

# Public Hearing Binder

The general purpose of proposed “**Colwood Official Community Plan No. 1700, 2018, Amendment No. 10 (Environmental Development Permit Area)**” (as amended) is to update the City of Colwood’s Official Community Plan guidelines for Environmental Development Permits with the following changes:

- Correcting errors and adding more prescriptive language throughout;
- Adding a new general regulation to the environmental development permit area guidelines (within Section 18.2) and a new guideline to the riparian development permit areas (Section 20.A) to give the City more authority to control the timing and extent of land alteration following the issuance of an environmental development permit;
- Categorizing and consolidating the list of exemptions;
- Includes language for the City to request a third-party audit of a QEP’s report (Section 20.A);
- 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.

Within the electronic binder, please find a copy of:

1. Staff Report to the Special Environment Committee (Nov 18, 2024) and the Planning and Land Use Committee (December 2, 2024) and the Regular Meeting of Council (January 13, 2025)
2. Appendix 1 - Resolution R2024-05
3. Appendix 2 - Referral Responses
4. Appendix 3 - Public Hearing Report
5. Appendix 4 - Resolution R2024-49
6. Appendix 5 - Resolution R2024-87
7. Appendix 6 – Survey Results
8. Appendix 7 – Response to Public Input
9. Appendix 8 – Revised Bylaw 1700-10
10. Appendix 9 – Redline Copy
11. Appendix 10 – Terms of Reference – Professional Reports
12. Proposed Bylaw 1700-10 as amended
13. Notice of Public Hearing

Minutes and videos of Council are publicly available and can be accessed through the following link:

[City of Colwood - Home \(civicweb.net\)](http://civicweb.net)

**To:** Special Environment Committee / Planning and Land Use Committee  
**Date:** November 18, 2024 / December 2, 2024  
**From:** Desiree Givens, Planner II  
**RE:** Bylaw 1700-10 OCP Amendment (Env. DPA) – Engagement Update and Response

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### RECOMMENDATION

**THAT it be recommended to Council,**

THAT Council repeal 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 THAT Council consider Bylaw 1700-10 (as amended) in conjunction with the City’s 2024-2028 Financial Plan;

AND THAT Council consider Bylaw 1700-10 (as amended) for bylaw readings;

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*.

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### SUMMARY AND PURPOSE

At its Regular Meeting of Council held on February 12, 2024, Council directed staff to conduct additional consultation on the proposed amendments to the Environmental Development Permit Area (DPA) Guidelines in the Official Community Plan (Bylaw 1700-10) prior to scheduling the amending bylaw to return to Council for third reading and adoption.

The purpose of this briefing is to provide the Environment Committee, Planning and Land Use Committee, and Council an update on the public consultation process and to seek direction from Council to move forward with readings and a public hearing for Bylaw 1700-10 (as revised).

### STRATEGIC PLAN AND RELATED POLICIES

The staff recommendation aligns with the Engagement pathway of the 2024-2027 Strategic Plan. The proposed revisions to Bylaw 1700-10 were prepared in response to feedback gathered through consultation with the public, development community (including Qualified Environmental Professionals) and the Environment Committee.

The project also coincides with the Governance pathway of the Strategic Plan, since the proposed changes to the City’s environmental guidelines 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**Project History

The table below summarizes the project history, including key events/decisions.

**Table 1: Project History**

Date	Event
Summer 2023	The City engaged a Qualified Environmental Professional (QEP) to review and recommend updates to Colwood’s approach to complying with the BC Riparian Areas Protection Regulation.
Fall 2023	Based on the QEP’s review and recommendations, staff prepared a report, recommendation and amending bylaws (Bylaw No. 1700-10 and Bylaw No. 1742-03) to update the Official Community Plan Environmental Development Permit Area design guidelines and the Development Permit Delegation Bylaw.
December 4, 2023	The report, recommendation and draft amending bylaws were introduced to the Planning and Land Use Committee. The Committee forwarded the staff recommendation to Council.
January 8, 2024	Council moved the Planning and Land Use Committee’s recommendation and gave Bylaw 1700-10 1 <sup>st</sup> and 2 <sup>nd</sup> reading. Please refer to Council Resolution #R2024-05 ( <b>Appendix 1</b> ).
January 15 – 24, 2024	Notices for the public hearing were published on the City’s website on January 15 <sup>th</sup> and January 22 <sup>nd</sup> as well as in two consecutive issues of the Goldstream Gazette on January 17 <sup>th</sup> and January 24 <sup>th</sup> .
January 25, 2024	A public hearing was held for Bylaw 1700-10. In total, seven (7) written submissions were received, and seven (7) members of the public spoke live at the hearing. A summary of the input received at the public hearing is attached as <b>Appendix 3</b> .
February 12, 2024	In response to the public hearing input, staff sought and received direction from Council to conduct additional consultation with the public and development community (including Qualified Professionals) on the proposed amendments over a two-month period before scheduling the amending bylaw for third reading and adoption. Council moved the staff recommendation but amended it to also include the City’s Environment Committee in the consultation program. Please refer to Council Resolution #2024-49 ( <b>Appendix 4</b> ).
February 20, 2024	Staff presented to the City’s Environment Committee to keep them informed about the proposed consultation process for Bylaw 1700-10. The Committee recommended that the City also invite Deborah Curran, Director and Professor of Environmental Studies and Law at the University of Victoria, to provide input on the amending bylaw.
March 11, 2024	The Environment Committee’s recommendation was forwarded to the Council meeting of March 11 <sup>th</sup> . Council passed the Committee’s recommendation. Please refer to Council Resolution #R2024-87 ( <b>Appendix 5</b> ).
March 14 – May 17, 2024	A survey was administered to Ms. Curran, a list of QEPs, and members within the development community on March 14 <sup>th</sup> , 2024 to solicit input and feedback on the proposed changes considered by the amending bylaw. The survey remained open for a period of two months with a closing



Date	Event
	date of May 17 <sup>th</sup> , 2024. The City received a total of 7 responses ( <b>Appendix 6</b> ).
June 4, 2024 - Present	A Let's Talk Colwood page was launched on the City's website to inform the general public about the proposed changes to the environmental guidelines.
June 11 – October 15, 2024	Staff worked with a third-party QEP to revisit the amending bylaw to address the key concerns raised at the public hearing and through the survey.
October 16 – October 30, 2024	The revised Bylaw 1700-10 was distributed to a list of QEPs in the region for a second round of review.
November 6, 2024	Staff met with interested QEPs to discuss their outstanding concerns with the revised Bylaw 1700-10.

### Response to Public Input

Between June and October 2024, staff worked closely with a third-party QEP to review and analyze the public input received and prepare a response. **Appendix 7** summarizes how each response was considered, including whether the input resulted in any further amendments to the bylaw and the reasons why.

Further revisions to the bylaw were prepared and the bylaw was shared with QEPs for a second round of review. Comments were received between October 16<sup>th</sup>-30<sup>th</sup> 2024. Staff then met with interested QEPs on November 6, 2024 to discuss their main concerns with the revised bylaw. Their main concerns included that the City should:

- Allow for stormwater management to occur within a SPEA where acceptable under RAPR;
- Continue to enable an “alternative approval process” that is not associated with RAPR, which could grant both homeowners and developers more flexibility with respect to what they can do with their lands when located in a riparian DPA; and,
- Support homeowners’ understanding of the riparian DPA guidelines by developing educational materials and by incorporating more visuals and graphics.

Additional revisions were implemented where appropriate, including updating the guidelines to allow for more flexibility with respect to stormwater management in the SPEA.

However, enabling an alternative approval process in absence of pre-determined SPEAs does not align with RAPR. Based on a previous discussion between the QEP and the Province (see **Appendix 7**), staff understand that if a municipality does not have pre-determined SPEAs, all development is subject to the Riparian Areas Protection Regulation process and requires Provincial review and approval.

If Committee or Council wishes to provide more flexibility to homeowners, the City should consider the option of adopting “pre-determined SPEAs.” This is a process in which the City retains a QEP to map and classify all streams in its jurisdiction using methods in the RAPR Technical Manual. There are several benefits to adopting pre-determined SPEAs both to the City and the applicants, as it 1) creates efficiencies by reducing the amount of time, resources and costs and 2) increases transparency by providing more clarity to homeowners and the City with respect to designated boundaries. An exercise to adopt pre-determined SPEAs could cost the City \$20,000 or more depending on the available GIS data. If

Committee or Council is interested in exploring this option further, it may wish to consider endorsing **Option 2** in the Options/Alternatives section below.

Lastly, some educational materials have been included within the Terms of Reference; specifically, the Ecological Stewardship Manual is intended to operate as a tool for homeowners to better understand their responsibilities to maintain the riparian features on their properties. Development of additional materials, visuals and graphics for incorporation into the guidelines would require additional staff time and resources, which have not been considered as part of the 2024-2028 Financial Plan.

A copy of the latest revised bylaw is provided as **Appendix 8**.

Please refer to **Appendix 9** for a redline version illustrating how the new version of the amending bylaw differs from the previous version that was presented to Council in January 2024.

### **OPTIONS / ALTERNATIVES**

THAT the Committee consider recommending to Council one of the following options:

**Option 1:** The staff recommendation; OR

**Option 2:** The staff recommendation with revisions as recommended by the Committee or Council; OR

**Option 3:** That Council direct staff to explore the option of adopting and designating (pre-determining) SPEAs for streams throughout Colwood;

**Option 4:** Take no action at this time; OR

**Option 5:** Defer decision and direct staff to provide additional information.

### **COMMUNICATIONS**

Section 475 of the *Local Government Act* requires local municipalities to provide one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities it believes will be affected by an OCP amendment.

#### Communication on Bylaw 1700-10 (Version 1)

On December 5, 2023, the City distributed referral letters to various external agencies and organizations that may be impacted by the amending bylaw 1700-10. The recipients included:

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

The City received 4 referral responses (**Appendix 2**).

A public hearing was held on Bylaw 1700-10 on January 25<sup>th</sup>, 2024 (**Appendix 3**).

A survey was administered to the Director of Environmental Studies and Law at the University of Victoria, a list of Qualified Environmental Professionals and a list of contacts within the development community. The survey remained open for a period of two months between March 14<sup>th</sup> 2024 and May 17<sup>th</sup> 2024. All responses that were received are appended to this report as **Appendix 6**.

Staff also consulted with the public at the “Inform” level of the Spectrum of Public Participation published by the International Association for Public Participation (IAP2). The goal was to provide the public with “balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.” A Let’s Talk Colwood page was published to keep the public informed about the proposed changes to the City’s environmental guidelines.

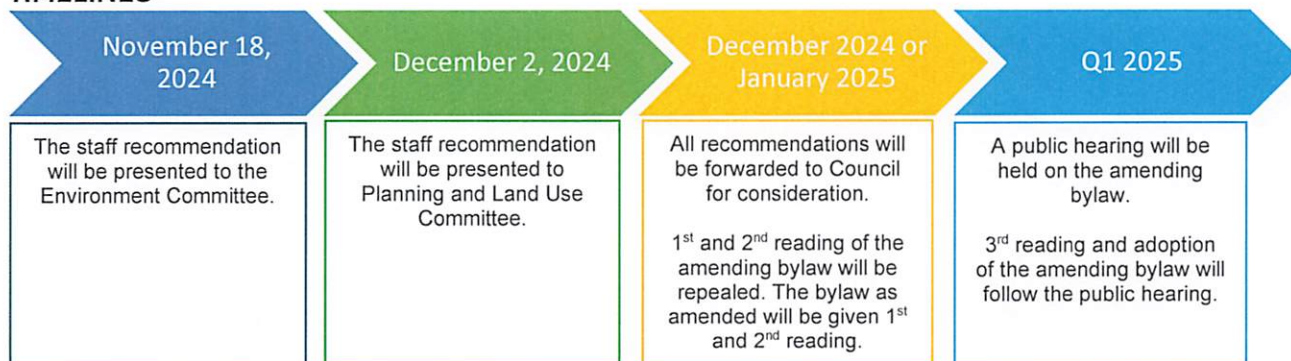
Communication on Bylaw 1700-10 as amended (Version 2)

If Council endorses staff’s recommendation, the revised bylaw will be shared with the public via the project’s Let’s Talk Colwood page and referral letters will be distributed to the contact list above prior to the public hearing date. Any 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 3<sup>rd</sup> reading consideration. Notice will be provided in accordance with Council Procedure Bylaw No. 1890.

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

**TIMELINES**



**CLIMATE CONSIDERATIONS**

Staff have not identified any significant climate considerations.

**FINANCIAL CONSIDERATION**

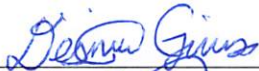
Staff have not identified any significant financial implications to the City associated with the proposed amendments under **Option 1**. Work to update the guidelines has been undertaken by City staff as part of 2023 and 2024 work planning.

**CONCLUSIONS**

The additional consultation on Bylaw 1700-10 supports the City’s desire to engage its citizens through clear communications and transparent decision making as described in the 2024-2027 Strategic Plan. Revisions to the bylaw have been prepared in response to the input received. The proposed bylaw also seeks to improve implementation clarity and achieve compliance with provincial legislation for riparian areas, which will support the City’s environmental objectives to protect and enhance its environmental assets. Staff are seeking Council’s direction to move forward with the bylaw as amended.



Respectfully submitted,



Desiree Givens  
Planner II



John Rosenberg, A.Sc.T.  
Director of Engineering and 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: Resolution #R2024-05
- APPENDIX 2: Referral Responses
- APPENDIX 3: Public Hearing Report
- APPENDIX 4: Resolution #R2024-49
- APPENDIX 5: Resolution #R2024-87
- APPENDIX 6: Survey Results (Consolidated)
- APPENDIX 7: Response to Public Input
- APPENDIX 8: Revised Bylaw 1700-10
- APPENDIX 9: Redline Copy to Compare Version 1 and 2 of Bylaw 1700-10
- APPENDIX 10: Terms of Reference for Professional Reports



**CITY OF COLWOOD**  
**MINUTES OF**  
**REGULAR COUNCIL MEETING**  
**Monday, January 8, 2024 at 6:30 PM**  
**Council Chambers**  
**3300 Wishart Road, Colwood, BC**

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**PRESENT**

Mayor	Doug Kobayashi
Councillors	David Grove
	Dean Jantzen
	Kim Jordison
	Misty Olsen
	Ian Ward

**REGRETS**

Councillor	Cynthia Day
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**ATTENDING**

Chief Administrative Officer	Robert Earl
Director of Finance	Jenn Hepting
Corporate Communications Manager	Sandra Russell
Manager of Human Resources	Candace Perkins
Manager of Buildings and Bylaw	Byron Grant
Manager of Corporate Services	Marcy Lalande
Recording Secretary	Annalise Parker

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**1. CALL TO ORDER**

*Mayor Kobayashi called the meeting to order at 6:30 pm and acknowledged meeting on the shared traditional lands of the Lekwungen speaking people represented by the Xwsepsum and Songhees Nations.*

**2. APPROVAL OF THE AGENDA**

**MOVED BY: COUNCILLOR GROVE**  
**SECONDED: COUNCILLOR JORDISON**

R2023-428 THAT the Near Term agenda be received;

AND THAT the Agenda of the Regular Council meeting of January 8, 2024 be adopted as presented.

**CARRIED**



### 3. MAYOR'S MESSAGE

*Mayor Kobayashi wished everyone a happy New Year and spoke of continuing to make our community a better place while being mindful of economic realities.*

### 4. ADOPTION / RECEIPT OF THE MINUTES

**MOVED BY: COUNCILLOR JANTZEN**

**SECONDED: COUNCILLOR OLSEN**

R2023-429 THAT the following minutes be adopted as presented:

- Regular Council meeting held December 11, 2023
- Special Council meeting held November 29, 2023
- Special Council meeting held December 4, 2023
- Special Council meeting held December 7, 2023
- Special Council meeting held December 13, 2023

AND THAT the following minutes be received for receipt:

- Planning and Land Use Committee Meeting Minutes - November 6, 2023
- Special Environment Committee Meeting Minutes - November 20, 2023

**CARRIED**

### 5. PUBLIC PARTICIPATION

*Three (3) written submissions were received regarding:*

- 3494 Wishart Rd
- 2324 Sooke Rd

*Business owner of 1911 Sooke Rd addressed Council regarding his application for Colwood Kids Daycare.*

### 6. DELEGATIONS

#### 6.1 Capital Bike Programs

*James Coates, Bike Education Coordinator, presented Capital Bike's programs, initiatives and Colwood events they participate in.*

## 7. CONSENT AGENDA

### 7.1 Kelsea Fielden, Planner I Rezoning Application - 3494 Wishart Road

**MOVED BY: COUNCILLOR JANTZEN**  
**SECONDED: COUNCILLOR GROVE**

R2023-430 THAT the Colwood Land Use Bylaw No. 151, 1989, Amendment No. 207, Bylaw No. 2005, 2023 be considered for 1st and 2nd reading;

AND FURTHER THAT prior to adoption of the Colwood Land Use Bylaw No. 151, 1989, Amendment No. 207, Bylaw No. 2005, 2023, the following long-term conditions be registered with a Section 219 Covenant Development Agreement:

#### 1. DELAYED CLEARING OF THE LANDS

- a. The Owner covenants and agrees with the City that, irrespective of the issuance of an Environmental Development Permit, the Lands shall not be cleared, blasted or built upon unless and until the City is in receipt of a Building Permit application for the site, and the City provides written authorization to proceed with land alterations.

#### **Prior to the issuance of a Development Permit:**

#### 2. CASH-IN-LIEU OF REPLACEMENT TREES

- a. The Owner shall, at their own expense, and to the satisfaction of the Director of Development Services or the Director of Engineering, provide the City a cash-in-lieu contribution to the Community Amenities Reserve Fund, in the amount established by the Urban Forest Bylaw applicable at the time, as long as the amount is no less than \$1,000 per any required replacement tree that cannot be accommodated on-site, as part of the tree replacement ratio requirements of the City's Urban Forest Bylaw, and a part of the approved landscape and tree planting plan required for a joint Form & Character and Environmental Development Permit. For clarity, the cash-in-lieu contribution will be calculated and payable prior to Building Permit issuance, once final architectural and landscape plans have been accepted by City of Colwood.

#### 3. CONSERVATION COVENANT/ HABITAT RESTORATION & ENHANCEMENT

- a. The Owner shall register a Section 219 Covenant over the lands agreeing to retain in total a minimum 1,000m<sup>2</sup> for environmental conservation and restoration purposes and require installation of

signage to mark the area highlighting the purpose of the conservation intent (as outlined in the Environmental Impact Assessment). This area will be maintained at the Owner's expense. Herein this paragraph:

**conservation** means retaining open green space areas in a natural state, limiting tree/vegetation removal (except for the removal of invasive plant species), and limiting disturbances to the forest floor; and

**restoration** means restoring open green space areas to a natural state when conservation is deemed impractical due to safety hazards during site preparation and active construction as identified by a qualified professional. Restoration work in open green space areas must be undertaken under the guidance of a registered biologist.

b. The Owner shall, at their own expense, and to the satisfaction of the Director of Development Services or Director of Engineering, submit a habitat restoration and enhancement plan and cost estimate for the area proposed to be protected by an environmental covenant including removal of invasive plant species, replanting of disturbed areas with native plant species, irrigation and other as deemed appropriate by the Qualified Professional, who is to oversee the installation of the works.

c. The Owner shall provide a 110% security deposit, at their own expense, and to the Satisfaction of the Director of Development Services or Director of Engineering, to complete the habitat restoration and enhancement plan. The Owner agrees that the City will hold the deposit for a minimum of one growing season after installation. A request to the City for the release of the deposit must be accompanied with a completion letter prepared by the Qualified Professional confirming that the planting and restoration works are in good health and consistent with the habitat restoration and enhancement plan.

#### 4. STATUTORY RIGHT OF WAYS

a. The Owner shall register a blanket Statutory Right of Way (SRW) enabling access to City staff as well as public access over the environmental conservation and restoration area described in Section 3.a (above). The purpose of the public access SRW is to enable the construction of and public use of a trail system to access lands beyond, provided the City identifies a need to create



such public access in the future. Access for City staff to enter the area is also meant to enable monitoring of the terms of the Section 219 Conservation Covenant.

#### 5. AMENITY AREA

- a. The Owner shall register, to the satisfaction of the Director of Development Services or Director of Engineering, a Section 219 covenant agreeing that the property owners, current and future, are responsible for maintaining in good order a play structure as part of the strata's common amenities.

#### **Prior to the issuance of a Building Permit**

#### 6. OFF-SITE WORKS AND BC TRANSIT IMPROVEMENTS

- a. The Owner agrees to complete frontage improvements on Wishart Road (or enter into a Servicing Agreement with the City of Colwood for the required frontage improvements on Wishart Road) as required by applicable City of Colwood policies or bylaws, as amended from time to time, and will be responsible for the installation of a new bus shelter and seating in accordance with BC Transit standards applicable at the time of Building Permit issuance.
- b. The Owner agrees to file a plan of road dedication for the Delora Drive extension.
- c. The Owner also agrees to construct the Delora Drive extension (or enter into a Servicing Agreement with the City of Colwood for the required frontage improvements on Delora Drive), in accordance with applicable City of Colwood policies, standards and bylaws, as amended from time to time.

#### 7. CRITICAL ROOT ZONE PROTECTION

- a. The Owner agrees to submit a report or memo prepared by an ISA Certified Arborist at the time of Building Permit submission, which shall approve the site plan design, confirm that all proposed buildings and structures (including retaining walls) shown on the site plan are outside the Critical Root Zone of all protected trees that were identified for retention (or as TBD) as part of the issued joint Form & Character and Environmental Development Permit, and confirm that adequate tree fencing has been installed around all protected trees that were identified for retention (or TBD).

**Prior to the issuance of an Occupancy**

AND THAT the Owner agrees they are not entitled to an Occupancy Permit, until they register a Statutory Right of Way (SRW) over the internal strata road and walkways granting access to emergency services.

**CARRIED**

**7.2 Kelsea Fielden, Planner I**

**Development Variance Permit - 1752 Island Highway**

**MOVED BY: COUNCILLOR JANTZEN**

**SECONDED: COUNCILLOR GROVE**

- R2023-431 THAT Development Variance Permit No. DVP00004 for the lands at 1752 Island Highway be approved, which would have the effect of varying:
- a. Section 3.6.3.a of the Off-Street Parking Bylaw No. 1909 to eliminate the parking stall requirement for an additional 0.3m clearance abutting an obstruction;
  - b. Section 2.1.04.2 of the Land Use Bylaw No. 151 to increase the allowable projection for a balcony from 1.0m to 1.52m.

**CARRIED**

**7.3 Desiree Givens, Planner II**

**Official Community Plan Amendments to Environmental Development Permit Guidelines**

**MOVED BY: COUNCILLOR JANTZEN**

**SECONDED: COUNCILLOR GROVE**

- R2023-432 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.

**CARRIED**



**7.4 Carolyn Richman, Climate Planner**  
**Draft Climate Action Plan Phase One Implementation Planning**

**MOVED BY: COUNCILLOR JANTZEN**  
**SECONDED: COUNCILLOR GROVE**

R2023-433 THAT Phase One Implementation 2023-2024 for the Climate Action Plan and the Strategic Communications and Engagement 2024 plan be endorsed;

AND THAT the revised Climate Action Plan dated January 8, 2024 be endorsed for master planning purposes.

**CARRIED**

**7.5 Matt Blakely, Senior Planner**  
**Complete Communities Grant Proposal (RHAP Phase 3)**

**MOVED BY: COUNCILLOR JANTZEN**  
**SECONDED: COUNCILLOR GROVE**

R2023-434 THAT Council support the Regional Household Affordability and Prosperity Project in applying for grant funding through the Union of BC Municipalities Complete Communities Grant to allow for the continuation of the work achieved in Phases 1 and 2, in collaboration with partnering municipalities in the region.

AND THAT Council endorses the City of Colwood continue to be the primary applicant that will provide overall grant management for the project along with the Community Social Planning Council leading the project as the core Community Lead in a consulting relationship.

**CARRIED**

**7.6 Kristen Morley, Corporate Officer and General Manager, Capital Regional District**  
**Regarding: Municipal Consent for Bylaw No. 4572 – Management of Onsite Sewage Systems Service Establishment Bylaw, 2007, Amendment Bylaw No. 1, 2023.**

**MOVED BY: COUNCILLOR JANTZEN**  
**SECONDED: COUNCILLOR GROVE**

R2023-435 THAT Council consent to the CRD adopting Bylaw No. 4572, “Management of Onsite Sewage Systems Service Establishment Bylaw, 2007, Amendment Bylaw No. 1, 2023”.

**CARRIED**

## **8. NEW BUSINESS**

### **8.1 Sandra Russell, Corporate Communications Manager Presentation of Household Prosperity Survey Findings**

*Sandra Russell, Corporate Communications Manager, provided an overview and introduced Jason Alsopp, of Angus Reid Ltd., who presented the findings of the Household Prosperity Survey to Council.*

*Council discussion ensued regarding:*

- *Transportation challenges for commuters*
- *Increased number of residents working from home and how this will impact transportation and shopping patterns*
- *Desire to support local/small businesses*
- *Household prosperity*
- *Attendance at local events and sense of community*
- *Perception of diversity in the community*

### **8.2 Candace Perkins, Manager of Human Resources Rescind: Sick Leave and Vacation Carryover Policies**

*Candace Perkins, Manager of Human Resources, provided an overview of the Sick Leave and Vacation Carryover administration policies.*

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR GROVE**

R2023-436    THAT Council rescind Council Policy SIC 001 Sick Leave;  
  
                 AND THAT Council rescind Council Policy VAC 001 Vacation Carryover.

**CARRIED**

### **8.3 Byron Grant, Manager of Building and Bylaw Zero Carbon Step Code**

*Byron Grant, Manager of Building and Bylaw, provided an overview of Zero Carbon Step Code implementation.*

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR WARD**

R2023-437    THAT the City implement the BC Zero Carbon Step Code Emissions Level 4 (EL-4) via an amendment to our Building Bylaw No. 977.

**CARRIED**

## **9. BYLAWS**

### **9.1 Bylaw No. 2016 Building Bylaw Amendment (Zero Carbon Step Code) - First, Second and Third Reading**

**MOVED BY: COUNCILLOR OLSEN  
SECONDED: COUNCILLOR GROVE**

R2023-438 THAT "Building Bylaw No. 977, 2008, Amendment No. 7 (Zero Carbon Step Code), Bylaw No. 2016, 2024" be given First and Second Reading.

**CARRIED**

### **9.2 Bylaw No. 2005 - Rezoning 3494 Wishart Road - First and Second Reading**

**MOVED BY: COUNCILLOR WARD  
SECONDED: COUNCILLOR GROVE**

R2023-439 THAT " Colwood Land Use Bylaw No. 151, 1989, Amendment No. 207 (CD39 - 3494 Wishart Road), Bylaw No. 2005, 2023" be given First and Second Reading.

**CARRIED**

### **9.3 Bylaw No. 1700-10 - Official Community Plan Amendment (Environmental Development Permit Area) - First and Second Reading**

**MOVED BY: COUNCILLOR JORDISON  
SECONDED: COUNCILLOR OLSEN**

R2023-440 THAT the "Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)" be given First and Second Reading.

**CARRIED**

### **9.4 Bylaw No. 1742-03 - Development Permit Delegation Bylaw Amendment - First and Second Reading**

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR OLSEN**

R2023-441 THAT "Development Permit Amendment Bylaw No. 1742-03, 2023" be given First and Second Reading.

**CARRIED**



**9.5 Bylaw No. 2003 - Colwood Land Use Bylaw Amendment (CD40 - 2324 Sooke Road) - Third Reading**

**MOVED BY: COUNCILLOR JORDISON  
SECONDED: COUNCILLOR OLSEN**

R2023-442 THAT "Colwood Land Use Bylaw No.151, 1989, Amendment No. 206 (CD40-2324 Sooke), Bylaw No. 2003, 2023" be given Third Reading.

**CARRIED**

**9.6 Bylaw No. 1977 Land Use Amendment (CD38 - 641 Latoria Road) - Adoption**

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR WARD**

R2023-443 THAT " Colwood Land Use Bylaw No.151, 1989, Amendment No. 203 (CD38 - 641 Latoria Road), Bylaw No. 1977, 2023" be adopted.

**CARRIED**

**9.7 Bylaw No. 1999 Sign Amendment (CD38 Zone) - Adoption**

**MOVED BY: COUNCILLOR GROVE  
SECONDED: COUNCILLOR JORDISON**

R2023-444 THAT "Colwood Sign Bylaw, No. 60, 1988, Amendment No.31 (CD38 Zone), Bylaw No. 1999, 2023" be adopted.

**CARRIED**

**10. ADJOURNMENT**

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR OLSEN**

R2023-445 THAT the meeting adjourn at 7:34 pm.

**CARRIED**

---

APPROVED AND CONFIRMED

---

CERTIFIED CORRECT

## Desiree Givens

---

**From:** PAC FPP / PPP PAC (DFO/MPO) <DFO.PACFPP.PPPAC.MPO@dfo-mpo.gc.ca>  
**Sent:** Wednesday, December 6, 2023 3:44 PM  
**To:** Desiree Givens  
**Subject:** FW: Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)  
**Attachments:** OCP Bylaw 1700-10\_Referral Letter.pdf; Bylaw No. 1700-10.pdf

You don't often get email from dfo.pacfpp.pppac.mpo@dfo-mpo.gc.ca. [Learn why this is important](#)

Hi Desiree,

Thank you for contacting the Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) regarding the above headlined Colwood Official Community Plan Bylaw No. 1700 Amendment.

The conservation and protection of Canada's marine and freshwater resources is a top priority for Fisheries and Oceans Canada (DFO). DFO's [Fish and Fish Habitat Protection Program](#) (FFHPP) helps conserve and protect fish and fish habitat and restore fish habitat for future generations. The FFHPP administers and ensures compliance for development projects taking place in and around fish habitat, under the *Fisheries Act* and relevant provisions of the *Species at Risk Act*.

DFO's FFHPP is not providing detailed comments on Colwood Official Community Plan Bylaw No. 1700 Amendment. However, DFO recommends that land use planning processes consider establishing clear environmental conservation and protection objectives that are reflected in designation of environmentally sensitive areas, setback requirements, stormwater retention/detention requirements, land use restrictions and bylaws (e.g., tree removal). Protection of freshwater and marine resources provides long-term benefits to fish and fish habitat, as well as to the public, by regulating water quality and quantity, providing for stream channel and foreshore stability, and increasing resiliency to climate change impacts.

If you have any further questions about DFO's role in municipal planning processes, please feel free to direct future enquiries to [EnquiriesPacific@DFO-mpo.gc.ca](mailto:EnquiriesPacific@DFO-mpo.gc.ca).

I hope that the information I have provided is helpful and thank you for the opportunity to provide input.

Kindly,

Referrals and Client Services  
 Regional Operations Division  
 Fish & Fish Habitat Protection Program  
 Ecosystems Management Branch  
 Fisheries and Oceans Canada...><(((°°

**E-mail:** [DFO.PACFPP-PPPPAC.MPO@dfo-mpo.gc.ca](mailto:DFO.PACFPP-PPPPAC.MPO@dfo-mpo.gc.ca)

---

**From:** Desiree Givens <[dgivens@colwood.ca](mailto:dgivens@colwood.ca)>  
**Sent:** Tuesday, December 5, 2023 12:52 PM  
**To:** 'Katie Hooper' <[Katie@esquimaltnation.ca](mailto:Katie@esquimaltnation.ca)>; 'rosa.horne@songheesnation.com' <[rosa.horne@songheesnation.com](mailto:rosa.horne@songheesnation.com)>; 'Jeannie.pelkey@songheesnation.com' <[Jeannie.pelkey@songheesnation.com](mailto:Jeannie.pelkey@songheesnation.com)>; 'reception@beecherbay.ca' <[reception@beecherbay.ca](mailto:reception@beecherbay.ca)>; [bernicebbfn@live.ca](mailto:bernicebbfn@live.ca); [planning@viewroyal.ca](mailto:planning@viewroyal.ca); 'planning@cityoflangford.ca' <[planning@cityoflangford.ca](mailto:planning@cityoflangford.ca)>; [info@metchosin.ca](mailto:info@metchosin.ca); [info@highlands.ca](mailto:info@highlands.ca);

[sharon.beach@forces.gc.ca](mailto:sharon.beach@forces.gc.ca); [Brigitte.LILLMEIER@forces.gc.ca](mailto:Brigitte.LILLMEIER@forces.gc.ca); 'martin.collins@gov.bc.ca' <[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)>; 'liz.sarioglu@gov.bc.ca' <[liz.sarioglu@gov.bc.ca](mailto:liz.sarioglu@gov.bc.ca)>; [matthew.butterfield@gov.bc.ca](mailto:matthew.butterfield@gov.bc.ca); 'Michael.pearson@gov.bc.ca' <[Michael.pearson@gov.bc.ca](mailto:Michael.pearson@gov.bc.ca)>; 'owen.page@gov.bc.ca' <[owen.page@gov.bc.ca](mailto:owen.page@gov.bc.ca)>; Don LEgault ([don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca)) <[don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca)>; [service@gov.bc.ca](mailto:service@gov.bc.ca); Info / Info (DFO/MPO) <[DFO.Info-Info.MPO@dfo-mpo.gc.ca](mailto:DFO.Info-Info.MPO@dfo-mpo.gc.ca)>; [lwilson@crd.bc.ca](mailto:lwilson@crd.bc.ca); [mmacintyre@crd.bc.ca](mailto:mmacintyre@crd.bc.ca); Mhairi Bennett <[mbennett@sd62.bc.ca](mailto:mbennett@sd62.bc.ca)>; [gbrown@westshorerecreation.ca](mailto:gbrown@westshorerecreation.ca); 'hbe@viha.ca' <[hbe@viha.ca](mailto:hbe@viha.ca)>; Susan 1gee <[susan.1gee@royalroads.ca](mailto:susan.1gee@royalroads.ca)>; [carolyn.levesque@RoyalRoads.ca](mailto:carolyn.levesque@RoyalRoads.ca)  
Cc: [paul.cseke@viha.ca](mailto:paul.cseke@viha.ca)

**Subject:** Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)

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Good morning,

I hope this email finds you well.

Please find attached a referral letter and draft bylaw to amend the City of Colwood Official Community Plan Bylaw No. 1700 for your review and comments.

If you have any questions, please do not hesitate to contact me.

Thank you!

Have a wonderful day,

**Desiree Givens, MCRP**

Development Services Planner II

Development Services Department | City of Colwood

P: 250-478-5053 ext. 112

C: 778-584-7053

[dgivens@colwood.ca](mailto:dgivens@colwood.ca) | [www.colwood.ca](http://www.colwood.ca)



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The Action Request form at [www.colwood.ca/ActionRequest](http://www.colwood.ca/ActionRequest) is the best way to report concerns about our community. Information goes directly to the team that can help and requests are tracked to help the City better understand your needs and expectations.

## Desiree Givens

---

**From:** Wheeler, Angela <Angela.Wheeler@islandhealth.ca>  
**Sent:** Wednesday, January 17, 2024 10:54 AM  
**To:** Desiree Givens  
**Cc:** Hibbs, Timothy  
**Subject:** FW: Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)  
**Attachments:** OCP Bylaw 1700-10\_Referral Letter.pdf; Bylaw No. 1700-10.pdf

Hi Desiree,

Thank you for the opportunity to review this amendment. We are in support of the proposed amendments as presented and have no concerns.

Best Regards,  
Angela

**Angela Wheeler**, Built Environment Consultant  
Environmental Public Health | Island Health  
P: 250-519-3419 | F: 250-519-3402 | [angela.wheeler@islandhealth.ca](mailto:angela.wheeler@islandhealth.ca)

---

**From:** Desiree Givens <[dgivens@colwood.ca](mailto:dgivens@colwood.ca)>  
**Sent:** Tuesday, December 05, 2023 9:52 AM  
**To:** 'Katie Hooper' <[Katie@esquimaltnation.ca](mailto:Katie@esquimaltnation.ca)>; 'rosa.horne@songheesnation.com' <[rosa.horne@songheesnation.com](mailto:rosa.horne@songheesnation.com)>; 'Jeannie.pelkey@songheesnation.com' <[Jeannie.pelkey@songheesnation.com](mailto:Jeannie.pelkey@songheesnation.com)>; 'reception@beecherbay.ca' <[reception@beecherbay.ca](mailto:reception@beecherbay.ca)>; [bernicebbfn@live.ca](mailto:bernicebbfn@live.ca); [planning@viewroyal.ca](mailto:planning@viewroyal.ca); 'planning@cityoflangford.ca' <[planning@cityoflangford.ca](mailto:planning@cityoflangford.ca)>; [info@metchosin.ca](mailto:info@metchosin.ca); [info@highlands.ca](mailto:info@highlands.ca); [sharon.beach@forces.gc.ca](mailto:sharon.beach@forces.gc.ca); [Brigitte.LILLMEIER@forces.gc.ca](mailto:Brigitte.LILLMEIER@forces.gc.ca); 'martin.collins@gov.bc.ca' <[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)>; 'liz.sarioglu@gov.bc.ca' <[liz.sarioglu@gov.bc.ca](mailto:liz.sarioglu@gov.bc.ca)>; [matthew.butterfield@gov.bc.ca](mailto:matthew.butterfield@gov.bc.ca); 'Michael.pearson@gov.bc.ca' <[Michael.pearson@gov.bc.ca](mailto:Michael.pearson@gov.bc.ca)>; 'owen.page@gov.bc.ca' <[owen.page@gov.bc.ca](mailto:owen.page@gov.bc.ca)>; Don LEgault ([don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca)) <[don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca)>; [service@gov.bc.ca](mailto:service@gov.bc.ca); [info@dfo-mpo.gc.ca](mailto:info@dfo-mpo.gc.ca); [lwilson@crd.bc.ca](mailto:lwilson@crd.bc.ca); [mmacintyre@crd.bc.ca](mailto:mmacintyre@crd.bc.ca); Mhairi Bennett <[mbennett@sd62.bc.ca](mailto:mbennett@sd62.bc.ca)>; [gbrown@westshorerecreation.ca](mailto:gbrown@westshorerecreation.ca); HBE (Healthy Built Environment) <[HBE@islandhealth.ca](mailto:HBE@islandhealth.ca)>; Susan 1gee <[susan.1gee@royalroads.ca](mailto:susan.1gee@royalroads.ca)>; [carolyn.levesque@RoyalRoads.ca](mailto:carolyn.levesque@RoyalRoads.ca)  
**Cc:** [paul.cseke@viha.ca](mailto:paul.cseke@viha.ca)  
**Subject:** Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)

Good morning,

I hope this email finds you well.

Please find attached a referral letter and draft bylaw to amend the City of Colwood Official Community Plan Bylaw No. 1700 for your review and comments.

If you have any questions, please do not hesitate to contact me.

Thank you!

Have a wonderful day,

**Desiree Givens, MCRP**

Development Services Planner II

Development Services Department | City of Colwood

P: 250-478-5053 ext. 112

C: 778-584-7053

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## Desiree Givens

---

**From:** Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>  
**Sent:** Tuesday, December 5, 2023 1:09 PM  
**To:** Desiree Givens  
**Subject:** RE: Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)

Desiree

Thanks for pointing that out to me.

Regards



**Martin Collins,**  
Regional Planner | Agricultural Land Commission  
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6  
T 604-953-6673 |  
[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

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---

**From:** Desiree Givens <dgivens@colwood.ca>  
**Sent:** Tuesday, December 5, 2023 11:59 AM  
**To:** Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>  
**Subject:** RE: Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)

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Hi Martin,

Thank you for taking the time to review – it is very much appreciated!

Within Section 19.2, we have included a statement under (a) that exempts any type of development that is not residential, commercial or industrial. Clearing of lands for agricultural development in the ALR, therefore, would be exempt from needing a Development Permit.

Thank you!



Kindest regards,

Desiree

---

**From:** Collins, Martin ALC:EX <[Martin.Collins@gov.bc.ca](mailto:Martin.Collins@gov.bc.ca)>

**Sent:** Tuesday, December 5, 2023 10:09 AM

**To:** Desiree Givens <[dgivens@colwood.ca](mailto:dgivens@colwood.ca)>

**Subject:** RE: Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)

Desiree

The proposed bylaw amendments do not appear to reference the ALR, which may be because there is a limited amount of ALR (73 ha) within the Community.

Although this is the case, I am not sure whether the District has language in the existing bylaw that exempts clearing for agricultural development in the ALR from the necessity of acquiring a Development Permit. If not, the ALC staff recommends that such language be provided in Section 19.2 of the bylaw amendment, exempting clearing for soil based agricultural cropping in the ALR.

Regards



**Martin Collins,**

Regional Planner | Agricultural Land Commission

201 – 4940 Canada Way, Burnaby, BC, V5G 4K6

T 604-953-6673 |

[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

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---

**From:** Desiree Givens <[dgivens@colwood.ca](mailto:dgivens@colwood.ca)>

**Sent:** Tuesday, December 5, 2023 9:52 AM

**To:** 'Katie Hooper' <[Katie@esquimaltnation.ca](mailto:Katie@esquimaltnation.ca)>; 'rosa.horne@songheesnation.com'

<[rosa.horne@songheesnation.com](mailto:rosa.horne@songheesnation.com)>; 'Jeannie.pelkey@songheesnation.com' <[Jeannie.pelkey@songheesnation.com](mailto:Jeannie.pelkey@songheesnation.com)>;

'reception@beecherbay.ca' <[reception@beecherbay.ca](mailto:reception@beecherbay.ca)>; [bernicebbfn@live.ca](mailto:bernicebbfn@live.ca); [planning@viewroyal.ca](mailto:planning@viewroyal.ca);

'planning@cityoflangford.ca' <[planning@cityoflangford.ca](mailto:planning@cityoflangford.ca)>; [info@metchosin.ca](mailto:info@metchosin.ca); [info@highlands.ca](mailto:info@highlands.ca);

[sharon.beach@forces.gc.ca](mailto:sharon.beach@forces.gc.ca); [Brigitte.LILLMEIER@forces.gc.ca](mailto:Brigitte.LILLMEIER@forces.gc.ca); Collins, Martin ALC:EX <[Martin.Collins@gov.bc.ca](mailto:Martin.Collins@gov.bc.ca)>;

Sarioglu, Liz ALC:EX <[Liz.Sarioglu@gov.bc.ca](mailto:Liz.Sarioglu@gov.bc.ca)>; [matthew.butterfield@gov.bc.ca](mailto:matthew.butterfield@gov.bc.ca); Pearson, Michael MOTI:EX

<[Michael.Pearson@gov.bc.ca](mailto:Michael.Pearson@gov.bc.ca)>; Page, Owen MOTI:EX <[Owen.Page@gov.bc.ca](mailto:Owen.Page@gov.bc.ca)>; Don LEgault ([don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca))

<[don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca)>; [service@gov.bc.ca](mailto:service@gov.bc.ca); [info@dfo-mpo.gc.ca](mailto:info@dfo-mpo.gc.ca); [lwilson@crd.bc.ca](mailto:lwilson@crd.bc.ca); [mmacintyre@crd.bc.ca](mailto:mmacintyre@crd.bc.ca); Mhairi

Bennett <[mbennett@sd62.bc.ca](mailto:mbennett@sd62.bc.ca)>; [gbrown@westshorerecreation.ca](mailto:gbrown@westshorerecreation.ca); 'hbe@viha.ca' <[hbe@viha.ca](mailto:hbe@viha.ca)>; XT:Gee, Susan

GCPE:IN <[susan.1gee@royalroads.ca](mailto:susan.1gee@royalroads.ca)>; [carolyn.levesque@RoyalRoads.ca](mailto:carolyn.levesque@RoyalRoads.ca)

**Cc:** [paul.cseke@viha.ca](mailto:paul.cseke@viha.ca)

**Subject:** Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)

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Good morning,

I hope this email finds you well.

Please find attached a referral letter and draft bylaw to amend the City of Colwood Official Community Plan Bylaw No. 1700 for your review and comments.

If you have any questions, please do not hesitate to contact me.

Thank you!

Have a wonderful day,

**Desiree Givens, MCRP**

Development Services Planner II

Development Services Department | City of Colwood

P: 250-478-5053 ext. 112

C: 778-584-7053

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## Desiree Givens

---

**From:** Elena Bolster <EBolster@viewroyal.ca>  
**Sent:** Thursday, January 18, 2024 3:48 PM  
**To:** Desiree Givens  
**Subject:** FW: Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)  
**Attachments:** OCP Bylaw 1700-10\_Referral Letter.pdf; Bylaw No. 1700-10.pdf

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Good afternoon Desiree,

Thank you for your letter dated December 5, 2023 regarding the City of Colwood's Official Community Plan Amendment Bylaw. Your letter was placed on the January 16, 2024 Council agenda.

At this meeting, Council considered the information as outlined in your correspondence and passed a motion to receive your letter. No further action will be taken at this time.

If you have any further questions, please do not hesitate to contact the Development Services Department at [planning@viewroyal.ca](mailto:planning@viewroyal.ca).

Sincerely,

### Elena Bolster

Deputy Corporate Officer  
Town of View Royal | 45 View Royal Avenue | Victoria, BC V9B 1A6  
d: 250.940.5244 | p: 250.479.6800



Zero Carbon Step Code requirements are coming into effect on November 1, 2023 for Part 9 residential buildings (single-family dwellings, duplexes and townhouses). Please visit [www.viewroyal.ca](http://www.viewroyal.ca) for more information.

---

**From:** Desiree Givens <[dgivens@colwood.ca](mailto:dgivens@colwood.ca)>  
**Sent:** Tuesday, December 5, 2023 9:52 AM  
**To:** 'Katie Hooper' <[Katie@esquimaltnation.ca](mailto:Katie@esquimaltnation.ca)>; 'rosa.horne@songheesnation.com' <[rosa.horne@songheesnation.com](mailto:rosa.horne@songheesnation.com)>; 'Jeannie.pelkey@songheesnation.com' <[Jeannie.pelkey@songheesnation.com](mailto:Jeannie.pelkey@songheesnation.com)>; 'reception@beecherbay.ca' <[reception@beecherbay.ca](mailto:reception@beecherbay.ca)>; [bernicebbfn@live.ca](mailto:bernicebbfn@live.ca); View Royal Planning <[planning@viewroyal.ca](mailto:planning@viewroyal.ca)>; 'planning@cityoflangford.ca' <[planning@cityoflangford.ca](mailto:planning@cityoflangford.ca)>; [info@metchosin.ca](mailto:info@metchosin.ca); [info@highlands.ca](mailto:info@highlands.ca); [sharon.beach@forces.gc.ca](mailto:sharon.beach@forces.gc.ca); [Brigitte.LILLMEIER@forces.gc.ca](mailto:Brigitte.LILLMEIER@forces.gc.ca); 'martin.collins@gov.bc.ca' <[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)>; 'liz.sarioglu@gov.bc.ca' <[liz.sarioglu@gov.bc.ca](mailto:liz.sarioglu@gov.bc.ca)>; [matthew.butterfield@gov.bc.ca](mailto:matthew.butterfield@gov.bc.ca); 'Michael.pearson@gov.bc.ca' <[Michael.pearson@gov.bc.ca](mailto:Michael.pearson@gov.bc.ca)>; 'owen.page@gov.bc.ca' <[owen.page@gov.bc.ca](mailto:owen.page@gov.bc.ca)>; Don LEgault ([don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca)) <[don.legault@gov.bc.ca](mailto:don.legault@gov.bc.ca)>; [service@gov.bc.ca](mailto:service@gov.bc.ca); [info@dfo-mpo.gc.ca](mailto:info@dfo-mpo.gc.ca); [lwilson@crd.bc.ca](mailto:lwilson@crd.bc.ca); [mmacintyre@crd.bc.ca](mailto:mmacintyre@crd.bc.ca); Mhairi Bennett <[mbennett@sd62.bc.ca](mailto:mbennett@sd62.bc.ca)>; Grant Brown <[gbrown@westshorerecreation.ca](mailto:gbrown@westshorerecreation.ca)>; 'hbe@viha.ca' <[hbe@viha.ca](mailto:hbe@viha.ca)>; Susan 1gee <[susan.1gee@royalroads.ca](mailto:susan.1gee@royalroads.ca)>; [carolyn.levesque@RoyalRoads.ca](mailto:carolyn.levesque@RoyalRoads.ca)  
**Cc:** [paul.cseke@viha.ca](mailto:paul.cseke@viha.ca)  
**Subject:** Colwood Official Community Plan Bylaw No. 1700 Amendment (Environmental Development Permit Guidelienes)

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If you have any questions, please do not hesitate to contact me.

Thank you!

Have a wonderful day,

**Desiree Givens, MCRP**

Development Services Planner II

Development Services Department | City of Colwood

P: 250-478-5053 ext. 112

C: 778-584-7053

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Lekwungen Territory

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The Action Request form at [www.colwood.ca/ActionRequest](http://www.colwood.ca/ActionRequest) is the best way to report concerns about our community. Information goes directly to the team that can help and requests are tracked to help the City better understand your needs and expectations.



**CITY OF COLWOOD**  
**REPORT OF PUBLIC HEARING**  
**Thursday, January 25, 2024 at 6:30 PM**  
**Council Chambers**  
**3300 Wishart Road, Colwood BC**

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**PRESENT**

Acting Mayor  
 Councillors

Ian Ward  
 David Grove  
 Dean Jantzen

**REGRETS**

Mayor  
 Councillors

Doug Kobayashi  
 Misty Olsen  
 Cynthia Day  
 Kim Jordison

**ATTENDING**

Planner II  
 Planner I  
 Planning Technician  
 Coordinator of Corporate Services  
 Recording Secretary

Desiree Givens  
 Kelsea Fielden  
 Kaitlyn Suzuki  
 Amanda Irving  
 Tiffany MacDonald

**NUMBER OF PUBLIC IN ATTENDANCE**

8 in person  
 1 electronic

**1. CALL TO ORDER**

*The Chair, Acting Mayor Ward, called the Public Hearing of Thursday, January 25, 2024 to order at 6:30 pm and acknowledged meeting on the shared traditional lands of the Lekwungen speaking people represented by the Xwsepsum and Songhees Nations.*

**2. OPENING STATEMENT**

*Acting Mayor Ward, outlined the procedures of the hearing and provided an opening statement advising that the Public Hearing is convened pursuant to Section 465 of the Local Government Act respecting matters contained in the proposed Bylaws.*

*Amanda Irving, Corporate Services Coordinator, provided the outline of rules for the public participation portion of the Public Hearing.*

### **3. ZONING AMENDMENTS**

#### **3.1 Bylaw No. 1700-10**

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

**Proposal:** Proposed amendments to the Official Community Plan guidelines for environmental development permits:

- Correcting errors and adding prescriptive language
- Adding a new regulation to prohibit land alterations within an environmental development permit area prior to receipt of a building permit application
- Adding a new regulation to prohibit the removal of protected trees located on a property within an environmental development permit area until a tree management permit is issued for the property
- Categorizing and consolidating the list of exemptions
- Clarifying when and where the environmental development permit guidelines apply
- Clarifying and strengthening the design guidelines for riparian areas to support implementation and align more strongly with provincial and federal legislation
- Establishing a standard for collecting security deposits with environmental development permits
- Updating the glossary
- Clarifying the list of submission requirements

**Introduction:** Desiree Givens, Planner II, provided an overview of the proposed amendments for the Official Community Plan and the “Colwood Official Community Plan (OCP) 1700, 2018, Amendment No. 10 (Environmental Development Permit Area)”.

**Notice:** Desiree Givens advised that the notification period for this hearing was from January 15 to January 25, 2024. During this time, a Public Hearing binder was made digitally available on the City's website and at City Hall. Notice was placed in the Goldstream Gazette January 17 and January 24, 2024.

**Written submissions:** To date, seven (7) written submissions, in opposition, were received which have been appended to the agenda.

#### **Public Participation:**

**Acting Mayor Ward, called for public input a first time.**

Cori Barraclough, Professional Biologist, Professional Agrologist and Aquatic Ecologist, of Kimberly BC, spoke in opposition of the amendments regarding the missed consultation



opportunity with the community and professionals, potential consequences of the proposed language used in the riparian development permit guidelines, and recommended having a team of diverse qualified environmental professionals to test the amendments in the field before adoption of the bylaw.

Peter de Zwager of Medalist Avenue and representative of Olympic View Golf Club, spoke in opposition of the bylaw amendments and the missed opportunity for consultation. He spoke of the impacts the changes would have on their development such as applying for a development permit for building roads and that there needs to be alternate methods to do construction that doesn't have negative environmental effects.

Laura Hooper, Professional Agrologist of Sooke River Road, with twenty years experience in Local Government, spoke in opposition of the bylaw amendments and asked Colwood to work collaboratively with qualified environmental professionals to ensure sustainable development and avoid adverse consequences.

Manpreett Kandola of Latoria Road, spoke in opposition of the amendments including the increased developmental costs, cost increase to home purchase, and delays of development during a housing crisis. He spoke of wanting to be sustainable, protecting riparian areas and to take care of the environment but not hold back development.

**Acting Mayor Ward, called for public input for the second time.**

Tim Winship, Arborist of Pickford Road, spoke in opposition of the amendments regarding red tape, costs associated, current housing crisis, and the current tree bylaw.

Morgan Keith, Arborist, and member of the City of Colwood Urban Forest Task Force of Jadel Drive, spoke in opposition of the amendments and impacts the changes would have on the homeowners in the area and of the current tree bylaw.

Patrick Lucey, Oceanographer, Marine Biologist, Freshwater Ecologist of Kimberly BC, spoke in opposition of the amendments and that the requirement of sustaining the land involves education, incentive and bringing community together through collaborative stewardship.

**Acting Mayor Ward, called for public input for the third time.**

Cori Barraclough, Oceanographer, Marine Biologist, Freshwater Ecologist Professional Biologist, Professional Agrologist and Aquatic Ecologist, of Kimberly BC, spoke in opposition for a second time. She spoke of including diverse experts input to the amendments, as it will not only affect riparian areas, but it will also affect developers and how they do business.

Patrick Lucey, Oceanographer, Marine Biologist, Freshwater Ecologist of Kimberly BC, spoke in opposition, for a second time. He spoke of taking the knowledge of experts and applying the draft amendments to sites to figure out the best result.

### **3.2 Bylaw No. 2007**

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

**Proposal:** Proposed minor administrative amendments to make the bylaw easier to understand and implement:

- Updating and clarifying definitions
- Correcting zones based on previous adopted rezoning amendments
- Spelling and formatting corrections
- Alignment with Provincial Government regulations
- Updates to Accessory Buildings/Structures, Home Occupations, Secondary Suites, Accessory Dwelling Units

**Introduction:** Kaitlyn Suzuki, Planning Technician, provided an overview of the administrative amendments to the “Colwood Land Use Bylaw 151, 1989 Amendment 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023”.

**Notice:** Kaitlyn Suzuki, Planning Technician, advised that the notification period for this hearing was from January 15 to January 25, 2024. During this time, a Public Hearing binder was made available at the front counter at City Hall and digitally on the City’s website. Notice was placed in the Goldstream Gazette on January 17 and January 24, 2024. Neighbourhood notices were also sent to owners of properties within 75 metres of the CD28 Zone, Area 6.

**Written Submissions:** To date, no written responses were received.

**Public Participation:** None

**Acting Mayor Ward, called for public input three times.**

### **3.3 Bylaw No. 1700-09**

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

**Proposal:** Proposed amendments to the 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.

**Introduction:** Kelsea Fielden, Planner I, provided an overview of the proposed amendments for the Official Community Plan and the “Colwood Official Community Plan No. 1700, 2018. Amendment No. 09 (Olympic View Local Area Plan)”.

**Notice:** Kelsea Fielden, Planner I, advised that the notification period for this hearing was from January 15 to January 25, 2024. During this time, a Public Hearing binder was made available at the front counter at City Hall and digitally on the City's website. Notices were placed in the Goldstream Gazette on January 17 and January 24, 2024.

**Written Submissions:** To date, no written responses were received.

**Public Participation:**

***Acting Mayor Ward, called for public input a first time.***

*Peter de Zwager of Medalist Avenue and a representative of Olympic View Golf Club, spoke in favor of supporting the amendment as it allows the roads for Olympian Way to be collector roads.*

***Acting Mayor Ward, called for public input a second and third time.***

*No one in attendance wished to speak for a second and third time.*

#### **4. CLOSE PUBLIC HEARING**

*Acting Mayor Ward declared the Public Hearing for the following bylaws closed at 7:07 pm.*

- *“Colwood Official Community Plan (OCP) 1700, 2018, Amendment No. 10 (Environmental Development Permit Area)”*
- *“Colwood Land Use Bylaw 151, 1989, Amendment 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023”*
- *“Colwood Official Community Plan No. 1700, 2018, Amendment No. 09 (Olympic View Local Area Plan)”*

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APPROVED AND CONFIRMED

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CERTIFIED CORRECT



**CITY OF COLWOOD**  
**MINUTES OF**  
**REGULAR COUNCIL MEETING**  
**Monday, February 12, 2024 at 6:30 PM**  
**Council Chambers**  
**3300 Wishart Road, Colwood, BC**

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**PRESENT**

Mayor	Doug Kobayashi
Councillors	Cynthia Day
	David Grove
	Dean Jantzen
	Kim Jordison
	Misty Olsen
	Ian Ward

**ATTENDING**

Acting Chief Administrative Officer	Jenn Hepting
Deputy Director of Public Works	John Russell
Manager of Engineering	Joshua Baylis
Planning Technician	Kaitlyn Suzuki
Manager of Corporate Services	Marcy Lalande
Recording Secretary	Tiffany MacDonald

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**1. CALL TO ORDER**

*Mayor Kobayashi called the meeting to order at 6:30 pm and acknowledged meeting on the shared traditional lands of the Lekwungen speaking people represented by the Xwsepsum and Songhees Nations.*

**2. APPROVAL OF THE AGENDA**

**MOVED BY: COUNCILLOR JORDISON**  
**SECONDED: COUNCILLOR OLSEN**

R2024-38      THAT the Near Term agenda be received;

AND THAT the Agenda of the Regular Council meeting of February 12, 2024 be adopted as presented.

**CARRIED**

### 3. MAYOR'S MESSAGE

*Mayor Kobayashi advised of the following:*

- *Councillor Olsen and Jordison organized a special engagement session with the seniors of Trillium, West Shore Village.*
- *Colwood Arts and Culture Centre will be opening and hosting a Celebrate Art Show.*
- *The Beachlands will begin development of the presentation centre and seaside coffee shop.*
- *Soroptimist International Victoria Westshore held a successful fundraising "Soup's On!" event at Royal Bay.*
- *West Shore Parks and Recreation Centre will be hosting many Family Day events.*

### 4. ADOPTION / RECEIPT OF THE MINUTES

**MOVED BY: COUNCILLOR GROVE**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-39 THAT the minutes of the following meetings be adopted as presented:

- Special Council Meeting held January 16, 2024
- Regular Council Meeting held January 22, 2024

AND THAT the minutes of the following meetings be received for information:

- Report of Public Hearing held January 25, 2024
- Emergency Planning Committee held November 21, 2023

**CARRIED**

### 5. PUBLIC PARTICIPATION

*No written submissions were received, and no members of the public came forward to speak.*

### 6. CONSENT AGENDA

#### 6.1 Jenn Hepting, Director of Finance 2024 Service Plans

**MOVED BY: COUNCILLOR JANTZEN**  
**SECONDED: COUNCILLOR JORDISON**

R2024-40 THAT the 2024 Service Review Plans be received as presented.

**CARRIED**

**6.2 Scott Abrahamson, Assistant Fire Chief  
Colwood Application to the Union of BC Municipalities Community Emergency  
Preparedness Fund: Emergency Support Services**

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR JORDISON**

R2024-41 THAT Council endorse the proposed activities and grant management in the Colwood Grant Application for the Union of BC Municipalities Community Emergency Preparedness Fund: Emergency Support Services.

**CARRIED**

**6.3 Carolyn Richman, Climate Planner and John Russell, Deputy Director of Public Works  
BC Hydro Electric Vehicle Charging Infrastructure Proposal**

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR JORDISON**

R2024-42 THAT the Mayor and Chief Administrative Officer be authorized to execute an amended Licence of Occupation (Electric Vehicles Charging Stations) agreement with BC Hydro for the installation and management of 6 DC Fast Chargers (12 ports) and 8 Level 2 Chargers at the City's Park and Ride on Ocean Boulevard and the Island Highway, including an extension to March 31, 2034;

AND THAT staff be directed to prioritize for 2024 the exploration of further opportunities for BC Hydro Electric Vehicle charging infrastructure partnership opportunities to expand infrastructure and address needs in other areas of the City and come back to Council with new proposals.

**CARRIED**

**7. NEW BUSINESS**

**7.1 John Russell, Deputy Director of Public Works  
Colwood Electric Vehicle Charging Stations - User Fees**

*John Russell, Deputy Director of Public Works, provided an overview of the user fees for the Colwood electric vehicle charging stations.*

*Council discussion ensued regarding:*

- *Detering vehicles from sitting idle at the charging stations*
- *Hourly fee to recover hydro cost and maintenance costs*
- *The demand for fast charging stations*



- *Encouraging more electric vehicles*

**MOVED BY: COUNCILLOR DAY**  
**SECONDED: COUNCILLOR OLSEN**

R2024-43 THAT Council direct staff to apply an hourly user fee for City-owned public electric vehicle (EV) chargers;

AND THAT this fee be structured in a graduated format with charges of \$1.25 per hour for the first 4 hours and \$2.00 per hour thereafter;

AND FURTHER THAT Council direct staff to prepare a bylaw amendment to the Fees and Charges Bylaw No. 1603 to include the new fees.

**CARRIED**

## **7.2 Josh Andrews, Head Engineer**

### **Development Cost Charge - Roads Bylaw No. 1836 Minor Update**

*Joshua Baylis, Manager of Engineering, provided an update on the Development Cost Charge Bylaw No. 1836, 2021.*

*Council discussion ensued regarding time frames and requirements with approvals from the Urban Development Institute and Ministry of Municipal Affairs.*

**MOVED BY: COUNCILLOR DAY**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-44 THAT Council endorses the minor update to the Development Cost Charge - Roads, Bylaw No. 1836, 2021;

AND THAT Council directs staff to return with amendments to the Development Cost Charge - Roads, Bylaw No. 1836, 2021 for consideration following stakeholder engagement and Ministerial approval.

**CARRIED**

## **8. BYLAWS**

### **8.1 Bylaw No. 2007 - Land Use Omnibus Amendments (2023 Omnibus Amendments) - Third Reading**

*Kaitlyn Suzuki, Planning Technician, brought forward an error in the definition of "INDUSTRIAL ZONE" which should read "means the M1 and M2 zones" not the M3 zone.*

**MOVED BY: COUNCILLOR WARD**  
**SECONDED: COUNCILLOR OLSEN**

R2024-45 Bylaw No. 2007 " Colwood Land Use Bylaw 151, 1989, Amendment 2008 (2023 Omnibus Amendments), be amended as follows:

g) In "Section 1.2 Definitions", replace the definition for "INDUSTRIAL ZONE" with the following

"INDUSTRIAL ZONE"  
means the M1 and M2 zones.

**CARRIED**

**MOVED BY: COUNCILLOR WARD**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-46 THAT "Colwood Land Use Bylaw 151, 1989, Amendment 208 (2023 Omnibus Amendments), Bylaw No. 2007, 2023" be given Third Reading as amended.

**CARRIED**

## **8.2 Bylaw No. 1700-09 Official Community Plan Amendment (Olympic View Local Area Plan) - Third Reading and Adoption**

**MOVED BY: COUNCILLOR OLSEN**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-47 THAT "Colwood Official Community Plan No. 1700, 2018, Amendment No. 09 (Olympic View Local Area Plan)" be given Third Reading and be Adopted.

**CARRIED**

## **8.3 Bylaw No. 1742-03 Development Permit Delegation Bylaw Amendment - Third Reading**

**MOVED BY: COUNCILLOR GROVE**  
**SECONDED: COUNCILLOR WARD**

R2024-48 THAT "Development Permit Amendment Bylaw No. 1742-03, 2023" be given Third Reading.

**CARRIED**

## **8.4 Bylaw No. 1700-10 Official Community Plan Amendment (Environmental Development Permit Area) - Third Reading**

*Desiree Givens, Planner II, provided a summary of the outcome from the Public Hearing and recommended proposed next steps to conduct additional consultation.*

*Council discussion ensued regarding:*

- *Involvement from the Environment Committee*
- *Qualified professionals' input at the Public Hearing*
- *Alignment of bylaw with the Provincial recommendations*

**MOVED BY: COUNCILLOR GROVE**  
**SECONDED: COUNCILLOR OLSEN**

R2024-49      THAT Council direct staff to conduct additional consultation over a two-month period with the general public, the City's Environment Committee and the development community (including Qualified Professionals) on the proposed amendments to the Environmental Development Permit Area design guidelines prior to scheduling Bylaw No. 1700-10 for Third reading;

AND THAT prior to receiving Third reading, Bylaw No. 1700-10 be amended to consider public input received during the two-month public consultation period noted above or during the public hearing held on January 25, 2024.

**CARRIED**

**OPPOSED: COUNCILLORS WARD AND JORDISON**

**8.5 Bylaw No. 2019 - Colwood Main Sewer (LAS Enlargement - 525 Mount View Avenue) - First, Second and Third Reading**

**MOVED BY: COUNCILLOR GROVE**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-50      THAT "Colwood Main Sewer Local Area Service Establishment and Loan Authorization Bylaw No. 598, 2001, Amendment No. 156 (LAS Enlargement - 525 Mount View Avenue), Bylaw No. 2019, 2024" be given First, Second and Third Reading.

**CARRIED**

**8.6 Bylaw No. 2015 - Road Infrastructure Improvements (Sidewalk Projects) Loan Authorization - First, Second and Third Reading**

**MOVED BY: COUNCILLOR JANTZEN**  
**SECONDED: COUNCILLOR GROVE**

R2024-51      *THAT "Road Infrastructure Improvements (Sidewalk Projects) Loan Authorization Bylaw No. 2015, 2024" be given First, Second and Third Reading.*

**CARRIED**

### **8.7 Bylaw No. 2020 - Public Works Operations Facility Loan Authorization - First, Second and Third Reading**

*Jenn Hepting, Acting Chief Administrative Officer, provided a brief outline of the "Public Works Operations Facilities Loan Authorization Bylaw No. 2020, 2024" and the requirements to proceed.*

*Council discussion ensued regarding:*

- *Time frames*
- *Obligation of using the loan authorization bylaw budget*
- *Future discussions with referendum*

**MOVED BY: COUNCILLOR OLSEN  
SECONDED: COUNCILLOR GROVE**

R2024-52      THAT " Public Works Operations Facility Loan Authorization Bylaw No. 2020, 2024" be given First, Second and Third Reading.

**CARRIED  
OPPOSED: COUNCILLOR DAY**

### **8.8 Bylaw No. 2021 - Five Year Financial Plan 2024- 2028 - First, Second and Third Reading**

**MOVED BY: COUNCILLOR OLSEN  
SECONDED: COUNCILLOR JANTZEN**

R2024-53      *THAT the " Five Year Financial Plan (2024 - 2028) Bylaw No. 2021, 2024" be given First, Second and Third Reading.*

**CARRIED  
OPPOSED: COUNCILLOR DAY**

### **9. ADJOURNMENT**

**MOVED BY: COUNCILLOR GROVE  
SECONDED: COUNCILLOR OLSEN**

R2024-54      THAT the meeting adjourn at 7:09 pm.

**CARRIED**

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APPROVED AND CONFIRMED

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CERTIFIED CORRECT



**CITY OF COLWOOD  
MINUTES OF  
REGULAR COUNCIL MEETING  
Monday, March 11, 2024 at 6:30 PM  
Council Chambers  
3300 Wishart Road, Colwood, BC**

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**PRESENT**

Mayor	Doug Kobayashi
Councillors	Cynthia Day
	David Grove
	Dean Jantzen
	Kim Jordison
	Misty Olsen
	Ian Ward

**ATTENDING**

Chief Administrative Officer	Robert Earl
Director of Finance	Jenn Hepting
Manager of Finance	Kathy McLennan
Corporate Communication Manager	Sandra Russell
Manager of Parks	Gord Beauvillier
Planner II	Desiree Givens
Engagement Assistant	Britney Stojke
Youth Engagement Coordinator	Anne Downton
Manager of Corporate Services	Marcy Lalande
Recording Secretary	Tiffany MacDonald

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**1. CALL TO ORDER**

*Mayor Kobayashi called the meeting to order at 6:30 pm and acknowledged meeting on the shared traditional lands of the Lekwungen speaking people represented by the Xwsepsum and Songhees Nations.*

**2. APPROVAL OF THE AGENDA**

**MOVED BY: COUNCILLOR OLSEN  
SECONDED: COUNCILLOR JANTZEN**

R2024-75      THAT the Near Term agenda be received;

AND THAT the Agenda of the Regular Council meeting of March 11, 2024 be adopted as presented.

**CARRIED**

### 3. MAYOR'S MESSAGE

*Mayor Kobayashi reported the following:*

- *Allora Enge, Colwood Resident, participated in the Lhtako Quesnel 2024 BC Winter Games earning a total of three gold medals.*
- *The Arts and Culture Colwood Society organized and volunteered at the Victoria Symphony held at Royal Roads.*

### 4. ADOPTION / RECEIPT OF THE MINUTES

**MOVED BY: COUNCILLOR GROVE**

**SECONDED: COUNCILLOR OLSEN**

R2024-76 THAT the minutes of the Regular Council meeting held February 26, 2024 be adopted as presented,

AND THAT the following minutes be received for information.

- Active Transportation Committee Minutes - October 16, 2023
- Special Environment Committee Minutes - December 13, 2023

**CARRIED**

### 5. PUBLIC PARTICIPATION

*Four (4) written submissions were received and have been appended to the agenda regarding the following:*

- *Fast-food litter mitigation*
- *Sooke and West Shore youth engagement*
- *Transportation Master Plan*
- *Aragon Properties Ltd development proposal for Two Waters, Seafield Road*

*Cindy Andrew, Steward of the Village Initiative, addressed Council regarding engagement in the health and well being of the youth.*

*Carol Brown, Citizens Environment Network in Colwood, addressed Council in support of the Pesticide Use Bylaw, reducing non essential and cosmetic use pesticides and the health risks associated.*

*John English, Royal Bay Homeowners Association, addressed Council regarding the following:*

- *Timelines of when the Transportation Master Plan will become available*
- *Implementing the Transportation Modeling Tool*
- *Conflict of interest policy for Council*
- *Proposed motion of waste management and compost services feasibility study*

*Resident of Caspian Drive addressed Council regarding the rezoning of 2346 Sooke Road, and the need for purpose-built rentals.*

*Resident of Seafield Road addressed Council concerning the proposed development variance on Seafield Road including the height and environmental impacts.*

## **6. CONSENT AGENDA**

*The following items were removed from the Consent Agenda and added to New Business:*

- *Pesticide Use Bylaw No. 1995, 2023/ Integrated Pest Management Plan*
- *Bylaw No. 1700-10 Official Community Plan Amendment (Environmental Development Permit Area)*

### **6.1 Mayor Kobayashi**

#### **Alternate Council Appointment to Infrastructure Committee**

**MOVED BY: COUNCILLOR OLSEN  
SECONDED: COUNCILLOR JORDISON**

R2024-77 THAT Councillor Misty Olsen be appointed as Alternate Councillor on the Infrastructure Committee.

**CARRIED**

### **6.2 Tyler Pettepiece, Engineering Capital Projects Lead**

#### **Buffered-Protected Bike Lane Program - 2023 Pilot and Program Outlook**

**MOVED BY: COUNCILLOR OLSEN  
SECONDED: COUNCILLOR JORDISON**

R2024-78 THAT cycling routes and connections be prioritized between and around schools for bike lane upgrades;

AND THAT staff return to the Active Transportation Committee with a prioritized project list of intersections improvements for cycling and pedestrian movement.

**CARRIED**

## **7. NOTICE OF MOTION**

### **7.1 Councillor Jantzen**

#### **Notification Radius - Development**

*(This item will be brought to Council for discussion at the March 25, 2024 Council meeting.)*



RECOMMENDATION

THAT staff conduct a review of Policy DEV 001 – Development Application Consultation, specifically the 75-meter notification to property owners of sites which are subject to a rezoning application.

**7.2 Councillor Jordison**

**Waste Management/Compost Services Feasibility Study**

*(This item will be brought to Council for discussion at the March 25, 2024 Council meeting).*

RECOMMENDATION

THAT Council direct staff to conduct a feasibility study to explore the viability and benefits of offering waste management and compost services within property taxes to residents through a single contracted company.

AND THAT the feasibility study assess the potential environmental impact, cost savings, logistical considerations, and community benefits associated with consolidating waste management and compost services.

**8. NEW BUSINESS**

**8.1 Lenora Lee, Audit Engagement Partner, KPMG  
Audit Planning Report**

*Lenora Lee, Audit Engagement Partner of KPMG, presented the 2023 Audit Planning Report for the City of Colwood.*

**8.2 Councillor Ward and Councillor Jordison  
Proposed Capital Regional District Regional Water Supply Development Cost Charge**

*Councillor Ward provided background on the proposed Capital Regional District water supply development cost charge.*

*Council discussion ensued regarding:*

- *Consultation and engagement with First Nations*
- *Water rate increases over the years*
- *Affordable housing*
- *Agricultural water rates*
- *Development cost charges to developers and taxpayers*
- *Feasibility of an economic impact study*
- *Filtration needs in the future based on population*
- *Past Capital Regional District projects and costs*
- *Potential grants from Provincial and Federal Government*

**MOVED BY: COUNCILLOR WARD**  
**SECONDED: COUNCILLOR JORDISON**

R2024-79 THAT the City of Colwood send a letter to the Capital Regional District (CRD) Water Supply Commission, with copies to the CRD Chief Administrative Officer and CRD Board stating:

AND THAT the City of Colwood requests that the CRD Water Supply Commission engage with an unbiased third party to conduct an economic impact study of the proposed Development Cost Charge (DCC) plan;

AND THAT the CRD honour the Declaration on the Rights of Indigenous Peoples Act by conducting meaningful consultation as requested by local First Nations to the CRD - prior to imposing DCC's and/or engaging in any significant related capital expenditure;

AND FURTHER THAT the City of Colwood request that the CRD consider bulk water rate supports for agriculture land users and DCC waivers for affordable rental housing.

**NOT VOTED ON DUE TO AMENDING MOTION**

**MOVED BY: MAYOR KOBAYASHI**  
**SECONDED: COUNCILLOR DAY**

R2024-80 THAT the main motion be amended as follows:

THAT "worst case, best case and most likely case scenario" be added to the second portion of the motion;

AND THAT the following wording be removed from the third portion of the motion: "honour Declaration on the Rights of Indigenous Peoples Act by conducting meaningful";

AND THAT the word "confirm" be added to the third portion of the motion;  
AND FURTHER THAT the following wording be removed from the fourth portion of the motion: "request that the CRD consider bulk water rate for agriculture land users and".

**CARRIED**  
**OPPOSED: COUNCILLORS OLSEN AND JANTZEN**

**MOVED BY: MAYOR KOBAYASHI**  
**SECONDED: COUNCILLOR DAY**

R2024-81      MAIN MOTION AS AMENDED:

THAT the City of Colwood send a letter to the Capital Regional District (CRD) Water Supply Commission, with copies to the CRD Chief Administrative Officer and CRD Board stating:

AND THAT the City of Colwood requests that the CRD Water Supply Commission engage with an unbiased third party to conduct an economic impact study of the proposed Development Cost Charge (DCC) plan including the worst case, best case and most likely case scenario;

AND THAT the Capital Regional District confirm consultation as requested by local First Nations to the CRD - prior to imposing DCC's and/or engaging in any significant related capital expenditure;

AND FUTHER THAT the City of Colwood supports DCC waivers for affordable rental housing.

**CARRIED**  
**OPPOSED: COUNCILLOR OLSEN**

### **8.3 Desiree Givens, Planner II** **Rezoning - 2346 Sooke Road**

*Desiree Givens, Planner II, provided an overview of Rezoning 2346 Sooke Road.*

**MOVED BY: COUNCILLOR WARD**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-82      THAT prior to scheduling 1st reading of Colwood Land Use Bylaw No. 151, 1989, Amendment No. 210, Bylaw No. 2018, 2024, a Traffic Impact Study be accepted by the City's Engineering department;

AND THAT prior to 1st reading of Bylaw No. 2018, staff work with the developer to identify a fixed term as a purpose rental building;

AND THAT prior to adoption of Bylaw No. 2018, approval be received by the Ministry of Transportation and Infrastructure;

AND THAT prior to adoption of Bylaw No. 2018 a Section 107 Plan showing the proposed road dedication along Sooke Road to achieve a 30 m cross-section be submitted to the City of Colwood and/or the Ministry of Transportation and Infrastructure for review and signature and registered at the BC Land Titles Office;

AND FURTHER THAT prior to adoption of Bylaw No. 2018, the following long-term conditions be registered within a Section 219 Covenant Development Agreement:

**Prior to the issuance of a Development Permit:**

CONSERVATION COVENANT/HABITAT RESTORATION AND  
ENHANCEMENT

1. The Owner shall register a Section 219 Covenant over the lands agreeing to preserve and retain the wetland at the north end of the lands (a minimum of 232 m<sup>2</sup>) for environmental conservation and enhancement purposes (as outlined in the Environmental Assessment prepared by WSP Canada dated December 13, 2023) and agreeing to install split rail fencing and signage to identify the conservation area and highlight the purpose of the conservation intent. The conservation area will be maintained at the Owner's expense. Herein this paragraph:

**conservation** means retaining open green space areas in a natural state, limiting tree/vegetation removal (except for the removal of invasive plant species), and limiting disturbances to the forest floor; and

**restoration** means restoring open green space areas to a natural state when conservation is deemed impractical due to safety hazards during site preparation and active construction as identified by a qualified professional. Restoration work in open green space areas must be undertaken under the guidance of a registered biologist.

2. The Owner shall, at their own expense, and to the satisfaction of the Director of Development Services or their delegate, submit a habitat restoration and enhancement plan and cost estimate, including the removal of domestic refuse and invasive plant species within the conservation (wetland) area, the planting of native trees, shrubs and perennial herbaceous species and other species as deemed appropriate by a registered biologist (or qualified environmental professional) within the conservation area and the disturbed area located in the north part of the site, the installation of split rail fencing along the edge of the conservation area, and the installation of signage and irrigation within the conservation area as deemed appropriate by a registered biologist (or qualified environmental professional), who is to oversee the works.

3. The Owner shall provide a refundable security deposit in the amount of 125% of the habitat restoration and enhancement plan cost estimate, at their own expense, and to the Satisfaction of the Director of Development Services or their delegate, to complete the habitat

restoration and enhancement plan. The Owner agrees that the City will hold the deposit for a minimum of one year from the date that the City receives written confirmation from a registered biologist (or qualified environmental professional) that the works included in the habitat and restoration plan have been completed. A request to the City for the release of the deposit must be accompanied with a completion letter prepared by a registered biologist (or qualified environmental professional) confirming that the restoration and enhancement works (Including planting) remain In good health or order and are consistent with the habitat restoration and enhancement plan.

#### STATUTORY RIGHT OF WAYS

4. The Owner shall register a blanket Statutory Right of Way (SRW) enabling access to City of Colwood staff over the conservation area described in Section I.a (above). The purpose of the public access SRW is to enable access for City staff to enter the area to monitor the terms of the Section 219 Conservation Covenant.

#### **Prior to the issuance of a Building Permit:**

#### OFF-SITE WORKS

5. The Owner agrees to either: 1.) complete the frontage improvements on Sooke Road as required by applicable City of Colwood bylaws and policies and an approved Traffic Impact Assessment; 2.) enter into a Servicing Agreement with the City of Colwood (and provide the required security as agreed to by the City) that will address the required frontage improvements; 3.) provide a cash contribution to the City of Colwood in lieu of completing the required frontage improvements as determined and approved by the City; or 4.) a combination of cash-in-lieu and frontage works completion as determined and approved by the City.

#### CONSTRUCTION NUISANCE MITIGATION

6. Concurrent with building permit application, the Owner shall provide the City with a Construction Management Plan that complies with BC Building Code requirements and ensures that:

- a. Trades parking, including parking for construction vehicles, trades vehicles or employee vehicles, will be accommodated on-site whenever possible. If parking cannot be accommodated on-site, the Owner shall provide suitable off-street parking or make alternative arrangements acceptable to the City's Manager of

Building Inspections and Bylaw Services (or their delegate) to minimize impacts to neighbouring streets and residents;

b. Any dust, mud, stone or other material on all public roads in the immediate vicinity of the property will be cleaned up at the end of each day on which work on site occurs regardless of the supposed source of that material; and,

c. Contractors will provide on-site emergency spill kits whenever equipment is working on site.

7. The Owner shall provide the City with a \$10,000 refundable cash deposit (a Construction Nuisance Mitigation deposit) prior to building permit issuance, which the City's Building Inspections and Bylaw Services may use to enforce, where necessary, the requirements described Section 7 (above).

a. The Owner agrees to authorize the City to draw \$500 from the Construction Nuisance Mitigation deposit for each event of nuisance for each day;

b. The City will provide one (1) warning notice of a nuisance event prior to drawing on the funds and on every subsequent infraction, the funds will be drawn from the deposit without warning;

c. The developer agrees to top up the deposit if and when it drops below \$5,000; and,

d. The City will refund any remaining funds once construction works are substantially completed.

**CARRIED**

#### **8.4 Kathy McLennan, Manager of Finance 2024 Grant In Aid**

*Kathy McLennan, Manager of Finance, provided background on the Grant in Aid Policy and the current application process.*

*Council discussion ensued regarding:*

- *Management of Grant in Aid*
- *Application criteria*
- *Distribution of grants within community*
- *Community engagement of the process*

**MOVED BY: COUNCILLOR DAY**  
**SECONDED: COUNCILLOR GROVE**

R2024-83 THAT the current Grant in Aid policy and process continue.

AND THAT any future changes must be submitted to Council prior to the intake of the 2024 Grant in Aid applications.

**CARRIED**

### **8.5 Sandra Russell, Corporate Communication Manager 2024 Event Plan**

*Sandra Russell, Corporate Communication Manager, presented the 2024 Event Plans.*

*Council discussion ensued regarding:*

- *Relation to the Waterfront Stewardship Plan*
- *Canada Day activities*
- *Updating the website with more community event dates*

**MOVED BY: COUNCILLOR GROVE**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-84 THAT Council direct staff to proceed with coordination and implementation of 2024 planned events, shifting events away from the Lagoon Beach to the Beachlands and other city parks and public spaces over the next 3 years.

**CARRIED**

### **8.6 Sandra Russell, Corporate Communication Manager Special Event & Filming Process**

*Britney Stojke, Engagement Assistant, presented special events, filming permits and processes.*

*Council discussion ensued regarding:*

- *Benefits to community*
- *Requirements for filming*
- *Processes in other communities related to filming*
- *Moving certain events from the Lagoon Beach to other public spaces*

**MOVED BY: COUNCILLOR JANTZEN**  
**SECONDED: COUNCILLOR GROVE**

R2024-85 THAT staff continue to support community-driven Special Events and Film Permit applications in City parks and public spaces, including the Lagoon Beach, to provide guidance with respect to public safety, protection of public

infrastructure, and consideration of the impact events may have on issues such as traffic, parking, noise, and environment within Colwood neighbourhoods;

AND THAT staff work with the Environment Committee and Parks & Recreation Committee to refine the process that considers various types of events and filming and directs them to the most appropriate locations, transitioning events away from the Lagoon Beach over the next three years.

**CARRIED**

### **8.7 Anne Downton, Youth Engagement Coordinator Youth Engagement Update**

*Anne Downton, Youth Engagement Coordinator, presented an update on the preliminary work for the Youth Engagement Action Plan.*

*Council discussion ensued regarding:*

- *Engagement with the school district*
- *Measuring success*
- *Making the programs safe and mobile*

***The meeting recessed at 8:34 pm.***

***The meeting resumed at 8:39 pm.***

### **8.8 Robert Earl, Chief Administrative Officer Engagement Summary: Draft 2024-2027 Strategic Plan**

*Robert Earl, Chief Administrative Officer, provided a brief overview of the draft strategic plan engagement summary.*

**MOVED BY: COUNCILLOR DAY  
SECONDED: COUNCILLOR JANTZEN**

R2024-86      THAT Council receive the Draft Strategic Plan Engagement Summary;  
AND THAT Council adopt the City of Colwood 2024-2027 Strategic Plan as a  
guiding document.

**CARRIED**

### **8.9 Desiree Givens, Planner II Bylaw No. 1700-10 Official Community Plan Amendment (Environmental Development Permit Area)**

*Council discussion ensued regarding:*

- *Input from professionals at the Public Hearing*
- *Adding other qualified environmental professionals to the invitation*



- *Current consultation from Qualified Environmental Professionals*

**MOVED BY: COUNCILLOR GROVE**  
**SECONDED: COUNCILLOR DAY**

R2024-87 THAT the City of Colwood invite Deborah Curran, Director & Professor of Environmental Studies and LAW at the University of Victoria, to be included in the professional engagement process of the review of "Official Community Plan Bylaw No. 1700, 2023, Amendment Bylaw No. 1700-10 (Environmental Development Permit Area)" to ensure the best approach going forward.

**CARRIED**  
**OPPOSED: COUNCILLOR WARD**

#### **8.10 Gord Beauvillier, Manager of Parks Pesticide Use Bylaw No. 1995, 2023/Integrated Pest Management Plan**

**MOVED BY: COUNCILLOR OLSEN**  
**SECONDED: COUNCILLOR GROVE**

R2024-88 THAT "Pesticide Use Bylaw No. 1995, 2023" be approved;

AND THAT staff implement a reactive enforcement of the Bylaw and conduct an education and information campaign for 2024;

AND THAT staff reach out to community groups that have an environmental focus to assist with community education;

AND FURTHER THAT commercial stakeholders and pesticide distributors be notified of Colwood's "Pesticide Use Bylaw No. 1995, 2023".

**CARRIED**

### **9. BYLAWS**

#### **9.1 Bylaw No. 1995 Pesticide Use - First, Second and Third Reading**

**MOVED BY: COUNCILLOR DAY**  
**SECONDED: COUNCILLOR JANTZEN**

R2024-89 THAT "Pesticide Use Bylaw No. 1995, 2023" be given First, Second and Third Reading.

**CARRIED**

**9.2 Bylaw No. 2012 Colwood Main Sewer (LAS Enlargement - 2330 Sooke Road) - First, Second and Third Reading**

**MOVED BY: COUNCILLOR WARD  
SECONDED: COUNCILLOR GROVE**

R2024-90 THAT "Colwood Main Sewer Local Area Service Establishment and Loan Authorization Bylaw No. 598, 2001, Amendment No. 154 (LAS Enlargement – 2330 Sooke Road), Bylaw No. 2012, 2024" be given First, Second and Third Reading.

**CARRIED**

**9.3 Bylaw No. 2013 Colwood Central Sewer (LAS Enlargement - 2330 Sooke Road) - First, Second and Third Reading**

**MOVED BY: COUNCILLOR JORDISON  
SECONDED: COUNCILLOR JANTZEN**

R2024-91 THAT "Colwood Central Sewer Local Area Service Establishment and Loan Authorization Bylaw No. 480, 2001, Amendment No. 17 (LAS Enlargement – 2330 Sooke Road), Bylaw No. 2013, 2024" be given First, Second and Third Reading.

**CARRIED**

**9.4 Bylaw No. 2017 Colwood West Sewer (LAS Enlargement - 544 Delora Drive) - First, Second and Third Reading**

**MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR GROVE**

R2024-92 THAT "Colwood West Sewer Local Area Service Establishment and Loan Authorization Bylaw No. 625, 2001, Amendment No. 92 (LAS Enlargement - 544 Delora Drive), Bylaw No. 2017, 2024" be given First, Second and Third Reading.

**CARRIED**

**9.5 Bylaw No. 2023 Colwood Main Sewer (LAS Enlargement - 544 Delora Drive) - First, Second and Third Reading**

**MOVED BY: COUNCILLOR OLSEN  
SECONDED: COUNCILLOR JANTZEN**

R2024-93 THAT "Colwood Main Sewer Local Area Service Establishment and Loan Authorization Bylaw No. 598, 2001, Amendment No. 157 (LAS Enlargement - 544 Delora Drive), Bylaw No. 2023, 2024" be given First, Second and Third Reading.

**CARRIED**

**9.6 Bylaw 2000 Subdivision and Development Bylaw - Third Reading as Amended**

MOVED BY: COUNCILLOR JORDISON  
SECONDED: COUNCILLOR OLSEN

R2024-94 THAT "Subdivision and Development Servicing Bylaw No. 2000, 2024" be given Third Reading as Amended.

CARRIED

**9.7 Bylaw No. 2015 Road Infrastructure Improvements (Sidewalk Projects) Loan Authorization - Third Reading as Amended**

MOVED BY: COUNCILLOR JORDISON  
SECONDED: COUNCILLOR OLSEN

R2024-95 THAT "Road Infrastructure Improvements (Sidewalk Projects) Loan Authorization Bylaw No. 2015, 2024" be given Third Reading as Amended.

CARRIED

**9.8 Bylaw No. 2020 - Public Works Operations Facility Loan Authorization - Third Reading as Amended**

MOVED BY: COUNCILLOR WARD  
SECONDED: COUNCILLOR OLSEN

R2024-96 THAT "Public Works Operations Facility Loan Authorization Bylaw No. 2020, 2024" be given Third Reading as Amended.

CARRIED

OPPOSED: COUNCILLOR DAY

**9.9 Bylaw No. 2003 Land Use Amendment CD40 2324 Sooke Rd - Adoption**

MOVED BY: COUNCILLOR JANTZEN  
SECONDED: COUNCILLOR OLSEN

R2024-97 THAT "Colwood Land Use Bylaw No.151, 1989, Amendment No. 206 (CD40-2324 Sooke), Bylaw No. 2003, 2023" be Adopted.

CARRIED

**10. ADJOURNMENT**

**MOVED BY: COUNCILLOR GROVE  
SECONDED: COUNCILLOR WARD**

R2024-98      THAT the meeting adjourn at 9:05 pm.

**CARRIED**

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APPROVED AND CONFIRMED

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CERTIFIED CORRECT

Section in Bylaw 1700-10	Comments Received
<p>18.2 - General Regulations</p>	<p>I object to the proposed changes to 18.2 as reclamation of large sites is generally a multi-year process that long precedes any building permit. Linking this to building permit does not make sense for several reasons:</p> <ul style="list-style-type: none"> <li>- It would significantly increase the time and cost for development of sites</li> <li>- It would slow down the delivery of housing</li> <li>- Work in environmental development permit areas may not be related directly to a building permit application and as such creates an impossible situation if a landowner wanting to secure a development permit for site preparation without a building permit</li> <li>- This is Ultra Vires with respect to Permitted Mines located within Colwood</li> </ul>
	<p>While understanding the objective is to mitigate tree removal, the City is adding significantly more regulation than is required or reasonable. The net outcome is a punishing and costly set of proposed regulations that will add massively to development costs and prevent reasonable use of land by existing landowners.</p>
	<p>The City can affect the outcome they desire without requiring what appears to be 3 professional consultants to write various reports, then apply to the City for permits, which likely won't be granted without an accompanying building permit.</p>
	<p>This will have the effect of slowing down development and adding cost unnecessarily, even to worthwhile projects or park improvement project.</p>
	<p>Tree management plan is fine and common practice. A tree management plan should be part of the development permit and not a separate permit - less work for staff.</p>
	<p>In Langford, tree permits are not required if an environmental development permit is issued.</p>
	<p>By waiting until building permit to allow alteration of the land, the City will inadvertently cause additional land clearing and grading, truck traffic and soil import and export, as the lands will not be able to be developed in a balanced comprehensive fashion. For example, a residential subdivision grading plan takes into account the final grades of all the lots, yards, roads and parks. Soils can move about on site in an efficient manner. Trees must be removed at the same time as stumps and organics are removed before the grading can take place. Areas to be preserved must be protected and monitored by the QEP or Arborist.</p>
<p>Suggest that alteration is permitted after a subdivision PLA or Form and Character development permit is issued for other development? These</p>	

Section in Bylaw 1700-10	Comments Received
	<p>represent more commitment to development than just the Environmental development permit alone.</p> <p>Going back to the site preparation process. Site work and grading need to be performed comprehensively (can be done in phases) in order to reduce the amount of truck traffic, machine time and disruption to neighbourhoods, and therefore must be permitted after development permit or preliminary subdivision approval is issued. It is too late at building permit. Perhaps another mechanism needs to be found that will give Council comfort that sites will not be left fallow once an environmental development permit is issued and initial tree falling is performed.</p> <p>We are particularly concerned with the proposed changes to Section 18.2. Given the scope and scale of [some projects], and the type of extensive groundwork required in order to prepare these sites for vertical development, we undertake multi-year processes and work that long precedes any building permit.</p> <p>We object to the idea of linking site alteration work to building permit. This will, in practice, significantly delay the delivery of housing and increase both time and costs associated with developing these sites. Site preparation work is often required well in advance of building permit submission, and implementing this regulation as drafted will create an impossible situation for many developers.</p> <p>Land development requires clearing of areas in order to understand geotechnical subsurface conditions. This process requires the removal of select trees and land clearing activities in order to fully design and develop the most suitable structures or roadways. Without the ability to understand the subsurface and geotechnical conditions of a site, only conceptual designs can be developed in advance. This will result in excessive costs for redesign work, increased costs due to delays in starting projects and gaining approvals, and ultimately high end user costs that will be passed on to the consumer.</p> <p>While we understand and appreciate that the protection of the environment is critical, so is the ability to understand the site conditions and design infrastructure and housing in an efficient and cost-effective way. There is a housing crisis in our communities, and residents need homes to be built faster, and with less regulation and government roadblocks.</p>
19.2 – Exemptions	<p>All existing Exemptions should be maintained especially with respect to road construction, farming, and park development none of which involve a building permit</p> <p>Proposed new exemption a) is vague and open to broad interpretation by Staff and will open up the City to potential confusion or litigation - e.g., a road could be considered “residential” if serving single family lots.</p>

Section in Bylaw 1700-10	Comments Received
	<p>An exemption for provincially regulated mines to reflect case law which would render this bylaw Ultra Vires.</p>
	<p>All existing exemptions should be maintained, especially with respect to construction, farming, and park development (none of which involve a building permit. Consider adding an exemption for provincially regulated mines to reflect case law.</p>
	<p>Proposed new exemption 19.2 (a) is vague and open to broad interpretation by staff, and will open up the City to potential confusion or litigation (e.g., a road could be considered “residential” if serving single family lots)</p>
	<p>Comments on exemption 19.2 (d):</p> <ul style="list-style-type: none"> <li>- What constitutes a “non-structural alteration”? It is widely defined throughout literature. What is the definition in RAPR? Who has the final decision on what constitutes a non-structural alteration (e.g., case law)?</li> </ul>
	<p>Comments on exemption 19.2 (e):</p> <ul style="list-style-type: none"> <li>- Anywhere between the RAA between the edge of the SPEA and 30 boundary</li> <li>- The term ‘sundeck’ is not defined. Does a sundeck need to be elevated above finished grade?                             <ul style="list-style-type: none"> <li>o RDEK - “sundeck means a structure without walls attached to a building, the floor of which is greater than 0.6 metres above finished grade”</li> </ul> </li> <li>- Is a patio a ‘building addition’? Must a building addition be physically attached to the existing building?</li> </ul>
	<p>Does 19.2 (h) mean that a fence can be built along a property line that borders a creek, even if that fence is in the SPEA, if it is outside the area of riparian vegetation (i.e. at the edge of the lawn)? Is this fence to be shown on a RAPR report? If so, it will be rejected by RAPR reviewers as permanent fences are not permitted in a SPEA.</p> <p>If the fence must not impede the passage of wildlife, then it would not be a suitable security fence to prevent injury. A significant percentage of property line fences have a closed wall between posts which would impede wildlife passage (i.e., fawns).</p>
	<p>Comments on exemption 19.2 (p):</p> <ul style="list-style-type: none"> <li>- This would require a report from a QEP and should be reviewed by the QEP or a bird biologist for modification as a wildlife tree</li> </ul>
<p>19.3 (b) - Requiring a site plan of existing features</p>	<p>viii. ecological corridors</p> <p>“Ecological corridors” is not well defined or classified. Who decides when an ecological corridor exists? Are isolated trees defined as a bird</p>

Section in Bylaw 1700-10	Comments Received
	<p>corridor? When do small, isolated patches of plant material qualify as an “island corridor”?</p> <p>The challenges I see (and from experience working on the same thing in Canmore for wildlife corridors) is that it can be rather subjective. Subjective is good to have but can leave people questioning what is actually allowed and who is deciding. One of the solutions in some areas has been detailed mapping of the entire area. This is ground truthing combined with desktop. Then that mapping can be used by all landowners to determine if there is a corridor or the like near where they are buying or proposing to build, etc.</p> <p>ix. wildlife habitat</p> <p>The <i>Wildlife Act</i> definition can be applied to virtually any landscape feature: “habitat” or “wildlife habitat” means 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.</p> <p>Who decides when the latter definition shall apply?</p>
19.3 (c) - Requiring a site plan of proposed features	<p>Regarding 19.3 (c.i): suggest that for residential subdivisions, the building envelope as permitted by the zoning bylaw, not a building footprint be shown on the site plan as the ultimate house plan is not always known at subdivision (lots can be sold to other builders).</p> <p>Regarding 19.3 (c.vii): what is the trigger for this requirement on a specific land parcel? Is this intended for all SPEAs and those in the RAA other than the development footprint?</p>
19.3 (d) - Requiring an Ecological Restoration and Habitat Enhancement Plan	<p>What is the trigger for this requirement on a specific land parcel? Is this intended for all SPEAs and those in the RAA other than the development footprint?</p> <p>What criteria are to be used to determine what criteria shall be specified by the City to ensure that the enhanced area will be sustained over the life time of the property? What criteria shall be used to control invasive species in the enhanced area?</p>
19.3 (e) – Requiring provincial approval as part of a minimum development permit submission	<p>The city is adding very extensive and onerous requirements which are expensive, require professionals at every step. This adds significant cost and process to an already challenging regulatory environment.</p> <p>Another level of government only adds time and costs to housing undermining affordability and supply.</p>



Section in Bylaw 1700-10	Comments Received
	<p>Provincial approvals take precedence, so no problem with that. Should be at development permit stage, not at rezoning.</p> <p>Province opinion is important but local government has specific understanding.</p> <p>Sometimes RAPR review by province takes very long time.</p> <p>The city is adding very extensive and onerous requirements which will only serve to add significant cost and further complexities to an already complex regulatory system.</p> <p>Provincial approvals take excess amounts of time, and regulators opinions generally do not align with municipal approvers. Adding a provincial approval requirement prior to gaining a municipal green light is going to slow down the approval of a project.</p>
19.3 (g) - Requiring third-party estimates of all measures and ecological restoration and/or habitat enhancement	<p>This can be very difficult to achieve in the absence of permanent maintenance and monitoring of success metrics. What metrics of success shall be specified to be monitored over what time period?</p> <p>What criteria shall be specified to define what constitutes a third-party cost estimate? A Landscape Architect plan prepared by a RLA or by a QEP with such expertise?</p>
19.5 (c.iii) - Securities	<p>What is meant by “in-kind” contributions?</p>
19.5 (c.iv)	<p>What percentage of contingency is required? Should be consistent. 20% is standard.</p>
Section 20.A - Riparian Areas Environmental Development Permit Guidelines	<p>No need to duplicate provincial regulations. These regulations are updated frequently and the bylaw would have to be amended to keep up.</p> <p>Is there a difference between guidelines 20.A.1 (a) and 20.A.1 (b)?</p> <p>Regarding Guideline 20A.1 (o), what criteria is to be used to determine if the condition iv. “to maintain or create ecosystem edge habitat” is required?</p> <p>Guideline 20.A.1 (q) suggests that developments must demonstrate the City-wide OCP objective to restore ecosystems. What criteria defines what this means and what standard metric shall be applied to document if this requirement has been successful?</p> <p>Guideline 20.A.1 (r) requires that “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”. The default is that all SPEA areas shall be restored to a natural condition. There are no Exemptions, other than the latter “will</p>

Section in Bylaw 1700-10	Comments Received
	<p>not benefit”, but the latter Exemption is not defined, nor are examples provided.</p> <p>Regarding Guideline 20A.1 (s): There are no exemptions to this requirement, so areas of land that are presently used for gardening or recreation appear to be subject to this requirement, i.e., under Section 20A.1 specifying that for (any) developments within the RAA of a stream shall meet all the Guidelines specified in this Section (a – s). The specific fence type is not defined but must be constructed across the full SPEA boundary on the property. Such a fence would be potentially required to be constructed across back yards, front yards subject to a ditch, or adjacent ponds / wetlands.</p> <p>Regarding Guideline 20A.1 (v), does this mean within the entire 30m RAA and SPEA?</p>
Glossary	<p>Existing definitions are adequate. A ditch is not a stream. The original definition is adequate. Broadening and adding regulations undermines housing supply and affordability. . .</p> <p>Your original definition of a stream: 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>Your new definition of a 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. (see Riparian Area Protection Regulation)</p> <p>The reason the BC government established housing targets and mandatory rezoning for Colwood and other municipalities is the regulatory obstruction and high costs to new housing. These added regulations are an example of that obstruction and high costs.</p> <p>The proposed changes were done without adequate consultation of builders during a housing affordability crisis. In fact, we were not initially consulted regarding this survey until we were apprised of the survey by a third party and we requested a copy.</p> <p>Regarding the definition for “Active Floodplain” - it is either riparian or not. Who is making this determination? No need to duplicate or exceed the various definitions that are not covered by provincial regulations.</p> <p>Allowable Footprint? The areas are either sensitive or not. As long as the impacts are out of the SPEA.</p> <p>Alteration of land: volume of structure should not matter, just the footprint.</p>

Section in Bylaw 1700-10	Comments Received
	<p>Stormwater management should defer to the Subdivision Bylaw requirements.</p>
<p>General Feedback</p>	<p>Colwood already has adequate environmental protection regulations. What's lacking is the priority of housing affordability, so there will be no positive change for the community.</p> <p>No positive change adding more regulations and costs to housing. Occupancy permits are required by the municipality, so no security deposit should be required. They hold final permission for homes worth an average one million dollars in Victoria.</p> <p>The proposed changes were done without adequate consultation of builders during a housing affordability crisis. In fact, [we] were not initially consulted regarding this survey until we were apprised of the survey by a third party and we requested a copy.</p> <p>While we agree that protection of the environment is fundamental, the ability for people to live in the community is paramount. Adding additional layers of bureaucracy is not the appropriate path to building more homes for the community members to live (and thrive) in.</p> <p>All levels of government are messaging that we are experiencing an extreme housing shortage that is impacting all communities we live in. We recommend the City focus on implementing policies that reduce unneeded bureaucratic red tape, and implement an expedite process for the approvals required to build homes for people to live in.</p>

## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
18.2 - General Regulations	<p>I object to the proposed changes to 18.2 as reclamation of large sites is generally a multi-year process that long precedes any building permit. Linking this to building permit does not make sense for several reasons:</p> <ol style="list-style-type: none"> <li>It would significantly increase the time and cost for development of sites</li> <li>It would slow down the delivery of housing</li> <li>Work in environmental development permit areas may not be related directly to a building permit application and as such creates an impossible situation if a landowner wanting to secure a development permit for site preparation without a building permit</li> <li>This is Ultra Vires with respect to Permitted Mines located within Colwood</li> </ol>	<p><b>Staff Response:</b> Staff recognize that the language in the previous version of Bylaw 1700-10 could have resulted in project delays since not all land alteration is associated with a building permit. In some cases, it is more cost effective and efficient to conduct land alteration and prepare a site well in advance of a building permit application.</p> <p>To address this concern, staff are recommending that site clearing be permitted even without a building permit application but only in cases where the timing and extent of land alteration is addressed through conditions within an issued/valid development permit. To support this process, new guidelines have been added to the end of Section 20A to enable staff to regulate the timing or extent of land clearing through the Development Permit. Refer to guidelines (v) and (w) in the revised bylaw (<b>Appendix 8</b> of the Staff Report).</p> <p>In cases where an Environmental Development Permit has been previously issued (e.g., prior to this bylaw update) but does not regulate the timing/extent of land alteration, Section 18.2.e (ii) provides an exemption to this requirement by enabling land alteration to still occur in the following cases: when a building permit application is received <b>or</b> when the Director of Development Services provides written authorization to proceed with land alteration.</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>While understanding the objective is to mitigate tree removal, the City is adding significantly more regulation than is required or reasonable. The net outcome is a punishing and costly set of proposed regulations that will add massively to development costs and prevent reasonable use of land by existing landowners.</p> <p>The City can affect the outcome they desire without requiring what appears to be 3 professional consultants to write various reports, then apply to the City for permits, which likely won't be granted without an accompanying building permit.</p> <p>This will have the effect of slowing down development and adding cost unnecessarily, even to worthwhile projects or park improvement project.</p>	<p><b>Staff Response:</b> The submissions required under the proposed environmental guidelines are the same as those required under the current OCP.</p> <p>Staff recognize that some of the changes contemplated by the previous version of Bylaw 1700-10 could have resulted in added time and costs. The bylaw was carefully reviewed and was revised to save costs by:</p> <ul style="list-style-type: none"> <li>a. Not requiring a building permit application to be received prior to land clearing (but instead requiring a development permit to be issued that addresses the timing/extent of clearing)</li> <li>b. Not requiring a tree management permit to be applied for when a development permit is issued that addresses tree removal</li> <li>c. Only requiring Standard Professional Reports on a case-by-case basis where applicable (e.g., an Ecological Restoration and Habitat Enhancement Plan is required only when restoration of a site is recommended by a QEP, etc.)</li> </ul>
	<p>Tree management plan is fine and common practice. A tree management plan should be part of the development permit and not a separate permit - less work for staff.</p> <p>In Langford, tree permits are not required if an environmental development permit is issued.</p>	<p><b>Staff Response:</b> The rationale for requiring tree removal to be addressed through the City's tree management permit process was to ensure that the requirements in the Urban Forest Bylaw were consistently applied to each development site. Recognizing this as the primary objective, staff are recommending that the current process remain the same (e.g., that the City continue enabling tree removal to be addressed through a development permit), but that the City's internal application review processes (e.g., checklists in the City's Tempest Prospero system) be reviewed and updated to ensure that the requirements in</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>By waiting until building permit to allow alteration of the land, the City will inadvertently cause additional land clearing and grading, truck traffic and soil import and export, as the lands will not be able to be developed in a balanced comprehensive fashion. For example, a residential subdivision grading plan takes into account the final grades of all the lots, yards, roads and parks. Soils can move about on site in an efficient manner. Trees must be removed at the same time as stumps and organics are removed before the grading can take place. Areas to be preserved must be protected and monitored by the QEP or Arborist.</p> <p>Suggest that alteration is permitted after a subdivision PLA or Form and Character development permit is issued for other development? These represent more commitment to development than just the Environmental development permit alone.</p>	<p>the Urban Forest Bylaw are consistently applied by each staff member reviewing development permit applications.</p> <p><b>Staff Response:</b> Staff recognize that the language in the previous version of Bylaw 1700-10 could have resulted in project delays since not all land alteration is associated with a building permit. In some cases, it is more cost effective and efficient to conduct land alteration and prepare a site well in advance of a building permit application.</p> <p>To address this concern, staff are recommending that site clearing be permitted even without a building permit application but only in cases where the timing and extent of land alteration is addressed through conditions within an issued/valid development permit. To support this process, new guidelines have been added to the end of Section 20A to enable staff to regulate the timing or extent of land clearing through the Development Permit. Refer to guidelines (v) and (w) in the revised bylaw (<b>Appendix 8</b> of the Staff Report).</p> <p>In cases where an Environmental Development Permit has been previously issued (e.g., prior to this bylaw update) but does not regulate the timing/extent of land alteration, Section 18.2.e (ii) provides an exemption to this requirement by enabling land alteration to still occur in the following cases: when a building permit application is received <u>or</u> when the Director of Development Services provides written authorization to proceed with land alteration.</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>Going back to the site preparation process. Site work and grading need to be performed comprehensively (can be done in phases) in order to reduce the amount of truck traffic, machine time and disruption to neighbourhoods, and therefore must be permitted after development permit or preliminary subdivision approval is issued. It is too late at building permit. Perhaps another mechanism needs to be found that will give Council comfort that sites will not be left fallow once an environmental development permit is issued and initial tree falling is performed.</p>	<p><b>Staff Response:</b> Staff recognize that the language in the previous version of Bylaw 1700-10 could have resulted in project delays since not all land alteration is associated with a building permit. In some cases, it is more cost effective and efficient to conduct land alteration and prepare a site well in advance of a building permit application.</p> <p>To address this concern, staff are recommending that site clearing be permitted even without a building permit application but only in cases where the timing and extent of land alteration is addressed through conditions within an issued/valid development permit. To support this process, new guidelines have been added to the end of Section 20A to enable staff to regulate the timing or extent of land clearing through the Development Permit. Refer to guidelines (v) and (w) in the revised bylaw (<b>Appendix 8</b> of the Staff Report).</p> <p>In cases where an Environmental Development Permit has been previously issued (e.g., prior to this bylaw update) but does not regulate the timing/extent of land alteration, Section 18.2.e (ii) provides an exemption to this requirement by enabling land alteration to still occur in the following cases: when a building permit application is received <b>or</b> when the Director of Development Services provides written authorization to proceed with land alteration.</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>We are particularly concerned with the proposed changes to Section 18.2. Given the scope and scale of [some projects], and the type of extensive groundwork required in order to prepare these sites for vertical development, we undertake multi-year processes and work that long precedes any building permit.</p> <p>We object to the idea of linking site alteration work to building permit. This will, in practice, significantly delay the delivery of housing and increase both time and costs associated with developing these sites. Site preparation work is often required well in advance of building permit submission, and implementing this regulation as drafted will create an impossible situation for many developers.</p>	<p><b>Staff Response:</b> Staff recognize that the language in the previous version of Bylaw 1700-10 could have resulted in project delays since not all land alteration is associated with a building permit. In some cases, it is more cost effective and efficient to conduct land alteration and prepare a site well in advance of a building permit application.</p> <p>To address this concern, staff are recommending that site clearing be permitted even without a building permit application but only in cases where the timing and extent of land alteration is addressed through conditions within an issued/valid development permit. To support this process, new guidelines have been added to the end of Section 20A to enable staff to regulate the timing or extent of land clearing through the Development Permit. Refer to guidelines (v) and (w) in the revised bylaw (<b>Appendix 8</b> of the Staff Report).</p> <p>In cases where an Environmental Development Permit has been previously issued (e.g., prior to this bylaw update) but does not regulate the timing/extent of land alteration, Section 18.2.e (ii) provides an exemption to this requirement by enabling land alteration to still occur in the following cases: when a building permit application is received <b>or</b> when the Director of Development Services provides written authorization to proceed with land alteration.</p>



## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>Land development requires clearing of areas in order to understand geotechnical subsurface conditions. This process requires the removal of select trees and land clearing activities in order to fully design and develop the most suitable structures or roadways. Without the ability to understand the subsurface and geotechnical conditions of a site, only conceptual designs can be developed in advance. This will result in excessive costs for redesign work, increased costs due to delays in starting projects and gaining approvals, and ultimately high end user costs that will be passed on to the consumer.</p> <p>While we understand and appreciate the protection of the environment is critical, so is the ability to understand the site conditions and design infrastructure and housing in an efficient and cost-effective way. There is a housing crisis in our communities, and residents need homes to be built faster, and with less regulation and government roadblocks.</p>	<p><b>Staff Response:</b> Staff recognize that the language in the previous version of Bylaw 1700-10 could have resulted in project delays since not all land alteration is associated with a building permit. In some cases, it is more cost effective and efficient to conduct land alteration and prepare a site well in advance of a building permit application.</p> <p>To address this concern, staff are recommending that site clearing be permitted even without a building permit application but only in cases where the timing and extent of land alteration is addressed through conditions within an issued/valid development permit. To support this process, new guidelines have been added to the end of Section 20A to enable staff to regulate the timing or extent of land clearing through the Development Permit. Refer to guidelines (v) and (w) in the revised bylaw (<b>Appendix 8</b> of the Staff Report).</p> <p>In cases where an Environmental Development Permit has been previously issued (e.g., prior to this bylaw update) but does not regulate the timing/extent of land alteration, Section 18.2.e (ii) provides an exemption to this requirement by enabling land alteration to still occur in the following cases: when a building permit application is received <b>or</b> when the Director of Development Services provides written authorization to proceed with land alteration.</p>
19.2 – Exemptions	All existing Exemptions should be maintained especially with respect to road construction, farming, and park development none of which involve a building permit. Proposed new exemption a)	<b>Staff Response:</b> To reduce the vagueness of previous exemption a) in Bylaw 1700-10, the exemption was expanded to align more closely with existing exemptions and to clarify that public works (e.g., construction of roads

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>is vague and open to broad interpretation by Staff and will open up the City to potential confusion or litigation - e.g., a road could be considered “residential” if serving single family lots.</p>	<p>or parks) authorized by Colwood (or other government) and farm practices are exempt from an environmental development permit.</p>
	<p>An exemption for provincially regulated mines to reflect case law which would render this bylaw Ultra Vires.</p>	<p><b>Staff Response:</b> Provincially regulated mines would be exempt under exemption (l) under Section 19.2: works authorized by senior government.</p>
	<p>Comments on exemption 19.2 (d):</p> <ul style="list-style-type: none"> <li>- What constitutes a “non-structural alteration”? It is widely defined throughout literature. What is the definition in RAPR? Who has the final decision on what constitutes a non-structural alteration (e.g., case law)?</li> </ul>	<p><b>QEP Response:</b> The word “non-structural alteration” is the term used in the <i>Riparian Areas Protection Regulation Act</i>, but it is not defined. It is best practice to not develop definitions for terms used in senior legislation. The intention of exempting non-structural alteration is to not trigger a development permit for construction that will not alter the footprint of the building.</p> <p><b>Staff Response:</b> To add more specificity and to avoid leaving room for interpretation, this exemption has been revised by removing the word “non-structural alteration” and replacing it with more specific terminology (e.g., repairs, maintenance or reconstruction of existing legal or legal non-conforming buildings, structures or utilities subject to conditions). This language is more consistent with language in the current OCP.</p>

## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>Comments on exemption 19.2 (e):</p> <ul style="list-style-type: none"> <li>- Anywhere between the RAA between the edge of the SPEA and 30 boundary</li> <li>- The term ‘sundeck’ is not defined. Does a sundeck need to be elevated above finished grade? <ul style="list-style-type: none"> <li>o RDEK - “sundeck means a structure without walls attached to a building, the floor of which is greater than 0.6 metres above finished grade”</li> </ul> </li> <li>- Is a patio a ‘building addition’? Must a building addition be physically attached to the existing building?</li> </ul>	<p><b>QEP Response:</b> Sundeck is the term currently used in the OCP and it is not defined. The construction of a sundeck would be considered a building addition.</p> <p><b>Staff Response:</b> The term “sundeck” has been removed as it is redundant with exemption (e).</p> <p>A patio would not be considered a building addition. For additional clarity, both patios and driveways have been added to exemption (f).</p>
	<p>Does 19.2 (h) mean that a fence can be built along a property line that borders a creek, even if that fence is in the SPEA, if it is outside the area of riparian vegetation (i.e. at the edge of the lawn)? Is this fence to be shown on a RAPR report? If so, it will be rejected by RAPR reviewers as permanent fences are not permitted in a SPEA.</p> <p>If the fence must not impede the passage of wildlife, then it would not be a suitable security fence to prevent injury. A significant percentage of property line fences have a closed wall between posts which would impede wildlife passage (i.e., fawns).</p>	<p><b>QEP Response:</b> A meeting with the Ministry of Water, Land, and Resource Stewardship was held with Ms. Long (a Senior Policy Analyst with the Ministry). She confirmed that if a municipality does not have pre-determined SPEAs, all development is subject to a QEP report and review by the Province. A new fence is considered ‘development’ and would require review by the Province.</p> <p><b>Staff Response:</b> As per the QEP’s advice, staff have removed this exemption from Section 19.2 to avoid rejection by the Province.</p>
	<p>Comments on exemption 19.2 (p):</p> <ul style="list-style-type: none"> <li>- This would require a report from a QEP and should be reviewed by the QEP or a bird biologist for modification as a wildlife tree</li> </ul>	<p><b>QEP Response:</b> This comment is correct. A report from a QEP is required for the removal or modification of a hazardous wildlife tree.</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
		<p><b>Staff Response:</b> This requirement is mentioned in Section 6 of the City’s Urban Forest Bylaw. For clarity and assurance, staff have added the language from the Urban Forest Bylaw into exemption (o) to clarify that a report from a QEP would be required for the removal or modification of a hazardous wildlife tree that is authorized through a City tree management permit.</p>
<p>19.3 (b) - Requiring a site plan of existing features</p>	<p>viii. ecological corridors</p> <p>“Ecological corridors” is not well defined or classified. Who decides when an ecological corridor exists? Are isolated trees defined as a bird corridor? When do small, isolated patches of plant material qualify as an “island corridor”?</p> <p>The challenges I see (and from experience working on the same thing in Canmore for wildlife corridors) is that it can be rather subjective. Subjective is good to have but can leave people questioning what is actually allowed and who is deciding. One of the solutions in some areas has been detailed mapping of the entire area. This is ground truthing combined with desktop. Then that mapping can be used by all landowners to determine if there is a corridor or the like near where they are buying or proposing to build, etc.</p>	<p><b>QEP Response:</b> The intention is that ecological corridors would be identified by the project QEP or biologist, who would use all available mapping and field work to make a determination.</p> <p><b>Staff Response:</b> Staff have revised the requirement to clarify that ecological corridors would be as determined by the project biologist or QEP.</p>
	<p>ix. wildlife habitat</p> <p>The <i>Wildlife Act</i> definition can be applied to virtually any landscape feature: “habitat” or “wildlife habitat” means the air, soil, water, food and cover</p>	<p><b>QEP Response:</b> The intention is that wildlife habitat would be identified by the project QEP or biologist, who would use all available mapping and field work to make a determination.</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>components of the environment on which wildlife depend directly or indirectly in order to carry out their life processes.</p> <p>Who decides when the latter definition shall apply?</p>	<p><b>Staff Response:</b> Staff have revised the requirement to clarify that wildlife habitat would be as determined by the project biologist or QEP.</p>
19.3 (c) - Requiring a site plan of proposed features	Regarding 19.3 (c.i): suggest that for residential subdivisions, the building envelope as permitted by the zoning bylaw, not a building footprint be shown on the site plan as the ultimate house plan is not always known at subdivision (lots can be sold to other builders).	<p><b>QEP Response:</b> While the setbacks can be shown on both the existing and proposed site plans, it is the building footprint that must meet the requirements in the <i>Riparian Areas Protection Regulation Act</i>. If changes to the footprint are made, impacts must be reassessed. The developer can show the biggest house that meets all requirements to cover all potential scenarios and thus avoid a DP amendment.</p> <p><b>Staff Response:</b> Staff have revised the requirement to maintain the language in the existing OCP, which requires that the “location” of all proposed buildings and structures be shown on the site plan.</p>
	Regarding 19.3 (c.vii): what is the trigger for this requirement on a specific land parcel? Is this intended for all SPEAs and those in the RAA other than the development footprint?	<p><b>QEP Response:</b> The trigger for showing the proposed ecological restoration or enhancement areas on the plans is defined within the environmental guidelines in Section 20A.1 of Bylaw 1700-10. The QEP will set the restoration and enhancement objectives for the site.</p> <p><b>Staff Response:</b> The environmental guidelines in Section 20A.1 have been updated to clarify that the proposed restoration will be as recommended by the project biologist or QEP and that restoration is encouraged particularly on greenfield sites</p>

## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
		where riparian vegetation has been previously damaged or where invasive species have been introduced. Refer to guidelines (s) and (t) in the revised bylaw ( <b>Appendix 8</b> of the Staff Report).
19.3 (d) - Requiring an Ecological Restoration and Habitat Enhancement Plan	<p>What is the trigger for this requirement on a specific land parcel? Is this intended for all SPEAs and those in the RAA other than the development footprint?</p> <p>What criteria are to be used to determine what criteria shall be specified by the City to ensure that the enhanced area will be sustained over the life time of the property? What criteria shall be used to control invasive species in the enhanced area?</p>	<p><b>QEP Response:</b> The trigger for this requirement is defined within the environmental guidelines in Section 20A.1 of Bylaw 1700-10. The QEP will set the restoration and enhancement objectives for the site. The quantity and quality of the restoration would be up to the QEP.</p> <p><b>Staff Response:</b> The environmental guidelines in Section 20A.1 have been updated to clarify that the project biologist or QEP will set the restoration and enhancement objectives for the site, which may include criteria for ensuring that the enhanced area will be sustained over the lifetime of the property and criteria for controlling invasive species in the enhanced area. Refer to guidelines (s) and (t) in the revised bylaw (<b>Appendix 8</b> of the Staff Report).</p>
19.3 (e) – Requiring provincial approval as part of a minimum development permit submission	<p>The city is adding very extensive and onerous requirements which are expensive, require professionals at every step. This adds significant cost and process to an already challenging regulatory environment.</p> <p>Another level of government only adds time and costs to housing undermining affordability and supply.</p>	<p><b>Staff Response:</b> Many of the requirements can be found in the existing OCP environmental guidelines. Staff have carefully reviewed the implications of the proposed amendments and have made adjustments (where appropriate) to lessen the cost and burden to the applicants while still ensuring that the City is complying with the <i>Riparian Areas Protection Act</i> and providing a high level of environmental protection.</p> <p><b>QEP Response:</b> If a municipality does not have pre-determined SPEAs, all development is subject to the <i>Riparian Areas Protection Act</i> process and requires Provincial review and approval.</p>

## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
		<p><b>Staff Response:</b> As per Sections 5 and 6 of the <i>Riparian Areas Protection Act</i>, a local government must not approve a riparian development to proceed unless it has received notification from the Province; the Province can withhold notification to the local government until it has received an acceptable report.</p>
	<p>Provincial approvals take precedence, so no problem with that. Should be at development permit stage, not at rezoning.</p>	<p><b>Staff Response:</b> For clarity, Bylaw 1700-10 is not requiring Provincial approvals at the rezoning stage. It is requiring it at the development permit stage.</p>
	<p>Province opinion is important but local government has specific understanding.</p> <p>Sometimes RAPR review by province takes very long time.</p>	<p><b>QEP Response:</b> If a municipality does not have pre-determined SPEAs, all development is subject to the <i>Riparian Areas Protection Act</i> process and requires Provincial review.</p> <p><b>Staff Response:</b> As per Sections 5 and 6 of the <i>Riparian Areas Protection Act</i>, a local government must not approve a riparian development to proceed unless it has received notification from the Province; the Province can withhold notification to the local government until it has received an acceptable report.</p>
	<p>The city is adding very extensive and onerous requirements which will only serve to add significant cost and further complexities to an already complex regulatory system.</p>	<p><b>Staff Response:</b> Many of the requirements can be found in the existing OCP environmental guidelines. Staff have carefully reviewed the implications of the proposed amendments and have made adjustments (where appropriate) to lessen the cost and burden to the applicants while still ensuring that the City is complying with the <i>Riparian Areas Protection Regulation Act</i> and providing a high level of environmental protection.</p>
	<p>Provincial approvals take excess amounts of time, and regulators opinions generally do not align with municipal approvers. Adding a provincial approval</p>	<p><b>QEP Response:</b> If a municipality does not have pre-determined SPEAs, all development is subject to the <i>Riparian Areas Protection Regulation Act</i> process and requires Provincial review.</p>

## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>requirement prior to gaining a municipal green light is going to slow down the approval of a project.</p>	<p><b>Staff Response:</b> As per Sections 5 and 6 of the <i>Riparian Areas Protection Regulation Act</i>, a local government must not approve a riparian development to proceed unless it has received notification from the Province; the Province can withhold notification to the local government until it has received an acceptable report.</p>
<p>19.3 (g) - Requiring third-party estimates of all measures and ecological restoration and/or habitat enhancement</p>	<p>This can be very difficult to achieve in the absence of permanent maintenance and monitoring of success metrics. What metrics of success shall be specified to be monitored over what time period?</p>	<p><b>QEP Response:</b> The details of the long-term maintenance of the enhanced area will be determined by the QEP as part of the RAPR assessment report, and the Ecological Restoration and Enhancement Plan. There are no guarantees that future landowners will continue to maintain the enhanced area, but the likelihood of reintroducing native vegetation is significantly higher when initiated through a development permit than solely through education and outreach.</p> <p><b>Staff Response:</b> The QEP prepared a Terms of Reference for various Professional Reports, including a Site-Specific Ecological Stewardship Manual and Template (<b>Appendix 10</b> of the Staff Report), which provides guidance to QEPs on identifying maintenance/monitoring success metrics. The Terms of Reference and Manual will be published on the City’s website and will be publicly available after Bylaw 1700-10 has been adopted.</p>
	<p>What criteria shall be specified to define what constitutes a third-party cost estimate? A Landscape Architect plan prepared by a RLA or by a QEP with such expertise?</p>	<p><b>QEP Response:</b> A third-party estimate can be prepared by any service provider of labour and materials to complete the work.</p> <p><b>Staff Response:</b> Within Section 19.5, (b) has been revised to clarify with a few examples the criteria that will be used to determine</p>



## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
		what constitutes a third-party cost estimate (e.g., materials, labour, equipment, watering, fencing, etc.).
19.5 (c.iii) - Securities	What is meant by “in-kind” contributions?	<p><b>QEP Response:</b> In-kind contributions can include items like materials, labour, or services contributed to the City.</p> <p><b>Staff Response:</b> The language in the amending bylaw has been revised to add clarity.</p>
19.5 (c.iv)	What percentage of contingency is required? Should be consistent. 20% is standard.	<b>Staff Response:</b> The language in the bylaw has been revised to require a contingency of 20%.
Section 20.A - Riparian Areas Environmental Development Permit Guidelines	No need to duplicate provincial regulations. These regulations are updated frequently and the bylaw would have to be amended to keep up.	<b>Staff Response:</b> The bylaw can be amended as needed when provincial regulations are updated.
	Is there a difference between guidelines 20.A.1 (a) and 20.A.1 (b)?	<b>Staff Response:</b> No, there is no difference between the two guidelines. The duplicate has been removed.
	Regarding Guideline 20A.1 (o), what criteria is to be used to determine if the condition iv. “to maintain or create ecosystem edge habitat” is required?	<b>QEP Response:</b> This guideline allows for the QEP to make recommendations for protection at and beyond the SPEA boundary and simultaneously educate the applicant about the potential for this. Adjudication is not needed since it would be based on the recommendation of the QEP. No change is recommended.
	Guideline 20.A.1 (q) suggests that developments must demonstrate the City-wide OCP objective to restore ecosystems. What criteria defines what this means and what standard metric shall be applied to document if this requirement has been successful?	<b>Staff Response:</b> This is a good point. Since these objectives live elsewhere in the OCP, it is not necessary to duplicate them here. This guideline has thus been removed.
	Guideline 20.A.1 (r) requires that “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	<b>QEP Response:</b> The QEP will set the restoration and enhancement objectives for the site.

## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>version, unless the QEP provides a written statement that the SPEA would not benefit from ecological restoration or habitat enhancement”. The default is that all SPEA areas shall be restored to a natural condition. There are no Exemptions, other than the latter “will not benefit”, but the latter Exemption is not defined, nor are examples provided.</p>	<p><b>Staff Response:</b> This guideline has been updated to clarify that the City’s expectation is that restoration will be required only when a site has been previously disturbed, where invasive species have been introduced, or where recommended by the project biologist or QEP. Restoration is not required in every case. Refer to guidelines (s) and (t) in the revised bylaw (<b>Appendix 8</b> of the Staff Report).</p>
	<p>Regarding Guideline 20A.1 (s): There are no exemptions to this requirement, so areas of land that are presently used for gardening or recreation appear to be subject to this requirement, i.e., under Section 20A.1 specifying that for (any) developments within the RAA of a stream shall meet all the Guidelines specified in this Section (a – s). The specific fence type is not defined but must be constructed across the full SPEA boundary on the property. Such a fence would be potentially required to be constructed across back yards, front yards subject to a ditch, or adjacent ponds / wetlands.</p>	<p><b>Staff Response:</b> To lessen the cost for applicants, the bylaw has been revised to require that the SPEA be delineated with temporary fencing and to encourage the installation of permanent split-rail fencing around the SPEA as an optional requirement to be determined and negotiated at the time of development permit application on a case-by-case basis.</p>
Glossary	<p>Existing definitions are adequate. A ditch is not a stream. The original definition is adequate. Broadening and adding regulations undermines housing supply and affordability. . .</p> <p>Your original definition of a stream: 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>Your new definition of a stream: A watercourse or body of water, whether or not usually containing</p>	<p><b>QEP Response:</b> The previous definition of a stream proposed in Bylaw 1700-10 is the definition used in the Riparian Areas Protection Regulation Act; however, it appeared in a more concise format.</p> <p><b>Staff Response:</b> Staff have revised the proposed definition to align precisely with the definition used in legislation.</p> <p>The need to address the housing affordability crisis must be balanced with the provincial mandate to protect the</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>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>The reason the BC government established housing targets and mandatory rezoning for Colwood and other municipalities is the regulatory obstruction and high costs to new housing. These added regulations are an example of that obstruction and high costs.</p> <p>The proposed changes were done without adequate consultation of builders during a housing affordability crisis. In fact, we were not initially consulted regarding this survey until we were apprised of the survey by a third party and we requested a copy.</p>	<p>environment. According to the Province, “protecting riparian areas, while facilitating urban development that embraces high standards of environmental stewardship, is a priority for the Government of British Columbia.”</p> <p>The City of Colwood is also balancing the need to address the housing crisis with the need to address the climate crises.</p> <p>While Colwood supports the creation of new housing supply that can offer greater choices to future residents as detailed in the Official Community Plan and 2024-2027 Strategic Plan, it also values its natural assets and aims to ensure the long-term protection of environmentally sensitive areas.</p> <p>Further, the City is committed to addressing and protecting the community from the risks of climate change and has adopted a Climate Action Plan, which encourages the protection and restoration of its ecosystems. The proposed riparian development permit guidelines offer greater protection to these ecosystems that play an important role in climate resilience.</p>
	<p>Regarding the definition for “Active Floodplain” - it is either riparian or not. Who is making this determination? No need to duplicate or exceed the various definitions that are not covered by provincial regulations.</p>	<p><b>QEP Response:</b> The QEP noted that the definition in the act is integral to the definition of a Streamside Protection and Enhancement Area and that the active floodplain would be determined by the QEP or project engineer (if applicable). The process for determining an active floodplain is outlined in the RAPR Technical Assessment Manual.</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
	<p>Allowable Footprint? The areas are either sensitive or not. As long as the impacts are out of the SPEA.</p> <p>Alteration of land: volume of structure should not matter, just the footprint.</p> <p>Stormwater management should defer to the Subdivision Bylaw requirements.</p>	<p><b>Staff Response:</b> Staff have revised the definition of active floodplain to include the definition from the existing OCP. However, as it pertains to riparian areas, the definition from the <i>Riparian Areas Protection Act</i> will apply.</p> <p><b>QEP Response:</b> Allowable footprint is defined in RAPR and is integral to the determination of undue hardship. Therefore, no change is recommended.</p> <p><b>QEP Response:</b> RAPR is only concerned with the footprint and the level of impact. The volume or mass of a structure is addressed through other bylaws and is not appropriate for the Riparian DPA guidelines.</p> <p><b>Staff Response:</b> Staff have amended the definition accordingly.</p> <p><b>Staff Response:</b> Staff have amended the proposed Section 19.3 (d.vii) to indicate that the Stormwater Management Plan should be prepared in accordance with the City’s Subdivision and Development Servicing Bylaw.</p>

## Appendix 7 – Response to Input Received

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
General Feedback	<p>Colwood already has adequate environmental protection regulations. What's lacking is the priority of housing affordability, so there will be no positive change for the community.</p> <p>No positive change adding more regulations and costs to housing. Occupancy permits are required by the municipality, so no security deposit should be required. They hold final permission for homes worth an average one million dollars in Victoria.</p> <p>The proposed changes were done without adequate consultation of builders during a housing affordability crisis. In fact, [we] were not initially consulted regarding this survey until we were apprised of the survey by a third party and we requested a copy.</p>	<p><b>Staff Response:</b> While Colwood supports the creation of new housing supply that can offer greater choices to future residents as detailed in the Official Community Plan and 2024-2027 Strategic Plan, it also values its natural assets and aims to ensure the long-term protection of environmentally sensitive areas.</p> <p>Further, the City is committed to addressing and protecting the community from the risks of climate change and has adopted a Climate Action Plan, which encourages the protection and restoration of its ecosystems. The proposed riparian development permit guidelines offer greater protection to these ecosystems that play an important role in climate resilience.</p>
	<p>While we agree that protection of the environment is fundamental, the ability for people to live in the community is paramount. Adding additional layers of bureaucracy is not the appropriate path to building more homes for the community members to live (and thrive) in.</p> <p>All levels of government are messaging that we are experiencing an extreme housing shortage that is impacting all communities we live in. We recommend the City focus on implementing policies that reduce unneeded bureaucratic red tape, and implement an expedite process for the approvals required to build homes for people to live in.</p>	<p><b>Staff Response:</b> The need to address the housing affordability crisis must be balanced with the provincial mandate of addressing climate change and protecting the environment. According to the Province, “protecting riparian areas, while facilitating urban development that embraces high standards of environmental stewardship, is a priority for the Government of British Columbia.”</p> <p>The City of Colwood is also balancing the need to address the housing crisis with the need to address the climate crises.</p> <p>While Colwood supports the creation of new housing supply that can offer greater choices to future residents as detailed in the Official Community Plan and 2024-2027</p>

**Appendix 7 – Response to Input Received**

Section in Bylaw 1700-10	Comments Received	Staff/QEP Response
		<p>Strategic Plan, it also values its natural assets and aims to ensure the long-term protection of environmentally sensitive areas.</p> <p>Further, the City is committed to addressing and protecting the community from the risks of climate change and has adopted a Climate Action Plan, which encourages the protection and restoration of its ecosystems. The proposed riparian development permit guidelines offer greater protection to these ecosystems that play an important role in climate resilience.</p>



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

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

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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 Colwood 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 466 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 conditions apply to lands located within all Environmental Development Permit Areas:

- e. Lands within an Environmental Development Permit Area shall not be cleared, blasted or built upon unless:
  - i. An Environmental Development Permit for the site has been issued and remains valid that addresses the timing and/or extent of land alteration and site clearing; or
  - ii. An Environmental Development Permit for the site has been issued and remains valid and either:
    - The City is in receipt of a Building Permit application for the site; or
    - The Director of Development Services provides written authorization to proceed with land alteration.

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 (Mapped)”
  - ii. Replacing “Marine Shorelands” with “Marine Shoreline”
- c) Replacing the text within the textbox to the left of the 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. Stormwater management facilities that are identified in the City’s Stormwater Management Plan where a memo has been provided by a Qualified Professional (e.g., a QEP, registered professional biologist) that confirms the following:



- i. That the facilities will have no adverse impacts on the ecological integrity of the environmental features (such as wetlands, streams, riparian areas);
  - ii. That the design and operation of the facilities will maintain water quality and quantity levels in accordance with municipal and provincial standards;
  - iii. That effective erosion and sediment control measures will be implemented to ensure that sedimentation or erosion to adjacent environmentally sensitive areas will not be increased; and,
  - iv. That any potential impacts to local wildlife or their habitats will be minimized or mitigated.
- b. Development that is not residential, commercial, or industrial, including:
- i. Municipal public works (e.g., roads and utilities) undertaken or authorized by the City of Colwood or other government;
  - ii. Parks and works services undertaken or authorized by the City of Colwood, Capital Regional District, Province of BC or Government of Canada; and
  - iii. Normal farm practices protected by the *Farm Practices Protection (Right to Farm) Act* or other applicable provincial legislation or guidelines on properties assessed as a farm under the *BC Assessment Act*. While the Development Permit Guidelines do not apply to normal farming practices, they do apply to non-farming activities on lands that might otherwise be used, designated or zoned for agriculture or located within the Agricultural Land Reserve (ALR). For example, the construction of a non-farm building, a residence or the development of a parking lot on land within the ALR would be regulated by City of Colwood bylaws and therefore subject to the Development Permit Guidelines.

**Exemptions based on development applications:**

- c. 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);
- d. 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 or conservation covenant has been registered on title that includes provisions to protect the environmentally sensitive area(s) on the lands;
- e. Repairs, maintenance, alteration (including renovations and additions) or reconstruction of existing legal or legal non-conforming buildings, structures or

utilities if there is no alteration of undisturbed land or vegetation and if the building or 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 greater than 75% of value above foundation] of the *Local Government Act*.
- f. A building addition or an accessory dwelling unit less than 90m<sup>2</sup> in area, a patio, or a driveway, which does not result in the removal of native species of vegetation, and is located:
- i. Beyond 30 m of a watercourse, waterbody or marine present natural boundary (PNB); and
  - ii. At least 15 m from a slope of 30% or more in grade.

**Exemptions based on landscape activities:**

- g. 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 the Glossary);
- h. Within an area of human disturbance, the placement of impermanent structures (such as benches, tables, and garden ornaments) and gardening and yard maintenance activities (such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbances) that do not alter the contours of the land;
- i. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone;
- j. Planting of non-invasive ornamental vegetation, which does not result in the removal of native species of vegetation, when:
  - i. Beyond 30 m of a watercourse, waterbody or marine present natural boundary (PNB); and
  - ii. At least 3 m from a slope of 30% or more in grade.
- k. Ecological restoration and habitat enhancement projects undertaken or approved by the City, the Ministry of Environment, or Fisheries and Oceans Canada;
- l. Works authorized by senior government;
- m. 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;
- n. Notwithstanding exemptions (m) and (o), removal of trees authorized by a tree management permit and is not located:
  - i. Within the Sensitive Ecosystem DPA (as shown in Figure 18); and
  - ii. Within 3 m from a slope of 30% or more in the Hillside DPA.

**Exemptions based on hazards:**

- o. Removal or modification of a hazardous tree authorized by a City tree management permit. If the tree is considered a wildlife tree, its removal will be subject to a report from a QEP providing an opinion on whether and how the wildlife tree can be cut without a detrimental effect on the wildlife using or living in the tree; and
- p. 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 permit 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 determined by a Qualified Environmental Professional and identified by the professional surveyor 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 buffer as determined by the project biologist or QEP;
  - viii. Ecological corridors as determined by the project biologist or QEP;
  - ix. Wildlife habitat features as determined by the project biologist or QEP;
  - x. Occurrences of species and ecosystems at risk (data available from the BC Conservation Data Centre and to be verified on the subject property by the project biologist or QEP);
  - 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. Locations 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 (e.g., planting plan);
  - vii. Proposed ecological restoration or habitat enhancement areas as recommended by the project biologist or QEP; and
  - viii. Proposed fences and trails.

- d. Where applicable and based on the scope of the application at the discretion of the City of Colwood, Standard Professional Reports, using the City's Terms of Reference, such as:
- i. An Environmental Impact Overview Report to ensure consistency between the development proposal and required environmental professional reports;
  - ii. A Site Adaptive Design Report to situate development according to the existing natural features and topography of the land;
  - iii. An Ecological Restoration and Habitat Enhancement Plan (if recommended by the project biologist or QEP) to support biodiversity;
  - iv. An Arborist Report to minimize tree loss, tree damage, and enhance tree canopy;
  - v. A Construction Environmental Mitigation Plan to avoid damage to the natural environment during construction;
  - vi. An Ecological Stewardship Manual to provide site-specific stewardship guidance to landowners; and
  - vii. A Stormwater Management Plan, prepared by a Qualified Professional (e.g., civil engineer, hydrologist) in accordance with the City's Subdivision and Development Servicing Bylaw, to protect groundwater quality and the receiving aquatic environment.
- e. Additional Professional reports may be requested by the City, 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 Qualified Professional (e.g., hydrologist, civil engineer, 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 accepted by the provincial government is required prior to permit issuance. For clarification, acceptance means that the City has received notification from the Province that a copy of the assessment report has been received and found to be in compliance with RAPR.
- f. Copies of applications or permits required under provincial or federal legislation.

- g. Third-party cost estimate prepared by a Qualified Environmental Professional or Registered Landscape Architect, which itemizes the costs (e.g., labour, materials, equipment, watering, fencing, professional services, monitoring, reporting and the like) associated with implementing the Ecological Restoration and Habitat Enhancement Plan.

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.

The following prohibitions are in place unless an exemption applies or an environmental development permit has been issued:

- Land within the area must not be subdivided;
- Construction of, addition to or alteration of a building or other structure must not be started; and,
- Land within the area must not be altered.

Environmental DPAs are defined as:

- a. Riparian DPA:
  - i. Within the Riparian (Mapped) Environmental DP Area as identified in Figure 18; this includes lands within 30 m of a stream boundary, within 30 m of a top of a ravine bank that is less than 60 m wide, and within 10 m of a top of ravine bank of a ravine that is more than 60 m wide;
  - ii. Within 30 of a stream boundary, top of a ravine bank of a ravine that is less than 60 m wide, other watercourses, and waterbodies that are not identified in Figure 18 as Riparian (Mapped) but that are subject to the Riparian Areas Protection Regulation;
  - iii. Within 10 m of a top of ravine bank of a ravine that is less than 60 m wide that is not identified in Figure 18 as Riparian (Mapped) but that is subject to the Riparian Areas Protection Regulation;
- 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.

Unless stated under another authority, such as Council, the Subdivision Approving Officer, or other City Bylaw, 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 (such as required compensation or restoration, materials, labour, equipment, watering, fencing, professional services, monitoring, reporting, and the like) required to satisfy a condition of the development permit or 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 (e.g., materials, labour, or services contributed to the City);
  - iv. Include a contingency of 20% 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 will be defined in the development permit and will be based on the schedule recommended by the project biologist or QEP. All environmental securities will be held for a minimum of two years.
  - 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 the project biologist, QEP or Registered Landscape Architect. 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).
  - i. Any interest earned on the security deposit accrues to the holder of the permit and must be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security in accordance with Section 502 (4) of the Local Government Act.

#### **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**

An area on either side of a stream/river or other waterbody which is regularly flooded on a periodic basis.

As it pertains to riparian areas, active floodplain (in relation to a stream) is defined in RAPR as land that is:

- (a) Adjacent to the stream,
- (b) Inundated by the 1 in 5 year return period flow of the stream, and
- (c) 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.

**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, or any structural change to a building or structure that results in an increase or decrease in the footprint 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 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 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 and RAPR Technical Manual). 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)

**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 a Qualified Professional 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 the following:

- (a) Large organic debris that falls in or around streams, including logs, snags, and root wads;
- (b) Areas for channel migration, including active floodplains;
- (c) Side channels, intermittent streams, seasonally wetted contiguous areas and floodplains; The multi-canopied forest and ground cover adjacent to streams that
  - i. Moderate water temperatures,
  - ii. Provide a source of food, nutrients, and organic matter to streams,
  - iii. Establish root matrices that stabilize soils and stream banks, thereby minimizing erosion, or
  - iv. Buffer streams from sedimentation and pollution in surface runoff;
- (d) A natural source of stream bed substrates;
- (e) Permeable surfaces that permit infiltration to moderate water volume, timing, and velocity and maintain sustained water flows in streams, especially during low flow periods. (Riparian Area Protection Regulation)

**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)

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

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

- (a) The individual is registered under the Professional Governance Act as any of the following professionals:
  - v. an agrologist;
  - vi. an applied science technologist or certified technician;
  - vii. a registered professional biologist or registered biology technologist;
  - viii. a professional engineer or professional engineering licensee;
  - ix. a professional forester or registered forest technologist; and
  - x. a professional geoscientist or professional geoscience licensee,
- (b) The individual is in good standing with the regulatory body under that Act for the individual's profession, and
- (c) 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. (Riparian Area Protection Regulation)

### **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. For clarification, excess flow means the amount of flow (runoff) at a given location that is beyond what is required to support current water allocations, demands and uses at that location. Examples are reducing the area of impervious cover, directing runoff to vegetated swales, retaining and planting trees.

**Stream**

A stream is defined under RAPR as follows:

- (a) A watercourse or body of water, whether or not usually containing water, and
- (b) any of the following that is connected by surface flow to a watercourse or body of water referred to in paragraph (a):
  - i. A ditch, whether or not usually containing water;
  - ii. A spring, whether or not usually containing water;
  - iii. A wetland.

**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. (Riparian Area Protection Regulation)

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

The streamside protection and enhancement area for a stream is 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 development outside the SPEA will not result in any harmful alteration, disruption, or destruction of natural features, functions, and conditions in the area referred to in (a) that support the life processes of protected fish;

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 (Riparian Area Protection Regulation).

**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. (Riparian Area Protection Regulation)

**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 \_\_\_\_\_, 2025

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

**PUBLIC HEARING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

**CONSIDERED IN CONJUNCTION WITH  
THE CITY OF COLWOOD FINANCIAL PLAN AND  
APPLICABLE WASTE MANAGEMENT PLANS THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2025

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

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

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

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

DRAFT





## 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 implementing RAPR and meeting City policies. The City has designated a Riparian Development Permit Area (DPA) for all known streams (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 that is subject to RAPR (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 accepted 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 accepted by the provincial government, will establish the SPEA and form the basis of the Riparian DP.
- b. An assessment report may not be required where a prior report has been done within the previous five 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.

- c. A development permit shall not be issued unless the City has received notification from the Province that a copy of the assessment report has been received and found to be in compliance with RAPR.
- d. The SPEA boundary must be identified by a QEP and then surveyed by a land surveyor. Temporary high visibility fencing must be installed prior to any development to delineate the SPEA boundary, non-disturbance areas, environmentally valuable features to be retained, and existing trees to be retained.
- e. Development within the SPEA will not be permitted except in the case of undue hardship.
- f. 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.
- g. Treatment of sewage is not permitted within the SPEA.
- h. Treatment of stormwater is generally discouraged within the SPEA but may be permitted where recommended by a QEP in an accepted RAPR report.
- i. 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*).
- j. Where a development located within a riparian development permit area proposes to change an existing stream, as defined under the *Water Sustainability Act*, 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 estimates and securities for said compensation works to be completed.
- k. Subdivision layout must not result in future undue hardship.
- l. Development must be in accordance with the design and measures recommended by the QEP in the assessment report.

- m. 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.
- n. If stream crossings cannot be avoided, they should be located and designed to minimize disturbance to native riparian vegetation and soils in the SPEA and meet the requirements of the *Water Sustainability Act*.
- o. 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 Practices for Urban and Rural Land Development.
- p. Removal or damage to wildlife trees must be avoided and their management addressed in an Arborist Report or Ecological Restoration and Habitat Enhancement Plan.
- q. If recommended by the project biologist or QEP, buffers (i.e., special measure zones) 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.
- r. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone within 30 m of the stream boundary is encouraged where recommended by a QEP.
- s. On greenfield sites, riparian vegetation should be maintained where intact or restored where disturbed or where invasive plants have established. Provisions should be in place and included within a Construction Environmental Mitigation Plan to address any unforeseen impacts to the SPEA using native species immediately following construction. A security may be collected at the time of permit issuance to guarantee that protection and restoration measures are implemented throughout the duration of the development.
- t. In accordance with guideline (s), the QEP shall set the restoration or enhancement objectives for the site by submitting an Ecological Restoration and Habitat Enhancement Plan (refer to the City's **Terms of Reference**) for the SPEA, unless the QEP does not recommend ecological restoration or habitat enhancements based on their assessment of the site's condition (e.g.,

a QEP may choose to not recommend ecological restoration of a backyard of a single family lot located in the riparian DPA where an area of human disturbance exists and continues to this day). When developing a plan, QEPs are encouraged to reference the Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites or the most recent provincial version of the guidelines.

- u. A permanent, open rail fence (or other type of fence recommended by a QEP and approved by the Director of Development Services) to delineate the SPEA line may be required as a condition of a Development Permit. Appropriate signage may also be required as a condition of a Development Permit to prevent encroachment into the SPEA.
- v. Site clearing should be undertaken immediately prior to construction to minimize the amount of time that disturbed soils are exposed to weathering. If this is not possible, exposed soils should be re-vegetated, covered or otherwise protected from run-off erosion.
- w. A Development Permit may limit the extent of site clearing to the area strictly necessary to achieve the proposed use in order to protect environmentally valuable features or forested areas.



## 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 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 Colwood 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 466~~5~~ 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~~ **conditions** 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 unless:~~
- ~~i. An Environmental Development Permit for the site has been issued and remains valid that addresses the timing and/or extent of land alteration and site clearing; or~~
  - ~~ii. An Environmental Development Permit for the site has been issued and remains valid and either:
    - ~~- The City is in receipt of a Building Permit application for the site; or~~
    - ~~- The Director of Development Services provides written authorization to proceed. 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~~ Mapped)”
  - 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. Stormwater management facilities that are identified in the City's Stormwater Management Plan where a memo has been provided by a Qualified Professional (e.g., a QEP, registered professional biologist) that confirms the following:
  - i. That the facilities will have no adverse impacts on the ecological integrity of the environmental features (such as wetlands, streams, riparian areas);
  - ii. That the design and operation of the facilities will maintain water quality and quantity levels in accordance with municipal and provincial standards;
  - iii. That effective erosion and sediment control measures will be implemented to ensure that sedimentation or erosion to adjacent environmentally sensitive areas will not be increased; and,
  - iv. That any potential impacts to local wildlife or their habitats will be minimized or mitigated.
- b. Development that is not residential, commercial, or industrial, including:
  - i. Municipal public works (e.g., roads and utilities) undertaken or authorized by the City of Colwood or other government;
  - ii. Parks and works services undertaken or authorized by the City of Colwood, Capital Regional District, Province of BC or Government of Canada; and,
  - iii. Normal farm practices protected by the *Farm Practices Protection (Right to Farm) Act* or other applicable provincial legislation or guidelines on properties assessed as a farm under the *BC Assessment Act*. While the Development Permit Guidelines do not apply to normal farming practices, they do apply to non-farming activities on lands that might otherwise be used, designated or zoned for agriculture or located within the Agricultural Land Reserve (ALR). For example, the construction of a non-farm building, a residence or the development of a parking lot on land within the ALR would be regulated by City of Colwood bylaws and therefore subject to the Development Permit Guidelines.

**Exemptions based on development applications:**

- c. 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);

- d. 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 **or conservation** covenant has been registered on title **that includes provisions** to protect the environmentally sensitive area(s) on the lands;
- e. ~~Minor interior or exterior renovations, additions or~~ Repairs, maintenance, alteration (including renovations and additions) or reconstruction of existing legal or legal non-conforming ~~other non-structural alterations or additions to a~~ buildings, structures or utilities if there is no alteration of undisturbed land or vegetation and ~~or other structure,~~ if the building or 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 greater** than 75% of value above foundation] of the *Local Government Act*.
- f. ~~An~~ building addition or an accessory dwelling unit, ~~building addition, or sundeck~~ less than ~~9060~~ m<sup>2</sup> in area, **a patio, or a driveway**, 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 a~~ **watercourse, waterbody or** marine present natural boundary (PNB); **and**
  - 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:**

- g. 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 ~~the Glossary section 20A~~);
- h. Within an ~~area of human disturbance 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 planing and minor soil disturbances)~~ that do not alter the contours of the land;
- ~~i. 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.~~
- ~~j. 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.~~
- k. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone;
- l. 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 a watercourse, waterbody or~~ marine present natural boundary (PNB); ~~and~~
  - ~~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.~~
- m. Ecological restoration and habitat enhancement projects undertaken or approved by the City, the Ministry of Environment, or Fisheries and Oceans Canada;
- n. Works authorized by senior government;
- o. 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;~~
- p. Notwithstanding exemptions ~~(p-o)~~ and ~~(p-q)~~, removal of trees authorized by a tree management permit and is not located:
  - ~~i. within a SPEA;~~
  - ii. Within ~~the a Ssensitive Eecosystem DPA~~ (as shown in Figure 18); ~~and~~
  - ~~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:**

- q. **Removal** or modification of a hazardous tree authorized by a City tree management permit. ~~If the tree is considered a wildlife tree, its removal will be subject to a report from a QEP providing an opinion on whether and how the wildlife tree can be cut without a detrimental effect on the wildlife using or living in the tree;~~ and
- r. 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 **permit** 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 determined by the a project-QEP and identified by the professional surveyor** 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 **as determined by the project biologist or QEP**;

- viii. Ecological corridors **as determined by the project biologist or QEP**;
  - ix. Wildlife habitat **features as determined by the project biologist or QEP**;
  - x. Occurrences of species and ecosystems at risk (data available from the BC Conservation Data Centre **and to be verified on the subject property by the project biologist or QEP**);
  - 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~~ **Locations 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 **(e.g., planting plan)**;
  - vii. Proposed ecological restoration or habitat enhancement areas **as recommended by the project biologist or QEP**; and
  - viii. Proposed fences and trails.
- d. **Where applicable and based on the scope of the application at the discretion of the City of Colwood**, Standard Professional Reports, using **the City's** Terms of Reference, such as:
- i. **An Environmental Impact Overview Report to ensure consistency between the development proposal and required environmental professional reports**;
  - ii. A Site Adaptive Design Report to situate development according to the existing natural features and topography of the land;
  - iii. An Ecological Restoration and Habitat Enhancement Plan **(if recommended by the project biologist or QEP)** to support biodiversity;

- iv. An Arborist Report to minimize tree loss, tree damage, and enhance tree canopy;
  - v. A Construction **Environmental** Mitigation Plan to avoid damage to the natural environment during construction;
  - vi. **An Ecological Stewardship Manual to provide site-specific stewardship guidance to landowners;** and
  - vii. a Stormwater Management Plan, **prepared by a Qualified Professional (e.g., civil engineer, hydrologist) in accordance with the City's Subdivision and Development Servicing Bylaw,** to protect groundwater quality and the receiving aquatic environment.
- e. Additional Professional reports **may be requested by the City,** 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~~ **Qualified Professional (e.g., hydrologist, civil engineer, 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~~ **accepted** by the provincial government is required **prior to permit issuance. For clarification, acceptance means that the City has received notification from the Province that a copy of the assessment report has been received and found to be in compliance with RAPR.**
- f. Copies of applications or permits required under provincial or federal legislation.
- g. Third-party cost estimates ~~for~~ **prepared by a Qualified Environmental Professional or Registered Landscape Architect, which itemizes the costs (e.g., labour, materials, equipment, watering, fencing, professional services, monitoring, reporting and the like) and maintenance of all measures and associated with implementing the Ecological Restoration and ~~for h~~ Habitat eEnhancement Plan.**

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.

The following prohibitions are in place unless an exemption applies or an environmental development permit has been issued:

- Land within the area must not be subdivided;
- Construction of, addition to or alteration of a building or other structure must not be started; and,
- Land within the area must not be altered.

Environmental DPAs are defined as:

a. Riparian DPA:

- i. Within the Riparian (~~Mapped Known~~) Environmental DP Area as identified in Figure 18; this includes lands within 30 m of a stream boundary, ~~within 30 m of a top of a ravine bank of a ravine that is less than 60 m wide, and within 10 m of a top of ravine bank of a ravine that is more than 60 m wide, other watercourses, and waterbodies identified in Figure 18;~~
- ii. Within 30 of a stream boundary, top of a ravine bank ~~of a ravine that is less than 60 m wide~~, other watercourses, and waterbodies that are not identified in Figure 18 as Riparian (~~Mapped Known~~) but that are subject to the Riparian Areas Protection Regulation;
- iii. Within 10 m of a top of ravine bank of a ravine that is less than 60 m wide that is not identified in Figure 18 as Riparian (Mapped) but that is subject to the Riparian Areas Protection Regulation;

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.

Unless stated under another authority, such as Council, the Subdivision Approving Officer, or other City Bylaw, 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 (such as required compensation or restoration, materials, labour, equipment, watering, fencing, professional services, monitoring, reporting, and the like) required to satisfy a condition of the development permit or 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 (e.g., materials, labour, or services contributed to the City);
  - iv. Include a contingency of 20% 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 **will be defined in the development permit and will be based on the schedule recommended by the project biologist or QEP. All environmental securities will be held for a minimum of two years. ~~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 **the project biologist, QEP or Registered Landscape Architect ~~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).
  - i. **Any interest earned on the security deposit accrues to the holder of the permit and must be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security in accordance with Section 502 (4) of the Local Government Act.**

## 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).~~

An area on either side of a stream/river or other waterbody which is regularly flooded on a periodic basis.

As it pertains to riparian areas, active floodplain (in relation to a stream) is defined in RAPR as land that is:

- (a) Adjacent to the stream,
- (b) Inundated by the 1 in 5 year return period flow of the stream, and
- (c) 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.

#### **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 ~~footprint 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 and **RAPR Technical Manual**). 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~~ a **Qualified Professional** 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~~ **Riparian Area Protection Regulation**)

### **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. (Provinc**e** of BC)

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

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

- (a) 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,
- (b) The individual is in good standing with the regulatory body under that Act for the individual's profession, and
- (c) 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 Area Protection Regulation)

#### **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. (Riparian Area Protection Regulation)

#### **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. For clarification, excess flow

means the amount of flow (runoff) at a given location that is beyond what is required to support current water allocations, demands and uses at that location. Examples are reducing the area of impervious cover, directing runoff to vegetated swales, retaining and planting trees.

### Stream

A stream is defined under RAPR as follows:

- (a) A ~~a~~ watercourse or body of water, whether or not usually containing water, and
- (b) any of the following that ~~ditch, spring, or wetland that~~ is connected by surface flow to a watercourse or body of water referred to in paragraph (a): ~~(RAPR)~~
  - i. A ditch, whether or not usually containing water;
  - ii. A spring, whether or not usually containing water;
  - iii. A wetland.

### 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 Riparian Area Protection Regulation)~~

### Streamside Protection and Enhancement Area (SPEA)

The ~~streamside protection and enhancement area for a protected riparian buffer adjacent to a stream is 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 development outside the SPEA will not result in any harmful alteration, disruption, or destruction of natural features, functions, and conditions in the area referred to in (a) that support the life processes of protected fish;

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 Riparian Area Protection Regulation)~~.

### 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 Riparian Area Protection Regulation)~~



**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 ~~8<sup>th</sup>~~ day of ~~January~~, 2024

**READ A SECOND TIME** on the ~~8<sup>th</sup>~~ day of ~~January~~, 2024

**PUBLIC HEARING** on the ~~25<sup>th</sup>~~ day of ~~January~~, 2024

**READ A THIRD 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

**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)

DRAFT



## 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~~ Tthe 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 **that is subject to RAPR** (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-accepted** 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 and accepted by** the provincial government, will establish the SPEA and form the basis of

the Riparian DP.

- b. An assessment report may not be required where a prior report has been done within the previous five 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.
- c. A development permit shall not be issued unless the City has received notification from the Province that a copy of the assessment report has been received and found to be in compliance with RAPR.
- d. ~~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 accepted by the provincial government, will establish the SPEA-equivalent width and form the basis of the Riparian DP.~~
- e. The SPEA boundary must be identified by a QEP and then surveyed by a land surveyor and flagged on site by the project QEP. Temporary high visibility fencing must be installed prior to any development to delineate the SPEA boundary, non-disturbance areas, environmentally valuable features to be retained, and existing trees to be retained.
- f. Development within the SPEA will not be permitted except in the case of undue hardship.
- g. 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.
- h. Treatment of sewage and stormwater is not permitted within the SPEA.
- i. Treatment of stormwater is generally discouraged within the SPEA but may be permitted where recommended by a QEP in an accepted RAPR report.
- j. 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*).
- k. ~~Further to guideline (g), w~~Where a development located within a riparian



development permit area proposes to ~~eliminate, modify, or significantly relocate~~ change an existing stream, as defined under the *Water Sustainability Act*, ~~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 estimates and securities for said compensation works to be completed.

- l. Subdivision layout must not result in future undue hardship.
- m. Development must be in accordance with the design and measures recommended by the QEP in the assessment report.
- n. 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.
- o. If stream crossings cannot be avoided, they should be located and designed to minimize disturbance ~~of~~ to native riparian vegetation and soils in the SPEA and meet the requirements of the *Water Sustainability Act*.
- p. 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 Practices for Urban and Rural Land Development.
- q. Removal or damage to wildlife trees must be avoided and their management addressed in an Arborist Report or Ecological Restoration and Habitat Enhancement Plan.
- r. If recommended by the project biologist or QEP, Bbuffers (i.e., special measure zones) 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.
- s. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone within 30 m of the stream boundary is encouraged where recommended by a QEP.
- ~~t. 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.~~
- u. On greenfield sites, riparian vegetation should be maintained where intact or restored where disturbed or where invasive plants have established. Provisions should be in place and included within a Construction Environmental Mitigation Plan to address any unforeseen impacts to the SPEA using native species immediately following construction. A security may be collected at the at the time of permit issuance to guarantee that protection and restoration measures are implemented throughout the duration of the development.
- v. In accordance with (reference the guideline above), ~~t~~The QEP shall ~~must~~ set the restoration or enhancement objectives for the site by submitting an Ecological Restoration and Habitat Enhancement Plan (refer to the City's **Terms of Reference**) for the SPEA ~~using the Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites, or most recent provincial version,~~ unless the QEP does not recommend ecological restoration or habitat enhancements based on their assessment of the site's condition (e.g., a QEP may choose to not recommend ecological restoration of a backyard of a single family lot located in the riparian DPA where an area of human disturbance exists and continues to this day). ~~provides a written statement that the SPEA would not benefit from ecological restoration or habitat enhancement.~~

When developing a plan, QEPs are encouraged to reference the Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites or the most recent provincial version of the guidelines.
- w. A permanent, open rail fence (or other type of fence recommended by a QEP and approved by the Director of Development Services) to ~~demarcate delineate the SPEA line is~~ may be required as a condition of a Development Permit. Appropriate signage may also be required as a condition of a Development Permit to prevent encroachment into the SPEA.
- x. Site clearing should be undertaken immediately prior to construction to minimize the amount of time that disturbed soils are exposed to weathering. If this is not possible, exposed soils should be re-vegetated, covered or otherwise protected from run-off erosion.
- y. A Development Permit may limit the extent of site clearing to the area strictly necessary to achieve the proposed use in order to protect environmentally valuable features or forested areas.

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## 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

## 1. Terms of Reference for Environmental Reports

### Introduction

1. The City may require one or more professionally prepared reports to assess the environmental impacts of a proposed development in accordance with the following Terms of Reference. The applicant is responsible for seeking clarity on expectations or approval for an alternative approach.
2. The City maintains the right to review professional reports and provide feedback to the applicant for consideration.
3. The City may require that a professional preparing a report is not the applicant, owner, or representative of the owner or applicant.
4. The City maintains the right to retain an appropriate professional, or team of professionals, to conduct a peer review of a draft or final professional report. While not expected to be common practice, the applicant is responsible for the fees incurred by the City to complete the review.
5. The City may deem a final report deficient and reject the findings of the report. In such a case, a dispute resolution agreement should be pursued with the applicant.

## 2. Environmental Impact Overview Report

The City of Colwood may require an Environmental Impact Overview Report as part of an environmental development permit area (DPA) application.

Colwood has four environmental DPAs (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hill-sides) each with its own set of DPA guidelines. The subject DPA guidelines should be reviewed to inform the recommendations of the Environmental Impact Overview Report.

### **Purpose and Scope of the Report**

The purpose of the Environmental Impact Overview Report is to ensure consistency and feasibility between the development proposal (buildings, structures, utilities, roads, stormwater, landscaping, grading, site preparation, etc.), other relevant reports (such as archaeological constraints), and the following subject plans/reports which may have been completed in support of the application:

- Site Adaptive Design Plan
- Ecological Restoration and Habitat Enhancement Plan
- Arborist Report
- Construction Environmental Mitigation Plan
- Any other report dealing with environmental impact

If the development site has been subject to remediation under the *Contaminated Sites Regulation*, such reports do not need to be analyzed as part of this review. However, the Certificate of Compliance and/or authorizations should be reviewed for any outstanding requirements (such as monitoring) that may impact the development proposal or recommendations of the subject plans/reports.

The scale and scope of the report will be different according to the development proposal. Small developments in a disturbed landscape may require less detail than a development with a large footprint in a relatively intact landscape. The report can be in the form of a technical memo and does not need to re-report the content of the subject plans/reports.

### **Who can prepare the report?**

In the Riparian DPA, a *Qualified Environmental Professional* (as defined in the Glossary) may be required to provide input to the plan. For other environmental DPAs, a professional, or professionals, acting within their area of expertise, and in good standing with a regulatory body may prepare, sign, and seal the report, such as members of the following:



- Planning Institute of British Columbia
- College of Applied Biologists
- British Columbia Institute of Agrologists
- Professional Engineers and Geoscientists British Columbia
- British Columbia Society of Landscape Architects
- Forest Professionals BC

Other members of the consulting team may include:

- An arborist certified by the International Society of Arborists
- A Certified Wildlife/Danger Tree Assessor
- A member of the Association of British Columbia Land Surveyors

The City may or may not require that the lead consultant preparing the Environmental Impact Overview Report is not the applicant, owner, or representative of the owner or applicant; and has not been involved in the preparation of any subject plans/reports in support of the development application. The applicant should discuss this aspect with the City early in the process.

### Required Content

3. An Executive Summary of the development proposal, the subject plans/reports, and the findings and recommendations of the Environmental Impact Overview Report.
4. Assurance of the quality of the subject plans/reports, in that they have:
  - a. been completed by appropriately qualified professionals acting within their area of expertise and in good standing with a regulatory body;
  - b. employed a suitable methodology; and
  - c. identified any study limitations or qualifiers.
5. Confirmation of the completeness of each subject plans/reports, in that they:
  - a. Contain the required content as per the relevant Terms of Reference, including the relevant environmental DPA guidelines;
  - b. Have calculated an appropriate security deposit and terms for monitoring;
  - c. Have considered all aspects and stages of the development; and
  - d. Are up-to-date with the current development proposal.
6. Confirmation that the following mitigation hierarchy (Prov of BC), with level 1 being the best approach, has been implemented:
  - a. **avoid** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to negate an impact

- b. **minimize** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to partially avoid impacts
  - c. **restore** on-site the environmental values and associated components that have been impacted
  - d. **offset** impacts (on-site) on environmental values and associated component (this may require consideration of variances before the City will entertain this approach)
7. Identification of any conflict, inconsistency, or deficiency between findings and recommendations between the subject plans/reports, or between the subject plans/reports and the development proposal. Evaluate any potential issues due to the study limitations or qualifiers contained within the subject plans/reports.
  8. Identification and assessment of any environmental impacts not included by the subject plans/reports.
  9. Assessment of cumulative impacts considering existing, proposed, and potential surrounding development.
  10. A summary of decision-making points or information exchange between the various consultants, the City, and senior government, etc. Include an appendix of key documentation (records such as minutes, photographs, site visit records, memos, forms, etc.) of key site visits, discussions, meetings, and correspondence completed during the course of completing the Environmental Impact Overview Report.
  11. Recommendations to modify to the subject plans/reports and/or the development proposal in order to rectify any conflict, inconsistency, or deficiency between findings and recommendations between the subject plans/reports, or between the subject plans/reports and the development proposal. Include recommendations for missing or cumulative impacts. Include any changes that may be needed regarding the security deposit calculations. Include a site plan if it would help to clarify the recommendations.
  12. Confirmation that the development proposal will conform to all federal, provincial, regional, and municipal legislation, regulations, and standards if the recommendations of the subject plans/reports are implemented, subject to the recommendations of the Environmental Impact Overview Report.

### Useful Resources

- *Procedures for Mitigating Impacts on Environmental Values* (Environmental Mitigation Procedures) Version 1.0 (Prov of BC, May 27, 2014)
- *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*



- *Coastal Zone Stewardship: A Guide for Planners, Builders and Developers* (Stewardship Centre for BC)
- *Protecting Garry Oak Areas During Land Development* (Garry Oak Ecosystem Recovery Team)
- *A Developer's Guide: Watershed-Wise Development* (Capital Regional District)

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### 13. Site Adaptive Design Plan

The City of Colwood may require a Site Adaptive Design Plan for development proposals subject to the Hillside Development Permit Area (DPA) or on greenfield sites (which may also be located within an environmental DPA). The Colwood Official Community Plan (OCP) contains policies supporting Site Adaptive Design in sections 11.2.2.3 and 18.4. This Terms of Reference will assist applicants to meet the intent of the policies. Should the City also require an *Ecological Restoration and Enhancement Plan*, applicants may blend the two sets of Terms of Reference and produce one report.

Colwood has four environmental DPAs (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hillside) each with its own set of DPA guidelines. The subject development permit area guidelines should be reviewed to inform the recommendations of the Site Adaptive Design Plan. The report will document how the guidelines of the environmental DPA are being met.

#### **Purpose and Scope of the Report**

The purpose of the report is to plan the proposed development with the existing vegetation, contours, drainage patterns, and other natural features of the site. This approach aims to reduce the blasting, filling, clearing, and habitat destruction and fully explore opportunities to incorporate natural assets into the design.

The scale and scope of the report will be different according to the development proposal. Small developments in a disturbed landscape may require less detail than a development with a large footprint in a relatively intact landscape. The consultant is advised to ensure a complete plan but to not venture outside the scope of the study.

#### **Who can prepare the report?**

In the Riparian DPA, a Qualified Environmental Professional (as defined in the Glossary) may be required to provide input to the plan. For other environmental DPAs, a professional, or professionals, acting within their area of expertise, and in good standing with a regulatory body may prepare, sign, and seal the report, such as members of the following:

- British Columbia Society of Landscape Architects
- College of Applied Biologists
- British Columbia Institute of Agrologists
- Professional Engineers and Geoscientists British Columbia
- Forest Professionals BC

Other members of the consulting team may include:

- An arborist certified by the International Society of Arborists
- A Certified Wildlife/Danger Tree Assessor
- A member of the Association of British Columbia Land Surveyors

### Required Content

1. Results of a site inspection(s) describing (and notated on an aerial photo) natural assets and features on site, including:

- Native plant associations
- Pockets of native vegetation
- Trees and critical root zones
- Rock outcrops
- Drainage patterns and depressions
- Ecological corridors
- Wildlife trees and other active habitat features
- Any other natural features of significance

2. An 11 x 17 (maximum) site plan showing the above natural assets and features, plus the following:

- a. Topography (maximum 2-metre contour interval)
- b. Boundaries of areas protected by the environmental development permit area, such as:
  - Streamside Protection and Enhancement Area (SPEA) of all streams, watercourses, and waterbodies
  - Marine Shoreline DPA
  - Sensitive Ecosystem and 10m 'buffer'
  - Hillside DPA and steep slopes (areas over 30% grade)
  - Species and ecosystems at risk
- c. The development proposal, including:
  - Buildings, structures, utilities, driveways, access roads, paved surfaces
  - Trails and fences
  - Areas of cut, fill, retaining walls, soil removal, and soil deposit
  - Areas to be cleared, blasted, or regraded
  - Stormwater management works

3. A detailed description of how the proposal works with the natural assets and features of the property, such as:

- a. Layout:

- Positioning of Buildings, structures, utilities, driveways, access roads
  - Minimizing the alteration of land (blasting, filling, clearing, etc.)
  - Stormwater management
  - Tree retention
  - Buffering natural assets and features
- b. By following the mitigation hierarchy (Prov of BC), with level 1 being the best approach:
- I. **avoid** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to negate an impact
  - II. **minimize** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to partially avoid impacts
  - III. **restore** on-site the environmental values and associated components that have been impacted
  - IV. **offset** impacts (on-site) on environmental values and associated component (this may require consideration of variances before the City will entertain this approach)
- c. In accordance with the relevant environmental DPA guidelines and the Official Community Plan policies supporting Site Adaptive Design (sections 11.2.2.3 and 18.4).
4. An 11 x 17 (maximum) site plan and detailed description of mitigation measures and enhancements that are being proposed, such as:
- Buffers to individual trees, natural areas, and features
  - Nature-based solutions such as vegetated swales, soft shoreline treatments, and new large canopy trees.
  - Invasive species control
  - Habitat enhancements such as use of native plant material, water features, nest boxes, pollinator gardens, etc.
  - Planting native trees and other native vegetation
  - Browse protection for new plant material
  - Irrigation for new plant material for a minimum of two years
  - Covenanted natural areas
  - Connecting ecological corridors
5. Assess the need and provide recommendations for further information, reports, or plans, such as:
- Ecological Restoration and Habitat Enhancement Plan
  - Arborist Report
  - Construction Environmental Mitigation Plan
6. The City may require a site-specific Ecological Stewardship Manual (see **Terms of Reference** below) for the landowner to inform them of the significance of the natural features on their property, the ecological restoration and habitat enhancement that has occurred, and the role they can play in

protecting, maintaining, and further enhancing the natural features. The plan will also identify how the landowner can contribute to biodiversity on the remainder of the property. Include pertinent information directed to future landowners that can be incorporated into a Stewardship Manual.

7. Provide a detailed schedule and itemized cost estimate **according to OCP policy 19.5** of the resources (costs, time, materials) required to fulfil the mitigation measures and enhancements, including:

- a. The amount of the security deposit required to complete mitigation measures and enhancements proposed by the applicant such as:
  - Plant material (quantities, sizes, spacing, alternatives in the case of unavailability)
  - Planting medium, mulch, browse guards, and supplies
  - Materials for habitat enhancements
  - Fence material
  - All labour
  - Professional oversight and on-going monitoring
  - Completion report
- b. A schedule for monitoring installation of on-site works and materials
- c. Quantifiable measure of success, such as
  - a minimum of 90% plant survival for a period of at least one year
  - maximum percentage of invasive species regrowth
  - installation of habitat enhancements
  - functioning of nature-based solutions and buffers
- d. Parameters for documenting and reporting success.

#### Useful Resources

- *Site Adaptive Planning and Design*, W. M. Marsh (Primer available on the Partnership for Water Sustainability in BC website)
- *Procedures for Mitigating Impacts on Environmental Values* (Environmental Mitigation Procedures) Version 1.0 (Prov of BC, May 27, 2014)
- *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*
- *Coastal Zone Stewardship: A Guide for Planners, Builders and Developers* (Stewardship Centre for BC)
- *Protecting Garry Oak Areas During Land Development* (Garry Oak Ecosystem Recovery Team)
- *A Developer's Guide: Watershed-Wise Development* (Capital Regional District)

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## 14. Ecological Restoration and Habitat Enhancement Plan

The City of Colwood may require an Ecological Restoration and Habitat Enhancement Plan as part of an environmental development permit area (DPA) application.

Colwood has four environmental DPAs (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hillsides) each with its own set of DPA guidelines. The subject DPA guidelines should be reviewed to inform the recommendations of the Ecological Restoration and Enhancement Plan.

### **Purpose and Scope of the Report**

The purpose of the report is to inventory existing species and ecosystems at risk and habitat on site and recommend enhancements and mitigation measures for protection and enhancement. The report may be required due to the presence of a Species or Ecosystem at Risk or to support the Construction Environmental Mitigation Plan when impacts cannot be avoided or minimized.

An Ecological Restoration and Enhancement Plan provides detailed information and assessment beyond a Site Adaptive Design Plan. Should the City also require a Site Adaptive Design Plan, the applicant may combine the Terms of Reference and produce one plan.

The scale and scope of the report will be different according to the development proposal. Small developments situated away from intact environmentally sensitive areas will require less detail than a large development situated closely to an environmentally sensitive area that is or will be in need of restoration.

Ecological restoration and habitat enhancement can benefit landowner enjoyment and property values over time as vegetation matures. If the subject property would benefit from extensive restoration, the scale of the development should be kept in mind. As a rule-of-thumb, the cost of the restoration should equate to no more than \$5000 per residential unit. This would not include restoration required to mitigate impacts of the development proposal. A budget should be established at the outset so the report, materials, labour, and maintenance can be scaled accordingly. Should the applicant wish to go beyond expectations, they may wish to pursue additional resources (e.g., partnerships with non-governmental organizations or institutions, in-kind support, on-site plant propagation, and plant salvaging, grants, etc.).

### **Who can prepare the report?**

In the Riparian DPA, a Qualified Environmental Professional (QEP) is required and is defined in the Glossary. For other environmental DPAs, a professional, or professionals, acting within their area of expertise, and in good standing with a regulatory body may prepare, sign, and seal the report, such as members of the following:

- College of Applied Biologists
- British Columbia Institute of Agrologists
- Forest Professionals BC

Other members of the consulting team may include:

- A member of the British Columbia Society of Landscape Architects
- A member of the Professional Engineers and Geoscientists British Columbia
- An arborist certified by the International Society of Arborists
- A Certified Wildlife/Danger Tree Assessor
- A member of the Association of British Columbia Land Surveyors

### Required Content:

1. Provide a methodology. Describe the inventory methods and reference materials used. Include the dates of field work and any study limitations. The names, qualifications, and experience (briefly) of each professional are to be listed.
2. Present the findings of both a desktop review of existing data and field inventory including ecosystem or plant association identification and locations, existing and potential habitat features, invasive species infestations, ecological corridors, and a plant inventory. Exterior ecosystem or plant association boundaries, wildlife trees, and the habitat of species at risk should be flagged by the subject matter professional and mapped by a surveyor.
3. Assess the potential impacts to existing species and ecosystems at risk and habitat. Complete a sun/shade analysis if appropriate to address the potential impacts. Recommend measures to protect these features from disturbance according to the mitigation hierarchy (Prov of BC), with level 1 being the best approach:
  - I. **avoid** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to negate an impact
  - II. **minimize** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to partially avoid impacts
  - III. **restore** on-site the environmental values and associated components that have been impacted
  - IV. **offset** impacts (on-site) on environmental values and associated component (this may require consideration of variances before the City will entertain this approach)
4. Prescribe ecological restoration and nature-based solutions to improve the resilience of the natural features from disturbance, erosion, climate change, invasive species, etc. If the development proposal is within the Riparian DPA, consider using the *Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites*, or the most recent version for prescriptions within the Streamside Protection and Enhancement Area (SPEA).



5. Recommend habitat enhancements to improve the potential for increased biodiversity on site.
6. Recommend measures to meet the environmental DPA guidelines specific to the site. The report must address all DPA guidelines that pertain to ecological restoration and habitat enhancement.
7. Provide a site plan that identifies the locations for all proposed ecological restoration and habitat enhancement works.
8. The City may require a Site Adaptive Design Plan, Arborist Report, and/or a Construction Mitigation Plan. Include recommendations for consideration where ecological restoration and habitat enhancements may influence or link with the outcomes of the other plans.
9. The City may require a site-specific Ecological Stewardship Manual (see **Terms of Reference** below) for the landowner to inform them of the significance of the natural features on their property, the ecological restoration and habitat enhancement that has occurred, and the role they can play in protecting, maintaining, and further enhancing the natural features. The plan will also identify how the landowner can contribute to biodiversity on the remainder of the property. Ensure that the Ecological Restoration and Enhancement Plan includes pertinent information directed to future landowners that can be incorporated into a site-specific Stewardship Manual.
8. Provide a detailed schedule and itemized cost estimate **according to OCP policy 19.5** of the resources (costs, time, materials) required to fulfill the ecological restoration and enhancement plan, including:
  - a. The amount of the security deposit required to complete mitigation measures and enhancements proposed by the applicant such as:
    - Plant material (quantities, sizes, spacing, alternatives in the case of unavailability)
    - Planting medium, mulch, browse guards, and supplies
    - Materials for habitat enhancements (culverts used for wildlife passage can be included in the costs of road work if appropriate)
    - Fence material
    - All labour
    - Professional oversight and on-going monitoring
    - Completion report
  - b. A schedule for monitoring installation of on-site works and materials
  - c. Quantifiable measure of success, such as
    - a minimum of 90% plant survival for a period of at least one year
    - maximum percentage of invasive species regrowth
    - installation of habitat enhancements
    - functioning of nature-based solutions and buffers
  - d. Parameters for documenting and reporting success.

The purpose of the itemized cost estimate is to ensure that the work can be completed if the current landowner does not fulfil the works. While free plant materials and in-kind labour may be planned, the full cost of these items must be included in the event that the City pays for these in the future.

The schedule must include monitoring targets to ensure a high confidence level that the plants will thrive. The City minimum is 90% plant survival after one year; therefore, frequent monitoring may be desired. Depending on the site conditions and the time of year, the specified time period may need to be extended.

### Useful Resources

- *Ecological Restoration Guidelines for British Columbia* (Prov of BC)
- *RAR Revegetation Guidelines for Brownfield Sites Appendix 4: RAR Implementation Guidebook*, 2012
- *Green Shores® for Homes Credits and Ratings Guide* (Stewardship Centre for BC) and *Green Shores® for Shoreline Development* (Stewardship Centre for BC)
- *Coastal Zone Stewardship: A Guide for Planners, Builders and Developers* (Stewardship Centre for BC)
- *Guidelines for Raptor Conservation During Urban and Rural Land Development in BC* (BC Ministry of Environment)
- *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* and *Develop with Care Factsheets* (BC Ministry of Environment)
- *Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993 – 1997 Volume 2: Conservation Manual* (Environment Canada and BC Ministry of Environment)
- *Protecting Garry Oak Areas During Land Development* (Garry Oak Ecosystem Recovery Team)
- *The Garry Oak Gardener's Handbook: Nurturing Native Plant Habitat in Garry Oak Communities* (Garry Oak Ecosystem Recovery Team, 2011)
- *Restoring BC's Garry Oak Ecosystems: Principles & Practices* (Garry Oak Ecosystem Recovery Team, 2011)
- *Field Manual for Invasive Species in Garry Oak and Associated Ecosystems in BC* (Garry Oak Ecosystem Recovery Team)
- *The Wetlandkeepers Handbook: A Practical Guide to Wetland Care* (see Stewardship Centre for B.C.)

## 15. Arborist Report

The City of Colwood may require an Arborist Report as part of an environmental development permit area (DPA) application.

Colwood has four environmental DPAs (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hillsides) each with its own set of DPA guidelines. The subject DPA guidelines should be reviewed to inform the recommendations of the Arborist Report.

### **Purpose and Scope of the Report**

The purpose of the report is to inventory existing trees and recommend removal, retention, and mitigation measures for protection. The report will also document tree loss and replacement related to the development proposal. An Arborist Report prepared as part of an environmental DPA application has requirements beyond those of the Urban Forest Bylaw and addresses DPA guidelines regarding tree protection.

The City may also require a *Site Adaptive Design Plan*, an *Ecological Restoration and Habitat Enhancement Plan*, and/or a *Construction Environmental Mitigation Plan*. The Arborist Report should ensure all required data is provided to support these reports and their recommendations.

The scale and scope of the report will be different according to the development proposal. The project arborist is advised to discuss with the City the need to inventory large, treed areas proposed for retention.

### **Who can prepare the report?**

In the Riparian DPA, a Qualified Environmental Professional (QEP) is required to be involved and is defined in the Riparian DPA Guidelines. For other environmental DPAs, a professional, or professionals, acting within their area of expertise, and in good standing with a regulatory body may prepare, sign, and seal the report, such as:

- An arborist certified by the International Society of Arborists
- Forest Professionals BC

A Certified Wildlife/Danger Tree Assessor is required to complete risk assessments and recommend habitat modifications for hazardous trees.

Other members of the consulting team may include members of:

- College of Applied Biologists
- British Columbia Institute of Agrologists

- British Columbia Society of Landscape Architects
- Professional Engineers and Geoscientists British Columbia
- Association of British Columbia Land Surveyors

Trees containing the active nests of any bird, and any nests (whether active or inactive) of eagle, peregrine falcon, gyrfalcon, osprey, or heron are provincially protected and must be retained, an adequately sized buffer maintained, and construction timing windows followed to ensure the continued viability of the nest site according to provincial guidelines. A qualified professional will be required to determine buffers and timing considerations, as well as identify other types of wildlife trees.

### Required Content:

**Note:** underscored words are defined in the Urban Forest Bylaw (Bylaw No. 1735)

1. A table summarizing an inventory of all trees with structural roots and/or crowns on the subject property, including, for each tree:

- A unique identifier (such as the tree tag number, as required by the City)
- Common name and scientific name; identify invasive trees species with an asterisk or other notation; identify native tree species with a double asterisk or other notation
- Diameter breast height (DBH)
- Critical root zone
- Boundary of drip line or buffer for stands of trees to be retained, if this approach is approved by the City
- Condition rating
- Hazardous trees (in current site conditions)
- Status of tree (protected or unprotected according to the Urban Forest Bylaw)
- Wildlife trees
- Old growth trees estimated to be over 100 years, or veteran trees
- Culturally modified trees
- Recommendation (retain, mitigate hazard due to risk assessment under current site conditions, or remove due to invasive status)

2. A site plan showing the **existing** site conditions:

- footprints of existing buildings, driveways, paved areas, outbuildings, structures, and utilities
- topography (maximum 2-metre contour interval)
- boundaries of areas protected by the environmental development permit area, such as:
  - Streamside Protection and Enhancement Area (SPEA) of all streams
  - Marine Shoreline DPA
  - Sensitive Ecosystem and 10m 'buffer'

- Hillside DPA and steep slopes (areas over 30% grade)
- Species and ecosystems at risk
- Proposed wildlife corridors, buffers, and covenant areas identified in the *Site Adaptive Design Plan* or *Ecological Restoration and Habitat Enhancement Plan*
- existing covenant areas
- location of each tree with the unique identifier and outline of critical root zone. To be considered hazardous within an environmental development permit area, the tree must pose imminent risk to people or property. The purpose of identifying existing hazardous trees is to create a true comparison of tree loss due to the proposed development as opposed to existing conditions. Each tree will be coded with a colour and a letter to indicate recommendation and status:

Recommendation	Status
Red (removal due to hazard)	Protected (P)
Dark Green (retain)	Not Protected (NP)
Light Green (mitigate hazard)	Wildlife Tree (W)
	Culturally Modified (CMT)
	Old Growth (V)

3. A photograph of each tree, or stand of trees, as appropriate.
4. An assessment of the impacts of the proposed development on trees, including:
  - a. A summary table tallying the number of trees to be retained, trees to be removed, and tree replacements.
  - b. An analysis of the potential impact of proposed tree removal on the stability of the remaining trees in the stand
  - c. A risk analysis of each hazardous tree and the potential for impacts, as determined by an appropriately qualified professional, to wildlife and wildlife habitat.
  - d. Cross-sections supporting proposed tree retention on steep slopes within 30m of proposed development
5. A site plan of the **proposal** showing:
  - footprints of proposed buildings, driveways, paved areas, outbuildings, structures, trails, fences, and utilities
  - proposed areas of blasting, filling, soil removal, regrading, material staging, etc.
  - Topography (maximum 2-metre contour interval)

- Boundaries of areas protected by the environmental development permit area (as above)
- Buffers around trees of containing nests of eagle, peregrine falcon, gyrfalcon, osprey, or heron as determined by an appropriately qualified professional
- the location of each tree, including replacement trees, with the unique identifier and outline of critical root zone. Each tree will be coded to indicate recommendation and status:

Recommendation	Status
Red (removal)	Protected (P)
Dark Green (retain)	Not Protected (NP)
Light Green (mitigate hazard)	Wildlife Tree (W)
Yellow (retain for now)	Culturally Modified (CMT)
	Old Growth or Veterans (V)
	Replacement tree (R)

Trees to be 'retained for now' are trees which will be retained, unless it is determined by the project arborist that damage is unavoidable during construction and the tree needs to be removed.

6. A mitigation plan, including:
  - a. Recommend tree protection and mitigation measures, including buffers and fencing, for trees to be retained during site excavation, demolition, construction, or placement of fill that meet or beat the requirements of Section 10 of the Urban Forest Bylaw. Include clearly identifying each tree to be cut or removed with a flag, paint, or survey tape.
  - b. Mitigation for hazardous trees, including removal, reduction, or habitat modifications. Pruning mitigation options should be consistent with the latest edition of the American National Standards Institute (ANSI) A300 and the latest edition of the companion publication "Best Management Practices Tree Pruning Published by the International Society of Arboriculture.
  - c. Mitigation for wildlife trees, including buffers and constructing timing. Include all recommendations prescribed by a qualified environmental professional to avoid a detrimental effect on the wildlife living in or using the tree.
  - d. A table of replacement trees including:
    - i. Tree common name and scientific name; identify native trees species with a double asterisk or other notation
    - ii. Totals of each tree species and caliper/pot size/propagation details
    - iii. Alternatives in the case of inadequate supply

- iv. Calculations that meet or beat Table 1 of the Urban Forest Bylaw
  - e. Identify where soil cells or other methods to create sufficient soil volume will be needed to create spaces for replacement trees
  - f. A plan for monitoring tree protection measures, tree removal, and tree replacement to avoid and minimize damage to trees to be retained, native vegetation, and environmentally sensitive areas during all stages of the proposed development. Include measures to protect environmentally sensitive areas from wood waste. Consider leaving some coarse woody debris on site as habitat under the advisement of an appropriate professional.
  - g. Requirements for post-development tree maintenance such as irrigation, browse control, and monitoring.
  - h. The City may require a *Site Adaptation Design Plan*, *Ecological Restoration and Habitat Enhancement Plan*, and/or a *Construction Mitigation Plan*. Include recommendations for consideration where tree management may influence or link with the outcomes of the other plans.
7. The City may require a site-specific Ecological Stewardship Manual (see **Terms of Reference** below) for the landowner to inform them of the significance of the natural features on their property, the ecological restoration and habitat enhancement that has occurred, and the role they can play in protecting, maintaining, and further enhancing the natural features. Include information directed to future landowners that can be incorporated into a Stewardship Manual about tree management.
8. Provide a detailed schedule and itemized cost estimate **according to OCP policy 19.5** of the resources (costs, time, materials) required to fulfil the Arborist Report. The schedule must include monitoring targets to ensure a high confidence level that the plants will thrive. The City minimum is 90% plant survival after one year. Therefore, frequent monitoring may be desired. Depending on the site conditions and the time of year, the specified time period may need to be extended. Include:
- a. The amount of the security deposit required to complete mitigation measures and enhancements proposed by the applicant such as:
    - Plant material (quantities, sizes, spacing, alternatives in the case of unavailability)
    - Planting medium, mulch, browse guards, and supplies
    - Fence material
    - All labour
    - Professional oversight and on-going monitoring
    - Completion report
  - b. A schedule for monitoring installation of on-site works and materials to adhere to the term of release (OCP policy 19.5)
  - c. Quantifiable measure of success, such as
    - a minimum of 90% plant survival for a period of at least one year
    - maximum percentage of invasive species regrowth



- completion of habitat modifications to hazardous trees
- Parameters for documenting and reporting success.

### Useful Resources

- Colwood *Urban Forest Bylaw 1735*
- *Wildlife/Danger Tree Assessor's Course Work Book* (Prov of BC)
- *Culturally Modified Trees of British Columbia A Handbook for the Identification and Recording of Culturally Modified Trees* (Prov of BC, 2001)
- *RAR Revegetation Guidelines for Brownfield Sites Appendix 4: RAR Implementation Guidebook*, 2012
- *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* and *Develop with Care Factsheets* (BC Ministry of Environment)
- *Guidelines for Raptor Conservation During Urban and Rural Land Development in BC* (BC Ministry of Environment)
- *Green Shores® for Homes Credits and Ratings Guide* (Stewardship Centre for BC)
- *Green Shores® for Shoreline Development* (Stewardship Centre for BC)
- *Coastal Zone Stewardship: A Guide for Planners, Builders and Developers* (Stewardship Centre for BC)
- *Protecting Garry Oak Areas During Land Development* (Garry Oak Ecosystem Recovery Team)



## Construction Environmental Mitigation Plan

The City of Colwood may require a Construction Environmental Mitigation (or Management) Plan as part of an environmental development permit area (DPA) application.

Colwood has four environmental DPAs (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hill-sides) each with its own set of DPA guidelines. The subject DPA guidelines should be reviewed to inform the recommendations of the Construction Environmental Mitigation Plan.

### **Purpose and Scope of the Report**

The purpose of the report is to plan the best management practices and on-site controls to avoid environmental damage during the demolition, site prep, and construction of a development.

The scale and scope of the report will be different according to the development proposal. Small developments may require less detail than a large development with expansive impervious surfaces situated closely to environmentally sensitive areas.

The City may have required other reports to support the development application, such as a *Site Adaptive Design Plan*, an *Ecological Restoration and Habitat Enhancement Plan*, or an *Arborist Report*. If the development site is located in the Riparian DPA, an assessment report prepared by a QEP will be submitted. The consultant should read these plans and/or communicate with the subject-matter professionals about construction mitigation.

### **Who can prepare the report?**

In the Riparian DPA, a Qualified Environmental Professional (as defined in the Riparian DPA Guidelines) may be required to provide input to the plan. For other environmental DPAs, a professional, or professionals, acting within their area of expertise, and in good standing with a regulatory body may prepare, sign, and seal the report, such as members of the following:

- College of Applied Biologists
- British Columbia Institute of Agrologists
- Professional Engineers and Geoscientists British Columbia
- Forest Professionals BC
- British Columbia Society of Landscape Architects

Other members of the consulting team may include:

- A member of the Sediment and Erosion Control Association of BC
- An arborist certified by the International Society of Arborists

- A Certified Wildlife/Danger Tree Assessor
- A member of the Association of British Columbia Land Surveyors

**Required Content:**

1. Identification of the potential impacts of the proposed construction from site prep to the time of occupancy. Address any uncertainties (such as unseasonal precipitation) and their associated risks.
2. Identify any regulatory requirements for managing these impacts.
3. Prioritize a response according to the following mitigation hierarchy (Prov of BC) with level 1 being the best approach:
  - I. **avoid** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to negate an impact
  - II. **minimize** impacts on environmental values and associated components by considering siting, timing, tools/techniques, or not proceeding to partially avoid impacts
  - III. **restore** on-site the environmental values and associated components that have been impacted
  - IV. **offset** impacts (on-site) on environmental values and associated component (this may require consideration of variances before the City will entertain this approach)
4. A description of the best management practices (BMPs) planned to avoid damage to the environment such as:
  - erosion and sediment control
  - spill management
  - timing windows (such as the fisheries window)
  - protective fencing
  - signage
  - monitoring of wildlife trees or other active habitat
  - soil compaction protection measuresAll pertinent measures recommended by the project QEP in the case of a Riparian DPA must be included.
5. A 11 x 17 (maximum) site plan of all proposed on-site works, such as sediment and erosion control measures, fencing, signage, etc. Include contours (maximum 2-metre interval).
6. A schedule for pre-construction tailgate meetings, inspection of the installation/implementation of BMPs, monitoring of functioning of BMPs, monitoring wildlife trees or other active habitat, and removal of on-site controls. Include a site visit with City staff to inspect installed mitigation measures before site preparation.

7. A description of contingencies in the event of the failure of BMPs to avoid damage or unforeseen impacts. Include details of water quality standards and sampling parameters.
8. A description of any site restoration works that may be needed at the end of construction, such as:
  - Revegetating and/or mulching of exposed soils
  - Irrigation
  - Cleaning of ditches
  - Soil amendments
9. A communications plan between the developer, the general contractor, the environmental monitor, senior government (if applicable), and the City. Include a site visit with City staff to inspect installed mitigation measures before site preparation.
10. A description of parameters for regular environmental monitoring as well as following rainfall events, BMP failures, or spills, standards (such as water quality), documenting (including photographic evidence), and reporting; include final reporting on the results of the plan at the time of occupancy.
11. Provide a detailed schedule and itemized cost estimate **according to Official Community Plan (OCP) policy 19.5** of the resources (costs, time, materials) required to fulfil the Construction Environmental Mitigation Plan, including:
  - a. The amount of the security deposit required to complete mitigation measures proposed, such as:
    - Materials and installation of BMPs
    - Plant material (quantities, sizes, spacing, alternatives in the case of unavailability)
    - Planting medium, mulch, browse guards, and supplies
    - Fence material
    - All labour
    - Professional oversight and on-going monitoring
    - Removal of onsite controls
    - Completion report
  - b. A schedule for monitoring installation of on-site works and materials
  - c. Quantifiable measure of success, such as
    - a minimum of 90% plant survival for a period of at least one year
    - maximum percentage of invasive species regrowth
    - installation of habitat enhancements
    - functioning of nature-based solutions and buffers

- d. Parameters for documenting and reporting success.

#### Useful Resources

- *Erosion and Sediment Control Manual* (Prov of BC, 2022)
- *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* and *Develop with Care Factsheets* (BC Ministry of Environment)
- *Coastal Zone Stewardship: A Guide for Planners, Builders and Developers* (Stewardship Centre for BC)
- *Guidelines for Raptor Conservation During Urban and Rural Land Development in BC* (BC Ministry of Environment)
- *A Developer's Guide: Watershed-Wise Development* (Capital Regional District)
- *Erosion Prevention & Sediment Control* (Capital Regional District webpage)

DRAFT

## Ecological Stewardship Manual

The City of Colwood (the City) may require an Ecological Stewardship Manual (the Manual) to attach to a covenant established to protect the natural environment or an issued environmental development permit (DP). As such, the final Manual would become a legal document, although it would not contain legal requirements. The Manual would be attached to the Land Title, thus it will be accessible to every future landowner of the subject property.

Colwood has four environmental development permit areas (DPAs) (Riparian, Marine Shoreline, Sensitive Ecosystems, and Hillside), each with its own set of DPA guidelines. The subject DPA guidelines should be reviewed to inform the content of the Manual.

### **Purpose and Scope of the Report**

The purpose of the Manual is to bring forward the knowledge gained during the development process to the landowner and provide guidance to have a positive influence on the protected natural area. The Manual should be site-specific and focused on the protected natural area (as opposed to the entire property).

The purpose of the Manual is not to give advice on broad environmental stewardship practices, such as recycling, composting, water conservation, energy conservation, etc. This type of information is readily available elsewhere.

### **Who can prepare the report?**

There are a variety of potential sources of expertise that can prepare the report, such as:

- A consultant already involved with the development
- A consultant with expertise in local ecological stewardship
- A non-profit agency with expertise in local ecological stewardship
- A graduate of an appropriate diploma program, such as the University of Victoria's Restoration of Natural Ecosystems, with experience in local ecological stewardship
- A graduate student, working with an advisor, in an appropriate program

A peer review is recommended by a professional, or professionals, acting within their area of expertise, and in good standing with a regulatory body is preferred, such as members of the following:

- College of Applied Biologists
- British Columbia Institute of Agrologists

- Forest Professionals BC

### Methodology

1. Review the issued environmental development permit (DP) and development permit area (DPA) guidelines specific to the subject property (Riparian, Marine Shoreline, Sensitive Ecosystem, or Hillside) and/or covenant document to understand the terms that allowed for the development to occur. Note any outstanding requirements such as maintenance of plant material which may still be in the care of the applicant/developer.
2. Review all environmental reports that were prepared in support of the development application, which may include:
  - Environmental Impact Overview Report
  - Site Adaptive Design Plan
  - Ecological Restoration and Habitat Enhancement Plan
  - Arborist Report
  - Construction Environmental Mitigation Plan
  - Stormwater Management Plan
  - Any other report dealing with environmental impact

As part of these reports, consultants were requested to include pertinent information directed to future landowners that could be incorporated into a stewardship plan. There may also be valuable mapping and inventory contained in the reports. Contact the consultants who created the reports for further information, if needed.

3. Conduct a site inspection to observe and photograph the protected natural area:
  - Ecological restoration in progress
  - Habitat and habitat enhancements
  - Mitigation measures, such as fences, signage, buffers
  - Invasive species outbreaks
  - Natural features
  - Species of interest
  - Stormwater management systems, nature-based solutions, or green infrastructure that may tie in with the natural area

4. Create a draft Manual using the template provided by the City. A template can be found at the end of this Terms of Reference. Within the template, **highlighted text** requires a response. Draw upon local sources of information to guide recommendations (see Useful Resources below).
5. Consider having the draft document peer reviewed. Inquire with the City to see if staff would like to review the draft document.
6. Consider putting the document in a cover with pockets/sleeves to hold any brochures, fact sheets, or other printed material that relate to the subject property and natural area for the landowner
7. Submit a final digital version of the Manual to the City. Include a cover letter to the City to outline the expertise of the author and basic methodology. Include any recommendations to improve the Manual's Terms of Reference (TOR) and/or Template.

#### **A note about watersheds**

The Manual template contains a section about watersheds where the author can select either scenario A (typical watershed) or scenario B (marine shoreline drainage), include the name of the watershed, the receiving aquatic environment (stream or ocean), and other site-specific information. This section of the Manual may be more relevant to properties in the Riparian, Hillside, and Marine Shoreline DPAs, where the property owners may easily impact the protected natural areas due to the proximity of the receiving aquatic environment or the slope of the land. On Hillside DPA properties, the impact may be downslope on adjoining properties with natural areas. Properties in the Sensitive Ecosystem DPA may have insignificant impact on the protected natural area. In this case the watershed information may be very brief.

#### **Remember your audience**

The Manual should be tailored towards future landowners of the property, not just the next one(s). The document should be appealing, useful, educational, and inspiring. Avoid the use of technical jargon and overly detailed background information. Common names of plants and animals should be used, although scientific names can be included in an appendix for property owners looking for this information. The property owner may not use English as a first language, so using photos and diagrams are always helpful.

#### **Useful Resources for the author(s)**

- Stewardship Centre for British Columbia / The Stewardship Series  
<<https://stewardshipcentrebc.ca/>>

- Garry Oak Ecosystem Recovery Team <<https://goert.ca/key-publications/>>
- Habitat Acquisition Trust (HAT) <<https://hat.bc.ca/library>>
- Capital Region Invasive Species Program <<https://www.crd.bc.ca/education/concerns/invasive-species>>
- Invasive Species Council of BC <<https://bcinvasives.ca/resources/publications/>>
- *Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993–1997 Volume 2: Conservation Manual* (Environment Canada and BC Ministry of Environment)
- District of Saanich Naturescape Program Booklet: *Naturescaping in Saanich—Supporting Nature at Home* <<https://www.saanich.ca/EN/main/community/natural-environment/naturescape-program.html>>
- Coastal Douglas-fir and Associated Ecosystems Conservation Partnership <<https://www.cdfcp.ca/>>



## Ecological Stewardship Manual Template

### 1. Cover Page

Title: Ecological Stewardship Manual for **[\* Insert address or addresses]**

Subtitle: This document forms part of **[\* Insert DP# or Covenant #]**

Date: **[\* Insert date of final report]**

Prepared by: **[\* Insert personal name(s) and business names or association of those who prepared the report]**

**Recommended Option: insert a photograph of a key natural feature on the property.**

### 2. Contents

**Insert a contents page**, including:

- Welcome
- Your Property Is Special
- Enjoying your Own Backyard
- Stewarding your Property
- Going the Extra Mile
- Great Guides for You
- Your Responsibilities

### 3. Welcome

Introduction

**Provide an overview of the document/generate some interest to read on**

Purpose

**Identify the purpose of the Manual**, such as

- Providing data to the landowner that was gathered during the development process
- Ensuring landowners know about the special natural features of the property
- Providing guidance to have a positive influence on the natural environment in their care

Meet the author(s)

**Include a very brief paragraph to introduce the author(s) of the report, with information about your background and experience in natural area stewardship.**

**Recommended Option: Include a comment about what you like about the subject natural area.**

**Recommended Option: Provide a professional email contact for future questions.**

## 4. Your Property Is Special

### Overview of the Coastal Douglas-fir biogeoclimatic zone

Colwood is located entirely within the unique Coastal Douglas-fir (CDF) zone, which is the smallest of 14 biogeoclimatic zones in British Columbia. It is also the least protected (6%) and located mainly on densely populated private land (80%). As a result, all 36 ecological communities in the CDF zone considered rare and 218 species of wildlife and plants found here are at risk.

Garry Oak ecosystems are home to a high percentage of the rare species found in the CDF zone. The CDF zone, and Garry Oak ecosystems in particular, are the highest conservation priority in BC regarding climate change.

While Colwood strives to provide complete communities to residents, the ecosystems that we all enjoy are at risk of loss on a global scale. That is why it is important for you and other residents to conserve natural areas and help provide habitat wherever possible.

### Watershed

**Scenario A:** Your property is located within the **[insert name of watershed]** watershed. That means that most of the rainwater falling on your property, groundwater, irrigation, and stormwater runoff makes its way to **[insert name of creek]** and eventually to the **[insert name of the local marine environment]**.

**Scenario B:** Most of the rainwater falling on your property, groundwater, irrigation, and stormwater runoff makes its way directly to **[insert name of the local marine environment]**. This is not a typical watershed as there is no stream collecting the water before reaching the ocean.

Impervious surfaces, such as roofs and driveways, change the natural drainage of land. The more that water can seep into the soil, rather than be directed towards the nearest waterbody, the better for the watershed. This gives water a chance to slow down and clean, instead of surging into, a stream or onto a beach, causing contamination and erosion.

**Add any key information known about the watershed and how the property relates to the hydrology and health of the watershed. Some examples include a riparian buffer, stormwater management system, or erosion and sediment controls.**

### Key natural features on your property

**Fully describe the key natural feature(s), and their significance, which prompted the protected area designation,** such as:

- A streamside protection and enhancement Area (SPEA)
- A sensitive ecosystem
- A designated hillside
- The marine shoreline
- A rare ecosystem or species
- A nest protected under the *Wildlife Act*
- A wildlife corridor

**Describe additional natural features,** such as:

- Rock outcrops
- Drainages, seepages

- Habitat features
- Common species [Try to include some invertebrates and non-vascular plants]
- Veteran trees, old growth, and culturally modified trees

**Describe any on-site habitat enhancements, stormwater management systems, nature-based solutions, or green infrastructure (and how they relate to the protected natural area),** such as:

- Nesting platforms
- Vegetated swales
- Bio-engineered slopes or banks
- Dune restoration
- Perimeter fences and signs

**Provide a diagnostic photograph for each natural feature that is described.**

**Include a map showing the locations of each natural feature that is described. Ensure the map is relevant to “built out” conditions as opposed to pre-development.**

**Include a list of commonly found plants and animals on the property. Include a variety of diagnostic photographs for species of interest.**

**Provide information, if any, on how First Nations may have related to the ecosystems or species present.**

How nature influenced the development of your property

**Briefly describe pre-development conditions and how the development proposal considered natural features, topography, and ecosystems. Include a description of site adaptive planning and design if it was used.**

**Describe methods that are in place to protect and enhance the natural area, such as covenants, fencing, restoration, stormwater management, etc.**

**Include photos in this section if it would be helpful to the landowner.**

## 5. Enjoying your Own Backyard

Taking care of the natural features of your property begins with knowing what is there. Exploring the natural area at different times of the year will yield different sights and sounds. Some plants and animals will only be present during wet or dry seasons, migratory seasons, nesting seasons, etc. Starting a log of observations is a good way to appreciate the biodiversity of the natural area. For some inspiration, try reading the monthly chapters in *A Year on the Wild Side—A West Coast Naturalist’s Almanac* (Briony Penn, 2019).

Sitting in the natural area is an enjoyable way to experience nature that often goes undetected. Placing a temporary chair or bench that is readily accessible is a good idea. Use the same footpaths to access the natural area but avoid compacting the soils around trees or crushing spring wildflowers. A pair of binoculars will bring you closer to birds and other wildlife without disturbing them.

Try locating the plants, animals, and features that are shown in the pages of this report. There are various free apps you can use to help you identify what you are seeing and hearing in your backyard. Try using these on your smartphone as you explore your property:

- Inaturalist <<https://inaturalist.ca/>>

- Merlin <<https://merlin.allaboutbirds.org/>>
- eBird <<https://ebird.org/home>>
- Pl@ntNet <<https://identify.plantnet.org/>>
- Plantsnap <<https://www.plantsnap.com/>>

There are social media groups, such as Field Naturalists of Vancouver Island, that you can join to learn about sightings and natural history. Taking photos of what you see on your property and sharing with family and friends is also a good way to learn more about what you are seeing.

The book, *Plants of Coastal British Columbia* (Pojar & MacKinnon, 1994), is an excellent resource for identifying native plants and learning about First Nation use of the plants. There are many local guidebooks for identifying birds, bats, insects, spiders, marine shoreline life, fish, and wildlife.

**Add any additional ways to enjoy the natural area that are specific to the property based on the inventory and features of the property.**

If you are really enjoying the sights and sounds of the natural area, you may want to learn about becoming a “good ecological steward.”

## 6. Stewarding your Land

Long before the Capital Regional District was discovered by European explorers and subsequently settled, local First Nations lived fulsome lives on the lands that have since been divided into parcels. The Xwsepsum (Esquimalt), Lekwungen (Songhees), Scia’new (Beecher Bay), and T’Sou-ke (Sooke) Nations had a relationship with the land that supported their families and communities. Plants and animals were harvested sustainably, and landscapes managed (such as through burning) to produce essential resources. Much has changed since then, but the deep connection to the land has not been lost. First Nation stewardship of the land provides a model of care and understanding that transcends mere nature appreciation.

Commercial logging began in the region in the 1800s, which vastly changed the landscape from treed to scarred. Since that time, new trees have grown, and forests are slowly recovering. Remnants of older forest can be experienced locally at Hatley Park National Historic Site.

Recognizing past stewardship and understanding that your actions will leave a legacy to the future owners of your property is a good starting point for thinking about stewardship.

## Being a Neighbour to Nature

There are many ways to affect a natural area when living beside it. Here is a simple list of dos and don'ts:

### SOME NEIGHBOURLY ADVICE

Do . . .	Don't . . .
Landscape with native plants or “naturescape”	Use pesticides
Create a water feature	Use chemical fertilizers
Keep pet cats indoors	Let pets loose in the natural area
Landscape to attract pollinators	Take items from the natural area for landscaping
Be FireSmart near your home	“Tidy up” the natural area
Remove invasive plants	Plant invasive plants
Reduce artificial mosquito breeding sites	Use bug zappers
Maintain the natural area perimeter fence	Direct lighting towards the natural area
Properly dispose of kitchen and yard waste	Deposit garden waste in the natural area
Mow high and decrease manicured landscaping	Mow into the natural area
Maintain a clean hummingbird feeder	Feed wildlife other than birds
Install a pest-resistant bird feeder	Disturb roots or soils around protected trees

**Add any further dos or don'ts that are specific to the subject property to the table, if any, and/or expand upon any (outside of the table) as appropriate.**

## Caring for the Natural Area

Historically, natural areas were left to care for themselves and evolved through natural disturbances, adaptation, and the cycling of energy and materials. In urban areas such as Colwood, natural areas are vulnerable to climate change, invasive species, intense wildfires, pollution, and fragmentation (being disconnected from other natural areas). Natural areas within urban areas cannot fend for themselves without deteriorating over time. As a property owner, you can play an active role in helping nature thrive.

Here are some things from which almost any natural area can benefit:

- Removing garbage
- Removing or controlling invasive plants
- Watering newly planted or struggling vegetation during dry spells
- Maintaining any stormwater management systems, nature-based solutions, or green infrastructure that have been installed
- **[Add to the list as appropriate for the site—keep in mind activities requiring more effort are listed in section 7]**

Removing or controlling invasive plants takes some know-how to maximize the impact of your efforts and to not cause unintentional damage to the natural area. **[Insert best management practices or add them to an appendix, specific to the invasive species that are found in the natural area.]**

**[Insert further, basic stewardship recommendations here that are specific to the subject protected area.]**

Being a good steward can also include resisting the urge to tidy up nature. Leaving fallen leaves, deadwood, and seasonal vegetation in place will increase habitat opportunities for many plants and animals.

## 7. Going the extra mile

It is possible for the landowner to increase biodiversity in the natural area. The main ways are by increasing native plant diversity and installing habitat enhancements while being careful not to disturb soil, vegetation, and existing habitat in the process.

### Native Plants

Adding native plants to the natural area and the rest of your property is an effective way to add diversity. Native plants are best sourced locally, so choosing a plant nursery is important. Many plant nurseries carry a selection of native plants but be aware of common names of plants and hybrids (they usually have an “x” in the middle), which can be confusing. A plant nursery with a solid reputation for selling locally source native plants is the safest/best choice for biodiversity. **[Insert best options here.]**

You can also harvest seeds and cuttings <<https://goert.ca/gardeners-restoration/propagation/collection-guidelines/>> if done ethically and with some know-how <<https://goert.ca/gardeners-restoration/propagation/>>. Garry Oak acorns have a high success rate of growing new trees <<https://goert.ca/gardeners-restoration/planting-caring-for-garry-oak-trees/>>. Seeds take longer to produce results, but they are an effective way for plants to establish themselves.

Planting native shrubs so that they create overlapping layers is an effective way to increase habitat and the health of the plants.

Not all native plants will be suitable for the natural area. If the goal is simply to increase the amount of native vegetation, start by seeing what is already doing well in the natural area—those plants may have the best success in surviving and spreading. Some plants that are already thriving in the natural area include **[\* Insert common names of plants that are thriving in the natural area.]**

Other native plants that are recommended to increase biodiversity for the natural area include:

- **[List appropriate native plants here]**

Adding native plants can disturb soils and existing vegetation, so care should be taking when selected spaces for planting. New plants will need to be watered during the dry season for the first two years, until they establish enough roots to survive annual drought conditions. Consider protecting your investment with guards to ward off deer and rabbits from eating the plants. Try an online search for “tree guards”; to find a local source or ask at your local plant nursery.

- **[Add any plant-specific advice here]**

### Habitat Enhancements

Habitat enhancements increase the opportunities for animals to eat, drink, shelter, and nest. Some habitat enhancements that are useful in most natural areas include:

- Bird nesting boxes
- Bat roosting boxes
- Mason bee boxes
- Nut- and berry-producing native plants
- Flowering native plants

- Bird baths
- Water features (This may require permission from the City under the protected area rules)
- Coarse, woody debris (such as logs or large branches on the ground)
- Rock piles, especially if mostly buried (This may require permission from the City under the protected area rules)

The Habitat Acquisition Trust (HAT) website has great resources for enhancing habitat <<https://hat.bc.ca/library>>.

**[Insert information about specific habitat enhancements, including instructions and locations, for this property.]**

### Networking

Going the extra mile can also be in the form of monitoring and reporting. This can be as simple as creating a “project” in iNaturalist to report your plant and animal sightings, or contacting the provincial government about nesting activity **[insert names of birds with year-round protected nests]**.

Joining an environmental non-governmental organization can enhance your stewardship experience by connecting with other stewards and new sources of information. There are many from which to choose! See <<https://onlineacademiccommunity.uvic.ca/nature/community-organizations/>>.

Finally, going the extra mile means influencing family, friends, and neighbours by sharing your experiences of the enjoyment, benefits, and success stories of being a good steward. Photos and walks can go a long way to stretching your stewardship mile.

### 8. Great Guides for You

If you are ready to learn more about stewardship of the ecosystem, plants, and animals on your property, here are some recommended guides and websites that are relevant to your property:

**Curate a list of guidance documents or organizations that can provide advice specific to the natural features of the subject property. Provide a few sentences describing the contents and use of each. Provide web addresses wherever possible. Try not to overwhelm the user but to focus them on the key resources.**

The following are examples of appropriate guides:

*The Garry Oak Gardener’s Handbook: Nurturing Native Plant Habitat in Garry Oak Communities* (Garry Oak Ecosystem Recovery Team, 2011)

Habitat Acquisition Trust (HAT) online library <<https://hat.bc.ca/library>>

*Your Marine Waterfront—A guide to protecting your property while promoting healthy shorelines* (Canadian Edition) <<https://stewardshipcentrebc.ca/your-marine-waterfront/>>

*District of Saanich Naturescape Program Booklet: Guide to Naturescaping—Supporting Nature at Home* <<https://www.saanich.ca/EN/main/community/natural-environment/naturescape-program.html>>

*Coastal Douglas-fir Ecosystems* [brochure] <[https://www.cdfcp.ca/wp-content/uploads/2022/02/CDFCP\\_Coastal.Douglas-fir.Ecosystems\\_Brochure\\_WEB-landowners.pdf](https://www.cdfcp.ca/wp-content/uploads/2022/02/CDFCP_Coastal.Douglas-fir.Ecosystems_Brochure_WEB-landowners.pdf)>

*Look Inside a Watershed . . . It's All Connected!* [brochure] <[https://www.crd.bc.ca/docs/default-source/es-watersheds-pdf/watershed-k-12-education/look-inside-a-watershed.pdf?sfvrsn=4ceb7dca\\_2](https://www.crd.bc.ca/docs/default-source/es-watersheds-pdf/watershed-k-12-education/look-inside-a-watershed.pdf?sfvrsn=4ceb7dca_2)>

## 9. Your Responsibilities

Whether your property is protected by a covenant or by an environmental development permit area (DPA), there are some basic rules that come with ownership. As the owner, you should familiarize yourself with whichever applies:

- The covenant document (attached to land title)
- The issued environmental development permit (DP) (attached to land title)
- The environmental (DPA) guidelines (Riparian, Marine Shoreline, Sensitive Ecosystem, and/or Hillside) contained within the Colwood Official Community Plan (OCP)
- The location of the protected areas

**[Insert a map of the protected areas. Ensure the map shows post-development conditions, the location of any protective fencing, and any buffer areas.]**

It is the responsibility of the landowner to be aware of the various limitations and requirements in the above documents. *It is considerably less expensive and time consuming to follow the rules than to have to professionally repair any damage to the natural environment.*

Some of the basic rules that are common to the above documents are:

- You may maintain existing ornamental gardens and landscaping
- You may remove invasive plants, being careful not to disturb the soil or native plants when in the protected area
- You may plant vegetation native to the Coastal Douglas-fir (CDF) zone in the protected area, being careful not to disturb the soil or native plants
- All native vegetation (dead or alive), soil, rocks, etc. are protected in the designated area
- Trees are only considered hazardous when they are a proven risk to people and property (A Colwood Tree Management Permit may be required to remove a hazardous tree.)

**Add any rules that apply specifically to the subject protected natural area.**

Should you have any questions about specific activities you are contemplating, it is better to ask first and receive guidance by calling Colwood Planning.





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

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

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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 Colwood 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 466 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 conditions apply to lands located within all Environmental Development Permit Areas:

- e. Lands within an Environmental Development Permit Area shall not be cleared, blasted or built upon unless:
  - i. An environmental development permit for the site has been issued and remains valid that addresses the timing and/or extent of land alteration and site clearing; or
  - ii. An environmental development permit for the site has been issued and remains valid and either:
    - The City is in receipt of a building permit application for the site; or
    - The Director of Development Services provides written authorization to proceed with land alteration.

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 (Mapped)”
  - ii. Replacing “Marine Shorelands” with “Marine Shoreline”
- c) Replacing the text within the textbox to the left of the 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. Stormwater management facilities that are identified in the City’s Stormwater Management Plan where a memo has been provided by a Qualified Professional (e.g., a QEP, registered professional biologist) that confirms the following:

- i. That the facilities will have no adverse impacts on the ecological integrity of the environmental features (such as wetlands, streams, riparian areas);
  - ii. That the design and operation of the facilities will maintain water quality and quantity levels in accordance with municipal and provincial standards;
  - iii. That effective erosion and sediment control measures will be implemented to ensure that sedimentation or erosion to adjacent environmentally sensitive areas will not be increased; and,
  - iv. That any potential impacts to local wildlife or their habitats will be minimized or mitigated.
- b. Development that is not residential, commercial, or industrial, including:
- i. Municipal public works (e.g., roads and utilities) undertaken or authorized by the City of Colwood or other government;
  - ii. Parks and works services undertaken or authorized by the City of Colwood, Capital Regional District, Province of BC or Government of Canada; and
  - iii. Normal farm practices protected by the *Farm Practices Protection (Right to Farm) Act* or other applicable provincial legislation or guidelines on properties assessed as a farm under the *BC Assessment Act*. While the Development Permit Guidelines do not apply to normal farming practices, they do apply to non-farming activities on lands that might otherwise be used, designated or zoned for agriculture or located within the Agricultural Land Reserve (ALR). For example, the construction of a non-farm building, a residence or the development of a parking lot on land within the ALR would be regulated by City of Colwood bylaws and therefore subject to the Development Permit Guidelines.

**Exemptions based on development applications:**

- c. 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);
- d. 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 or conservation covenant has been registered on title that includes provisions to protect the environmentally sensitive area(s) on the lands;
- e. Repairs, maintenance, alteration (including renovations and additions) or reconstruction of existing legal or legal non-conforming buildings, structures or

utilities if there is no alteration of undisturbed land or vegetation and if the building or 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 greater than 75% of value above foundation] of the *Local Government Act*.
- f. A building addition or an accessory dwelling unit less than 90m<sup>2</sup> in area, a patio, or a driveway, which does not result in the removal of native species of vegetation, and is located:
- i. Beyond 30 m of a watercourse, waterbody or marine present natural boundary (PNB); and
  - ii. At least 15 m from a slope of 30% or more in grade.

**Exemptions based on landscape activities:**

- g. 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 the Glossary);
- h. Within an area of human disturbance, the placement of impermanent structures (such as benches, tables, and garden ornaments) and gardening and yard maintenance activities (such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbances) that do not alter the contours of the land;
- i. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone;
- j. Planting of non-invasive ornamental vegetation, which does not result in the removal of native species of vegetation, when:
  - i. Beyond 30 m of a watercourse, waterbody or marine present natural boundary (PNB); and
  - ii. At least 3 m from a slope of 30% or more in grade.
- k. Ecological restoration and habitat enhancement projects undertaken or approved by the City, the Ministry of Environment, or Fisheries and Oceans Canada;
- l. Works authorized by senior government;
- m. 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;
- n. Notwithstanding exemptions (m) and (o), removal of trees authorized by a tree management permit and is not located:
  - i. Within the Sensitive Ecosystem DPA (as shown in Figure 18); and
  - ii. Within 3 m from a slope of 30% or more in the Hillside DPA.

**Exemptions based on hazards:**

- o. Removal or modification of a hazardous tree authorized by a City tree management permit. If the tree is considered a wildlife tree, its removal will be subject to a report from a QEP providing an opinion on whether and how the wildlife tree can be cut without a detrimental effect on the wildlife using or living in the tree; and
- p. 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 permit 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 determined by a Qualified Environmental Professional and identified by the professional surveyor 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 buffer as determined by the project biologist or QEP;
  - viii. Ecological corridors as determined by the project biologist or QEP;
  - ix. Wildlife habitat features as determined by the project biologist or QEP;
  - x. Occurrences of species and ecosystems at risk (data available from the BC Conservation Data Centre and to be verified on the subject property by the project biologist or QEP);
  - 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. Locations 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 (e.g., planting plan);
  - vii. Proposed ecological restoration or habitat enhancement areas as recommended by the project biologist or QEP; and
  - viii. Proposed fences and trails.

- 
- d. Where applicable and based on the scope of the application at the discretion of the City of Colwood, Standard Professional Reports, using the City's Terms of Reference, such as:
- i. An Environmental Impact Overview Report to ensure consistency between the development proposal and required environmental professional reports;
  - ii. A Site Adaptive Design Report to situate development according to the existing natural features and topography of the land;
  - iii. An Ecological Restoration and Habitat Enhancement Plan (if recommended by the project biologist or QEP) to support biodiversity;
  - iv. An Arborist Report to minimize tree loss, tree damage, and enhance tree canopy;
  - v. A Construction Environmental Mitigation Plan to avoid damage to the natural environment during construction;
  - vi. An Ecological Stewardship Manual to provide site-specific stewardship guidance to landowners; and
  - vii. A Stormwater Management Plan, prepared by a Qualified Professional (e.g., civil engineer, hydrologist) in accordance with the City's Subdivision and Development Servicing Bylaw, to protect groundwater quality and the receiving aquatic environment.
- e. Additional Professional reports may be requested by the City, 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 Qualified Professional (e.g., hydrologist, civil engineer, 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 accepted by the provincial government is required prior to permit issuance. For clarification, acceptance means that the City has received notification from the Province that a copy of the assessment report has been received and found to be in compliance with RAPR.
- f. Copies of applications or permits required under provincial or federal legislation.

- g. Third-party cost estimate prepared by a Qualified Environmental Professional or Registered Landscape Architect, which itemizes the costs (e.g., labour, materials, equipment, watering, fencing, professional services, monitoring, reporting and the like) associated with implementing the Ecological Restoration and Habitat Enhancement Plan.

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.

The following prohibitions are in place unless an exemption applies or an environmental development permit has been issued:

- Land within the area must not be subdivided;
- Construction of, addition to or alteration of a building or other structure must not be started; and,
- Land within the area must not be altered.

Environmental DPAs are defined as:

- a. Riparian DPA:
  - i. Within the Riparian (Mapped) Environmental DP Area as identified in Figure 18; this includes lands within 30 m of a stream boundary, within 30 m of a top of a ravine bank that is less than 60 m wide, and within 10 m of a top of ravine bank of a ravine that is more than 60 m wide;
  - ii. Within 30 of a stream boundary, top of a ravine bank of a ravine that is less than 60 m wide, other watercourses, and waterbodies that are not identified in Figure 18 as Riparian (Mapped) but that are subject to the Riparian Areas Protection Regulation;
  - iii. Within 10 m of a top of ravine bank of a ravine that is less than 60 m wide that is not identified in Figure 18 as Riparian (Mapped) but that is subject to the Riparian Areas Protection Regulation;
- 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*.

Unless stated under another authority, such as Council, the Subdivision Approving Officer, or other City Bylaw, 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 (such as required compensation or restoration, materials, labour, equipment, watering, fencing, professional services, monitoring, reporting, and the like) required to satisfy a condition of the development permit or 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 (e.g., materials, labour, or services contributed to the City);
  - iv. Include a contingency of 20% 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 will be defined in the development permit and will be based on the schedule recommended by the project biologist or QEP. All environmental securities will be held for a minimum of two years.
  - 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 the project biologist, QEP or Registered Landscape Architect. 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).
  - i. Any interest earned on the security deposit accrues to the holder of the permit and must be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security in accordance with Section 502 (4) of the *Local Government Act*.

## **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**

An area on either side of a stream/river or other waterbody which is regularly flooded on a periodic basis.

As it pertains to riparian areas, active floodplain (in relation to a stream) is defined in RAPR as land that is:

- (a) Adjacent to the stream,
- (b) Inundated by the 1 in 5 year return period flow of the stream, and
- (c) 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.

**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, or any structural change to a building or structure that results in an increase or decrease in the footprint 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 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 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 and RAPR Technical Manual). 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)

**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 a Qualified Professional 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 the following:

- (a) Large organic debris that falls in or around streams, including logs, snags, and root wads;
- (b) Areas for channel migration, including active floodplains;
- (c) Side channels, intermittent streams, seasonally wetted contiguous areas and floodplains; The multi-canopied forest and ground cover adjacent to streams that
  - i. Moderate water temperatures,
  - ii. Provide a source of food, nutrients, and organic matter to streams,
  - iii. Establish root matrices that stabilize soils and stream banks, thereby minimizing erosion, or
  - iv. Buffer streams from sedimentation and pollution in surface runoff;
- (d) A natural source of stream bed substrates;
- (e) Permeable surfaces that permit infiltration to moderate water volume, timing, and velocity and maintain sustained water flows in streams, especially during low flow periods. (Riparian Area Protection Regulation)

**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)

**Qualified Environmental Professional (QEP)**

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

- (a) 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,
- (b) The individual is in good standing with the regulatory body under that Act for the individual's profession, and
- (c) 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. (Riparian Area Protection Regulation)

**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. For clarification, excess flow means the amount of flow (runoff) at a given location that is beyond what is required to support current water allocations, demands and uses at that location. Examples are reducing the area of impervious cover, directing runoff to vegetated swales, retaining and planting trees.

**Stream**

A stream is defined under RAPR as follows:

- (a) A watercourse or body of water, whether or not usually containing water, and
- (b) any of the following that is connected by surface flow to a watercourse or body of water referred to in paragraph (a):
  - i. A ditch, whether or not usually containing water;
  - ii. A spring, whether or not usually containing water;
  - iii. A wetland.

**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. (Riparian Area Protection Regulation)

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

The streamside protection and enhancement area for a stream is 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 development outside the SPEA will not result in any harmful alteration, disruption, or destruction of natural features, functions, and conditions in the area referred to in (a) that support the life processes of protected fish;

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 (Riparian Area Protection Regulation).

**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. (Riparian Area Protection Regulation)

**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 \_\_\_\_\_, 2025

**READ A SECOND TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

**PUBLIC HEARING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

**READ A THIRD TIME** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

**CONSIDERED IN CONJUNCTION WITH  
THE CITY OF COLWOOD FINANCIAL PLAN AND  
APPLICABLE WASTE MANAGEMENT PLANS THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2025

**ADOPTED** on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
**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 implementing RAPR and meeting City policies. The City has designated a Riparian Development Permit Area (DPA) for all known streams (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 that is subject to RAPR (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 accepted 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 accepted by the provincial government, will establish the SPEA and form the basis of the Riparian DP.
- b. The City may request a third-party peer review or audit of an assessment report prepared under Section 20A.1 (a) at the expense of the applicant to

- confirm the recommendations in the report.
- c. An assessment report may not be required where a prior report has been done within the previous five 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.
  - d. A development permit shall not be issued unless the City has received notification from the Province that a copy of the assessment report has been received and found to be in compliance with RAPR.
  - e. The SPEA boundary must be identified by a QEP and then surveyed by a land surveyor. Temporary high visibility fencing must be installed prior to any development to delineate the SPEA boundary, non-disturbance areas, environmentally valuable features to be retained, and existing trees to be retained.
  - f. Development within the SPEA will not be permitted except in the case of undue hardship.
  - g. 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.
  - h. Treatment of sewage is not permitted within the SPEA.
  - i. Treatment of stormwater is generally discouraged within the SPEA but may be permitted where recommended by a QEP in an accepted RAPR report.
  - j. 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*).
  - k. Where a development located within a riparian development permit area proposes to change an existing stream, as defined under the *Water Sustainability Act*, 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 estimates and securities for said compensation works to be completed.

- l. Subdivision layout must not result in future undue hardship.
- m. Development must be in accordance with the design and measures recommended by the QEP in the assessment report.
- n. 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.
- o. If stream crossings cannot be avoided, they should be located and designed to minimize disturbance to native riparian vegetation and soils in the SPEA and meet the requirements of the *Water Sustainability Act*.
- p. 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 Practices for Urban and Rural Land Development.
- q. Removal or damage to wildlife trees must be avoided and their management addressed in an Arborist Report or Ecological Restoration and Habitat Enhancement Plan.
- r. If recommended by the project biologist or QEP, buffers (i.e., special measure zones) 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; or
  - iv. Maintain or create ecosystem edge habitat.
- s. Planting of vegetation native to the Coastal Douglas-fir (CDF) biogeoclimatic zone within 30 m of the stream boundary is encouraged where recommended by a QEP.
- t. On greenfield sites, riparian vegetation should be maintained where intact or restored where disturbed or where invasive plants have established. Provisions should be in place and included within a Construction Environmental Mitigation Plan to address any unforeseen impacts to the SPEA using native species immediately following construction. A security may be collected at the time of permit issuance to guarantee that protection and restoration measures are implemented throughout the duration of the development.
- u. In accordance with guideline (t), the QEP shall set the restoration or enhancement objectives for the site by submitting an Ecological Restoration



and Habitat Enhancement Plan (refer to the City's **Terms of Reference**) for the SPEA, unless the QEP does not recommend ecological restoration or habitat enhancements based on their assessment of the site's condition (e.g., a QEP may choose to not recommend ecological restoration of a backyard of a single family lot located in the riparian DPA where an area of human disturbance exists and continues to this day). When developing a plan, QEPs are encouraged to reference the Riparian Areas Regulation Revegetation Guidelines for Brownfield Sites or the most recent provincial version of the guidelines.

- v. A permanent, open rail fence (or other type of fence recommended by a QEP and approved by the Director of Development Services) to delineate the SPEA line may be required as a condition of a development permit. Appropriate signage may also be required as a condition of a development permit to prevent encroachment into the SPEA.
- w. Site clearing should be undertaken immediately prior to construction to minimize the amount of time that disturbed soils are exposed to weathering. If this is not possible, exposed soils should be re-vegetated, covered or otherwise protected from run-off erosion.
- x. A development permit may limit the extent of site clearing to the area strictly necessary to achieve the proposed use in order to protect environmentally valuable features or forested areas.



## 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, February 27, 2025, 6:30 p.m.</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, February 27, 2025, at 6:30 p.m. in relation to the proposed Bylaw “**Colwood Official Community Plan No. 1700, 2018, Amendment No. 10 (Environmental Development Permit Area)**” (as amended).

**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 general regulation to the environmental development permit area guidelines (within Section 18.2) and a new guideline to the riparian development permit areas (Section 20.A) to give the City more authority to control the timing and extent of land alteration following the issuance of an environmental development permit;
- Categorizing and consolidating the list of exemptions
- Includes language for the City to request a third-party audit of a QEP’s report (Section 20.A);
- 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.

**SUBJECT PROPERTY:** This Bylaw applies to all lands with the City of Colwood Environmental Development Permit Areas.

**INSPECTION OF MATERIALS:** Copies of the proposed bylaw and related materials can be viewed at [www.colwood.ca/news](http://www.colwood.ca/news) or in person at Colwood City Hall from February 19 to 27, 2025 between 8:30 am and 4:30 pm, Monday to Friday excluding statutory holidays.

## We want to hear from you!

### WRITE TO US

The deadline for written submissions is 12:00 pm on the day of the meeting and must include your name and civic address.

- Email [publichearing@colwood.ca](mailto:publichearing@colwood.ca)
- Mail/Drop-off: 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: 815 7605 8123

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

