

# Public Hearing Binder

The general purpose of proposed “**Colwood Official Community Plan Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)**” is to amend the Colwood Official Community Plan Bylaw No. 1700 to implement the following changes:

- Improve implementation clarity throughout the development permit area guidelines (Sections 18 – 20) by correcting errors and including more prescriptive language;
- Add a new general regulation to the environmental development permit area guidelines (within Section 18.2) that will prohibit the clearing and blasting of a property located within the city’s environmental development permit area until the City is in receipt of a building permit application for the property;
- Add a new general regulation to the environmental development permit area guidelines (within Section 18.2) that will prohibit the removal of protected trees located on a property within the City’s environmental development permit area until the City has issued a tree management permit to address tree removal on the property;
- Improve implementation clarity by categorizing the list of exemptions to an environmental development permit based on land use, type of development, landscape activities, and hazards, as well as consolidating similar exemptions where possible;
- Update the list of submission requirements for environmental development permits (Section 19.3) to improve clarity;
- Add a new subsection (Section 19.4) to clarify when and where the environmental development permit area guidelines apply;
- Add a new subsection (Section 19.5) to the environmental development permit areas section to establish and formalize a standard framework for collecting security deposits associated with environmental development permits;
- Replace the design guidelines for development permits in riparian areas (Section 20A) by clarifying and strengthening the language throughout the section to support implementation and to align more strongly with provincial legislation, including the *Riparian Area Protection Regulation Act*, the *Fisheries Act*, the *Species at Risk Act*, the *Wildlife Act*, and the *Water Sustainability Act*; and,
- Update the glossary to improve user comprehension of the technical concepts presented throughout the Environmental Development Permit Area section.

Within the Binder please find a copy of:

1. Staff Report to the Planning and Land Use Committee: OCP Amendments to Environmental Development Permit Guidelines (December 4, 2023)
2. Proposed Bylaw No. 1700-10 (Environmental Development Permit Area)
3. Notice of Public Hearing

Minutes and videos of Council are publicly available and can be accessed through the following link:  
<https://colwood.civicweb.net/portal/>

**To:** Planning and Land Use Committee  
**Date:** December 4, 2023  
**From:** Desiree Givens, Planner II  
**RE:** OCP Amendments to Environmental Development Permit Guidelines

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### RECOMMENDATION

THAT the Planning and Land Use Committee recommend to Council:

THAT the "Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)" be given first and second reading, which will implement the following changes to Sections 18, 19, 20 and Glossary of the Official Community Plan (OCP):

- a. Amend Section 18 by updating the title, legend, and supplementary text of Figure 18 to reflect the changes described below.
- b. Amend Section 19 (Environmental Development Permit Areas) by:
  - i. Improving the clarity of Section 19.2 (Development Permit Exemptions for Environmental DPAs) by categorizing the exemptions based on type of land use, development application, landscape activity or hazard and by rephrasing and consolidating exemptions as necessary to add specificity and clarity;
  - ii. Updating Section 19.3 (Submission Requirements) by improving the layout and adding specificity to several of the minimum application submission requirements;
  - iii. Adding a new subsection, Section 19.4 (Where and When Environmental DPA Guidelines Apply), to provide more clarity on when an environmental development permit is required; and,
  - iv. Adding a new subsection, Section 19.5 (Securities), to provide a stronger framework for staff to collect and administer securities associated with environmental development permits.
- c. Amend Section 20 (Riparian Areas & Marine Shorelines Environmental DPA) by:
  - i. Creating two subsections to help distinguish requirements for riparian DPAs from marine shoreline DPAs; and,
  - ii. Updating the guidelines for riparian areas to reflect changes to provincial legislation introduced in 2019 and to strengthen statements within the section to support the City's ability to enforce compliance with the guidelines.
- d. Amend the Glossary by updating existing definitions and adding new definitions to align with how terms are defined in provincial and federal legislation.

AND THAT Council considers "Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)" in conjunction with the City's Financial Plan and applicable waste management plans;

AND THAT "Development Permit Delegation Amendment Bylaw No. 1742-03 (Development Permit Securities)" be given first and second reading, which will increase the amount of security to be provided in relation to an environmental development permit issued by the City of Colwood from 110% to 125% of the estimated cost of site restoration, remediation or correction of damage to the natural environment;

AND FURTHER THAT staff be directed to complete the public consultation as outlined in the Communications section of this report in compliance with section 475 of the *Local Government Act*.

### SUMMARY AND PURPOSE

The purpose of this report is to seek Council direction to proceed with 1<sup>st</sup> and 2<sup>nd</sup> reading of "Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)" and "Development Permit Delegation Amendment Bylaw No. 1742-03 (Development Permit Securities)."

The proposed amendments to the Official Community Plan are intended to update the City's environmental development permit area design guidelines to improve the document's useability to support implementation, to strengthen the City's ability to enforce compliance with provincial and federal legislation pertaining to riparian and other environmentally sensitive areas, and to implement changes to the riparian design guidelines and glossary specifically to achieve compliance with provincial legislation (Riparian Areas Protection Regulation). The table, below, provides a high-level summary of the key changes proposed.

Existing Section in the OCP	High Level Summary of Key Amendments	Appendix
18. Development Permit Area Guidelines	<ul style="list-style-type: none"> <li>Amending the general regulations (subsection 18.2) so that land alteration (including tree removal) be prohibited until a Building Permit submission has been received</li> </ul>	See Appendix 1
19. Environmental Development Permit Areas	<ul style="list-style-type: none"> <li>Consolidating and categorizing development permit exemptions (subsection 19.2), where possible, and revising the wording to bring added direction, clarity, or flexibility as required</li> <li>Revising the list of submission requirements for environmental development permits to improve its useability and make it more practical</li> <li>Adding a new subsection 19.4 Where and When Environmental DPA Guidelines Apply to add further clarity to users of the document situations where an environmental development permit is required</li> <li>Adding a new subsection 19.5 Securities to support a standardized process for the collection, use and release of security deposits associated with environmental development permits</li> </ul>	See Appendix 2
20. Riparian Areas & Marine Shorelines Environmental DPA	<ul style="list-style-type: none"> <li>Differentiating the guidelines for riparian areas from marine shoreline areas by pulling each set of design guidelines into two unique sections (Section 20A Riparian and Section 20B Marine Shoreline)</li> <li>Thoroughly updating the design guidelines for riparian areas based on advice received from a Qualified Environmental Professional, which make the guidelines more clear, practical and enforceable from an implementation standpoint</li> </ul>	See Appendix 3

Existing Section in the OCP	High Level Summary of Key Amendments	Appendix
	and that brings the guidelines into strong alignment with current legislation	
Glossary	<ul style="list-style-type: none"> <li>Amending existing definitions and adding new ones to ensure it aligns more closely with RAPR</li> </ul>	See Appendix 4

The proposed amendment to the Development Permit Delegation Bylaw will increase the required security deposit for environmental development permits from 110% to 125% of the estimated cost of site restoration, remediation or correction of damage to the natural environment. This will help ensure that the amount that the City collects is sufficient enough to encourage compliance with permit conditions, and, if necessary, correct damage to the environment where conditions of the permit are not met.

### STRATEGIC PLAN AND RELATED POLICIES

This work coincides with the governance priorities of the 2019-2023 Strategic Plan, since the proposed amendments will support efficient and effective service delivery by improving the policies and tools available for staff to assess development applications located in environmental development permit areas.

### BACKGROUND

In August 2018, Colwood adopted its latest Official Community Plan (OCP), which is used by Council, staff, the development industry, and residents for guidance on future patterns of growth and change in the community as it relates to housing, businesses, transportation priorities, and more.

Over time, it is expected that the OCP will be amended and updated to reflect new information while enhancing experiences in using and interpreting the document. To date, there have been seven OCP amendments, including two that were initiated by the City (Temporary Use Permit enablement and housekeeping, 1700-01; housekeeping 1700-05) and five resulting from development applications (Meaford, 1700-02; Latoria South, 1700-03; Royal Beach, 1700-04; Olympic View, 1700-06; Royal Beach, 1700-07).

The Riparian Areas Regulation was amended in November 2019 after Colwood adopted the 2018 OCP. The revised legislation allowed for stronger oversight by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (the 'Ministry') and provided additional detail and rigour in the application of regulatory standards. The key amendments that apply to local governments include the following changes:

- The Ministry now has the authority to approve/reject Riparian Area Protection Regulation (RAPR) reports and withhold notification to local governments until deficiencies in RAPR reports are fully addressed;
- Clarification for local governments regarding how to approach situations of "undue hardship," including a quantitative approach for determining allowable encroachments into a Streamside Protection and Enhancement Area (the required setback or buffer zone for a stream, watercourse, or waterbody);
- Clarification that the regulations do not apply in relation to repairs or other non-structural alterations or additions to a building or other structures if the structure:
  - Will remain on its existing foundation and within the existing footprint; and,
  - Is not damaged or destroyed to the extent of  $\geq 75\%$  the value above foundation or the maintenance of an area of human disturbance, other than a building or other structure if the area is not extended and the type of disturbance is not changed.
- Revised or new definitions for Streamside Protection and Enhancement Area, stream boundary, active floodplain, and area of human disturbance.

Several of the proposed OCP amendments are intended to update the City's policies for riparian development permit areas to align with the 2019 amendments to the Riparian Areas Regulation and ensure overall compliance with provincial and federal legislation.

In addition, staff are recommending OCP amendments to support the City's implementation and enforcement of environmental development permit area guidelines, including:

- Clarifying and improving the submission requirements for development applications;
- Clarifying and improving the list of exemptions (situations where an environmental development permit is not required);
- Clarifying where and when an environmental development permit is required; and,
- Providing a framework for collecting securities.

The proposed amendments apply to sections 18, 19, 20 and Glossary of the OCP and have been reviewed by a Qualified Environmental Professional and legal advisor. Please refer to Appendices 1-4 to learn more about how the amended policies will differ from existing policies within each of these sections.

A copy of the draft amending bylaw no. 1700-10 is provided as Appendix 5.

Staff are also recommending amendments to the Development Permit Delegation Bylaw, which will increase the security deposit for environmental development permits from 110% to 125% of the estimated cost of site restoration, remediation or correction of damage to the natural environment. This amount is consistent with what other municipalities require and will help ensure that the amount that the City collects is sufficient enough to encourage compliance with permit conditions, and, if necessary, correct damage to the environment where conditions of the permit are not met.

A copy of the draft amending bylaw no. 1742-03 is provided as Appendix 6.

## **OPTIONS / ALTERNATIVES**

The Committee may wish to consider recommending to Council one of the following options.

### **Option 1: Staff Recommendation**

THAT the "Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)" be given first and second reading, which will implement the following changes to Sections 18, 19, 20 and Glossary of the Official Community Plan (OCP):

- a. Amend Section 18 by updating the title, legend, and supplementary text of Figure 18 to reflect the changes described below.
- b. Amend Section 19 (Environmental Development Permit Areas) by:
  - i Improving the clarity of Section 19.2 (Development Permit Exemptions for Environmental DPAs) by categorizing the exemptions based on type of land use, development application, landscape activity or hazard and by rephrasing and consolidating exemptions as necessary to add specificity and clarity;
  - ii Updating Section 19.3 (Submission Requirements) by improving the layout and adding specificity to several of the minimum application submission requirements;
  - iii Adding a new subsection, Section 19.4 (Where and When Environmental DPA Guidelines Apply), to provide more clarity on when an environmental development permit is required; and,

- iv Adding a new subsection, Section 19.5 (Securities), to provide a stronger framework for staff to collect and administer securities associated with environmental development permits.
- c. Amend Section 20 (Riparian Areas & Marine Shorelines Environmental DPA) by:
  - i Creating two subsections to help distinguish requirements for riparian DPAs from marine shoreline DPAs; and,
  - ii Updating the guidelines for riparian areas to reflect changes to provincial legislation introduced in 2019 and to strengthen statements within the section to support the City's ability to enforce compliance with the guidelines.
- d. Amend the Glossary by updating existing definitions and adding new definitions to align with how terms are defined in provincial and federal legislation.

AND THAT Council considers "Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)" in conjunction with the City's Financial Plan and applicable waste management plans;

AND THAT "Development Permit Delegation Amendment Bylaw No. 1742-03 (Development Permit Securities)" be given first and second reading, which will increase the amount of security to be provided in relation to an environmental development permit issued by the City of Colwood from 110% to 125% of the estimated cost of site restoration, remediation or correction of damage to the natural environment;

AND FURTHER THAT staff be directed to complete the public consultation as outlined in the Communications section of this report in compliance with section 475 of the *Local Government Act*.

### Option 2

That no action be taken.

### Option 3

Another option as resolved by Council.

## COMMUNICATIONS

This report is publicly available on the City website as part of the agenda, which subscribers received by email. Mention will be made in the public Council Highlights webpage.

### Consideration of Opportunities for Consultation

The *Local Government Act* requires the City to provide opportunities it considers appropriate for consultation with persons, organizations, and authorities it believes will be affected by an OCP amendment.

Prior to 1<sup>st</sup> and 2<sup>nd</sup> reading of the bylaw (and again prior to public hearing) referral letters will be sent to the following recipients for comment:

- Capital Regional District;
- School District No. 62;
- Town of View Royal;
- City of Langford;
- District of Metchosin;
- Songhees Nation;
- Xwsepsum (Esquimalt) Nation;
- Sc'ianew (Beecher Bay) Nation;
- Agricultural Land Reserve;
- Department of National Defense;

- Ministry of Transportation and Infrastructure

Referral responses received will be conveyed to Council and entered into the public record.

A public hearing will be held on the proposed bylaw prior to final adoption consideration. Notice will be provided in accordance with Council Procedure Bylaw No. 1890.

Given the content of the proposed bylaw, staff feel that the City's consultation obligations under the *Local Government Act* will be met through the above approach to consultation.

## TIMELINES



## FINANCIAL CONSIDERATION

Amendment considerations are intended to reflect minor changes to the City's policies for environmental development permits. Work is being undertaken by City staff as part of 2023 work planning.

Since environmental security deposits are generally refunded to the permit holder upon satisfactory completion of the restoration works, staff do not anticipate that the proposed increase will have long-term financial impacts for the City.

As such, staff have not identified any significant financial implications to the City associated with the proposed amendments.

## CONCLUSIONS

The proposed amendments seek to improve implementation clarity and achieve compliance with provincial legislation for riparian areas. The Committee may wish to consider recommending Option 1 to Council.

Respectfully submitted,

*Desiree Givens*

Desiree Givens, MCRP  
Planner II

*Yazmin Hernandez B.*

Yazmin Hernandez, MCIP RPP  
Director of Development Services

**ADMINISTRATORS COMMENTS:**

I have read the report and endorse the recommendation



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Robert Earl

Chief Administrative Officer

**Attachments:**

**APPENDIX 1: Proposed Changes to Section 18**

**APPENDIX 2: Proposed Changes to Section 19**

**APPENDIX 3: Existing vs. Proposed Section 20**

**APPENDIX 4: Proposed Changes to Glossary**

**APPENDIX 5: Draft Amending Bylaw to Official Community Plan**

**APPENDIX 6: Draft Amending Bylaw to Development Permit Delegation Bylaw**



## **Proposed Changes to Section 18.1**

## 18. Development Permit Area Guidelines

### 18.1 Justification and Authority

Development Permits are one of the many tools to help achieve the vision, goals, and policy objectives set out in this Official Community Plan (OCP). For an urbanizing city with land constraints, it is becoming increasingly important to guide the way development looks and functions, and the manner in which it interfaces and integrates with – and protects – the natural environment. Likewise, to meet the vision, goals, and objectives of this OCP, it is vital that development is undertaken in a manner that enables the City to manage its natural resources and achieve its greenhouse gas emission reduction targets.

The Local Government Act authorizes local governments to designate areas in the OCP for several purposes including the: protection of the natural environment, its ecosystems, and biological diversity; protection of development from hazardous conditions; the establishment of objectives for the form and character of commercial, industrial, multi-family residential, or intensive residential development; for revitalization of an area in which a commercial use is permitted; and to achieve objectives for energy and water conservation and the reduction of greenhouse gas emissions.

The City designates the following Development Permit Areas to achieve objectives for environmental protection form and character, and sustainability objectives, pursuant to the following identified purposes of Section 488(1) of the Local Government Act:

#### ENVIRONMENTAL PROTECTION DEVELOPMENT PERMIT AREAS

Marine Shoreline [(a)] →

- Riparian ~~Area and Marine Shoreline Protection~~ [(a)]
- Sensitive Ecosystem ~~Protection~~ [(a)]
- Hillside~~s~~ [(a), (b)]
- Hazardous Conditions ~~Guidelines~~ [(a,b)]

#### FORM, CHARACTER AND SUSTAINABILITY DEVELOPMENT PERMIT AREAS

- General Intensive Residential, Multifamily, Commercial and Light Industrial [(d), (e), (f), (h),(i),and (j)]
- Intensive Residential / Small Lot Development [(e), (h), (i), and (j)]
- Centres [(d),(f),(h),(i),and (j)]
- Business and Light Industrial Centres [(d),(f),(h),(i),and (j)]
- Mixed Use Employment Centres [(d),(f),(h),(i),and (j)]
- Hillside~~s~~ [(d),(e),(f), (h),(i), and (j)]
- The Landing [(d), (e), (f), (h), (i), and (j)]. Refer to Appendix 1 of the OCP: Royal Beach Sub Area Plan (Bylaw 1700-04, 2020), Appendix A - Design Guidelines

The properties subject to the above Development Permit Areas are identified in Figures 18, 19, and 20.

## 18.2 General Regulations

Where land is subject to more than one Development Permit designation, development will be subject to the requirements of all applicable development permit guidelines. It may be possible to deal with all guidelines under one permit. The feasibility of this will be determined on a case-by-case basis.

Under the Local Government Act, a development permit may not vary use, density or floodplain provisions. Where an area is designated a

development permit area, the following conditions apply unless the owner first obtains a development permit:

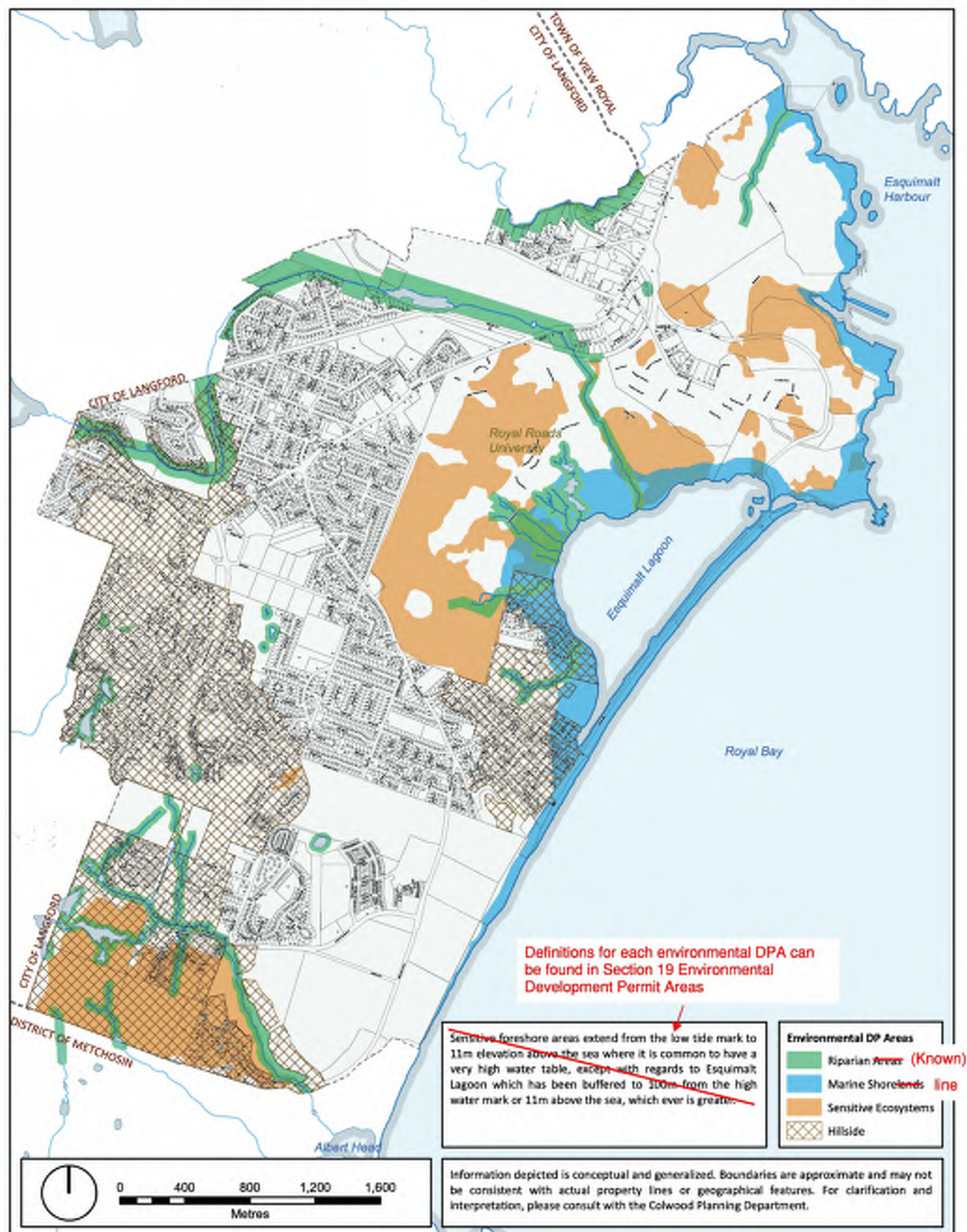
- a. The land within the area shall not be subdivided;
- b. Construction of, addition to, or alteration of a building or other structure must not be started;
- c. Land must not be altered when it is within an area designated for:
  - i. Protection of the natural environment, its ecosystems and biological diversity, or
  - ii. Protection of development from hazardous conditions;
- c. Land, or a building or structure on a Provincial or municipal heritage site, shall not be altered; and
- d. Land, or a building or other structure on that land, must not be altered when it is within an area designated for:
  - i. Revitalization of an area in which a commercial use is permitted, or
  - ii. Establishment of objectives to promote: energy conservation, water conservation, or reduction of greenhouse gas emissions.

**e. Despite any other City bylaw or policy and irrespective of the issuance of an Environmental Development Permit, lands within an Environmental Development Permit Area shall not be cleared, blasted or built upon unless the City is in receipt of a Building Permit application for the site and the City provides written authorization to proceed with land alterations.**

**f. Despite any other City bylaw or policy and irrespective of the issuance of an Environmental Development Permit, tree clearing on all lands within an Environmental Development Permit Area requires a Tree Management Permit that authorizes tree removal. In accordance with guideline 18.2 (e), a Tree Management Permit for these lands will not be issued until the City is in receipt of a Building Permit application for the site and adequate securities have been collected.**

## **Proposed Changes to Figure 18**

**Figure 18:** Environmental Protection Development Permit Area  
 (Riparian Area and Marine Shoreline Protection, Sensitive Ecosystem Protection, Hillsides)



## **Proposed Changes to Section 19.2**

Appendix 2: Proposed Changes to Section 19

Proposed Changes to Section 19.2 Development Permit Exemptions (Environmental DPA)			
Existing Section Number	Existing Exemption	Proposed Section Number	Proposed Exemption (changes indicated in red)
(h)	Park or trail improvements within a dedicated park undertaken or approved by the City of Colwood	(a)	Development that is not residential, commercial, or industrial
(i)	Road or utility works within a dedicated highway undertaken or approved by the City of Colwood		
(s)	Agricultural use in the Agricultural Land Reserve		
(a)	A subdivision which consists of a parcel line adjustment or consolidation	(b)	A subdivision application that consists of a parcel line adjustment, consolidation, or strictly to create a park that does not create undue hardship (as described in Section 20A)
(c)	A subdivision for park purposes		
(e)	A one-family dwelling or a two-family dwelling on a parcel which was created by a plan of subdivision for which a valid development permit exists	(c)	A building permit application for a one-family dwelling or a two-family dwelling on a parcel which was created by a plan of subdivision for which a valid environmental development permit exists or a Section 219 restrictive covenant has been registered on title to protect the environmentally sensitive area(s) on the lands



## Appendix 2: Proposed Changes to Section 19

Proposed Changes to Section 19.2 Development Permit Exemptions (Environmental DPA)			
Existing Section Number	Existing Exemption	Proposed Section Number	Proposed Exemption (changes indicated in red)
(k)	Renovations, repairs and maintenance to existing buildings that are protected by Part 14, Division 14 of the Local Government Act	(d)	Repairs <b>or other non-structural alterations</b> or additions to a building or other structure, <b>if the structure:</b> <ul style="list-style-type: none"> <li>• <b>Will remain on its existing foundation and within its existing footprint; and</b></li> <li>• <b>Is not damaged or destroyed to the extent described in section 532 (1) [repair or reconstruction if damage or destruction is equal to or more than 75% of value above foundation] of the <i>Local Government Act</i>.</b></li> </ul>
(l)	Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume		
(f)	An accessory building, building addition, or sundeck less than 60 m <sup>2</sup> in area which is located at least 30 m from a watercourse, waterbody or foreshore and at least 3 m from a slope of 30% or more in grade and which does not result in the removal of native vegetation	(e)	An accessory dwelling unit, building addition, or sundeck less than 60 m <sup>2</sup> in area, which does not result in the removal of native species of vegetation, and is located: <ul style="list-style-type: none"> <li>• outside the SPEA;</li> <li>• <b>beyond 30 m of the marine present natural boundary (PNB);</b></li> <li>• outside a sensitive ecosystem;</li> <li>• at least <b>15 m</b> from a slope of 30% or more in grade; and</li> <li>• <b>outside the habitat of a species or ecosystem at risk.</b></li> </ul>
(u)	Applications to rebuild existing single family homes which are not part of a subdivision/consolidation application and applications to construct an addition to an existing single family home where the footprints are located at least 30 m from a watercourse, waterbody or foreshore and at least 3 m from a slope of 30% or more in grade and which does not result in the removal of native vegetation other than trees for which a tree management permit is obtained.		
(g)	Fences 30 m or more from a watercourse or foreshore which do not result in the removal of native vegetation	(h)	Installation of property line fences, <b>or fences to prevent injury</b> , which do not: <ul style="list-style-type: none"> <li>• <b>impede the passage of wildlife;</b></li> <li>• disturb native species of vegetation <b>or tree roots.</b></li> </ul>
(j)	Unpaved paths or trails which are less than 1 m in width, which do not result in the removal of native vegetation,	(i)	Building of unpaved paths or trails which: <ul style="list-style-type: none"> <li>• are less than 1 m in width;</li> </ul>

Appendix 2: Proposed Changes to Section 19

Proposed Changes to Section 19.2 Development Permit Exemptions (Environmental DPA)			
Existing Section Number	Existing Exemption	Proposed Section Number	Proposed Exemption (changes indicated in red)
	disruption of soils or wildlife, and are not within 30 m of a watercourse or waterbody, including the marine foreshore;		<ul style="list-style-type: none"> <li>do not disturb native species or tree roots; and</li> <li>are beyond 10 m of a stream boundary and run parallel to the stream boundary.</li> </ul>
(m)	Removal of invasive non-native vegetation including gorse, Scotch broom, knotweed, hogweed, common fennel, purple loosestrife, knapweed, blessed milk thistle, carpet burweed, English ivy, daphne, yellow-flag iris, butterfly bush, and poison hemlock and its immediate replacement with vegetation native to the surrounding ecosystem or the temporary soil stabilization with mulch or other suitable material until a qualified professional deems it suitable for replanting with native species	(n)	Removal of invasive non-native trees (as listed by the BC Ministry of Forests' Invasive Plant Program and the BC Inter-Ministry Invasive Species Working Group) under a City tree management permit requiring a native tree replacement when outside the SPEA
(r)	Ecological restoration and enhancement projects undertaken or approved by the City of Colwood, the Ministry of Environment, or Fisheries and Oceans Canada	(l)	Ecological restoration and habitat enhancement projects undertaken or approved by the City, the Ministry of Environment, or Fisheries and Oceans Canada;
(o)	Removal of trees not located in the Sensitive Ecosystem Development Permit Area and at least 3 m from a slope of 30% or more and that is authorized by a tree management permit	(o)	Notwithstanding other exemptions in this section, removal of trees authorized by a tree management permit and is not located: <ul style="list-style-type: none"> <li>within a SPEA;</li> <li>within a sensitive ecosystem;</li> <li>within 3 m from a slope of 30% or more in the Hillside DPA; and</li> <li>within the habitat of a species or ecosystem at risk.</li> </ul>

## Appendix 2: Proposed Changes to Section 19

Proposed Changes to Section 19.2 Development Permit Exemptions (Environmental DPA)			
Existing Section Number	Existing Exemption	Proposed Section Number	Proposed Exemption (changes indicated in red)
(p)	Removal of hazardous trees that threaten the immediate safety of life or buildings where a report prepared by a certified forestry professional or ISA Certified Arborist, registered in British Columbia and qualified as a Wildlife/Danger Tree Assessor, has been submitted which concludes the tree(s) is (are) hazardous, and the hazard(s) cannot be addressed other than by removing the tree. Reporting standards are provided in the City's Guide to Development Permit Areas. Tree replacement will be required	(p)	Removal or modification of a hazardous tree authorized by a City tree management permit
(q)	Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public and or private property, including forest fire, flood and erosion protection works, protection, repair or replacement of public utilities, clearing of an obstruction from a bridge, culvert or stream, bridge repairs, and removal of hazardous trees	(q)	Emergency actions required to prevent, control, or reduce an immediate threat to human life, the natural environment or public and or private property, including forest fire, flood and erosion protection works, protection, repair, or replacement of public utilities, clearing of an obstruction from a bridge, culvert or stream, bridge repairs, and removal of hazardous trees <b>(as per the Urban Forest Bylaw)</b> . <b>A post-construction report prepared by a Qualified Professional must be submitted.</b>
(b)	A subdivision under existing zoning of a parcel of land at least 4000 m <sup>2</sup> creating 4 or fewer new lots which is located at least 30 m from a watercourse, waterbody or foreshore and at least 3 m from a slope of 30% or more in grade and which does not result in the removal of native vegetation		<b>*REMOVE*</b>
(d)	Land in the Steep Slopes Development Permit Area that is less than 30% in slope (with the exemption only to the steep slope requirements);		<b>*REMOVE*</b>

Appendix 2: Proposed Changes to Section 19

Proposed Changes to Section 19.2 Development Permit Exemptions (Environmental DPA)			
Existing Section Number	Existing Exemption	Proposed Section Number	Proposed Exemption (changes indicated in red)
(n)	In an area where ground water recharge or discharge is the only activity, an exemption will be permitted with a subsurface geology report by a professional engineer or geoscientist and an agreement to abide by the report together with the planting of vegetation native to the surrounding ecosystem		*REMOVE*
(t)	Normal agricultural practices, on land appropriately zoned for such activities, as defined by the Farm Practices Protection Act		*REMOVE*
	*ADD*	(f)	Maintenance of an area of human disturbance if the area is not increased and the type of disturbance is not changed (see definition of area of human disturbance in section 20A)
	*ADD*	(g)	Within an existing landscaped area that is outside of the SPEA, the placement of impermanent structures, such as benches, tables, and garden ornaments and the gardening and yard maintenance activities, such as lawn mowing, tree and shrub pruning, vegetation planning and minor soil disturbances that do not alter the contours of the land;
	*ADD*	(j)	Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone when outside the SPEA.
	*ADD*	(k)	Planting of non-invasive ornamental vegetation, which does not result in the removal of native species of vegetation, when: <ul style="list-style-type: none"> <li>• outside the SPEA;</li> <li>• beyond 30 m of the marine present natural boundary (PNB);</li> </ul>

Appendix 2: Proposed Changes to Section 19

Proposed Changes to Section 19.2 Development Permit Exemptions (Environmental DPA)			
Existing Section Number	Existing Exemption	Proposed Section Number	Proposed Exemption (changes indicated in red)
			<ul style="list-style-type: none"> <li>• outside a sensitive ecosystem;</li> <li>• at least 3 m from a slope of 30% or more in grade; and</li> <li>• outside the habitat of a species and ecosystem at risk.</li> </ul>
	*ADD*	(m)	Works authorized by senior government
	*ADD*	(n)	Removal of invasive non-native trees (as listed by the BC Ministry of Forests' Invasive Plant Program and the BC Inter-Ministry Invasive Species Working Group) under a City tree management permit requiring a native tree replacement when outside the SPEA

## **Proposed Changes to Section 19.3**

## 19.3 Submission Requirements

Submission requirements may include the following items, based on the specific requirements of and scope of the application at the discretion of the City of Colwood. All of the listed items may not be required for more minor applications:

- a. Owner;
- ~~b. Civic and legal address,~~
- c. North arrow and scale, **and legend**
- d. Property lines, rights-of-way, covenant areas and easements\*, **property line setbacks**
- e. Topographic plan, with minimum 1 m contours, showing existing site condition, **and maximum 2 m contours**  
**including areas of 30% or more in grade**

Ecological features including:

- ~~f. Watercourses and waterbodies whether permanent or not (both natural and man-made) including high water mark and floodplain areas,~~
- ~~g. Wildlife corridors and their connections to the surrounding area;~~

**Ecological**

**Stream boundary or SPEA boundaries as identified by the project QEP for properties with streams, watercourses, or other waterbodies;**

## Appendix 2: Proposed Changes to Section 19

- h. Rock outcrops;
- i. Wildlife habitat features;
- j. ~~Rare~~ **Occurrences of** rare species and ecosystems (data available from the BC Conservation Data Centre);

**An Arborist report to minimize tree loss, tree damage, and enhance tree canopy** →

- k. ~~Tree inventory (including species and diameter at breast height) completed by a Qualified Professional or other tree professional acceptable to the City of Colwood. For large parcels over 1 ha in size, the existing condition plan may show groups of trees by species and age class, if trees are to be retained; however, a detailed survey will still be required to show individual trees, including root zones, which may be impacted by the development, including those within utility corridors, roadways, and building envelopes (i.e. all impacted trees).~~

**Site Plan to include location of trees to be retained, removed or modified, and replacement trees**

- l. ~~Vegetation cover (tree, shrub, herb, forb, invasive species, landscaped areas);~~ **Outer extent of** **native species**

**Present** Natural boundary for properties ~~adjoining the ocean;~~ **with marine shoreline**

- n. Existing trails and off-site connections; **and fences**
- o. Archaeological or heritage features;
- p. Sun/shade analysis; **to identify and mitigate potential impacts to habitat**
- q. Existing buildings, structures, roads and infrastructure, including septic fields and parking areas; and
- r. ~~Calculated values for total impervious area and effective impervious area.~~
- s. Grading plan showing native soil retention areas, cut and fill areas, blasting and proposed retaining walls; **& existing and finished grade points**
- t. Location of all proposed buildings and structures including underground infrastructure, hydro and telecommunications connections and junction boxes, including protective measures for such infrastructure;
- u. Siting of parking areas, driveways, and loading docks;
- v. ~~The extent and nature of landscaping, including a tree retention, replacement and removal plan; details of vegetation to be maintained or proposed to be planted, retention of native soils, addition of new topsoil, and a cost estimate for the proposed plant material;~~
- w. Proposed ~~habitat restoration or enhancement areas and details of the works;~~ **ecological restoration or habitat enhancement areas**
- x. Proposed erosion and sediment control works;
- y. ~~Calculated values for total impervious area and effective impervious area, post-development;~~ **stormwater**
- z. Proposed ~~rainwater~~ management works including measures to protect groundwater quality;
- aa. ~~Demonstrated compliance with the flood construction level calculated for the site;~~

**A technical memo prepared by a geotechnical engineer demonstrating that the development footprint complies with the flood construction level and applicable guidelines for natural hazards**



**Copies of applications or permits**

- ab. ~~A list of permits required under provincial or federal legislation;~~
- ac. ~~The exterior finish, materials, and colour of buildings and roofs, and~~
- ad. ~~Location, number, and type of signage.~~

**A site plan indicating proposed fences and trails**

~~For the Riparian Area and Marine Shoreline DPAs, the application for a development permit must also be accompanied by an assessment report(s) from a Qualified Professional outlining the current and proposed site conditions and demonstrating that the proposed development will not negatively affect the marine shoreline area. A current survey of the present natural boundary is required. The report must:~~

- ~~i. identify measures to protect, enhance and restore marine ecosystem values and the functional condition of the marine foreshore and backshore areas; and~~
- ~~ii. include a summary checklist of pre- and post-development measures.~~

**Additional Professional Reports:**

**Site Adaptive Design Report to situate development according to the existing natural features and topography of the land;**

**An Ecological Restoration and Habitat Enhancement Plan to support biodiversity;**

**An Arborist Report to minimize tree loss, tree damage, and enhance tree canopy;**

**A Construction Mitigation Plan to avoid damage to the natural environment during construction;**

**A Stormwater Management Plan to protect groundwater quality and the receiving aquatic environment.**

**A landscape plan for the Marine, Hillside, and Sensitive Ecosystem (buffer) DPAs;**

**For the Riparian DPA, an assessment report prepared by a Qualified Environmental Professional and approved by the provincial government.**

**Third-party cost estimates for labour, materials, and maintenance of all measures and ecological restoration and/or habitat enhancement.**

**\*New\* Section 19.4**

## 19.4 Where and When Environmental DPA Guidelines Apply

The definitions of words in this section are important to understand, and most originate from provincial legislation. Definitions can be found in the OCP Glossary.

Environmental DPAs are defined as:

- a. Riparian DPA:
  - i. Within the Riparian (Known) Environmental DP Area as identified in Figure 18; this includes lands within 30 m of a stream boundary, top of a ravine bank, other watercourses, and waterbodies identified in Figure 18;
  - ii. Within 30 m of a stream boundary, top of a ravine bank, other watercourses, and waterbodies that are not identified in Figure 18 as Riparian (Known);
- b. Marine Shoreline DPA:
  - i. Within the Marine Shoreline DP Area as identified in Figure 18;
- c. Sensitive Ecosystems DPA:
  - i. Within the Sensitive Ecosystems DPA as identified in Figure 18;
- d. Hillside DPA:
  - i. Within the Hillside DPA as identified in Figure 18.

**\*New\* Section 19.5**

## 19.5 Securities

Collecting a security deposit is an important tool for local governments to ensure that commitments are fulfilled during the development process or as part of a bylaw violation remedy.

The authority to collect a security deposit is established in Section 502 of the Local Government Act.

The following standards shall apply to the collection, use, release, and forfeiture of securities for the purposes of protecting and restoring environmental DPAs:

### Collection and Use of Securities

- a. The City may require security as a condition of an environmental DP.
- b. A security may be used by the City to undertake, at the expense of the permit holder, the works, construction or other activities required to correct any damage to the environment resulting from a contravention of a condition in the permit.
- c. The amount of the security deposit will:
  - i. be determined using a third-party estimate prepared by a qualified professional as determined by City staff;
  - ii. be sufficient for the City to fulfill (b);
  - iii. not be reduced by intended in-kind contributions;
  - iv. include a contingency to cover possible rising costs and unforeseen situations during the life of the project; and
  - v. include applicable taxes.
- d. The security deposit will be paid to the City in the form of:
  - i. a cash deposit; or
  - ii. an automatically renewing irrevocable letter of credit drawn from a Canadian financial institution acceptable to the City and in a form acceptable to the City.

### Release of Securities

- e. Any securities collected as a condition of an environmental development permit will be released to the permit holder once all conditions have been

## Appendix 2: Proposed Changes to Section 19

satisfied. The timing of release of securities shall be in accordance with the schedule provided in the development permit.

- i. The owner or applicant is responsible for contacting the City and providing evidence that the permit conditions have been satisfied. In most cases, this will be by way of photographs or an inspection report prepared by a qualified professional. The City reserves the right to conduct field reviews before releasing security deposits.
- f. The amount of the security deposit to be released will be the balance of the security deposit after any expenses incurred by the City to fulfill (b).

**Existing Section 20**

## PART D: DEVELOPMENT PERMIT AREA GUIDELINES

# 20. Riparian Areas & Marine Shorelines Environmental DPA

The areas included on Figure 18 include environmentally sensitive areas in or around lakes, streams, ponds, wetlands, and the sea. Riparian areas are those areas adjacent to aquatic systems that contribute to the proper functioning condition of the aquatic system and are distinctly marked on the map presented in Figure 18. The following design guidelines are intended to complement a site adaptive planning approach to minimize ecosystem disturbance and protect open space and wildlife corridors.

## 20.1 Riparian Area Guidelines

- a. Require a report for all riparian areas from a Qualified Professional identifying environmentally valuable resources and wildlife values other than fish, including but not limited to amphibians and wildlife corridors. The report will identify measures to protect, enhance and restore ecosystem values and the Proper Functioning Condition of the watercourse or waterbody and riparian area. This report must:
  - i. Identify environmentally valuable resources and wildlife values other than fish, including, but not limited to, amphibians and wildlife corridors; and
  - ii. Identify measures to protect, enhance and restore ecosystem values and the Proper Functioning Condition of the watercourse or waterbody and riparian area.
- b. For water bodies which contain fish or are connected to fish habitat, as defined by the Riparian Areas Regulation (RAR), a detailed assessment report must be prepared by a Qualified Professional, in accordance with the RAR in support of a development permit



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for development within 30 m of the water body. Colwood Creek, Millstream Creek, Latoria Creek, Selleck Creek, Bee Creek, Lookout Brook and Joe's Creek are known to have fish present. A single report may be prepared which covers both RAR and City requirements. In compliance with the provincial requirements, the RAR report must:

- i. Clearly identify the width of the streamside protection and enhancement area (SPEA) to be protected, and measures necessary to protect the integrity and function of the SPEA;
- ii. Include an explanatory plan or reference plan prepared by a BC Land Surveyor which delineates the identified streamside protection and enhancement area;
- iii. Include measures to protect the root zones of trees within the SPEA and along the SPEA boundary, and protect the trees from windthrow. A report from a qualified professional (e.g. Professional Forester, ISA Certified Arborist) will be required as part of the RAR report if the Qualified Professional does not have such expertise;
- iv. Be prepared in accordance with the joint EGBC/ABCFF/CAB professional practice guidelines titled "Legislated Riparian Assessments in BC" as amended from time to time;
- v. Protect water quality and natural systems by leaving stream banks intact and not altering slopes and vegetation;
- vi. Provide leave strips of adequate width, a minimum of 30 metres (100 feet) adjacent to watercourse and foreshore to be maintained in a natural state; and
- vii. If the subject property is adjacent to a ravine, steep slope or other known hazard area, including those shown in Figure 19, provide a report certified by a geotechnical professional or professional engineer, that identifies any natural hazards along watercourses or waterbodies (including groundwater discharge), as part of the RAR report.

A Riparian Area Regulation (RAR) report may not be required where a prior RAR report has been done within the previous two years. Such reports are only valid if the site conditions have not changed and the proposed development remains substantively unchanged. If a suitable report is available, the proponent will be required to provide a letter from a Qualified Professional confirming that site conditions (existing and proposed) have not changed with respect to the impact on the riparian area and to provide a detailed Riparian Management Report.

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- c. In general, no part of a SPEA may extend on to a newly-created private residential lot. In special circumstances, the City may allow SPEAs on private lots with the registration of a covenant and/or provision of right-of-way access for municipal maintenance.
- d. City issuance of a development permit is subject to notification from the Province that a copy of the assessment report with the proper certifications has been submitted to the Riparian Area Regulation Notification System.
- e. A post-development assessment report must be provided by a Qualified Professional upon completion of the project, which certifies that the prescribed measures have been satisfactorily completed, before the security for ecological restoration and enhancement is returned to the applicant.
- f. The only activities permitted in riparian buffer areas are management of invasive species, ecological restoration/enhancement, wildfire interface treatments and modification of hazard trees, as approved by Colwood, or activities expressly authorized by the Province of BC.
- g. Trails may be permitted within the riparian buffer. Trails must be unpaved and must not result in the significant removal of native vegetation or disruption of wildlife, provided that the RAR applies to the waterbody.
- h. In alignment with the Water Sustainability Act, development permits issued with regard to road and driveway construction will ensure that:
  - i. watercourse crossings are located to minimize disturbance of riparian areas and streambanks;
  - ii. wherever possible, bridges are used instead of culverts for crossings of watercourses; and
  - iii. culverts are sited to allow unrestricted movement of fish and amphibians in both directions. Where desirable, culverts may be designed to encourage in-stream storage of water. Culverts that are sized to maintain natural width of watercourses such as arch or "D" shaped culverts shall be used in areas identified as fish and/or wildlife habitat,
- i. All stormwater or treated sewage effluent discharged into or through a riparian area must first be treated to prevent pollution from sediments, oils and greases, nutrients or other pollutants entering the water body or riparian area.
- j. Areas of land specified in the permit, in addition to the SPEA, must remain free of development, except in accordance with any conditions contained in the permit.

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For projects that cannot meet the above riparian buffer requirements, the City will consider an alternative approval process. Consideration will be given to narrower riparian buffers only if the proponent can demonstrate a significant net ecological benefit and the maintenance of the watercourse and riparian buffer in a state of Proper Functioning Condition (PFC). Any applications to relocate or fill any portion of a watercourse or water body must first be approved by the Province of BC per the Water Sustainability Act, and Fisheries and Oceans Canada or other senior government agencies (as applicable). The City may impose terms and conditions requiring the applicant to take compensatory mitigation measures on the subject property or elsewhere in the watershed. This option will only be entertained where significant net ecological benefit can be demonstrated by a Qualified Professional to the satisfaction of the City. Compensatory mitigation measures must result in replacement habitat that achieves a state of PFC. Examples where such alternative consideration may be given include water bodies or watercourses with severely degraded ecological function where there would be significantly greater ecological benefit derived from applying resources to the restoration of habitat elsewhere in the watershed or elsewhere on the watercourse, or hardship cases where maintenance of the full riparian buffer would prohibit development of an existing lot per the current zoning.

### 20.2 Marine Shoreline Guidelines

For the purposes of this Development Permit Area, marine shoreline areas extend from the low tide mark to 11 m above sea level, where it is common to have a very high water table (or "perched water").

- a. All marine shorelines have a permanent shoreline buffer not less than 30 m in width measured horizontally, upland from the present natural boundary, to be maintained in a natural or ecologically enhanced state.
- b. Hardening of shorelines is not supported.

## EXISTING SECTION 20

### Siting of permanent structures

- c. Buildings and structures must be located on the site in the areas that are the least environmentally sensitive to development.
- d. Permanent structures must be located upland of all areas subject to erosion or flooding over the building design life.
- e. All structures shall be at least 2 m above the highest elevation of the present natural boundary of the sea and the occupied portions of a building shall also meet the locally established flood construction levels where these are more stringent. On greenfield sites, or previously developed sites without fill, infilling of low-lying areas is not an acceptable approach to meeting the vertical elevation requirement.
- f. Permanent structures must be setback a minimum of 30 m horizontal distance from the present natural boundary (not the registered land title boundary).
- g. New structures, including docks, may not be located within the Esquimalt Lagoon Migratory Bird Sanctuary which includes 100 m from the present natural boundary of the Lagoon.
- h. Permanent structures located at the top of coastal banks or bluffs, where the toe of the bluff is exposed to coastal erosion under natural conditions, must be setback a horizontal distance equal to at least three times the vertical height of the bluff as measured horizontally from the toe of the bluff in addition to the 30 m setback outlined above, unless otherwise justified by an analysis conducted by a qualified professional with suitable experience in coastal erosion processes and in consideration of Provincial landslide assessment guidelines.
- i. Docks, walkways and piers must only be sited over areas with little or no vegetation. Grated surfaces must be used on structures placed over vegetative features to allow light penetration. Over-water structures in forage fish spawning areas will only be permitted in exceptional circumstances and only with prior approval from appropriate Federal and Provincial agencies. Treated wood is not a permitted building material.
- j. No new on-site sewage disposal systems are permitted in the Marine Shoreline DP area unless it is required to service existing dwellings.
- k. Prior to the issuance of a development permit, a professional engineer must certify that the proposed development, both during and after construction, will not be affected by, or contribute to, a high water table or ground water problems.

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### Conservation of Habitats and Marine Riparian Areas

- l. Development must ensure no net loss of critical or sensitive habitats located within the Marine Shoreline DP area. Any losses of existing critical or sensitive habitats must be offset with on-site compensation works. Off-site compensation for losses to existing critical or sensitive habitats cannot be used. All riparian or aquatic vegetation directly or indirectly lost through shoreline activities must be replaced with equivalent types, species and diversity of plants.
- m. Marine vegetation, especially kelp and eelgrass beds, must be protected by minimizing upslope generated sediment and not allowing structures or activities that require permanent or temporary anchoring in marine vegetated areas.
- n. Fill material is prohibited from being placed within 30 metres of the present natural boundary except as required for beach nourishment as prescribed by a coastal geomorphologist or coastal process engineer.
- o. Fill or protective works are not permitted in intertidal or subtidal areas with critical or sensitive habitats, including forage fish habitats, except fill introduced as forage fish habitat under the direction of a Qualified Professional and approved by Fisheries and Oceans Canada.
- p. Near shore construction activities must avoid and minimize area disturbed. Construction may only take place during prescribed timing windows for fish and other wildlife unless supervised by a Qualified Professional and approved by Provincial and Federal Authorities as required. Any construction in or near waterways must comply with provincial and federal legislation and regulations (including the Canada Fisheries Act, Navigation Protection Act, BC Fish Protection Act, and Water Sustainability Act).
- q. Structures, other than boardwalks designed to minimize trampling, roads, utility corridors and landscaping must not be located in marsh or wetland areas.
- r. Existing trees, downed logs, and vegetation should be retained wherever possible.
- s. Native vegetation, anchored logs and other soft shore approaches should be utilized to protect shorelines from erosion. Work below the present natural boundary requires prior approval from the Province.

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- t. Trees containing the active nests of Great Blue Herons, eagles, osprey or other protected species must be retained and an adequately sized buffer to ensure the continued viability of the nest site must be provided. Where there are nest trees, ensure that construction takes place only during the timing windows specified for nesting and rearing birds, as identified by the Ministry of Environment. Refer to the Ministry of Environment "Develop with Care: Environmental Guidelines for Urban and Rural Land Development" and "Guidelines for Raptor Conservation for Urban and Rural Land Development in BC" for buffer distances and best practices.
- u. The development of docks and watercraft launching sites is not permitted in the Esquimalt Lagoon Migratory Bird Sanctuary.

### **Conservation of Coastal Sediment Processes**

- v. Site development must be designed such that the need for shore protection works, other than soft shore methods, is not required over the life of the project or a 75-year cycle of natural erosion, whichever is greater, OR if shore protection works are required, then a design must be provided that will emulate natural sediment supply to the foreshore for a 75-year cycle of natural erosion or the life of the project (whichever is greater). The texture and size of the supplied material must be appropriate to the site (e.g. similar in size and form to that which would be generated by natural erosion). The design must be signed and sealed by a professional qualified to determine appropriate measures (normally a coastal geomorphologist or coastal process engineer).

In addition to the City's guidelines, the following Provincial Government documents are resources available to help guide the development of environmentally sensitive areas:

- a. Land Development Guidelines for the Protection of Aquatic Habitat (published by Fisheries and Oceans Canada and the Ministry of Environment, Land and Parks, May, 1992);
- b. Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Ministry of Environment, 2014); and
- c. Guidelines for Amphibian and Reptile Conservation During Urban and Rural Land Development in BC;
- d. Urban Ungulates Conflict Analysis;

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- e. Guidelines for Raptor Conservation During Urban and Rural Land Development in BC;
- f. Standards and Best Practices for Instream Works (Ministry of Environment, March 2004); and
- g. Ministry of Environment timing windows for in-stream works.

## **Proposed Section 20**



PART D: DEVELOPMENT PERMIT AREA GUIDELINES

# 20A. Riparian Areas Environmental DPA

Riparian areas occur next to the banks of streams, lakes, and wetlands and include both the area dominated by continuous high moisture content and the adjacent upland vegetation that exerts an influence on it. Riparian areas greatly contribute to habitat, bank stability, and water quality.

The City protects riparian areas according to the provincial Riparian Area Protection Regulation (RAPR). The intention is to protect riparian areas from new development and improve riparian areas over time through restoration and approving new development outside of setbacks.

The City has additional requirements to ensure a consistent and practical approach to protect all freshwater aquatic ecosystems. For the purposes of implementing RAPR and meeting City policies to protect all freshwater ecosystems, the City has designated a Riparian Development Permit Area (DPA) for all known streams, watercourses, and waterbodies (Figure 18) including Colwood Creek, Millstream Creek, Latoria Creek, Selleck Creek, Bee Creek, Lookout Brook, and Joe's Creek.

The definitions of the words in this section are important to refer to when interpreting the guidelines. Most of the definitions originate from RAPR. Definitions can be found in the OCP Glossary.

RAPR requires that all streamside protection and enhancement areas (SPEAs) are protected from development. The SPEA is a variable setback

determined by a qualified environmental professional (QEP) based on the characteristics of the stream. The project QEP will determine an appropriate SPEA by adapting the RAPR methodology for watercourses and waterbodies.

## **Proposed Development in Riparian Areas**

Any proposed development within the Riparian Assessment Area (RAA) of a stream (whether the stream is identified in Figure 18 or not), requires a Riparian Development Permit where the guidelines can be met unless exempt under Section 19.2.

An assessment report must be prepared and submitted by a QEP to the provincial government, as per RAPR. The report, once received by the City and approved by the provincial government, will establish the SPEA and the basis for development review.

## **Undue Hardship**

In a case where a development proposal cannot comply with the requirements of the Riparian DPA, the City will consider the application of undue hardship as defined under RAPR. A Riparian DP may be issued when:

Undue hardship occurs, meaning:

- a. The site was created by subdivision in accordance with the laws in force in British Columbia at the time the site was created;
- b. The developer has sought and received a decision on every variance (including an approval from the Board of Variance, a Development Variance Permit, or an amendment to the *Land Use Bylaw*) that would reduce the legally restricted area of the site; and
- c. The developable area (the area of the site other than the SPEA and the naturally and legally restricted areas of the site) is less than the allowable footprint for the site.

## **20A.1 Riparian Area Guidelines**

- a. An assessment report must be prepared and submitted by a QEP for developments within the Riparian Area Assessment (RAA) of a stream. The RAA is typically land inclusive of 30 m from the stream boundary on both sides of the stream. The RAA may be greater if the stream is located within a ravine. The report, once received by the City and approved by the provincial government, will establish the SPEA and form the basis of the Riparian DP.

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- b. An assessment report must be prepared and submitted by a QEP for developments within 30 m of watercourses and waterbodies or top of ravine. The report, once received by the City from the QEP and approved by the provincial government, will establish the SPEA-equivalent width and form the basis of the Riparian DP.
- c. The SPEA boundary must be identified and flagged on site by the project QEP.
- d. Development within the SPEA will not be permitted except in the case of undue hardship.
- e. In cases of undue hardship, the City may issue a Riparian DP for development within the SPEA if all the following conditions are met:
  - i. The development complies with variances granted and/or bylaw amendments adopted by the City;
  - ii. The development is in an area of human disturbance or situated and otherwise designed to minimize any encroachment into the SPEA; and,
  - iii. The areas of human disturbance on the site after the development is complete will not exceed the allowable footprint for the site.
- f. Treatment of sewage and stormwater is not permitted within the SPEA.
- g. Development will not result in any harmful alteration, disruption, or destruction (as defined in the *Fisheries Act*) of natural features, functions, and conditions in the SPEA that support the life processes of protected fish (meaning salmonids, game fish, and fish that are listed in Schedule 1, 2, or 3 of the federal *Species at Risk Act*).
- h. Further to guideline (g), where a development located within a riparian development permit area proposes to eliminate, modify, or significantly relocate an existing waterbody, the City must first receive a copy of a Change Approval or Water License, in accordance with the applicable statutes before approving a compensation plan and associated cost estimate for said compensation works to be completed.
- i. Subdivision layout must not result in future undue hardship.
- j. Development must be in accordance with the design and measures recommended by the QEP in the assessment report.
- k. Development must avoid encroachment and disturbance of species and ecosystems at risk. If present, a report must be prepared by a qualified professional(s) (QP[s]) with specific expertise related to the species or ecosystem(s) in question. This report must assess the impact of the proposed development on the species and ecosystems at risk and recommend strategies to mitigate the effects of development.
- l. If stream crossings cannot be avoided, they should be located and designed to minimize disturbance of the SPEA.
- m. Trees containing the active nests of any bird, and any nests of eagle,

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peregrine falcon, gyrfalcon, osprey, or heron should be retained, an adequately sized buffer maintained, and construction timing windows followed to ensure the continued viability of the nest site in accordance with the Provincial Environmental Best Management for Urban and Rural Land Development .

- n. Removal or damage to wildlife trees must be avoided and their management addressed in an Arborist Report or Ecological Restoration and Habitat Enhancement Plan.
- o. Buffers between development and the SPEA may be required to:
  - i. protect root systems of vegetation;
  - ii. maintain existing water resources (unless a change can be demonstrated to be beneficial by a QEP);
  - iii. maintain existing shading and access to sunlight;
  - iv. maintain or create ecosystem edge habitat.
- p. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone within 30 m of the stream boundary is encouraged.
- q. The development shall demonstrate the following City-wide OCP objectives:
  - i. Protect ecological corridors;
  - ii. limit human disturbance;
  - iii. restore ecosystems;
  - iv. prohibit more tree and vegetation clearance than is necessary to install services;
  - v. plant native species of vegetation and removing invasive species;
  - vi. avoid blasting, filling, and retaining walls; and
  - vii. plan with existing topography.
- r. The QEP must submit an Ecological Restoration and Habitat Enhancement Plan for the SPEA using the Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites, or most recent provincial version, unless the QEP provides a written statement that the SPEA would not benefit from ecological restoration or habitat enhancement;
- s. A permanent, open rail fence to demarcate the SPEA line is required.

PART D: DEVELOPMENT PERMIT AREA GUIDELINES

# 20B. Marine Shorelines Environmental DPA

## 20B.1 Marine Shoreline Guidelines

For the purposes of this Development Permit Area, marine shoreline areas extend from the low tide mark to 11 m above sea level, where it is common to have a very high water table (or “perched water”).

- a. All marine shorelines have a permanent shoreline buffer not less than 30 m in width measured horizontally, upland from the present natural boundary, to be maintained in a natural or ecologically enhanced state.
- b. Hardening of shorelines is not supported.

### Siting of permanent structures

- c. Buildings and structures must be located on the site in the areas that are the least environmentally sensitive to development.
- d. Permanent structures must be located upland of all areas subject to erosion or flooding over the building design life.
- e. All structures shall be at least 2 m above the highest elevation of the present natural boundary of the sea and the occupied portions of a building shall also meet the locally established flood construction levels where these are more stringent. On greenfield sites, or previously developed sites without fill, infilling of low-lying areas is not an acceptable approach to meeting the vertical elevation requirement.
- f. Permanent structures must be setback a minimum of 30 m horizontal distance from the present natural boundary (not the registered land title boundary).
- g. New structures, including docks, may not be located within the Esquimalt Lagoon Migratory Bird Sanctuary which includes 100 m from the present

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natural boundary of the Lagoon.

- h. Permanent structures located at the top of coastal banks or bluffs, where the toe of the bluff is exposed to coastal erosion under natural conditions, must be setback a horizontal distance equal to at least three times the vertical height of the bluff as measured horizontally from the toe of the bluff in addition to the 30 m setback outlined above, unless otherwise justified by an analysis conducted by a qualified professional with suitable experience in coastal erosion processes and in consideration of Provincial landslide assessment guidelines.
- i. Docks, walkways and piers must only be sited over areas with little or no vegetation. Grated surfaces must be used on structures placed over vegetative features to allow light penetration. Over-water structures in forage fish spawning areas will only be permitted in exceptional circumstances and only with prior approval from appropriate Federal and Provincial agencies. Treated wood is not a permitted building material.
- j. No new on-site sewage disposal systems are permitted in the Marine Shoreline DP area unless it is required to service existing dwellings.
- k. Prior to the issuance of a development permit, a professional engineer must certify that the proposed development, both during and after construction, will not be affected by, or contribute to, a high water table or ground water problems.

## **Conservation of Habitats and Marine Riparian Areas**

- l. Development must ensure no net loss of critical or sensitive habitats located within the Marine Shoreline DP area. Any losses of existing critical or sensitive habitats must be offset with on-site compensation works. Off-site compensation for losses to existing critical or sensitive habitats cannot be used. All riparian or aquatic vegetation directly or indirectly lost through shoreline activities must be replaced with equivalent types, species and diversity of plants.
- m. Marine vegetation, especially kelp and eelgrass beds, must be protected by minimizing upslope generated sediment and not allowing structures or activities that require permanent or temporary anchoring in marine vegetated areas.
- n. Fill material is prohibited from being placed within 30 metres of the present natural boundary except as required for beach nourishment as prescribed by a coastal geomorphologist or coastal process engineer.
- o. Fill or protective works are not permitted in intertidal or subtidal areas with critical or sensitive habitats, including forage fish habitats, except fill introduced as forage fish habitat under the direction of a Qualified Professional and approved by Fisheries and Oceans Canada.

## PROPOSED SECTION 20

- p. Near shore construction activities must avoid and minimize area disturbed. Construction may only take place during prescribed timing windows for fish and other wildlife unless supervised by a Qualified Professional and approved by Provincial and Federal Authorities as required. Any construction in or near waterways must comply with provincial and federal legislation and regulations (including the Canada Fisheries Act, Navigation Protection Act, BC Fish Protection Act, and Water Sustainability Act).
- q. Structures, other than boardwalks designed to minimize trampling, roads, utility corridors and landscaping must not be located in marsh or wetland areas.
- r. Existing trees, downed logs, and vegetation should be retained wherever possible.
- s. Native vegetation, anchored logs and other soft shore approaches should be utilized to protect shorelines from erosion. Work below the present natural boundary requires prior approval from the Province.
- t. Trees containing the active nests of Great Blue Herons, eagles, osprey or other protected species must be retained and an adequately sized buffer to ensure the continued viability of the nest site must be provided. Where there are nest trees, ensure that construction takes place only during the timing windows specified for nesting and rearing birds, as identified by the Ministry of Environment. Refer to the Ministry of Environment “Develop with Care: Environmental Guidelines for Urban and Rural Land Development” and “Guidelines for Raptor Conservation for Urban and Rural Land Development in BC” for buffer distances and best practices.
- u. The development of docks and watercraft launching sites is not permitted in the Esquimalt Lagoon Migratory Bird Sanctuary.

### **Conservation of Coastal Sediment Processes**

- v. Site development must be designed such that the need for shore protection works, other than soft shore methods, is not required over the life of the project or a 75-year cycle of natural erosion, whichever is greater, OR if shore protection works are required, then a design must be provided that will emulate natural sediment supply to the foreshore for a 75-year cycle of natural erosion or the life of the project (whichever is greater). The texture and size of the supplied material must be appropriate to the site (e.g. similar in size and form to that which would be generated by natural erosion). The design must be signed and sealed by a professional qualified to determine appropriate measures (normally a coastal geomorphologist or coastal process engineer).

In addition to the City’s guidelines, the following Provincial Government

# PROPOSED SECTION 20

documents are resources available to help guide the development of environmentally sensitive areas:

- Land Development Guidelines for the Protection of Aquatic Habitat (published by Fisheries and Oceans Canada and the Ministry of Environment, Land and Parks, May, 1992);
- Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Ministry of Environment, 2014);
- Guidelines for Amphibian and Reptile Conservation During Urban and Rural Land Development in BC;
- Urban Ungulates Conflict Analysis;
- Guidelines for Raptor Conservation During Urban and Rural Land Development in BC;
- Standards and Best Practices for Instream Works (Ministry of Environment, March 2004); and
- Ministry of Environment timing windows for in-stream works.



## **Proposed Changes to Glossary**

Appendix 4: Proposed Changes to Glossary

Proposed Changes to Glossary	
Existing Definition	Proposed Definition
<p><b>Active Floodplain</b> An area on either side of a stream/river or other waterbody which is regularly flooded on a periodic basis.</p>	<p><b>Active Floodplain</b> Land that is adjacent to a stream, inundated by the 1-in-5-year return period flow of the stream, and capable of supporting plant species that are typical of inundated or saturated soil conditions, and distinct from plant species on freely drained upland sites adjacent to the land (Riparian Area Protection Regulation).</p>
<p><b>Qualified Environmental Professional (QEP)</b> A Qualified Environmental Professional (QEP) is a person defined under the Riparian Areas Regulation of the Fish Protection Act of British Columbia. The QEP assesses conditions of riparian areas according to the regulation so fish and riparian habitat are protected. The applicable professionals include Professional Biologists, Geoscientists, Foresters, Agrologists, and some Technicians. A QEP must be certified by a method stipulated by the Ministry of Environment.</p>	<p><b>Qualified Environmental Professional (QEP)</b> For the purposes of carrying out part of an assessment under RAPR:</p> <ul style="list-style-type: none"> <li>(a) The individual is registered under the Professional Governance Act as any of the following professionals:               <ul style="list-style-type: none"> <li>i. an agrologist;</li> <li>ii. an applied science technologist or certified technician;</li> <li>iii. a registered professional biologist or registered biology technologist;</li> <li>iv. a professional engineer or professional engineering licensee;</li> <li>v. a professional forester or registered forest technologist; and</li> <li>vi. a professional geoscientist or professional geoscience licensee,</li> </ul> </li> <li>(b) The individual is in good standing with the regulatory body under that Act for the individual’s profession, and</li> <li>(c) When carrying out that part of the assessment, the individual is acting:               <ul style="list-style-type: none"> <li>i. within the individual’s area of expertise;</li> <li>ii. within the scope of professional practice for the individual’s profession; and</li> </ul> </li> </ul>

## Appendix 4: Proposed Changes to Glossary

Proposed Changes to Glossary	
Existing Definition	Proposed Definition
	<ul style="list-style-type: none"> <li>iii. under the code of ethics of the regulatory body referred to in paragraph (b) and is</li> <li>iv. subject to disciplinary action by that regulatory body. (see Riparian Area Protection Regulation)</li> </ul>
<p><b>Stormwater Management</b> Building and landscape strategies to control and limit stormwater pollution and runoff. Usually an integrated package of strategies, elements can include vegetated roofs, compost-amended soils, pervious paving, tree planting, drainage swales, and more.</p>	<p><b>Stormwater Management</b> Designing for the infiltration and cleansing of the excess flow (runoff) of water from impervious surfaces generated by rainfall or snowmelt. Examples are reducing the area of impervious cover, directing runoff to vegetated swales, retaining and planting trees.</p>
<p><b>Stream</b> A natural watercourse or source of water supply, whether usually containing water or not (e.g., ground water, lake, river, creek, spring, ravine, swamp and gulch).</p>	<p><b>Stream</b> A watercourse or body of water, whether or not usually containing water, and any ditch, spring, or wetland that is connected by surface flow to a watercourse or body of water. (see Riparian Area Protection Regulation)</p>
<p><b>Streamside Protection and Enhancement Area (SPEA)</b> An area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream.</p>	<p><b>Streamside Protection and Enhancement Area (SPEA)</b> The protected riparian buffer adjacent to a stream and is defined under RAPR as the portion of the riparian assessment area for the stream that:</p> <ul style="list-style-type: none"> <li>(a) Includes the land, adjacent to the stream boundary, that: <ul style="list-style-type: none"> <li>i. links aquatic to terrestrial ecosystems, and</li> <li>ii. is capable of supporting streamside vegetation; and</li> </ul> </li> <li>(b) In the case of a simple assessment, extends far enough upland from the stream that</li> <li>(c) development outside the SPEA will not result in any harmful alteration, disruption, or</li> </ul>

## Appendix 4: Proposed Changes to Glossary

Proposed Changes to Glossary	
Existing Definition	Proposed Definition
	<ul style="list-style-type: none"> <li>(d) destruction of natural features, functions, and conditions in the area referred to in (a) that support the life processes of protected fish;</li> <li>(e) Without limiting subsection (a) (ii), an area of human disturbance must be considered to be capable of supporting streamside vegetation if the area would be capable of supporting streamside vegetation were the area in a natural condition (RAPR).</li> </ul>
<p><b>Waterbody</b> Any body of standing fresh or brackish water, including lakes, ponds, wetlands, swamps, bogs, and fens.</p>	<p><b>Waterbody</b> Any body of standing fresh or brackish water, including lakes, ponds, wetlands, swamps, bogs, and fens, whether ephemeral or connected to a stream.</p>
<p><b>Watercourse</b> Any body of flowing fresh or brackish water including rivers, creeks, lakes, ditches, and springs.</p>	<p><b>Watercourse</b> Any body of flowing fresh or brackish water, including rivers, creeks, lakes, ditches, and springs, whether ephemeral or connected to a stream.</p>

## Appendix 4: Proposed Changes to Glossary

The following definitions will also be **added** to the Glossary:

### **Allowable Footprint**

As it relates to the Riparian DP guidelines, the allowable footprint for a site (including projections) is defined as:

- (a) If the area of human disturbance on the site is less than or equal to 70% of the area of the site, the allowable footprint is 30% of the area of the site; and
- (b) If the area of human disturbance on the site is greater than 70% of the area of the site, the allowable footprint is 40%.

### **Alteration of Land**

Alteration of land means, but is not necessarily limited to: soil relocation due to building or parking lot construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of retaining walls, patios, lawns, agriculture activity, or any structural change to a building or structure that results in an increase or decrease in the area or volume of the building or structure; or a change in the principal use of the property.

### **Area of Human Disturbance**

The area of human disturbance is defined as an area subject to enduring disturbance as a result of human occupation or activity and includes, without limitation:

- (a) Footprints (including projections) of buildings and other structures;
- (b) Areas where soil or vegetation has been added, removed, or altered;
- (c) Areas modified for agricultural use, including, without limitation, for crops, pasture, range, hayfields, and normal farm practices (as defined by the Farm Practices Protection Act);
- (d) Areas that are or have been used for resource extraction and have not been restored to their natural conditions; and
- (e) Areas occupied by invasive plant species to an extent that precludes the unassisted re-establishment of native plant species.

### **Assessment Report**

A report prepared by a QEP in accordance with the *Riparian Area Protection Regulation Act*.

### **Biodiversity**

The variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (1992 International Convention on Biological Diversity).

### **Bioengineering**

Techniques using live materials (such as willow whips) to create physical stability on banks (Province of BC).

## Appendix 4: Proposed Changes to Glossary

### **Coastal Douglas-fir**

One of the 14 biogeoclimatic zones that divide BC. The CDF zone lies in the rain shadow of the Vancouver Island and Olympic mountains and is limited to a small part of southeastern Vancouver Island, several islands in the Strait of Georgia, and a narrow strip of the adjacent mainland at elevations mostly below 150 m. Wetlands are uncommon in the landscape. Many rare species and ecosystems are located with the CDF. Common tree species along with Douglas-fir are Western redcedar, grand fir, arbutus, Garry oak, and red alder (Province of BC).

### **Cumulative Impacts**

Changes to environmental, social, and economic values caused by the combined effect of past, present, and potential future human activities and natural processes (Province of BC).

### **Development**

The addition, removal, or alteration of soil, vegetation, or a building or other structure; the addition, removal, or alteration of works and services, and subdivision (Riparian Area Protection Regulation).

### **Ecological Corridor**

An area of land and water that aims to maintain or restore ecological connectivity by allowing species to move, and natural processes to flow freely across large landscapes. They may be small, interrupted patches of habitat, linear strips of habit, or landscape scale (Parks Canada).

### **Ecological Restoration**

The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed (Society for Ecological Restoration).

### **Fish Habitat**

Water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas (see Riparian Area Protection Regulation). Also see “wildlife habitat.”

### **Footprint**

The area covered by a building or structure, or a projection from the building or structure, whether or not the projection is in contact with the ground. (Riparian Area Protection Regulation)

## Appendix 4: Proposed Changes to Glossary

### **Freshwater Aquatic Ecosystems**

Lakes, ponds, rivers, streams, springs, and wetlands.

### **Habitat Enhancement**

The provision of food, shelter, and water for wildlife species by retaining and planting native species of vegetation, retaining dead and dying trees, installing nest boxes, creating water features, etc.

### **Hazardous Tree**

Means a tree identified in writing by an ISA certified arborist as having defects sufficient to significantly increase the likelihood that all or part of the tree will fall, resulting in a risk of personal injury or property damage or loss.

### **Measure**

An action recommended by the QEP to avoid a hazard and required to maintain the integrity of the SPEA.

### **Natural Features, Functions and Conditions**

includes large organic debris that falls in or around streams, including logs, snags, and root wads; areas for channel migration, including active floodplains; side channels, intermittent streams, seasonally wetted contiguous areas and floodplains; the multi-canopied forest and ground cover adjacent to streams that moderate water temperatures, provide a source of food, nutrients, and organic matter to streams, establish root matrices that stabilize soils and stream banks, thereby minimizing erosion, or buffer streams from sedimentation and pollution in surface runoff; a natural source of stream bed substrates; permeable surfaces that permit infiltration to moderate water volume, timing, and velocity and maintain sustained water flows in streams, especially during low flow periods. (RAPR)

### **Old Growth**

Unlogged forests. Conifer-dominated forests with an average tree age of 100 years or greater are considered Older Forest ecosystems. (SEI) Can include veteran trees which are individual old trees excluded from previous logging.

### **Plant Association**

A recurring plant community with a characteristic range in species composition, specific diagnostic species, and a defined range in environmental requirements (site and soil characteristics, hydrology, localized climate, etc.), and physical appearance or structure. (Province of BC)

## Appendix 4: Proposed Changes to Glossary

### **Riparian Assessment Area (RAA)**

A 30 m strip on each side of the stream, measured from the stream boundary; if a stream is in a ravine, the riparian assessment area for the stream consists of the following areas, as applicable:

- (a) if the ravine is less than 60 m wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 30 m beyond the top of a ravine bank;
- (b) if the ravine is 60 or more metres wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 10 m beyond the top of a ravine bank.

### **Security**

The deposit of money to secure the cost of fulfilling conditions in an issued development permit (often referred to as bonding) as defined in section 502 of the *Local Government Act*.

### **Sensitive Ecosystem**

A rare and fragile terrestrial ecosystem included in the federal/provincial Sensitive Ecosystems Inventory. (SEI)

### **Species and Ecosystems At Risk**

Species that are at risk of being lost and can be assessed as endangered, threatened, or of special concern by the federal or provincial governments.

### **Stream Boundary**

In relation to a stream, means whichever of the following is farther from the centre of the stream: the visible high water mark of a stream where the presence 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 stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; the boundary of the active floodplain, if any, of the stream. (RAPR)

### **Top of a Ravine Bank**

The first significant break in a ravine slope where the grade beyond the break is less than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed. (RAPR)

### **Wildlife Habitat**

The air, soil, water, food, and cover components of the environment on which wildlife depend, directly or indirectly, in order to carry out their life processes. (Wildlife Act)





**CITY OF COLWOOD  
BYLAW NO 1700-10**

**A BYLAW TO AMEND THE OFFICIAL COMMUNITY PLAN**

---

WHEREAS a local government may by bylaw amend an Official Community Plan;

AND WHEREAS Council wishes to amend the Official Community Plan for the City of Colwood;

AND WHEREAS the City of has prepared an amendment to the Official Community Plan in accordance with sections 473, 474, 475, and 476 of the Local Government Act;

AND WHEREAS Council has complied with sections 464, 465 and 4665 of the Local Government Act including by holding a public hearing, having given due notice thereof;

NOW THEREFORE the Municipal Council of the City of Colwood, in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited as “Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)”.

**2. SEVERABILITY**

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.

**3. AMENDMENTS TO SECTION 18**

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

3.1. Within Section 18.1, update the bulleted list beneath the heading “ENVIRONMENTAL DEVELOPMENT PERMIT AREAS” to reflect the following:

- Riparian [(a)]
- Marine Shoreline [(a)]
- Sensitive Ecosystem [(a)]
- Hillside [(a), (b)]
- Hazardous Conditions [(a,b)]

3.2. Add the following paragraph to the end of Section 18.2:

The following guidelines apply to lands located within all Environmental Development Permit Areas:

- e. Despite any other City bylaw or policy and irrespective of the issuance of an Environmental Development Permit, lands within an Environmental Development Permit Area shall not be cleared, blasted or built upon unless the City is in receipt of a Building Permit application for the site and the City provides written authorization to proceed with land alterations.
- f. Despite any other City bylaw or policy and irrespective of the issuance of an Environmental Development Permit, tree clearing on all lands within an Environmental Development Permit Area requires a Tree Management Permit that authorizes tree removal. In accordance with guideline 18.2 (e), a Tree Management Permit for these lands will not be issued until the City is in receipt of a Building Permit application for the site and adequate securities have been collected.

3.3. Revising Figure 18 by:

- a) Replacing the figure heading with “Environmental Development Permit Areas (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hillside)”
- b) Updating the figure legend by:
  - i. Replacing “Riparian Areas” with “Riparian (Known)”
  - ii. Replacing “Marine Shorelands” with “Marine Shoreline”
- c) Replacing the text within the textbox to the left of the figure legend with the following text:

“Definitions for each environmental DPA can be found in Section 19 Environmental Development Permit Areas”

#### 4. AMENDMENTS TO SECTION 19

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

- 4.1. Deleting Section 19.2 in its entirety and replacing it with the following section:

## 19.2 Development Permit Exemptions

In an Environmental Development Permit Area, a development permit is not required in the following cases. The definitions of the words in this section are important to refer to and can be found in the OCP Glossary.

#### Exemptions based on land use:

- a. Development that is not residential, commercial, or industrial;

**Exemptions based on development applications:**

- b. A subdivision application that consists of a parcel line adjustment, consolidation, or strictly to create a park that does not create undue hardship (as described in Section 20A);
- c. A building permit application for a one-family dwelling or a two-family dwelling on a parcel which was created by a plan of subdivision for which a valid environmental development permit exists or a Section 219 restrictive covenant has been registered on title to protect the environmentally sensitive area(s) on the lands;
- d. Repairs or other non-structural alterations or additions to a building or other structure, if the structure:
  - i. Will remain on its existing foundation and within its existing footprint; and
  - ii. Is not damaged or destroyed to the extent described in section 532 (1) [repair or reconstruction if damage or destruction is equal to or more than 75% of value above foundation] of the *Local Government Act*.
- e. An accessory dwelling unit, building addition, or sundeck less than 60 m<sup>2</sup> in area, which does not result in the removal of native species of vegetation, and is located:
  - i. outside the SPEA;
  - ii. beyond 30 m of the marine present natural boundary (PNB);
  - iii. outside a sensitive ecosystem;
  - iv. at least 15 m from a slope of 30% or more in grade; and
  - v. outside the habitat of a species or ecosystem at risk.

**Exemptions based on landscape activities:**

- f. Maintenance of an area of human disturbance if the area is not increased and the type of disturbance is not changed (see definition of area of human disturbance in section 20A);
- g. Within an existing landscaped area that is outside of the SPEA, the placement of impermanent structures, such as benches, tables, and garden ornaments and the gardening and yard maintenance activities, such as lawn mowing, tree and shrub pruning, vegetation planning and minor soil disturbances that do not alter the contours of the land.;
- h. Installation of property line fences, or fences to prevent injury, which do not:
  - i. impede the passage of wildlife; and
  - ii. disturb native species of vegetation or tree roots.
- i. Building of unpaved paths or trails which:
  - i. are less than 1 m in width;
  - ii. do not disturb native species or tree roots; and
  - iii. are beyond 10 m of a stream boundary and run parallel to the stream boundary.
- j. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone when outside the SPEA.
- k. Planting of non-invasive ornamental vegetation, which does not result in the removal of native species of vegetation, when:

- i. outside the SPEA;
  - ii. beyond 30 m of the marine present natural boundary (PNB);
  - iii. outside a sensitive ecosystem;
  - iv. at least 3 m from a slope of 30% or more in grade; and
  - v. outside the habitat of a species and ecosystem at risk.
- l. Ecological restoration and habitat enhancement projects undertaken or approved by the City, the Ministry of Environment, or Fisheries and Oceans Canada;
  - m. Works authorized by senior government;
  - n. Removal of invasive non-native trees (as listed by the BC Ministry of Forests' Invasive Plant Program and the BC Inter-Ministry Invasive Species Working Group) under a City tree management permit requiring a native tree replacement when outside the SPEA;
  - o. Notwithstanding exemptions (m) and (o), removal of trees authorized by a tree management permit and is not located:
    - i. within a SPEA;
    - ii. within a sensitive ecosystem ;
    - iii. within 3 m from a slope of 30% or more in the Hillside DPA; and
    - iv. within the habitat of a species or ecosystem at risk.

**Exemptions based on hazards:**

- p. Removal or modification of a hazardous tree authorized by a City tree management permit; and
  - q. Emergency actions required to prevent, control, or reduce an immediate threat to human life, the natural environment or public or private property, including forest fire, flood and erosion protection works, protection, repair, or replacement of public utilities, clearing of an obstruction from a bridge, culvert or stream, bridge repairs, and removal of hazardous trees in accordance with the Urban Forest Bylaw. A post-construction report prepared by a Qualified Professional must be submitted.
- 4.2. Deleting Section 19.3 in its entirety and replacing it with the following section:

## 19.3 Submission Requirements

Environmental Development Permit application requirements may include the following items, based on the specific requirements and scope of the application at the discretion of the City. Not all listed items may be required for more minor applications. In the case of proposed development that does not involve subdivision, disturbance within the SPEA, or disturbance within natural areas, application requirements may not need to be professionally prepared.

The definitions of the words in this section are important to refer to and can be found in the OCP Glossary.

Submission requirements must be in accordance with the details below.

- a. A City development application form, including a checklist or statement indicating how the proposal complies with DPA guidelines. Where some element of the design does not comply with a guideline, a justification identifying how the guideline is not met and the reason shall be provided.
- b. A site plan, prepared by a professional surveyor, of **existing** features including, where applicable:
  - i. north arrow, scale, and legend;
  - ii. property lines, property line setbacks, covenant areas, easements, and archaeological or heritage sites;
  - iii. footprints of existing buildings, structures, roads, and infrastructure, including septic fields and parking areas;
  - iv. topographic plan, with minimum 1 m and maximum 2 m contours, showing existing site conditions, including areas of 30% or more in grade;
  - v. stream boundary and streamside protection and enhancement area (SPEA) boundaries as identified by the project QEP for properties with streams, watercourses, or other waterbodies;
  - vi. present natural boundary (PNB) for properties with marine shoreline;
  - vii. sensitive ecosystem boundaries and 10 m temporary buffer;
  - viii. ecological corridors;
  - ix. wildlife habitat;
  - x. occurrences of species and ecosystems at risk (data available from the BC Conservation Data Centre);
  - xi. rock outcrops and the outer extent of vegetation cover (native plant species, invasive species, and landscaped areas); and
  - xii. existing fences, trails, and off-site connections.
- c. A site plan(s) of **proposed** features including:
  - i. footprints of all retained and proposed buildings and structures, including underground infrastructure, hydro and telecommunications connections and junction boxes, including protective measures for such infrastructure;
  - ii. siting of parking areas, driveways, and loading docks;
  - iii. grading plan showing native soil retention areas, cut and fill areas and amounts in meters, blasting and proposed retaining walls, and existing and finished grade points
  - iv. proposed erosion and sediment control works;
  - v. proposed stormwater management works including measures to protect groundwater quality;
  - vi. location of trees to be retained, removed, or modified, and replacement trees;
  - vii. proposed ecological restoration or habitat enhancement areas; and
  - viii. proposed fences and trails.

- d. Standard Professional Reports, using City Terms of Reference, such as:
    - i. a Site Adaptive Design Report to situate development according to the existing natural features and topography of the land;
    - ii. an Ecological Restoration and Habitat Enhancement Plan to support biodiversity;
    - iii. an Arborist Report to minimize tree loss, tree damage, and enhance tree canopy;
    - iv. a Construction Mitigation Plan to avoid damage to the natural environment during construction; and
    - v. a Stormwater Management Plan to protect groundwater quality and the receiving aquatic environment.
  - e. Additional Professional reports, such as:
    - i. a sun/shade analysis to identify and mitigate potential impacts to habitat;
    - ii. a landscape plan for the Marine, Hillside, and Sensitive Ecosystem (buffer) DPAs;
    - iii. a technical memo prepared by a geotechnical engineer demonstrating that the development footprint complies with the flood construction level and applicable guidelines for natural hazards; and
    - iv. for the Riparian DPA, an assessment report prepared by a QEP and approved by the provincial government.
  - f. Copies of applications or permits required under provincial or federal legislation.
  - g. Third-party cost estimates for labour, materials, and maintenance of all measures and ecological restoration and/or habitat enhancement.
- 4.3. Following Section 19.3, add the following new section:

## 19.4 Where and When Environmental DPA Guidelines Apply

The definitions of words in this section are important to understand, and most originate from provincial legislation. Definitions can be found in the OCP Glossary.

Environmental DPAs are defined as:

- a. Riparian DPA:
  - i. Within the Riparian (Known) Environmental DP Area as identified in Figure 18; this includes lands within 30 m of a stream boundary, top of a ravine bank, other watercourses, and waterbodies identified in Figure 18;

- ii. Within 30 m of a stream boundary, top of a ravine bank, other watercourses, and waterbodies that are not identified in Figure 18 as Riparian (Known);
- b. Marine Shoreline DPA:
  - i. Within the Marine Shoreline DP Area as identified in Figure 18;
- c. Sensitive Ecosystems DPA:
  - i. Within the Sensitive Ecosystems DPA as identified in Figure 18;
- d. Hillside DPA:
  - i. Within the Hillside DPA as identified in Figure 18.

4.4. Add to the end of Section 19 the following new section:

## 19.5 Securities

Collecting a security deposit is an important tool for local governments to ensure that commitments are fulfilled during the development process or as part of a bylaw violation remedy.

The authority to collect a security deposit is established in Section 502 of the Local Government Act.

The following standards shall apply to the collection, use, release, and forfeiture of securities for the purposes of protecting and restoring environmental DPAs:

### Collection and Use of Securities

- a. The City may require security as a condition of an environmental DP.
- b. A security may be used by the City to undertake, at the expense of the permit holder, the works, construction or other activities required to correct any damage to the environment resulting from a contravention of a condition in the permit.
- c. The amount of the security deposit will:
  - i. be determined using a third-party estimate prepared by a qualified professional as determined by City staff;
  - ii. be sufficient for the City to fulfill (b);
  - iii. not be reduced by intended in-kind contributions;
  - iv. include a contingency to cover possible rising costs and unforeseen situations during the life of the project; and
  - v. include applicable taxes.
- d. The security deposit will be paid to the City in the form of:
  - i. a cash deposit; or

- ii. an automatically renewing irrevocable letter of credit drawn from a Canadian financial institution acceptable to the City and in a form acceptable to the City.

#### **Release of Securities**

- e. Any securities collected as a condition of an environmental development permit will be released to the permit holder once all conditions have been satisfied. The timing of release of securities shall be in accordance with the schedule provided in the development permit.
  - i. The owner or applicant is responsible for contacting the City and providing evidence that the permit conditions have been satisfied. In most cases, this will be by way of photographs or an inspection report prepared by a qualified professional. The City reserves the right to conduct field reviews before releasing security deposits.
- f. The amount of the security deposit to be released will be the balance of the security deposit after any expenses incurred by the City to fulfill (b).

#### **5. AMENDMENTS TO SECTION 20**

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

- 5.1. Deleting section 20 in its entirety and replacing it with the contents of Schedule “1” to this Bylaw.

#### **6. AMENDMENTS TO GLOSSARY**

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

- 6.1. Adding to the “Glossary” the following terms and definitions:

##### **Active Floodplain**

Land that is adjacent to a stream, inundated by the 1-in-5-year return period flow of the stream, and capable of supporting plant species that are typical of inundated or saturated soil conditions, and distinct from plant species on freely drained upland sites adjacent to the land (Riparian Area Protection Regulation).

##### **Allowable Footprint**

As it relates to the Riparian DP guidelines, the allowable footprint for a site (including projections) is defined as:

- (a) If the area of human disturbance on the site is less than or equal to 70% of the area of the site, the allowable footprint is 30% of the area of the site; and
- (b) If the area of human disturbance on the site is greater than 70% of the area of the site, the allowable footprint is 40%.



**Alteration of Land**

Alteration of land means, but is not necessarily limited to: soil relocation due to building or parking lot construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of retaining walls, patios, lawns, agriculture activity, or any structural change to a building or structure that results in an increase or decrease in the area or volume of the building or structure; or a change in the principal use of the property.

**Area of Human Disturbance**

The area of human disturbance is defined as an area subject to enduring disturbance as a result of human occupation or activity and includes, without limitation:

- (a) Footprints (including projections) of buildings and other structures;
- (b) Areas where soil or vegetation has been added, removed, or altered;
- (c) Areas modified for agricultural use, including, without limitation, for crops, pasture, range, hayfields, and normal farm practices (as defined by the Farm Practices Protection Act);
- (d) Areas that are or have been used for resource extraction and have not been restored to their natural conditions; and
- (e) Areas occupied by invasive plant species to an extent that precludes the unassisted re-establishment of native plant species.

**Assessment Report**

A report prepared by a QEP in accordance with the *Riparian Area Protection Regulation Act*.

**Biodiversity**

The variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (1992 International Convention on Biological Diversity).

**Bioengineering**

Techniques using live materials (such as willow whips) to create physical stability on banks (Province of BC).

**Coastal Douglas-fir**

One of the 14 biogeoclimatic zones that divide BC. The CDF zone lies in the rain shadow of the Vancouver Island and Olympic mountains and is limited to a small part of southeastern Vancouver Island, several islands in the Strait of Georgia, and a narrow strip of the adjacent mainland at elevations mostly below 150 m. Wetlands are uncommon in the landscape. Many rare species and ecosystems are located with the CDF. Common tree species along with Douglas-fir are Western redcedar, grand fir, arbutus, Garry oak, and red alder (Province of BC).

**Cumulative Impacts**

Changes to environmental, social, and economic values caused by the combined effect of past, present, and potential future human activities and natural processes (Province of BC).

**Development**

The addition, removal, or alteration of soil, vegetation, or a building or other structure; the addition, removal, or alteration of works and services, and subdivision (Riparian Area Protection Regulation).

**Ecological Corridor**

An area of land and water that aims to maintain or restore ecological connectivity by allowing species to move, and natural processes to flow freely across large landscapes. They may be small, interrupted patches of habitat, linear strips of habit, or landscape scale (Parks Canada).

**Ecological Restoration**

The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed (Society for Ecological Restoration).

**Fish Habitat**

Water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas (see Riparian Area Protection Regulation). Also see "wildlife habitat."

**Footprint**

The area covered by a building or structure, or a projection from the building or structure, whether or not the projection is in contact with the ground. (RAPR)

**Freshwater Aquatic Ecosystems**

Lakes, ponds, rivers, streams, springs, and wetlands.

**Habitat Enhancement**

The provision of food, shelter, and water for wildlife species by retaining and planting native species of vegetation, retaining dead and dying trees, installing nest boxes, creating water features, etc.

**Hazardous Tree**

Means a tree identified in writing by an ISA certified arborist as having defects sufficient to significantly increase the likelihood that all or part of the tree will fall, resulting in a risk of personal injury or property damage or loss.

**Measure**

An action recommended by the QEP to avoid a hazard and required to maintain the integrity of the SPEA.

**Natural Features, Functions and Conditions**

includes large organic debris that falls in or around streams, including logs, snags, and root wads; areas for channel migration, including active floodplains; side channels, intermittent streams, seasonally wetted contiguous areas and floodplains; the multi-canopied forest and ground cover adjacent to streams that moderate water temperatures, provide a source of food, nutrients, and organic matter to streams, establish root matrices that stabilize soils and stream banks, thereby minimizing erosion, or buffer streams from sedimentation and pollution in surface runoff; a natural source of stream bed substrates; permeable surfaces that permit infiltration to moderate water volume, timing, and velocity and maintain sustained water flows in streams, especially during low flow periods. (RAPR)

**Old Growth**

Unlogged forests. Conifer-dominated forests with an average tree age of 100 years or greater are considered Older Forest ecosystems. (SEI) Can include veteran trees which are individual old trees excluded from previous logging.

**Plant Association**

A recurring plant community with a characteristic range in species composition, specific diagnostic species, and a defined range in environmental requirements (site and soil characteristics, hydrology, localized climate, etc.), and physical appearance or structure. (Prov of BC)

**Qualified Environmental Professional (QEP)**

For the purposes of carrying out part of an assessment under RAPR:

- (f) The individual is registered under the Professional Governance Act as any of the following professionals:
  - i. an agrologist;
  - ii. an applied science technologist or certified technician;
  - iii. a registered professional biologist or registered biology technologist;
  - iv. a professional engineer or professional engineering licensee;
  - v. a professional forester or registered forest technologist; and
  - vi. a professional geoscientist or professional geoscience licensee,
- (g) The individual is in good standing with the regulatory body under that Act for the individual's profession, and
- (h) When carrying out that part of the assessment, the individual is acting:
  - i. within the individual's area of expertise;
  - ii. within the scope of professional practice for the individual's profession; and
  - iii. under the code of ethics of the regulatory body referred to in paragraph (b) and is;
  - iv. subject to disciplinary action by that regulatory body. (RAPR)

**Riparian Assessment Area (RAA)**

A 30 m strip on each side of the stream, measured from the stream boundary; if a stream is in a ravine, the riparian assessment area for the stream consists of the following areas, as applicable:

- (a) if the ravine is less than 60 m wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 30 m beyond the top of a ravine bank;
- (b) if the ravine is 60 or more metres wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 10 m beyond the top of a ravine bank.

**Security**

The deposit of money to secure the cost of fulfilling conditions in an issued development permit (often referred to as bonding) as defined in section 502 of the *Local Government Act*.

**Sensitive Ecosystem**

A rare and fragile terrestrial ecosystem included in the federal/provincial Sensitive Ecosystems Inventory. (SEI)

**Species and Ecosystems At Risk**

Species that are at risk of being lost and can be assessed as endangered, threatened, or of special concern by the federal or provincial governments.

**Stormwater Management**

Designing for the infiltration and cleansing of the excess flow (runoff) of water from impervious surfaces generated by rainfall or snowmelt. Examples are reducing the area of impervious cover, directing runoff to vegetated swales, retaining and planting trees.

**Stream**

A watercourse or body of water, whether or not usually containing water, and any ditch, spring, or wetland that is connected by surface flow to a watercourse or body of water. (RAPR)

**Stream Boundary**

In relation to a stream, means whichever of the following is farther from the centre of the stream: the visible high water mark of a stream where the presence 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 stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; the boundary of the active floodplain, if any, of the stream. (RAPR)

**Streamside Protection and Enhancement Area (SPEA)**

The protected riparian buffer adjacent to a stream and is defined under RAPR as the portion of the riparian assessment area for the stream that:

- (a) Includes the land, adjacent to the stream boundary, that:
  - i. links aquatic to terrestrial ecosystems, and
  - ii. is capable of supporting streamside vegetation; and
- (b) In the case of a simple assessment, extends far enough upland from the stream that
- (c) development outside the SPEA will not result in any harmful alteration, disruption, or
- (d) destruction of natural features, functions, and conditions in the area referred to in (a) that support the life processes of protected fish;
- (e) Without limiting (a)(ii), an area of human disturbance must be considered to be capable of supporting streamside vegetation if the area would be capable of supporting streamside vegetation were the area in a natural condition (RAPR).

**Top of a Ravine Bank**

The first significant break in a ravine slope where the grade beyond the break is less than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed. (RAPR)

**Waterbody**

Any body of standing fresh or brackish water, including lakes, ponds, wetlands, swamps, bogs, and fens, whether ephemeral or connected to a stream.

**Watercourse**

Any body of flowing fresh or brackish water, including rivers, creeks, lakes, ditches, and springs, whether ephemeral or connected to a stream.

**Wildlife Habitat**

The air, soil, water, food, and cover components of the environment on which wildlife depend, directly or indirectly, in order to carry out their life processes. (Wildlife Act)

**7. AMENDMENTS TO THE ENTIRE DOCUMENT**

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

- 7.1. Renumbering all page numbers, heading numbers, and section numbers throughout the document accordingly.

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

CONSIDERED IN CONJUNCTION WITH THE CITY OF COLWOOD FINANCIAL PLAN AND  
APPLICABLE WASTE MANAGEMENT PLANS THIS \_\_\_\_\_ day of \_\_\_\_\_, 2024

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

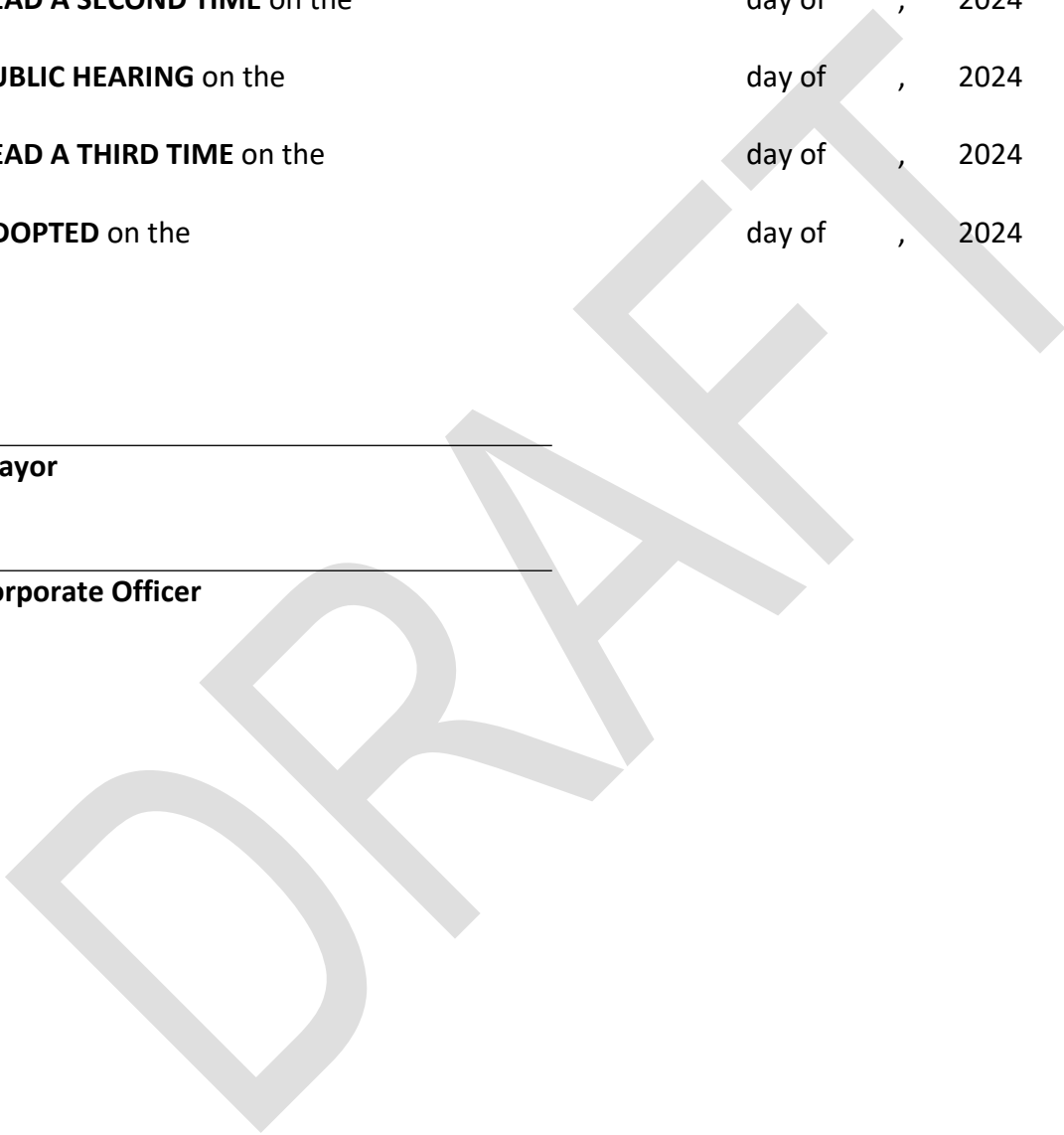
**PUBLIC HEARING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Corporate Officer**



Schedule “1” to Official Community Plan Bylaw No. 1700,  
2023, Amendment Bylaw No. 1700-10 (Environmental  
Development Permit Area)



## PART D: DEVELOPMENT PERMIT AREA GUIDELINES

# 20A. Riparian Areas Environmental DPA

Riparian areas occur next to the banks of streams, lakes, and wetlands and include both the area dominated by continuous high moisture content and the adjacent upland vegetation that exerts an influence on it. Riparian areas greatly contribute to habitat, bank stability, and water quality.

The City protects riparian areas according to the provincial Riparian Area Protection Regulation (RAPR). The intention is to protect riparian areas from new development and improve riparian areas over time through restoration and approving new development outside of setbacks.

The City has additional requirements to ensure a consistent and practical approach to protect all freshwater aquatic ecosystems. For the purposes of implementing RAPR and meeting City policies to protect all freshwater ecosystems, the City has designated a Riparian Development Permit Area (DPA) for all known streams, watercourses, and waterbodies (Figure 18) including Colwood Creek, Millstream Creek, Latoria Creek, Selleck Creek, Bee Creek, Lookout Brook, and Joe's Creek.

The definitions of the words in this section are important to refer to when interpreting the guidelines. Most of the definitions originate from RAPR. Definitions can be found in the OCP Glossary.

RAPR requires that all streamside protection and enhancement areas (SPEAs) are protected from development. The SPEA is a variable setback

determined by a qualified environmental professional (QEP) based on the characteristics of the stream. The project QEP will determine an appropriate SPEA by adapting the RAPR methodology for watercourses and waterbodies.

### **Proposed Development in Riparian Areas**

Any proposed development within the Riparian Assessment Area (RAA) of a stream (whether the stream is identified in Figure 18 or not), requires a Riparian Development Permit where the guidelines can be met unless exempt under Section 19.2.

An assessment report must be prepared and submitted by a QEP to the provincial government, as per RAPR. The report, once received by the City and approved by the provincial government, will establish the SPEA and the basis for development review.

### **Undue Hardship**

In a case where a development proposal cannot comply with the requirements of the Riparian DPA, the City will consider the application of undue hardship as defined under RAPR. A Riparian DP may be issued when:

Undue hardship occurs, meaning:

- a. The site was created by subdivision in accordance with the laws in force in British Columbia at the time the site was created;
- b. The developer has sought and received a decision on every variance (including an approval from the Board of Variance, a Development Variance Permit, or an amendment to the *Land Use Bylaw*) that would reduce the legally restricted area of the site; and
- c. The developable area (the area of the site other than the SPEA and the naturally and legally restricted areas of the site) is less than the allowable footprint for the site.

## **20A.1 Riparian Area Guidelines**

- a. An assessment report must be prepared and submitted by a QEP for developments within the Riparian Area Assessment (RAA) of a stream. The RAA is typically land inclusive of 30 m from the stream boundary on both sides of the stream. The RAA may be greater if the stream is located within a ravine. The report, once received by the City and approved by the provincial government, will establish the SPEA and form the basis of the Riparian DP.



- b. An assessment report must be prepared and submitted by a QEP for developments within 30 m of watercourses and waterbodies or top of ravine. The report, once received by the City from the QEP and approved by the provincial government, will establish the SPEA-equivalent width and form the basis of the Riparian DP.
- c. The SPEA boundary must be identified and flagged on site by the project QEP.
- d. Development within the SPEA will not be permitted except in the case of undue hardship.
- e. In cases of undue hardship, the City may issue a Riparian DP for development within the SPEA if all the following conditions are met:
  - i. The development complies with variances granted and/or bylaw amendments adopted by the City;
  - ii. The development is in an area of human disturbance or situated and otherwise designed to minimize any encroachment into the SPEA; and,
  - iii. The areas of human disturbance on the site after the development is complete will not exceed the allowable footprint for the site.
- f. Treatment of sewage and stormwater is not permitted within the SPEA.
- g. Development will not result in any harmful alteration, disruption, or destruction (as defined in the *Fisheries Act*) of natural features, functions, and conditions in the SPEA that support the life processes of protected fish (meaning salmonids, game fish, and fish that are listed in Schedule 1, 2, or 3 of the federal *Species at Risk Act*).
- h. Further to guideline (g), where a development located within a riparian development permit area proposes to eliminate, modify, or significantly relocate an existing waterbody, the City must first receive a copy of a Change Approval or Water License, in accordance with the applicable statutes before approving a compensation plan and associated cost estimate for said compensation works to be completed.
- i. Subdivision layout must not result in future undue hardship.
- j. Development must be in accordance with the design and measures recommended by the QEP in the assessment report.
- k. Development must avoid encroachment and disturbance of species and ecosystems at risk. If present, a report must be prepared by a qualified professional(s) (QP[s]) with specific expertise related to the species or ecosystem(s) in question. This report must assess the impact of the proposed development on the species and ecosystems at risk and recommend strategies to mitigate the effects of development.
- l. If stream crossings cannot be avoided, they should be located and designed to minimize disturbance of the SPEA.
- m. Trees containing the active nests of any bird, and any nests of eagle,

peregrine falcon, gyrfalcon, osprey, or heron should be retained, an adequately sized buffer maintained, and construction timing windows followed to ensure the continued viability of the nest site in accordance with the Provincial Environmental Best Management for Urban and Rural Land Development .

- n. Removal or damage to wildlife trees must be avoided and their management addressed in an Arborist Report or Ecological Restoration and Habitat Enhancement Plan.
- o. Buffers between development and the SPEA may be required to:
  - i. protect root systems of vegetation;
  - ii. maintain existing water resources (unless a change can be demonstrated to be beneficial by a QEP);
  - iii. maintain existing shading and access to sunlight;
  - iv. maintain or create ecosystem edge habitat.
- p. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone within 30 m of the stream boundary is encouraged.
- q. The development shall demonstrate the following City-wide OCP objectives:
  - i. Protect ecological corridors;
  - ii. limit human disturbance;
  - iii. restore ecosystems;
  - iv. prohibit more tree and vegetation clearance than is necessary to install services;
  - v. plant native species of vegetation and removing invasive species;
  - vi. avoid blasting, filling, and retaining walls; and
  - vii. plan with existing topography.
- r. The QEP must submit an Ecological Restoration and Habitat Enhancement Plan for the SPEA using the Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites, or most recent provincial version, unless the QEP provides a written statement that the SPEA would not benefit from ecological restoration or habitat enhancement;
- s. A permanent, open rail fence to demarcate the SPEA line is required.



## PART D: DEVELOPMENT PERMIT AREA GUIDELINES

# 20B. Marine Shorelines Environmental DPA

### 20B.1 Marine Shoreline Guidelines

For the purposes of this Development Permit Area, marine shoreline areas extend from the low tide mark to 11 m above sea level, where it is common to have a very high water table (or “perched water”).

- a. All marine shorelines have a permanent shoreline buffer not less than 30 m in width measured horizontally, upland from the present natural boundary, to be maintained in a natural or ecologically enhanced state.
- b. Hardening of shorelines is not supported.

#### **Siting of permanent structures**

- c. Buildings and structures must be located on the site in the areas that are the least environmentally sensitive to development.
- d. Permanent structures must be located upland of all areas subject to erosion or flooding over the building design life.
- e. All structures shall be at least 2 m above the highest elevation of the present natural boundary of the sea and the occupied portions of a building shall also meet the locally established flood construction levels where these are more stringent. On greenfield sites, or previously developed sites without fill, infilling of low-lying areas is not an acceptable approach to meeting the vertical elevation requirement.
- f. Permanent structures must be setback a minimum of 30 m horizontal distance from the present natural boundary (not the registered land title boundary).
- g. New structures, including docks, may not be located within the Esquimalt Lagoon Migratory Bird Sanctuary which includes 100 m from the present

natural boundary of the Lagoon.

- h. Permanent structures located at the top of coastal banks or bluffs, where the toe of the bluff is exposed to coastal erosion under natural conditions, must be setback a horizontal distance equal to at least three times the vertical height of the bluff as measured horizontally from the toe of the bluff in addition to the 30 m setback outlined above, unless otherwise justified by an analysis conducted by a qualified professional with suitable experience in coastal erosion processes and in consideration of Provincial landslide assessment guidelines.
- i. Docks, walkways and piers must only be sited over areas with little or no vegetation. Grated surfaces must be used on structures placed over vegetative features to allow light penetration. Over-water structures in forage fish spawning areas will only be permitted in exceptional circumstances and only with prior approval from appropriate Federal and Provincial agencies. Treated wood is not a permitted building material.
- j. No new on-site sewage disposal systems are permitted in the Marine Shoreline DP area unless it is required to service existing dwellings.
- k. Prior to the issuance of a development permit, a professional engineer must certify that the proposed development, both during and after construction, will not be affected by, or contribute to, a high water table or ground water problems.

#### **Conservation of Habitats and Marine Riparian Areas**

- l. Development must ensure no net loss of critical or sensitive habitats located within the Marine Shoreline DP area. Any losses of existing critical or sensitive habitats must be offset with on-site compensation works. Off-site compensation for losses to existing critical or sensitive habitats cannot be used. All riparian or aquatic vegetation directly or indirectly lost through shoreline activities must be replaced with equivalent types, species and diversity of plants.
- m. Marine vegetation, especially kelp and eelgrass beds, must be protected by minimizing upslope generated sediment and not allowing structures or activities that require permanent or temporary anchoring in marine vegetated areas.
- n. Fill material is prohibited from being placed within 30 metres of the present natural boundary except as required for beach nourishment as prescribed by a coastal geomorphologist or coastal process engineer.
- o. Fill or protective works are not permitted in intertidal or subtidal areas with critical or sensitive habitats, including forage fish habitats, except fill introduced as forage fish habitat under the direction of a Qualified Professional and approved by Fisheries and Oceans Canada.

- p. Near shore construction activities must avoid and minimize area disturbed. Construction may only take place during prescribed timing windows for fish and other wildlife unless supervised by a Qualified Professional and approved by Provincial and Federal Authorities as required. Any construction in or near waterways must comply with provincial and federal legislation and regulations (including the Canada Fisheries Act, Navigation Protection Act, BC Fish Protection Act, and Water Sustainability Act).
- q. Structures, other than boardwalks designed to minimize trampling, roads, utility corridors and landscaping must not be located in marsh or wetland areas.
- r. Existing trees, downed logs, and vegetation should be retained wherever possible.
- s. Native vegetation, anchored logs and other soft shore approaches should be utilized to protect shorelines from erosion. Work below the present natural boundary requires prior approval from the Province.
- t. Trees containing the active nests of Great Blue Herons, eagles, osprey or other protected species must be retained and an adequately sized buffer to ensure the continued viability of the nest site must be provided. Where there are nest trees, ensure that construction takes place only during the timing windows specified for nesting and rearing birds, as identified by the Ministry of Environment. Refer to the Ministry of Environment “Develop with Care: Environmental Guidelines for Urban and Rural Land Development” and “Guidelines for Raptor Conservation for Urban and Rural Land Development in BC” for buffer distances and best practices.
- u. The development of docks and watercraft launching sites is not permitted in the Esquimalt Lagoon Migratory Bird Sanctuary.

**Conservation of Coastal Sediment Processes**

- v. Site development must be designed such that the need for shore protection works, other than soft shore methods, is not required over the life of the project or a 75-year cycle of natural erosion, whichever is greater, OR if shore protection works are required, then a design must be provided that will emulate natural sediment supply to the foreshore for a 75-year cycle of natural erosion or the life of the project (whichever is greater). The texture and size of the supplied material must be appropriate to the site (e.g. similar in size and form to that which would be generated by natural erosion). The design must be signed and sealed by a professional qualified to determine appropriate measures (normally a coastal geomorphologist or coastal process engineer).

In addition to the City’s guidelines, the following Provincial Government

documents are resources available to help guide the development of environmentally sensitive areas:

- Land Development Guidelines for the Protection of Aquatic Habitat (published by Fisheries and Oceans Canada and the Ministry of Environment, Land and Parks, May, 1992);
- Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Ministry of Environment, 2014);
- Guidelines for Amphibian and Reptile Conservation During Urban and Rural Land Development in BC;
- Urban Ungulates Conflict Analysis;
- Guidelines for Raptor Conservation During Urban and Rural Land Development in BC;
- Standards and Best Practices for Instream Works (Ministry of Environment, March 2004); and
- Ministry of Environment timing windows for in-stream works.



**CITY OF COLWOOD  
BYLAW NO. 1742-03**

**A BYLAW TO AMEND BYLAW NO. 1742 BEING THE “DEVELOPMENT PERMIT DELEGATION  
BYLAW”**

---

The Council of the City of Colwood, in an open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited as "**Development Permit Delegation Amendment Bylaw No. 1742-03, 2023**".

**2. AMENDMENT**

Bylaw No. 1742, the “Development Permit Delegation Bylaw, 2018” is amended as follows:

a) Replace Section 6 with the following:

**6. DETERMINING SECURITY**

6.1 The amount of security to be provided under Section 502 of the Act, in relation to a form and character development permit issued by the Director of Development Services or the Chief Administrative Officer in the absence of the Director of Development Services, shall be 110% of the estimated cost of landscaping or improvements, including materials and installation as determined by a professional landscape architect, a landscape contractor, or another person approved by the Director of Development Services (or the Chief Administrative Officer in the absence of the Director of Development Services) to provide such estimate.

6.2 The amount of security to be provided under Section 502 of the Act, in relation to an environmental development permit issued by the Director of Development Services or the Chief Administrative Officer in the absence of the Director of Development Services, shall be 125% of the estimated cost of site restoration, landscaping, remediation or correction of damage to the natural environment or improvements including materials and installation as determined by a Qualified Environmental Professional, a habitat biologist or another person approved by the Director of Development Services (or the Chief Administrative Officer in the absence of the Director of Development Services) to provide such estimate.

**READ A FIRST TIME** on the                      day of                      2024

**READ A SECOND TIME** on the                      day of                      2024

**READ A THIRD TIME** on the                      day of                      2024

**ADOPTED** on the                      day of                      2024

---

**Mayor**

---

**Corporate Officer**

DRAFT





**CITY OF COLWOOD  
BYLAW NO 1700-10**

**A BYLAW TO AMEND THE OFFICIAL COMMUNITY PLAN**

---

WHEREAS a local government may by bylaw amend an Official Community Plan;

AND WHEREAS Council wishes to amend the Official Community Plan for the City of Colwood;

AND WHEREAS the City of has prepared an amendment to the Official Community Plan in accordance with sections 473, 474, 475, and 476 of the Local Government Act;

AND WHEREAS Council has complied with sections 464, 465 and 4665 of the Local Government Act including by holding a public hearing, having given due notice thereof;

NOW THEREFORE the Municipal Council of the City of Colwood, in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited as “Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)”.

**2. SEVERABILITY**

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.

**3. AMENDMENTS TO SECTION 18**

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

3.1. Within Section 18.1, update the bulleted list beneath the heading “ENVIRONMENTAL DEVELOPMENT PERMIT AREAS” to reflect the following:

- Riparian [(a)]
- Marine Shoreline [(a)]
- Sensitive Ecosystem [(a)]
- Hillside [(a), (b)]
- Hazardous Conditions [(a,b)]

3.2. Add the following paragraph to the end of Section 18.2:

The following guidelines apply to lands located within all Environmental Development Permit Areas:

- e. Despite any other City bylaw or policy and irrespective of the issuance of an Environmental Development Permit, lands within an Environmental Development Permit Area shall not be cleared, blasted or built upon unless the City is in receipt of a Building Permit application for the site and the City provides written authorization to proceed with land alterations.
- f. Despite any other City bylaw or policy and irrespective of the issuance of an Environmental Development Permit, tree clearing on all lands within an Environmental Development Permit Area requires a Tree Management Permit that authorizes tree removal. In accordance with guideline 18.2 (e), a Tree Management Permit for these lands will not be issued until the City is in receipt of a Building Permit application for the site and adequate securities have been collected.

3.3. Revising Figure 18 by:

- a) Replacing the figure heading with “Environmental Development Permit Areas (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hillside)”
- b) Updating the figure legend by:
  - i. Replacing “Riparian Areas” with “Riparian (Known)”
  - ii. Replacing “Marine Shorelands” with “Marine Shoreline”
- c) Replacing the text within the textbox to the left of the figure legend with the following text:

“Definitions for each environmental DPA can be found in Section 19 Environmental Development Permit Areas”

#### 4. AMENDMENTS TO SECTION 19

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

- 4.1. Deleting Section 19.2 in its entirety and replacing it with the following section:

## 19.2 Development Permit Exemptions

In an Environmental Development Permit Area, a development permit is not required in the following cases. The definitions of the words in this section are important to refer to and can be found in the OCP Glossary.

#### Exemptions based on land use:

- a. Development that is not residential, commercial, or industrial;

**Exemptions based on development applications:**

- b. A subdivision application that consists of a parcel line adjustment, consolidation, or strictly to create a park that does not create undue hardship (as described in Section 20A);
- c. A building permit application for a one-family dwelling or a two-family dwelling on a parcel which was created by a plan of subdivision for which a valid environmental development permit exists or a Section 219 restrictive covenant has been registered on title to protect the environmentally sensitive area(s) on the lands;
- d. Repairs or other non-structural alterations or additions to a building or other structure, if the structure:
  - i. Will remain on its existing foundation and within its existing footprint; and
  - ii. Is not damaged or destroyed to the extent described in section 532 (1) [repair or reconstruction if damage or destruction is equal to or more than 75% of value above foundation] of the *Local Government Act*.
- e. An accessory dwelling unit, building addition, or sundeck less than 60 m<sup>2</sup> in area, which does not result in the removal of native species of vegetation, and is located:
  - i. outside the SPEA;
  - ii. beyond 30 m of the marine present natural boundary (PNB);
  - iii. outside a sensitive ecosystem;
  - iv. at least 15 m from a slope of 30% or more in grade; and
  - v. outside the habitat of a species or ecosystem at risk.

**Exemptions based on landscape activities:**

- f. Maintenance of an area of human disturbance if the area is not increased and the type of disturbance is not changed (see definition of area of human disturbance in section 20A);
- g. Within an existing landscaped area that is outside of the SPEA, the placement of impermanent structures, such as benches, tables, and garden ornaments and the gardening and yard maintenance activities, such as lawn mowing, tree and shrub pruning, vegetation planning and minor soil disturbances that do not alter the contours of the land;
- h. Installation of property line fences, or fences to prevent injury, which do not:
  - i. impede the passage of wildlife; and
  - ii. disturb native species of vegetation or tree roots.
- i. Building of unpaved paths or trails which:
  - i. are less than 1 m in width;
  - ii. do not disturb native species or tree roots; and
  - iii. are beyond 10 m of a stream boundary and run parallel to the stream boundary.
- j. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone when outside the SPEA.
- k. Planting of non-invasive ornamental vegetation, which does not result in the removal of native species of vegetation, when:

- i. outside the SPEA;
  - ii. beyond 30 m of the marine present natural boundary (PNB);
  - iii. outside a sensitive ecosystem;
  - iv. at least 3 m from a slope of 30% or more in grade; and
  - v. outside the habitat of a species and ecosystem at risk.
- l. Ecological restoration and habitat enhancement projects undertaken or approved by the City, the Ministry of Environment, or Fisheries and Oceans Canada;
- m. Works authorized by senior government;
- n. Removal of invasive non-native trees (as listed by the BC Ministry of Forests' Invasive Plant Program and the BC Inter-Ministry Invasive Species Working Group) under a City tree management permit requiring a native tree replacement when outside the SPEA;
- o. Notwithstanding exemptions (n) and (p), removal of trees authorized by a tree management permit and is not located:
- i. within a SPEA;
  - ii. within a sensitive ecosystem ;
  - iii. within 3 m from a slope of 30% or more in the Hillside DPA; and
  - iv. within the habitat of a species or ecosystem at risk.

**Exemptions based on hazards:**

- p. Removal or modification of a hazardous tree authorized by a City tree management permit; and
  - q. Emergency actions required to prevent, control, or reduce an immediate threat to human life, the natural environment or public or private property, including forest fire, flood and erosion protection works, protection, repair, or replacement of public utilities, clearing of an obstruction from a bridge, culvert or stream, bridge repairs, and removal of hazardous trees in accordance with the Urban Forest Bylaw. A post-construction report prepared by a Qualified Professional must be submitted.
- 4.2. Deleting Section 19.3 in its entirety and replacing it with the following section:

## 19.3 Submission Requirements

Environmental Development Permit application requirements may include the following items, based on the specific requirements and scope of the application at the discretion of the City. Not all listed items may be required for more minor applications. In the case of proposed development that does not involve subdivision, disturbance within the SPEA, or disturbance within natural areas, application requirements may not need to be professionally prepared.

The definitions of the words in this section are important to refer to and can be found in the OCP Glossary.

Submission requirements must be in accordance with the details below.

- a. A City development application form, including a checklist or statement indicating how the proposal complies with DPA guidelines. Where some element of the design does not comply with a guideline, a justification identifying how the guideline is not met and the reason shall be provided.
- b. A site plan, prepared by a professional surveyor, of **existing** features including, where applicable:
  - i. north arrow, scale, and legend;
  - ii. property lines, property line setbacks, covenant areas, easements, and archaeological or heritage sites;
  - iii. footprints of existing buildings, structures, roads, and infrastructure, including septic fields and parking areas;
  - iv. topographic plan, with minimum 1 m and maximum 2 m contours, showing existing site conditions, including areas of 30% or more in grade;
  - v. stream boundary and streamside protection and enhancement area (SPEA) boundaries as identified by the project QEP for properties with streams, watercourses, or other waterbodies;
  - vi. present natural boundary (PNB) for properties with marine shoreline;
  - vii. sensitive ecosystem boundaries and 10 m temporary buffer;
  - viii. ecological corridors;
  - ix. wildlife habitat;
  - x. occurrences of species and ecosystems at risk (data available from the BC Conservation Data Centre);
  - xi. rock outcrops and the outer extent of vegetation cover (native plant species, invasive species, and landscaped areas); and
  - xii. existing fences, trails, and off-site connections.
- c. A site plan(s) of **proposed** features including:
  - i. footprints of all retained and proposed buildings and structures, including underground infrastructure, hydro and telecommunications connections and junction boxes, including protective measures for such infrastructure;
  - ii. siting of parking areas, driveways, and loading docks;
  - iii. grading plan showing native soil retention areas, cut and fill areas and amounts in meters, blasting and proposed retaining walls, and existing and finished grade points
  - iv. proposed erosion and sediment control works;
  - v. proposed stormwater management works including measures to protect groundwater quality;
  - vi. location of trees to be retained, removed, or modified, and replacement trees;
  - vii. proposed ecological restoration or habitat enhancement areas; and
  - viii. proposed fences and trails.

- d. Standard Professional Reports, using City Terms of Reference, such as:
    - i. a Site Adaptive Design Report to situate development according to the existing natural features and topography of the land;
    - ii. an Ecological Restoration and Habitat Enhancement Plan to support biodiversity;
    - iii. an Arborist Report to minimize tree loss, tree damage, and enhance tree canopy;
    - iv. a Construction Mitigation Plan to avoid damage to the natural environment during construction; and
    - v. a Stormwater Management Plan to protect groundwater quality and the receiving aquatic environment.
  - e. Additional Professional reports, such as:
    - i. a sun/shade analysis to identify and mitigate potential impacts to habitat;
    - ii. a landscape plan for the Marine, Hillside, and Sensitive Ecosystem (buffer) DPAs;
    - iii. a technical memo prepared by a geotechnical engineer demonstrating that the development footprint complies with the flood construction level and applicable guidelines for natural hazards; and
    - iv. for the Riparian DPA, an assessment report prepared by a QEP and approved by the provincial government.
  - f. Copies of applications or permits required under provincial or federal legislation.
  - g. Third-party cost estimates for labour, materials, and maintenance of all measures and ecological restoration and/or habitat enhancement.
- 4.3. Following Section 19.3, add the following new section:

## 19.4 Where and When Environmental DPA Guidelines Apply

The definitions of words in this section are important to understand, and most originate from provincial legislation. Definitions can be found in the OCP Glossary.

Environmental DPAs are defined as:

- a. Riparian DPA:
  - i. Within the Riparian (Known) Environmental DP Area as identified in Figure 18; this includes lands within 30 m of a stream boundary, top of a ravine bank, other watercourses, and waterbodies identified in Figure 18;

- ii. Within 30 m of a stream boundary, top of a ravine bank, other watercourses, and waterbodies that are not identified in Figure 18 as Riparian (Known);
- b. Marine Shoreline DPA:
  - i. Within the Marine Shoreline DP Area as identified in Figure 18;
- c. Sensitive Ecosystems DPA:
  - i. Within the Sensitive Ecosystems DPA as identified in Figure 18;
- d. Hillside DPA:
  - i. Within the Hillside DPA as identified in Figure 18.

4.4. Add to the end of Section 19 the following new section:

## 19.5 Securities

Collecting a security deposit is an important tool for local governments to ensure that commitments are fulfilled during the development process or as part of a bylaw violation remedy.

The authority to collect a security deposit is established in Section 502 of the Local Government Act.

The following standards shall apply to the collection, use, release, and forfeiture of securities for the purposes of protecting and restoring environmental DPAs:

### Collection and Use of Securities

- a. The City may require security as a condition of an environmental DP.
- b. A security may be used by the City to undertake, at the expense of the permit holder, the works, construction or other activities required to correct any damage to the environment resulting from a contravention of a condition in the permit.
- c. The amount of the security deposit will:
  - i. be determined using a third-party estimate prepared by a qualified professional as determined by City staff;
  - ii. be sufficient for the City to fulfill (b);
  - iii. not be reduced by intended in-kind contributions;
  - iv. include a contingency to cover possible rising costs and unforeseen situations during the life of the project; and
  - v. include applicable taxes.
- d. The security deposit will be paid to the City in the form of:
  - i. a cash deposit; or

- ii. an automatically renewing irrevocable letter of credit drawn from a Canadian financial institution acceptable to the City and in a form acceptable to the City.

#### **Release of Securities**

- e. Any securities collected as a condition of an environmental development permit will be released to the permit holder once all conditions have been satisfied. The timing of release of securities shall be in accordance with the schedule provided in the development permit.
  - i. The owner or applicant is responsible for contacting the City and providing evidence that the permit conditions have been satisfied. In most cases, this will be by way of photographs or an inspection report prepared by a qualified professional. The City reserves the right to conduct field reviews before releasing security deposits.
- f. The amount of the security deposit to be released will be the balance of the security deposit after any expenses incurred by the City to fulfill (b).

#### **5. AMENDMENTS TO SECTION 20**

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

- 5.1. Deleting section 20 in its entirety and replacing it with the contents of Schedule “1” to this Bylaw.

#### **6. AMENDMENTS TO GLOSSARY**

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

- 6.1. Adding or replacing (as the case may be) the following terms and definitions within the “Glossary”:

##### **Active Floodplain**

Land that is adjacent to a stream, inundated by the 1-in-5-year return period flow of the stream, and capable of supporting plant species that are typical of inundated or saturated soil conditions, and distinct from plant species on freely drained upland sites adjacent to the land (Riparian Area Protection Regulation).

##### **Allowable Footprint**

As it relates to the Riparian DP guidelines, the allowable footprint for a site (including projections) is defined as:

- (a) If the area of human disturbance on the site is less than or equal to 70% of the area of the site, the allowable footprint is 30% of the area of the site; and
- (b) If the area of human disturbance on the site is greater than 70% of the area of the site, the allowable footprint is 40%.



**Alteration of Land**

Alteration of land means, but is not necessarily limited to: soil relocation due to building or parking lot construction or alteration; removal, alteration, disruption or destruction of vegetation; soil removal or filling; construction or alteration of retaining walls, patios, lawns, agriculture activity, or any structural change to a building or structure that results in an increase or decrease in the area or volume of the building or structure; or a change in the principal use of the property.

**Area of Human Disturbance**

The area of human disturbance is defined as an area subject to enduring disturbance as a result of human occupation or activity and includes, without limitation:

- (a) Footprints (including projections) of buildings and other structures;
- (b) Areas where soil or vegetation has been added, removed, or altered;
- (c) Areas modified for agricultural use, including, without limitation, for crops, pasture, range, hayfields, and normal farm practices (as defined by the Farm Practices Protection Act);
- (d) Areas that are or have been used for resource extraction and have not been restored to their natural conditions; and
- (e) Areas occupied by invasive plant species to an extent that precludes the unassisted re-establishment of native plant species.

**Assessment Report**

A report prepared by a QEP in accordance with the *Riparian Area Protection Regulation Act*.

**Biodiversity**

The variability among living organisms from all sources including, inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems (1992 International Convention on Biological Diversity).

**Bioengineering**

Techniques using live materials (such as willow whips) to create physical stability on banks (Province of BC).

**Coastal Douglas-fir**

One of the 14 biogeoclimatic zones that divide BC. The CDF zone lies in the rain shadow of the Vancouver Island and Olympic mountains and is limited to a small part of southeastern Vancouver Island, several islands in the Strait of Georgia, and a narrow strip of the adjacent mainland at elevations mostly below 150 m. Wetlands are uncommon in the landscape. Many rare species and ecosystems are located with the CDF. Common tree species along with Douglas-fir are Western redcedar, grand fir, arbutus, Garry oak, and red alder (Province of BC).

**Cumulative Impacts**

Changes to environmental, social, and economic values caused by the combined effect of past, present, and potential future human activities and natural processes (Province of BC).

**Development**

The addition, removal, or alteration of soil, vegetation, or a building or other structure; the addition, removal, or alteration of works and services, and subdivision (Riparian Area Protection Regulation).

**Ecological Corridor**

An area of land and water that aims to maintain or restore ecological connectivity by allowing species to move, and natural processes to flow freely across large landscapes. They may be small, interrupted patches of habitat, linear strips of habit, or landscape scale (Parks Canada).

**Ecological Restoration**

The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed (Society for Ecological Restoration).

**Fish Habitat**

Water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas (see Riparian Area Protection Regulation). Also see "wildlife habitat."

**Footprint**

The area covered by a building or structure, or a projection from the building or structure, whether or not the projection is in contact with the ground. (RAPR)

**Freshwater Aquatic Ecosystems**

Lakes, ponds, rivers, streams, springs, and wetlands.

**Habitat Enhancement**

The provision of food, shelter, and water for wildlife species by retaining and planting native species of vegetation, retaining dead and dying trees, installing nest boxes, creating water features, etc.

**Hazardous Tree**

Means a tree identified in writing by an ISA certified arborist as having defects sufficient to significantly increase the likelihood that all or part of the tree will fall, resulting in a risk of personal injury or property damage or loss.

**Measure**

An action recommended by the QEP to avoid a hazard and required to maintain the integrity of the SPEA.

**Natural Features, Functions and Conditions**

includes large organic debris that falls in or around streams, including logs, snags, and root wads; areas for channel migration, including active floodplains; side channels, intermittent streams, seasonally wetted contiguous areas and floodplains; the multi-canopied forest and ground cover adjacent to streams that moderate water temperatures, provide a source of food, nutrients, and organic matter to streams, establish root matrices that stabilize soils and stream banks, thereby minimizing erosion, or buffer streams from sedimentation and pollution in surface runoff; a natural source of stream bed substrates; permeable surfaces that permit infiltration to moderate water volume, timing, and velocity and maintain sustained water flows in streams, especially during low flow periods. (RAPR)

**Old Growth**

Unlogged forests. Conifer-dominated forests with an average tree age of 100 years

or greater are considered Older Forest ecosystems. (SEI) Can include veteran trees which are individual old trees excluded from previous logging.

### **Plant Association**

A recurring plant community with a characteristic range in species composition, specific diagnostic species, and a defined range in environmental requirements (site and soil characteristics, hydrology, localized climate, etc.), and physical appearance or structure. (Prov of BC)

### **Qualified Environmental Professional (QEP)**

For the purposes of carrying out part of an assessment under RAPR:

- (f) The individual is registered under the Professional Governance Act as any of the following professionals:
  - i. an agrologist;
  - ii. an applied science technologist or certified technician;
  - iii. a registered professional biologist or registered biology technologist;
  - iv. a professional engineer or professional engineering licensee;
  - v. a professional forester or registered forest technologist; and
  - vi. a professional geoscientist or professional geoscience licensee,
- (g) The individual is in good standing with the regulatory body under that Act for the individual's profession, and
- (h) When carrying out that part of the assessment, the individual is acting:
  - i. within the individual's area of expertise;
  - ii. within the scope of professional practice for the individual's profession; and
  - iii. under the code of ethics of the regulatory body referred to in paragraph (b) and is;
  - iv. subject to disciplinary action by that regulatory body. (RAPR)

### **Riparian Assessment Area (RAA)**

A 30 m strip on each side of the stream, measured from the stream boundary; if a stream is in a ravine, the riparian assessment area for the stream consists of the following areas, as applicable:

- (a) if the ravine is less than 60 m wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 30 m beyond the top of a ravine bank;
- (b) if the ravine is 60 or more metres wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 10 m beyond the top of a ravine bank.

### **Security**

The deposit of money to secure the cost of fulfilling conditions in an issued development permit (often referred to as bonding) as defined in section 502 of the *Local Government Act*.

### **Sensitive Ecosystem**

A rare and fragile terrestrial ecosystem included in the federal/provincial Sensitive Ecosystems Inventory. (SEI)

### **Species and Ecosystems At Risk**

Species that are at risk of being lost and can be assessed as endangered, threatened, or of special concern by the federal or provincial governments.

### **Stormwater Management**

Designing for the infiltration and cleansing of the excess flow (runoff) of water from impervious surfaces generated by rainfall or snowmelt. Examples are reducing the area of impervious cover, directing runoff to vegetated swales, retaining and planting trees.

**Stream**

A watercourse or body of water, whether or not usually containing water, and any ditch, spring, or wetland that is connected by surface flow to a watercourse or body of water. (RAPR)

**Stream Boundary**

In relation to a stream, means whichever of the following is farther from the centre of the stream: the visible high water mark of a stream where the presence 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 stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; the boundary of the active floodplain, if any, of the stream. (RAPR)

**Streamside Protection and Enhancement Area (SPEA)**

The protected riparian buffer adjacent to a stream and is defined under RAPR as the portion of the riparian assessment area for the stream that:

- (a) Includes the land, adjacent to the stream boundary, that:
  - i. links aquatic to terrestrial ecosystems, and
  - ii. is capable of supporting streamside vegetation; and
- (b) In the case of a simple assessment, extends far enough upland from the stream that
- (c) development outside the SPEA will not result in any harmful alteration, disruption, or
- (d) destruction of natural features, functions, and conditions in the area referred to in (a) that support the life processes of protected fish;
- (e) Without limiting (a)(ii), an area of human disturbance must be considered to be capable of supporting streamside vegetation if the area would be capable of supporting streamside vegetation were the area in a natural condition (RAPR).

**Top of a Ravine Bank**

The first significant break in a ravine slope where the grade beyond the break is less than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed. (RAPR)

**Waterbody**

Any body of standing fresh or brackish water, including lakes, ponds, wetlands, swamps, bogs, and fens, whether ephemeral or connected to a stream.

**Watercourse**

Any body of flowing fresh or brackish water, including rivers, creeks, lakes, ditches, and springs, whether ephemeral or connected to a stream.

**Wildlife Habitat**

The air, soil, water, food, and cover components of the environment on which wildlife depend, directly or indirectly, in order to carry out their life processes. (Wildlife Act)

## 7. AMENDMENTS TO THE ENTIRE DOCUMENT

Schedule A of Colwood Official Community Plan Bylaw No. 1700, 2018, is amended by:

7.1. Renumbering all page numbers, heading numbers, and section numbers throughout the document accordingly.

**READ A FIRST TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

CONSIDERED IN CONJUNCTION WITH THE CITY OF COLWOOD FINANCIAL PLAN AND APPLICABLE WASTE MANAGEMENT PLANS THIS \_\_\_\_\_ day of \_\_\_\_\_, 2024

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

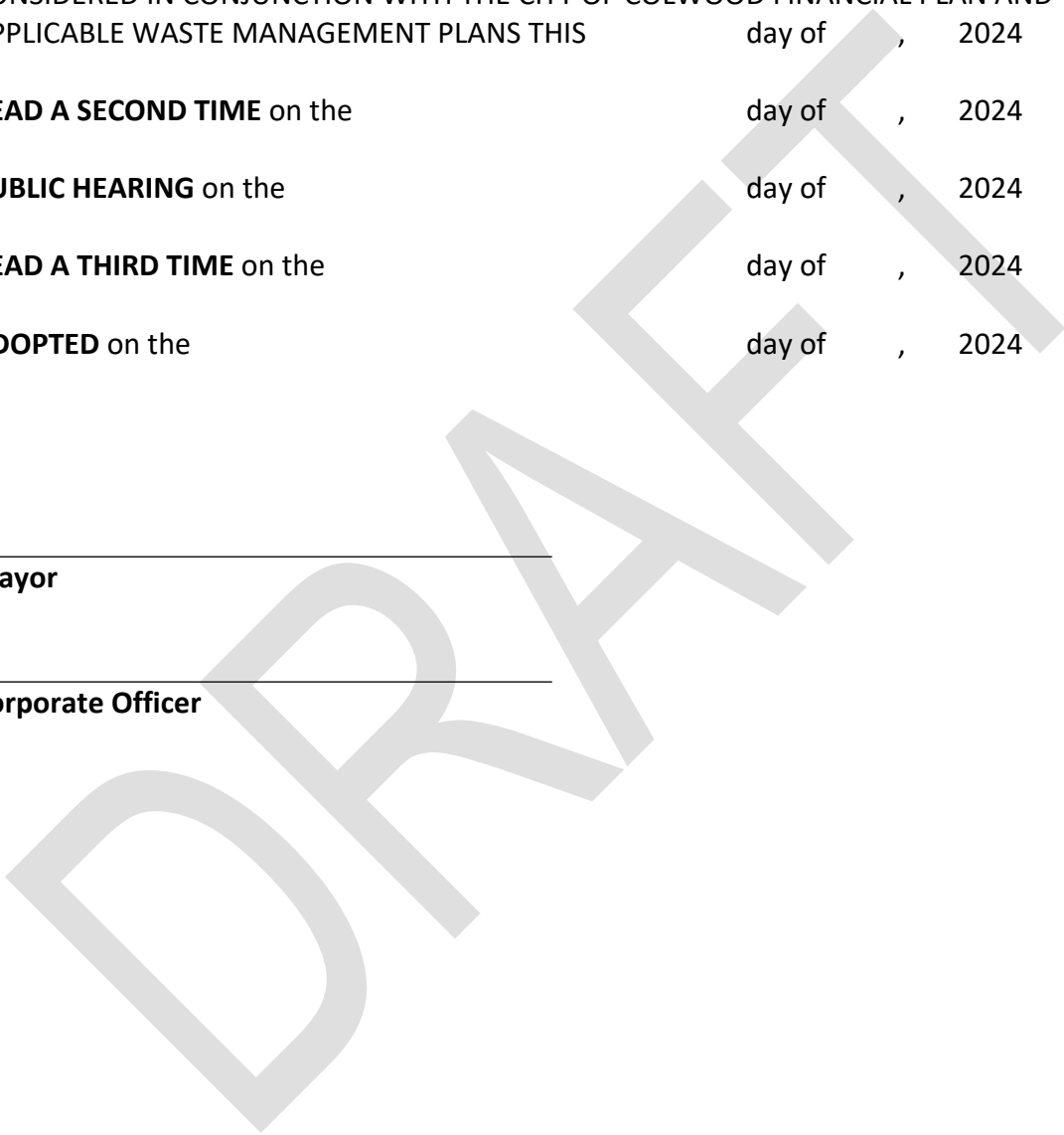
**PUBLIC HEARING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Corporate Officer**



Schedule “1” to Official Community Plan Bylaw No. 1700,  
2023, Amendment Bylaw No. 1700-10 (Environmental  
Development Permit Area)



## PART D: DEVELOPMENT PERMIT AREA GUIDELINES

# 20A. Riparian Areas Environmental DPA

Riparian areas occur next to the banks of streams, lakes, and wetlands and include both the area dominated by continuous high moisture content and the adjacent upland vegetation that exerts an influence on it. Riparian areas greatly contribute to habitat, bank stability, and water quality.

The City protects riparian areas according to the provincial Riparian Area Protection Regulation (RAPR). The intention is to protect riparian areas from new development and improve riparian areas over time through restoration and approving new development outside of setbacks.

The City has additional requirements to ensure a consistent and practical approach to protect all freshwater aquatic ecosystems. For the purposes of implementing RAPR and meeting City policies to protect all freshwater ecosystems, the City has designated a Riparian Development Permit Area (DPA) for all known streams, watercourses, and waterbodies (Figure 18) including Colwood Creek, Millstream Creek, Latoria Creek, Selleck Creek, Bee Creek, Lookout Brook, and Joe's Creek.

The definitions of the words in this section are important to refer to when interpreting the guidelines. Most of the definitions originate from RAPR. Definitions can be found in the OCP Glossary.

RAPR requires that all streamside protection and enhancement areas (SPEAs) are protected from development. The SPEA is a variable setback

determined by a qualified environmental professional (QEP) based on the characteristics of the stream. The project QEP will determine an appropriate SPEA by adapting the RAPR methodology for watercourses and waterbodies.

### **Proposed Development in Riparian Areas**

Any proposed development within the Riparian Assessment Area (RAA) of a stream (whether the stream is identified in Figure 18 or not), requires a Riparian Development Permit where the guidelines can be met unless exempt under Section 19.2.

An assessment report must be prepared and submitted by a QEP to the provincial government, as per RAPR. The report, once received by the City and approved by the provincial government, will establish the SPEA and the basis for development review.

### **Undue Hardship**

In a case where a development proposal cannot comply with the requirements of the Riparian DPA, the City will consider the application of undue hardship as defined under RAPR. A Riparian DP may be issued when:

Undue hardship occurs, meaning:

- The site was created by subdivision in accordance with the laws in force in British Columbia at the time the site was created;
- The developer has sought and received a decision on every variance (including an approval from the Board of Variance, a Development Variance Permit, or an amendment to the *Land Use Bylaw*) that would reduce the legally restricted area of the site; and
- The developable area (the area of the site other than the SPEA and the naturally and legally restricted areas of the site) is less than the allowable footprint for the site.

## **20A.1 Riparian Area Guidelines**

- a. An assessment report must be prepared and submitted by a QEP for developments within the Riparian Area Assessment (RAA) of a stream. The RAA is typically land inclusive of 30 m from the stream boundary on both sides of the stream. The RAA may be greater if the stream is located within a ravine. The report, once received by the City and approved by the provincial government, will establish the SPEA and form the basis of the Riparian DP.



- b. An assessment report must be prepared and submitted by a QEP for developments within 30 m of watercourses and waterbodies or top of ravine. The report, once received by the City from the QEP and approved by the provincial government, will establish the SPEA-equivalent width and form the basis of the Riparian DP.
- c. The SPEA boundary must be identified and flagged on site by the project QEP.
- d. Development within the SPEA will not be permitted except in the case of undue hardship.
- e. In cases of undue hardship, the City may issue a Riparian DP for development within the SPEA if all the following conditions are met:
  - i. The development complies with variances granted and/or bylaw amendments adopted by the City;
  - ii. The development is in an area of human disturbance or situated and otherwise designed to minimize any encroachment into the SPEA; and,
  - iii. The areas of human disturbance on the site after the development is complete will not exceed the allowable footprint for the site.
- f. Treatment of sewage and stormwater is not permitted within the SPEA.
- g. Development will not result in any harmful alteration, disruption, or destruction (as defined in the *Fisheries Act*) of natural features, functions, and conditions in the SPEA that support the life processes of protected fish (meaning salmonids, game fish, and fish that are listed in Schedule 1, 2, or 3 of the federal *Species at Risk Act*).
- h. Further to guideline (g), where a development located within a riparian development permit area proposes to eliminate, modify, or significantly relocate an existing waterbody, the City must first receive a copy of a Change Approval or Water License, in accordance with the applicable statutes before approving a compensation plan and associated cost estimate for said compensation works to be completed.
- i. Subdivision layout must not result in future undue hardship.
- j. Development must be in accordance with the design and measures recommended by the QEP in the assessment report.
- k. Development must avoid encroachment and disturbance of species and ecosystems at risk. If present, a report must be prepared by a qualified professional(s) (QP[s]) with specific expertise related to the species or ecosystem(s) in question. This report must assess the impact of the proposed development on the species and ecosystems at risk and recommend strategies to mitigate the effects of development.
- l. If stream crossings cannot be avoided, they should be located and designed to minimize disturbance of the SPEA.
- m. Trees containing the active nests of any bird, and any nests of eagle,

peregrine falcon, gyrfalcon, osprey, or heron should be retained, an adequately sized buffer maintained, and construction timing windows followed to ensure the continued viability of the nest site in accordance with the Provincial Environmental Best Management for Urban and Rural Land Development.

- n. Removal or damage to wildlife trees must be avoided and their management addressed in an Arborist Report or Ecological Restoration and Habitat Enhancement Plan.
- o. Buffers between development and the SPEA may be required to:
  - i. protect root systems of vegetation;
  - ii. maintain existing water resources (unless a change can be demonstrated to be beneficial by a QEP);
  - iii. maintain existing shading and access to sunlight;
  - iv. maintain or create ecosystem edge habitat.
- p. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone within 30 m of the stream boundary is encouraged.
- q. The development shall demonstrate the following City-wide OCP objectives:
  - i. protect ecological corridors;
  - ii. limit human disturbance;
  - iii. restore ecosystems;
  - iv. prohibit more tree and vegetation clearance than is necessary to install services;
  - v. plant native species of vegetation and removing invasive species;
  - vi. avoid blasting, filling, and retaining walls; and
  - vii. plan with existing topography.
- r. The QEP must submit an Ecological Restoration and Habitat Enhancement Plan for the SPEA using the Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites, or most recent provincial version, unless the QEP provides a written statement that the SPEA would not benefit from ecological restoration or habitat enhancement;
- s. A permanent, open rail fence to demarcate the SPEA line is required.



## PART D: DEVELOPMENT PERMIT AREA GUIDELINES

# 20B. Marine Shorelines Environmental DPA

### 20B.1 Marine Shoreline Guidelines

For the purposes of this Development Permit Area, marine shoreline areas extend from the low tide mark to 11 m above sea level, where it is common to have a very high water table (or “perched water”).

- a. All marine shorelines have a permanent shoreline buffer not less than 30 m in width measured horizontally, upland from the present natural boundary, to be maintained in a natural or ecologically enhanced state.
- b. Hardening of shorelines is not supported.

#### **Siting of permanent structures**

- c. Buildings and structures must be located on the site in the areas that are the least environmentally sensitive to development.
- d. Permanent structures must be located upland of all areas subject to erosion or flooding over the building design life.
- e. All structures shall be at least 2 m above the highest elevation of the present natural boundary of the sea and the occupied portions of a building shall also meet the locally established flood construction levels where these are more stringent. On greenfield sites, or previously developed sites without fill, infilling of low-lying areas is not an acceptable approach to meeting the vertical elevation requirement.
- f. Permanent structures must be setback a minimum of 30 m horizontal distance from the present natural boundary (not the registered land title boundary).
- g. New structures, including docks, may not be located within the Esquimalt Lagoon Migratory Bird Sanctuary which includes 100 m from the present

natural boundary of the Lagoon.

- h. Permanent structures located at the top of coastal banks or bluffs, where the toe of the bluff is exposed to coastal erosion under natural conditions, must be setback a horizontal distance equal to at least three times the vertical height of the bluff as measured horizontally from the toe of the bluff in addition to the 30 m setback outlined above, unless otherwise justified by an analysis conducted by a qualified professional with suitable experience in coastal erosion processes and in consideration of Provincial landslide assessment guidelines.
- i. Docks, walkways and piers must only be sited over areas with little or no vegetation. Grated surfaces must be used on structures placed over vegetative features to allow light penetration. Over-water structures in forage fish spawning areas will only be permitted in exceptional circumstances and only with prior approval from appropriate Federal and Provincial agencies. Treated wood is not a permitted building material.
- j. No new on-site sewage disposal systems are permitted in the Marine Shoreline DP area unless it is required to service existing dwellings.
- k. Prior to the issuance of a development permit, a professional engineer must certify that the proposed development, both during and after construction, will not be affected by, or contribute to, a high water table or ground water problems.

#### **Conservation of Habitats and Marine Riparian Areas**

- l. Development must ensure no net loss of critical or sensitive habitats located within the Marine Shoreline DP area. Any losses of existing critical or sensitive habitats must be offset with on-site compensation works. Off-site compensation for losses to existing critical or sensitive habitats cannot be used. All riparian or aquatic vegetation directly or indirectly lost through shoreline activities must be replaced with equivalent types, species and diversity of plants.
- m. Marine vegetation, especially kelp and eelgrass beds, must be protected by minimizing upslope generated sediment and not allowing structures or activities that require permanent or temporary anchoring in marine vegetated areas.
- n. Fill material is prohibited from being placed within 30 metres of the present natural boundary except as required for beach nourishment as prescribed by a coastal geomorphologist or coastal process engineer.
- o. Fill or protective works are not permitted in intertidal or subtidal areas with critical or sensitive habitats, including forage fish habitats, except fill introduced as forage fish habitat under the direction of a Qualified Professional and approved by Fisheries and Oceans Canada.

- p. Near shore construction activities must avoid and minimize area disturbed. Construction may only take place during prescribed timing windows for fish and other wildlife unless supervised by a Qualified Professional and approved by Provincial and Federal Authorities as required. Any construction in or near waterways must comply with provincial and federal legislation and regulations (including the Canada Fisheries Act, Navigation Protection Act, BC Fish Protection Act, and Water Sustainability Act).
- q. Structures, other than boardwalks designed to minimize trampling, roads, utility corridors and landscaping must not be located in marsh or wetland areas.
- r. Existing trees, downed logs, and vegetation should be retained wherever possible.
- s. Native vegetation, anchored logs and other soft shore approaches should be utilized to protect shorelines from erosion. Work below the present natural boundary requires prior approval from the Province.
- t. Trees containing the active nests of Great Blue Herons, eagles, osprey or other protected species must be retained and an adequately sized buffer to ensure the continued viability of the nest site must be provided. Where there are nest trees, ensure that construction takes place only during the timing windows specified for nesting and rearing birds, as identified by the Ministry of Environment. Refer to the Ministry of Environment “Develop with Care: Environmental Guidelines for Urban and Rural Land Development” and “Guidelines for Raptor Conservation for Urban and Rural Land Development in BC” for buffer distances and best practices.
- u. The development of docks and watercraft launching sites is not permitted in the Esquimalt Lagoon Migratory Bird Sanctuary.

**Conservation of Coastal Sediment Processes**

- v. Site development must be designed such that the need for shore protection works, other than soft shore methods, is not required over the life of the project or a 75-year cycle of natural erosion, whichever is greater, OR if shore protection works are required, then a design must be provided that will emulate natural sediment supply to the foreshore for a 75-year cycle of natural erosion or the life of the project (whichever is greater). The texture and size of the supplied material must be appropriate to the site (e.g. similar in size and form to that which would be generated by natural erosion). The design must be signed and sealed by a professional qualified to determine appropriate measures (normally a coastal geomorphologist or coastal process engineer).

In addition to the City’s guidelines, the following Provincial Government

documents are resources available to help guide the development of environmentally sensitive areas:

- Land Development Guidelines for the Protection of Aquatic Habitat (published by Fisheries and Oceans Canada and the Ministry of Environment, Land and Parks, May, 1992);
- Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Ministry of Environment, 2014);
- Guidelines for Amphibian and Reptile Conservation During Urban and Rural Land Development in BC;
- Urban Ungulates Conflict Analysis;
- Guidelines for Raptor Conservation During Urban and Rural Land Development in BC;
- Standards and Best Practices for Instream Works (Ministry of Environment, March 2004); and
- Ministry of Environment timing windows for in-stream works.

# NOTICE OF PUBLIC HEARING

<b>MEETING:</b>	<b>Public Hearing</b>
<b>DATE and TIME:</b>	<b>Thursday, January 25, 2024, 6:30 pm</b>
<b>PLACE:</b>	<b>Council Chambers, 3300 Wishart Road, Colwood BC</b>

NOTICE IS GIVEN that Council of the City of Colwood will hold a Public Hearing on Thursday, January 25, 2024, at 6:30 p.m. in relation to the proposed Bylaws:

1. **“Colwood Official Community Plan No. 1700, 2018, Amendment No. 10 (Environmental Development Permit Area)**

**SUBJECT PROPERTY:** This Bylaw applies to all lands within the City of Colwood’s environmental development permit areas.

**PURPOSE:** Proposed amendments to the City of Colwood’s Official Community Plan guidelines for environmental development permits, including the following changes:

- Correcting errors and adding more prescriptive language throughout;
- Adding a new regulation to prohibit land alterations within an environmental development permit area until the City first receives a building permit application for the property;
- Adding a new regulation to prohibit the removal of protected trees located on a property within the City’s environmental development permit area until the City first issues a tree management permit for the property;
- Categorizing and consolidating the list of exemptions;
- Clarifying when and where the environmental development permit guidelines apply;
- Updating the design guidelines for riparian areas by clarifying and strengthening the language throughout the section to support implementation and align more strongly with provincial and federal legislation;
- Establishing a standard framework for collecting security deposits associated with environmental development permits;
- Updating the glossary in accordance with the proposed changes;
- Clarifying the list of submission requirements.

2. **“Colwood Land Use Bylaw No. 151, 1989, Amendment No. 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023”**

**SUBJECT PROPERTY:** This Bylaw applies to all lands within the City of Colwood.

**PURPOSE:** Proposed minor amendments to the Colwood Land Use Bylaw, No. 151, which are administrative in nature intended to make the bylaw easier to understand and implement. These amendments include:

- Updating and clarifying definition;
- Correcting zones based on previously adopted rezoning amendments;
- Spelling and formatting corrections;
- Alignment with Provincial Government regulations;
- Updates to the General Provisions including the Accessory Buildings and Structures, Home Occupations, and Secondary Suites and Accessory Dwelling Units sections.

3. **“Colwood Official Community Plan No. 1700, 2018, Amendment No. 09 (Olympic View Local Area Plan)**

**SUBJECT PROPERTY:** This Bylaw applies to the lands within the Olympic View Local Area Plan.

**PURPOSE:** Proposed amendments to the City of Colwood’s Official Community Plan for the Olympic View Local Area Plan which include:

- Adding policies regarding the location of driveway accesses;
- Updating the Street Network Map.

**INSPECTION OF MATERIALS:** A copy of the proposed bylaw and related materials can be viewed at [www.colwood.ca/city-hall/public-notices](http://www.colwood.ca/city-hall/public-notices) or in person at Colwood City Hall from January 17 to January 25, 2024 between 8:30am and 4:30pm Monday to Friday excluding statutory holidays.

## We want to hear from you!

### WRITTEN SUBMISSIONS:

For inclusion as part of the record, **deadlines for receipt of written submissions is 12:00 pm on the day of the public hearing** in the following ways:

Email: [publichearing@colwood.ca](mailto:publichearing@colwood.ca)

Mail/In-person: City of Colwood 3300 Wishart Road, Colwood BC V9C 1R1

### SPEAK TO COUNCIL:

**IN PERSON:** The public is welcome to provide comments in person during the public participation portion of the meeting.

### ELECTRONICALLY:

Dial-in by phone Toll-free: 1-855-703-8985 or 1-778-907-2071 or Login to Zoom.us or the Zoom app.

For both options use Meeting ID: 867 2787 2825

**NEED MORE INFORMATION?** Contact Development Services at (250) 294-8153 or [planning@colwood.ca](mailto:planning@colwood.ca).



# Public Hearing Binder

The general purpose of proposed “**Colwood Land Use Bylaw No. 151, 1989, Amendment No. 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023**” is to make minor amendments to the Colwood Land Use Bylaw, No. 151 which are administrative in nature intended to make the bylaw easier to understand and implement. These amendments include:

- Updating and clarifying definitions;
- Correcting zones based on previously adopted rezoning amendments;
- Spelling and formatting corrections;
- Alignment with the Provincial Government regulations; and
- Updates to the General Provisions including the Accessory Buildings and Structures, Home Occupations, and Secondary Suites and Accessory Dwelling Units sections.

Within the Binder, please find a copy of:

1. Staff Report to Planning and Land Use Committee (November 6, 2023)
2. Staff Presentation (November 6, 2023)
3. Proposed Bylaw
4. Proposed Amendments – Red Line Copy
5. Proposed Retaining Wall Diagram
6. Proposed RBCD28 Zone Map
7. Proposed Zoning Map
8. Notice of Public Hearing

Minutes and videos of Council are publicly available and can be accessed through the following link: <https://colwood.civicweb.net/portal/>



**To:** Planning and Land Use Committee  
**Date:** November 6, 2023  
**From:** Kaitlyn Suzuki, Planning Technician  
**RE:** Land Use Bylaw No. 151 – 2023 Omnibus Amending Bylaw

## RECOMMENDATION

THAT the Planning and Land Use Committee recommend to Council

THAT “Colwood Land Use Bylaw No. 151, 1989, Amendment No. 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023” be given consideration for 1<sup>st</sup> and 2<sup>nd</sup> reading.

## SUMMARY AND PURPOSE

The purpose of this report is to consider corrections to administrative errors and minor updates in the Colwood Land Use Bylaw, No 151. These changes include updating definitions, correcting zones based on previously adopted rezoning amendments, spelling corrections, alignment with the Provincial Government regulations, and updates to the General Provisions including the Accessory Buildings and Structures, Home Occupations, and Secondary Suites and Accessory Dwelling Units sections. The proposed amendments are administrative in nature intended to make the bylaw easier to understand and implement.

## DISCUSSION

The proposed amendments are included in Table 1, including the section of the bylaw, the proposed amendment, and the rationale for the amendment. For further details on proposed amendments, please see the Draft Bylaw Amendment (Appendix 1) and the Proposed Amendments – Red Line Copy (Appendix 2).

Table 1: Summary of proposed amendments and the rationale for the amendment.

	Section of the Land Use Bylaw	Proposed Amendment	Rationale
1	Section 1.2 Definitions	Amend the definition for “ACCESSORY DWELLING UNIT” to remove reference to rental units.	The tenure of an accessory dwelling unit has no bearing on the definition in terms of land use.
2	Section 1.2 Definitions	Amend the definition for “FLOOR AREA RATIO” to remove repetitive exclusions.	Staff recommend removing the exclusions for the “GROSS FLOOR AREA” definitions from the “FLOOR AREA RATIO” definition to improve clarity and document readability.
3	Section 1.2 Definitions	Amend the definition for “GRADE, FINISHED” to remove references to	Retaining walls are addressed in Section 2.1.20, and the listed “GRADE, FINISHED” definition

	Section of the Land Use Bylaw	Proposed Amendment	Rationale
		retaining walls and remove exception.	applies to all of Colwood, not just listed areas.
4	Section 1.2 Definitions	<b>Amend the definition for "GROSS FLOOR AREA"</b> to exclude more non-habitable spaces within a building.	Staff recommend the proposed amendments to align the "GROSS FLOOR AREA: definitions with common practice in other municipalities throughout the province.
5	Section 1.2 Definitions	<b>Amend the definition for "HEIGHT"</b> to consolidate repetitive definitions and remove references to retaining walls.	Staff recommend consolidating the "HEIGHT" definitions into a single definition, and removing references to retaining walls to improve clarity and readability of the section.
6	Section 1.2 Definitions	<b>Amend the definition for "INDUSTRIAL, LIGHT"</b> to correct spelling error.	Correct the incorrect use of principle.
7	Section 1.2 Definitions	<b>Amend the definition of "INDUSTRIAL ZONE"</b> to remove the M3 Zone.	The M3 Zone is no longer in use.
8	Section 1.2 Definitions	<b>Amend the definition for a "NATURAL BOUNDARY"</b> to define "PRESENT NATURAL BOUNDARY"	Staff recommend updating the "NATURAL BOUNDARY" definition to "PRESENT NATURAL BOUNDARY" to comply with Provincial regulations.
9	Section 1.2 Definitions	<b>Amend the definition for a "SECONDARY SUITE"</b> to remove the maximum size.	Staff recommend the proposed amendment to remove the maximum permitted size of secondary suites from the definition as it is more clearly defined in Section 2.2.02 (4).
10	Section 1.2 Definitions	<b>Add a definition for "WATERBODY".</b>	Staff recommend adding the definition for a "WATERBODY" to align with Provincial regulations as part of flood control and environmental protection section.
11	Section 1.2 Definitions	<b>Amend the definition for a "WATERCOURSE"</b> to align with Provincial regulations.	Staff recommend updating the "WATERCOURSE" definition to

	Section of the Land Use Bylaw	Proposed Amendment	Rationale
			comply with Provincial regulations.
12	Section 2.1.05 (1) Flood Control and Environmental Protection	<b>Amend Section 2.1.05 (1)</b> to define setbacks in terms of the Streamside Protection and Enhancement Area.	Staff Recommend the proposed amendment to Section 2.1.05 (1), Flood Control and Environmental Protection, to comply with the Provincial Riparian Area Protection Regulation.
13	Section 2.1.06 (1b) Accessory Buildings and Structures	<b>Amend Section 2.1.06 (1b)</b> to replace building with dwelling unit.	This statement is not intended to exclude the area of the entire accessory building containing an accessory dwelling unit, but just to exclude the area of the accessory dwelling unit that is contained within an accessory building.
14	Section 2.1.06 (2b) Accessory Buildings and Structures	<b>Amend Section 2.1.06 (2b)</b> to include the exemption for accessory dwelling units.	Staff recommend the proposed amendment to align with Section 2.1.06 (1b), General Regulations for Accessory Buildings and Structures, which includes the exception for accessory dwelling units as the exception applies to all zones.
15	Section 2.1.07 (7) Home Occupations  Section 2.1.07 (9) Home Occupations	<b>Amend Section 2.1.07 (7)</b> to reference the applicable provincial regulations.  <b>Amend Section 2.1.07 (9)</b> to reference the applicable provincial regulations.	Staff recommend the proposed amendments to remove references to specific regulations and reduce the need for regular amendments as Provincial regulations change.
16	Section 2.1.10 Uses Permitted in Any Zone	<b>Amend Section 2.1.10</b> to permit home occupations – office use only in any zone that permits one-family dwellings.	Staff are recommending that “home occupation – office use only” be added as a permitted use in all zones to align with OCP policy 15.2.2.5, which supports home occupations incidental to residential use.

	Section of the Land Use Bylaw	Proposed Amendment	Rationale
17	Section 2.1.14 Issuance of Development Permits	<b>Amend Section 2.1.14 (10-11)</b> to include Environment Development Permits.	Staff recommend the proposed amendment to clarify language for issuance of Environmental Development Permits.
18	Section 2.1.16 (8) Area, Shape and Dimension of Lots	<b>Amend Section 2.1.16 (8)</b> to allow zone-specific requirements to take priority.	Section 2.1.16 (8) currently conflicts with some zone-specific requirements. Staff recommend the proposed amendment to provide clarity in cases of conflict.
19	2.1.20 Retaining Walls	<b>Amend Section 2.1.20</b> to clarify height and terracing requirements, and update diagram (Appendix 3).	Staff recommend the proposed amendments to keep all retaining wall requirements in one section and improve clarity.
20	Section 2.2.01 Secondary Suites and Accessory Dwelling Units	<b>Amend Section 2.2.01</b> to permit secondary suites and accessory dwelling units in all zones ancillary to residential uses unless otherwise specified in the zone.	Staff recommend the proposed amendment as having the permitted locations listed in Section 2.2.01 and the individual zones increases the potential for inconsistencies and confusion. Where there are inconsistencies, staff recommend updating the individual zones accordingly.  This amendment will permit secondary suites and accessory dwelling units in association with more dwelling types, which aligns with OCP Policy 6.2.4.1, as new secondary suites or accessory dwelling units would still have to meet all other bylaw requirements.
21	Section 5.10.04 R5 Zone  Section 6.6A.02 (1) RM7 Zone	<b>Add “accessory dwelling units”</b> to the permitted uses in the R5 Zone, RM7 Zone, RBCD1 Zone, RBCD1A Zone, and RBCD2 Zone.	Section 2.2.01 permits accessory dwelling units in all Agricultural Zones, Residential Zones, and Multiple Family Residential Zones. Additionally.

	Section of the Land Use Bylaw	Proposed Amendment	Rationale
	Section 10.1.4, RBCD1 Zone  Section 10.1A.4 RBCD1A Zone  Section 10.2.4 RBCD2 Zone		Section 2.2.01 (4) currently permits accessory dwelling units as ancillary to attached dwelling units in the RBCD1, and RBCD2 Zones. Staff recommend the proposed amendments to align with Section 2.2.01 and OCP Policy 6.2.4.1.
22	Section 7.11.4 (bi) MUEC2 Zone  Section 10.4.5 (1a) RBCD5 Zone	<b>Amend Section 7.11.4 (bi) and Section 10.4.5 (1a) to correct a spelling error.</b>	Correct the incorrect use of principle.
23	Section 10.1A.4 RBCD1A Zone  Section 10.1A.6 (1) – RBCD1A Zone  Section 10.1A RBCD1A Zone  Section 10.1A.7 (4) RBCD1A Zone	<b>Remove all references to the RBCD1A Map in the RBCD1A Zone.</b>	A map for the RBCD1A Zone is no longer required as the RBCD1A Zone no longer has sub areas.
24	Section 10.3.2 RBCD3 Zone	<b>Amend Section 10.3.2 to remove references to Area 8.</b>	Area 8 encompasses the entire RBCD3 Zone as the other areas have since been rezoned. As the RBCD3 zone is only Area 8, the permitted uses for Area 8 apply to the entire zone.
25	Section 10.3 RBCD3 Zone	<b>Delete the “RBCD3 AND RBCD4 ZONE MAP”.</b>	No map is needed because the RBCD3 Zone does not have sub areas.
26	Section 10.3A.2 RBCD3A Zone	<b>Amend Section 10.3A.2, to compile permitted uses into one area.</b>	The majority of the areas currently listed in the RBCD3A zone are no longer in use. The

	Section of the Land Use Bylaw	Proposed Amendment	Rationale
			<p>remaining areas had similar uses.</p> <p>Staff recommend the proposed amendments to improve the clarity and readability of the RBCD3A Zone permitted uses.</p>
27	<p>Section 10.3A RBCD3A Zone</p> <p>Section 10.3A.4 RBCD3A Zone</p> <p>Section 10.3A.6 (4) RBCD3A Zone</p>	<b>Remove all references to the RBCD3A Map in the RBCD3A Zone.</b>	No map is needed because the RBCD3A Zone does not have sub areas.
28	<p>Section 10.3A.3 RBCD3A Zone</p> <p>Section 10.3A.4 RBCD3A Zone</p> <p>Section 10.3A.6 RBCD3A Zone</p> <p>Section 10.3A.7 (1) RBCD3A Zone</p>	<b>Remove all references to apartments in the RBCD3A Zone:</b>	<p>The areas of the RBCD3A Zone that permitted apartments have since been rezoned.</p> <p>Staff recommend the proposed amendments to remove all references to apartments to improve the clarity and readability of the RBCD3A zone.</p>
29	Section 10.4.4(1) RBCD5 Zone	<b>Add “accessory buildings” to the permitted uses in Residential areas of the RBCD5 zone</b>	Staff recommend that “accessory buildings” be added as a permitted use as they were inadvertently omitted during bylaw drafting.
30	<p>Section 10.33.2 (3e-f) CD28 Zone</p> <p>Section 10.33.5 (5c) CD28 Zone</p>	<b>Amend Section 10.33 to combine Area 5b and Area 6, and add “retail store and “office, financial” as permitted uses.</b>	Staff recommend the proposed amendments to combine Area 5b and Area 6 into a single area to improve the clarity and readability of the CD28 Zone.

	Section of the Land Use Bylaw	Proposed Amendment	Rationale
	Section 10.33.5 (6) CD28 Zone  Section 10.33.10 CD28 Zone Map		Staff also recommend adding retail store and office, financial as permitted uses to better serve the growing residential community, and the intended use as a service commercial area.
31	Section 10.33.2 (3j) CD28 Zone	Add “secondary suites” to the permitted uses in Area 10 of the CD28 Zone.	Section 10.33.2 (3j) contradicts Section 2.2.01 which permits secondary suites in the CD28 Zone in association with one-family dwelling use.
32	Section 10.33.5 (2a) CD 28 Zone	Amend Section 10.33.5 (2a) to permit office use in the first storey of a mixed use building fronting Commons Road.	Section 10.33.5 (2a) currently conflicts with Section 10.33.5 (2b) which permits professional and medical offices on the first storey of a mixed use building fronting Commons Road which is the Northern parcel line of Area 2.
33	Section 10.33.7 (4) CD28 Zone	Remove Section 10.33.7 (4)	Section 10.33.7 (1) already states that Off-Street Parking Bylaw No. 1909 sets parking standards, making Section 10.33.7 (4) redundant.
34	Section 10.35.2 (5d, h) CD30	Add “secondary suites” and “accessory dwelling units” to the permitted uses in Area 3 and Area 7 of the CD30 Zone.	Section 10.35.2 (5) contradicts Section 2.2.01 which permits secondary suites in association with one-family dwelling use, and accessory dwelling units in the CD30 Zone (Area 3 and 7 only).
35	Section Schedule A	Update Schedule A Zoning Map (Appendix 5)	Staff recommend updating the Zoning Map to align with current zoning.

#### OPTIONS / ALTERNATIVES

1. That consideration of “Colwood Land Use Bylaw No. 151, 1989, Amendment No. 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023” be deferred for further information.

**COMMUNICATIONS**

The City will, once a public hearing is scheduled, post notice on the City’s webpage and in two consecutive issues of the local newspaper in accordance with the Local Government Act and Public Notice Bylaw No. 1933, 2022. Additionally, notifications will be sent out to properties within a 75m radius of Lot 3, Section 54, Esquimalt District, Plan EPP112546 and Lot Rem B, Section 40, Esquimalt District, Plan VIP58414 as minor changes to the permitted land uses are proposed in those areas in order to consolidate CD28 sub-area 5b and sub-area 6.

**TIMELINES**



**CONCLUSIONS**

The proposed bylaw amendments will help increase the clarity and correct administrative errors in the Colwood Land Use Bylaw, No 151. These changes include updating definitions, correcting zones based on previously adopted rezoning amendments, alignment with the Provincial Government regulations, and updates to the General Provisions including the Accessory Buildings and Structures, Home Occupations, and Secondary Suites and Accessory Dwelling Units sections. Staff recommend these changes as they will make the bylaw easier for readers to understand and staff to implement and are supported by the OCP.

Respectfully submitted,

  
 for Kaitlyn Suzuki  
 Planning Technician

  
 Yazmin Hernandez, MCIP RPP  
 Director of Development Services

**ADMINISTRATORS COMMENTS:**

I have read the report and endorse the recommendation.

  
 Robert Earl  
 Chief Administrative Officer

Attachments:



- APPENDIX 1: DRAFT Colwood Land Use Bylaw No. 151, 1989, Amendment No. 208 (2022 Omnibus Amendments), Bylaw No. 2007, 2022**
- APPENDIX 2: Proposed Amendments – Red Line Copy**
- APPENDIX 3: Retaining Wall Diagram**
- APPENDIX 4: RBCD28 Zone Map**
- APPENDIX 5: Zoning Map**

# Land Use Bylaw No. 151 Omnibus Amendment

Planning & Land Use Committee

November 6, 2023

## Section 1.2

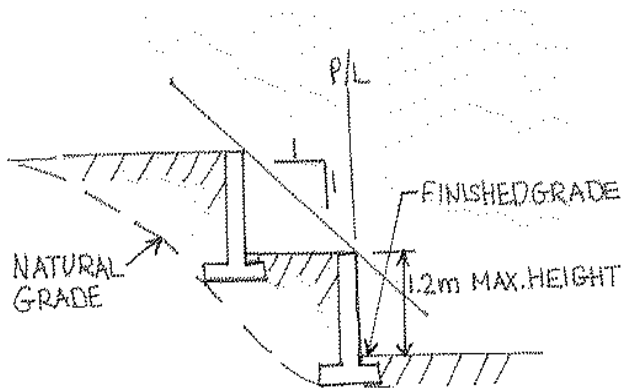
# Height Definition

- The current formatting of the height definition makes it appear as though there are multiple different definitions of height within the City.
- In actuality, there is one definition and a list of properties with special conditions (e.g. Triangle mountain, Royal Bay and the Beachlands) where height is measured from finished as supposed to existing grade.
- Staff recommend updating the formatting of the height definition to clearly identify the properties where special conditions apply.

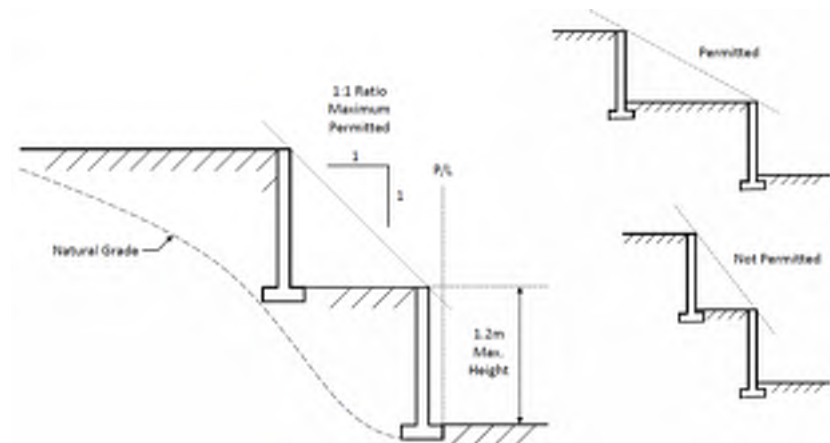
# Section 2.1.20 Retaining Walls

- The retaining wall regulations currently require a **minimum** vertical to horizontal separation ratio of 1:1. The regulations should instead require a **maximum** separation ratio of 1:1.
- Staff are also recommending an update to the retaining wall diagram that accompanies the definition to accurately describe the regulation.

[Diagram currently included in Bylaw 151](#)



[Proposed new diagram](#)



## Section 2.2.01

# Secondary Suites and Accessory Dwelling Units (ADU)

- Currently the permitted locations of secondary suites and ADUs are listed in section 2.2.01, as well as within the list of permitted uses of individual zones.
- The proposed amendment is eliminating inconsistencies between the general regulations sections and individual zones by changing the language in Section 2.2.01 to permit secondary suites and ADUs in all zones ancillary to residential uses, unless otherwise noted in the section specific to the zone.
- Secondary suites and ADUs would still have to meet all other bylaw requirements.

# Sections 10.3

## Royal Bay CD3 (RBCD3) Zone

- The original RBCD3 zone included multiple areas. All the areas, aside from Area 8, have since been rezoned.
- The zone map included within the RBCD3 zone has not been updated despite the overall city's zoning map (Schedule A of Bylaw 151) reflecting rezoning changes.
- Today Area 8 encompasses the entirety of RBCD3 zone. Hence, the proposed amendment would eliminate reference to areas and remove the zone map within the RBCD3 zone, as zoning is already reflected in Schedule A.

Map currently included within Section 10.3 RBCD3



Schedule A of Bylaw 151 – Zoning Map reflecting accurate zoning



# Section 10.3A

## Royal Bay CD3A (RBCD3A) Zone

- The original RBCD3A zone has had all but two of its areas rezoned.
- The two areas comprising the totality of RBCD3A enable attached housing and single-family uses.
- The proposed amendment would eliminate the need for sub-areas altogether by consolidating the list of permitted uses from the 2 areas and removing permitted uses for areas that have since been rezoned and no longer apply such as apartments and gravel processing.

Map currently included within Section 10.3A RBCD3A



Schedule A of Bylaw 151 – Zoning Map reflecting accurate zoning





**CITY OF COLWOOD  
BYLAW NO 2007**

**A BYLAW TO AMEND BYLAW NO.151 BEING THE “COLWOOD LAND USE BYLAW, 1989”**

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The Council of the City of Colwood, in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited as “Colwood Land Use Bylaw No. 151, 1989, Amendment No. 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023.

**2. AMENDMENT**

Bylaw No. 151, the “Colwood Land Use Bylaw, 1989” is amended as follows:

- a) In “Section 1.2 Definitions”, replace the definition for “ACCESSORY DWELLING UNIT” with the following

“ACCESSORY DWELLING UNIT”

means an additional self-contained dwelling unit which is ancillary to a principal dwelling unit with which it is associated and is located on the same legal lot as the principal dwelling unit with which it is associated.

An accessory dwelling unit may be one of the following:

1. an addition to or contained within an accessory building on a lot containing a two-family dwelling unit;
2. an addition to or contained within an accessory building on a lot containing an attached housing dwelling unit;
3. contained within an apartment unit;
4. contained within an accessory building associated with a one-family use, a two-family dwelling use, or an attached housing dwelling use.

- b) In “Section 1.2 Definitions”, replace the definition for “FLOOR AREA RATIO” with the following

“FLOOR AREA RATIO”

means the gross floor area divided by the lot area.

- c) In “Section 1.2 Definitions”, replace the definition for “GRADE, FINISHED” with the following

“GRADE, FINISHED”

means the finished elevation of the ground surface of land following construction or land altering activities at which any part of a building comes into contact with the surface of a lot, excluding any artificial mounds of earth or rocks placed at or



near the wall of a building, and excluding the minimum window well width and depth required by the *British Columbia Building Code*.

- d) In “Section 1.2 Definitions”, replace the definition for “GROSS FLOOR AREA” with the following

**"GROSS FLOOR AREA"**

means the sum of the floor areas of every storey in every building on a lot measured to the outside face of the exterior walls, excluding:

- a) accessory buildings and structures,
- b) canopies, sundecks, and exterior stairs,
- c) the first 50 m<sup>2</sup> of an attached carport or garage,
- d) those portions located more than 1.5 m below natural grade,
- e) crawl spaces,
- f) common amenity areas,
- g) underground or concealed parking areas, unless such parking is a principal use,
- h) exterior wall thickness in excess of 0.165 m (6.5 in) up to a maximum exclusion of 0.305 m (12 in) provided that the wall thickness is utilized for the provision of insulating materials and/or protection against wind, water, and vapour.

- e) In “Section 1.2 Definitions”, replace all definitions for “HEIGHT” with the following

**"HEIGHT"**

- a. means the vertical distance from the natural grade of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure, provided that:
  - in a case where it is proposed to construct a building or structure or any part thereof on land where the current surface of the land is below the original natural grade, the current surface of the land shall be deemed to be the natural grade of the land; and
  - where a building or structure incorporates a roof exceeding a pitch of 12:12, height shall be measured to the highest point of the building or structure;
- b. Except that on the following lands:
  - Lot 9, Section 73, Metchosin District, Plan 39487 - 703 Bexhill Road
  - Lot A (DD ED50218), Section 73, Metchosin District, Plan 39487 - 725 Bexhill Road
  - Lot L, Section 73, Metchosin District, Plan VIS2420 - 804 Bexhill Place
  - Lot 14, Section 73, Metchosin District, Plan VIS2419 - 818 Bexhill Road

- Lot 13, Section 73, Metchosin District, Plan VIS2419 - 820 Bexhill Place
- Lot 6, Section 62, Metchosin District, Plan SP1731 - 3472 Blue Sky Place
- Lot 117, Section 64, Esquimalt District, Plan 40290 - 653 Cairndale Road
- Lot 6, Section 36, Esquimalt District, Plan 46383 - 3309 Crowhurst Place
- Lot 7, Section 36, Esquimalt District, Plan 46383 - 3310 Crowhurst Place
- Lot 1, Section 73, Metchosin District, Plan 35942 - 755 Cuaulta Crescent
- Lot 2, Section 78, Esquimalt District, Plan 42613 - 803 Cuaulta Crescent
- Lot 1, Section 78, Esquimalt District, Plan 42613 - 805 Cuaulta Crescent
- Lot 3, Section 62, Esquimalt District, Plan SP1984 - 820 Glassview Lane
- Common Property, Section 64, Esquimalt District, Plan VIS2826 - 3401 Haida Drive
- Lot 132, Section 64, Esquimalt District, Plan 40290 - 3354 Haida Drive
- Lot 133, Section 64, Esquimalt District, Plan 40290 - 3358 Haida Drive
- Lot 118, Section 64, Esquimalt District, Plan 40290 - 3359 Haida Drive
- Lot 13, Section 64, Esquimalt District, Plan VIS2046 - 3371 Haida Drive
- Lot 12, Section 64, Esquimalt District, Plan VIS2046 - 3377 Haida Drive
- Lot 1, Section 64, Esquimalt District, Plan 42346 - 3403 Karger Terrace
- Lot 3, Section 64, Esquimalt District, Plan 38610 - 3415 Karger Terrace
- Lot 14, Section 63, Esquimalt District, Plan 38610 - 3446 Karger Terrace
- Lot 12, Section 63, Esquimalt District, Plan 38610 - 3447 Karger Terrace
- Lot 13, Section 63, Esquimalt District, Plan 38610 - 3448 Karger Terrace
- Lot 8, Section 65, Esquimalt District, Plan VIP52410 - 676 Orca Place
- Lot A, Section 63, Esquimalt District, Plan VIP72776 - 509 Outlook Place
- Lot 69, Section 64, Esquimalt District, Plan 35838 - 3363 Pattison Way
- Lot 44, Section 64, Esquimalt District, Plan 35838 - 591 Stornoway Drive
- Lot 7, Section 77, Esquimalt District, Plan VIS2933 - 712 St. Barbara's Place

- Closed Road, Sections 40 & 54, Esquimalt District, Plan EPP65345;
- Lot B, Sections 40, 41, 42, 51, 52, 53 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;
- Lot C, Sections 40, 41 & 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;
- Lot D, Sections 40 & 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, ViP82319, EPP53441;
- Lot 1, Sections 40 & 41, Esquimalt District, Plan EPP100193
- Lot 31, Section 56, Esquimalt District, Plan V1P69848
- Lot G, Section 38, Esquimalt District, Plan VIP58414 & Section 55
- Lot H, Section 16, Esquimalt District, Plan VIP58414
- Lot I, Section 54, Esquimalt District, Plan VIP58414
- Lot J, Section 53, Esquimalt District, Plan VIP85414 & Section 54

Height means the vertical distance from the average finished grade at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof, and in the case of a structure without a roof to the highest point of the structure.

- f) In “Section 1.2 Definitions”, replace the definition for “INDUSTRIAL, LIGHT” with the following

“INDUSTRIAL, LIGHT”

means a use for the warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops, movie production studio, and retail sales accessory to a principal use, and applies to the following lands only:

- Lot C, Section 67 & 68, Esquimalt Land District, Plan VIP68962
- Lot A, Section 1, Esquimalt District, Plan VIP36299

- g) In “Section 1.2 Definitions”, replace the definition for “INDUSTRIAL ZONE” with the following

“INDUSTRIAL ZONE”

means the M1 and M3 zones.

- h) In “Section 1.2 Definitions”, remove the definition for “NATURAL BOUNDARY”

- i) In “Section 1.2 Definitions”, insert the following definition after “PRESENTATION CENTRE”

“PRESENT NATURAL BOUNDARY”

means the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake,

river stream, or other body of water a character distinct from that of the banks both in vegetation and in the nature of the soil itself (BC Land Act). In marine systems, the natural boundary is generally determined as the lower elevation of terrestrial vegetation or the upper boundary of distinctive aquatic vegetation. The present natural boundary may be different than a previously registered plan.

- j) In "Section 1.2 Definitions", replace the definition for "SECONDARY SUITE" with the following

"SECONDARY SUITE"

means an additional self-contained dwelling unit which is ancillary to a principal one-family residential use and which:

1. is within a building of residential occupancy containing only one other dwelling unit; and,
2. is located in and is part of a building which is a single real estate entity.

- k) In "Section 1.2 Definitions", insert the following definition after "USE"

"WATERBODY"

is any body of standing fresh or brackish water, including lakes, ponds, wetlands, swamps, bogs, and fens, whether ephemeral or connected to a stream.

- l) In "Section 1.2 Definitions", replace the definition for "WATERCOURSE" with the following

"WATERCOURSE"

is any body of flowing fresh or brackish water including rivers, creeks, lakes, ditches, and springs, whether ephemeral or connected to a stream.

- m) Replace Section 2.1.05 (1) with the following:

Notwithstanding any other provisions of this Bylaw, no buildings, structures, or any part thereof shall be constructed, reconstructed, moved, or extended nor shall any mobile home or unit, modular home or structure be located:

a.

- i. Within the Streamside Protection and Enhancement Area of any stream, watercourse, or waterbody unless subject to Undue Hardship as defined in the Riparian Development Permit Area Guidelines.
- ii. Within 30 m of the present natural boundary of the sea; and
- iii. Within sensitive ecosystems.

b. with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level on which it is located:

- i. lower than 0.6 m above the two hundred year flood level where it has been determined to the satisfaction of the Ministry of Environment;

- ii. nor lower than 1.5 m above the natural boundary of the sea or any other lake, swamp or pond;
- iii. nor lower than 3 m above the natural boundary of Colwood Creek and Millstream Creek; and
- iv. nor lower than 1.5 m above the natural boundary of any other watercourse.

n) Replace Section 2.1.06 (1b) with the following:

The total combined floor area of accessory buildings on any lot in a Residential Zone shall not exceed 60 m<sup>2</sup>, except that in cases where an accessory building contains a dwelling unit, the area of the dwelling unit shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.

o) Replace Section 2.1.06 (2b) with the following:

The total combined floor area of accessory buildings on any lot in a Residential Zone shall not exceed 60 m<sup>2</sup>; except that in cases where an accessory building contains a dwelling unit, the area of the dwelling unit shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.

p) Replace Section 2.1.07 (7) with the following:

Any home occupation that involves the provision of food or drink as defined in the applicable provincial regulations must be approved by the Medical Health Officer prior to operation.

q) Replace Section 2.1.07 (9) with the following:

A Home Occupation Use involving Day Care for pre-school children as regulated by the applicable provincial regulations shall not accommodate more than ten (10) children.

r) Replace Section 2.1.10 with the following:

Except where specifically excluded the following uses shall be permitted in any Zone:

1. Public utility poles, pipelines, traffic control devices, and underground or submarine utility systems, the installations of which may be sited on any portion of a lot;
2. Railway lines and similar public transportation corridors;
3. Hiking trails, horse trails, public parks and playgrounds;
4. Show homes in any Zone that permits a one-family dwelling use; and

5. Home occupations – office use only in any Zone that permits a one-family dwelling use.

s) Replace Section 2.1.14 (10-11) with the following:

10. limit the number, size and type and specify the form, appearance and construction of signs;

11. regulate the exterior finishing of buildings, other than residential buildings, containing three or less self-contained dwelling units, having due regard for requirements made under Subsection 3; and

t) Inset the following after 2.1.14 (11):

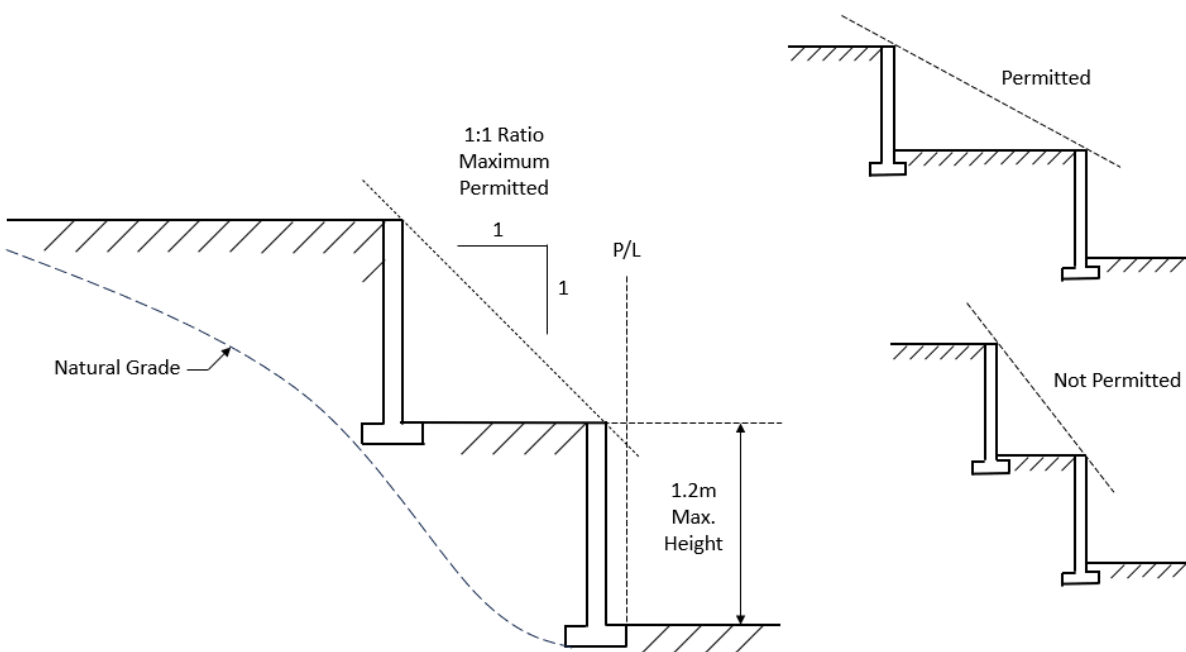
12. Require that an environmental development permit be issued on land subject to environmental protection.

u) Replace Section 2.1.16 (8) with the following:

In the case of a panhandle lot, the minimum area shall be exclusive of the access strip unless otherwise specified in a zone.

v) Replace Section 2.1.20 with the following:

No portion of a retaining wall may exceed a height of 1.2 meters. In the case of a series of retaining walls, walls must be spaced at a maximum 1:1 ratio of height to horizontal separation.



- w) Replace Section 2.2.01 with the following:

Secondary suites and accessory dwelling units are permitted in all zones ancillary to residential use unless otherwise specified in this bylaw.

- x) Replace Section 5.10.04 with the following:

In addition to the uses permitted by Section 2.1.10 upon the contributions to affordable housing and community amenities the following uses and no others shall be permitted in the Residential 5 (R5) Zone:

1. One-family dwelling;
2. Group home use;
3. Home occupation;
4. Not more than 2 boarders or lodgers in a dwelling unit provided that no dwelling unit shall be occupied by more than four unrelated persons;
5. Accessory buildings and structures;
6. Accessory dwelling units;
7. Secondary suite and
8. Show homes

- y) Replace Section 6.6A.02 with the following:

In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others are permitted in the Medium Density Residential 7 (RM7) zone:

- a. Apartment
- b. Apartment (Senior Citizens)
- c. Attached housing (includes duplex units)
- d. Home occupations
- e. Not more than 1 boarder or lodger in a dwelling unit provided that no dwelling unit shall be occupied by more than four unrelated persons;
- f. Accessory buildings and structures, and
- g. Accessory dwelling units.

- z) Replace Section 7.11.4 (bi) with the following:

The residential component must be located above the ground floor and has a private, exterior, residential entrance from the principal commercial use; and

- aa) Replace Section 10.1.4 with the following:

In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD1 Zone:

1. Detached dwelling;
2. Duplex;

3. Attached housing;
4. Accessory dwelling unit;
5. Secondary suites in detached dwellings on estate, large or standard lots. Permitted only as a density bonus in exchange for the execution and delivery by the owner of a housing agreement dealing with occupancy; Colwood Land Use Bylaw 151, 1989 – Consolidated Version Page 179
6. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;
7. Home occupations;
8. Schools;
9. Automatic telephone exchange building;
10. Show homes; and
11. Presentation centre

bb) Replace Section 10.1A.4 with the following:

In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD1 Zone:

1. Detached dwelling;
2. Duplex;
3. Attached housing;
4. Accessory dwelling unit;
5. Secondary suites in detached dwellings on estate, large, standard or small lots. Permitted only as a density bonus in exchange for the execution and delivery by the owner of a housing agreement dealing with occupancy;
6. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;
7. Home occupations;
8. Schools;
9. Automatic telephone exchange building;
10. Show homes; and
11. Presentation Centre

cc) Replace Section 10.1A.6 with the following:

For the RBCD1A Zone, the maximum number of dwelling units shall be 60.

dd) Delete the “RBCD1A ZONE MAP” in Section 10.1A

ee) Replace Section 10.1A.7 (4) with the following:

Notwithstanding condition b) under the definition of “Height” in Section 1.2 of this bylaw, on the lands zoned RBCD1A, in the case of a new building but not an alteration of an existing building, height of a building with a sloping roof having a pitch exceeding 12:12 shall be measured to the mean level between the eaves



and the ridge of the roof, but the use of a roof with such a pitch shall in no case result in an actual building height exceeding the height that would have been permitted for a building with roof pitch of 12:12 or less.

ff) Replace Section 10.2.4 with the following:

In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD2 Zone:

1. Detached dwelling and duplex;
2. Attached housing;
3. Accessory dwelling unit;
4. Secondary suites in detached dwellings. Permitted only as a density bonus in exchange for the execution and delivery by the owner of a housing agreement dealing with occupancy;
5. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;
6. Home occupations; and
7. Show homes

gg) Replace Section 10.3.2 with the following:

In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD3 Zone:

1. School
2. Mining and quarrying
3. Gravel processing

hh) Delete the "RBCD3 AND RBCD4 ZONE MAP" from Section 10.3

ii) Replace Section 10.3A.2 with the following:

1. In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD3A Zone:

- a. Attached housing;
- b. Detached dwelling;
- c. Duplex;
- d. Accessory dwelling units;
- e. Secondary suites in detached dwellings on estate, large, standard or small lots;
- f. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;
- g. Home occupations; and
- h. Presentation Centres

2. In the RBCD3A Zone the number of dwelling units in all detached, duplex, attached and apartment dwelling units shall not exceed 10.

jj) Insert the following after Section 10.3A.2

10.3A.2A Lot A, Section 40, Esquimalt District, Plan EPS5275

On the lands legally described as Lot A, Section 40, Esquimalt District, Plan EPS5275 the following uses are also permitted in addition to the uses permitted in Section 10.3A.2.

1. Day care for three or more children who are not related by blood or marriage to an operator of the facility; and
2. Schools and churches

kk) Delete the "RBCD3A ZONE MAP" from Section 10.3A

ll) Replace Section 10.3A.3 with the following:

1. Despite the restrictions in Section 10.3A.2, the density of development in Section 10.3A.4 is permitted in the RBCD3A Zone in accordance with Sections 10.3A.4 through 10.3A.11 if the Owner:
  - a. contributes to an affordable housing reserve fund of the City \$500 per dwelling unit; and
  - b. contributes to a community amenity reserve fund of the City \$2,500 per detached, duplex and attached dwelling unit, and for this purpose "community amenity" means community buildings to house community services and service providers such as community health services, youth programs, community policing, fire protection, cultural facilities, community centre, recreational buildings and facilities, and other similar amenities.
2. Payment shall be made at the time of subdivision approval for detached and duplex lots and at the time of building permit for attached housing units.

mm) Replace Section 10.3A.4 with the following:

1. For the RBCD3A Zone, the maximum number of dwelling units shall be 581.
2. There must not be more than one detached dwelling or one duplex on a lot.
3. The minimum lot size within the zone is 300 m<sup>2</sup>.
4. The maximum development density for attached housing on any one lot shall be 60 units per hectare.
5. The commercial floor space permitted shall not exceed 930m<sup>2</sup>.
6. Development permits are required for subdivisions, in accordance with the Colwood Official Community Plan. Any subdivision of the land other than in conformity with their ultimate subdivision as contemplated by maps in the Official Community Plan will require a covenant on each new parcel to distribute the maximum available density under the zoning among the various parcels being created.

nn) Delete the "Apartment Lots" column from the table in Section 10.3A.6

oo) Replace Section 10.3A.6 (4) with the following:

Notwithstanding condition b) under the definition of “Height” in Section 1.2 of this bylaw, on the lands zoned RBCD3A, in the case of a new building but not an alteration of an existing building, height of a building with a sloping roof having a pitch exceeding 12:12 shall be measured to the mean level between the eaves and the ridge of the roof, but the use of a roof with such a pitch shall in no case result in an actual building height exceeding the height that would have been permitted for a building with roof pitch of 12:12 or less.

pp) Replace Section 10.3A.7 (1) with the following:

Secondary suites are permitted in dwellings on estate, large, standard or small lots. Secondary suites are not permitted in duplexes or attached housing.

qq) Replace Section 10.4.4 (1) with the following:

The principal and accessory uses permitted in each of the areas within the RBCD5 zone shown on the map included in this Section 10.1A as Schedule 1 are indicated in the following table. A √ symbol indicates that the use listed in the first column of the row in which the symbol appears is permitted in the area identified at the top of the column in which the symbol appears.

	<b>Residential</b>	<b>Neighbourhood Natural Park</b>	<b>Neighbourhood Park</b>
<b>Principal uses:</b>			
One-family dwelling	√		
Two-family dwelling	√		
Attached housing	√		
Natural Park		√	
Neighbourhood Park			√
Public Utility Use		√	√
<b>Accessory uses:</b>			
Home office	√		
Home occupation	√		
Accessory Building	√		
Secondary Suite	√		
Accessory dwelling unit	√		
Boarding and lodging	√		
Group home	√		
Show home	√		

rr) Replace Section 10.4.5 (1a) with the following:

On Lot 57, Section 38, Esquimalt Land District, Plan EPP93482 the number of principal dwellings per lot for Two-family Dwelling is n/a.

ss) Replace Section 10.33.2 (3e-f) with the following:

e) Within that area of land identified as Area 5 in the CD 28 Zone on the CD 28 Zone map:

- i. Animal hospital provided no overnight kenneling
- ii. Assembly and Entertainment Uses
- iii. Artist Studio
- iv. Bakery, not exceeding 200 m<sup>2</sup> in floor area
- v. Brewhouse
- vi. Brewery / Distillery
- vii. Colleges, Universities and Trade Schools
- viii. Congregate Housing, including visitor short-term stay suites
- ix. Day Care
- x. Eating and Drinking Establishment
- xi. Health Care Facility and Treatment Centre (public or private)
- xii. Limited light industries, including testing, servicing and repair but excluding manufacturing, processing or assembly.
- xiii. Live/Work Studio
- xiv. Nursing Home
- xv. Office, Medical
- xvi. Office, Professional
- xvii. Personal Service
- xviii. Pet Daycare
- xix. Presentation Centre
- xx. Printing & Publishing
- xxi. Scientific or Technological Research Facility

f) Within that area of land identified as Area 6 in the CD28 Zone on the CD28 Zone map:

- i. Animal hospital provided no overnight kenneling
- ii. Assembly and Entertainment Uses
- iii. Artist Studio
- iv. Bakery, not exceeding 200 m<sup>2</sup> in floor area
- v. Brewhouse
- vi. Brewery / Distillery
- vii. Colleges, Universities and Trade Schools
- viii. Day Care
- ix. Eating and Drinking Establishment, excluding drive-thru
- x. Live/Work Studio
- xi. Office, Financial
- xii. Office, Medical
- xiii. Office, Professional
- xiv. Personal Service
- xv. Pet Daycare
- xvi. Presentation Centre
- xvii. Printing & Publishing
- xviii. Retail Store

- xix. Scientific or Technological Research Facility
- xx. Service Station and car wash

tt) Replace Section 10.33.2 (3j) with the following:

Within that area of land identified as Area 10 in the CD 28 Zone on the CD 28 Zone map:

- i. Attached Housing
- ii. Accessory Dwelling Unit
- iii. Boarding and Lodging
- iv. Home Occupation
- v. One-family dwelling
- vi. Secondary suites
- vi. Two-family dwelling
- vii. Presentation Centre

uu) Replace Section 10.33.5 (2a) with the following:

Assembly and Entertainment Uses, Bakeries, Eating and Drinking Establishments, Personal Services, Pet Daycares, and Retail Stores are the only permitted uses on the first storey of any building fronting the Northern parcel line of Area 2 except that offices may be permitted on the first storey of a mixed use building fronting the Northern parcel line of Area 2 in accordance with Section 10.33.5 (2b).

vv) Replace the table in Section 10.33.5 (5c) with the following:

	Area 5	
Regulation	General	Care Facility
Minimum Lot Area	1,800 m <sup>2</sup>	1,800 m <sup>2</sup>
Minimum Lot Width	20.0 m	20.0 m
Floor Area Ratio	2.0	3.0
Maximum Lot Coverage	50%	50% 80% for underground parking
Minimum Open Site Space	10%	10%
Maximum Building Height	15 m	26.0 m or 6 storeys
Maximum Accessory Buildings and	4.5m	4.5m

Structures Height		
Front	3.0 m	3.0 m first 4 floors 4.5m above 4 floors
Side	3.0 m	3.0 m
Exterior Side	3.0 m	3.0 m first 4 floors 4.5m above 4 floors
Rear	6.0 m	6.0 m

ww) Replace Section 10.33.5 (6)

Within Area 6 of the CD28 Zone:

- a. Permitted uses shall manage its operations to not be noxious or offensive to any adjacent property or the general public by reason of emitting odours or noise.
- b. Regulation Table:

<b>Regulation</b>	<b>General</b>
Minimum Lot Area	1,800m <sup>2</sup>
Minimum Lot Width	20.0m
Floor Area Ratio	1.0
Maximum Lot Coverage	50%
Minimum Open Site Space	10%
Maximum Building Height	15m
Maximum Accessory Buildings	4.5m
<b>Minimum Building Setbacks</b>	
Front	3.0m
Side	3.0m
Exterior Side	3.0m
Rear	6.0m

c. Notwithstanding the Development Regulations in Section 10.33.5.6.b, the minimum building setbacks for Service Stations are as follows:

1. A front yard shall be provided of not less than 7.5 m in depth provided, however, that if the area between the front building line and the front lot line exclusive of access driveways is landscaped, the required front yard shall be not less than 4.5 m in depth.
2. Where a lot is not serviced by a rear access highway, a side yard of 4.5 m in width shall be provided on at least one side of the lot.
3. Where a lot abuts a lot in a Residential Zone or a Multiple Family Zone a side yard shall be provided of not less than 6 m in width.
4. On a corner lot, a side yard of not less than 7.5 m in width shall be provided adjoining a flanking street provided, however, that if the area between the

building and the side lot line exclusive of access driveways is landscaped, the required side yard shall not be less than 4.5 m.

xx) Delete Section 10.33.7 (4) with the following:

yy) Delete the CD28 Zone Map in Section 10.33.10 and replace with the following (Appendix 4):



zz) Replace Section 10.35.2 (5d) with the following:

d. Within that area of land identified as Area 3 in the CD 30 Zone on the CD 30 Zone map:

- i. Attached Housing
- ii. Boarding and Lodging
- iii. Group home
- iv. Home Occupation
- v. One-family dwelling
- vi. Two-family dwelling
- vii. Accessory dwelling unit
- viii. Secondary suites

aaa) Replace Section 10.35.2 (5h) with the following:

h. Within that area of land identified as Area 7 in the CD 30 Zone on the CD 30 Zone map:

- i. Attached Housing
- ii. Apartments
- iii. Boarding and Lodging
- iv. Group home
- v. Home Occupation
- vi. One-family dwelling
- vii. Two-family dwelling
- viii. Accessory dwelling unit
- ix. Secondary suites

bbb) Update the Schedule A Zoning Map with the following (Appendix 5):





**READ A FIRST TIME** on the 27<sup>th</sup> day of November,2023

**READ A SECOND TIME** on the 27<sup>th</sup> day of November,2023

**PUBLIC HEARING** held on the day of 2023

**READ A THIRD TIME** on the day of 2023

**RECEIVED APPROVAL OF THE INSPECTOR OF MUNICIPALITIES** on the day of 2023

**ADOPTED** on the day of 2023

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**Mayor**

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**Corporate Officer**

Proposed Amendments – Red Line Copy

	Section of the Land Use Bylaw	Proposed Amendment
1	Section 1.2 Definitions	<p><b>“ACCESSORY DWELLING UNIT”</b> means an additional self-contained <del>rental</del> dwelling unit which is ancillary to a principal dwelling unit with which it is associated and is located on the same legal lot as the principal dwelling unit with which it is associated.</p> <p>An accessory dwelling unit may be one of the following:</p> <ol style="list-style-type: none"> <li>1. an addition to or contained within an accessory building on a lot containing a two-family dwelling unit;</li> <li>2. an addition to or contained within an accessory building on a lot containing an attached housing dwelling unit;</li> <li>3. contained within an apartment unit;</li> <li>4. contained within an accessory building associated with a one-family use, a two-family dwelling use, or an attached housing dwelling use.</li> </ol>
2	Section 1.2 Definitions	<p><b>“FLOOR AREA RATIO”</b> means the gross floor area, <del>excluding those portions located more than 1.5 m below natural grade,</del> divided by the lot area.</p>
3	Section 1.2 Definitions	<p><del><b>“GRADE, FINISHED”</b> as it pertains to a retaining wall means the elevation of the ground at the base of the retaining wall. Except that on the following lands:</del></p> <ul style="list-style-type: none"> <li><del>• Closed Road, Sections 40 &amp; 54, Esquimalt District, Plan EPP65345;</del></li> <li><del>• Lot B, Sections 40, 41, 42, 51, 52, 53 &amp; 54, Esquimalt District, Plan VIP58414;</del></li> </ul> <p><del>Except</del></p> <ul style="list-style-type: none"> <li><del>• Part in Plan VIP79370 and EPP100193;</del></li> <li><del>• Lot C, Sections 40, 41 &amp; 42, Esquimalt District, Plan VIP58414; Except Part in Plan</del></li> <li><del>• VIP79370 and EPP100193;</del></li> <li><del>• Lot D, Sections 40 &amp; 54, Esquimalt District, Plan VIP58414; Except Part in Plan</del></li> <li><del>• VIP75020, VIP82319, EPP53441;</del></li> <li><del>• Lot 1, Sections 40 &amp; 41, Esquimalt District, Plan EPP100193</del></li> <li><del>• Lot 31, Section 56, Esquimalt District, Plan VIP69848</del></li> <li><del>• Lot G, Section 38, Esquimalt District, Plan VIP58414 &amp; Section 55</del></li> <li><del>• Lot H, Section 16, Esquimalt District, Plan VIP58414</del></li> <li><del>• Lot I, Section 54, Esquimalt District, Plan VIP58414</del></li> <li><del>• Lot J, Section 53, Esquimalt District, Plan VIP85414 &amp; Section 54</del></li> </ul> <p><b>"GRADE, FINISHED"</b> means the finished elevation of the ground surface of land following construction or land altering activities at which any part of a building comes into contact with the surface of a lot, excluding any artificial mounds of earth or rocks placed at or near the wall of a building, and excluding the minimum window well width and depth required by the British Columbia Building Code.</p>
4	Section 1.2 Definitions	<p><b>"GROSS FLOOR AREA"</b> means the sum of the floor areas of every storey in every building on a lot measured to the outside face of the exterior walls, excluding:</p>

		<ul style="list-style-type: none"> <li>a. accessory buildings and structures,</li> <li>b. canopies, sundecks, and exterior stairs, <del>and</del></li> <li>c. the first 50 m<sup>2</sup> of an attached carport or garage,</li> <li>d. <del>those portions located more than 1.5 m below natural grade,</del></li> <li>e. <del>crawl spaces,</del></li> <li>f. <del>common amenity areas,</del></li> <li>g. <del>underground or concealed parking areas, unless such parking is a principal use,</del></li> <li>h. <del>exterior wall thickness in excess of 0.165 m (6.5 in) up to a maximum exclusion of 0.305 m (12 in) provided that the wall thickness is utilized for the provision of insulating materials and/or protection against wind, water, and vapour.</del></li> </ul>
5	Section 1.2 Definitions	<p>"HEIGHT"</p> <p>a. means the vertical distance from the natural grade of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure, provided that:</p> <p><del>a.</del> in a case where it is proposed to construct a building or structure or any part thereof on land where the current surface of the land is below the original natural grade, the current surface of the land shall be deemed to be the natural grade of the land; and</p> <p><del>b.</del> where a building or structure incorporates a roof exceeding a pitch of 12:12, height shall be measured to the highest point of the building or structure;</p> <p><del>c. in the case of a retaining wall, the height shall be measured to the highest point of the retaining wall above finished grade at the base of the downslope side of the retaining wall.</del></p> <p>Except that on the following lands:</p> <ul style="list-style-type: none"> <li>• Lot 9, Section 73, Metchosin District, Plan 39487 - 703 Bexhill Road</li> <li>• Lot A (DD ED50218), Section 73, Metchosin District, Plan 39487 - 725 Bexhill Road</li> <li>• Lot L, Section 73, Metchosin District, Plan VIS2420 - 804 Bexhill Place</li> <li>• Lot 14, Section 73, Metchosin District, Plan VIS2419 - 818 Bexhill Road</li> <li>• Lot 13, Section 73, Metchosin District, Plan VIS2419 - 820 Bexhill Place</li> <li>• Lot 6, Section 62, Metchosin District, Plan SP1731 - 3472 Blue Sky Place</li> <li>• Lot 117, Section 64, Esquimalt District, Plan 40290 - 653 Cairndale Road</li> <li>• Lot 6, Section 36, Esquimalt District, Plan 46383 - 3309 Crowhurst Place</li> <li>• Lot 7, Section 36, Esquimalt District, Plan 46383 - 3310 Crowhurst Place</li> <li>• Lot 1, Section 73, Metchosin District, Plan 35942 - 755 Cuaulta Crescent</li> <li>• Lot 2, Section 78, Esquimalt District, Plan 42613 - 803 Cuaulta Crescent</li> <li>• Lot 1, Section 78, Esquimalt District, Plan 42613 - 805 Cuaulta Crescent</li> <li>• Lot 3, Section 62, Esquimalt District, Plan SP1984 - 820 Glassview Lane</li> </ul>

		<ul style="list-style-type: none"> <li>• Common Property, Section 64, Esquimalt District, Plan VIS2826 - 3401 Haida Drive</li> <li>• Lot 132, Section 64, Esquimalt District, Plan 40290 - 3354 Haida Drive</li> <li>• Lot 133, Section 64, Esquimalt District, Plan 40290 - 3358 Haida Drive</li> <li>• Lot 118, Section 64, Esquimalt District, Plan 40290 - 3359 Haida Drive</li> <li>• Lot 13, Section 64, Esquimalt District, Plan VIS2046 - 3371 Haida Drive</li> <li>• Lot 12, Section 64, Esquimalt District, Plan VIS2046 - 3377 Haida Drive</li> <li>• Lot 1, Section 64, Esquimalt District, Plan 42346 - 3403 Karger Terrace</li> <li>• Lot 3, Section 64, Esquimalt District, Plan 38610 - 3415 Karger Terrace</li> <li>• Lot 14, Section 63, Esquimalt District, Plan 38610 - 3446 Karger Terrace</li> <li>• Lot 12, Section 63, Esquimalt District, Plan 38610 - 3447 Karger Terrace</li> <li>• Lot 13, Section 63, Esquimalt District, Plan 38610 - 3448 Karger Terrace</li> <li>• Lot 8, Section 65, Esquimalt District, Plan VIP52410 - 676 Orca Place</li> <li>• Lot A, Section 63, Esquimalt District, Plan VIP72776 - 509 Outlook Place</li> <li>• Lot 69, Section 64, Esquimalt District, Plan 35838 - 3363 Pattison Way</li> <li>• Lot 44, Section 64, Esquimalt District, Plan 35838 - 591 Stornoway Drive</li> <li>• Lot 7, Section 77, Esquimalt District, Plan VIS2933 - 712 St. Barbara's Place</li> <li>• Closed Road, Sections 40 &amp; 54, Esquimalt District, Plan EPP65345;</li> <li>• Lot B, Sections 40, 41, 42, 51, 52, 53 &amp; 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;</li> <li>• Lot C, Sections 40, 41 &amp; 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;</li> <li>• Lot D, Sections 40 &amp; 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, ViP82319, EPP53441;</li> <li>• Lot 1, Sections 40 &amp; 41, Esquimalt District, Plan EPP100193</li> <li>• Lot 31, Section 56, Esquimalt District, Plan V1P69848</li> <li>• Lot G, Section 38, Esquimalt District, Plan VIP58414 &amp; Section 55</li> <li>• Lot H, Section 16, Esquimalt District, Plan VIP58414</li> <li>• Lot I, Section 54, Esquimalt District, Plan VIP58414</li> <li>• Lot J, Section 53, Esquimalt District, Plan VIP85414 &amp; Section 54</li> </ul> <p><b>“HEIGHT”</b></p> <p>a. Height means the vertical distance from the average finished <del>grade ground level</del> at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure.</p> <p><del>b. in the case of a retaining wall, the height shall be measured to the highest point of the retaining wall above finished grade at the base of the downslope side of the retaining wall.</del></p> <p>Except that on the following lands:</p> <ul style="list-style-type: none"> <li>• <del>Closed Road, Sections 40 &amp; 54, Esquimalt District, Plan EPP65345;</del></li> </ul>
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			<ul style="list-style-type: none"> <li>• <del>Lot B, Sections 40, 41, 42, 51, 52, 53 &amp; 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;</del></li> <li>• <del>Lot C, Sections 40, 41 &amp; 42, Esquimalt District, Plan VIP58414; Except Part in Plan VIP79370 and EPP100193;</del></li> <li>• <del>Lot D, Sections 40 &amp; 54, Esquimalt District, Plan VIP58414; Except Part in Plan VIP75020, ViP82319, EPP53441;</del></li> <li>• <del>Lot 1, Sections 40 &amp; 41, Esquimalt District, Plan EPP100193</del></li> <li>• <del>Lot 31, Section 56, Esquimalt District, Plan V1P69848</del></li> <li>• <del>Lot G, Section 38, Esquimalt District, Plan VIP58414 &amp; Section 55</del></li> <li>• <del>Lot H, Section 16, Esquimalt District, Plan VIP58414</del></li> <li>• <del>Lot I, Section 54, Esquimalt District, Plan VIP58414</del></li> <li>• <del>Lot J, Section 53, Esquimalt District, Plan VIP85414 &amp; Section 54</del></li> </ul> <p><del>"HEIGHT"</del>  means the vertical distance from the average finished grade at the perimeter of a building or structure to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean level between the eaves and the ridge of a gable, hip, gambrel, or other sloping roof, and in the case of a structure without a roof to the highest point of the structure.</p>
6	Section Definitions	1.2	<p><del>"INDUSTRIAL, LIGHT"</del>  means a use for the warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops, movie production studio, and retail sales accessory to a <del>principle</del> principal use, and applies to the following lands only:</p> <ul style="list-style-type: none"> <li>• Lot C, Section 67 &amp; 68, Esquimalt Land District, Plan VIP68962</li> <li>• Lot A, Section 1, Esquimalt District, Plan VIP36299</li> </ul>
7	Section Definitions	1.2	<p><del>"INDUSTRIAL ZONE"</del>  means the M1, <del>and M2, and M3</del> zones.</p>
8	Section Definitions	1.2	<p><del>"PRESENT NATURAL BOUNDARY"</del> means the visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark upon the soil of the <del>bed</del> of the lake, river stream, or other body of water a character distinct from that of the banks <del>thereof, in respect to both in vegetation and in the nature of the soil itself (BC Land Act)</del>. In marine systems, the natural boundary is generally determined as the lower elevation of terrestrial vegetation or the upper boundary of distinctive aquatic vegetation. The present natural boundary may be different than a previously registered plan.</p>
9	Section Definitions	1.2	<p><del>"SECONDARY SUITE"</del>  means an additional self-contained dwelling unit which is ancillary to a principal one-family residential use and which:</p> <ol style="list-style-type: none"> <li><del>1. does not exceed a total floor space area of 90m<sup>2</sup> or 40% of the habitable floor space of the building, whichever is less;</del></li> <li><del>2. 1. is within a building of residential occupancy containing only one other dwelling unit; and,</del></li> <li><del>3. 2. is located in and is part of a building which is a single real estate entity.</del></li> </ol>
10	Section Definitions	1.2	<p><del>"WATERBODY"</del></p>

		is any body of standing fresh or brackish water, including lakes, ponds, wetlands, swamps, bogs, and fens, whether ephemeral or connected to a stream.
11	Section 1.2 Definitions	"WATERCOURSE" <del>is any natural or manmade depression with well defined banks and a bed 0.6 m or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 2 square kilometres or more or as required by a designated official of the Ministry of Environment of the Province of British Columbia.</del> is any body of flowing fresh or brackish water including rivers, creeks, lakes, ditches, and springs, whether ephemeral or connected to a stream.
12	Section 2.1.05 (1) Flood Control and Environmental Protection	Notwithstanding any other provisions of this Bylaw, no buildings, <b>structures</b> , or any part thereof shall be constructed, reconstructed, moved, or extended nor shall any mobile home or unit, modular home or structure be located:  a. <del>i. Within 15 m of the natural boundary of the sea;</del> <del>ii. within 15 m of the natural boundary of any other lake, swamp or pond;</del> <del>iii. within 30 m of the natural boundary of Colwood Creek and Millstream;</del> <del>and</del> <del>iv. within 15 m of the natural boundary of any other watercourse.</del> i. Within the Streamside Protection and Enhancement Area of any stream, watercourse, or waterbody unless subject to Undue Hardship as defined in the Riparian Development Permit Area Guidelines. ii. Within 30 m of the present natural boundary of the sea; and iii. Within sensitive ecosystems.  b. with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters, or in the case of a mobile home or unit the ground level on which it is located: i. lower than 0.6 m above the two hundred year flood level where it has been determined to the satisfaction of the Ministry of Environment; ii. nor lower than 1.5 m above the natural boundary of the sea or any other lake, swamp or pond; iii. nor lower than 3 m above the natural boundary of Colwood Creek and Millstream Creek; and iv. nor lower than 1.5 m above the natural boundary of any other watercourse.
13	Section 2.1.06 (1b) Accessory Buildings and Structures	The total combined floor area of accessory buildings on any lot in a Residential Zone shall not exceed 60 m <sup>2</sup> , except that in cases where an accessory building contains a dwelling unit, the area of the <b>building dwelling unit</b> shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.
14	Section 2.1.06 (2b) Accessory	The total combined floor area of accessory buildings on any lot in a Residential Zone shall not exceed 60 m <sup>2</sup> ; <b>except that in cases where an</b>

	Buildings and Structures	accessory building contains a dwelling unit, the area of the dwelling unit shall not be included within the total combined floor area of accessory buildings on the lot but will be subject to meeting regulations for accessory dwelling units.
15.1	Section 2.1.07 (7) Home Occupations	Any home occupation that involves the provision of food or drink as defined in <del>"Regulations Governing the Sanitation and Operation of Food Premises"</del> the applicable provincial regulations must be approved by the Medical Health Officer prior to operation.
15.2	Section 2.1.07 (9) Home Occupations	A Home Occupation Use involving Day Care for pre-school children as regulated by the <del>Community Care Facilities Act</del> applicable provincial regulations shall not accommodate more than ten (10) children.
16	Section 2.1.10 Uses Permitted in Any Zone	Except where specifically excluded the following uses shall be permitted in any Zone:  1. Public utility poles, pipelines, traffic control devices, and underground or submarine utility systems, the installations of which may be sited on any portion of a lot; 2. Railway lines and similar public transportation corridors; <del>and</del> 3. Hiking trails, horse trails, public parks and playgrounds; <del>;</del> 4. Show homes in any Zone that permits a one-family dwelling use; <del>;</del> <del>and</del> 5. Home occupations – office use only in any Zone that permits a one-family dwelling use.
17	Section 2.1.14 (10-11) Issuance of Development Permits	10. limit the number, size and type and specify the form, appearance and construction of signs; <del>and</del> 11. regulate the exterior finishing of buildings, other than residential buildings, containing three or less self-contained dwelling units, having due regard for requirements made under Subsection 3; <del>;</del> <del>and</del> 12. Require that an environmental development permit be issued on land subject to environmental protection.
18	Section 2.1.16 (8) Area, Shape and Dimension of Lots	In the case of a panhandle lot, the minimum area shall be exclusive of the access strip. <del>unless otherwise specified in a zone.</del>
19	Section 2.1.20 Retaining Walls	No portion of a retaining wall may exceed a height of 1.2 meters. <del>and in the case of a series of retaining walls, walls must be spaced at a minimum maximum of 1:1 ratio of height to horizontal separation. , from the higher of the walls, to horizontal separation ratio, as illustrated in the following diagram:</del> <b>Replace diagram with Retaining Wall Diagram (Appendix 3)</b>
20	Section 2.2.01 Secondary Suites and Accessory Dwelling Units – Locations Permitted	<del>1. Secondary suites shall be permitted within the following zones in association with one family dwelling use only: AG1, AG2, A1, AR1, AR2, R1, R2, R3, R4, R5, RM1, RM2, RC1, CT1, P1, P2, P4, P6, RBCD1, RBCD2, RBCD3, CD3, CD8, CD9, CD28 (Area 10 only), and CD30 (Area 3 and 7 only)</del> <del>2. Accessory dwelling units shall be permitted within accessory buildings in Agricultural Zones, Residential Zones and Multiple Family Residential Zones, subject to compliance with the British Columbia Building Code.</del>



		<p><del>3. Accessory dwelling units shall be permitted within the following zones as ancillary to two-family dwelling units: AG1, AG2, A1, R1, R2, RM1, RM2, RC1, CD2, CD3, CD4 and CD5.</del></p> <p><del>4. Accessory dwelling units shall be permitted within the following zones as ancillary to attached dwelling units: RM1, RM1A, RM1B, RM2, RM3, RC1, RM6, RT1, C8, RBCD1, RBCD2, RBCD3, RBCD4, CD1, CD2, CN1, CD3, CD4, CD5, CD6, CD11, CD28 (Area 10 only), and CD30 (Area 3 and 7 only)</del></p> <p><del>5. Accessory dwelling units shall be permitted within the following zones as ancillary to apartment dwellings: RM3, RM4, RM5, RM6, RTS 2, RT1, RT4, C4, C7, C8, C8A, CS1 (at 2650 Nob Hill Road only), RBCD3 (Area 4 only), RBCD4 (Area 4 only), CD2 (Area 1 only), CN1, CD3 (Area 1 only), CD5 (Area 1 only), CD6 (Areas 2, 4, 6, 7, 8 and 9 only), CD7 and CD10.</del></p> <p>Secondary suites and accessory dwelling units are permitted in all zones ancillary to residential use unless otherwise specified in this bylaw.</p>
21.1	Section 5.10.04 R5 Zone – Permitted Uses	<p>In addition to the uses permitted by Section 2.1.10 upon the contributions to affordable housing and community amenities the following uses and no others shall be permitted in the Residential 5 (R5) Zone:</p> <ol style="list-style-type: none"> <li>1. One-family dwelling;</li> <li>2. Group home use;</li> <li>3. Home occupation;</li> <li>4. Not more than 2 boarders or lodgers in a dwelling unit provided that no dwelling unit shall be occupied by more than four unrelated persons;</li> <li>5. Accessory buildings and structures;</li> <li>6. Accessory dwelling units;</li> <li><del>6.7.</del> Secondary suite and</li> <li><del>7.8.</del> Show homes</li> </ol>
21.2	Section 6.6A.02 (1) RM7 Zone – Basic Development	<p>In addition to the uses permitted by Section 2.1.10 of this Bylaw, the following uses and no others are permitted in the Medium Density Residential 7 (RM7) zone:</p> <ol style="list-style-type: none"> <li>a. Apartment</li> <li>b. Apartment (Senior Citizens)</li> <li>c. Attached housing (includes duplex units)</li> <li>d. Home occupations</li> <li>e. Not more than 1 boarder or lodger in a dwelling unit provided that no dwelling unit shall be occupied by more than four unrelated persons;</li> <li>f. Accessory buildings and structures, and</li> <li>g. Accessory dwelling units.</li> </ol>
21.3	Section 10.1.4, RBCD1 Zone – Permitted Uses	<p>In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD1 Zone:</p> <ol style="list-style-type: none"> <li>1. Detached dwelling;</li> <li>2. Duplex;</li> <li>3. Attached housing;</li> <li>4. Accessory dwelling unit;</li> <li><del>4. 5.</del> Secondary suites in detached dwellings on estate, large or standard lots. Permitted only as a density bonus in exchange for the execution and delivery by the owner of a housing agreement dealing with occupancy; Colwood Land Use Bylaw 151, 1989 – Consolidated Version Page 179</li> </ol>

		<p><del>5</del>. 6. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</p> <p><del>6</del>-7. Home occupations;</p> <p><del>7</del>. 8. Schools;</p> <p><del>8</del>. 9. Automatic telephone exchange building;</p> <p><del>9</del>. 10. Show homes; and</p> <p><del>10</del>. 11. Presentation centre</p>
21.4	Section 10.1A.4 RBCD1A Zone – Permitted Uses	<p>In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD1 Zone:</p> <ol style="list-style-type: none"> <li>1. Detached dwelling;</li> <li>2. Duplex;</li> <li>3. Attached housing;</li> <li>4. Accessory dwelling unit;</li> </ol> <p><del>4</del>. 5. Secondary suites in detached dwellings on estate, large, standard or small lots. Permitted only as a density bonus in exchange for the execution and delivery by the owner of a housing agreement dealing with occupancy; Colwood Land Use Bylaw 151, 1989 – Consolidated Version Page 185</p> <p><del>5</del>. 6. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</p> <p><del>6</del>-7. Home occupations;</p> <p><del>7</del>. 8. Schools;</p> <p><del>8</del>. 9. Automatic telephone exchange building;</p> <p><del>9</del>. 10. Mining and quarrying in Phase 1C and in part of Phase 1B shown as hatched on Map 1;</p> <p><del>10</del>. 11. Show homes; and</p> <p><del>11</del>. 12. Presentation Centre</p>
21.5	Section 10.2.4 RBCD2 Zone – Permitted Uses	<p>In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD2 Zone:</p> <ol style="list-style-type: none"> <li>1. Detached dwelling and duplex;</li> <li>2. Attached housing;</li> <li>3. Accessory dwelling unit;</li> </ol> <p><del>3</del>. 4. Secondary suites in detached dwellings. Permitted only as a density bonus in exchange for the execution and delivery by the owner of a housing agreement dealing with occupancy;</p> <p><del>4</del>. 5. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</p> <p><del>5</del>. 6. Home occupations; and</p> <p><del>6</del>-7. Show homes</p>
22.1	Section 7.11.4 (bi) MUEC2 Zone – Other Regulations	<p>The residential component must be located above the ground floor and has a private, exterior, residential entrance from the <del>principle</del> principal commercial use; and</p>
22.2	Section 10.4.5 (1a) RBCD5 Zone	<p>On Lot 57, Section 38, Esquimalt Land District, Plan EPP93482 the number of <del>principle</del> principal dwellings per lot for Two-family Dwelling is n/a.</p>

	– Development Regulations	
23.1	Section 10.1A.4 RBCD1A – Permitted Uses	In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD1 Zone: 1. Detached dwelling; 2. Duplex; 3. Attached housing; 4. Accessory dwelling unit; 5. Secondary suites in detached dwellings on estate, large, standard or small lots. Permitted only as a density bonus in exchange for the execution and delivery by the owner of a housing agreement dealing with occupancy; Colwood Land Use Bylaw 151, 1989 – Consolidated Version Page 185 6. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons; 7. Home occupations; 8. Schools; 9. Automatic telephone exchange building; <del>9. 10. Mining and quarrying in Phase 1C and in part of Phase 1B shown as hatched on Map 1;</del> <del>11. 10.</del> Show homes; and <del>12. 11.</del> Presentation Centre
23.2	Section 10.1A.6 (1) – RBCD1A – Permitted Development	For the <del>Area shown on Map 1</del> RBCD1A Zone, the maximum number of dwelling units shall be 60.
23.3	Section 10.1A RBCD1A	<b>Delete the “RBCD1A ZONE MAP”.</b>
23.4	Section 10.1A.7 (4) RBCD1A – Regulatory Conditions	Notwithstanding condition b) under the definition of “Height” in Section 1.2 of this bylaw, on the lands zoned RBCD1A <del>shown on Map 1</del> , in the case of a new building but not an alteration of an existing building, height of a building with a sloping roof having a pitch exceeding 12:12 shall be measured to the mean level between the eaves and the ridge of the roof, but the use of a roof with such a pitch shall in no case result in an actual building height exceeding the height that would have been permitted for a building with roof pitch of 12:12 or less.
24	Section 10.3.2 RBCD3 Zone – Basic Development	<del>1.</del> In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD3 Zone: <del>a. Within that area of the lands identified as Area 8 in the RBCD3 Zone on the RBCD3 and RBCD4 Zone Map:</del> <del>i.</del> 1. School <del>ii.</del> 2. Mining and quarrying <del>iii.</del> 3. Gravel processing
25	Section 10.3 RBCD3 Zone	<b>Delete the “RBCD3 AND RBCD4 ZONE MAP”.</b>

<p>26</p>	<p>Section 10.3A.2 RBCD3A Zone – Basic Development</p>	<p>10.3A.2 Basic Development</p> <p><del>1. In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD3A Zone:</del></p> <p><del>a. Within that area of the lands identified as Area 1 in the RBCD3A Zone on the RBCD3A Zone Map:</del></p> <ul style="list-style-type: none"> <li><del>i. Detached dwelling;</del></li> <li><del>ii. Duplex;</del></li> <li><del>iii. Attached Housing;</del></li> <li><del>iv. Secondary suites in detached dwellings on estate, large, standard or small lots;</del></li> <li><del>v. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</del></li> <li><del>vi. Home occupations;</del></li> <li><del>vii. Automatic telephone exchange building;</del></li> <li><del>viii. Mining and quarrying;</del></li> <li><del>ix. Gravel processing;</del></li> <li><del>x. Show homes; and</del></li> <li><del>xi. Presentation Centre</del></li> </ul> <p><del>b. Within that area of the lands identified as Area 2 in the RBCD3A Zone on the RBCD3A Zone Map:</del></p> <ul style="list-style-type: none"> <li><del>i. Detached dwelling;</del></li> <li><del>ii. Duplex;</del></li> <li><del>iii. Attached housing;</del></li> <li><del>iv. Secondary suites in detached dwellings on estate, large, standard or small lots;</del></li> <li><del>v. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</del></li> <li><del>vi. Home occupations;</del></li> <li><del>vii. Automatic telephone exchange building;</del></li> <li><del>viii. Mining and quarrying;</del></li> <li><del>ix. Gravel processing;</del></li> <li><del>x. Show homes; and</del></li> <li><del>xi. Presentation Centre</del></li> </ul> <p><del>c. Within those areas of the lands identified as Area 3 in the RBCD3A Zone on the RBCD3A Zone Map:</del></p> <ul style="list-style-type: none"> <li><del>i. Attached housing;</del></li> <li><del>ii. Detached Housing;</del></li> <li><del>iii. Duplex;</del></li> <li><del>iv. Secondary suites in detached dwellings on estate, large, standard or small lots;</del></li> </ul> <p><del>Colwood Land Use Bylaw 151, 1989 – Consolidated Version Page 198</del></p>
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		<p>v. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</p> <p>vi. Home occupations;</p> <p>vii. Park and Open Space;</p> <p>viii. Mining and quarrying;</p> <p>ix. Gravel processing; and</p> <p>x. Presentation Centre</p> <p>d. Within that area of the lands identified as Area 4 in the RBCD3A Zone on the RBCD3A Zone Map:</p> <p>i. Apartments</p> <p>ii. Mining and quarrying</p> <p>iii. Gravel processing</p> <p>e. Within that area of the lands identified as Area 5 in the RBCD3A Zone on the RBCD3A Zone Map:</p> <p>i. Attached housing</p> <p>ii. Home occupations</p> <p>iii. Day care for three or more children who are not related by blood or marriage to an operator of the facility</p> <p>iv. Schools and churches</p> <p>v. Mining and quarrying</p> <p>vi. Gravel processing</p> <p>vii. Presentation Centre</p> <p>f. Within that area of the lands identified as Area 6 in the RBCD3A Zone on the RBCD3A Zone Map:</p> <p>i. Apartments</p> <p>ii. Retail stores</p> <p>iii. Offices</p> <p>iv. Day care for three or more children who are not related by blood or marriage to an operator of the facility</p> <p>v. Mining and quarrying</p> <p>vi. Gravel processing</p> <p>vii. Attached Housing</p> <p>viii. Assembly Use</p> <p>ix. Personal Service</p> <p>x. Restaurant</p> <p>xi. Presentation Centre</p> <p>g. Within that area of the lands identified as Area 7 in the RBCD3A Zone on the RBCD3A Zone Map:</p> <p>i. Concrete batch plant</p> <p>ii. Mining and quarrying</p> <p>iii. Gravel processing</p> <p>h. Within that area of the lands identified as Area 8 in the RBCD3A Zone on the RBCD3A Zone Map:</p>
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		<p><del>i. School</del></p> <p><del>ii. Mining and quarrying</del></p> <p><del>iii. Gravel processing Colwood Land Use Bylaw 151, 1989 — Consolidated Version Page 199</del></p> <p><del>i. Within that area of the lands identified as Area 9 in the RBCD3A Zone on the RBCD3A Zone Map:</del></p> <p><del>i. Park and open space ii. Detached Housing;</del></p> <p><del>iii. Duplex;</del></p> <p><del>iv. Secondary suites in detached dwellings on estate, large, standard or small lots;</del></p> <p><del>v. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</del></p> <p><del>vi. Home occupations;</del></p> <p><del>vii. Mining and quarrying;</del></p> <p><del>viii. Gravel processing; and</del></p> <p><del>ix. Presentation Centre</del></p> <p>In addition to the uses permitted by Section 2.1.10 the following uses and no others are permitted in the RBCD3A Zone:</p> <p>a. Attached housing;</p> <p>b. Detached dwelling;</p> <p>c. Duplex;</p> <p>d. Accessory dwelling units;</p> <p>e. Secondary suites in detached dwellings on estate, large, standard or small lots;</p> <p>f. Not more than 2 boarders or lodgers in a dwelling unit that does not contain a secondary suite, provided that no dwelling unit shall be occupied by more than four unrelated persons;</p> <p>g. Home occupations; and</p> <p>h. Presentation Centres</p> <p>2. In the RBCD3A Zone the number of dwelling units in all detached, duplex, attached and apartment dwelling units shall not exceed 10.</p> <p>10.3A.2A Lot A, Section 40, Esquimalt District, Plan EPS5275</p> <p>On the lands legally described as Lot A, Section 40, Esquimalt District, Plan EPS5275 the following uses are also permitted in addition to the uses permitted in Section 10.3A.2.</p> <p>1. Day care for three or more children who are not related by blood or marriage to an operator of the facility; and</p> <p>2. Schools and churches</p>
27.1	Section 10.3A RBCD3A Zone	<b>Delete the “RBCD3A ZONE MAP”.</b>
27.2	Section 10.3A.4 RBCD3A Zone	1. For <del>lands shown on</del> the RBCD3A Zone <del>Map</del> , the maximum number of dwelling units shall be 581.

		<p>2. There must not be more than one detached dwelling or one duplex on a lot.</p> <p>3. The minimum lot size within the zone is 300 m2.</p> <p>4. The maximum development density for attached housing on any one lot shall be 60 units per hectare.</p> <p>5. The maximum development density for apartment housing on any one lot shall be 105 units per hectare.</p> <p>6. The commercial floor space permitted shall not exceed 930m2.</p> <p>7. Development permits are required for subdivisions, in accordance with the Colwood Official Community Plan. Any subdivision of the land other than in conformity with their ultimate subdivision as contemplated by maps in the Official Community Plan will require a covenant on each new parcel to distribute the maximum available density under the zoning among the various parcels being created.</p>
27.3	Section 10.3A.6 (4) RBCD3A Zone – Regulatory Conditions	<p>Notwithstanding condition b) under the definition of “Height” in Section 1.2 of this bylaw, on the lands zoned RBCD3A <del>shown on the RBCD3A Zone Map</del>, in the case of a new building but not an alteration of an existing building, height of a building with a sloping roof having a pitch exceeding 12:12 shall be measured to the mean level between the eaves and the ridge of the roof, but the use of a roof with such a pitch shall in no case result in an actual building height exceeding the height that would have been permitted for a building with roof pitch of 12:12 or less.</p>
28.1	Section 10.3A.3 RBCD3A – Comprehensive Development	<p>1. Despite the restrictions in Section 10.3A.2, the density of development in Section 10.3A.4 is permitted in the RBCD3A Zone in accordance with Sections 10.3A.4 through 10.3A.11 if the Owner:</p> <p>a. contributes to an affordable housing reserve fund of the City \$500 per dwelling unit; and</p> <p>b. contributes to a community amenity reserve fund of the City \$2,500 per detached, duplex and attached dwelling unit <del>and \$1,500 per apartment dwelling unit</del>, and for this purpose “community amenity” means community buildings to house community services and service providers such as community health services, youth programs, community policing, fire protection, cultural facilities, community centre, recreational buildings and facilities, and other similar amenities.</p> <p>2. Payment shall be made at the time of subdivision approval for detached and duplex lots and at the time of building permit for attached housing <del>and apartment dwelling</del> units.</p>
28.2	Section 10.3A.4 RBCD3A – Permitted Development	<p>1. For <del>lands shown on</del> the RBCD3A Zone <del>Map</del>, the maximum number of dwelling units shall be 581.</p> <p>2. There must not be more than one detached dwelling or one duplex on a lot.</p> <p>3. The minimum lot size within the zone is 300 m2.</p> <p>4. The maximum development density for attached housing on any one lot shall be 60 units per hectare.</p> <p><del>5. The maximum development density for apartment housing on any one lot shall be 105 units per hectare.</del></p> <p><del>6.</del> 5. The commercial floor space permitted shall not exceed 930m2.</p>

		<p><del>7.6.</del> Development permits are required for subdivisions, in accordance with the Colwood Official Community Plan. Any subdivision of the land other than in conformity with their ultimate subdivision as contemplated by maps in the Official Community Plan will require a covenant on each new parcel to distribute the maximum available density under the zoning among the various parcels being created.</p>																																																																				
28.3	Section 10.3A.6 RBCD3A Regulatory Conditions	<p><b>Amend Section 10.3A.6</b> to remove the column for Apartment Lots.</p>																																																																				
28.4	Section 10.3A.7 (1) RBCD3A Secondary Suites – Regulatory Conditions	<p>Secondary suites are permitted in dwellings on estate, large, standard or small lots. Secondary suites are not <del>be</del> permitted in duplexes or attached housing <del>or apartments</del>.</p>																																																																				
29	Section 10.4.4(1) RBCD5 Zone – Permitted Uses	<p>The principal and accessory uses permitted in each of the areas within the RBCD5 zone shown on the map included in this Section 10.1A as Schedule 1 are indicated in the following table. A √ symbol indicates that the use listed in the first column of the row in which the symbol appears is permitted in the area identified at the top of the column in which the symbol appears.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Residential</th> <th style="width: 10%; text-align: center;">Neighbourhood Natural Park</th> <th style="width: 10%; text-align: center;">Neighbourhood Park</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>Principal uses:</b></td> </tr> <tr> <td>One-family dwelling</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Two-family dwelling</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Attached housing</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Natural Park</td> <td></td> <td style="text-align: center;">√</td> <td></td> </tr> <tr> <td>Neighbourhood Park</td> <td></td> <td></td> <td style="text-align: center;">√</td> </tr> <tr> <td>Public Utility Use</td> <td></td> <td style="text-align: center;">√</td> <td style="text-align: center;">√</td> </tr> <tr> <td colspan="4"><b>Accessory uses:</b></td> </tr> <tr> <td>Home office</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Home occupation</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td><del>Accessory Building</del></td> <td style="text-align: center;"><del>√</del></td> <td></td> <td></td> </tr> <tr> <td>Secondary Suite</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Accessory dwelling unit</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Boarding and lodging</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Group home</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> <tr> <td>Show home</td> <td style="text-align: center;">√</td> <td></td> <td></td> </tr> </tbody> </table>		Residential	Neighbourhood Natural Park	Neighbourhood Park	<b>Principal uses:</b>				One-family dwelling	√			Two-family dwelling	√			Attached housing	√			Natural Park		√		Neighbourhood Park			√	Public Utility Use		√	√	<b>Accessory uses:</b>				Home office	√			Home occupation	√			<del>Accessory Building</del>	<del>√</del>			Secondary Suite	√			Accessory dwelling unit	√			Boarding and lodging	√			Group home	√			Show home	√		
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30.1	Section 10.33.2 (3e-f) CD28 Zone – Permitted Uses	<p>e) Within that area of land identified as Area 5 in the CD 28 Zone on the CD 28 Zone map:  <del>Area 5A</del>  i. Animal hospital provided no overnight kenneling  ii. Assembly and Entertainment Uses  iii. Artist Studio iv. Bakery, not exceeding 200 m2 in floor area  v. Brewhouse</p>																																																																				



- vi. Brewery / Distillery
- vii. Colleges, Universities and Trade Schools
- viii. Congregate Housing, including visitor short-term stay suites
- ix. Day Care
- x. Eating and Drinking Establishment
- xi. Health Care Facility and Treatment Centre (public or private)
- xii. Limited light industries, including testing, servicing and repair but excluding manufacturing, processing or assembly.
- xiii. Live/Work Studio
- xiv. Nursing Home
- xv. Office, Medical
- xvi. Office, Professional
- xvii. Personal Service
- xviii. Pet Daycare
- xix. Presentation Centre
- xx. Printing & Publishing
- xxi. Scientific or Technological Research Facility

**Area 5B**

- ~~i. Animal hospital provided no overnight kenneling~~
- ~~ii. Assembly and Entertainment Uses~~
- ~~iii. Artist Studio~~
- ~~iv. Bakery, not exceeding 200 m2 in floor area~~
- ~~v. Brewhouse~~
- ~~vi. Brewery / Distillery~~
- ~~vii. Colleges, Universities and Trade Schools~~
- ~~viii. Day Care~~
- ~~ix. Eating and Drinking Establishment~~
- ~~x. Limited light industries, including testing, servicing and repair but excluding manufacturing, processing or assembly.~~
- ~~xi. Live/Work Studio~~
- ~~xii. Office, Medical~~
- ~~xiii. Office, Professional~~
- ~~xiv. Personal Service~~
- ~~xv. Pet Daycare~~
- ~~xvi. Presentation Centre~~
- ~~xvii. Printing & Publishing~~
- ~~xviii. Scientific or Technological Research Facility~~

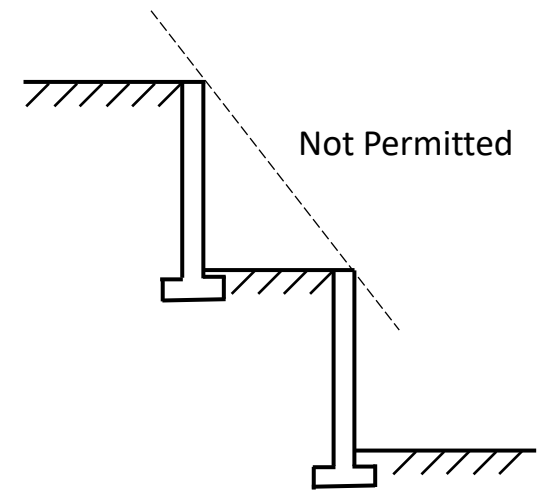
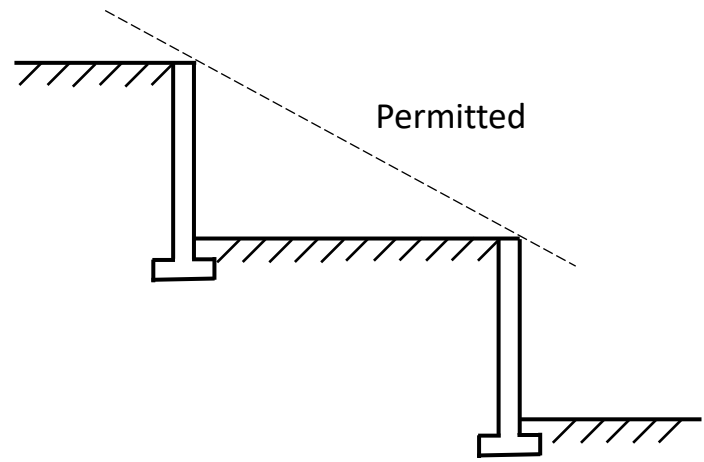
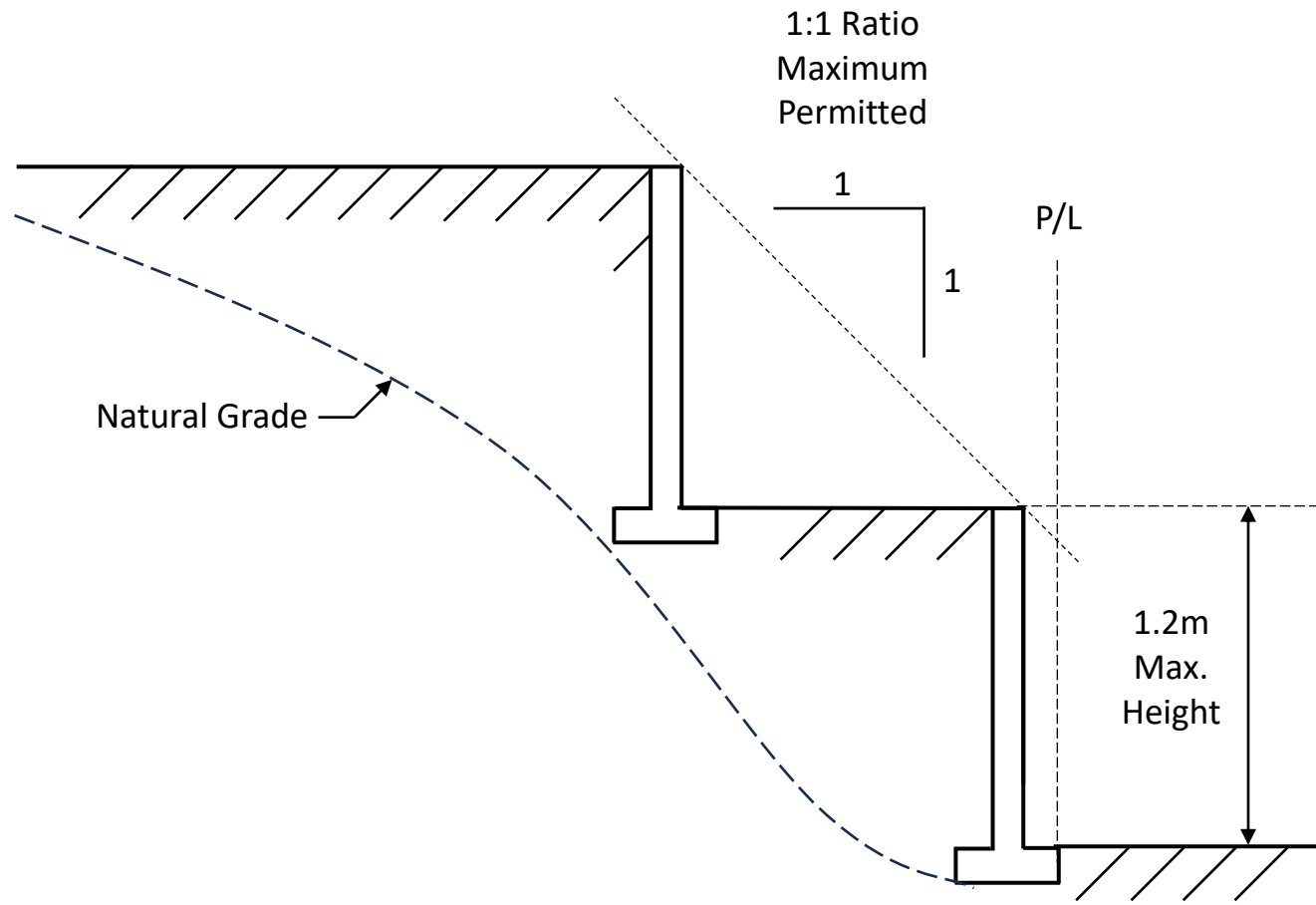
f) Within that area of land identified as Area 6 in the CD28 Zone on the CD28 Zone map:

- ~~i. Animal hospital provided no overnight kenneling~~
- ~~ii. Assembly and Entertainment Uses~~
- ~~iii. Artist Studio~~
- ~~iv. Bakery, not exceeding 200 m2 in floor area~~
- ~~v. Brewhouse~~
- ~~vi. Brewery / Distillery~~
- ~~vii. Colleges, Universities and Trade Schools~~
- ~~viii. Day Care~~
- ~~ix. Eating and Drinking Establishment, excluding drive-thru~~

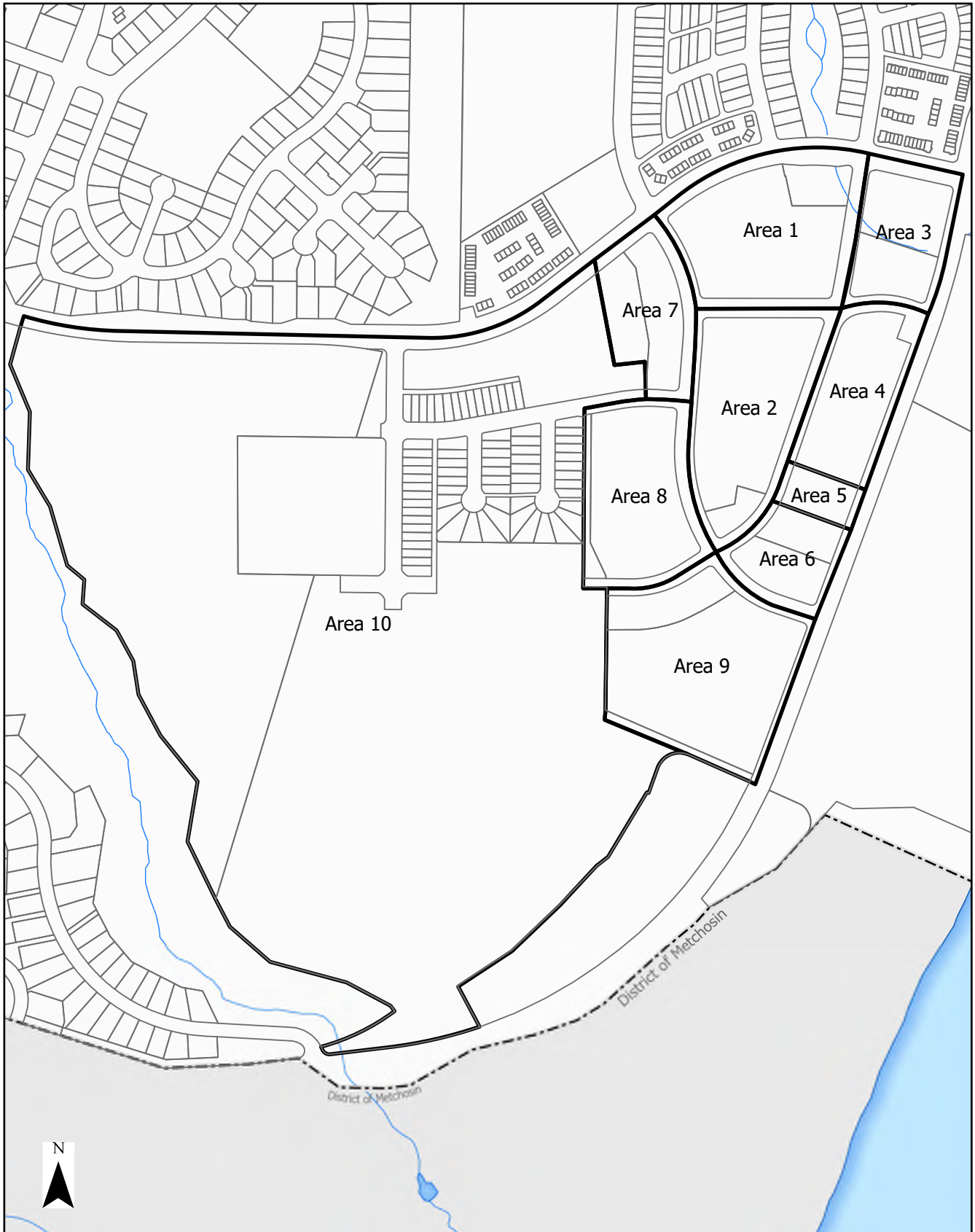
		<del>vii-</del> x. Live/Work Studio xi. Office, Financial <del>viii-</del> xii. Office, Medical <del>ix-</del> xiii. Office, Professional <del>x-</del> xiv. Personal Service <del>xi-</del> xv. Pet Daycare <del>xii-</del> xvi. Presentation Centre xvii. Printing & Publishing xviii. Retail Store <del>xiii-</del> xix. Scientific or Technological Research Facility <del>xiv-</del> xx. Service Station and car wash				
30.2	Section 10.33.5 (5c) CD28 Zone – Development Regulations			Area 5A	Area 5B	
		Regulation		General	Care Facility	General
		Minimum Lot Area	1,800 m <sup>2</sup>	1,800 m <sup>2</sup>	<del>1,800 m<sup>2</sup></del>	
		Minimum Lot Width	20.0 m	20.0 m	<del>20.0 m</del>	
		Floor Area Ratio	2.0	3.0	<del>2.0</del>	
		Maximum Lot Coverage	50%	50% 80% for underground parking	<del>50%</del>	
		Minimum Open Site Space	10%	10%	<del>10%</del>	
		Maximum Building Height	15 m	26.0 m or 6 storeys	<del>15 m</del>	
		Maximum Accessory Buildings and Structures Height	4.5m	4.5m	<del>4.5m</del>	
		Minimum Building Setbacks				
		Front	3.0 m	3.0 m first 4 floors 4.5m above 4 floors	<del>3.0 m</del>	
		Side	3.0 m	3.0 m	<del>3.0 m</del>	
		Exterior Side	3.0 m	3.0 m first 4 floors 4.5m above 4 floors	<del>3.0 m</del>	
		Rear	6.0 m	6.0 m	<del>6.0 m</del>	
30.3	Section 10.33.5 (6) CD28 Zone – Development Regulations	Within Area 6 of the CD28 Zone: <del>a. A retail sales area for any business shall not exceed 25% of the Gross Floor Area.</del>				

		<p><del>b</del>. a. Permitted uses shall manage its operations to not be noxious or offensive to any adjacent property or the general public by reason of emitting odours or noise.</p> <p><del>c</del>. b. Regulation Table: (Regulation Table to remain as in bylaw)</p> <p><del>d</del>. c. Notwithstanding the Development Regulations in Section 10.33.5.6.eb, the minimum building setbacks for Service Stations are as follows: (Service Station setbacks to remain as in bylaw)</p>
30.4	Section 10.33.10 CD28 Zone Map	<b>Delete the CD28 Zone Map and replace with CD28 Zone Map (Appendix 4).</b>
31	Section 10.33.2 (3j) CD28 Zone - Permitted Uses – Area 10	<p>Within that area of land identified as Area 10 in the CD 28 Zone on the CD 28 Zone map:</p> <ul style="list-style-type: none"> <li>i. Attached Housing</li> <li>ii. Accessory Dwelling Unit</li> <li>iii. Boarding and Lodging</li> <li>iv. Home Occupation</li> <li>v. One-family dwelling</li> <li>vi. Secondary suites</li> <li><del>vi</del>. vii. Two-family dwelling</li> <li><del>vii</del>. viii. Presentation Centre</li> </ul>
32	Section 10.33.5 (2a) CD 28 Zone - Development Regulations	<p>Assembly and Entertainment Uses, Bakeries, Eating and Drinking Establishments, Personal Services, Pet Daycares, and Retail Stores are the only permitted uses on the first storey of any building fronting the Northern parcel line of Area 2 <b>except that offices may be permitted on the first storey of a mixed use building fronting the Northern parcel line of Area 2 in accordance with Section 10.33.5 (2b).</b></p>
33	Section 10.33.7 (4) Off-street Parking Requirements	<del>A vehicle parking area or vehicle parking space must be surfaced with asphalt, concrete pavers, or permeable material that provides a durable surface.</del>
34	Section 10.35.2 (5d,h) CD30 – Permitted Uses	<p>d. Within that area of land identified as Area 3 in the CD 30 Zone on the CD 30 Zone map:</p> <ul style="list-style-type: none"> <li>i. Attached Housing</li> <li>ii. Boarding and Lodging</li> <li>iii. Group home</li> <li>iv. Home Occupation</li> <li>v. One-family dwelling</li> <li>vi. Two-family dwelling</li> <li>vii. Accessory dwelling unit</li> <li>viii. Secondary suites</li> </ul> <p>h. Within that area of land identified as Area 7 in the CD 30 Zone on the CD 30 Zone map:</p> <ul style="list-style-type: none"> <li>i. Attached Housing</li> <li>ii. Apartments</li> </ul>

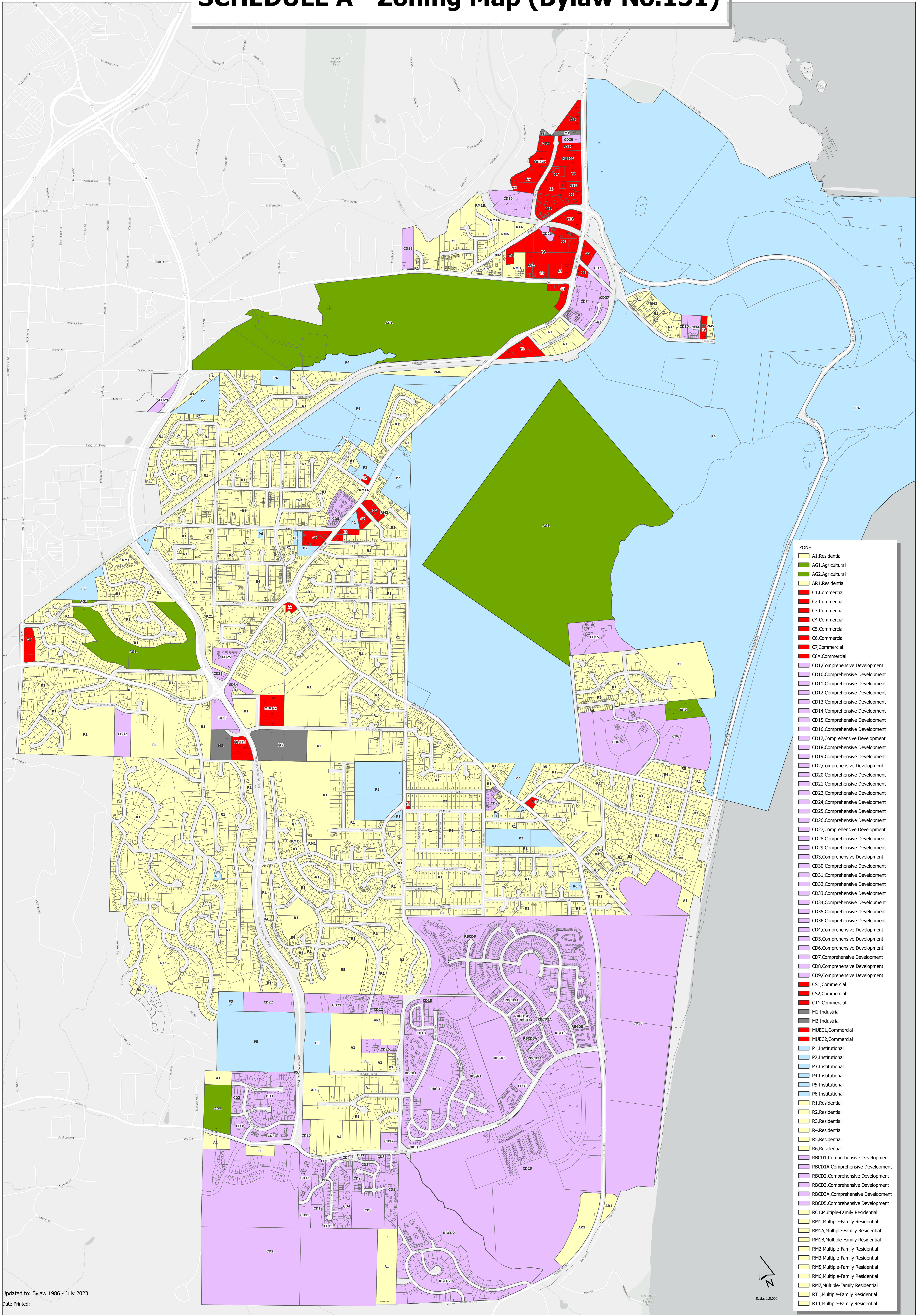
		iii. Boarding and Lodging iv. Group home v. <del>V</del> Home Occupation vi. One-family dwelling vii. Two-family dwelling viii. Accessory dwelling unit ix. Secondary suites
35	Section Schedule A	<b>Schedule A Zoning Map</b> <b>Insert Schedule A Zoning Map (Appendix 5)</b>



# CD28 ZONE MAP



# SCHEDULE A - Zoning Map (Bylaw No.151)



ZONE	
[Yellow]	A1, Residential
[Green]	AG1, Agricultural
[Green]	AG2, Agricultural
[Yellow]	AR1, Residential
[Red]	C1, Commercial
[Red]	C2, Commercial
[Red]	C3, Commercial
[Red]	C4, Commercial
[Red]	C5, Commercial
[Red]	C6, Commercial
[Red]	C7, Commercial
[Red]	C8, Commercial
[Purple]	CD1, Comprehensive Development
[Purple]	CD10, Comprehensive Development
[Purple]	CD11, Comprehensive Development
[Purple]	CD12, Comprehensive Development
[Purple]	CD13, Comprehensive Development
[Purple]	CD14, Comprehensive Development
[Purple]	CD15, Comprehensive Development
[Purple]	CD16, Comprehensive Development
[Purple]	CD17, Comprehensive Development
[Purple]	CD18, Comprehensive Development
[Purple]	CD19, Comprehensive Development
[Purple]	CD2, Comprehensive Development
[Purple]	CD20, Comprehensive Development
[Purple]	CD21, Comprehensive Development
[Purple]	CD22, Comprehensive Development
[Purple]	CD23, Comprehensive Development
[Purple]	CD24, Comprehensive Development
[Purple]	CD25, Comprehensive Development
[Purple]	CD26, Comprehensive Development
[Purple]	CD27, Comprehensive Development
[Purple]	CD28, Comprehensive Development
[Purple]	CD29, Comprehensive Development
[Purple]	CD3, Comprehensive Development
[Purple]	CD30, Comprehensive Development
[Purple]	CD31, Comprehensive Development
[Purple]	CD32, Comprehensive Development
[Purple]	CD33, Comprehensive Development
[Purple]	CD34, Comprehensive Development
[Purple]	CD35, Comprehensive Development
[Purple]	CD36, Comprehensive Development
[Purple]	CD4, Comprehensive Development
[Purple]	CD5, Comprehensive Development
[Purple]	CD6, Comprehensive Development
[Purple]	CD7, Comprehensive Development
[Purple]	CD8, Comprehensive Development
[Purple]	CD9, Comprehensive Development
[Red]	CS1, Commercial
[Red]	CS2, Commercial
[Red]	CT1, Commercial
[Grey]	M1, Industrial
[Grey]	M2, Industrial
[Red]	MUEC1, Commercial
[Red]	MUEC2, Commercial
[Blue]	P1, Institutional
[Blue]	P2, Institutional
[Blue]	P3, Institutional
[Blue]	P4, Institutional
[Blue]	P5, Institutional
[Blue]	P6, Institutional
[Yellow]	R1, Residential
[Yellow]	R2, Residential
[Yellow]	R3, Residential
[Yellow]	R4, Residential
[Yellow]	R5, Residential
[Yellow]	R6, Residential
[Purple]	RBCD1, Comprehensive Development
[Purple]	RBCD1A, Comprehensive Development
[Purple]	RBCD2, Comprehensive Development
[Purple]	RBCD3, Comprehensive Development
[Purple]	RBCD3A, Comprehensive Development
[Purple]	RBCD5, Comprehensive Development
[Yellow]	RC1, Multiple-Family Residential
[Yellow]	RM1, Multiple-Family Residential
[Yellow]	RM1A, Multiple-Family Residential
[Yellow]	RM1B, Multiple-Family Residential
[Yellow]	RM2, Multiple-Family Residential
[Yellow]	RM3, Multiple-Family Residential
[Yellow]	RM4, Multiple-Family Residential
[Yellow]	RM5, Multiple-Family Residential
[Yellow]	RM6, Multiple-Family Residential
[Yellow]	RM7, Multiple-Family Residential
[Yellow]	RT1, Multiple-Family Residential
[Yellow]	RT4, Multiple-Family Residential

# NOTICE OF PUBLIC HEARING

<b>MEETING:</b>	<b>Public Hearing</b>
<b>DATE and TIME:</b>	<b>Thursday, January 25, 2024, 6:30 pm</b>
<b>PLACE:</b>	<b>Council Chambers, 3300 Wishart Road, Colwood BC</b>

NOTICE IS GIVEN that Council of the City of Colwood will hold a Public Hearing on Thursday, January 25, 2024, at 6:30 p.m. in relation to the proposed Bylaws:

1. **“Colwood Official Community Plan No. 1700, 2018, Amendment No. 10 (Environmental Development Permit Area)**

**SUBJECT PROPERTY:** This Bylaw applies to all lands within the City of Colwood’s environmental development permit areas.

**PURPOSE:** Proposed amendments to the City of Colwood’s Official Community Plan guidelines for environmental development permits, including the following changes:

- Correcting errors and adding more prescriptive language throughout;
- Adding a new regulation to prohibit land alterations within an environmental development permit area until the City first receives a building permit application for the property;
- Adding a new regulation to prohibit the removal of protected trees located on a property within the City’s environmental development permit area until the City first issues a tree management permit for the property;
- Categorizing and consolidating the list of exemptions;
- Clarifying when and where the environmental development permit guidelines apply;
- Updating the design guidelines for riparian areas by clarifying and strengthening the language throughout the section to support implementation and align more strongly with provincial and federal legislation;
- Establishing a standard framework for collecting security deposits associated with environmental development permits;
- Updating the glossary in accordance with the proposed changes;
- Clarifying the list of submission requirements.

2. **“Colwood Land Use Bylaw No. 151, 1989, Amendment No. 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023”**

**SUBJECT PROPERTY:** This Bylaw applies to all lands within the City of Colwood.

**PURPOSE:** Proposed minor amendments to the Colwood Land Use Bylaw, No. 151, which are administrative in nature intended to make the bylaw easier to understand and implement. These amendments include:

- Updating and clarifying definition;
- Correcting zones based on previously adopted rezoning amendments;
- Spelling and formatting corrections;
- Alignment with Provincial Government regulations;
- Updates to the General Provisions including the Accessory Buildings and Structures, Home Occupations, and Secondary Suites and Accessory Dwelling Units sections.

3. **“Colwood Official Community Plan No. 1700, 2018, Amendment No. 09 (Olympic View Local Area Plan)**

**SUBJECT PROPERTY:** This Bylaw applies to the lands within the Olympic View Local Area Plan.

**PURPOSE:** Proposed amendments to the City of Colwood’s Official Community Plan for the Olympic View Local Area Plan which include:

- Adding policies regarding the location of driveway accesses;
- Updating the Street Network Map.

**INSPECTION OF MATERIALS:** A copy of the proposed bylaw and related materials can be viewed at [www.colwood.ca/city-hall/public-notices](http://www.colwood.ca/city-hall/public-notices) or in person at Colwood City Hall from January 17 to January 25, 2024 between 8:30am and 4:30pm Monday to Friday excluding statutory holidays.

## We want to hear from you!

### WRITTEN SUBMISSIONS:

For inclusion as part of the record, **deadlines for receipt of written submissions is 12:00 pm on the day of the public hearing** in the following ways:

Email: [publichearing@colwood.ca](mailto:publichearing@colwood.ca)

Mail/In-person: City of Colwood 3300 Wishart Road, Colwood BC V9C 1R1

### SPEAK TO COUNCIL:

**IN PERSON:** The public is welcome to provide comments in person during the public participation portion of the meeting.

### ELECTRONICALLY:

Dial-in by phone Toll-free: 1-855-703-8985 or 1-778-907-2071 or Login to Zoom.us or the Zoom app.

For both options use Meeting ID: 867 2787 2825

**NEED MORE INFORMATION?** Contact Development Services at (250) 294-8153 or [planning@colwood.ca](mailto:planning@colwood.ca).





# Public Hearing Binder

The general purpose of proposed “**Colwood Official Community Plan Amendment Bylaw No. 1700-09 (Olympic View Local Area Plan)**” is to amend the Colwood Official Community Plan Bylaw No. 1700 to update the Olympic View Local Area Plan to:

- Add policies regarding the location of driveway accesses; and
- Update the Street Network Map.

Within the Binder, please find a copy of:

1. Staff Report to the Planning and Land Use Committee: OCP Amendment – Olympic View Local Area Plan Amendment (November 6, 2023)
2. Staff Presentation to the Planning and Land Use Committee: Olympic View Local Area Plan Amendment (November 6, 2023)
3. Proposed Bylaw No. 1700-09 (Olympic View Local Area Plan Amendment)
4. Notice of Public Hearing

Minutes and videos of Council are publicly available and can be accessed through the following link:  
<https://colwood.civicweb.net/portal/>



## STAFF REPORT

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**To:** Planning and Land Use Committee  
**Date:** November 6, 2023  
**From:** Kelsea Fielden, Planner I  
**RE:** OCP Amendment – Olympic View Local Area Plan Amendment

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### RECOMMENDATION

THAT the Planning and Land Use Committee recommend to Council:

THAT Colwood Official Community Plan Amendment Bylaw No. 1700-09 (Olympic View Local Area Plan) be considered for 1<sup>st</sup> and 2<sup>nd</sup> reading.

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### SUMMARY AND PURPOSE

The purpose of this report is to present to the Planning and Land Use Committee OCP Amendment application OCP-23-002. This is a staff-led amendment to guide future development of the Olympic View (OV) lands. The anticipated traffic volumes for OV have changed since the adoption of the 2002 Local Area Plan as densities have increased on both the Langford and Colwood side in 2022. The current layout of individual driveway accesses for single family homes off the 3900 block of Olympian Way is not a pattern the City is seeking to replicate along a Collector road with the anticipated future traffic flow. Amendments to Section 31.2 of the Official Community Plan are to clearly define policies related to the location of driveway accesses for detached, duplex, attached housing units and multi-family developments.

### STRATEGIC PLAN AND RELATED POLICIES

This proposal aligns with the mobility priorities in the Strategic Plan 2019-2023 by enabling the safe movement of vehicles and improved safety, comfort, and convenience for all modes of transportation.

### BACKGROUND

The original Olympic View Local Area Plan (Appendix 1) was adopted in 2002 as a joint master plan between City of Langford and City of Colwood. The plan enabled the creation of a mixed-use neighbourhood of up to 917 residential units (456 residential units in Colwood and 461 in Langford), a 9-hole target golf course, parks, open space all together with a resort hotel and commercial hub.

In 2022, the City of Lanford amended the Local Area Plan for Olympic View to increase the number of residential units from 461 to 1,000 (with a maximum of 500 units single-family homes), while also increasing the number of allowable hotel rooms from 120 to 200. Later in 2022, the City of Colwood also adopted an OCP amendment and rezoning that increased the density of the Olympic View lands from 456 units to 580 units. The maximum allowable hotel rooms within the City of Colwood border is 120 and a total maximum commercial floor space of 2,500m<sup>2</sup>.

Over the past 16-months, the City has been reviewing an Environmental Development Permit to create a private driveway connecting Olympian Way to the construction road with the City of Langford to facilitate the movement of construction traffic. The alignment of the private driveway is proposed to follow the alignment of the future loop road/Olympian Way extension. As part of this review, staff have identified the need to re-examine the classification of roads within Olympic View given the recent increases to the permitted density on the lands in both Langford and Colwood.

## DISCUSSION

In 2002, the proposed main road into OV (now Olympian Way) was classified as a local road (Figure 1) but now with the increase densities, staff are requesting to reclassify as a Collector Road.



Figure 1: Olympian Way (highlighted yellow) is currently classified as a Local Road.

The network of local roads throughout Colwood provides access to primarily single-family residence neighbourhoods, where safety and accessibility have been recognized as a priority. Collector roads, however, are intended to connect traffic from local roads to arterial roads and place equal importance on traffic movement and access to properties. On May 25<sup>th</sup> 2020, Council approved road cross-sections for Olympic View, which recognized Olympian Way as a Collector. Hence, staff are recommending amending Figure 13 - Street Network Map in the OCP (Appendix 2) to reflect the road classification for Olympian Way.

Furthermore, staff are also recommending policies regarding driveway accesses be added to OCP Section 26 - Olympic View Local Area Plan:

1. Policy 26.1.15: "Detached and Duplex residential developments are to locate driveway accesses only along local roads as defined in the Transportation Master Plan".
2. Policy 26.1.16: "Minimize the impact of arterial and collector streets within residential neighbourhoods through site sensitive, pedestrian friendly design, which may include landscape buffering and traffic calming, as appropriate."
3. Policy 26.1.17: "Minimize the number of driveway accesses via shared or rear access along collector roads for attached housing and multi-family units."

Similar policies are included in the Latoria South and Royal Beach Sub Area Plans, and these proposed additions to the Olympic View Area Plan would establish a cohesive driveway access policy model for future subdivision applications within the adjacent master planned communities.

## COMMUNICATIONS

The City will, once a public hearing is scheduled, post notice on the City's webpage and in two consecutive issues of the local newspaper in accordance with the Local Government Act and Public Notice Bylaw No. 1933, 2022.

**TIMELINES****FINANCIAL CONSIDERATION**

Staff have not identified any financial implications for this housekeeping amendment.

**CONCLUSIONS**

Staff are of the opinion that the addition of these three policies and amendment to the Street Network map will be consistent with the road classification of the Council endorsed road cross-sections for Olympic View, and will establish a cohesive driveway access policy for all the City's master planned communities. Therefore, staff recommend the necessary amending bylaws be prepared and brought forward for consideration by Council for 1<sup>st</sup> and 2<sup>nd</sup> reading.

Respectfully submitted,

Kelsea Fielden, BA  
Planner I

Yazmin Hernandez, MCIP RPP  
Director of Development Services

**ADMINISTRATORS COMMENTS:**

I have read the report and endorse the recommendation.

Robert Earl  
Chief Administrative Officer

**Attachments:**

APPENDIX 1: Olympic View Area Plan

APPENDIX 2: Figure 13 – Street Network Update

APPENDIX 3: Draft Bylaw 1700-09 (Olympic View Local Area Plan)

# Olympic View Local Area Plan Amendment

## Driveway Access

Presented by Kelsea Fielden  
Planner I

November 6, 2023

Planning and Land Use Committee



# Olympic View Road Cross-Sections



- Council adopted road cross sections for OV on May 25, 2020.
- Cross-sections for Olympian Way recognized it as a Collector Road.

# Purpose

- Adding policies to OV Local Area Plan in the OCP to clearly outline the location of driveway accesses for detached, duplex, attached housing and multi-family developments.
- Application for private construction driveway
  - Same alignment for future Olympian Way extension.

# Policies

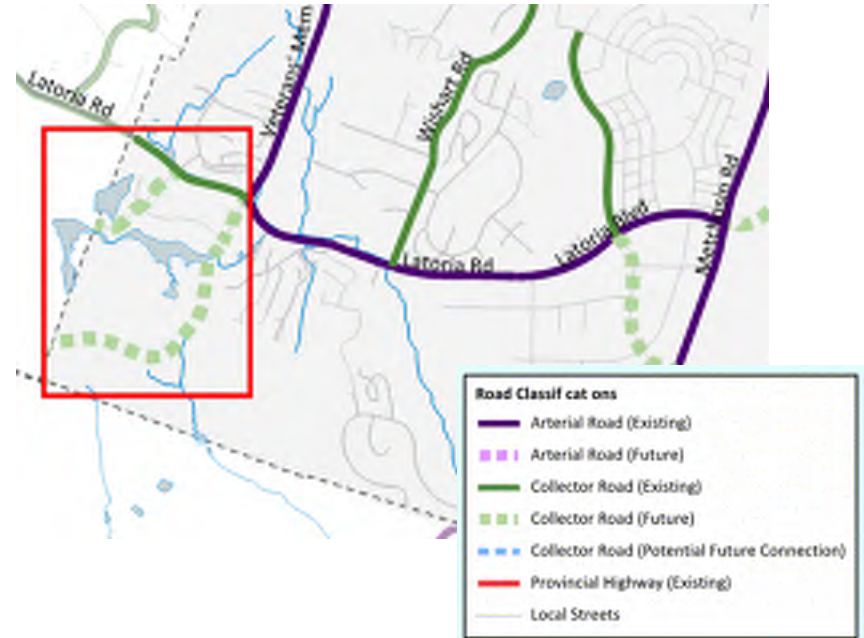


1. Policy 26.1.15: “Detached and Duplex residential developments are to locate driveway accesses only along local roads as defined in the Transportation Master Plan”.
2. Policy 26.1.16: “Minimize the impact of arterial and collector streets within residential neighbourhoods through site sensitive, pedestrian friendly design, which may include landscape buffering and traffic calming, as appropriate.”
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# Road Classification

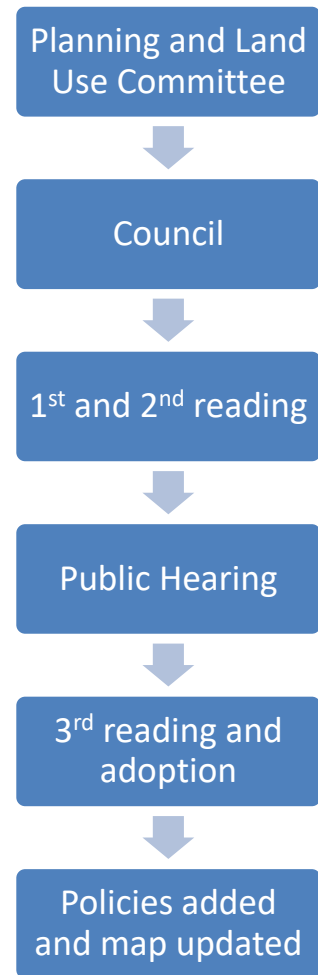
- Update the OCP Street Network Map (Figure 13) to classify the future Olympian Way extension as a Collector Road.
  - Future driveway access locations



# Communication and Timeline

OCP Amendment  
requires Public  
Hearing.

- Will be scheduled and advertised.



Thank you!



**CITY OF COLWOOD  
BYLAW NO. 1700-09**

**A BYLAW TO AMEND THE “COLWOOD OFFICIAL COMMUNITY PLAN BYLAW NO. 1700, 2018”**

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The Council of the City of Colwood, in open meeting assembled, enacts as follows:

**1. CITATION**

This Bylaw may be cited for all purposes as “**Colwood Official Community Plan Amendment Bylaw No. 1700-09 (Olympic View Local Area Plan)**”.

**2. AMENDMENT**

The “**Colwood Official Community Plan Bylaw No. 1700, 2018**” is amended as follows:

- a.) Amend Figure 13 (Street Network) by replacing the existing map with Schedule 1.
- b.) In Section 31.2 – Olympic View Area Plan, add Policy 26.1.15 which reads “Detached and Duplex residential developments are to locate driveway accesses only along local roads as defined in the Transportation Master Plan”.
- c.) In Section 31.2 – Olympic View Area Plan, add Policy 26.1.16 which reads “Minimize the impact of arterial and collector streets within residential neighbourhoods through site sensitive, pedestrian friendly design, which may include landscape buffering and traffic calming, as appropriate.”
- d.) In Section 31.2 – Olympic View Area Plan, add Policy 26.1.17 which reads “Minimize the number of driveway accesses via shared or rear access along collector roads for attached housing and multi-family units.”

<b>READ A FIRST TIME</b> on the	27 <sup>th</sup> day of	November,	2023
<b>READ A SECOND TIME</b> on the	27 <sup>th</sup> day of	November,	2023
<b>PUBLIC HEARING</b> held on the	day of		2024
<b>READ A THIRD TIME</b> on the	day of		2024
<b>RECEIVED APPROVAL OF THE INSPECTOR OF MUNICIPALITIES</b> on the	day of		2024
<b>ADOPTED</b> on the	day of		2024

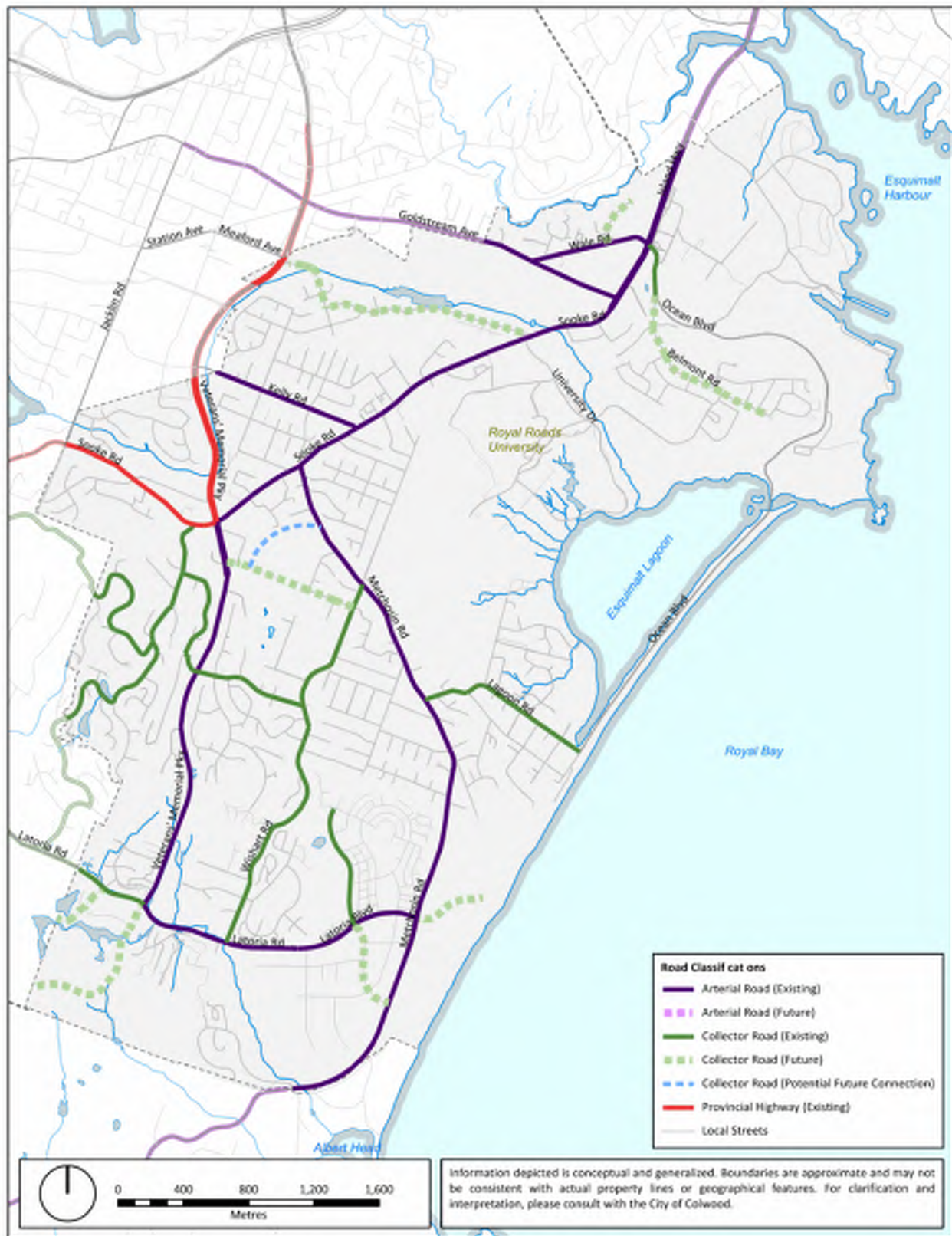
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**Mayor**

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**Corporate Officer**

## SCHEDULE 1

**Figure 13: Street Network**

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