Uses

Permitted Use (Refer to following pages for full description.)	Land Use Designation					
	Upland Resource Area	Agricultural Area	Coastal Area	Industrial/ Marine Industrial Area	Rural Area	Designated Settlement Area
Residential		☐			☐	☐
Commercial		home occupations only		limited to products manufactured or processed on-site	cottage industry and home occupations only	☐
Rural Service Centre					☐	
Manufacturing & Processing	☐			☐	☐	☐
Warehousing & Transportation Services			☐	☐	☐	☐
Woodlots & Portable Sawmills	☐	☐		☐	☐	
Sawmills				☐		
Institutional						☐
Parks, Recreation & Open Space	☐	☐	☐	☐	☐	☐
Tourist Services		farm experience only	facilities tied to upland services only		☐	☐
Temporary Commercial Use Permit (TCUP)	☐	☐		☐	☐	☐
Temporary Industrial Use Permit (TIUP)	☐			☐		
Agriculture	☐	☐			☐	
Forestry	☐	☐			☐	
Fish Hatcheries & Enhancement	☐	☐	☐	☐	☐	☐
Aquaculture			☐			
Marine Protected Areas			☐			
Utilities	☐	☐	☐	☐	☐	☐
Medical marihuana production	☐	X	☐	Industrial area only	☐	☐

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### 3. Land Use Designations – Permitted Uses

#### Upland Resource Area

The following land uses shall be permitted on lands designated Upland Resource, and as permitted by the Forest Land Reserve Act and Forest Land Commission for lands within the *FLR*:

- .1 *forestry*, including timber harvesting and production;
- .2 *agriculture*;
- .3 *aggregate* processing;
- .4 parks, recreation and open space;
- .5 fish hatcheries and enhancement;
- .6 *temporary commercial use*;
- .7 *temporary industrial use*; and
- .8 public and private utilities.

#### Agricultural Area

The following land uses shall be permitted on lands designated agricultural area, and as permitted by the Agricultural Land Commission Act and Agricultural Land Commission for lands within the *ALR*:

- .1 *agriculture*;
- .2 farm experience tourism;
- .3 *home occupations*;
- .4 residential associated with farm activity;
- .5 parks, recreation and open space;
- .6 fish hatcheries and enhancement;
- .7 *temporary commercial use*;
- .8 *forestry*, including woodlots and portable sawmills; and
- .9 public and private utilities.
- .10 medical marihuana production.

#310

#### Coastal Area

The coastal area shall permit the following uses:

- .1 *aquaculture*;
- .2 marine parks;
- .3 marine protected areas;
- .4 marine transportation services including moorage, maintenance, and infrastructure;
- .5 tourist services tied to upland tourist services only;

- .6 fish hatcheries and enhancement; and
- .7 public and private utilities.

### **Industrial/Marine Industrial Area**

The following land uses shall be permitted on lands designated industrial/marine industrial:

- .1 manufacturing and processing;
- .2 warehousing and transportation services;
- .3 woodlots and sawmills;
- .4 parks, recreation and open space;
- .5 *temporary commercial use*;
- .6 *temporary industrial use*;
- .7 fish hatcheries and enhancement;
- .8 commercial operations limited to the sale of products manufactured or processed on-site; and
- .9 public and private utilities.
- .10 medical marihuana production only within the “industrial area

#310

### **Rural Area**

The following land uses shall be permitted in *rural areas*:

- .1 single family residential, secondary suites and mobile homes;
- .2 agriculture;
- .3 forestry, including wood lot operations and portable sawmills;
- .4 manufacturing and processing;
- .5 warehousing and transportation services;
- .6 parks, recreation and open space;
- .7 fish hatcheries and enhancement;
- .8 tourist accommodation limited to bed and breakfast operations and tourist resorts;
- .9 *rural service centres*;
- .10 *temporary commercial use*;
- .11 *cottage industry and home occupations*; and
- .12 public and private utilities.

### **Rural Settlement Area**

The following land uses shall be permitted in *Rural Settlement Areas*:

- .1 residential, including a mix of housing sizes, types and styles;

- .2 commercial-service, including tourist services, accommodation and development;
- .3 *home occupations*;
- .4 warehousing and transportation services;
- .5 manufacturing and processing;
- .6 institutional, including schools;
- .7 information-based activity, including research and development and high technology;
- .8 parks, recreation and open space;
- .9 *temporary commercial use*;
- .10 fish hatcheries and enhancement;
- .11 *agriculture*; and
- .12 public and private utilities.

## PART FOUR

### Development Permit Areas

#### Development Permit Area Designation

##### Categories

Categories of development permits are established pursuant to the provisions of section 919.1 (1) the *Local Government Act*. These are as follows:

1. protection of the natural environment, its ecosystems and biological diversity;
2. protection of development from hazardous conditions;
3. protection of farming;
4. revitalization of an area in which a commercial use is permitted;
5. establishment of objectives for the form and character of intensive residential development;
6. establishment of objectives for the form and character of commercial, industrial or multifamily residential development;
7. establishment of objectives to promote energy conservation;
8. establishment of objectives to promote water conservation; and
9. establishment of objectives to promote the reduction of greenhouse gas emissions.

Areas designated as development permit areas (DPAs) under each category are described in Part Four. Application requirements are outlined at the end of Part Four.

##### General Exemptions

Where the following conditions apply, a development permit is not required:

1. Subdivision and alteration of land in areas designated under category 3 (farming) above;
2. Construction of farm buildings;
3. Construction involving a building floor area of 10m<sup>2</sup> (107.6ft<sup>2</sup>) or less;
4. Internal alterations and renovations to a building or structure;
5. Construction of, addition to, or alteration of a fence(s) notwithstanding this exemption, construction of fence(s) within Development Permit Area No. 3 and/or Development Permit Area No. 4, is permitted without an application, provided that a registered professional biologist with a specialization in ornithology has confirmed that no eagle or great blue heron activity is present as of April 30<sup>th</sup> of any given year.
6. Growing, rearing, producing and harvesting of agricultural products in accordance with recognized standards of the Farm Practices Protection Act and the Codes of Agricultural

Practice;

7. Stream habitat enhancement work and environmental compensation work directed by senior government agencies;
8. In-stream work as defined by Section 9 of the Water Act and Section 42(1) of the Water Regulation; and #18
9. The planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within a development permit area provided the planting is carried out in accordance with the guidelines provided within 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia', published by the province, or any subsequent editions. #191
10. The removal of hazardous trees as authorized by a qualified tree expert or senior level of government. Notwithstanding this exemption, removal of hazardous trees within Development Permit Area No. 3 and/or Development Permit Area No. 4, is permitted without an application, provided that a registered professional biologist with a specialization in ornithology has confirmed that no eagle or great blue heron activity is present as of April 30<sup>th</sup> of any given year.
11. Emergency works to prevent, control, or reduce erosion or other immediate threats to life and property including: #191
  - (a) Emergency flood or protection works as determined by a professional engineer; and
  - (b) Clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences..
12. Emergency works to repair or replace public utilities or infrastructure.
13. Trail construction or maintenance where trail construction and area of intrusion does not exceed 2.5 metres in width, the trail's surface is pervious and where there is limited excavation or removal of native soil. Notwithstanding this exemption, trail construction or maintenance within Development Permit Area No. 3 and/or Development Permit Area No. 4, is permitted without an application, provided that a registered professional biologist with a specialization in ornithology has confirmed that no eagle or great blue heron activity is present as of April 30<sup>th</sup> of any given year. #191
14. The removal of invasive plants or noxious weeds within a development permit area including, but not limited to species of weeds identified in schedule A of the Regional District Weed Control Bylaw No. 2347, as amended from time to time provided such works are conducted in accordance with a vegetation management plan and measures are taken to avoid sediment of debris being discharged into a watercourse or onto the foreshore and the area is replanted immediately in accordance with "9" above. Notwithstanding this exemption, removal of invasive plants or noxious weeds within Development Permit Area No. 3 and/or Development Permit Area No. 4, is permitted without an application, provided that a registered professional biologist with a specialization in ornithology has confirmed that no eagle or great blue heron activity is present as of April 30<sup>th</sup> of any given year. #191
15. Minor alterations such as, but not limited to, roofing material replacement, replacement of cladding, window or door replacement or façade changes to the exterior of an existing principal building or accessory building for the purposes of maintenance and repair are permitted without an application under Development Permit Area No. 1 and/or 2, provided



that the alterations do not result in siting closer to or further impacting the environmentally sensitive feature than the existing principal building or accessory building. Minor alterations to the exterior of an existing principal building or accessory building for the purposes of maintenance and repair that do not result in siting closer to a nest tree/site are permitted without an application under Development Permit Area No. 3 and/or Development Permit Area No. 4, provided that a registered professional biologist with a specialization in ornithology has confirmed that no eagle or great blue heron activity is present as of April 30<sup>th</sup> of any given year.

#191

## Variation of Other Bylaws

Under a development permit, the requirements of other applicable bylaws may be varied as follows:

1. Setbacks from lot lines and public road right-of-ways may be reduced by up to 30% of the required setback;
2. Height limits may be extended by up to 10% of the maximum permitted height; and
3. As outlined in the guidelines for each development permit area.

## Multiple Development Permit Areas

#65

Where land is in more than one development permit area, all of the applicable development permit area requirements must be met unless otherwise exempted elsewhere in this bylaw.

### A. Protection of the Natural Environment, Its Ecosystems and Biological Diversity

#2731

#### A.1 Designated Areas

##### A.1.1. Development Permit Area No. 1: Aquatic Environmentally Sensitive Areas (Aquatic ESA's)

#3026

Those areas located within 30 metres (98.4 feet) of a watercourse where fish presence is confirmed as identified within the "Comox Valley Sensitive Habitat Atlas, 2<sup>nd</sup> Edition, June 30, 2010 (CVRD Reference Copy) including all map amendments (Appendix G) dated on or before May 21, 2010.

#133

#### Robinson Lake Exemption

#39

#19

Fisheries and Oceans Canada and Ministry of Environment have confirmed that Robinson Lake is a manmade lake that is privately stocked with fish through a permit for the Ministry of Environment. All fish in the lake are only for the benefit of private residents of the lake and are not considered as a public resource. Accordingly, areas located within 30.0 metres (98.4 feet) of Robinson Lake, legally described as Lot 27, Sections 21 and 22, Township 4, Comox District, Plan 26336, Except That Part in Plan 26755, is exempted from Development Permit Area No. 1: Aquatic Environmentally Sensitive Areas (Aquatic ESA's).

#### Shoreline Protection Devices Exemption (Development Permit Area No 18)

#139

The installation of new shoreline protection devices or repair of shoreline protection devices is exempt from the criteria outlined within Development Permit Area No. 1:

Aquatic Environmentally Sensitive Areas (Aquatic ESA's). Any application for the installation of new shoreline protection devices or repair of shoreline protection devices adjacent to the Strait of Georgia falls within Development Permit Area NO. 18: Shoreline Protection Devices.

A.1.2. Development Permit Area No. 2: Eagles Drive

Those portions of Lots 2, 3 and 4, Plan 62463 and Lots A, B, C, D, E, Plan VIP65412, all of Section 25, Township. 6, Comox District (Eagles Drive) that are between the natural boundary of Georgia Strait and 7.5 metres (24.6 feet) from the top of bank (see Development Permit Area Maps).

A.1.3. Development Permit Area No. 3: Eagle Nest Trees

#191

The Bald eagle nest tree Development Permit Area applies to all those areas shown in the Comox Valley Sensitive Habitat Atlas, 2<sup>nd</sup> Edition, June 30, 2010 (CVRD Reference Copy), including all map amendments (Appendix G) dated on or before May 21, 2010 as a bald eagle nest tree or as identified by a registered professional biologist with a specialization in ornithology.

(a) The **bald eagle nest tree assessment area** is as follows:

- i) 200.0 metre assessment area of a bald eagle nest tree if the nest tree is located on a lot that is equal to or greater than 5.0 hectares in area;
- ii) 100.0 metre assessment area of a bald eagle nest tree if the nest tree is located on a lot that is 1.0 hectare or greater but less than 5.0 hectares in area; or
- iii) 60.0 metre assessment area of a bald eagle nest tree if the nest tree is located on a lot that is less than 1.0 hectare in area.
- iv) The **bald eagle breeding season** applies from:
- v) January 1<sup>st</sup> to September 2<sup>nd</sup> or earlier than September 2<sup>nd</sup> if juvenile bald eagles have fledged from the nest as confirmed within a report by a registered professional biologist with a specialization in ornithology; or
- vi) January 1<sup>st</sup> to April 30<sup>th</sup> where a report completed by a registered professional biologist with a specialization in ornithology has confirmed that no bald eagle activity is present as of April 30<sup>th</sup>.

A.1.4 Development Permit Area No. 4: Heron Nest Sites

#191

The great blue heron nest site Development Permit Area applies to all those areas shown in the Comox Valley Sensitive Habitat Atlas, 2<sup>nd</sup> Edition, June 30, 2010 (CVRD Reference Copy) as a great blue heron nest site, including all map amendments (Appendix G) dated on or before May 21, 2010 or as identified by a registered professional biologist with a specialization in ornithology.

(a) The **great blue heron nest site assessment area** is as follows:

- i) 300.0 metre assessment area of a great blue heron nest site if the nest site is located on a lot that is equal to or greater than 5.0 hectares in area;

- ii) 200.0 metre assessment area of a great blue heron nest site if the nest site is located on a lot that is 1.0 hectare or greater but less than 5.0 hectares in area; or
  - iii) 60.0 metre assessment area of a great blue heron nest site if the nest site is located on a lot that is less than 1.0 hectare in area.
- (b) The **great blue heron breeding season** applies from:
- i) February 16<sup>th</sup> to September 2<sup>nd</sup> or earlier than September 2<sup>nd</sup> if juvenile great blue heron have fledged from the nest as confirmed within a report by a registered professional biologist with a specialization in ornithology; or
  - ii) January 1<sup>st</sup> to April 30<sup>th</sup> a report completed by a registered professional biologist with a specialization in ornithology has confirmed that no great blue heron activity is present as of April 30<sup>th</sup>.

**Conditional Exemptions during the breeding season within Bald Eagle Nest Tree (Development Permit Area No. 3) and/or great Blue Heron Nest Site (Development Permit Area No. 4)**

#191

- (a) Land clearing including the removal, trimming or alteration of any vegetation other than to the nest tree; demolition activities; site grading; septic system installations and well drilling within Development Permit Area No. 3 and/or Development Permit Area No. 4, is permitted without an environmentally sensitive areas development permit application, provided that:
- i) a registered professional biologist with a specialization in ornithology has confirmed that no bald eagle and/or great blue heron activity is present as of April 30<sup>th</sup> of any given year;
  - ii) a registered professional biologist with the specialization in ornithology confirms that the land clearing will not impact the future viability of the bald eagle nest tree and/or great blue heron nest site;
  - iii) land alteration within the bald eagle nest assessment area and/or great blue heron nest assessment area occurs after April 30<sup>th</sup> and concludes before September 2<sup>nd</sup> of a given year; and
  - iv) land clearing does not constitute a violation of any federal or provincial statutes and regulations governing the management of bald eagles or great blue herons, their nests or eggs.
- (b) An addition to, or alteration of, an existing principal building or accessory building within Development Permit Area No. 3 and/or Development Permit Area No. 4, is permitted without an environmentally sensitive areas development permit application, provided that;
- i) a registered professional biologist with a specialization in ornithology has confirmed that no bald eagle and/or great blue heron activity is present as of April 30<sup>th</sup> of any given year;
  - ii) the setback of the addition or alteration is equal to or greater than the existing principal or accessory building setback from the nest tree and/or nest site;

- iii) the addition or alteration does not exceed 15% of the total floor area of the existing principal or accessory building; and
  - iv) land alteration within the bald eagle nest assessment area and/or great blue heron nest assessment area occurs after April 30<sup>th</sup> of a given year and is limited to that necessary for the addition to or alteration of the principal or accessory building.
- (c) Construction of trails and related infrastructure including, but not limited to, boardwalks, benches, tables, signs, information kiosks and viewing platforms within Development Permit Area No. 3 and/or Development Permit Area No. 4, is permitted without an environmentally sensitive areas development permit application, provided that:
- i) a registered professional biologist with a specialization in ornithology has confirmed that no bald eagle and/or great blue heron activity is present as of April 30<sup>th</sup> of any given year;
  - ii) a registered professional biologist with a specialization in ornithology confirms that the trail construction and associated infrastructure will not impact the future viability of the bald eagle nest tree and/or great blue heron nest site;
  - iii) no trees, which are greater than 5.0 metres in height and 10.0 centimetres in diameter at the breast height, are to be removed. Limbing, pruning and crown reduction or height reduction is permitted, if recommended within a report completed by a qualified tree expert.
  - iv) Construction of trails, infrastructure and land alteration within the bald eagle nest assessment area and/or great blue heron nest assessment area occurs after April 30<sup>th</sup> and concludes before September 2<sup>nd</sup> of a given year; and
  - v) The location, design and maintenance of the trail does not constitute a violation of any federal or provincial statutes and regulations governing the management of bald eagles or great blue herons, their nests or eggs.
- (d) Where a report is obtained from a registered professional biologist with a specialization in ornithology that a bald eagle nest tree and/or great blue heron nest site no longer exists, the following activities within Development Permit Area No. 3 and/or Development Permit Area No. 4, are permitted without an environmentally sensitive areas development permit application.
- i) subdivision of land
  - ii) land clearing including the removal, trimming or alteration of any vegetation, other than to the nest tree; demolition activities; site grading; septic system installations and well drilling; or
  - iii) construction of, addition to or alteration of buildings and/or structures.

In accordance with provincial regulations, the Regional District shall maintain an 'active status' on recorded nest trees within the Comox Valley Sensitive Habitat Atlas for up to five breeding seasons even after the loss of a nest.

#### A.1.5. Development Permit Area No. 18: Shoreline Protection Devices

The shoreline protection devices development permit area applies to all those lands adjacent to the Strait of Georgia.

## **A.2 Justification**

### **A.2.1. Development Permit Area No. 1: Aquatic ESAs**

Declining fish stocks in the Strait of Georgia have led to the need for protection of fisheries values in areas adjacent to rivers, lakes, streams, wetlands, estuaries and the coast. Therefore, development within these areas requires assessment to ensure protection of fisheries values from potentially harmful development activities.

### **A.2.2. Development Permit Area No. 2: Eagles Drive**

The combination of both a coastal sensitive area for aquatic life and steep bank adjacent to the *foreshore* area of these lots justifies the inclusion of this area.

### **A.2.3. Development Permit Areas No. 3: Eagle Nest Sites, and No 4: Heron Nest Sites**

The coastal locations the bald eagle and great blue heron require for nesting are the same areas that people prefer and consequently, nesting habitat is rapidly being lost as land is cleared for development. If breeding populations are to be maintained nesting habitat must be protected.

### **A.2.4. Development Permit Area No. 18: Shoreline Protection Devices**

#139

Shoreline protection devices can threaten the ecological and physical integrity of the shoreline. These areas have high ecological and aesthetic values and may contain unstable slopes subject to erosion and land slip. Due to their physical and biological characteristics and situation, these devices need to be carefully managed in order to avoid potential negative impacts to the shoreline. The development permit guidelines will promote sound shoreline protection device design to protect the natural environmental values and prevent erosion and destabilization of the shoreline. Shoreline stabilization should be limited to that necessary to prevent damage to existing, newly constructed or established uses on adjacent upland properties.

## **A.3 Guidelines for Development Permit Areas No. 1, 2, 3 and 4**

Development permits shall be issued in accordance with the following guidelines. Where it appears one or more of the following guidelines is not applicable to an application, the guideline(s) may be waived by the Regional Board:

- A.3.1.** The following activities shall require a development permit whenever they occur within Development Permit Areas No. 1, 2, 3 and 4:
- (a) subdivision or alteration of land;
  - (b) land clearing including the removal, topping, trimming or alteration of any vegetation or land, and subsequent revegetation;
  - (c) the siting and construction of:

- i) buildings and structures with a building floor area greater than 10 square metres (107.6 square feet); and
- ii) paving improvements, septic tanks, drainage fields, sewage treatment systems and discharges, irrigation or water systems, driveways, swimming pools, hot tubs, spas and retaining walls.

#139

- A.3.2. Based on the bio-physical assessment of the site, works or protective measures, including that vegetation or trees be planted or retained, may be required to preserve, protect, restore or enhance natural watercourses, fish habitat, riparian areas or eagle and great blue heron nesting sites. Additional works or protective measures may also be required to control drainage or erosion, and to protect banks.
- A.3.3. Other than shoreline protection devices, no buildings, structures, driveways, paving, irrigation and water systems, swimming pools, hot tubs, spas and retaining walls shall be permitted within 15.0 metres (49.2 feet) of the natural boundary of Georgia Strait. A British Columbia land Surveyor's certificate shall be a condition of the development permit for shoreline protection devices.
- A.3.4. Discharge from swimming pools, hot tubs and spas shall be to an approved treatment system.

#### **A.4 Guidelines for Development Permit Area No. 18: Shoreline Protection Devices**

#139

Development permits shall be issued in accordance with the following guidelines. The board delegates to the regional district officers through the delegation bylaw, the power to issue development permits. Where it appears one or more of the following guidelines are not applicable as part of a development permit, the guideline(s) may be waived by the regional board.

##### **A.4.1. General Guidelines for Shoreline Protection Devices**

The installation of new shoreline protection devices or repair of shoreline protection devices shall be in accordance with the following general guidelines:

- (a) All shoreline protection devices shall be installed on those lands adjacent to the Strait of Georgia located within the property line on the upland side of the natural boundary of the Strait of Georgia as depicted on a recent British Columbia Land Surveyor's certificate;
- (b) The installation of new shoreline protection devices or the repair of an existing shoreline protection devices outside of the property line shall require federal and provincial government approval;
- (c) An engineer's report shall be furnished by the landowner at their expense that provides evidence that a property is at risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without an engineer's report, is not sufficient demonstration of need.'
- (d) A professionally prepared landscape plan may be furnished by the landowner at their expense that outlines the maximum amount of vegetation and other natural features to be maintained in order to preserve and protect the Strait of Georgia. Shoreline protection devices shall not negatively impact the ecological health of

the immediate area. Existing vegetation along the foreshore and upland is important to maintain slope stability, regulate drainage and prevent erosion. Non-invasive and native species of vegetation and trees may be retained or planted in accordance with the recommendations within the landscape plan; and

- (e) Where it is anticipated that shoreline protection devices may cause erosion or other physical damage to adjacent or other properties, a development permit may not be used.

#### A.4.2. Design Guidelines for Shoreline Protection Devices

Shoreline protection devices range from “soft” to “hard” modification measures. “Soft” measures refer to less rigid materials, such as biotechnical slope stabilization. “Hard” measures refer to solid, hard surfaces, such as revetment walls (rip rap). The installation of new shoreline protection devices or the repair of an existing shoreline protection device shall be in accordance with the following design guidelines:

- (a) All new shoreline protection devices shall apply the “softest” measures possible (such as biotechnical slope stabilization) that will still provide satisfactory protection;
- (b) New flat faced cast-in-place concrete walls and lock block walls shall be permitted if explicitly recommended within the engineer’s report;
- (c) All shoreline protection devices shall be limited in size to a maximum height of 1.5 metres (4.9 feet);
- (d) New revetment walls (rip rap) shall only be constructed if no other alternative exists. The installation of new revetment walls (rip rap) may only be considered when a professional engineer’s report provides conclusive evidence that:
  - (i) The erosion is not being caused by upland conditions, such as loss of vegetation and drainage associated with the proposed development;
  - (ii) All possible on-site drainage solutions away from the shoreline edge have been exhausted; and
  - (iii) Biotechnical slope stabilization measures, planting vegetation or the installation of on-site drainage improvements are not feasible or insufficient to address stabilization issues.
- (e) Where a new revetment wall (rip rap), or the repair of an existing revetment wall(rip rap), is proposed:
  - (i) Excavation to create the slope shall be within the property line on the upland side of the natural boundary of the Strait of Georgia as depicted on a recent British Columbia land Surveyor’s certificate. Any excavation outside of the property line shall require federal and provincial government approval;
  - (ii) Materials used for a revetment wall shall be imported or native angular or rounded stone or rock and shall not consist of debris or contaminated materials that could result in pollution of tidal waters. Beach materials shall not be used for fill behind revetments; and

- (iii) Preservative treated products, such as creosote lumber or timber, shall not be permitted.

## **B. Protection of Development from Hazardous Conditions**

### **B.1 Designated Areas**

#### **B.1.1. Development Permit Area No. 2: Eagles Drive**

Those portions of Lots 2, 3 and 4, Plan VIP62463 and Lots A, B, C, D, E, Plan 65412, all of Section 25, Township. 6, Comox District (Eagles Drive) that are between the natural boundary of Georgia Strait and 7.5 metres (24.6 feet) from the top of bank (see Development Permit Area Maps)

#### **B.1.2. Development Permit Area No. 5: Back Road**

Lots A and B, Plan VIP58209, Section 6, Comox District, (see Development Permit Area Maps).

#### **B.1.3. Development Permit Area No. 8: Steep Slopes**

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Areas with average slopes greater than or equal to 30% for a vertical distance of 3.0 metres (9.8 feet) or more, slopes designated as hazard lands by a professional engineer with experience in geotechnical engineering, and areas within 7.5 metres (24.6 feet) from the top of bank and 7.5 metres (24.6 feet) from the toe of bank of the aforementioned slopes.

Properties that are zoned Upland Resource (UR), Water Supply and Resource Area (WS-RA) and Mt. Washington Comprehensive Development Zone (MTW-CD) are not part of Development Permit Area No. 8: Steep Slopes. Additionally, properties that are designated in Development Permit Areas No. 2: Eagles Drive, No. 5: Back Road or Nos. 13 to 16: Mount Washington are not part of development Permit Area No. 8: Steep Slopes.

The installation, or repair of shoreline protection devices, is exempt from the criteria outlined within Development Permit Area No. 8: Steep Slopes. Any application for the installation of new shoreline protection devices or repair of existing shoreline protection devices adjacent to the Strait of Georgia falls within Development Permit Area No. 18: Shoreline Protection Devices.

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### **B.2 Justification**

#### **B.2.1. Development Permit Area No. 2: Eagles Drive**

The combination of both a coastal sensitive area for aquatic life and steep bank adjacent to the *foreshore* area of these lots justifies the inclusion of this area.

#### **B.2.2. Development Permit Area No. 5: Back Road**

This area of approximately 4.2 hectares (10.4 acres) is dominated by a creek and ravine. The ravine varies in depth from approximately 7.0 metres (23 feet) in the south to 17 metres (55 feet) in the north. The surrounding land slopes into the ravine at various angles limiting the safe locations for residential development.



A slope condition assessment of the area has been completed by HBT Agra Ltd., 3070 Barons Road, Nanaimo, BC, V9T 4B5 (Hardy BBT Limited File NX00921A dated July 19, 1991). Within their report, safe locations for the construction of a single family dwelling with a septic field sewage disposal system have been identified. To ensure the recommendations of this report are followed by all future landowners, this area is being designated as a category 2-development permit area.

**B.2.3. Development Permit Area No. 8: Steep Slopes**

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Pursuant to Section 919.1(1)(b) “protection of development from hazardous conditions” of the *Local Government Act*, the topography of the area, as well as slope gradation and this soil cover, renders areas with steep slopes highly susceptible to erosion and high windthrow hazard. The topography of steep slopes constrains designs and contains sensitive features. Careful control of development of these slopes is needed to reduce the risk to life and property, to protect the natural environmental values, to prevent erosion and destabilization of slopes, and to protect the visual quality of the slopes.

The development permit guidelines will promote sound site design and techniques to eliminate or avoid hazards to public safety and natural resources.

**B.3 Guidelines for Development Permit Areas No. 2 and 5**

Development permits shall be issued in accordance with the following guidelines. Where it appears one or more of the following guidelines is not applicable to an application, the guideline(s) may be waived by the Regional Board:

- B.3.1. The area between 7.5 metres (24.6 feet) of the top of bank and the bottom of bank shall remain free of development or disturbance including vegetation removal, septic tanks, drainage fields, irrigation and water systems, and buildings and structures where the slope is greater than 30%, unless the landowners have furnished at their expense, and the Regional Board has accepted, a report certified by a professional engineer with experience in geotechnical engineering specifying that the activity proposed will not have adverse impacts on the stability of the bank. No development or alteration of land shall occur where the report indicates that a hazardous condition may result. The report shall include recommendations for vegetation protection, enhancement or retention where applicable. Recommendations contained in the report shall form conditions of the development permit.
- B.3.2. The sequence and timing of any construction or land alteration shall be coordinated to minimize the potential erosion. Landscaping and seeding shall be required immediately following construction to help minimize erosion caused by run-off.
- B.3.3. The planting of native species of vegetation and trees, as well as the preservation of existing vegetation to control drainage and erosion, as well as to protect bank stability will be required in accordance with the recommendations of the engineering report.

## **B.4 Guidelines for Development Permit Area No. 8: Steep Slopes**

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Development permits shall be issued in accordance with the following guidelines. Where it appears one or more of the following guidelines is not applicable to an application, the guideline(s) may be waived by the board.

### **B.4.1. Designated Steep Slope Areas**

Where there is a steep slope identified or a slope designated as hazard lands by a professional engineer with experience in geotechnical engineering, the areas within 7.5 metres (24.6 feet) from the top of bank and 7.5 metres (24.6 feet) from the toe of bank shall remain free of development or disturbance including vegetation removal, buildings, structures, septic tanks, drainage fields as well as irrigation and water systems.

### **B.4.2. Professional Engineer Report**

Development activity within the parameters outlined in Item B.4.1 above may be considered provided that the landowners have furnished, at their expense, a report certified by a professional engineer with experience in geotechnical engineering specifying that the proposed activity will not have adverse impacts on the stability of the slope. The professional engineer shall certify that the land may be used safely for the uses intended. No development shall occur where the report indicates that a hazardous condition may result. The report shall contain the following:

- (a) Slope stability conditions prior to development, identification of any areas subject to erosion, sloughing, flooding, landslide, landslip, rockfall, windthrow, excessive run-off, siltation and if applicable, be detrimental to the fishery resource;
- (b) design guidelines to avoid stormwater runoff that could destabilize the slope;
- (c) Information on soil types, depths and conditions;
- (d) Anticipated removal or addition of soil, sand or gravel;
- (e) Erosion control and mitigation measures during and after construction;
- (f) Plans outlining the siting of all buildings and other structures, utilities, services, driveways, parking and all other impervious surfaces;
- (g) Plans and analyses of watercourse channelling and drainage systems;
- (h) Measures to safeguard adjacent properties and structures from hazards arising from the siting, the preparation of the site and the construction of the proposed development; and
- (i) Recommendations for vegetation protection, enhancement or retention where applicable.

Recommendations contained in the report shall form conditions of the development permit.

### **B.4.3. Siting and Design**

- (a) Buildings, structures and paved surfaces should be located:
  - i) Away from areas subject to erosion, sloughing, flooding, or landslip;
  - ii) At such a distance from a watercourse so as to prevent erosion, sloughing, flooding, landslip, excessive run-off or siltation, and to protect lands and fishery resource;
  - iii) To preserve natural vegetation on steep slopes; and
  - iv) To retain natural terrain and topography of the site and to minimize cutting into slopes.
- (b) All buildings and structures should give consideration to the hillside visual impacts. Materials, colours and textures should reflect the natural setting and landscape of the hillside.
- (c) Trees and vegetation on ridgelines should be retained as much as possible, so that the ridgeline is seen predominately as a continuous line of natural terrain or vegetation.

#### B.4.4 Driveways and Parking

- (a) Driveways should provide safe and functional access to individual properties throughout the year. Driveways should follow the topography as much as possible.
- (b) Driveways should avoid disruption of significant or unique stands of vegetation and environmentally sensitive areas. Driveways should not be situated adjacent to cliff faces, talus slopes or rock outcrops. This is to avoid disturbance of rock debris, to maintain trees with cavities and snags, and to protect pockets of shallow soils.
- (c) For higher density uses, such as multifamily residential, commercial or industrial uses, put parking under buildings where possible to take advantage of elevation changes and to minimize the size of impervious surfaces.

#### B.4.5 Parks and Open Spaces

Parks may be applicable to subdivision applications subject to section 941 “provision of parkland” of the Local Government Act and to multifamily residential, commercial or industrial developments.

- (a) Avoid extensive slope grading to accommodate parks and open spaces. Trails should be of manageable grade.
- (b) Establish pocket parks that direct the public to unique view opportunities or provide respite on trails where natural terrain permits.

#### B.4.6 Subdivision Design

- (a) Each single family parcel created by subdivision must have a buildable site or pad area that suits the proposed building size for that zone.

- (b) Where permitted, development density should be directed to the less sensitive and flatter sections of the site, thereby creating clusters of development that would avoid hazardous or environmentally sensitive areas. The subdivision design should retain as much of the natural topographic character of the site.

#### B.4.7 Earthworks, Grading and Slope Disturbances

- (a) Minimize slope alterations and retain the natural terrain and topography of the site. Grading or alteration of key topographic features such as knolls, ridgelines, bedrock outcrops, cliffs, ravines, gullies, overhangs, watercourses and wetlands should be avoided. Escarpments should not be compromised and deep scars or large areas of highly visible sub-soil and parent material should not be created.
- (b) Round out slope transitions and blend transitions among adjacent lots or areas. Contours and gradients should resemble the naturally occurring terrain.
- (c) On individual lots, land clearing should be limited to what is required for the building footprints and services. Consider phase land clearing to minimize the area exposed to dust, mud, soil loss and erosion. Phasing may be service related (i.e., clear initially only enough to install service lines) or spatially related (i.e., clear only one portion of the parcel at a time, complete development and re-vegetate to control erosion before starting the next portion). Landscaping and seeding should immediately follow construction to help minimize erosion caused by run-off.
- (d) Creation of large flat terraces on hillside sites in order to expand developable area or to develop housing or other uses characteristic of flat or gently-sloped sites is not supported. The development of smaller terraces for building pads, lawn areas, patios, stepped retaining walls is preferred.
- (e) Where the volume of cut exceeds the volume of fill material for a proposed development, the excess should not be disposed on site in the form of unnecessary filling, berming or side-casting. Dispose only excess topsoil onsite to increase the depth of topsoil; dispose other excess material at appropriate off- site locations.

#### B.4.8 Erosion Protection and Retaining Walls

- (a) Development should be designed to minimize erosion, to manage storm water runoff, to minimize impervious surfaces, to manage for debris flow or landslide and to minimize detrimental impacts.
- (b) Erosion control measures should be implemented during and after construction. Soil conservation measures such as silt fencing, matting and trapping should be used during construction.
- (c) Use retaining walls where they can reduce disturbing the slope to provide useable construction sites. The design of retaining walls should reflect the natural character of the site.

#### B.4.9 Natural Environment and Landscaping

- (a) Existing vegetation on hillsides is important to the maintenance of slope stability, drainage and erosion prevention. The maximum amount of vegetation and other natural features should remain undisturbed. Non-invasive and native species of vegetation and trees should be retained or planted in accordance with the recommendations of the engineering report.
- (b) Employ water-conserving principles and practices in the choice of plant material and irrigation systems. Ensure no over-spray or run-off due to watering.

#### B.4.10 Fire Protection

- (a) Areas where wilderness or forested areas meet settled areas are referred to as “interface” areas and can be susceptible to wild fires. Steep slopes can increase the risk to development at the interface.

An area of “defensible space” between buildings and wild land vegetation is encouraged. This defensible space should be relatively free of highly flammable vegetation that could readily transmit a fire from forest to the buildings. Plants that are low growing and woody are referred to as “low fuel volume plants” and are ideal replacements for more flammable species growing close to the buildings.

- (b) For dry or south facing slopes, drought and fire-resistant vegetation is preferred.
- (c) Wherever possible, open spaces should be designed to serve as fire protection areas.
- (d) Design water system pressure zone boundaries with sufficient range to ensure fire fighting pressures in the highest side of parcels.
- (e) The guidelines contain in *The Home Owners FireSmart Manual (B.C. Edition)* should be consulted and followed in order to reduce the risk of wildfire.

#### B.4.11 Stormwater Management

It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact, a stormwater management plan shall be required. The plan would strive to protect water quality and to maintain post-development peak flows to those of pre-development flow patterns and volumes over the entire water season. This stormwater plan should be prepared by a professional engineer and should make use of such devices as permeable surface treatments, wet or dry detention ponds, constructed wetlands or other devices as deemed suitable and consistent with best management practices.

#### B.4.12 Services and Utilities

- (a) Any septic systems should be designed by a qualified professional engineer due to the additional risks of septic breaking through on steep slopes.
- (b) Where practical, design services and utilities with flexible offsets to maintain ease of access and maintenance. More than one service should be installed in a common trench to reduce the number of trench excavations and therefore, the impacts on the terrain. Where the design profile permits, increase the pipe separation to obtain more than one service in a trench. The works must be

constructed in accordance with standards regarding separation of water and sewer lines.

## **C. Form and Character of Commercial or Industrial Developments**

### **C.1 Designated Areas**

#### **C.1.1 Development Permit Area No. 6: Commercial and Industrial Uses**

Those parcels zoned Commercial One (C-1) and those parcels where industrial use, including both light and heavy industrial, is a permitted use pursuant to the Comox Valley Zoning Bylaw, 1986 being Bylaw No. 869 as amended from time to time by the Regional Board.

#### **C.1.2 Development Permit Area No. 7: Resort Tourism**

Those parcels zoned Commercial Two (C-2) pursuant to the Comox Valley Zoning Bylaw, 1986 being Bylaw No. 869 as amended from time to time by the Regional Board.

### **C.2 Justification**

#### **C.2.1 Development Permit Area No 6: Commercial and Industrial Uses**

This type of development occurs primarily along main roads and highways in the Comox Valley such as Ryan, Royston and Cumberland Roads and the Island Highway. As such, the development along these corridors offers many visitors their first impression of the Comox Valley.

This land use also tends to occur as infill development in areas traditionally used as rural residential. As such, it is important that the potential for conflict with established residential properties be minimized.

The permit process will be used to ensure that adequate buffers are provided and to ensure that the development is attractive and coordinated with respect to form and character of the neighborhood.

#### **C.2.2 Development Permit Area No. 7: Resort Tourism**

To ensure that resort development will fit in with the context of the area (rural or residential) in which it is being developed.

To minimize the impacts of resort development upon the residents of the immediate area.

### **C.3 Guidelines for Development Permit Areas No. 6 and 7**

Development permits shall be issued in accordance with the following guidelines. Where it appears one or more of the following guidelines is not applicable to an application, the guidelines(s) may be waived by the Regional Board.

#### **C.3.1 Form and Character**

- (a) All buildings and structures shall be architecturally coordinated and shall give consideration to the relationship between buildings and open areas, circulation systems, visual impact and design compatibility with the surrounding development. Blank unarticulated walls will not be permitted. Pitched roofs are to have no less than a 4 in 12 pitch and no more than a 12 in 12 pitch.
- (b) The design and introduction of a new building type to a residential neighbourhood should provide harmony and lend continuity to the neighbourhood and should not create excessive disruption of the visual character of the neighbourhood.
- (c) Landscaping, awnings, lighting fixtures, and other structures shall be architecturally integrated with the design of the buildings.
- (d) Any end wall of a building that is visible from the street should be finished to the same standard as the front of the building to provide an attractive appearance.
- (e) The roof slope and siting of any buildings shall be such as to minimize any obstruction of direct sunlight falling onto adjacent properties and residences.

### C.3.2 Landscaping

- (a) A landscape plan shall be required. The landscape plan shall be professionally prepared and shall:
  - i) include supporting documentary evidence pertaining to landscape specifications, irrigation requirements, detailed planting lists, cost estimates, and the total value of the work;
  - ii) identify existing vegetation by type and identify areas which are to be cleared; and
  - iii) provide for the landscape treatment of the entire frontage of the building site abutting onto existing or future public roads.

Street specimen tree and grassed boulevard landscape provisions are to be identified to soften the character and scale of the area. All proposed plant materials shall be suitable for local environmental conditions. All landscaping and screening shall be completed within 12 months of an occupancy permit being issued and shall meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.

### C.3.3 Construction Phase

- (a) All construction must be completed according to a site/building plan and an erosion and sediment control plan.
- (b) Construction of developments within or adjacent to residential areas shall take place during the working hours of 7:00 a.m. to 7:00 p.m.
- (c) There shall be no dumping of any material or debris on any roads before, during or after site development.

#### C.3.4 Outside storage

- (a) The area of any building site bounded by the front lot line, the exterior or interior side lot lines, as the case may be, and the front building line of the structure nearest the front lot line, shall not be used as an outside storage area.
- (b) Any portion of a building site which may be used as an outside storage area shall only be used as such if:
  - i) the area is enclosed within a 2.5 metre (8.2 feet) high solid fence having a suitable security gate;
  - ii) none of the goods or materials stored therein exceeded the height of the 2.5 metre (8.2 feet) high fence;
  - iii) the area is not directly adjacent to any residential development; and
  - iv) in cases where the area lies between a structure and any public road, it is screened by an adequately landscaped buffer strip so that such storage areas are not readily visible from such public road.

#### C.3.5 Screening

- (a) The character of developments shall be enhanced by landscaping of substantial proportions along property lines adjacent to residential developments. The developers shall provide a 3.0 metre (10 feet) buffer - incorporating existing native vegetation, supplemented by landscaping of substantial utilizing approved specimen tree species. The required plantings shall recognize the need to protect adequate sight distances at intersecting streets.
- (b) Buildings shall be sited to ensure that any adjacent residential properties have visual privacy, as well as protection from site illumination and noise. Security and other lighting shall not be placed so as to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.
- (c) Such elements as roof top mechanical equipment, shipping and loading areas, transformers, and metres shall be screened from public view as effectively as possible through the use of evergreen landscaping materials, solid fencing, and building design.
- (d) All waste disposal bins shall be completely screened within a solid walled enclosure not less than 2 metres (6.6 feet) in height.
- (e) Loading and receiving areas shall be located so as to cause minimum disturbance to adjacent residential areas.

#### C.3.6 Parking

- (a) Large surface parking areas shall be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted landscaped areas. Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in parking areas.



- (b) Parking areas should clearly identify pedestrian circulation areas, preferably with different paving and landscaping treatment.
- (c) All paved parking areas shall be included within the context of the required stormwater water plan and shall incorporate oil/water separators.
- (d) The use of any property within the Development Permit Area shall not produce any off-site parking.
- (e) Developers are encouraged to incorporate site-parking requirements within the principal structures of their development.
- (f) Automobile parking areas shall be covered with a select granular base approved by the Ministry of Transportation and Infrastructure and provide storm water controls by means of perimeter curtain drains. Access and egress points shall be paved for a minimum distance of 15 metres (49.2 feet) from the edge of the existing pavement into the subject property and be designed and constructed to Ministry of Transportation and Infrastructure standards. The shared use of a common access between businesses is encouraged.
- (g) Commercial and industrial buildings shall be located in close proximity to the front property line with the majority of parking spaces being situated at the rear and side of buildings.
- (h) Commercial and industrial buildings fronting should be allowed to share one common interior wall (0.0 metre side yard setback) with an adjacent building.

### C.3.7 Signs

- (a) Each business within a development shall be allowed one freestanding sign for each street frontage of the business. Freestanding signs shall be permitted in landscaped areas only, on the same parcel as the development. The height of any sign, including support structures, shall not exceed 1.8 metres (5.9 feet) and the area of any one face shall not exceed 3.0 square metres (32.3 square feet). A freestanding sign may be illuminated.
- (b) One fascia sign shall be permitted for each development. The maximum area of fascia signs shall not exceed 6.0 square metres (64.6 square feet). Fascia signs may not extend above the top wall of a building. Billboards and roof signs are not permitted.
- (c) No signs shall be equipped with flashing, oscillating or moving lights or beacons.
- (d) Fascia signs shall be permitted for each exterior wall of a building. The maximum area of all fascia signs shall not exceed 56 square metres (602.8 square feet). Fascia signs may be illuminated.

### C.3.8 Stormwater

- (a) It is recognized that the clearing, grading and servicing of sites alters their natural hydrology patterns. In recognition of this fact, it shall be required that each development shall prepare a stormwater management plan that strives to protect water quality, and to maintain post-development peak flows to those of pre-development flow patterns and volumes over the entire water season. This

stormwater plan shall be prepared by a Professional Engineer and should make use of such devices as permeable surface treatments, wet or dry detention ponds, constructed wetlands or other devices as deemed suitable and consistent with best management practices. Stormwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

- (b) The discharge of stormwater runoff from storage areas shall be accomplished with appropriate structures and flow control mechanisms to prevent contamination of receiving waterbodies.

## D. Application Requirements

In addition to the application requirements listed in schedule A-4 of Bylaw No. 3 being the “Planning Procedures and Fees Bylaw, 2008” and all amendments hereto, applications for a development permit should also include the following:

### D.1 Applications for areas within Development Permit Areas No. 1 and 2

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- D.1.1 Should use the Stream Stewardship and Land Development Guidelines published by Fisheries and Oceans Canada and Ministry of Environment, and Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia published by Ministry of Environment as development models.

### D.2 Applications for areas within Development Permit Areas No. 1, 2, 3 and 4

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- D.2.1 Within Development Permit Area No. 1: Aquatic Environmentally Sensitive Areas (Aquatic ESA's), the Regional District may require an assessment report complete with a site plan furnished at their expense and prepared by a qualified environmental professional which shall include an evaluation and recommendations with regard to the following:
  - (a) alternatives that have been considered;
  - (b) inventories of the existing environmentally sensitive feature(s);
  - (c) assessments of the environmental impact of the proposed development; and
  - (d) prescriptions of the appropriate precautionary measures to be used for construction, mitigation and protection of habitat.
- D.2.2 Within Development Permit Area No. 2: Eagles Drive, the applicants shall include a report complete with a site plan furnished at their expense and prepared by a registered professional biologist and shall outline the reasons for the proposed work, the alternatives that have been considered, environmental values to be protected during and after development, and the nature of the precautionary or mitigative measures to be used, including a cost estimate, to the satisfaction of the Regional District officers.
- D.2.3 Within Development Permit Area No. 3: Bald Eagle Nest Tree and/or Development Permit Area No. 4: Great Blue Heron Nest Site, the applicants shall include a report

complete with a site plan furnished at their expense and prepared by a registered professional biologist with a specialization in ornithology. This report shall include an evaluation and recommendations with regard to the following:

- (a) the bald eagle and/or great blue heron nest site environmental values to be protected;
- (b) breeding status of the tree/nest site;
- (c) an evaluation on the condition of the bald eagle nest assessment area and/or great blue heron site assessment area located on a property;
- (d) recommended mitigative measures; and
- (e) assessment of any habitat to be protected or restored.

**D.2.4** Upon completion of land clearing and construction works within Development Permit Area No. 1, 2, 3 and/or 4, a letter from the qualified environmental professional and/or registered professional biologist that the works have been undertaken in compliance with the qualified environmental professional and/or registered professional biologist report submitted to the regional district and appended to the approved development permit shall be provided to the Regional District.

**D.2.5** Where the applicants are proposing significant disturbance or alternation of the native vegetation within Development Permit Areas No. 1, 2, 3 and/or 4, the Regional District may require the applicants at their expense to supply a landscape plan that details re-vegetation and restoration of the disturbance site to the satisfaction of the Regional District officers.

### **D.3 Applications for areas within Development Permit Areas No. 6 and 7**

**D.3.1** Shall include plans conveying the building's appearance, exterior finish, materials and colour treatment.

### **D.4 Applications for areas within Development Permit Area No. 8**

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**D.4.1** Shall include a site survey, which is topographic and feature survey of the site. It should include the following information:

- (a) Property lines, easements, rights-of-way, contours at 2.0 metre (6.6 foot) intervals and spot elevations;
- (b) Slope analysis that shows slope intervals of 0-10%, 10-20%, 20-30% and 30% or greater;
- (c) Natural physical features, which includes swales, knolls, ridgelines, bedrock outcrops, cliffs, slope transitions, break lines, seasonal and permanent watercourses;
- (d) Potential hazards and hazard areas;

- (e) Locations of top of bank and bottom of bank; and
- (f) Other information as requested by staff.

D.4.2 Shall include geotechnical evaluation of all or portions of the site, prior to site planning or design. The evaluation should include:

- (a) Assessment of existing surface and subsurface conditions including soil depths, groundwater levels, potential storm water recharge areas, including their recharge rates, native soil slope, stability and depth to rock.
- (b) Verification of the suitability of onsite soils and rock for re-use in development construction, including optimum moisture content and the maximum angle of repose for all onsite materials;
- (c) Identification of hazards, such as erosion, sloughing, flooding, landslide, landslip, rockfall, windthrow, excessive run-off, and siltation;
- (d) Potential impacts of development and erosion control and mitigation measures during and after construction;
- (e) Recommendations for safety, site protection, development and mitigation
- (f) Recommendations for vegetation protection, enhancement or retention; and
- (g) Other information as requested by staff.

D.4.3 Shall include a grading plan, which integrates site survey information on topography, geotechnical, physical and natural features. The plan should indicate:

- (a) Existing and proposed topography and features in plan view and key site cross sections;
- (b) Native undeveloped areas and limits of disturbance or limit of earthworks or grading;
- (c) Delineation and shading to show cut and fill volumes
- (d) Retaining wall locations complete with base wall elevations and top of wall elevations;
- (e) Building site envelopes including accesses to individual building sites; and
- (f) Other information as requested by staff.

D.4.4 Shall require a stormwater management plan, which should include:

- (a) Water quality characteristics of proposed flows and suggestions of appropriate methods to deal with any quality concerns;
- (b) Identification of catchment areas, flow routes, drainage capacities, flood plain issues, quality and hydraulic constraints, erosion potential, and any specific environmental issues;
- (c) Stormwater routing using piped systems and open systems;

- (d) Stormwater controls for infiltration or groundwater recharge, if appropriate, via ditch and swale seepage systems, infiltration galleries or basins;
- (e) Impacts of irrigation on short and long term stability of any slopes;
- (f) Protection of drainage swales and major even flow routes;
- (g) Proposed roof and footing drains for individual lots, on-site treatment or connections to storm sewers, appropriate means of controlling short or long-term erosion;
- (h) Hydrogeological considerations including maintenance of existing groundwater regimes;
- (i) Energy dissipation into existing ravines at source and down slope where re-concentration or erosion may occur; and
- (j) Individual lot drainage and siltation control during and after construction; and
- (k) Other information as requested by staff.

D.4.5 Subdivision applications should include a proposed subdivision plan superimposed onto a slope analysis plan. Each lot should indicate a suitable building envelope and indicate driveway grades. The subdivision grading plan should include sections through each lot that clearly shows building envelopes, including the top of cut and to of slope, as well as the top of cut of down slope development.

D.4.6 All plans and geotechnical evaluation must be signed and sealed by a professional engineer, showing works and measures to be carried out under the development permit. The professional engineer should:

- (a) Certify that the works and measures detailed in the plans should be sufficient to satisfy the development permit guidelines;
- (b) Complete a Landslide Assessment Assurance Statement. This statement is to be read and completed in conjunction with the APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia, 2006;
- (c) Attest that they will supervise and have been authorized by the applicant to supervise, the carrying out of such works and measures to ensure that they are carried out in accordance with the said plans and the terms of any development permit issued hereunder; and
- (d) Upon completion of the said works and measures and prior to the issuance of any building permit or final subdivision approval on lands which are subject to a development permit issued hereunder, certify that all works and measures have been carried out in accordance with the plans and the terms of the development permit and plans.

**D.5 Applications for areas within Development Permit Area No. 18**

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Applications for new shoreline protection devices or the repair of existing shoreline protection devices shall include the following information. Where it appears one or more of the following guidelines are not applicable as part of a development permit, the guideline(s) may be waived by the regional board.

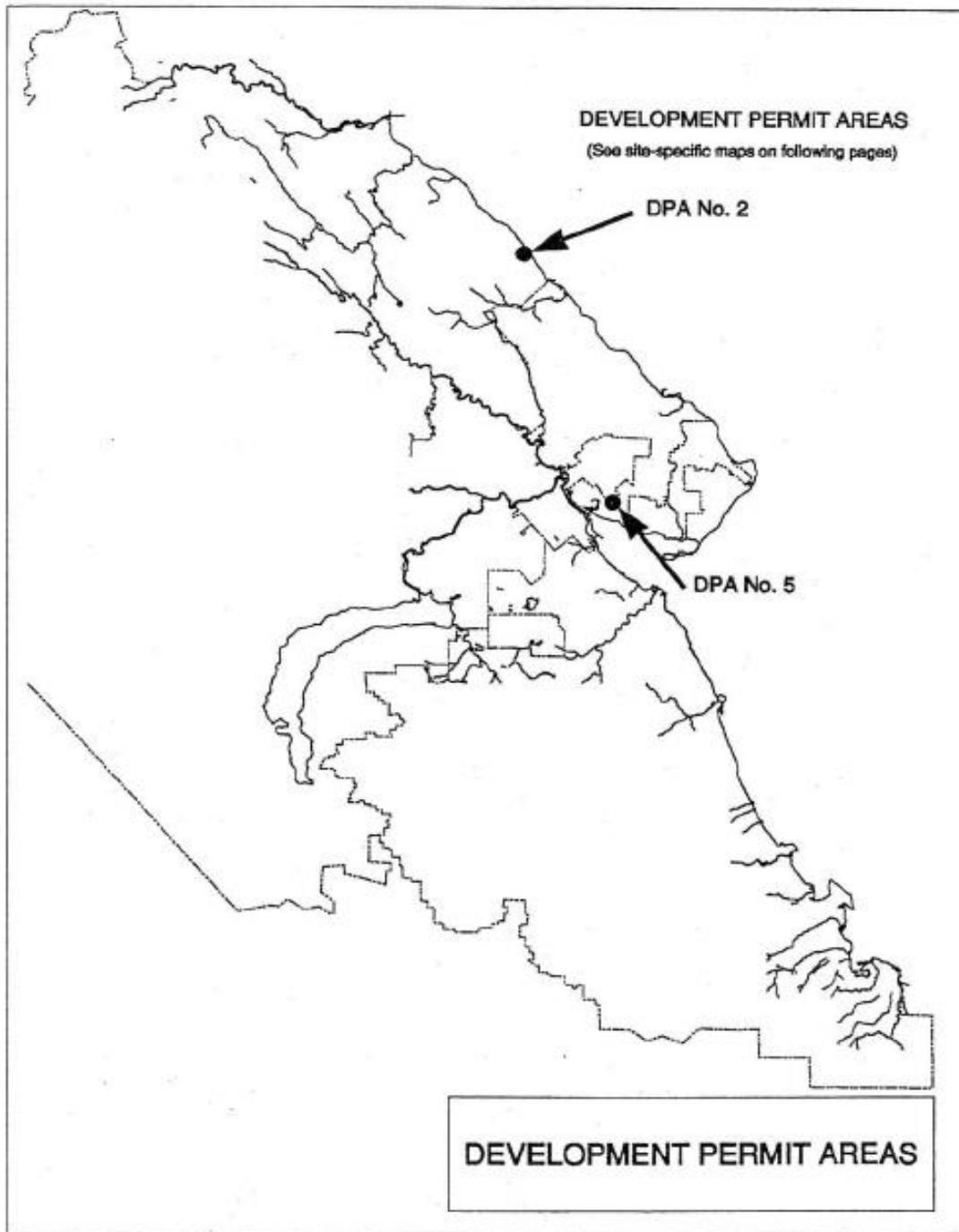
- D.5.1 A recent certificate completed by a British Columbia land surveyor shall be furnished by the landowner at their expense that shows the following:
- (a) the location of the present natural boundary;
  - (b) the location of any existing shoreline structures; and
  - (c) elevations showing the top of bank and toe of the bank.
- D.5.2 A report sealed by an engineer, qualified to carry out shoreline protection device designs, shall be furnished by the landowner at their expense and shall include assessment and recommendations with regard to the following:
- (a) Necessity of the proposed shoreline protection device;
  - (b) Evaluation of potential negative impact to the natural environment and to adjacent properties, and recommendations to mitigate any potential negative impacts;
  - (c) Description of the construction details, materials and methods to be used; and
  - (d) Inspection details of the proposed works to be conducted by an engineer qualified to carry out shoreline protection device design.
- D.5.3 A professionally prepared report that details the vegetation species that may be affected or removed, both within the foreshore and immediately upland. A professionally prepared landscape plan that incorporates salt-tolerant, native riparian species and other methods to mitigate the loss of vegetation may be required.
- D.5.4 All machinery and vehicles involved in the installation of new shoreline protection devices or repair of an existing shoreline protection device shall be located entirely on the upland portion of a property. If installation works area proposed on the foreshore (intertidal zone), the engineer shall provide the following information:
- (a) Confirmation of how access is going to be achieved and any required permissions (for example, if through an adjacent property, permission from the property owner, if through a beach access, permission from the provincial government; if machinery is traversing the foreshore; permission from the federal government); and
  - (b) Confirmation that the machinery will not adversely impact the beach environment.
- D.5.5 Confirmation that the regional district will be informed of the timing of the proposed works and advised of the name of selected contractor(s) who will do the work in compliance with

the engineer's report. The timing of works shall consider fisheries and wildlife sensitive periods (such as late summer bird migration and Pacific herring spawn). The development permit may specify a permitted "window" as recommended within the engineer's report or by another level of government.

- D.5.6 Upon completion of the works, a letter from the engineer that the shoreline protection device has been undertaken in compliance with the engineer's report submitted to the regional district and appended to the approved development permit.
- D.5.7 Shoreline protection devices within the vicinity of know and/or potential archaeological sites, may require an archaeological assessment prior to the installation. The provincial Archaeology Branch is responsible for maintaining and distributing archaeological information and deciding if site alteration permits need to be issued to allow installation to take place within know and/or potential sites.

## **D.6 All applications**

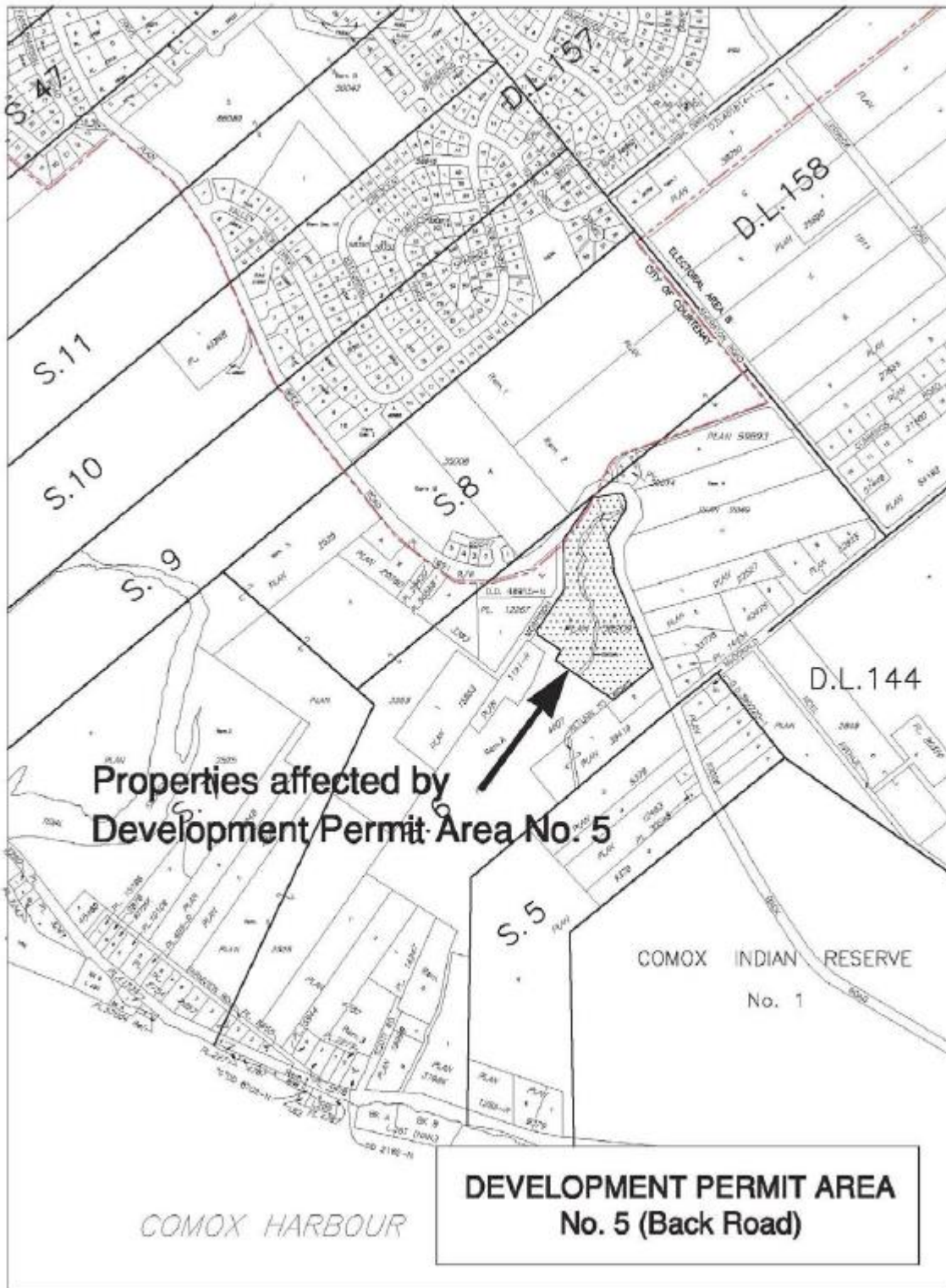
- D.6.1 Unless waived or reduced by the Regional Board, applicants shall provide an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Regional District. The amount of the securities shall be \$1500.00 plus amounts equal to the cost estimate of any precautionary or mitigative measures prescribed in a biological assessment, and the cost estimate of any landscaping prescribed in a landscape plan. Such securities shall be provided upon receipt of Regional Board approval and prior to the issuance of the development permit. A holdback of \$1500.00 plus 10% of the cost estimates will be required for a period of 18 months after the completion of the project. The applicant shall advise the Regional District of the completion of all development permit conditions and arrange for a site inspection.
- D.6.2 Shall include a proposed phasing plan indicating the sequence and timing of construction where a development is to be constructed in several phases.
- D.6.3 Shall include a plan for waste minimization and recycling during the construction phase.



## E. Development Permit Area Maps

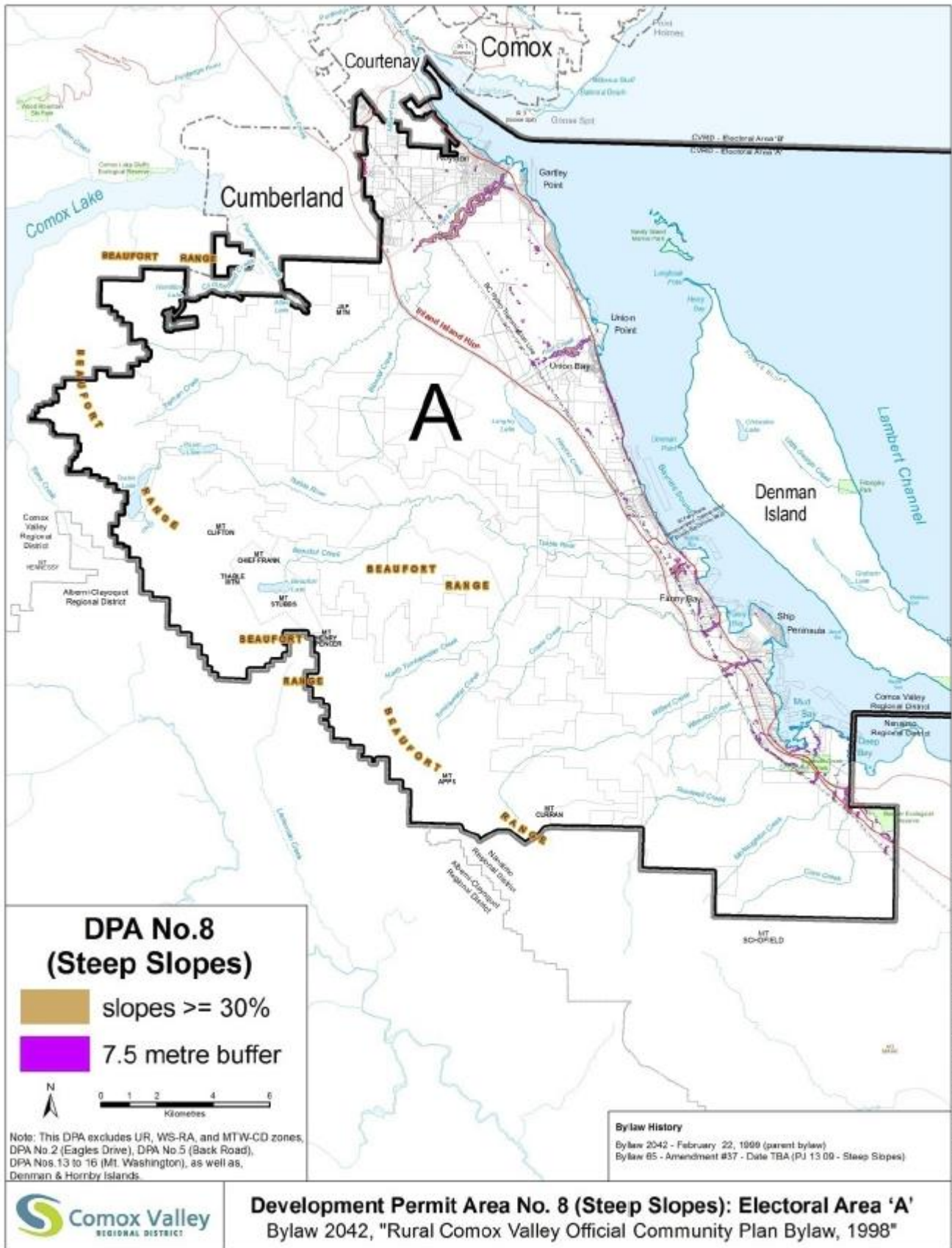


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Development Permit Area No. 5 Map

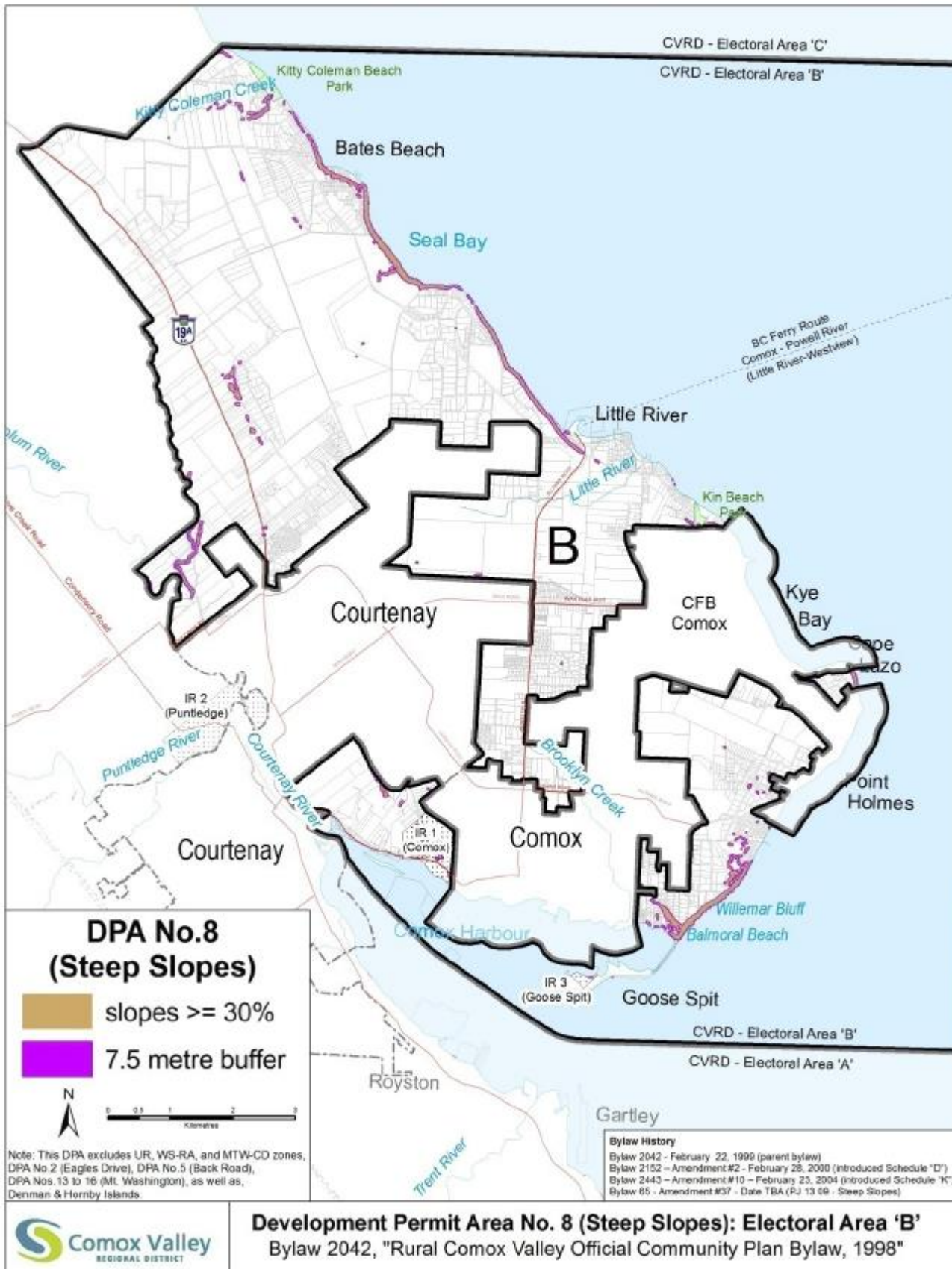
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Development Permit Area No. 8 Map: Electoral Area 'A'

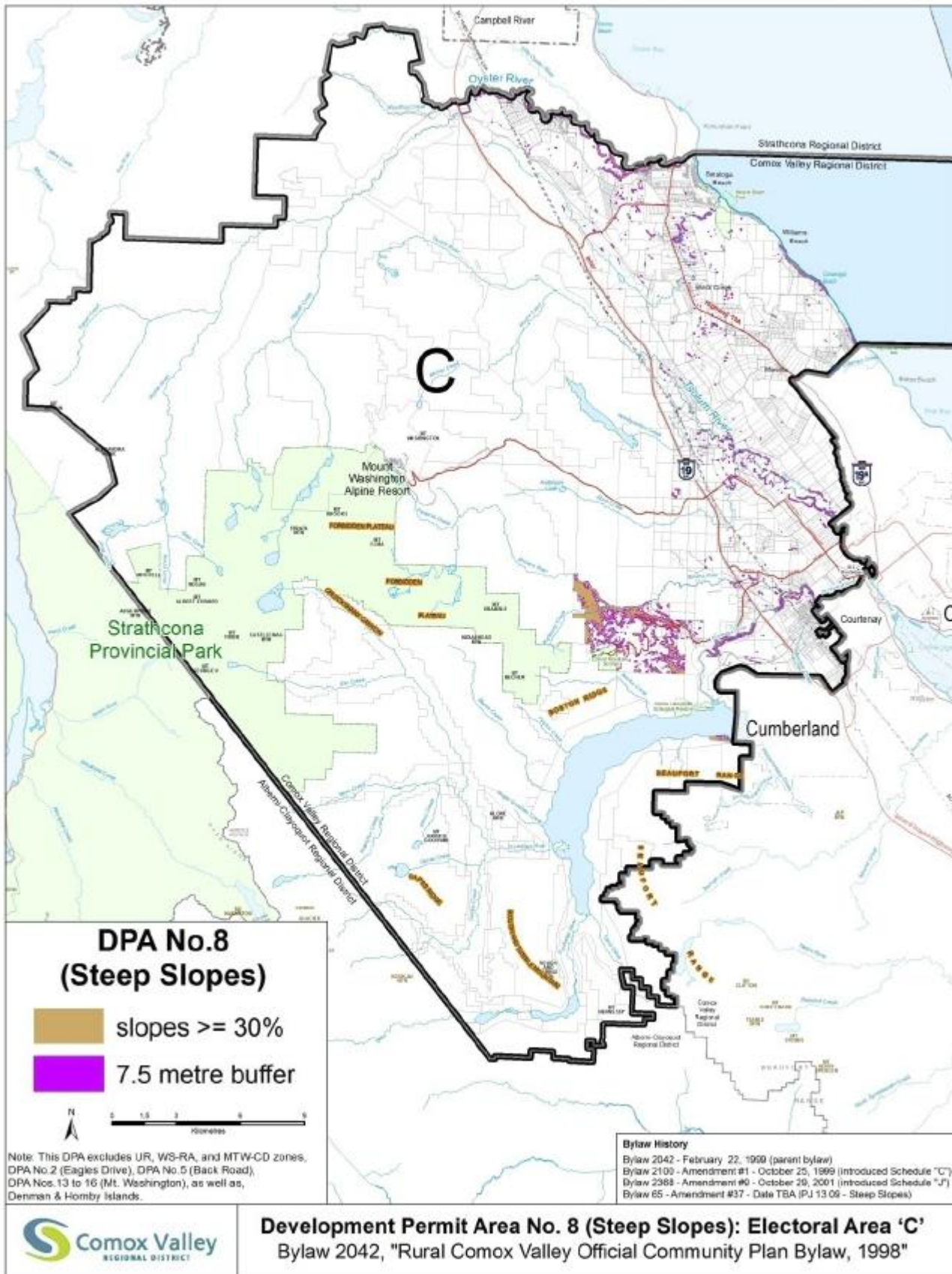


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Development Permit Area No. 8 Map: Electoral Area 'B'

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Development Permit Area No. 8 Map: Electoral Area 'C'

## Part Five

### Plan Implementation

The main actions Required to implement the policies of this Plan are outlined below:

- development of guidelines;
- preparation of studies;
- update of regulatory bylaws;
- development of performance *benchmarks*;
- preparation of *Electoral Area and Local Area Plans*; and
- annual Plan review.

#### **A. Implementation Actions**

A.1 The development of guidelines for the following:

- .1 servicing design standards for all development:  
[reference Part 2 A.2 (h)]
- .2 land development and management for stormwater run-off;  
[reference Part 2 A.5 (a)]
- .3 environmental and social impact studies;  
[reference Part 2 B.2 (a)]
- .4 community design for alternative transportation;  
[reference Part 2 C.8 (b)] and
- .5 trail design, development and maintenance.  
[reference Part 2 C. 13 (e)]

A.2 Working cooperatively with land owners, local government, senior government agencies, non-governmental organizations and the public on the following::

- .1 water supply study;  
[reference Part 2 D.1 (d)]
- .2 marine industrial land study;  
[reference Part 2 B.10 (k)]
- .3 protection of Baynes Sound for shellfish resources;  
[reference Part 2 B.14 (g)]
- .4 Valley-wide greenways network  
[reference Part 2 C.13 (c)] and
- .5 liquid waste management plans.  
[reference Part 2 C.10 (c)]

A.3 The revision, re-writing or updating of Regional District bylaws to support the implementation of this Plan.

- A.4 The development of performance benchmarks to monitor the Plan and the production of an annual monitoring report.
- A.5 The annual review of the capital expenditure programs of the Regional District to ensure the programs reflect the goals, objectives and policies of this Plan.
- A.6 The preparation of Electoral Area Plans for each of Electoral Areas A, B and C (excluding Denman and Hornby Islands) and Local Area Plans for each Rural Settlement Area Shall be prepared in an expedient manner following the adoption of the *OCP*.
- A.7 Ensuring that *Electoral Area Plans*:
  - .1 area consistent with the goals, objectives and policies of the OCP; and
  - .2 provide specific direction on the following topics, where appropriate;
    - (a) water supply and quality;
    - (b) the identification of environmentally sensitive areas;
    - (c) density and lot sizes for land use designations within the electoral area, including requirements for *density bonusing*, *density averaging* and *density transfer*;
    - (d) wastewater and stormwater management;
    - (e) precise boundaries for *Rural Settlement Areas*;
    - (f) the provision of affordable housing, rental housing and special needs housing;
    - (g) the preservation of heritage;
    - (h) precise boundaries for industrial and marine industrial areas and locations for *Temporary Industrial Use Permits* and *Temporary Commercial Use Permits*;
    - (i) watershed management planning;
    - (j) destination tourism;
    - (k) the establishment of *greenways* networks;
    - (l) population at maximum build-out;
    - (m) permitted uses for each land use designation; and
    - (n) noise contours and height restrictions in the area of CFB Comox (Electoral Area B).
- A.8 Ensuring that *Local Area Plans* prepared for each *Rural Settlement Area*:
  - .1 are consistent with the goals, objectives and policies of the *OCP* and the *Electoral Area Plan* for the area:

.2 provide specific direction on the following topics, where appropriate:

- (a) water supply and quality;
- (b) the identification of environmentally sensitive areas;
- (c) precise land use designations and permitted uses;
- (d) density and lot sizes for land use designations within the Rural Settlement Area, including requirements for *density bonusing density averaging* and *density transfer*;
- (e) wastewater and stormwater management;
- (f) policy direction for lands in the buffer area/permanent edge of the *Rural Settlement Area*;
- (g) affordable housing, rental housing and special needs housing;
- (h) the preservation of heritage;
- (i) watershed management planning;
- (j) destination tourism;
- (k) the establishment of *greenways* networks;
- (l) population at maximum build-out; and
- (m) noise contours and height restrictions in the area of CFB Comox (Electoral Area B).

A.9 The review of applications to amend the *OCP* on an annual basis including revisions to policies and land use designations. This review shall allow for public input at one or more public meetings.

A.10 The review of *Electoral Area Plans* and *Local Area Plans* following each major review of the *OCP* at one or more public meetings.

A.11 The major review of the Plan on a five year basis including undertaking research, updating the Plan to reflect changes in legislation and consulting the public and property-owners.



## Appendix A Glossary of Terms

<b>Aggregate</b>	means hard substances (sand, gravel, broken stone) which are mixed with cement to make concrete, materials for road construction, etc.
<b>Agriculture</b>	means farm operation as defined in the <u>Farm Practices Protection (Right to Farm) Act</u> .
<b>Agricultural Land Reserve (ALR)</b>	means lands designated by the Provincial Agricultural Land Commission as agricultural land suitable for farm use. ALR lands are shown on the Land Status Map, Appendix C.
<b>Aquaculture</b>	means the cultivation, rearing and harvesting of aquatic organisms on the land or in the water.
<b>Bald eagle nest tree assessment area</b>	means a line drawn around the perimeter of a tree containing a nest site for a great blue heron as specified within the “Comox Valley Sensitive Habitat Atlas (CVRD Reference Copy)”
<b>Benchmark</b>	means a target, or how much can reasonably expect to be achieved after a set period of time.
<b>Biodiversity</b>	biological diversity applies to all varieties of life and their processes. <i>Biodiversity</i> encompasses the full range of natural variability, including genetic diversity, species diversity and <i>ecosystem diversity</i> .
<b>Biotechnical slope stabilization</b>	means the combined use of mechanical elements (or structures) and biological elements (or plants) to prevent slope failure and erosion. Both biological and mechanical elements must function together in an integrated and complementary manner.
<b>Containment Boundary</b>	means, in the context of this plan, a change in land use designation and pattern to clearly indicate the maximum extent or area of the land use. In this plan, this definition applies to the extent of <i>Rural Settlement Areas</i> , industrial areas and marine industrial areas.

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<b>Cottage Industry</b>	means the production of a craft or art carried out by a craftsperson or artisan for gain and is incidental or secondary to the residential use of the property.
<b>Density averaging</b>	means the number of lots that can be obtained by dividing the gross area of a parcel by the minimum average area permitted in the zone. None of the lots created can be smaller than the minimum lot area for that zone.
<b>Density bonusing</b>	means a process pursuant to Section 904 of the <u>Municipal Act</u> wherein a local government may permit a higher density than otherwise allowed by the zoning bylaw in exchange for an agreed-upon amenity. The process to amend a zoning bylaw requires a public hearing.
<b>Density transfer</b>	means the transfer of permitted density from one area or property to another by the agreement of landowners and the rezoning process. A <i>density transfer</i> could be in the form of additional lots, units per acre, site coverage. A <i>density transfer</i> could be utilized to preserve land with public value.
<b>Development permit designation</b>	means a designation established pursuant to the Municipal Act to protect the natural environment, to protect development from hazardous conditions, to guide the form and character of development in which they interact.
<b>Ecosystem</b>	means the sum total of vegetation, animals and the physical environment in which they interact.
<b>Electoral Area Plan</b>	means, in the context of this Plan, a document specifically designed to address the goals, objectives and policies of the OCP as they pertain to a specific Electoral Area. <i>Electoral Area Plans</i> shall determine the <i>containment boundaries for all Rural Settlement Areas</i> .
<b>Emergency Works</b>	means unscheduled works performed by government or a public utility to repair a building, structure or service in order to prevent imminent damage to private property, damage to the road right-of-way, damage to a service, loss of vital service, injury or loss of life.

<b>Employment Centre</b>	means, in the context of this plan, an industrial park that provides on-site jobs including for example, a value-added forest products park or high technology centre.	
<b>Foreshore (Intertidal zone)</b>	means the area that is exposed to the air at low tide and underwater at high tide (for example, the area between the tide marks).	#139
<b>Forest Land Reserve (FLR)</b>	means Crown land or private managed forest land designated as forest land by the Forest Land Commission, <i>FLR</i> lands are shown on the Land Status Map, Appendix C.	
<b>Forestry</b>	means the science, art and practice of managing and using the natural resources that occur on and in association with forest lands.	
<b>Great blue heron nest site assessment area</b>	means a line drawn around the perimeter of a tree containing a nest site for a great blue heron as specified within the "Comox Valley Sensitive Habitat Atlas (CVRD Reference Copy)"	#191
<b>Greenways</b>	means linear greenspace corridors that connect natural areas and communities, <i>Greenways</i> create linkages between human development and natural systems. They protect aquatic areas, provide wildlife habitat and increase recreational opportunities.	
<b>Home Occupation</b>	means any occupation or profession carried out for gain and is incidental or secondary to the residential use of the property.	
<b>Land Trust Agreements</b>	means an agreement to transfer title of real property to a land trust which provides for the preservation of environmentally sensitive areas.	
<b>Local Area Plan</b>	means, in the context of this Plan, a document specifically designed to address the goals, objectives and policies of the OCP as they pertain to Rural Settlement Areas within an Electoral Area. A Local Area Plan shall determine the type, nature, character, density and scale of all settlement related land uses to be permitted in Rural Settlement Areas.	
<b>Natural Boundary (High water mark)</b>	means the area above the visible high water mark of the Strait of Georgia where the presence	#139

and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the Strait of Georgia a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

**Natural Systems**

means, in the context of this Plan, the system of natural land forms, streams, lakes, shores and wetlands in the Rural Comox Valley.

**Nearshore (Subtidal zone)**

means the marine environment that lies below the mean low-water, always (or almost always) submerged in a tidally-influenced area.

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**Official Community Plan (OCP)**

means a statement of written policies that guides how a community will evolve in the future adopted pursuant to section 883 of the Municipal Act. The Municipal Act outlines the types of policies that are to be included in a community plan.

**Open Space Development Design**

means the design of housing areas that concentrates buildings in specific areas on a site to allow the remaining land to be used to achieve certain community benefits, such as open space or preservation of environmentally sensitive areas.

**Qualified environmental professional**

means an applied scientist or technologist, whose area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of a report in respect of that development proposal and who is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, and is acting within that individual's area of expertise.

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**Qualified tree expert**

means a qualified person with knowledge and experience in assessing tree health and tree hazards and who is currently certified or registered and in good standing with at least one of the following accreditations:

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- (i) certified with the international Society of Arboriculture;
- (ii) currently accredited as a consulting arborist with the American Society of Consulting Arborists;

- (iii) registered Professional Forester (R.P.F.) as recognized by the Association of BC Forest Professionals; and/or
- (iv) certified as a Wildlife/Danger Tree Assessor as recognized by the “Wildlife Tree Committee of British Columbia”.

**Registered professional biologist** means a person who is a professional biologist registered with the Association of Professional Biologists of British Columbia.

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**Restrictive covenant** means a covenant placed on the title of real property pursuant to the Land Titles Act to restrict or define certain activity. A restrictive covenant remains on title when the property changes hands, i.e. it runs with the title of the land, not with the owner.

**Revetment walls** means rip rap. Rip rap is made from a variety of rock types, commonly granite and limestone. Rip rap is used to armour shorelines, against scour and water erosion.

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**Riparian area** means the land adjacent to the normal high water level in a stream, river, lake, and pond and extending to the portion of land that is directly influenced by the presence of adjacent ponded or channeled water.

**Rural area** means an area designated on the Land Use Designations map as an area suitable for rural purposes such as low density residential, resource-based activity and small-scale tourist and light industrial activity.

**Rural character** means, in the context of this Plan, the diversity of land uses, parcel sizes and densities found in Electoral Areas A, B, and C, not including Denman and Hornby Islands. This character includes farming, forestry, parks, environmentally sensitive areas, rural residential and existing suburban areas.

**Rural service centre** means, in the context of the Rural Comox Valley, a compact commercial/professional centre which provides services to local residents.

**Steep Slopes**

means land with average slopes greater than 30% for a vertical distance of 3.0 metres (9.8 feet) or more, or slopes designated as hazard lands by a professional engineer with experience in geotechnical engineering.

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**Temporary Commercial Use Permit**

means, in the context of the Rural Comox Valley, a compact commercial/professional centre which provides services to local residents.

**Temporary Industrial Use Permit**

means a permit that allows any temporary industrial use despite the zoning bylaw provisions for a maximum period of two years renewable once only.

**Terrestrial**

means belonging to the land as opposed to the sea or air.

**Upland (Backshore)**

means that a portion of shore lying above the average high-water mark (HWM), which has vegetation, and is affected by waves only during severe storm events.

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**Value-added**

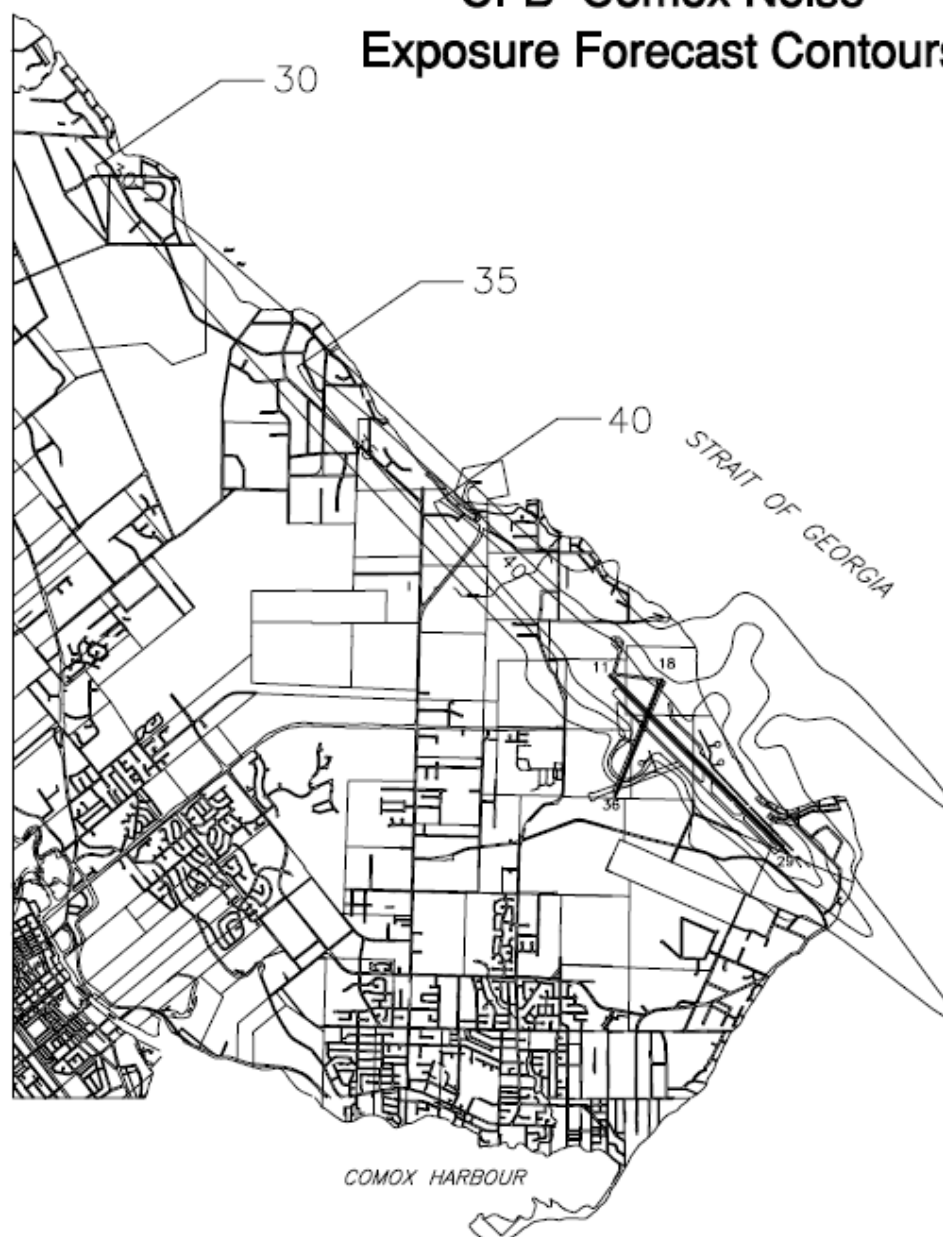
means the value of the product has been increased at each stage of production.

**Working landscape**

means farm or forest lands including *Agricultural Land Reserve*, provincial forest, or private forest land recognized in *greenways* for their role in food and wood production, floodplain storage and scenic land.

**Appendix B**

# CFB Comox Noise Exposure Forecast Contours

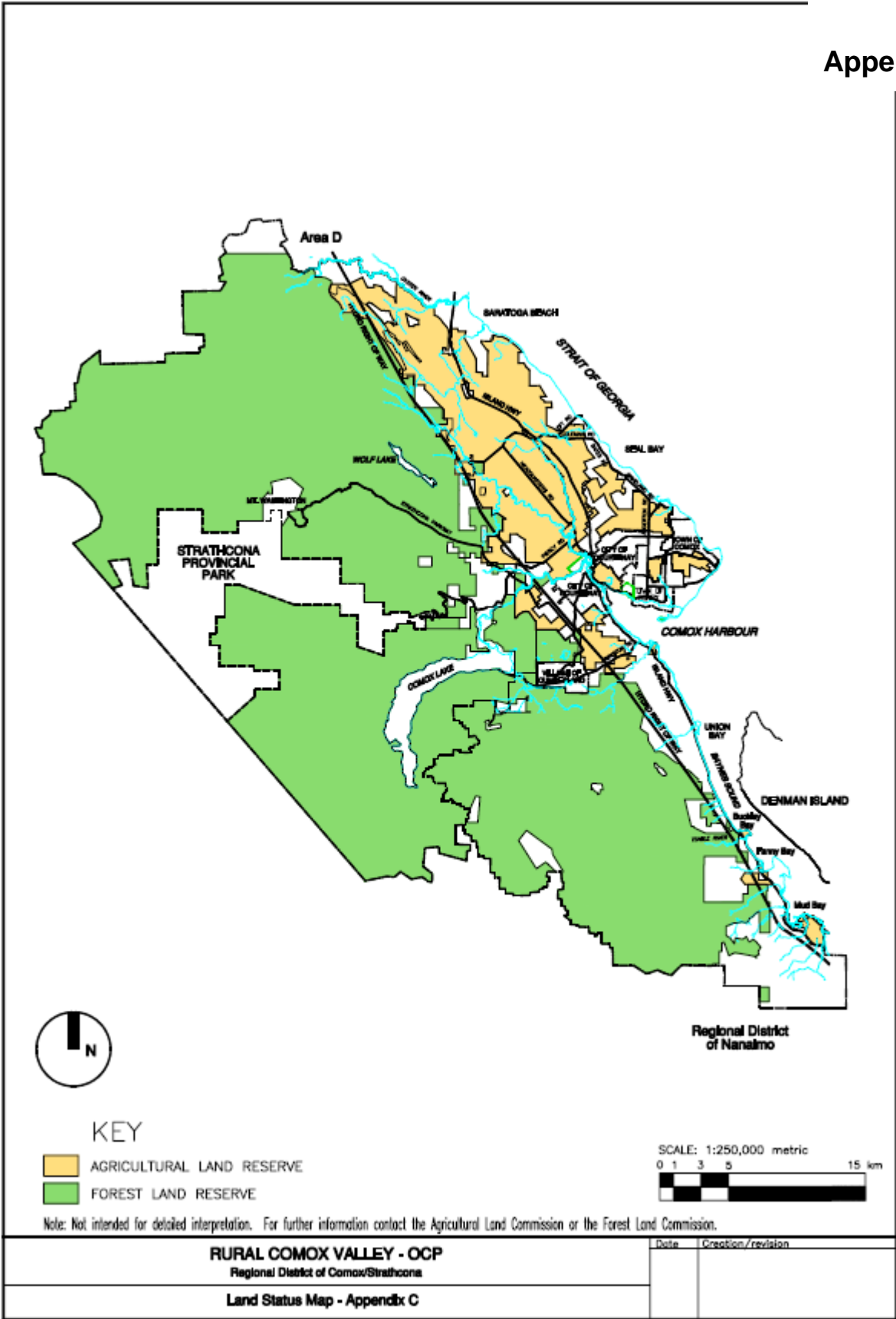


For further information about aircraft noise issues at CFB Comox, please contact the Public Affairs Officer at 339-8201.

JULY 14, 1998

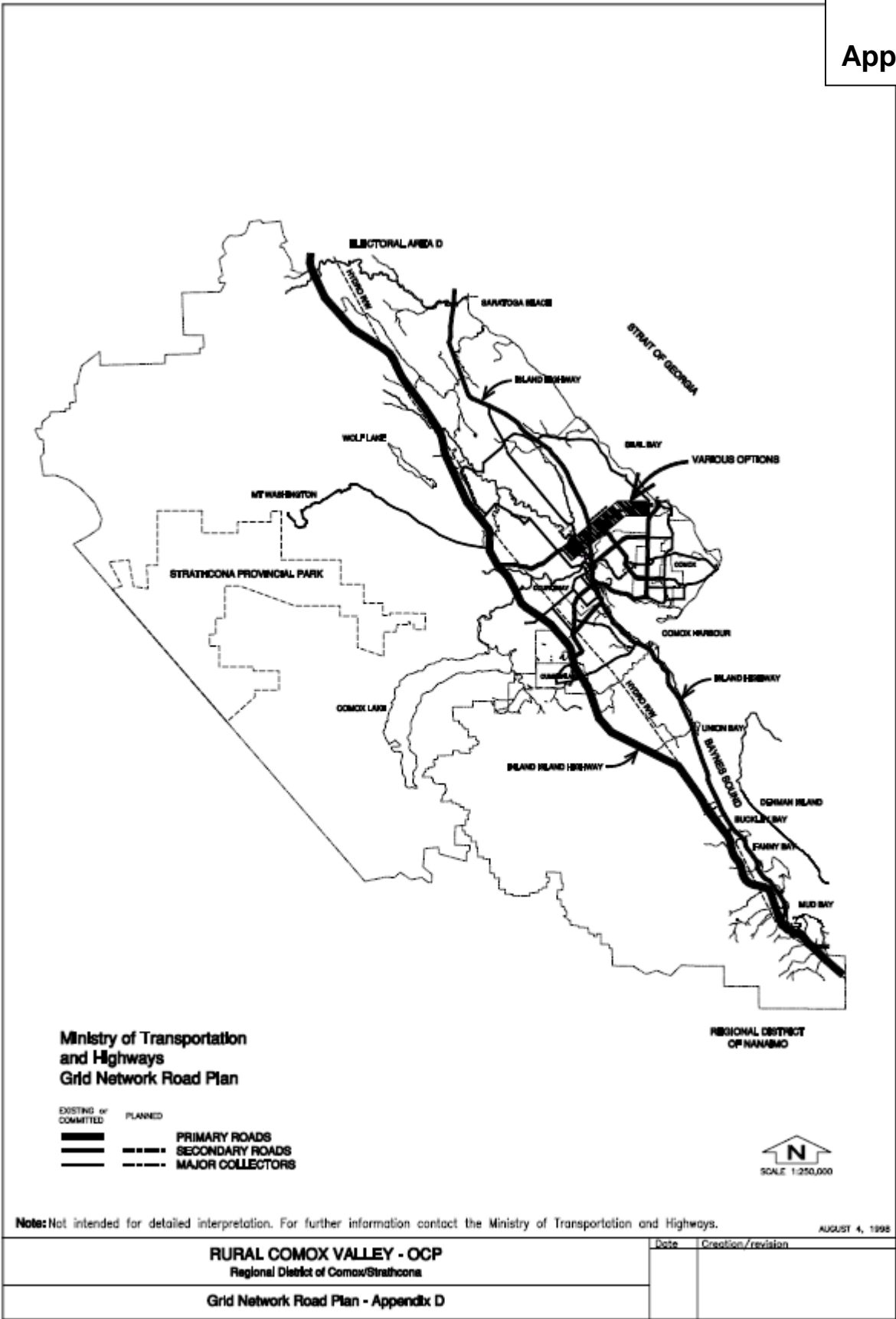
**NEF CONTOURS**  
**Appendix B**

Appendix C



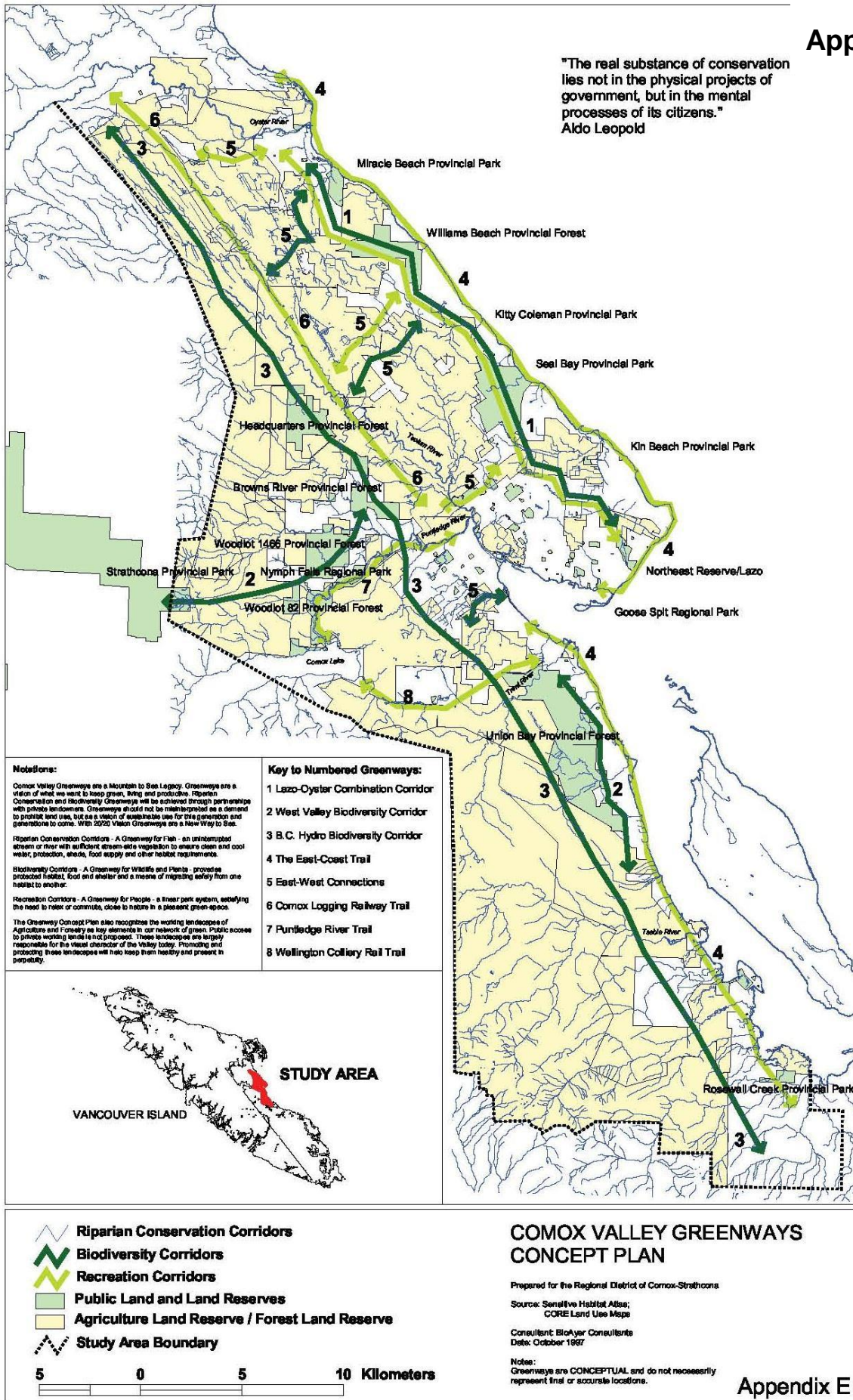


Appendix D



## Appendix E

"The real substance of conservation lies not in the physical projects of government, but in the mental processes of its citizens."  
Aldo Leopold



## Rural Comox Valley – Population and Projections

Between 1991 and 1996, just over 2,800 people moved to the Rural Comox Valley. This represents about 1,000 new households over a five year period. The annual rate of growth for the Rural Comox Valley during this five-year period was 2.95% which represents about 200 new households per year.

In comparison over this same five year period, Courtenay grew at 9.7% per year, Comox grew at 3.4% and Cumberland grew at 3.0% per year.

Growth in the Rural Comox Valley is dependent upon many factors. For example,

- people's individual choices about where to live;
- available lots with septic approval in the Rural Comox Valley;
- housing choice in Courtenay, Cumberland and Comox;
- land use policy and regulations in the Comox Valley;
- conditions in the market;
- availability of land for further subdivision in the Comox Valley;
- demographic trends and shifts; and
- in-migration trends.

Growth in the Comox Valley, like elsewhere in BC, is affected by external forces. For example, BC is affected by in-migration as a result of economic downturns elsewhere in the country. Over the past five to ten years, BC has seen an increase in its population due to migration from elsewhere in BC and Canada, as well as from international immigration.

As the economy elsewhere improves, the rate of in-migration will slow. This could result in a declining rate of growth for the Comox Valley. However, there are other factors that affect migration. For example, there may be a second wave of in-migration, as newcomers who moved to the Lower Mainland of BC decide to seek residence elsewhere for various reasons – such as employment, housing costs, and lifestyle choice. Retirees and pre-retirees are choosing to relocate in the Comox Valley due to its climate, location and lifestyle. Out-migration is also a component of growth. People who currently live in the Comox Valley may leave due to employment, education or other reasons. Births and deaths are also an important component.

The policy decisions that are made in the Comox Valley will affect where potential growth goes. As a result of shifts in migration trends and local government policies, the potential growth rate for the Rural Comox Valley could be adjusted downward.

For the purposes of illustration, a 10-year population projection has been prepared using a slightly lower growth (2.7%), recognizing the slowing of growth provincially in the post-1996 period, and a 3.5% annual growth rate estimated as the historic growth rate in the Comox Valley (Valley Vision).

Table 1 illustrates the current population in the Rural Comox Valley and the future potential population using these two scenarios. Table 2 illustrates the current population in the three area municipalities and projects growth at 3.5% and 5% for the next 5 and 10 year periods. A higher growth rate is used for these areas based on growth rates over the last five years and the municipalities absorbing more of the Valley's growth.

Table 1

**RURAL COMOX VALLEY – ESTIMATED 10 YEAR POPULATION PROJECTION**

Area	Population		Average annual growth rate % per year	Projected population based on estimated 2.7% growth per year		Projected Population based on estimated 3.5% growth per year	
	1991	1996	1991 - 96	2001	2006	2001	2006
Area 'A' – RDCS <sup>1</sup>	4,407	4,951	2.5%				
	6,945	8,272	3.8%				
Area 'B' – RDCS <sup>2</sup>	7,751	8,701	2.4%				
Area 'C' – RDCS <sup>3</sup>							
Area A, B, C Total <sup>1</sup>	19,103	21,924	2.95%	24,500	28,000	25,500	30,000

<sup>1</sup>Excludes Denman and Hornby Island<sup>2</sup>Area B population reflects boundary change in 1991.<sup>3</sup>Area C population reflects boundary change in 1991.

Source: Statistics Canada

Table 2

**COURTENAY, COMOX AND CUMBERLAND – ESTIMATED 10 YEAR POPULATION PROJECTION**

Area	Population		Average annual growth rate % per year	Projected population based on estimated 3.5% growth per year		Projected Population based on estimated 5.0% growth per year	
	1991	1996	1991 - 96	2001	2006	2001	2006
Courtenay <sup>1</sup>	11,698	17,355	9.7%	20,392	23,961	21,694	27,117
Comox <sup>1</sup>	9,477	11,069	3.4%	13,006	15,282	13,836	17,295
Cumberland	2,220	2,548	3.0%	2,994	3,518	3,185	3,981
Total <sup>1</sup>	23,395	30,972	6.4%	36,392	42,761	38,715	48,393

<sup>1</sup>Figures are adjusted to reflect boundary changes between 1991 and 1996. Source: Statistics Canada

Notes:

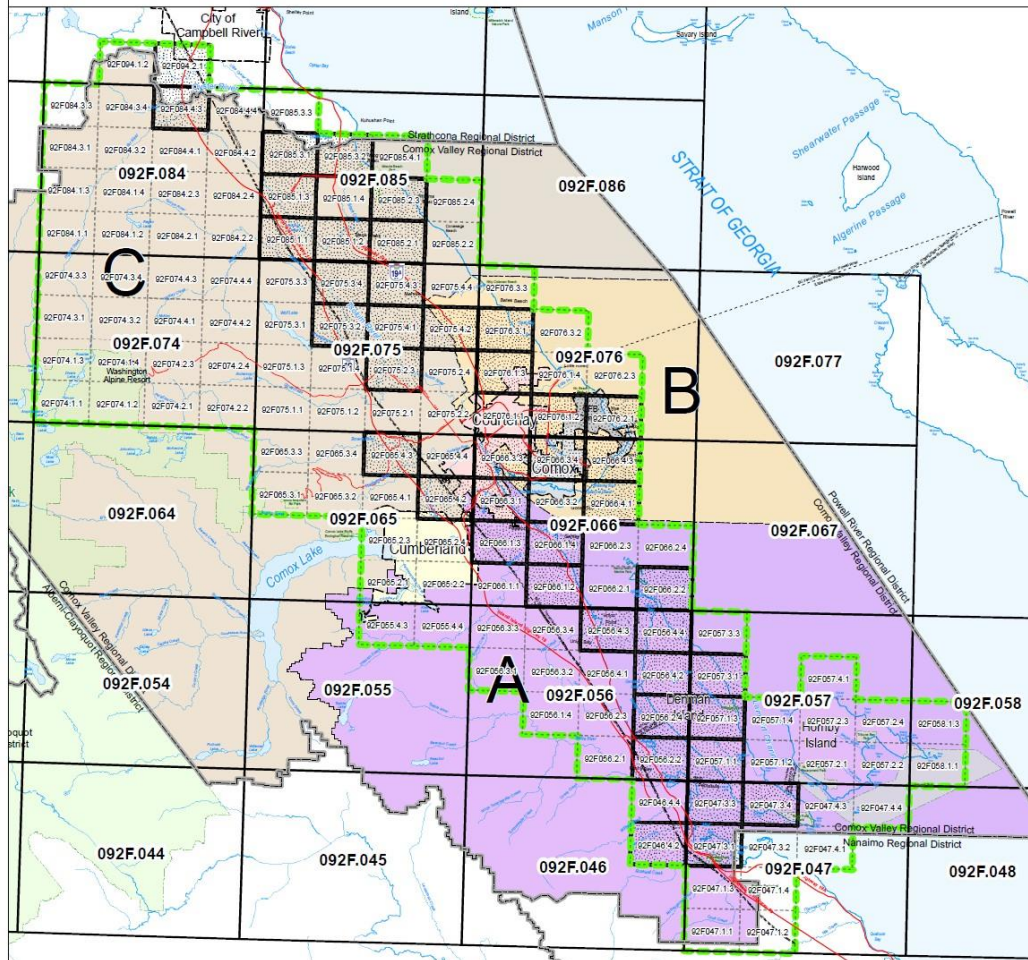
- The Town of Comox Official Community Plan (1997) estimates a 3.5% annual growth rate and anticipates a population of 18,000 by 2011. With a 1996 population of 11,069, the Town anticipates an additional 6,931 people by 2011.
- The City of Courtenay OCP (1994) anticipates the City accommodating 20,000 additional people within its existing boundaries, if some higher densities are permitted, for a total population of 32,000. With a 1996 population of 17,355 there is estimated to be accommodation for an additional 14,645 people in Courtenay.



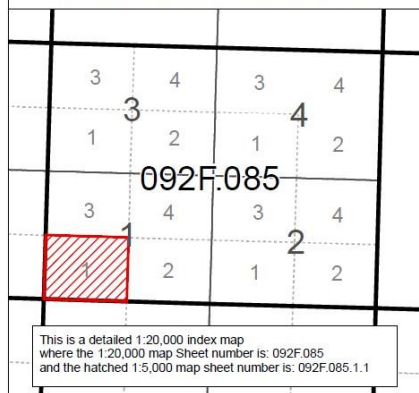
# Appendix G

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## Comox Valley Regional District Sensitive Habitat Atlas (2nd edition) Index Map



Example of British Columbia Grid System



### Legend

- Extent of sensitive habitat atlas map sheets
- Maps with updates