



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4632

A bylaw to amend CVRD Bylaw 4485 – Zoning Bylaw for the Electoral Areas  
(Development Permit Area Exemptions and Guidelines), 2023

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The Board of the Cowichan Valley Regional District has adopted an Official Community Plan for the Regional District's electoral areas;

The Official Community Plan designates development permit areas pursuant to s. 488 of the *Local Government Act*;

The *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

The *Local Government Act* requires the Board to specify, in the Official Community Plan or a zoning bylaw, guidelines respecting the manner by which the special conditions or objectives for a development permit area will be addressed, and enables the Official Community Plan or zoning bylaw to specify conditions under which a development permit under s. 489 of the *Local Government Act* would not be required;

The *Local Government Act* requires the Board to designate, in the Official Community Plan or a zoning bylaw, areas where temporary uses may be allowed, and specify general conditions regarding the issue of temporary use permits in those areas;

The Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows;

#### 1. CITATION

This bylaw shall be cited for all purposes as the "CVRD Bylaw No. 4632 - Zoning Bylaw for the Electoral Areas Amendment Bylaw, 2025".

#### 2. APPLICATION

This bylaw applies to all of the land in Electoral Areas A, B, C, D, E, F, G, H and I.

**3. AMENDMENTS**

That “CVRD Bylaw No. 4485 – Zoning Bylaw for the Electoral Areas (Development Permit Exemptions and Guidelines), 2023 be amended as follows:

- a. “Schedule A – Development Permit Areas Exemptions and Guidelines be replaced as indicated in Schedule A to this bylaw.
- b. “Schedule B – Temporary Use Permit Designation Mapping be added as indicated in Schedule B to this bylaw.
- c. “Schedule C – Temporary Use Permit Areas: Conditions and Guidelines be added as indicated in Schedule C to this bylaw.
- d. That Part 4 be added.

**4. Temporary Use Permit Designation and Conditions**

The Temporary use permit designations are set out in **Schedule B** to this bylaw. The general conditions regarding the issuance of temporary use permits in those areas are set out in **Schedule C** to this bylaw.

Pursuant to Section 492 of the *Local Government Act*, all lands within the boundaries of the Cowichan Valley Regional District, except for incorporated Municipalities and Island Trust Areas, as shown on **Schedule B**, are designated as an area where temporary uses may be permitted. This designation allows a use of land that is not otherwise permitted in the Zoning Bylaw to be authorized on a temporary basis through the issuance of a temporary use permit. The Cowichan Valley Regional District Board may issue a temporary use permit for a period of up to three years, renewable only once. Upon expiry of the permit, the temporary use must cease.

**FORCE AND EFFECT**

This bylaw shall take effect upon its adoption by the Regional Board.

PUBLIC NOTICE IN ACCORDANCE WITH THE <i>LOCAL GOVERNMENT ACT</i> this	<u>18<sup>th</sup></u> day of	<u>February</u> ,	2026.
READ A FIRST TIME this	25 <sup>th</sup> day of	February,	2026.
READ A SECOND TIME this	25 <sup>th</sup> day of	February,	2026.
READ A THIRD TIME this	25 <sup>th</sup> day of	February,	2026.
RECEIVED MINISTRY OF TRANSPORTATION AND TRANSIT APPROVAL this	11 <sup>th</sup> day of	March,	2026.
ADOPTED this	_____ day of	_____.	2026.

\_\_\_\_\_  
Chair

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

# **COWICHAN VALLEY REGIONAL DISTRICT**

## **BYLAW 4485**

### **Development Permit Exemptions & Guidelines Temporary Use Designation Map Temporary Use Permit Conditions & Guidelines**

**Schedule A – Development Permit Exemptions and Guidelines**



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# 1 INTRODUCTION

British Columbia's *Local Government Act* provides local governments with a special tool—the development permit—for managing development on a site-specific basis where the characteristics and/or context of the development site call for more finely-tuned development standards than are contained in the applicable zoning bylaw.

If your property is situated within a development permit area (DPA), any alteration or improvement to the land (by subdivision, clearing or construction, for example), you may first need to apply to the Regional District for a development permit. The permit authorizes you to proceed and sets out any conditions for development to satisfy community standards for safety, environmental protection and appearance. Also note: a development permit is not a building permit; if you are planning construction, you will also need a building permit.



Image 1 Plans to alter land or build on it are expected to satisfy community standards.

Development permit area content is divided into two documents and one map schedule. Cowichan Valley Regional District (CVRD) Bylaw No. 4373 – Official Community Plan for the Electoral Areas, Schedule C Development Permit Areas sets out the designations and justifications. Official Community Plan for the Electoral Areas (OCP) Schedule U maps the DPAs. This document contains the exemptions and guidelines.

Depending on their specific purpose, some DPAs encompass the entire regional district, while others only a part of it. Still other development permit areas overlap. You can tell which DPAs pertain to your property by looking at the Schedule U maps.

Development permit guidelines further support compliance with a variety of regional district, provincial and federal government policies, laws, regulations and best management practices.

## Authority for Development Permit Area Designation

The legislative authority for designation of development permit areas resides in sections 488 to 491 of the *Local Government Act*, which describe the various purposes for which local governments may create development permit areas, the types of activity requiring a development permit, and the range of requirements local governments may impose on applicants for different kinds of development permits.

In designating a development permit area, the official community plan must

- describe the special conditions or objectives that justify the designation; and
- specify guidelines respecting the manner in which the special conditions or objectives will be addressed.

## Activities Affected and Applicability of Multiple Development Permit Areas

Once a local government has designated a development permit area, an owner of land in the area is prohibited (under section 489) from taking certain actions without either a development permit or an exemption under section 488(4). These prohibitions include

- a. subdividing land;
- b. starting construction of, addition to or alteration of a building or other structure;
- c. altering land in any development permit area designated under section 488(1)(a) or (b) (protection of the natural environment, protection of development from hazardous conditions); or
- d. altering land, a building or other structure in a development permit area designated under section 488(1)(d), (h), (i) or (j) (revitalization, energy conservation, water conservation, greenhouse gas reduction).

**GG1.** Where land lies within more than one development permit area, all the applicable permit requirements must be met for the part of the land lying within the applicable DPA.

## Permit Exemptions

Section 488(4) of the *Local Government Act* provides that an official community plan may specify conditions under which a development permit would not be required in a designated development permit area. Accordingly, each development permit area contains a list of exemptions. Some apply to specific activities; others apply to local areas within the development permit area.

## Information Requirements

Under section 485(1) of the *Local Government Act*, a local government may specify circumstances under which certain information is required prior to approval of a development permit application and may designate areas in which such information is required.

The level of assessment required depends on the type of development permit area, the size of a proposed development, and its potential impact on the community and the environment. The greater the potential risk, the more rigorous the information requirement.

CVRD Bylaw No. 4545 ([A Bylaw to Establish Procedures and Policies for Requiring Development Approval Information](#)) sets out the type of information an applicant for a development permit may be required to provide as well as what type of appropriate professional may be required by a CVRD official to prepare the report. Where applicable, a development permit may provide further guidance on specific application requirements.

## How to Understand the Development Permit Exemptions and Guidelines

Each DPA is formatted for ease of use, according to the following outline:

- **Permit Exemptions** considers the prohibitions in s. 489 of the *Local Government Act* and sets out exemptions where development permits are not required. Note that all the following require a development permit under the statute, unless exempted:
  - subdivision in all development permit areas;
  - building construction, addition or alteration in all development permit areas;
  - land alteration in natural environment and hazard land development permit areas, which includes alteration or removal of vegetation, disturbance of soils including grubbing, scraping and deposit or removal of top soil; and
  - land alteration in commercial revitalization, energy or water conservation and GHG reduction development permit areas, which includes alteration or removal of vegetation, disturbance of soils including grubbing, scraping and deposit or removal of soil.
- **Permit Guidelines** are organized according to the type of development that is being managed: subdivision, building or land alteration. If there are no relevant guidelines, exemptions may be provided. For example, Form and Character DPAs might not require a development permit at the subdivision stage because the form and character objectives don't encompass how subdivisions are laid out. However, energy conservation DPAs may require a development permit for subdivision because subdivision layout can optimize the use of solar energy.

For each development permit area, there may be specific conditions that section 490 of the *Local Government Act* mandates, and guidelines that enable the imposition of such conditions may be included. Some of these might include guidelines respecting the requirement for securities under section 504 of the *Local Government Act*. This section may also include guidelines for the variance of zoning bylaw provisions, such as building height and siting, which would allow the applicant to use the development permit to affect variance, rather than requiring the applicant to also apply for a development variance permit.

- **Application Requirements** do not apply to all DPAs; however, some DPAs include this section to help assist applicants in gathering relevant information for their application. If this section is not included in the DPA, other resources are available, such as the application checklist and meeting with staff for a pre-application consultation. Only applications for subdivisions or uses that comply fully with the land use bylaw may be eligible for a development permit.

Within this document, individual development permit area pages will feature colour-coded headers that correspond with the colours used to shade individual DPAs on their associated maps.

### List of Development Permit Areas and Guideline Key

The OCP designates ten DPAs in Schedule C and maps them in Schedule U. Each DPA has its own set of guidelines. Individual guidelines are identified by the acronyms of the areas they belong to, followed by their numerical order. Guidelines pertaining to Application Requirements

are followed by the letters AR, for instance RP-AR1. General form and character guidelines in Part 4 (prefaced by the acronym FCG) apply to all DPAs in Part 4.

## **Introduction**

### **Part 1 Protection of the Natural Environment**

[DPA 1 Riparian Protection – RP](#)

[DPA 2 Environmentally Sensitive Areas Protection – ESA](#)

[DPA 3 Marine Uplands and Foreshore Protection – MUFP](#)

[DPA 4 Aquifer Protection – AP](#)

### **Part 2 Protection from Hazardous Conditions**

[DPA 5 Wildfire Hazard – WH](#)

[DPA 6 Flood Hazard – FH](#)

[DPA 7 Slope Stability – SS](#)

### **Part 3 Protection of Farming**

[DPA 8 Protection of Farming – PF](#)

### **Part 4 Form and Character**

[DPA 9 General Form and Character Guidelines – FCG](#)

[Intensive Residential Development – IR](#)

[Multi-unit Residential Development – MR](#)














[Commercial and Mixed-use Development – CM](#)

[Industrial Development – ID](#)

### **Part 5 Energy, Water, Greenhouse Gas Emissions**

[DPA 10 Energy and Water Conservation; Greenhouse Gas Emissions Reduction – EW](#)

## Development Permit Area Wayfinding Colour Keys

	DPA #1 Riparian Protection		DPA #7 Slope Stability
	DPA #2 Environmentally Sensitive Areas Protection		DPA #8 Protection of Farming
	DPA #3 Marine Shore Protection		DPA #9 Intensive Residential Form and Character
	DPA #4 Aquifer Protection		DPA #9 Multi-unit Form and Character
	DPA #5 Wildfire Protection		DPA #9 Commercial Mixed-use Form and Character
	DPA #6 Flood Protection		DPA #9 Industrial Form and Character
			DPA #10 Energy Water Conservation Reduction GHG Emission

## Definitions

These definitions apply to the DPAs only.

**Aquifer** is an underground layer of water-bearing material, consisting of permeable or fractured rock, or of unconsolidated materials, such as gravel, sand or silt.

**Buffer area** means an area of land that separates and protects two land uses

**Condition and Impact Assessment report** means a report prepared by the primary qualified environmental professional that is triggered when works have occurred within a riparian assessment area without a development permit. The Conditions and Impact Assessment (CIA) report assesses the damage to riparian structure and function and aims to restore ecological function to a level that is at a minimum equivalent to what it was in its natural state in accordance with CVRD development permit guidelines.

**Development** means any activity referred to in section 489 of the *Local Government Act* and includes alteration or development of land for residential, commercial, industrial, institutional, service or utility uses or activities, to the extent that these uses or activities are subject to local government powers under the *Local Government Act* and without limitation includes the alteration or removal of vegetation and the deposit or removal of soil materials.

**Environmentally sensitive area** is an area that contains sensitive or rare ecosystems, or other environmentally sensitive values. Often used as a synonym for Sensitive Ecosystems (see below).

**Fish** means all life stages of salmonids, game fish and regionally significant fish.

**Floodplain** means a relatively flat, low-lying area adjacent to a watercourse, with a potential to flood when water levels are high.

**Foreshore** means the strip of land that lies between the maximum high and low tide lines and that is alternately wet and dry, according to the flow of the tide.

**Green roof** means a roof partially or completely covered with vegetation planted in a growing medium over a waterproof membrane.

**Green Shores** means a voluntary, incentive-based rating program focused on positive steps to reduce the impact of development on shoreline ecosystems, as outlined by the Stewardship Centre for British Columbia.

**Groundwater** means water found underground in the cracks and spaces in soil, sand and rock. It is stored in and moves through geologic formations of soil, sand and rocks called aquifers.

**Highway** includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way (from *Land Title Act*, [RSBC 1996] Chapter 250, Part 1 – Definitions, Interpretations and Application, s. 1).

**Intensive residential** means development of parcels with the following designations: village residential, compact lot suburban and medium lot suburban, as well as any water lease tenures, as mapped in Schedule U of the Official Community Plan. This is limited to

- a. single-detached dwellings (on parcels under 740m<sup>2</sup>)
- b. duplex dwellings (on parcels under 25 meters in width)
- c. bare-land or building stratas with a density of 12 units per hectare or greater

**Impervious surfaces** mean hard surfaces that do not permit water to flow through to the ground beneath.

**Invasive plant species** means plants that are not native to the area or outside of their natural distribution and are identified on the “priority invasive plant list” established by the Coastal Invasive Species Committee and Invasive Species Council of BC.

**Natural features, functions and conditions** include but are not limited to the following:

- a. large organic debris that falls into the stream or streamside area, 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;
- d. the multi-canopied forest and ground cover adjacent to streams that
  - i. moderates water temperatures;
  - ii. provides a source of food, nutrients and organic matter to streams;
  - iii. establishes root matrices that stabilize soils and stream banks, thereby minimizing erosion; and
  - iv. buffers streams from sedimentation and pollution in surface runoff;
- e. a natural source of stream bed substrates; and
- f. 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 Areas Protection Regulation, s. 1

**Qualified environmental professional** means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

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

**Regional District** means the Cowichan Valley Regional District governing body; **regional district** refers to the CVRD’s geographical area.

**Riparian area** means an area adjacent to a watercourse that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the watercourse, the width of which includes the area up to 30 m from each edge of a bank of a watercourse.

**Riparian assessment area** means

- a. for a stream, the 30 m strip on both sides of the stream, measured from the high-water mark;
- b. for a ravine less than 60 m wide, a strip on both sides of the stream measured from the high-water mark to a point that is 30 m beyond the top of the ravine bank; and
- c. for a ravine 60 m wide or greater, a strip on both sides of the stream measured from the high-water mark to a point that is 10 m beyond the top of the ravine bank.

**Sensitive ecosystem** means an ecosystem in the landscape that is at risk or ecologically fragile.

**Sensitive Ecosystem Inventory** is the standardized method by which sensitive ecosystems are mapped and described. The scale of mapping can be variable, ranging from 1:1 000 to 1:20 000. Sensitive Ecosystem Inventory mapping coverage in the CVRD is only available in some areas.

**Shoreline** means the normal high-water mark of tidal waters, a coastal or inland wetland, a standing body of water or flowing water.

**Stormwater** means the water that drains off or into the land following rainstorm or snowfall.

**Stream** means

- a. a watercourse or body of water, whether or not usually containing water and whether or not the watercourse or body of water has been modified;
- b. a spring, whether or not usually containing water and whether or not the spring has been modified;
- c. a wetland, whether or not usually containing water and whether or not the wetland has been modified; and
- d. a ditch following that is connected by surface flow to any stream referred to in paragraphs (a) – (c).

**Sustainability** means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainability involves integrating social, economic and environmental considerations.

**Watercourse** means a creek, pond, lake, river, stream or brook, whether usually containing water or not, and any spring or wetland that is integral to a watercourse.

**Wetland** means land that is inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support and under normal conditions do support vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse.

**Wildlife corridor** means an area of habitat connecting wildlife populations separated by human activities or structures (such as roads, development or logging), providing animals with an opportunity to move freely between two or more habitat patches or habitat types in an otherwise fragmented landscape.

## 2 PROTECTION OF THE NATURAL ENVIRONMENT

### Development Permit Area 1: Riparian Protection

#### Permit Exemptions

There are several exemptions to the permit guidelines. A development permit is not required for the following activities:

- a. gardening and yard maintenance activities within an existing landscaped area, such as mowing lawns, pruning trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land;
- b. the construction of a fence if only non-native trees are removed and the disturbance of native vegetation is restricted to 0.5 m either side of the fence;
- c. the construction of a trail if all the following apply:
  - i. the trail is 1 meter wide or less;
  - ii. no native trees are removed;
  - iii. the surface of the trail is pervious (for example soil, gravel or wood chips); and
  - iv. the trail is designed to prevent soil erosion where slopes occur.
- d. normal farm practices within the Agricultural Land Reserve conducted in alignment with the *Farm Practices Protection Act*, and in accordance with the Code of Practice of Agricultural Management;
- e. ecological restoration and enhancement projects undertaken or authorized by public authorities;
- f. construction, maintenance or operation of
  - i. municipal works and services undertaken or authorized by the CVRD;
  - ii. park works and services undertaken or authorized by the CVRD; and
  - iii. federal and provincial works.
- g. emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including
  - i. forest fire, flood and erosion protection works;
  - ii. protection, repair or replacement of public utilities;
  - iii. clearing of an obstruction from a bridge, culvert or stream;
  - iv. bridge repairs;
  - v. removal or modification of trees certified by an arborist to be hazardous; and
  - vi. protection, repair or replacement of private or public septic system.

#### Application Requirements

- RP-AR1** Under the Riparian Areas Protection Regulation, a local government must not approve a development proposal within a riparian assessment area unless a qualified environmental professional
- a. has conducted an assessment that provides a professional opinion that there will be no adverse effect on the natural features, functions and conditions that support fish life processes in the riparian assessment area if the development is implemented as proposed; or
  - b. imposes a condition of the approval that the development proceed as proposed in the assessment report and comply with any measures recommended in the assessment report.

- RP-AR2** Where a development proposal includes works not previously authorized that are not legal non-conforming, a CIA report must be submitted to the CVRD as part of the application.
- RP-AR3** The CIA report must specify the width of the streamside protection and enhancement area (SPEA) and the measures necessary to protect its integrity, and it must adhere to the assessment methods set out in the schedule to the Riparian Areas Regulation. Recommendations from the assessment report may become conditions of the development permit.
- RP-AR4** To proceed with consideration of the development application, the Regional District will require a copy of the assessment report provided by the Minister of the Environment and Climate Change Strategy unless the federal Minister of Fisheries and Oceans or a regulation under the *Canada Fisheries Act* has authorized the harm to conditions in the riparian assessment area that would result from the implementation of the development proposal.
- RP-AR5** The Regional District may approve the development application only if the qualified environmental professional reports that the development as proposed will not harm natural features, functions and conditions that support fish life processes in the riparian assessment area, or that there will be no such harm if the streamside protection and enhancement areas identified are protected and the measures identified in the assessment report are implemented.
- RP-AR6** If adequate, suitable areas of land for the intended use exist on a portion of the parcel that lies outside the riparian assessment area, the applicant should direct development to those areas to minimize adverse impacts. In all other cases, the applicant will be required to demonstrate with the support of a qualified environmental professional, to the satisfaction of the CVRD board, that developing in the riparian assessment area is necessary or advisable due to circumstances such as topography, hazards or lack of alternative developable land and that every effort has been made to minimize adverse impacts.

The Riparian Areas Regulation requires a Qualified Environmental Professional (QEP) to provide an opinion in an Assessment Report that development will not result in a harmful alteration of riparian fish habitat. Through this report the QEP helps to plan any new development so that it will avoid impacting fish habitat. The Assessment Report, submitted electronically to provincial and federal governments, facilitates monitoring and compliance.

**RIPARIAN ASSESSMENT AREA** means:

- for a stream, the 30 meter strip on both sides of the stream, measured from the high water mark,
- for a ravine less than 60 meters wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank, and
- for a ravine 60 meters wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank.

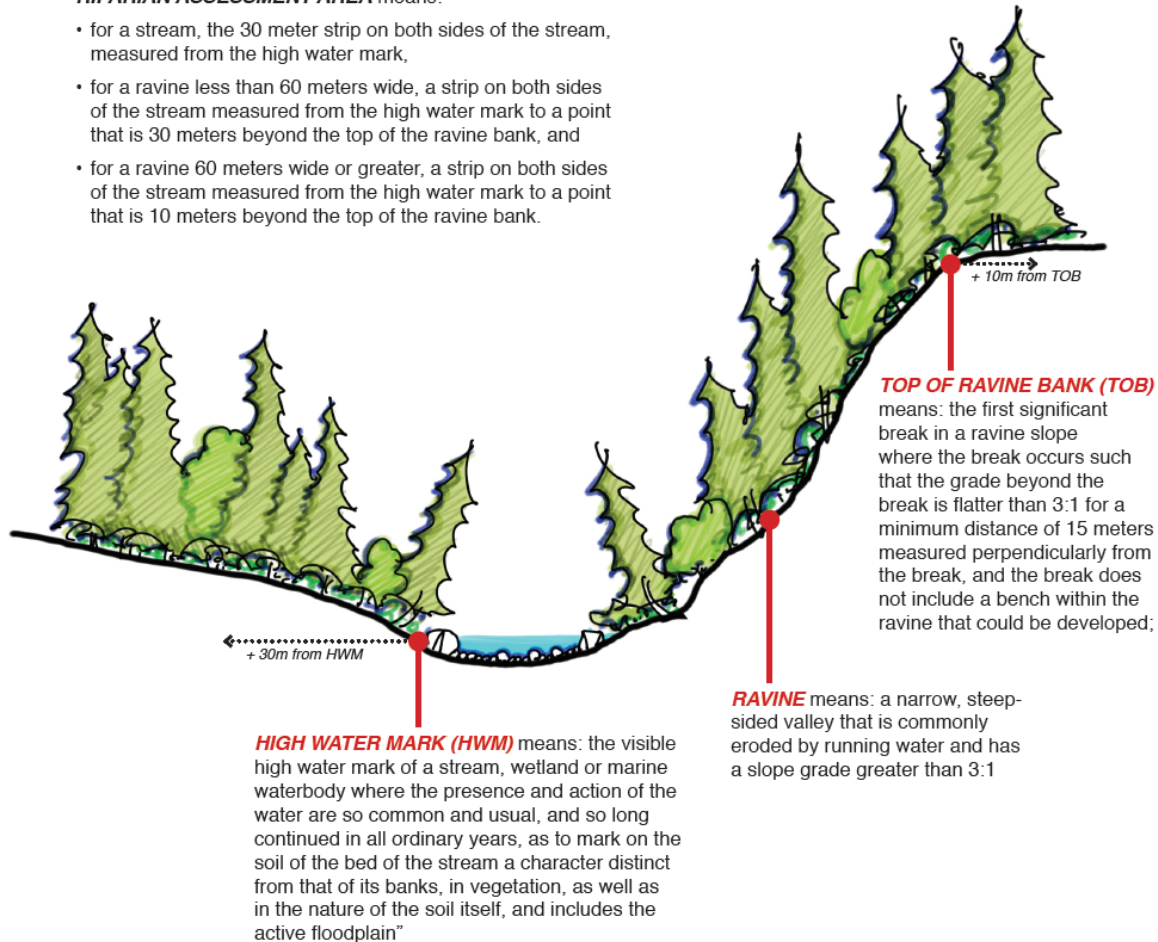


Figure 1 Riparian assessment area key terms.

## Permit Guidelines

### Protection of the Streamside Protection and Enhancement Area

- RP1.** No development should occur within a streamside protection and enhancement area except for
- a. works authorized by the Minister of Fisheries and Oceans or a regulation under the *Fisheries Act* (Canada);
  - b. works and activities that comply with the laws and regulations of the *Water Sustainability Act*, such as bank repairs, stormwater outfalls, road crossings, footbridges and pipeline crossings; and
  - c. works in which the local government has received an approved, non-expired assessment report from a qualified environmental professional in which the report

indicates how permitted use/density can be authorized on the parcel while causing minimum damage to the SPEA and, in some circumstances, how the SPEA encroachment can be compensated for by enhancement of contiguous land outside the SPEA.

- RP2.** Notwithstanding RP1, where a minor intrusion into a SPEA determined in accordance with that guideline is required and the SPEA is greater than 15 m setback, the SPEA boundary may be adjusted to accommodate the intrusion when all the following apply:
- a. the SPEA intrusion is situated within a previously landscaped area;
  - b. adjustment of the SPEA boundary does not result in any portion of the boundary being less than 10 m from the high-water mark;
  - c. terrain stability is not compromised;
  - d. land is added to the SPEA equal in area to that removed, so that there is no reduction in the overall SPEA area within the property;
  - e. new areas added to the SPEA to replace those removed are contiguous with the original SPEA and located as close to the stream as possible;
  - f. there is, in the opinion of the qualified environmental professional who performed the riparian area assessment, no reduction in the overall quality of the fish and wildlife habitat provided by the SPEA;
  - g. a BC land surveyor survey plan is provided that identifies the high-water mark of the stream, top of the ravine bank if applicable and adjusted SPEA boundary in relation to the parcel boundaries and existing and proposed development; and
  - h. the SPEA is identified in the development permit as an area that must remain free of development as a condition of development.
- RP3.** Address terrain stability as identified in a geotechnical assessment by a qualified engineer or geologist that may have an impact on the SPEA.

#### *Retention of Native Vegetation and Control of Invasive Species*

- RP4.** Retain lands within the riparian assessment area (including wetland, seasonal watercourse, lake or pond) in their natural state, preserving native vegetation and trees.
- RP5.** During construction, protect the root zones of trees located within the SPEA and those identified for retention outside the SPEA as identified by an arborist.
- RP6.** Remove and/or control invasive plant species on the priority plant list established by the Coastal Invasive Species Committee and Invasive Species Council of BC (<https://www.coastalisc.com/priority-invasive-plants/>).



Image 2 The priority plant list outlines species to be prevented, eradicated, contained or controlled.

### *Enhancement and Restorations*

- RP7.** Restore previously disturbed riparian areas to a natural condition based on a local reference ecosystem identified by the qualified environmental professional.
- RP8.** Enhance and, where feasible, restore watercourses in already developed areas to improve watercourse quality from uplands to inlets.

### *Subdivision*

- RP9.** At the time of subdivision, allocate an area at least 30 m in width from the high-water mark of the watercourse or top of ravine bank to be designated in the development permit to remain free of buildings, structures and alterations of land; designate the riparian assessment area in the development permit as an area that must remain free of development; and lay out subdivision parcels accordingly.
- RP10.** Design subdivisions so that all parcels allow for a suitable building envelope and driveway that is set back from the riparian assessment area at least 7.5 m.
- RP11.** Design subdivisions to avoid crossings of riparian areas and to maximize the distance between roads and riparian areas.
- RP12.** Where a crossing of a riparian area is unavoidable, locate and design crossings to minimize the environmental impact.
- RP13.** Design subdivisions to avoid disruption of wildlife corridors in riparian areas.

### *Building and Structures*

- RP14.** Develop and implement a soil erosion and sediment control plan as part of site design and construction to prevent the discharge of sediment-laden water into a stream.
- RP15.** Install temporary fencing and signage to prevent encroachment into the streamside protection and enhancement area during land preparation and construction.

- RP16.** Minimize alteration of the contours of the land outside the areas approved for buildings, structures and site accesses by minimizing the deposit of fill and the removal of soil.
- RP17.** Locate buildings, structures and driveways to maximize separation from riparian areas.

*Condition and Impact Assessment reports*

- RP18.** A Conditions and Impact Assessment report, must include
- a. identification of the streams and delineation of the natural boundary and stream boundary, including both the visible high-water mark and active floodplain boundary, on a site plan;
  - b. description of environmental conditions and functioning prior to unpermitted development;
  - c. description of development activities conducted without permits, including which activities have taken place within the riparian assessment area;
  - d. description of current existing environmental conditions post-development, including impacts to ecological functioning of the riparian assessment area; and
  - e. assessment of impacts to the riparian assessment area and recommended measures to substantially achieve both CVRD development permit guidelines and the Provincial Riparian Protection Standard.

- RP19.** Where instream habitat has been impacted by works in violation of section 11 of the *Water Sustainability Act*, any stream or wetland that has been buried shall be daylighted and the instream habitat restored.

- RP20.** An environmental restoration and remediation plan provided with a CIA report must address
- a. demolition and/or removal of any unpermitted buildings, structures, retaining walls or hardscaped impervious areas that are situated within a SPEA or that compromise SPEA protection measures;
  - b. soil deposit or removal where land alteration has occurred; and
  - c. ecological restoration planting where vegetation removal has occurred.

Best Management Practices for Protection of Riparian Areas

[Environmental Best Management Practices for Urban and Rural Land Development: Aquatic and Riparian Ecosystems](#) Government of British Columbia, 2004

[Standards and Best Practices for Instream Works](#) Government of British Columbia, 2004. Note: Fisheries and Oceans reviews and updates every two years to account for changes.

[Land Development Guidelines for the Protection of Aquatic Habitat](#) Fisheries and Oceans Canada, 1993

[Stormwater Planning: A Guidebook for British Columbia](#) Government of British Columbia et al. 2002

[Code of Practice for Agricultural Environmental Management B.C. Reg. 8/2019](#)

[BC Riparian Area Management Guidebook](#) Government of British Columbia, 2004

[Legislated Riparian Assessments in BC](#) Engineers & Geoscientists B.C., 2017



## Development Permit Area 2: Environmentally Sensitive Areas Protection

### Permit Exemptions

A development permit is not required for the following purposes:

- a. addition to a single detached dwelling of up to 10 m<sup>2</sup> in gross floor area.
- b. construction of an accessory building or structure with a gross floor area of up to 10 m<sup>2</sup> provided it has no permanent foundation and that it does not require the removal of trees.
- c. construction of a retaining wall up to 10 m in length and up to 1 m in height.
- d. construction of a non-structural impervious surface such as a driveway, walkway, patio or terrace not exceeding 10 m<sup>2</sup>.
- e. the construction of buildings or structures or land alteration if the CVRD receives confirmation from a qualified environmental professional stating that, through field verification or review of orthophotography at a scale less than 1:5000, an environmentally sensitive area is not located in the area of land subject to development. A review based on orthophotography must use 2015 or later orthophotos and provide a comparison to the 2014 orthophotography utilized in the Madrone Environmental Services 2018 report. This exemption does not apply to subdivision, except lot line adjustments described in exemption f.
- f. lot line adjustments where the subdivision does not result in the ability to construct a new dwelling unit.
- g. ecological restoration and enhancement projects undertaken or authorized by public authorities.
- h. gardening and yard maintenance activities within an existing landscaped area, such as mowing lawns, pruning trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- i. construction, maintenance or operation of
  - i. municipal works and services undertaken or authorized by the CVRD;
  - ii. park works and services undertaken or authorized by the CVRD; and
  - iii. federal and provincial works.
- j. emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including
  - i. forest fire, flood and erosion protection works;
  - ii. protection, repair or replacement of public utilities;
  - iii. clearing of an obstruction from a bridge, culvert or stream;
  - iv. bridge repairs;
  - v. removal or modification of trees certified by an arborist to be hazardous; and
  - vi. protection, repair or replacement of private or public septic system.



## Application Requirements

- ESA-AR1** Submit development approval information that has been prepared by qualified environmental professionals and includes, at a minimum
- a topographic survey with an appropriate contour interval;
  - an inventory of natural biophysical features;
  - identification of populations, habitats or natural features (e.g. wetlands, snags, coarse woody debris, etc.) supporting species at risk;
  - identification of the boundaries of environmentally sensitive areas;
  - description of site development plans and operations, including location and area calculations for proposed parcels, roads/driveways, building sites, impervious surface areas and natural and landscaped areas; and
  - assessment of the potential environmental effects of proposed development on sensitive and important ecosystems and watercourses.

### Protecting Species at Risk

The federal *Species at Risk Act* (SARA) defines a species at risk as an extirpated, endangered or threatened species or a species of special concern.

The BC government's Conservation Data Centre (CDC) assesses the level that BC species or ecological communities are at risk of being lost. Based on that, the CDC assigns a provincial conservation status rank that can be used to set conservation priorities.

All species in BC are ranked red, blue or yellow:  
*Red*—any species or ecosystem that is at risk of being lost (extirpated, endangered or threatened)  
*Blue*—any species or ecosystem that is of special concern (vulnerable to extirpation or extinction)  
*Yellow*— Any species or ecosystem that is at the least risk of being lost. All red-listed and blue-listed species are considered species at risk under SARA.

A 2015 update to the CVRD's *State of the Environment Report* included a full list of [species at risk in the Cowichan Valley Regional District](#).

- ESA-AR2** Submit an environmental site plan, prepared by qualified environmental professionals, that
- reflects Best Management Practices in environmental site planning;
  - includes details of specific provisions that will be implemented to preserve and protect the natural environment, ecosystems and biological diversity of sensitive ecosystems within the DPA;
  - specifies terms and conditions regulating any activities that may adversely affect or disturb species, vegetation, soils, watercourses, natural features or ecological processes of sensitive ecosystems within the DPA, where such disturbance is unavoidable;
  - details specific provisions that will be implemented to restore and enhance the natural environment, ecosystems and biological diversity of sensitive ecosystems within the DPA;
  - defines measures for professional environmental supervision, inspection and monitoring of development activities and related environmental effects on sensitive ecosystems occurring during and after development, including the environmental consequences of any contravention of a condition of the development permit and proposed measures for mitigation of these consequences;
  - conforms to all municipal bylaws, federal and provincial legislation, and regulations; and

- g. in Honeymoon Bay (electoral area F), references the Honeymoon Bay Property Environmental Overview Assessment prepared by ENKON Environmental Ltd. (2013).

Permit Guidelines

*Measures for Protecting Natural Attributes of Sensitive Areas*

- ESA1** Maintain a minimum 15 m natural buffer adjacent to sensitive ecosystem areas that
- a. recognizes natural processes and changing natural boundaries;
  - b. avoids disturbance of native vegetation and removes and/or controls invasive plant species on the priority plant list as identified by the Coastal Invasive Species Committee and Invasive Species Council of BC. (<https://www.coastalisc.com/priority-invasive-plants/>);
  - c. avoids disturbance to large trees, snags, stumps and logs;
  - d. deters grazing by livestock in sensitive ecosystem areas;
  - e. deters predation and disturbance wildlife by pets and domestic animals in sensitive and other important ecosystem areas; and
  - f. maintains wildlife corridors between the ecosystem and nearby wildlife habitat patches.

- ESA2** Include in the environmental site plan measures to maintain connectivity and linkages with adjacent sensitive ecosystems and other habitat areas through the use of corridors and greenways to minimize fragmentation. These connectivity features should be as undisturbed/natural as possible (i.e., include a variety of structural attributes or layers such as trees, shrubs, stumps, logs, etc.)

- ESA3** Where the development site contains or is adjacent to a natural watercourse

- a. prevent access to the watercourse by construction activities, except as approved by government agencies having jurisdiction;
- b. preserve and restore the watercourse to its natural condition, including the planting and retaining of vegetation and trees to preserve and protect fish habitat and riparian areas, control drainage and erosion and protect banks; and

Best Management Practices for Protection of Sensitive Ecosystems

Best Management Practices for Environmental Protection  
[Environmental Best Management Practices for Urban and Rural Land Development: Special Wildlife & Species at Risk](#)  
 Government of British Columbia

[Natural Resource Best Management Practices](#)  
 Government of British Columbia

Working around Watercourses  
[Standards and Best Practices for Instream Works](#)  
 Government of British Columbia

Invasive and Native Plants  
[Coastal ISC Priority Invasive Plant List](#)  
 Coastal Invasive Species Committee

[Gardening with Native Plants](#)  
 Habitat Acquisition Trust



- c. ensure the environmental site plan complies with provisions of the [B.C. Water Sustainability Act](#), [Canada Fisheries Act](#) and [BC Riparian Areas Protection Regulation](#).

**ESA4** Design and implement a sediment and erosion control plan to protect sensitive ecosystems from silt smothering of low-growing plants where land disturbance is planned or likely.

**ESA5** Where utilities, servicing and infrastructure are required near sensitive ecosystems

- a. locate these works within sensitive ecosystem areas and associated buffers only where the installation is necessary, such as essential public roads, utilities, public works and pathways, and where there is no other physical alternative, by the determination of the local government;
- b. manage construction to avoid adverse effects on sensitive ecosystem functions and conditions;
- c. locate and design installations through the environmental site plan so that sensitive ecosystems can be maintained when adjacent lands are developed; and
- d. restore and enhance any disturbed sensitive ecosystems to maintain previously existing natural conditions and functions of the sensitive ecosystem.

**ESA6** Use only native plant species where development occurs within or adjacent to a sensitive ecosystem, and do not use invasive plant species as identified by the Coastal Invasive Species Committee and Invasive Species Council of BC (<https://www.coastalisc.com/priority-invasive-plants/>).

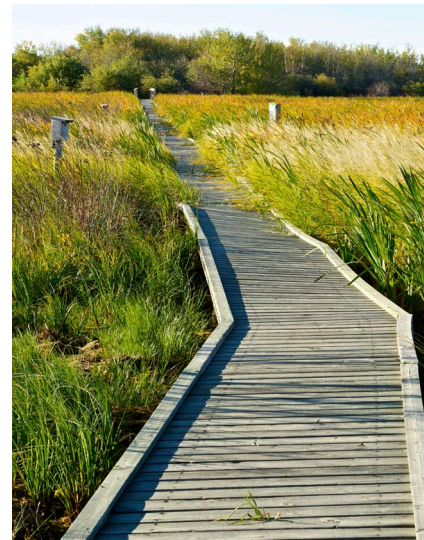
**ESA7** Create and implement a plan to control the introduction or spread of invasive plant species. This plan may include removal of invasive species by hand clearing, pruning, mowing, excavation or other appropriate method. Disturbed sites are to be planted with appropriate native species.

**ESA8** Avoid development activities in areas that would disturb wildlife during nesting and breeding seasons. Ensure that wildlife agencies and experts are consulted as necessary to determine the best times and practices for development.

**ESA9** Minimize activities that disturb wildlife, compact or expose soils, or damage native vegetation, such as intensive recreation and livestock grazing. Where such activities are unavoidable, use designs that avoid public and livestock access to sensitive and important ecosystems (e.g., via roads and trails).

**ESA10** Minimize the presence of trails and other crossings within environmentally sensitive areas or sensitive ecosystems. Where they are required, they should be designed to

- a. be as narrow as possible;
- b. not impact natural hydrological processes (i.e., water flows and drainage pathways);



*Image 3 Boardwalks are elevated to minimize disruption of wetlands.*



- c. provide the least intrusive and disruptive route to viewing areas;
- d. avoid areas with high erosion potential;
- e. ensure adequate drainage;
- f. avoid sensitive or rare vegetation; and
- g. prevent intrusion into wet areas including seepage sites and wetlands.



## Development Permit Area 3: Marine Uplands and Foreshore Protection

### Permit Exemptions

A development permit is not required in the stated electoral areas for the following purposes.

Electoral Area:	Exemption:
A, C, D, H	Activities located in areas more than 15 horizontal metres upland from the high-water mark.
G	Activities located in areas more than 30 horizontal metres upland from the high-water mark.
A, C, D, G, H	Lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit.
	Water lease lots.
	Minor alterations to areas that have previously been disturbed for at least five years, provided that only hand tools and natural materials, such as wood or stone, are used in the construction.
	Construction of a non-structural impervious surface, such as a driveway, walkway, patio or terrace, not exceeding 10 m <sup>2</sup> .
	Construction, maintenance or operation of <ol style="list-style-type: none"> <li>i. municipal works and services undertaken or authorized by the CVRD;</li> <li>ii. park works and services undertaken or authorized by the CVRD; and</li> <li>iii. federal and provincial works.</li> </ol>
Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including <ol style="list-style-type: none"> <li>i. forest fire, flood and erosion protection works;</li> <li>ii. protection, repair or replacement of public utilities;</li> <li>iii. clearing of an obstruction from a bridge, culvert or stream;</li> <li>iv. bridge repairs;</li> <li>v. removal or modification of trees certified by an arborist to be hazardous; and</li> <li>vi. protection, repair or replacement of a private or public septic system.</li> </ol>	

Best Management Practices for Marine Shores Protection  
[Green Shores for Coastal Development: Credits and Ratings Guide for Waterfront Properties](#)  
 Part 2: Prerequisites, pp. 8-24.

## Permit Guidelines

### *Protection of Shoreline Ecosystems*

- MUFP1.** Submit a report prepared by a qualified environmental professional to eliminate or mitigate impacts of the proposed development on the subject property, other parcels with marine shorelines in the general area, and the general marine ecology.
- MUFP2.** Retain lands inland from and abutting the shoreline in their natural condition, preserving native vegetation and trees. Where a building, structure or alteration of land is proposed in these areas, demonstrate the circumstances that make this necessary.
- MUFP3.** Restore vegetation to marine riparian areas affected by construction or alteration of land using native species in accordance with a vegetation restoration plan prepared by a landscape architect or qualified environmental professional.
- MUFP4.** Implement measures to manage erosion and sedimentation during site preparation and construction.

### Seawalls and Shorelines

Construction of concrete seawalls, once standard practice, has given way in recent years to a preference for natural barriers designed not to interfere with natural shoreline processes.

Hard structures that interrupt natural sediment movement can cause the loss of sand and gravel beaches and the habitat they provide for marine fauna and flora. Removal of natural vegetation, for example to expand a lawn up to the shoreline, may also mean the loss of the valuable functions it provides, such as providing wildlife habitat, filtering pollution washed off the land and absorbing the destructive energy of storm waves. Impacts on offshore marine ecosystems such as eelgrass beds can harm a wide range of marine life up the food chain from forage fish to salmon to orcas.

Interruption of natural shoreline processes by hard structures in one part of a beach may also have detrimental impacts on adjacent and nearby properties by altering erosion and drift patterns along the length of a shoreline.

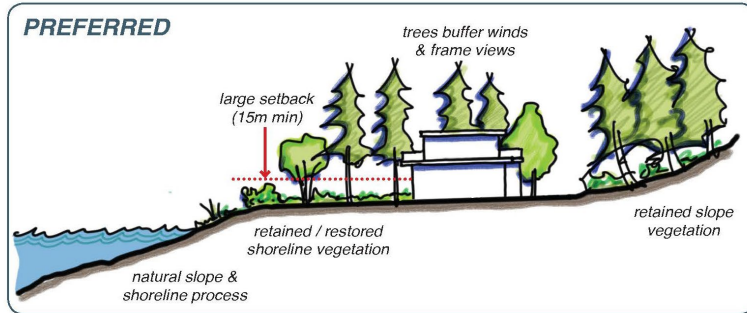
- MUFP5.** Locate roads as far as possible from the edge of a slope or from the marine shoreline.

### *Limiting Shoreline Erosion*

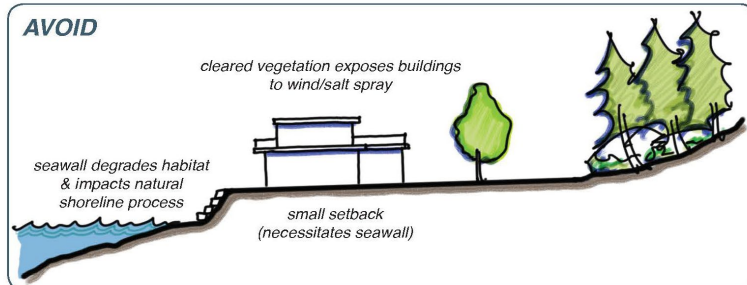
- MUFP6.** Avoid shoreline hardening and erosion control measures such as retaining walls.
- MUFP7.** Where erosion control measures are required to protect existing buildings, give preference to natural measures, such as a Green Shores approach, rather than shoreline/slope hardening.
- MUFP8.** Where retaining walls or other structures are required to protect buildings or prevent erosion, ensure they are limited to areas above the high tide mark and to areas of slope failure, rather than along the entire shoreline frontage, and are less than 2 metres in height in any one section.
- MUFP9.** Avoid backfilling behind a retaining wall unless clearly demonstrated by an engineer to be necessary to prevent further erosion or sloughing of the bank that would potentially endanger existing buildings.

*Maintaining Public Waterfront Access*

**MUFP10.** Ensure public access to the marine waterfront is not prevented or impeded by shoreline alterations.



**MUFP11.** Complete installation and construction during periods of least risk (summer: July 1–October 1; winter: December 1–February 15).



*Cowichan Bay Village Foreshore Overstructures*

Figure 2 Foreshore overstructures.

**MUFP12.** Minimize the extent of overwater structures and the number of pilings.

**MUFP13.** Orient piers and docks north to south.

**MUFP14.** Situate wharves to avoid extension over marshes or other productive foreshore areas; avoid extending wharves over the water beyond the low-water mark, except as necessary to access floats or for public viewing.

**MUFP15.** Locate overwater structures, including floating homes, at a sufficient depth of water to prevent the structure from grounding, ensuring a minimum 2 m vertical clearance between the level of the lowest tide and ocean floor substrate.

**MUFP16.** Focus lighting on the dock surface and use shades to minimize illumination of the water and surrounding environment at night.

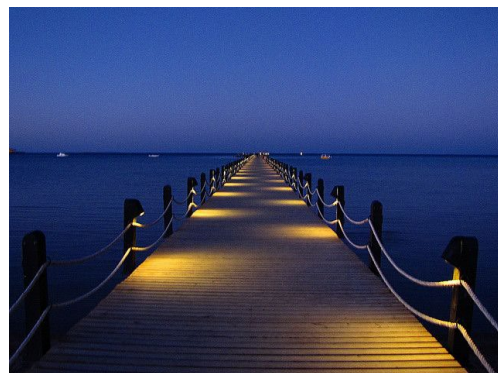


Image 4 Full cut-off luminaires limit light pollution to reduce impact on marine life.

**MUFP17.** Incorporate measures to increase light penetration to the marine environment during the day. Measures to increase light penetration may include

- a. locating overwater structures so they will not cast shade on native aquatic vegetation or light-sensitive habitat;
- b. locating overwater structures a minimum of 8 m from native aquatic vegetation;



- c. using grating, glass inserts or reflective panels, with at least 60% functional openings, for elevated docks and gangways sited over nearshore areas; and
- d. providing artificial lighting beneath overwater structures during daylight hours.

**MUFP18.** Avoid sheathing-in (skirting) overwater structures.

**MUFP19.** Design and locate structures to avoid the need for new bulkheads or shoreline armour.

**MUFP20.** Avoid use of wood treated with toxic compounds in decking, pilings or other in-water components.

**MUFP21.** Encapsulate foam material so that it cannot break up and be released into water.



## Development Permit Area 4: Aquifer Protection

### Permit Exemptions

A development permit area is not required for the following purposes:

- a. construction of, addition to or alteration of a single detached dwelling including accessory structures.
- b. maintenance of existing lawns and gardens.
- c. removal of invasive plants and planting of native plants.
- d. repair and maintenance of existing structures.
- e. lot line adjustments where subdivision does not result in the ability to construct a dwelling unit.
- f. normal farm practices in the Agricultural Land Reserve, conducted in alignment with the Code of Practice of Agricultural Environmental Management and in accordance with the *Farm Practices Protection Act*.
- g. ecological restoration and enhancement projects undertaken or authorized by public authorities.
- h. forest management activities as described in Schedule A to the Private Managed Forest Land Regulations that are occurring on private managed forest land.
- i. construction, maintenance or operation of
  - i. municipal works and services undertaken or authorized by the CVRD;
  - i. park works and services undertaken or authorized by the CVRD; and
  - ii. federal and provincial works.
- j. emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including
  - i. forest fire, flood and erosion protection works;
  - ii. protection, repair or replacement of public utilities;
  - iii. clearing of an obstruction from a bridge, culvert or stream;
  - iv. bridge repairs;
  - v. removal or modification of trees certified by an arborist to be hazardous; and
  - vi. protection, repair or replacement of private or public septic system.

### Application Requirements

**AP-AR1** Prior to construction or excavation, along with a development permit application, submit a report prepared by a qualified environmental professional that analyzes the impacts of proposed development on aquifers in the development permit area.

## Permit Guidelines

### General

- AP1.** Plan and undertake development activities in a manner that complies with BC and federal government guidelines for best management practices, including
- [Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia](#) Government of British Columbia, 2014; and
  - [Natural Resource Best Management Practices](#) Government of British Columbia.
- AP2.** Follow BC and federal government best management practices for the protection of water quality and quantity in surface and groundwater hydrologic systems, including
- [Integrated Rainwater and Groundwater Management](#) Water Sustainability Action Plan for British Columbia, 2012;
  - [Land Development Guidelines for the Protection of Aquatic Habitat.](#) Fisheries and Oceans Canada, 1993; and
  - [Stormwater Planning.](#) Government of British Columbia, 2002.

### *Protection of Aquifers from Contamination and Depletion*

- AP3.** Do not construct any septic tank, storage tank, drainage, irrigation or water system in any area identified as having unstable soils or water laden lands subject to degradation. The development permit may allow individual and low-density septic disposal systems only if there is adequate investigation and monitoring to assess the effects of the proposal on the groundwater regime and the steps taken to mitigate degradation.
- AP4.** Ensure sewage treatment and disposal methods meet the requirements of the most recent [Liquid Waste Management Plans](#).

### Classifications of Aquifers

Groundwater levels are not declining everywhere across the province, but rather in localized areas where there are intensive groundwater withdrawal and urban development. The provincial map-based [aquifer classification system](#) categorizes aquifers based on their current level of development (use) and vulnerability to contamination, and ranks them to indicate their relative importance.

The classification system shows that some communities in BC are highly dependent on groundwater and particularly vulnerable to problems with water supply and groundwater contamination. These areas include the Lower Mainland, Okanagan, the east coast of Vancouver Island and the Gulf Islands.

In addition to declining quantity, groundwater quality is also at risk in many urbanizing areas where contaminants from land uses may eventually enter aquifers in unacceptable quantities, causing public health threats and compromising long-term sustainability.

[Groundwater Bylaws Toolkit.](#)  
Okanagan Basin Water Board, 2009

**AP5.** Locate, design, construct and maintain buildings, structures and uses involving the transportation, storage or use of materials, chemicals, compounds or substances that could contaminate an aquifer or groundwater, including materials or substances used during land alteration and construction activities, to minimize the possibility of contamination.

**AP6.** Implement landscape approaches, such as [natureescaping](#), or drought resistant native vegetation, that minimize watering requirements, preserve native vegetation and use non-invasive plant species suited to the local climate.



*Image 5 Landscape designs with native plant species reduce water demand for irrigation.*



Table 1 Aquifers in the Cowichan Valley Regional District (Source: Ground Water Aquifers, Ministry of Environment and Climate Change Strategy, 2019)

Aquifer Name / Number	Location Description	Electoral Area
Lower Cassidy	Cassidy	H
Cassidy	Cassidy	H
162	Cedar, Yellow Point, N. Oyster (Ladysmith)	H
168	Ladysmith	H
169	Saltair, South Ladysmith	G
170	Panorama Ridge, Chemainus	G
178	Skutz Falls, Lake Cowichan, Paldi	F
179	Sahtlam	E, F
180	Sahtlam	E, F
181	West Duncan	E
182	Paldi – Sahtlam	E, F
183	West Duncan	E
185	Deerholm, South Duncan	E
Lower Cowichan River A	Duncan	D, E
Lower Cowichan River B	Duncan	D
Lower Cowichan River C	Duncan	D
189	Honeymoon Bay & Mesachie Lake	F
190	Youbou	I
191	North Lake Cowichan	I
192	North Lake Cowichan	F, I
196	Deerholm / Duncan	B, E
197	Cowichan Bay / Cobble Hill	A, B, C, D, E

198	Cowichan Station / Duncan	B, D, E
199	Cowichan Station	B, C, E
200	Cobble Hill / Duncan	B, E
201	Cobble Hill	B
202	Shawnigan Lake / Cobble Hill	B, C
203	Shawnigan Lake / Cobble Hill	B
204	Cobble Hill / Mill Bay	A, B, C
205	Cobble Hill / Shawnigan Lake	A, B
206	Mill Bay	A
207	Mill Bay / Shawnigan Lake	A, B
208	Spectacle Lake / Malahat	A, B
945	Northeastern shore of Cowichan Lake	F, I
946	Northeastern shore of Cowichan Lake	I
947	East shore of Mesachie Lake	F
948	West shore of Marble Bay, Cowichan Lake	I
949	East shore of Mesachie Lake	F
962	Ladysmith, BC	H
964	Cassidy – Nanaimo Airport	H

## 3 PROTECTION OF DEVELOPMENT FROM HAZARDOUS CONDITIONS

### Application Requirements

Unless an activity is exempt (see exemptions sections below for wildfire, flood and landslide), section 489 of the *Local Government Act* requires a development permit for protection from hazardous conditions to be approved by local government before:

- subdivision of land;
- construction of, addition to or alteration of a building or other structure; and/or
- alteration of land, including but not limited to clearing, grading, blasting, preparation for or construction of services, and roads and trails.

### Existing Development

Existing development criteria take into consideration historic development on a property where the natural hazard may not have been known at the time of development. These criteria apply to structural alterations and additions to existing buildings and structures comprising, under the authorization of any single permit or multiple permits issued for the same building or structure within a 10-year period, less than a 25% increase to the existing gross floor area, as long as the addition is not on the part of the land that is most exposed to the natural hazard.

### New Development

New development is defined to include

- rezoning;
- subdivision as defined in section 455 of the *Local Government Act*;
- removal, alteration, disruption or destruction of vegetation;
- disturbance of soils;
- construction or erection of buildings and structures;
- creation of non-structural impervious or semi-impervious surfaces;
- flood protection works;
- construction of roads, trails, retaining walls greater than 1.2 m in height, public docks, public wharves and bridges;
- provision and maintenance of sewer and water services;
- development of drainage systems;
- development of utility corridors; and
- structural alterations and additions to existing buildings and structures that do not qualify as existing development.

The acceptability thresholds document describes the types of development applications that relate to natural hazard criteria. It can be found here:

[https://cvrd.ca/wp-content/uploads/2025/09/CVRD\\_HazardAcceptabilityThresholds.pdf](https://cvrd.ca/wp-content/uploads/2025/09/CVRD_HazardAcceptabilityThresholds.pdf)

### *Best Management Practices for Protection from Hazardous Conditions*

In addition to following the guidelines associated with each development permit area for protection from hazardous conditions, holders of development permits should adhere closely to best management practices published by the BC and federal governments as well as those developed by organizations with relevant expertise. Some of the most pertinent best management practices are listed below.

#### Hazards 101: Homeowner Tips for Understanding and Managing Natural Hazards in the CVRD

A useful first step for understanding the risks associated with different types of natural hazards in the Cowichan Valley Regional District as well as tips on how to anticipate and prepare for that risk would be a review of the [guide for homeowners](#) published by the CVRD on its website.

For fire in particular, the *Homeowner's FireSmart Manual*, BC edition, provides a wealth of advice about how to protect property and persons from the risk of uncontrolled wildfire.

#### **Wildfire**

[The Home Owner's FireSmart Manual](#)  
Government of British Columbia

#### **Flood**

[Environmental Protection in Flood Hazard Management](#)  
Fraser Basin Council, 2010

#### [Stormwater Planning](#)

Government of British Columbia, 2002

#### **Landslide**

[A Guide for Management of Landslide-prone Terrain in the Pacific Northwest](#)  
BC Ministry of Forests, 1994

#### **General**

[Natural Resource Best Management Practices](#)  
Government of British Columbia

Note the assurance process for development permit holders:

Hazard Assurance Statement Form:

[https://cvrd.ca/wp-content/uploads/2025/09/2020-12-03-CVRD-Geohazard-Assurance-Statement-v2-1\\_202012221243137675.pdf](https://cvrd.ca/wp-content/uploads/2025/09/2020-12-03-CVRD-Geohazard-Assurance-Statement-v2-1_202012221243137675.pdf)

Hazard Assurance Guidelines:

[https://cvrd.ca/wp-content/uploads/2025/09/CVRD\\_HazardAssuranceGuide.pdf](https://cvrd.ca/wp-content/uploads/2025/09/CVRD_HazardAssuranceGuide.pdf)

[The Busyplace Creek Stormwater Management Plan](#) and the [Natural Hazard Risk reports](#) for flood, sea level rise and slope failure include additional recommendations for development in hazard areas.

There are three development permit areas for Protection of Development from Hazardous Conditions:

[DPA 5 – Wildfire Hazard](#)

[DPA 6 – Floodplain Hazard](#)

[DPA 7 – Slope Stability](#)

## Development Permit Area 5: Wildfire Hazard

### Permit Exemptions

A development permit is not required for the following activities:

- a. construction of, addition to or alteration of a single detached dwelling including accessory buildings and structures, provided that the home, yard/non-combustible zone and yard/zone 1 all have a low or moderate hazard score as described in the FireSmart score card.
- b. gardening and yard maintenance.
- c. construction of a fence if only non-native trees are removed and the disturbance of native vegetation is restricted to 0.5 m on either side of the fence.
- d. construction of a trail if all the following apply:
  - i. the trail is 1 metre wide or less;
  - ii. no native trees are removed;
  - iii. the surface of the trail is pervious (for example soil, gravel or wood chips); and
  - iv. the trail is designed to prevent soil erosion where slopes occur.
- e. agricultural activity.
- f. lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit.
- g. construction, maintenance or operation of
  - i. municipal works and services undertaken or authorized by the CVRD;
  - ii. park works and services undertaken or authorized by the CVRD; and
  - iii. federal and provincial works.
- h. emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including
  - i. forest fire, flood and erosion protection works;
  - ii. protection, repair or replacement of public utilities;
  - iii. clearing of an obstruction from a bridge, culvert or stream;
  - iv. bridge repairs;
  - v. removal or modification of trees certified by an arborist to be hazardous; and
  - vi. protection, repair or replacement of private or public septic system.

### Application Requirements

**WH-AR1** If required by the Regional District, provide a risk assessment report prepared by a qualified environmental professional with experience or training in conducting wildland fire risk assessments. Alternative measures to those listed in these guidelines may be accepted based on advice from a qualified professional.

**WH-AR2** In the case of industrial subdivisions, provide a risk assessment report prepared by a qualified professional with experience or training in conducting wildland fire risk assessments. The report will assess the wildland fire risk and include recommendations to mitigate risk.

## Permit Guidelines

### *Best Management Practices*

- WH1.** During construction, implement [FireSmart](#) measures, including thinning of fuels in the surrounding area and providing firefighting equipment on site.
- WH2.** Ensure building design and construction is generally consistent with the highest current wildfire protection standards published by the [National Fire Protection Association](#) or similar organization.

### *Subdivision*

- WH3.** In subdivision orientation and layout, provide adequate access for evacuation, emergency responders and fire protection for all parcels created through a subdivision process. A secondary access is required.

**WH4.** Incorporate fuel breaks (designed as roadways and/or buffer strips of cleared vegetation) between forested lands and subdivided parcels.

*Site Design and Landscaping*

**WH5.** Avoid locating buildings on the mid to upper portion of a property or at the crest of a hill, as these areas are typically at greatest risk in the event of wildfire.

**WH6.** Locate accessory buildings and structures a minimum of 15 m from the principal building(s) unless they are built to the same standard of fire resistance as the principal building(s).

**WH7.** Locate burn barrels and woodpiles a minimum of 15 m from the principal building(s).

**WH8.** Establish and maintain a non-combustible landscape within at least 1.5 m of the principal building(s). A larger non-combustible landscape of 10 m is encouraged.

**WH9.** Manage vegetation and combustible materials in accordance with FireSmart practices within at least 30 m of principal building(s). Recommended practices include

- a. spacing coniferous trees so that the canopies are at least 3 m apart; and
- b. removing shrubs and small trees and pruning branches within 2 m of the ground.

**WH10.** Remove dead and dying trees prior to subdivision and annually after construction.

*Building Design and Material*

**WH11.** Use non-combustible materials or materials with a high resistance to fire for roof coverings. Class A UL/ASTM fire-rated materials (e.g. metal, clay tile or class A rated asphalt shingle) are recommended.

**WH12.** Use tempered or multi-paned glass for doors and windows.

**WH13.** Use non-combustible or ignition-resistant materials, such as stucco, metal siding, bricks, logs, heavy timber or poured concrete, for exterior wall finishes and decks. At a minimum, provide 15 cm of non-combustible surface between the ground and siding.

**WH14.** Sheath-in (skirt) the underside of balconies, decks, porches, manufactured homes and open foundations with fire-resistant materials.



*Image 6 Building and design materials options.*

- WH15.** Cap or screen chimney vents with spark arrestors or 12-gauge (or better) metal mesh with openings of less than 13 mm.
- WH16.** Use closed eaves or screen eaves with 3 mm or smaller wire mesh.
- WH17.** Screen vents with wire mesh 3 mm or smaller or use ASTM ember-resistant rated vents.

#### Wildfire Risk in the CVRD

Despite people's familiarity with the term 'wildland-urban interface,' CVRD's planners and Public Safety Division and provincial and local firefighting agencies in the Cowichan Valley continue to be challenged by the general perception from the public and visitors alike that interface fires are associated with BC's interior, not Vancouver Island's rainforests. All 18 fire departments in the expansive CVRD are volunteer-based. With nearly 90% of the lands in the region (excluding North Cowichan, which has a separate community wildfire protection plan) rated with a high or extreme interface wildfire threat, concentrated efforts need to be continued by the CVRD, in combination with other levels of government and stakeholders, to ensure protection for life, property and ecological processes in the wildland urban interface.

CVRD Community Wildfire Protection Plan,  
2012 Update

## Development Permit Area 6: Floodplain Hazard

### Permit Exemptions

A development permit is not required for the following activities:

- a. lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit.
- b. construction, maintenance or operation of
  - i. municipal works and services undertaken or authorized by the CVRD;
  - ii. park works and services undertaken or authorized by the CVRD; and
  - iii. federal and provincial works.
- c. emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including
  - i. forest fire, flood and erosion protection works;
  - ii. protection, repair or replacement of public utilities;
  - iii. clearing of an obstruction from a bridge, culvert or stream;
  - iv. bridge repairs;
  - v. removal or modification of trees certified by an arborist to be hazardous; and
  - vi. protection, repair or replacement of private or public septic system.

### Application Requirements

**FH-AR1** Provide a risk assessment report prepared by a qualified professional with experience or training in conducting flood risk assessments. Alternative measures to those listed in these guidelines may be accepted based on advice from a qualified professional.

## General Permit Guidelines

### *Development Design and Location*

- FH1.** Ensure development
- a. is constructed in a location and manner that will maximize the safety of residents and property;
  - b. is located in the least hazardous part of the site;
  - c. is minimized in floodplain areas or where development may impede a natural floodway;
  - d. complies with flood construction requirements identified by a qualified professional in a preliminary assessment or detailed assessment report;
  - e. does not increase the risk or hazard to, or vulnerability of, other properties or structures;
  - f. does not include habitable space below the flood construction level specified by the qualified professional except in accordance with recommendations made by a qualified professional and in compliance with these guidelines;
  - g. in connection with renovations to any existing permanent structure, where reasonable, reduces flood hazard to the existing permanent structure by raising the habitable space to flood construction levels; and
  - h. does not include the installation of any mechanical equipment or electrical wiring below the flood construction level except in accordance with recommendations.
- FH2.** Implement structural and/or non-structural flood protection measures to mitigate the impacts of flooding within areas already developed.
- FH3.** Maintain potential debris flow and debris flood hazard areas and potential flood hazard areas free of development, or, if that is not possible, then
- a. undertake mitigation to reduce risk to an acceptable level (risk for both the subject property and any adjacent or nearby lands should be addressed); and
  - b. adhere to any conditions (for example, conditions relating to the permitted uses, density or scale of building) imposed as necessary to reduce potential hazard to acceptable levels, as determined by a qualified professional in a preliminary assessment or detailed assessment report.
- FH4.** Ensure proposed flood construction levels are clearly defined by a qualified professional, preferably supported by Geodetic Survey of Canada data.
- FH5.** Preserve natural riparian and floodplain regimes, siting development to allow normal creek processes (erosion and channel migration) and anticipated flooding to occur. Where appropriate, this should include actions such as grading of the site to deflect flood water and to allow for floodways or pooling of flood water.
- FH6.** Retain sites in their natural state, protecting riparian areas, preserving native vegetation and trees, and minimizing disturbance to vegetation to help preserve the natural hydrology of the site and reduce the environmental impact associated with new development.



*Image 7 Homes are set back from the riverside; native vegetation is preserved along its banks.*

## Additional Permit Guidelines for Specific Areas

### *Youbou Lands*

- FH7.** Submit with a development permit application in the Youbou Lands development permit area the following information:
- topographic mapping for the entire Youbou Lands site with a 1 m contour interval;
  - cross-sections of Cottonwood Creek, prepared by a BC land surveyor, taken at 100 m to 150 m intervals between the apex of the alluvial fan and Cowichan Lake shoreline;
  - the location of the 167.33 m contour interval on the ground, representing the calculated 1-in-200-year flood construction level; and
  - a report by a qualified engineer with experience in natural hazard assessment, management and mitigation, which will identify areas that will remain free of development, areas that may be used for development provided that specified engineering measures are employed, and areas that may be developed without constraint. These areas will be set out on a map in the report, with a different colour used to indicate each of these three categories. The CVRD will follow the recommendations of the qualified engineer in all subsequent phases of development. Where protective structures are proposed, the proponent will recommend an administrative process to maintain the structures through time, and the CVRD will have to approve this arrangement while processing the application, in order for the development permit to be issued.

## Development Permit Area 7: Slope Stability

### Permit Exemptions

A development permit is not required for the following activities:

- a. non-structural repairs or renovations (including roof repairs or replacement) to a permanent structure provided that such repairs or renovations do not increase the gross floor area of the permanent structure.
- b. replacement or repair of an existing deck, provided that the location and dimensions do not change.
- c. construction of an accessory building of less than 25 m<sup>2</sup> located outside any potential slope hazard area and at least 10 m away from the crest of any steep slope, and provided that no removal of trees or placement of fill will be required.
- d. in electoral area G, construction of buildings and structures located more than 30 m from the high-water mark of the ocean.
- e. removal of hazardous trees.
- f. routine maintenance of existing landscaping and lawn areas, or planting of vegetation, except for the planting of trees within 10 m of the top of a steep slope.
- g. lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit.

### Application Requirements

**SS-AR1** Submit a report prepared by an engineer or geoscientist that indicates whether, if recommendations are followed, the site may be used safely for the intended development over the projected life of the development. The applicant must submit a development permit application, which at a minimum includes

- a. a written description of the proposed project;
- b. reports or information as listed in the relevant development permit guidelines; and
- c. information in the form of one or more maps, as follows:
  - i. location/extent of proposed work;
  - ii. location of ocean high tide mark;
  - iii. location of other watercourses;
  - iv. topographical contours;
  - v. location of slopes exceeding 25 percent grade;
  - vi. location of lands subject to periodic flooding;
  - vii. percentage of existing and proposed impervious surfaces;
  - viii. existing tree cover and proposed areas to be cleared;
  - ix. areas of known sensitive or rare native plant communities;
  - x. existing and proposed buildings;
  - xi. existing and proposed property parcel lines;
  - xii. existing and proposed roads, vehicular access points, driveways and parking areas;
  - xiii. existing and proposed trails;
  - xiv. existing and proposed stormwater management works, including retention areas and drainage pipes or ditches;
  - xv. existing and proposed erosion mitigation and bank alterations;
  - xvi. existing and proposed septic tanks, treatment systems and fields; and
  - xvii. existing and proposed water lines and well sites.



**SS-AR2** Identify any lands that are subject to rock fall, sloughing or soil creep, or to damage from rock fall, sloughing or soil creep originating on or off the property. No permanent structures will be located on these lands unless the hazard can be adequately mitigated. Where applicable, the applicant must provide a report certified by a professional engineer with experience in geotechnical engineering which includes

- a. a hydrogeological report containing an assessment of the suitability and stability of the soil for the proposed project, including information on soil depths, textures and composition;
- b. a report on the safety of the proposed use and structures on-site and off-site, indicating that the land may be used safely for the use intended; and/or
- c. a stormwater management plan, which includes an assessment of the potential impact of the development on the groundwater resource.

**SS-AR3** Where applicable, the applicant must provide an environmental impact assessment, certified by a qualified environmental professional, assessing any impacts of the project on watercourses and lands in the area.

### Permit Guidelines

**SS1.** Construct works to protect development from the hazards as recommended in the assessment report.

**SS2.** Roads and driveways should be located as far as possible from the edge of a bluff or from the ocean shoreline.

### Adapting Design to Natural Contours

**SS3.** Design all development to minimize alteration to steep slopes and to reflect the site rather than altering the site to reflect the development.

**SS4.** On sloping sites, design sites and buildings to step down with the natural grade of the site to minimize cuts and fills, retaining walls, artificial embankment of grade or extensive regrading; avoid large unbroken building masses that are unsuitable for sloped conditions.

**SS5.** Avoid or minimize terracing and design landscaping to follow the natural contours of the land.

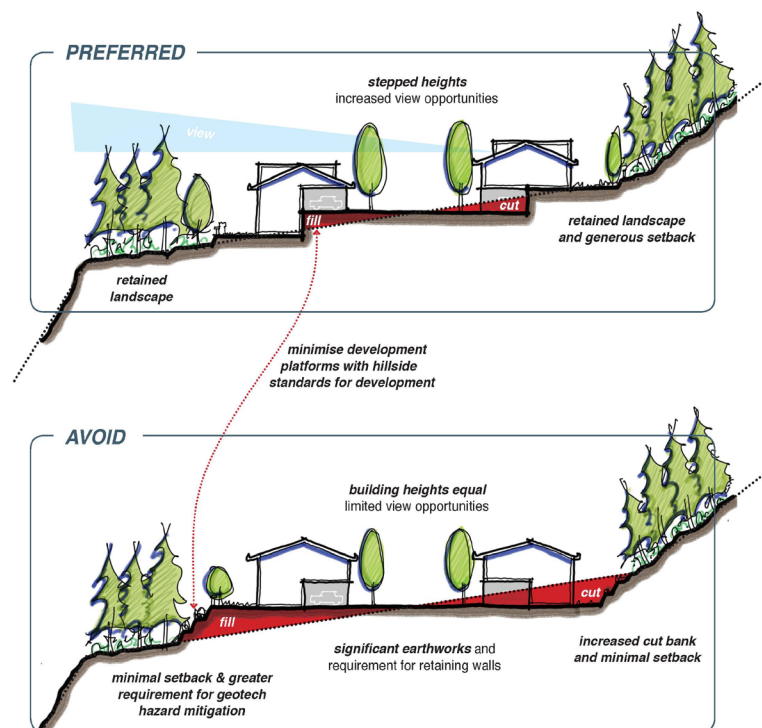


Figure 3 Developments should accommodate grade transitions within building design.

### *Development Near Steep Slopes*

- SS6.** Keep potential slope hazard areas free of development, or, if that is not possible, then
  - a. undertake mitigation measures to reduce risk to an acceptable level (risk for both the subject property and any adjacent or nearby lands should be addressed); and
  - b. adhere to conditions (for example, conditions relating to the permitted uses, density or scale of building) imposed as necessary to reduce potential hazard to acceptable levels, as determined by a qualified environmental professional in a preliminary or detailed assessment report.
- SS7.** Avoid construction of structures, pathways/trails, driveways, utilities, drainage facilities, septic fields, swimming pools, hot tubs, ponds, landscaping or other uses at or near the top or base of steep slopes. A minimum 10 m buffer area from the top or base of any steep slope should be maintained free of development except as otherwise recommended by a qualified professional. On very steep slopes, this buffer area should be increased.

### *Base of Slope Development*

- SS8.** Do not undercut the base of slopes for building, landscaping or other purposes except in accordance with the recommendations of a qualified professional and a permit issued under this section.
- SS9.** For homes at the base of slopes, construct bedrooms on the downslope side of the home.
- SS10.** Design development to avoid the need for retaining walls, particularly to minimize cutting of the uphill slope. Large single plane retaining walls should be avoided. Where retaining walls are necessary, smaller sections of retaining wall should be used. Any retaining structures in steeply sloped areas must be designed by a qualified professional.

### *Vegetation, Fill, Landscaping*

- SS11.** Site preparation should minimize the need for vegetation clearing. To control erosion and to protect the environment, the development permit may specify the amount and location of tree and vegetative cover to be planted or retained.
- SS12.** Maintain and/or reinstate vegetation on the slopes and within any buffer zone above the slopes in order to filter and absorb water and minimize erosion.
- SS13.** Do not place fill, including yard clippings, excavated material, sand or soil, within 10 m of the top of slopes or along pre-existing drainage channels.
- SS14.** Reinforce and revegetate disturbed slopes, especially where gullied or where bare soil is exposed. Planting should be done in accordance with the recommendations of a landscape architect or registered professional forester.
- SS15.** Select native species, including trees, shrubs and other plants, for any new planting and plant and/or retain tree cover in the amount/location specified by the



development permit. [\*Gardening with Native Plants\*](#), a publication of Habitat Acquisition Trust, includes a comprehensive list of native plant species.



## 4 PROTECTION OF FARMING

### Development Permit Area 8: Protection of Farming

#### Permit Exemptions

A development permit is not required for the following activities:

- a. alteration of land provided such alterations are setback more than 15m from the boundary of the Agricultural Land Reserve.
- b. construction of an accessory building or structure with a gross floor area of up to 10 m<sup>2</sup>.
- c. lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit.
- d. the subject land is separated from the Agricultural Land Reserve by a highway right of way that is at least 20 metres wide.
- e. construction, maintenance or operation of
  - i. municipal works and services undertaken or authorized by the CVRD;
  - ii. park works and services undertaken or authorized by the CVRD; and
  - iii. federal and provincial works.
- f. emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including
  - i. forest fire, flood and erosion protection works;
  - ii. protection, repair or replacement of public utilities;
  - iii. clearing of an obstruction from a bridge, culvert or stream;
  - iv. bridge repairs;
  - v. removal or modification of trees certified by an arborist to be hazardous; and
  - vi. protection, repair or replacement of private or public septic system.

#### Application Requirements

**PF-AR1** Ensure development and formal approval of a buffer maintenance plan by a registered landscape architect, registered professional biologist or registered professional agrologist with experience developing landscape maintenance plans.

**PF-AR2** Unless an activity is exempted, section 489 of the *Local Government Act* requires a development permit subject to protection of farming guidelines to be approved by local government before

- a. subdivision of land; and
- b. commencement of construction of, addition to or alteration of a building or other structure.

#### Permit Guidelines

##### *Landscape Buffers*

**PF1.** Install continuous landscape and fencing buffers between non-agricultural uses and lands designated for agricultural use and/or in the Agricultural Land Reserve in accordance with the 1993 Agricultural Land Commission Landscape Buffer

Specifications and the BC Ministry of Agriculture Guide to Edge Planning, including but not limited to the following:

- a. locate the landscape buffer on the non-agricultural lands;
- b. strive to achieve the vegetated buffer widths outlined in the BC Ministry of Agriculture's Guide to Edge Planning;
- c. design the landscape buffer to protect agriculture from negative impacts of drainage, pathways or driveways and to filter noise, dust, airborne particles and chemical spray drift from adjacent Agricultural Land Reserve land;
- d. install the landscape buffer after alteration of land or construction of buildings and structures; and
- e. ensure the vegetated buffer is a "no build zone" free of buildings, paths, pools, tennis courts or other similar structures.

**PF2.** Ensure plant layout, spacing and support are in accordance with the [Landscape Buffer Specifications](#) and the [Guide to Edge Planning](#).

**PF3.** No commercial or industrial buildings should be located within 15 m of the boundary of the Agricultural Land Reserve.

#### *Vegetation*

**PF4.** Retain existing native vegetation, including all healthy and mature trees, to create the landscape buffer.

**PF5.** Do not plant invasive plant species included on the Coastal Invasive Species Committee [Priority Invasive Plant List](#), and remove those already growing in the landscape buffer.

**PF6.** Plant species that will not grow tall enough to shade farm crops and are not likely to harbour insects or diseases harmful to nearby farm crops.

#### *Subdivision*

**PF7.** Design subdivisions on lands adjacent to lands designated for agricultural use to minimize potential conflicts between agricultural and non-agricultural uses by

- a. laying out residential subdivisions to allow for at least 30 m separating habitable buildings from the lands designated for agricultural use;
- b. generally avoiding locating road endings in proximity to land designated for agricultural use unless the roads have been designated as part of a major road network;
- c. prohibiting new single-unit residential lots larger than 0.10 ha along the boundary of the Agricultural Land Reserve;
- d. prohibiting half roads and half cul-de-sacs along the boundary of the ALR; and
- e. designing the road pattern in such a way to direct urban traffic away from routes used by farmers to move equipment.

**PF8.** On parcels adjacent to land designated for agricultural use, locate buildings and structures as far away from the land designated for agricultural use as is reasonably possible in subdivisions that have not been laid out as described in the previous guideline.

**PF9.** Road patterns in subdivisions must be designed in such a way to direct urban traffic away from routes used by farmers to move equipment.

## 5 FORM AND CHARACTER

The form and character—or overall “look and feel”—of development is important in enhancing the livability of communities. Guidelines in this section address factors such as exterior design, accessibility, security, connectivity within the neighbourhood and larger community, and high-quality standards in building and landscape design. The guidelines have been created to identify, reflect and strengthen the best qualities of Cowichan Valley communities and direct the “look and feel” of future development.

While basic principles of good design are applicable to all development, individual communities throughout the region have unique contextual qualities and, accordingly, distinct patterns and characteristics of development. The form and character DPAs respect and capture these differences while at the same time supporting a standard of quality.

### *A Deeper Exploration of Form and Character: Three Community Design Charettes*

Additional in-depth village design studies and associated design guidelines should be considered, where applicable, within the design development:

- Cobble Hill Village – Community Design Charrette: Village Toolkit “Keep It Rural” (July 2017)
- Cowichan Bay Village Development Guide: Directions for Place-keeping and Place-making (July 2018)
- Shawnigan Village Charrette Report (February 2020)

### *Cobble Hill*

Future development should be complementary and compatible with the existing scale and character of the historical rural village centre in Cobble Hill. Design should reference, respect and retain heritage qualities that exist in Cobble Hill, using traditional and local materials to offer contemporary interpretations.

Colour should create a welcoming and interesting village centre. Infill housing is encouraged with adaptive uses on the ground level, allowing for fully accessible ground floor units that can be used as needed for residential (e.g. age in place), office or retail space. Designs should consider interior spaces to “spill out” into the front setback area to program and activate street fronts.

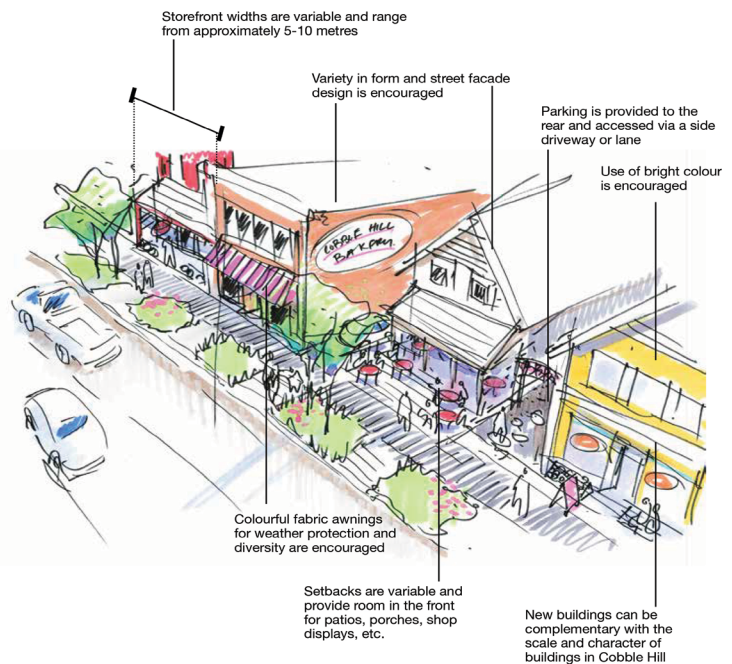


Figure 4 Cobble Hill commercial design principles.

Natural materials, such as wood, brick, stone, concrete, exposed heavy timber and steel, are appropriate in Cobble Hill. Vinyl siding is not in keeping with the character.

The tradition of brightly coloured buildings in agricultural settings continues to resonate with the residents today.

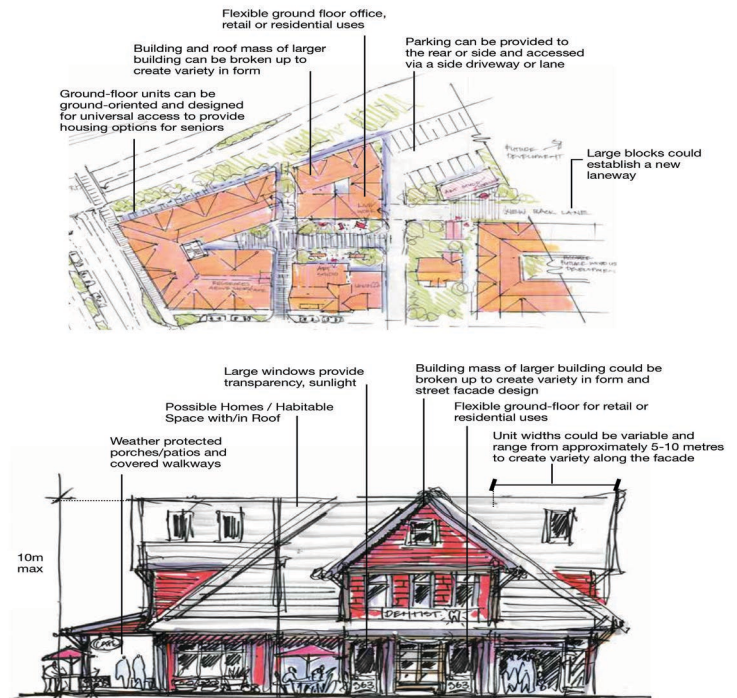


Figure 5 Cobble Hill design principles for flexible ground level use.



## Shawnigan Lake

The small-scale form and character of Shawnigan Lake Village is fundamental to retaining its unique sense of place. Single building form and limited height in redevelopment are key ingredients.

Buildings should follow a cottage or west coast design theme to fit into the existing character of the village. If multiple properties are assembled, new buildings or alterations will maintain the “fine grain” of the existing village defined by individual shopfronts not greater than 8 metres and building frontages not greater than 25–30 m. Portals, or breaks in continuous buildings for views or access to the lakefront, are required between and through larger developments.

As part of the Good Shawnigan Lake Neighbours program, the CVRD also requires the form and massing of any additional units to be integrated into the form and character of the block and requires that drawings are completed to illustrate the proposal.



Figure 8 Form and character in Shawnigan Lake.

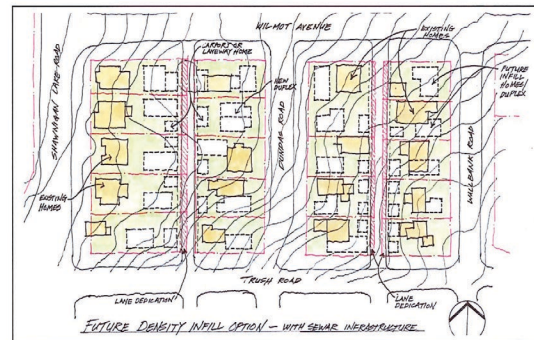


Figure 9 Residential infill in Shawnigan Lake.

Glazing should be maximized and use only clear, untinted glass. Storefront windows should have a minimum height of 2.5 m and no obstruction, such as metal bars, signage, coolers or shelving units, should be placed on or against the inside face.

Recessed entries shall be well-lit and well-defined. Special treatment of these entries is encouraged, such as a special doorframe or mosaic tiles to identify the uniqueness of the store or business.

Upper-level windows should be sized and spaced to relate to the vertical rhythm of the storefronts or businesses at ground level.



*Image 8 Commercial façade composition.*

There is one Form and Character development permit area, which includes four different designations:

- [Intensive Residential Development](#)
- [Multi-unit Residential Development](#)
- [Commercial and Mixed-use Development](#)
- [Industrial Development](#)

### Permit Exemptions

Pursuant to section 488(4) of the *Local Government Act*, a development permit is not required for the following:

- a. construction of, addition to or alteration of single detached dwellings or duplex dwellings on parcels that are not designated village residential, compact lot suburban and medium lot suburban, village core, unless the development includes a water lease tenure.
- b. addition to a single detached dwelling of up to 10 m<sup>2</sup> in gross floor area.
- c. construction of an accessory building or structure with a gross floor area of up to 10 m<sup>2</sup>.
- d. maintenance and/or repair of improvements including similar (e.g. “like for like”) replacement of roofing, siding, windows and/or doors, including reconstruction of buildings destroyed by natural disaster and/or fire.
- e. internal renovations that do not affect the external appearance of a building or increase the floor area.
- f. external renovations that do not require a building permit and do not affect the form and character of the building or site.
- g. industrial or commercial uses where additions or renovations are not visible from the public realm.
- h. alterations undertaken solely for the purpose of ensuring an existing building meets building code and safety requirements (e.g., fire exits, ramps, etc.).
- i. gardening and yard maintenance activities within an existing landscaped area, such as mowing lawns, pruning trees and shrubs, including similar (e.g. “like for like”) replacement of trees and vegetation.
- j. lot line adjustments where the subdivision does not result in the ability to construct a new dwelling unit.

### Application Requirements

**FCG-AR1** Prior to site design, conduct an analysis to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).

**FCG-AR2** Provide a site grading and sediment and erosion control plan that includes the following information:

- a. pre-development and post-development topography at maximum 1 m intervals with cadastral mapping. This topography should extend a minimum 30 m outside the subject property(s);
- b. all elevations along property lines where changes in slope will occur;

- c. the slope of the parcels, noting the minimum grade on the parcels and parcel dimensions;
- d. the proposed building envelope based on the anticipated type of house construction as per the zoning regulations;
- e. proposed grades at the corners of the building envelope of each proposed parcel;
- f. estimated amount of fill to be brought in or removed from the property or estimated amount of material to be relocated within the property;
- g. existing grades on all adjacent parcels to the proposed subdivision;
- h. retaining walls that will be needed including extent of walls and elevations of top and bottom walls;
- i. protection measures that will be in place during construction to protect existing trees and shrubs proposed to be retained. The protection measures are to extend to the furthest extent of the drip line, and the finished grade of the parcel shall not vary from the natural grade around the drip line more than 20 centimetres vertically, unless an arborist report indicates to the satisfaction of the CVRD that a greater variance will not harm the trees and shrubs;
- j. any other items that, in the opinion of the design engineer, are critical to the parcel grading of the development; and
- k. sediment and erosion control measures that will be implemented during site preparation and build-out, including retaining all eroded soils, protecting natural features, controlling surface runoff, preventing the release of deleterious substances, stabilizing disturbed slopes and restoring disturbed areas upon completion of development.

**FCG-AR3** Include a comprehensive site plan with each application that

- a. includes the following information:
  - i. location and dimensions of proposed buildings and setbacks to existing parcel lines, rights-of-ways, easements and covenants;
  - ii. location of existing and proposed driveways, lanes, pathways, retaining walls and/or other covered entryways;
  - iii. location and dimensions of all vehicle parking;
  - iv. location of all water features, including streams, wetlands, ponds, ditches on or adjacent to property;
  - v. location of all existing and proposed water lines, sewer lines and stormwater features;
  - vi. stormwater management infrastructure and impermeable surfaces;
  - vii. above ground services, equipment and exterior lighting details;
  - viii. elevation drawings that include the following information:
    - a) coloured front, rear and side elevation drawings;
    - b) height measurements for all buildings;
    - c) exterior finish and material details; and
    - d) parcel cross section.
- b. considers context for building and landscape design; and
- c. demonstrates how development is sensitive to neighbourhood character (built and natural) and surrounding uses. The comprehensive site plan should include
  - i. contour (elevational) information that illustrates site terrain and the presence of any steep slope conditions;
  - ii. shadow impact studies—illustrating equinox shading at 10 a.m., 12 noon and 2 p.m.—for buildings within designated settlement nodes;

- iii. a grading and drainage plan that illustrates how rainwater is managed on site;
- iv. location and design (in plan, section and elevation) of proposed fencing; and,
- v. a written summary of proposed measures to
  - a) reduce GHG emissions; and
  - b) increase water and energy conservation as prepared by a registered professional.

## Permit Guidelines

### *Designing in Context*

- FCG1.** Design infill development to complement the scale and character of adjacent development.
- FCG2.** Grading at the perimeter of a subdivision should generally resolve to existing grades on adjacent properties without the use of significant cut and fill and retaining walls unless it can be shown that this is consistent with the planned future grading of the adjacent property.

### *Preserving Views*

Views of attractive topographical features are a factor in the original location of communities and contribute significantly to the sense of place and well-being of residents.

- FCG3.** To preserve local character-defining views
- a. ensure building placement and orientation protect significant water (e.g. Cowichan bayshore, Shawnigan lakeshore), mountain (e.g. Mt. Tzouhalem) and island views from streets, parks and other public areas; and,
  - b. reflect rather than obscure significant natural topographic features by, for example, designing buildings to step up hillsides using terraces that connect with the walkway or street.

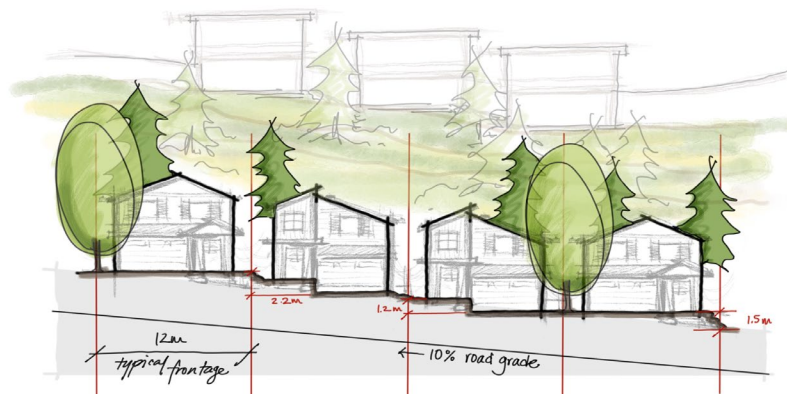


Figure 10 View preservation guidelines.

- FCG4.** To protect water views, very tall buildings will be generally discouraged on the waterfront, with the preference being for lower buildings near the water, rising in height gradually as the distance from the water increases.

**FCG5.** Where new construction could potentially block views from an existing development, orient and scale buildings to minimize impacts and/or retain views.

**FCG6.** Use building massing and landscape design to enhance and frame views.

### *Framing Space*

The relationship between private and public spaces is an important design consideration in planning a community that encourages a sense of well-being and safety. Achieving such an objective requires development to consider how buildings frame public space(s) to activate and enhance the public realm. The following guidelines aim to promote positive interactions between buildings and open spaces, with particular attention to transitions between private and public spaces.

**FCG7.** Site buildings to support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.

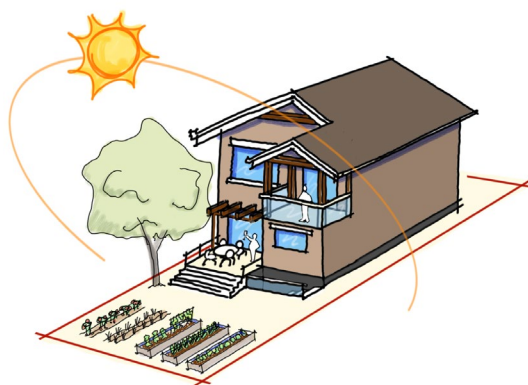
**FCG8.** Consider [Crime Prevention Through Environmental Design](#) principles in all designs, and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment. Measures to promote safety include providing appropriate lighting and clear sightlines for pedestrians.

**FCG9.** Design private and semi-private open spaces to optimize solar access.

**FCG10.** Locate and orient buildings to the public street (e.g. “front”) to create and enhance active frontages.

**FCG11.** Design secondary buildings—and the outdoor spaces between buildings—for specific uses (e.g. passive recreation, outdoor seating and/or food production) to optimize comfortable and functional amenity spaces.

**FCG12.** Locate and orient buildings to maintain privacy and avoid direct visual access (e.g. overlook) into adjacent properties.



*Figure 11 Optimize solar access.*

### *Quality and Connectivity of Pedestrian Spaces*

An environment that feels welcoming, comfortable and safe to pedestrians is a central quality of any neighbourhood. The following guidelines are intended to facilitate safe pedestrian access, to reduce conflict between pedestrians and vehicles, and to prioritize pedestrian movement, safety and comfort through the integrated planning of public pathways, sidewalks, bicycle paths, parking areas, roads, publicly accessible plazas and parkland.

**FCG13.** The road network design will promote connectivity for pedestrians, cyclists and vehicles. Dead end, cul-de-sac streets will not be supported unless deemed necessary due to topographical features.

**FCG14.** Where applicable, design sites and locate development to complement the creation and connection of continuous and publicly accessible walkways that celebrate the character of local communities (e.g. waterfronts and shorelines, ridgelines, riparian corridors, etc.).

**FCG15.** Provide barrier-free pedestrian walkways to and from primary destinations, including building entrances and public sidewalks, parking areas, storage areas, garbage enclosures and amenity areas.



**FCG16.** Design shared open spaces to be publicly accessible and enhance pedestrian connectivity to adjacent properties, public areas and parks.

**FCG17.** Connect pedestrian walkways and/or trails with existing public sidewalks, pedestrian routes and crosswalks where opportunities arise.

**FCG18.** Configure development within larger parcels to accommodate pedestrian connections among, between and beyond individual building sites.

**FCG19.** Where feasible, maintain consistency of materials for pedestrian pathways and indicate pedestrian priority with paving treatments and/or materials.

**FCG20.** Integrate quality pedestrian facilities (e.g. well-designed walkways, benches, planters and bike racks) within public realm designs.

**FCG21.** Design walkways/pathways to be accessible to persons with accessibility challenges (such as mobility, sensory or cognitive disabilities), bicycles, scooters and strollers, with even, non-slip surfaces and grades less than 5%.

### *Cars and Parking*

The following guidelines are intended to reduce potential conflicts between pedestrians and automobiles—particularly considering the design of vehicle access and parking—and to further support pedestrian movement, safety and comfort.

**FCG22.** Where underground parking is impractical or otherwise not feasible, encourage the location of surface parking at the rear and/or side of buildings to further promote quality pedestrian realm design along active frontages.

**FCG23.** Locate loading and servicing areas at the side and/or rear of buildings to avoid pedestrian conflict along active frontages.

**FCG24.** Provide off-street parking and servicing access from the rear lane, where one exists, to free the street for uninterrupted pedestrian circulation and boulevard landscaping.

**FCG25.** Separate pedestrian walkways from parking areas with raised and/or landscaped features and, where walkways and parking areas share space, use design features (e.g. different colours, materials and/or textures) to clearly indicate that pedestrians have priority.

**FCG26.** Design parking structures, parking access areas and associated components (doorways, ramps, screening treatments, etc.) as an extension/expression of adjacent building architecture.

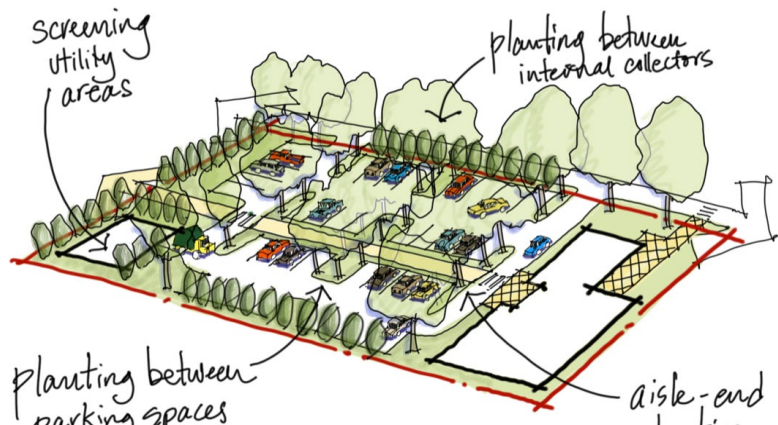
#### *General Permit Guidelines | Building Architecture, Materials and Colours*

**FCG27.** Retain and enhance local character through the thoughtful use of vernacular architectural styles and elements, including but not limited to

- roof forms (e.g. *Figure 12 Buildings should be parked and serviced from the rear lane.* pitched roofs that shed rain, gables, cornices and varied roof lines and heights);
- indoor/outdoor relationships (e.g. porches, porticos, verandas and patios; and
- structural elements (e.g. post and beam).

**FCG28.** Detail architectural expression with materials and colours that reflect local context, are durable and weather well over time, including but not limited to the following:

- local and natural materials such as cedar shingle, wood or plank finishes, stone finishes, stone-clad foundations or materials that replicate the appearance of natural materials; and,
- traditional application and/or building techniques (wherever possible), including board and battens, clapboard, shingles, shakes, stonework and/or wood finishes (e.g. door/window trim work, eaves and soffit, railings and balusters and/or triangular gable crowning an entrance supported by columns).



**FCG29.** Employ a combination of two or more building

*Figure 13 Support pedestrian movement, safety and comfort in parking areas.*

materials and avoid the use of vinyl.

**FCG30.** Choose colour schemes inspired by the diverse natural palette of the Cowichan Valley landscapes (e.g. forests and agricultural valleys, lakeshores and oceanfronts) and select complementary accent colours and wood trim to emphasize architectural features. In the special case of coastal villages, rich, vibrant colours are preferred over pastels and neon colours, which are generally inconsistent with west coast seaside vernacular.

**FCG31.** Locate and size windows in proportion with the building scale. Large or continuous areas of curtainwall glazing create monotonous façades are contrary to rural character and are discouraged.

**FCG32.** Design and locate windows to prevent bird mortality from window strikes.

### Orientation and Massing

Massing (the three-dimensional form) and articulation (how the parts fit together) of architecture are tools that can reduce the apparent size of large buildings and help ensure the sensitive transition to adjacent buildings and open spaces. It can also provide visual interest for pedestrians. New development should consider the scale of its neighbours and avoid abrupt transitions in height and massing between adjacent buildings.

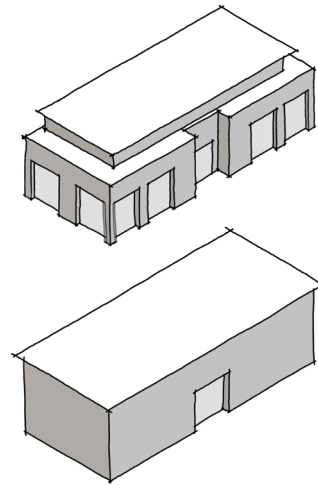


Figure 14 Massing is articulated in multiple volumes.

**FCG33.** Ensure massing of larger buildings comprises of multiple volumes to reduce visual impact on pedestrian areas. Ensure articulation of building mass includes horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest. Balconies and/or cantilevered upper floors can help to break up massing while promoting passive surveillance of public spaces (e.g. “eyes on the street”) and/or weather protection.

**FCG34.** Buildings over three storeys high should be articulated and oriented in a manner that maximizes solar access to public spaces. Shadowing of major pedestrian areas and parks should be avoided where possible.

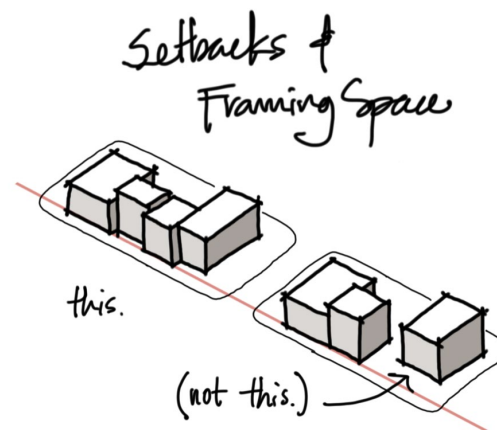


Figure 15 Frontages should be constructed to minimum setbacks and break up massing to distinguish smaller units.

### Relationship of Buildings to the Street

Create active and safe shared spaces through orientation of primary building entrances, windows, porches/balconies to the public realm, sidewalks and other shared open spaces.

- FCG35.** Orient buildings to activate public spaces (e.g., streets) with a strong preference for ground-oriented multi-unit forms (e.g. individual “front doors” for each unit) and active uses at street level. Encourage building frontages constructed to minimum setbacks to support more active pedestrian edges.
- FCG36.** Design entrances to be visible and clearly identifiable from the fronting public street; utilize structural elements (e.g. canopies and entry porticos) to create inviting and sheltered “front doors.”
- FCG37.** Where appropriate, use stepped massing to transition and improve the relationship between developments of differing scale. Adjacent building heights should not be greater than one-and-a-half storeys higher than existing adjacent development, with additional storeys terraced back with a minimum setback of 3 m.
- FCG38.** Design street-facing residential units to utilize a layering of elements—including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements—to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas to allow for casual views of parks, open spaces and parking areas. In semi-urban areas, design entry to ground-level residential units to be no more than 1.8 m above the grade of adjacent public sidewalks and walkways. In areas with public sidewalks, design the outdoor space of a residential unit to be raised no more than 1.2 m above adjacent public sidewalks, with a “front stair” pedestrian connection.

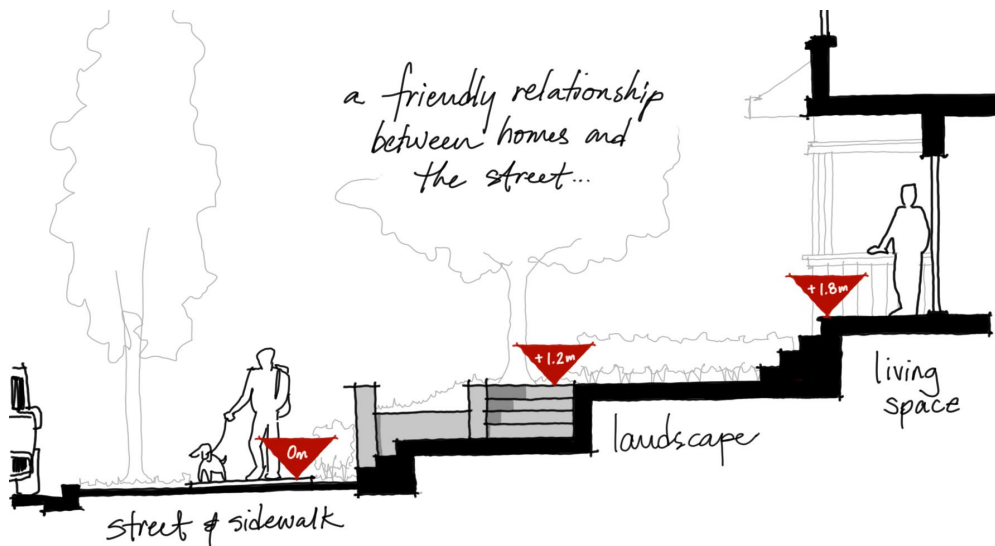


Figure 16 Relationship of residential entries to public sidewalks and walkways in elevation.

- FCG39.** Avoid extensive blank walls (over 5 m in length and including retaining walls) along the street. Where required as a function of an internal program (e.g., for privacy, merchandising, etc.), blank walls should provide visually interesting surface treatments (e.g., varied materials/textures, murals, green walls or vines).
- FCG40.** Minimize the use of retaining walls. Where necessary, retaining walls that exceed 1.2m in height should be terraced and planted to reduce visual impact.

**FCG41.** Design the portions of buildings that are visible from public roads in a manner similar to and of a similar quality as the main façade with welcoming features such as picture windows, entrances, architectural features and landscape. Where no reasonable alternative to a concrete firewall exists in certain areas, patterned, toned concrete with architectural treatment, embossed designs or similar finishes in other materials will be the minimum requirement.

**FCG42.** Rooftop mechanical equipment should be screened from public view by parapets or other architectural roof design features. Box in chimneys and avoid exposed flues.

### *General Permit Guidelines | Landscape Architecture*

#### *Protect and Enhance the Urban Forest*

Forests provide economic, social and environmental benefits. In addition to consideration of defining landscape character, enhancement of the urban forest will support the sustainable health and well-being for Cowichan Valley communities.

**FCG43.** Tree retention:

- a. Where possible, retain existing mature and native trees and protect their root systems in all new development.
- b. Conduct pre- and post-development tree surveys.

**FCG44.** Tree planting:

- a. Where space permits, plant landscaped areas, boulevards and setback areas adjacent to streets with trees with appropriate soil volumes to ensure longevity.
- b. Irrigate all areas with planted trees.
- c. Include in all development fronting a public street a landscaped area fronting the public road.
- d. Space street trees no further than 10 m apart and ensure they are at least 2.5 m tall at the time of planting.
- e. Plant additional trees, particularly if existing trees cannot be preserved, to maintain and expand the urban forest canopy.
- f. Plant trees along street frontages to create a mature treed boulevard streetscape.

**FCG45.** Create landscapes that provide for and/or enhance habitat value for birds, pollinators and other species using plants that provide food and nutrients and/or incorporating structural/grading improvements (e.g., animal hibernacula, pools).

### *Functional Use of Landscapes – Screening and Buffering*

#### **Taking Care of Our Urban Forests**

The trees that grow in our communities, whether planted along boulevards or in parks or remnants of natural forest, play an important role both ecologically and in enhancing the quality of life of the community's residents.

Broadly defined, the urban forest includes a community's trees and shrubs and the soil in which they grow. The benefits it provides, in addition to scenic beauty, are wide-ranging and include shade and privacy, a buffer against noise, habitat for a variety of bird and other wildlife species, reduction in energy consumption by shading and cooling homes, and carbon sequestration through absorption of carbon dioxide. Care of the urban forest is a central component of community planning.

Designs should be prepared by a professional with experience in the planning, design and implementation of high-quality landscape designs.

**FCG46.** Utilize landscape design to buffer developments in a manner that ensures screening of potentially unsightly uses:

- a. Where appropriate (and in consideration of FireSmart principles and native ecosystems), use screen walls and/or landscape buffers (e.g., berms, shrub beds, hedges and/or trees) to manage transitions and/or conflict between incompatible uses (e.g., industrial / commercial and residential uses, materials storage, and/or parking).
- b. Design buffers to complement neighbourhood character and landscape setting (refer to “Materials Selection – Hardscapes and Softscapes”).
- c. Landscape buffers should be used to reduce the visual impact of service areas and surface parking, including
  - i. planting between internal collectors (not used for direct access to parking stalls) and aisles that provide direct access to parking stalls;
  - ii. planting at the end of aisles;
  - iii. planting between each block of four parking spaces; and
  - iv. planting around utility kiosks, containers and/or dumpsters.



*Image 9 Landscape berms (illustrated in white) serve as excellent visual and noise buffers.*

**FCG47.** Minimize noise spillover to adjacent parcels through a combination of site design (e.g., building siting), screen walls and/or landscape buffers.

**FCG48.** For development visible from the Trans-Canada Highway or major network roads

- a. screen and landscape entrances, building peripheries, parking and pedestrian areas and open space areas; and
- b. consider use of a landscaped berm between 0.75 m and 1.5 m high as a visual and noise barrier along the Trans-Canada Highway.

- FCG49.** Along the Trans-Canada Highway
- a. provide a landscaped buffer at least 3 m in width;
  - b. where possible, retain existing forest vegetation as the buffer; and
  - c. provide limited gaps in the buffer to allow for visual recognition of the uses of land, subject to consideration of the quality of the proposed building design and landscaping.
- FCG50.** Screen loading areas with adequate landscaping and/or physically separate loading areas from parking and pedestrian areas. Screen utility boxes, vents and outdoor storage facilities from adjacent public areas.
- FCG51.** Landscape all public areas, including entrances, building peripheries, parking and pedestrian areas, and open space areas.
- FCG52.** Soften the appearance of large buildings through the layered planting of trees and shrubs within garden beds and/or planters.
- FCG53.** Define clear transitions between public areas (e.g., street, sidewalk), semi-public (e.g., walkways, ramp, stairs), semi-private (e.g., stoop, balcony) and private (e.g., entry) to enhance both the privacy of residences and the pedestrian experience through the use of
- a. landscape terracing (e.g., grading, retaining);
  - b. structures (e.g., fences, pergolas, trellises);
  - c. low fencing and hedging to delineate private and public spaces; and
  - d. changes in surfacing materials.
- FCG54.** Mitigate potential conflicts between residential and non-residential uses through appropriate design features, such as physical separation of uses, noise and visual barriers, landscaping and fencing, and mechanical systems to mitigate air quality impacts.
- FCG55.** Where industrial lands adjoin residential uses or designations, create a treed buffer at least 8 m in width between the industrial use and adjoining residential parcels, preferably located within the industrial lands. Ensure the buffer is densely vegetated to reduce noise and visual impacts. For industrial uses with potential for significant noise, smell or visual impacts, a minimum width of 20 m is recommended for the landscape buffer.
- FCG56.** Use landscaped berms, no more than 1.5 m in height, as a visual and noise barrier separating industrial uses and public roads.

## Materials Selection – Softscapes & Hardscapes

The material and quality of landscapes in public and private spaces play important roles in defining the character of a community. Material selection (plants and construction materials) and high-quality landscape design will enhance landscape performance, visual character and aesthetic quality while reinforcing a positive, green image of the Cowichan Valley.

**FCG57.** Landscape designs and materials selection should complement surrounding natural context (e.g. plantings that enhance habitat value), enhance the pedestrian experience (e.g. durable surfaces, seasonal interest, shading, etc.) and strengthen a sense of local identity (e.g. use of native plantings and hardscape materials).

**FCG58.** Landscape designs should aim to create a seamless transition between the built environment and the natural environment by using local and/or locally adapted materials.

**FCG59.** Where feasible, landscape designs should extend/expand buffering (e.g. protection) of ecologically sensitive areas.



*Image 10 Landscape designs should avoid formal landscape patterns and give preference to native species.*

**FCG60.** Softscapes:

- a. Design plant materials (size) and planting densities to meet and exceed the [Canadian Landscape Standards](#).
- b. Consider opportunities for seasonal interest (e.g., colourful foliage and/or flowering at various times of the year).
- c. Design for structural diversity in plant palette composition, including combinations of groundcovers, shrubs of various heights and trees. For instance, plant a mixture of native deciduous and evergreen species of varying ages and heights to replicate natural “layered” plant communities and encourage biodiversity. Plant smaller shrubs, perennials and groundcovers beneath taller trees and shrubs.
- d. In landscape design, consider aesthetic qualities, plant suitability and soil volumes to ensure “right plant, right place” and to maximize growth to maturity of plants and trees.
- e. When selecting plants for landscaping, give preference to species native to the region and eradicate invasive species. The [Habitat Acquisition Trust publication Gardening with Native Plants](#) contains a comprehensive list of native plant species. Invasive species in the Cowichan region are listed in the priority plant list produced by the Coastal Invasive Species Committee.
- f. Minimize bark mulch and gravel in favour of planted areas and topsoil.
- g. Avoid the use of synthetic turf and use a high-quality topsoil mix of a type and amount consistent with the Canadian Landscape Association Standard.

- h. Where appropriate, mimic natural forms when planting new vegetation, avoiding geometric plantings and other formal landscape patterns.

**FCG61.** Hardscapes:

- a. Select materials to reflect an extension of overall functional design and emphasize local, natural, climate-appropriate materials.
- b. Ensure landscape construction prioritizes robust, durable and easily maintained materials.
- c. Design retaining walls with natural-looking textures and natural colours.
- d. Choose colours that complement the Cowichan Valley’s natural setting and associated palette.

*General Permit Guidelines | Special Considerations*

*Public Art*

The Cowichan Valley is home to a thriving artistic community, and public art provides an opportunity to celebrate public space and create a sense of place.

**FCG62.** Explore opportunities for the inclusion of public art in public and semi-public open spaces, especially plazas.

**FCG63.** Carefully and collaboratively choose historical references within public art, in consultation with local societies and/or experts, as appropriate.

*Lighting*

Lighting is essential to wayfinding and safety at night. Equally important is the scale, intensity, quality, location and direction of lighting to avoid negative impacts associated with glare and other forms of light pollution.

**FCG64.** Avoid excessive illumination of the night sky or glare or light trespass onto adjacent properties and roads:

- a. Avoid lighting that illuminates streams, wetlands, lakes and other natural areas.
- b. Light fixtures should utilize “cut-off” (zero intensity at or above an angle of 90°) luminaires that direct light downwards to minimize glare. Exceptions may be made for signage and/or architectural lighting (e.g., enhancing special features or aesthetic qualities).

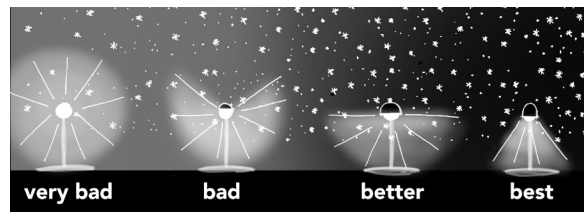


Figure 17 Ideal lighting reflectance and direction.

**FCG65.** Provide sufficient lighting for all building entrances, walkways, driveways, parking areas and loading areas to ensure clear orientation, personal safety and site security, including allowing for overlook from adjacent buildings. Design the scale and intensity of lighting to its setting and application:

- a. Lighting design should prioritize pedestrian-scaled lighting while ensuring vehicular access and parking is sufficiently lit for safe manoeuvring.

- b. Warmer light sources (<4000k) are strongly encouraged.
- c. Design outdoor lighting to enhance the overall architectural, heritage and design character of development.

### Waste Management

Management of garbage and recycling must be integrated in overall building and landscape designs to mitigate negative impacts to form and character.

**FCG66.** Locate garbage/recycling areas and other similar structures out of public view in areas that mitigate noise impact and do not conflict with pedestrian traffic.

**FCG67.** Locate garbage and recycling bins in screened enclosures that are coordinated with the overall design while providing clear access to refuse/recycling areas.

### Fences

Notwithstanding the fencing regulations in the zoning bylaw, fencing design should provide a level of privacy to the development but not present an unfriendly solid wall to the public street.

**FCG68.** Ensure fencing facing an active public area allows for visual access / passive surveillance. Fence heights should not exceed 1.2 m in height and should be transparent and/or semi-transparent.



**FCG69.** Supplement fencing along the street edge with low-profile landscape plantings.

*Figure 18 Ensure fencing maintains visual access from and passive surveillance to active public areas.*

**FCG70.** Construct fences of wood, stone, brick, ornamental metal work or suitable alternative materials of similar appearance as a complement to overall building and landscape designs and materials.

### Signage

**FCG71.** Avoid unnecessary signage. Use the minimum size and number of signs needed to inform and direct pedestrian and vehicular traffic. Ensure signs clearly identify uses and shops but are scaled to pedestrians rather than automobile traffic moving at speed limits.

**FCG72.** In commercial areas, consolidate multiple signs, when required, into a multi-tenant sign located at the main entrance. Third-party signs advertising goods or services not available on the subject lands are not permitted.

**FCG73.** Ensure signage complements overall building and landscape designs and is in keeping with their general scale, architectural detail, material and character. Conceal mounting hardware and wiring that is not integral to the character of the sign design.

**FCG74.** Where necessary, free-standing signs should be

- a. limited to no more than one free-standing sign per parcel;
- b. low-profile and 5 m or less in height, except where a site is lower than the adjacent road surface, in which case variations should be kept to a minimum; and,
- c. mounted on a heavy stone or exposed aggregate base and/or framed with heavy timber (rather than post-mounting them) and designed with associated decorative landscaping.

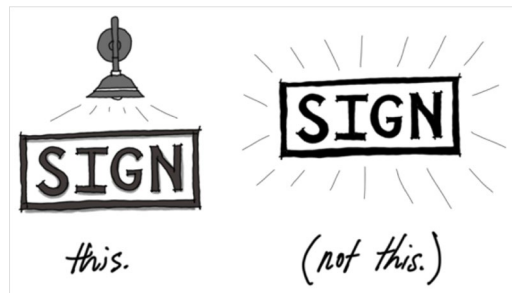


*Image 11 Free-standing signs should carry a low profile, framed with heavy timber.*

**FCG75.** Keep sign lighting to a minimum and directed only at the sign, to prevent excessive illumination, glare and light trespass. Where signs must be illuminated, use external lighting sources or low-intensity internal sources.

**FCG76.** The following types of signs should be avoided:

- a. moving signs or signs with moving images or text;
- b. signs with temporary and changeable lettering (unless clearly required due to the nature of the business activity); and,
- c. backlit, neon, fluorescent or flashing signs or signs incorporating scrolling LED lighting or strip lighting.



*Figure 19 Backlit signs should be avoided in favour of raised or recessed letters that may be externally lit.*

**FCG77.** Individually mounted, raised or recessed letters, symbols, border and framing are preferred.

### *Heritage*

**FCG78.** Use interpretative signage and plaques to commemorate heritage sites, buildings and features.

**FCG79.** Design new buildings and structures to be compatible in form, character, exterior design and finish with existing historic buildings (e.g. the Masthead Restaurant and Cowichan Bay Shipyard) as defined by scale, massing, roof forms, materials and colours.

**FCG80.** Retain or reuse heritage features and elements when redeveloping buildings with significant heritage features.

## Development Permit Area 9: Intensive Residential Development

### Permit Guidelines

- IR1.** Due to the proximity of individual dwellings to one another, pay careful attention to the siting of buildings and arrangement of windows to protect inhabitants' privacy while maintaining individual access to sunlight, air and open space. Landscape buffers may be integrated but should not act as a spatial barrier between the two dwellings.
- IR2.** Arrange dwelling units on the site to facilitate social interaction, build a sense of community and create defensible space by
- ensuring building entrances face each other and/or open space common to all units within a cluster;
  - providing visual surveillance of open space common to all units within a cluster; and
  - providing patios, porches or verandas adjacent to common areas.
- IR3.** Ensure all dwelling units have direct access to a larger pedestrian network including parks, trails and roadside pathways.
- IR4.** Design garages and/or accessory units to be secondary to the primary form of the home and recessed behind the front façade of the principal dwelling.
- IR5.** Cluster driveways, parking and service areas together and screen them from view rather than segregating them among individual dwelling units.

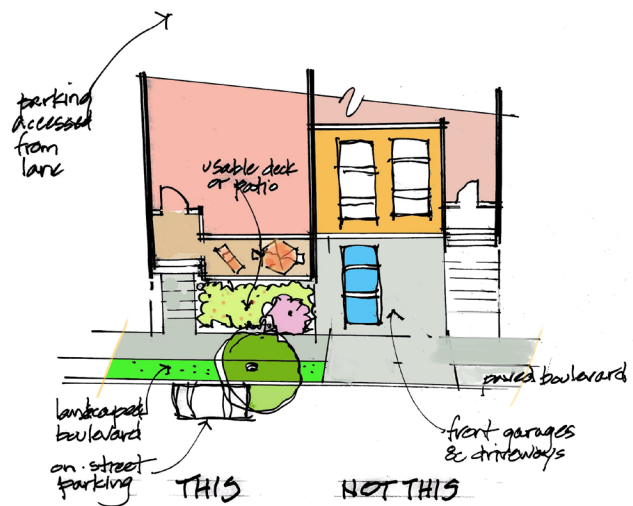


Figure 20 Garages are ideally located in the back of the house to front active uses on the street.

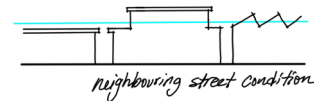
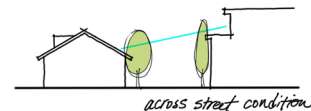
## Development Permit Area 9: Multi-unit Residential Development

### Permit Guidelines



Image 12 Multi-unit residential includes higher-density housing, e.g. multiplexes, row-houses, townhouses, and low- and high-rise apartments.

**MR1.** Where multi-unit residential development includes more than one building, design each building to have a distinct building form that complements the other buildings using common architectural and landscaping elements and complementary colours and materials. The use of multiple material types is encouraged to provide visual variety and interest.



**MR2.** Where a proposed building would be taller than adjacent development, a podium feature similar in height to an abutting building (or buildings) should be considered to provide transition in scale. Where a building exceeds four storeys in height, all storeys above the podium should be setback 3 m to create a comfortable street environment.

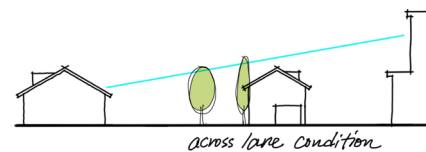


Figure 21 If a proposed building would be taller than adjacent development, upper floors should step back to provide transition in scale.

**MR3.** Ground-floor residential units should have private pedestrian access to the street at grade, thereby enhancing a street's function, liveliness and appeal.

- MR4.** Notwithstanding heritage considerations for the preservation of townsite housing forms, and where buildings are repeated along a street, avoid overly repetitive forms and/or “mirroring” of semi-detached units. Consider varying rooflines (e.g. gables, hips and dormers) and architectural elements such as balconies, arbours and trellises to provide visual interest.
- MR5.** Ground floors of buildings within areas designated Village Core will have ceilings of at least 3.6 m in height to facilitate conversion to commercial uses in the future.
- MR6.** Design multi-unit developments to accommodate sustainable modes of transportation through
- a. provision of end-of-trip facilities, such as bike parking and/or safe storage of alternative transportation/mobility equipment (bikes, mobility scooters, etc.);
  - b. provision of electric vehicle charging stations; and
  - c. internal circulation and/or upgrades to adjacent rights-of-way to accommodate alternative transportation (e.g., multi-use pathways, separated bike lanes, etc.).

#### *Area-specific Permit Guidelines*

The guidelines below apply only to the areas listed. The multi-unit residential guidelines above apply to each of those areas, as well.

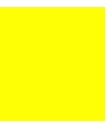
#### *Electoral area B: Shawnigan Village Design Guidelines*

- MR7.** Design sites and locate buildings and structures to complement the development of a continuous public walkway along the lake shoreline and provide pedestrian access walkways to connect upland areas with a lakeside walkway.

#### *Electoral area D: Cowichan Bay Marine Village Design Guidelines*

- MR8.** Design buildings to incorporate weather protection (e.g. protective overhangs) above windows, walls and pedestrian walkways, preferably extending over roughly half of the sidewalk.
- MR9.** Connect indoor and outdoor environments using balconies and overlooks on the waterside of Cowichan Bay Village.
- MR10.** Use boardwalks, landscaping, seating and other streetscape elements to separate public from private areas.
- MR11.** Mitigate potential conflicts between residential and non-residential uses through appropriate design features such as physical separation of uses, noise and visual barriers, landscaping and fencing, and mechanical systems to mitigate air quality impacts.
- MR12.** Maximize public views of all areas of the waterfront. Avoid blocking water views where physical access to the water is restricted and/or prohibited (e.g. around industrial uses).
- MR13.** Consider views from both the water and the street of Cowichan Bay Village when designing buildings, boat shelters and floating structures.

**MR14.** Where fences are necessary for the safety or security of marine industrial uses, use visually permeable and/or transparent fencing or screening to avoid blocking views.



## Development Permit Area 9: Commercial and Mixed-use Development

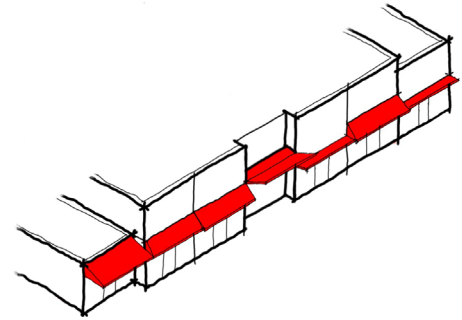
### Permit Guidelines



*Image 13 Commercial buildings are used for commercial purposes only; mixed-use buildings accommodate retail on the ground floor with office and/or residential above.*

- CM1.** Design shop fronts to have prominent entrances, narrow frontages and largely transparent store fronts so that internal uses are visible from the street. These shops may extend onto a terrace or public area.
- CM2.** Buildings should incorporate architectural features and variation to avoid the appearance of long, blank façades and to reduce apparent building mass.
- CM3.** Where commercial uses are located on the ground floor of a building, provide a maximum amount of glazing on the ground level of the street-facing façade to create visual interest.
- CM4.** To assist with public wayfinding, business entrances should be well defined through signage and architectural design features.

- CM5.** Where residential uses are located in a mixed-use building (e.g. commercial and/or industrial uses combined with residential uses within the same building), locate residential uses on the upper floors of the building.
- CM6.** Where developments include a mix of residential and commercial uses, differentiate the entrances architecturally, with separate, ground-level residential entrances being less prominent.
- CM7.** Provide continuous weather protection with building overhangs, covered walkways and canopies.
- CM8.** Cluster parking areas in groups of no more than 20 spaces, with landscaping. Use pervious materials.
- CM9.** Publicly accessible office, recreational and/or customer service areas should incorporate quality materials such as natural wood, stone, and glass.
- CM10.** Where permitted, drive-thru facilities should be located at the side or rear of the building, except where such siting will conflict with adjacent residential uses, in which case alternate orientations may be considered.



*Figure 22 Awnings of individual storefronts provide continuous weather protection.*

#### *Area-specific Commercial and Mixed-use Permit Guidelines*

The guidelines below apply only to the areas listed. The commercial and mixed-use guidelines above apply to each of those areas, as well.

#### *Electoral area A: Mill Bay Village Design Guidelines*

- CM11.** Within Mill Bay Village, where possible, provide pedestrian access walkways to connect upland areas with an oceanfront walkway.
- CM12.** Along Barry Road in Mill Bay Village, design buildings to contribute to a pedestrian-oriented village-like character with ground floor commercial storefronts, building entries oriented towards Barry Road and the façades of tall buildings stepped back from the street with each storey.
- CM13.** Along Barry Road in Mill Bay Village, incorporate under-building/underground parking for commercial and mixed-use buildings.

#### *Electoral area B: Shawnigan Village Design Guidelines*

- CM14.** Design sites and locate buildings and structures to complement the development of a continuous public walkway along the lake shoreline and provide pedestrian access walkways to connect upland areas with a lakeside walkway.



*Area D: Cowichan Bay Marine Village Design Guidelines*

- CM15.** Design buildings with protective overhangs above windows, walls and pedestrian walkways, preferably extending over roughly half of the sidewalk.
- CM16.** Connect indoor and outdoor environments using balconies and overlooks on the waterside of Cowichan Bay Village.
- CM17.** Use boardwalks, landscaping, seating and other streetscape elements to separate public from private areas.
- CM18.** Maximize public views of all areas of the waterfront, especially for areas where public access is not safely possible (e.g. around industrial uses).
- CM19.** Consider views from both the water and the street of Cowichan Bay Village when designing buildings, boat shelters and floating structures.

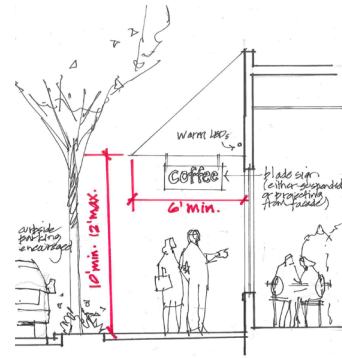


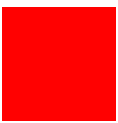
Figure 23 Overhangs should extend over roughly half of sidewalks.

*Electoral area I: Youbou Lands Design Guidelines*

- CM20.** Owing to the history of the core of the Youbou Lands site as a major industrial sawmilling operation, the form and character of proposed commercial buildings may reflect this industrial heritage in their design. While the intent is not to replicate the form of previous buildings, appropriate design cues and materials from that era may be proposed.



Image 14 Balconies provide private outdoor space that may overlook active public spaces and views beyond.



## Development Permit Area 9: Industrial Development

### Permit Guidelines

- ID1.** Large expanses of highly reflective treatments and glazing (e.g. mirror glass) should be avoided on exterior walls to prevent heat and glare impacts on adjacent properties and roads.
- ID2.** Where feasible, avoid outdoor storage. Where it is unavoidable and permitted in the implementing zoning bylaw, screen it from the view of adjacent non-industrial parcels.
- ID3.** Encourage the use underground instead of overhead wiring.
- ID4.** Incorporate existing mature trees into the landscape design.
- ID5.** Design vehicle access points, circulation patterns and parking layouts to reduce impacts upon roads and adjacent parcels and to allow delivery trucks to manoeuvre without having to block or back onto an adjacent road or a pedestrian route.

### *Area-specific Industrial Permit Guidelines*

The guidelines below apply only to the areas listed. The industrial guidelines above apply to each of those areas, as well.

### *Electoral area D: Cowichan Bay Marine Village Design Guidelines*

- ID6.** Design buildings with protective overhangs above windows, walls and pedestrian walkways, preferably extending over roughly half of the sidewalk.
- ID7.** Connect indoor and outdoor environments using balconies and overlooks on the waterside of Cowichan Bay Village.
- ID8.** Use boardwalks, landscaping, seating and other streetscape elements to separate public from private areas.
- ID9.** Maximize public views of all areas of the waterfront, especially for areas where public access is not safely possible (e.g. around industrial uses).
- ID10.** Consider views from both the water and the street of Cowichan Bay Village when designing buildings, boat shelters and floating structures.
- ID11.** Where fences are necessary for the safety or security of marine industrial uses, use transparent fencing or screening to avoid blocking views.



## 6 ENERGY AND WATER CONSERVATION; GREENHOUSE GAS EMISSIONS REDUCTION

### Development Permit Area 10: Energy and Water Conservation; Greenhouse Gas Emissions Reduction

#### Permit Exemptions

Pursuant to section 488(4) of the *Local Government Act*, a development permit is not required for the following:

- a. construction of, addition to or alteration of single detached dwelling or duplex dwellings on parcels that are not designated village residential, compact lot suburban and medium lot suburban, village core, unless the development includes a water lease tenure.
- b. addition to a single detached dwelling of up to 10 m<sup>2</sup> in gross floor area.
- c. construction of an accessory building or structure with a gross floor area of up to 10 m<sup>2</sup>.
- d. maintenance and/or repair of improvements including similar (e.g. “like for like”) replacement of roofing, siding, windows and/or doors, including reconstruction of buildings destroyed by natural disaster and/or fire.
- e. internal renovations that do not affect the external appearance of a building or increase the floor area.
- f. external renovations that do not require a building permit and do not affect the form and character of the building or site.
- g. industrial or commercial uses where additions or renovations are not visible from the public realm.
- h. alterations undertaken solely for the purpose of ensuring an existing building meets building code and safety requirements (e.g., fire exits, ramps, etc.).
- i. gardening and yard maintenance activities within an existing landscaped area, such as mowing lawns, pruning trees and shrubs, including similar (e.g. “like for like”) replacement of trees and vegetation.
- j. lot line adjustments where the subdivision does not result in the ability to construct a new dwelling unit.

#### Application Requirements

Unless an activity is exempted, section 489 of the *Local Government Act* requires a development permit subject to protection of these guidelines to be approved by local government before

- subdivision of land;
- commencement of construction of, addition to or alteration of a building or other structure; and
- alteration of land or a building or other structure on that land.

**EW-AR1** Provide a rainwater management plan to include the following information:

- a. analysis of the pre-development and post-development natural hydrological conditions including peak flows;

- b. recommendations on low impact development features that should be applied at the subdivision and parcel scale;
- c. specifics on the type, design and location of on-site drainage works required to meet the criteria; and
- d. specifics on the type, design and location of off-site drainage works required if on-site works cannot sufficiently meet the criteria specified above.

Best Management Practices for Energy and Water Conservation and Reduction in GHG Emissions

[Developing Permit Areas for Climate Action: A Guide for Energy Conservation, Water Conservation and GHG Emissions Reduction](#)

(BC government, 2011) provides a multiplicity of links to best management practices for strategies for energy and water conservation and GHG reduction for each of the following areas:

- Landscaping: planting for passive gain and cooling; windbreak planting; creating alternative transportation routes; tree planting and paved areas planting.
- Siting buildings and other structures: site selection; site layout; solar orientation and wind exposure.
- Form and exterior design: built form and exterior design of buildings.
- Specific features: permeable and reflective surfaces and shared amenities.
- Machinery, equipment and external systems: exterior lighting; alternative transportation; on-site energy generation; district energy systems and waste management.
- Water conservation: landscaping; specific features and machinery, equipment and external systems.

Permit Guidelines

*Energy Conservation and GHG Emission Reduction*

- EW1.** Support sustainable energy and water management through site and landscape design.
- EW2.** Opportunities for passive heating and cooling and natural lighting should be considered early in the planning and design process to create buildings that have energy savings and emit less greenhouse gas (GHG) emissions.

**EW3.** Buildings should be designed to maximize natural light and ventilation for all residential units while considering microclimates which may impact the building.

- EW4.** Develop landscape designs that support passive temperature regulation, for instance
  - a. by planting deciduous trees on the southern and western facing sides of a building to maximize the warming effect of solar radiation in winter months and the cooling effect of shade in the summer;
  - b. accommodating windbreaks (perpendicular to the direction of winter prevailing winds) to reduce heat loss in winter, for instance by locating evergreen trees so they block winter winds without blocking solar access; and
  - c. reducing wind impacts through the consideration of landscape retention for buffering and windbreaks.

### *Site Design, Building Siting and Orientation*

Building orientation can help reduce energy use and greenhouse gas emissions. Positioning and orientation of buildings to take conditions such as sun, wind and natural topography into account can reduce GHG emissions resulting from mechanical heating and cooling.

- EW5.** On south-facing slopes, site buildings with the long axis running east to west, to provide maximum solar access and opportunities for planting vegetation to manage solar gain.
- EW6.** Orient buildings to maximize passive ventilation and cooling from prevailing breezes.
- EW7.** Integrate with the natural terrain and minimize cuts and fills, retaining walls, artificial embankment of grade or extensive regrading, to the greatest extent possible.
- EW8.** Consider local opportunities for alternative energy such as ground-source geothermal, solar heating and photovoltaic, and wind power generation.
- EW9.** Where opportunities exist, combine vehicle access driveways (i.e., shared access among multiple parcels) to minimize the extent of impervious surfaces and removal of natural vegetation.
- EW10.** Enable opportunities for alternative transportation links such as pathways and trails.

### *Building Form, Materials and Colour*

The physical form and exterior design of buildings and structures can influence the amount of energy saved and reduction of greenhouse gas emissions.

- EW11.** Provide south-facing windows to maximize winter solar gain and natural light.
- EW12.** Maximize natural ventilation by locating window openings on opposing or adjacent walls.
- EW13.** Use window overhangs and/or fixed operable shading devices to control solar gain by blocking high-angle summer sun and allowing entry of low-angle winter sun.
- EW14.** Where feasible, minimize the use of low albedo (heat-absorbing) surfacing materials to reduce heat island effect (i.e., use lighter-coloured, more reflective materials).
- EW15.** Reduce the heat island effect of a building's roof and heat transfer into the building by using green roofs (which also buffer rainwater flows), Energy Star-rated or high albedo roofing material or other appropriate roofing treatments and materials.
- EW16.** Minimize greenhouse gas emissions by selecting low-carbon, durable building materials. Building detail, material and colour should support energy-efficient buildings with low GHGs.

### *Machinery, Equipment and Systems External to Buildings*

Energy consumption and greenhouse gas emissions can be reduced by incorporating innovative technologies for energy generation and distribution.

- EW17.** If practical, use onsite renewable energy generation to supply electricity, heating and cooling to buildings and other structures, water pumps, sewage pumps and/or electric vehicle charging stations. Possible sources include geothermal energy, wind turbines, tidal energy, air-source (heat pumps), biomass, bio-gas, wastewater effluent and solar energy (collectors and/or photovoltaic panels).
- EW18.** Install energy-efficient (i.e., solar powered, timer or sensor controlled) exterior lighting systems.
- EW19.** Install on-site electrical vehicle-charging stations, preferably using on-site energy generation.

## Rainwater Management

**EW20.** Minimize the use of impervious surfaces and/or incorporate rainwater management strategies where surface runoff is captured. Where feasible, use pervious surfaces for landscaping, driveways and parking areas.

- EW21.** Install rainwater management measures to
- prevent impacts of runoff from development into riparian areas, roadways and adjacent areas using onsite low-impact development techniques. Examples include landscaping measures, rain gardens, rainwater collection systems, naturalized ponds, “grass-crete” and bioswales;
  - retain natural drainage features;
  - maintain the site’s discharge hydrography from a five-year peak flow event;
  - maintain or improve water quality from the development site;
  - mimic natural rates in the storage and release of larger rainfall events (30 to 60 mm);
  - include alternative overflow escape routes; and
  - restore hydrological cycle and drainage features previously impacted by development.



*Image 15 Design rainwater management measures, including collection systems such as rain barrels.*



*Image 17 Pervious, landscaped surfaces and light reflective surfaces minimize heat absorption.*



*Image 16 Engineered wetlands help avoid waste of rainwater and to absorb contaminated runoff.*

**EW22.** Design rainwater management infrastructure, such as infiltration systems and constructed wetlands, with species that require minimal irrigation and/or enhance natural habitat.

**EW23.** Angle driveways across a slope’s gradient to reduce runoff.

**EW24.** Design slopes of cut and fill banks to withstand erosion and allow for revegetation, with slopes not exceeding 1:2. At property edges, slopes should not exceed 1:3.

**EW25.** Implement measures to manage erosion and sedimentation during site preparation and construction; minimize soil disturbance and replant disturbed areas with native plants upon completion of activities.



*Image 18 A home is carefully built into the hillside preserving mature vegetation.*

- EW26.** Retain existing native vegetation and mature trees and implement measures such as protective fencing to protect those features during site preparation and construction.
- EW27.** When trees must be removed, leave stumps in place to stabilize soil until alternative vegetation is established.
- EW28.** Remove and/or manage invasive plants during site preparation and construction.
- EW29.** Preserve native vegetation using measures such as
- planting only non-invasive plant species suited to the local climate and that require minimal irrigation;
  - using techniques such as xeriscaping; and
  - eradicating invasive plant species.
- EW30.** Provide all landscaping with a method of irrigation suitable to the continued maintenance of planted materials. Use or manage stormwater and building water discharge on site for irrigation, using measures such as
- maximizing pervious surfaces;
  - incorporating bioswales, rain gardens and naturalized ponds; and
  - maximizing the use of topsoil or composted waste for finish grading increase infiltration and water holding capacity.
- EW31.** Install an automated irrigation system that conserves water by using the minimum amount needed for the species planted.

#### Best Management Practices for Rainwater Management

Government of British Columbia, 2014. [Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia](#), Section 3.7: Guidelines for Water Management.

Fisheries and Oceans Canada, 1993. [Land Development Guidelines for the Protection of Aquatic Habitat](#), Section 4: Stormwater Management.

Water Sustainability Action Plan for British Columbia, 2012. [Primer on Integrated Rainwater and Groundwater Management for Lands on Vancouver Island and Beyond](#).

Government of British Columbia. [Stormwater Planning: A Guidebook for British Columbia](#)

**SCHEDULE B – TEMPORARY USE DESIGNATION MAP**  
**(excluding the Gulf Islands)**

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## Temporary Use Designation Map Methodology

Schedule B contains a map identifying lands designated Temporary Use.

Temporary Use designation applies to upland areas from the present natural marine boundary as captured in survey documents registered with Land Title and Survey Authority (LTSA) within CVRD electoral areas excluding Gulf Islands (Islands Trust jurisdiction) and Indian Reserves.

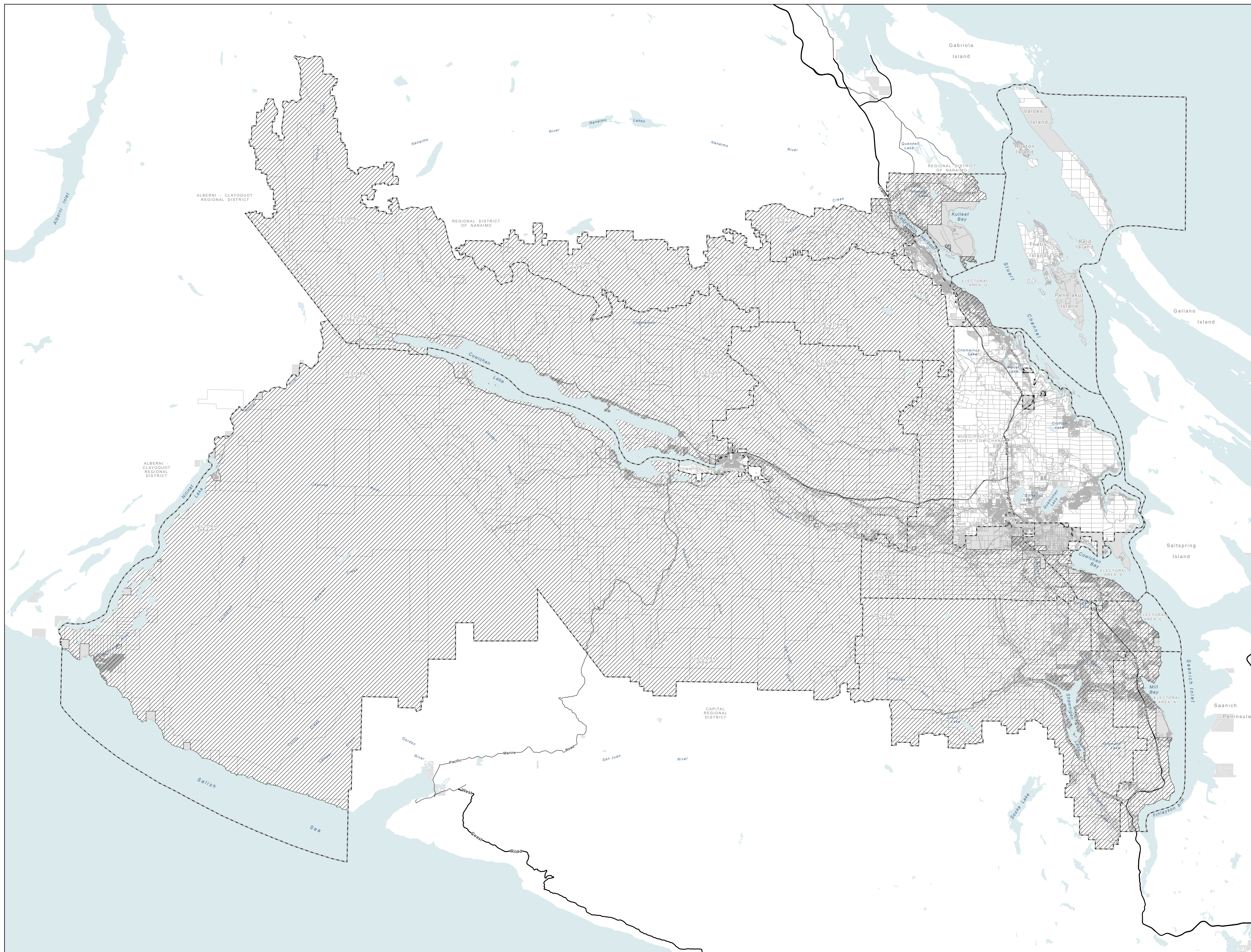
### Map Interpretation

Mapping schedule contains the following reference features: CVRD electoral area boundaries, parcel boundaries, Indian Reserves, and roads including primary highways (freeways and highways) and secondary roads (arterial, collector, and select local roads) as identified in the provincial Digital Road Atlas.

## Introduction

The map naming convention indicates the schedule letter and electoral area extent as follows.

Map Identification Key		
Map Name	Schedule	Electoral Area (if applicable)
Map B – Regional Overview	B	Regional



**Designation**

Temporary Use

**Reference Features**

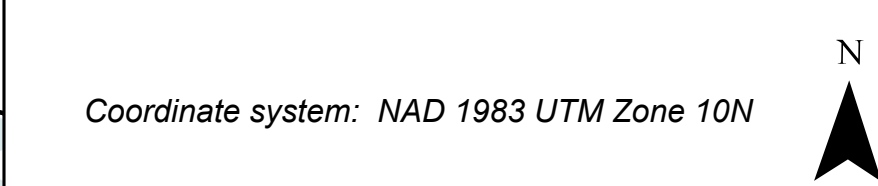
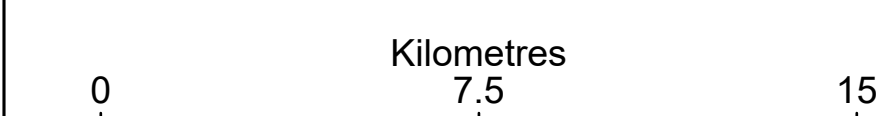
Primary Highway

Secondary Roads

Electoral Area Boundary

Parcel Boundary

Indian Reserves



## Schedule C – Temporary Use Permit Conditions and Guidelines



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# INTRODUCTION

## Temporary Use Permits

### Basis for Designation

Sections 492 to 497 of the *Local Government Act* describe the general requirements and options for the designation of temporary use permit areas.

A temporary use permit allows a use not permitted by a zoning bylaw. A temporary use permit may be issued for a period up to three years and can only be renewed once for an additional three years. If a temporary use permit is approved, it is registered at the Land Titles Office.

Section 503 of the *Local Government Act* requires that the Cowichan Valley Regional District (CVRD) provide notice to the Land Titles Office upon the issuance, amendment and/or cancellation of a temporary use permit. The terms of the permit can then become binding on anyone that acquires an interest in the land (i.e., not just an owner), unless otherwise specified in the permit.

A temporary use permit may do one or more of the following:

- allow a temporary use not permitted by the zoning bylaw
- specify conditions under which the use may be conducted
- allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued

The types of temporary uses that the CVRD Board can consider are those listed in section 3 of this bylaw. Temporary uses that don't fit within any of the categories listed in section 3 shall not be considered and will be subject to a zoning amendment application.

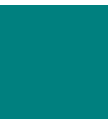
### Prohibitions

Once a temporary use permit has been issued, the temporary use may only be carried out in accordance with the terms and conditions of the permit. In the event that a temporary use permit expires or is revoked prior to expiry, all uses must be consistent with the applicable zoning bylaw.

It is the responsibility of the applicant/owner(s) to ensure that any required permits from other government agencies have been secured prior to commencing the temporary use.

### Temporary Uses

A temporary use cannot be established until a temporary use permit has been approved by Board resolution. Further, as every property and development proposal is unique, there is no guarantee of approval. If a temporary use permit is approved, the use must cease upon expiration of the permit. When a temporary use permit expires, the temporary use ceases, and the lands must be restored to a condition specified in the permit. The CVRD may require securities for restoration. Some of these guidelines include the requirement for securities under section 504 of the *Local Government Act*.



Lands designated for temporary use within the electoral areas of the CVRD are intended to ensure that temporary uses have a beneficial aspect for the community and have little or no negative effect upon residential uses or the natural environment. It is anticipated that adverse impacts shall be mitigated by the terms and conditions of a temporary use permit.

Temporary use permits are a unique tool as they can be used to temporarily alter land use without a public hearing. Temporary use permits are also not always subject to official community plan (OCP) land-use designation consistency (i.e., in some circumstances they can be used to test a land use that would otherwise require an OCP amendment).

### Renewal

A temporary use permit can be issued for a period of up to three years and may be renewed/extended once for a term of up to three years; however, the CVRD Board may limit the term of a permit (including any renewal/extensions) for less than three years where/if considers the reduced term to be appropriate.

While it is presently possible to apply for a new temporary use permit after an original permit (including any extensions) has completed a six-year term, the CVRD generally discourages substantially similar applications and instead prefers that applicants who wish to operate a temporary use beyond a six-year period to apply for rezoning.

### Information Requirements

Temporary use permit conditions and guidelines set out in this schedule to CVRD Bylaw 4485 are formatted for ease of use. This bylaw contemplates types of temporary uses that the CVRD Board may consider, as well as the general conditions and guidelines surrounding temporary use permit issuance.

CVRD's Bylaw 4545 – Development Approval Information, 2024) sets out the type of information an applicant for a temporary use permit may be required to provide as well as what type of appropriate professional may be required by the approving officer to prepare the report. Where applicable, a temporary use permit guideline or condition in this bylaw may provide further guidance on specific application requirements.

The CVRD's Development Approval Information Bylaw authorizes a planner to require additional information to support an application.

## Definitions

For the purpose of this Schedule C, the following definitions apply.

**Accommodation site** means a site intended or used for the temporary or seasonal accommodation of persons for more than 30 days in recreational vehicles, park model units or tents, which do not serve as dwelling units.

**Food truck** means a vehicle, trailer or cart that can be moved to different locations, which is equipped with facilities for cooking and selling food.

**Permit** means a permit issued pursuant to Division 8 Temporary Use Permits of the *Local Government Act*.

**Permitee** means the person or company to whom a permit is issued.

**Seasonal unit** means either

- a. a CSA-Z241 park model trailer designed for use during the milder months of the year, typically spring, summer and fall; or
- b. a CSA Z240 RV recreational vehicle used for seasonal accommodation is intended for temporary living, not year-round residency.

**Short-term rental use** refers to accommodations provided to members of the public in a host's property, in exchange for money, for a period of less than 30 consecutive days. A short-term rental use may be advertised via online platforms such as Airbnb, VRBO, Expedia and FlipKey, and may also be advertised on other web forums including Facebook Marketplace, or it could be found in classified ads in newspapers. A short-term rental use may include an entire dwelling unit (for example, when there is more than one dwelling unit on the property and the owner/occupant resides on the property, or when the owner/occupant is on vacation for a maximum of 122 days per calendar year).

**Temporary worker housing** is the temporary accommodation of persons on or near a parcel of land where the persons are employed.

**Work site** refers to a parcel where a commercial, industrial or agricultural use is located.

# 1 – APPLICATION CRITERIA

## General Criteria for all Types of Temporary Use Permits

CVRD staff may require information described in the Development Approval Information Bylaw to evaluate applications for temporary uses. Examples of typical application requirements that CVRD will review are included in this document.

### Application Requirements

- AR1** The application shall include a letter of rationale detailing the requested temporary use.
- a. The rationale shall include an acknowledgement from the applicant regarding any applicable Charges on Titles (such as covenants), while identifying how they have met the terms of the Charges.
- AR2** The application shall include a servicing plan providing details on proposed water, sewer and drainage servicing (see General Conditions **G-PC5** through **G-PC8**).
- AR3** Where a development permit is required, the CVRD Board encourages applications that apply for the necessary development permit concurrently with the temporary use permit application.
- AR4** Applications that involve the alteration of land and/or construction of buildings may require a landscape restoration plan prepared by a registered BC landscape architect, with associated cost estimate (provided by a qualified third party).
- a. For natural areas (e.g. Riparian Areas or Sensitive Ecosystems identified in CVRD Development Permit Area 2 mapping), a registered professional biologist must also sign-off on the restoration plan.
- AR5** For parcels within a bare-land or building strata, the CVRD Board encourages applications that include strata approval. Where strata approval does not accompany the application, permit holders should be aware that the issuance of a temporary use permit does not supersede strata rules or bylaws.
- AR6** For parcels within or adjacent to the Agricultural Land Reserve (ALR) a referral to the Agricultural Land Commission (ALC) is necessary.
- a. Temporary use permits for parcels within the ALR that require an application to the ALC may be processed concurrently with the corresponding ALR application, and the draft terms of permit will be included for the ALC's review.
  - b. For parcels within the ALR that do not require an application to the ALC, a referral will be sent to the ALC and the recommendations of the ALC may be used to form the terms and conditions of the temporary use permit.
- AR7** The application shall include a site plan prepared by a BC land surveyor, current state of title and copies of any covenants/easements registered on title. The site plan must include
- a. the present natural boundaries of all watercourses and associated setbacks in relation to the Riparian Areas Protection Regulation and *Water Sustainability Act*; and

- b. pre-development and post-development topography at maximum 1 m intervals with cadastral mapping.

## 2 – PERMIT CONDITIONS

### General Temporary Use Permit Conditions

CVRD staff may recommend conditions to include as part of the issuance of a temporary use permit to address community interests and application requirements. Examples of potential conditions that the CVRD Board will consider are included in this document.

### General Permit Conditions

The following are example general permit conditions that the CVRD Board may consider, but these examples should not be construed as limiting the Board's authority to impose other permit conditions it considers appropriate.

### *Securities*

- G-PC1** As a condition of issuance of the temporary use permit, the CVRD may hold a performance security to ensure that the temporary use is carried out in accordance with the terms and conditions of the permit. The amount of security is subject to the CVRD's Development Application Procedures Bylaw.
- G-PC2** As a condition of issuance of the temporary use permit, the CVRD may require a professional landscape restoration plan prepared by a registered BC Landscape Architect, subject to the CVRD's Development Approval Information Bylaw.

### *Term of Permit*

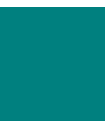
- G-PC3** Temporary use permits can not be transferred. In the event of a change in ownership, the new owner will need to apply for a new temporary use permit before re-establishing a temporary use. This shall include an updated performance security, updated landscape security and revised letter of undertaking.
- a. In the event that the operator of the temporary use is not the property owner (e.g. tenant), the holder of the temporary use permit shall be the operator of the temporary use, and the permit shall not be transferable to another operator.

### *Impacts to Land*

- G-PC4** Upon expiry or early termination of the permit, the permittee shall within the period specific in the permit demolish or remove any or all buildings/structures established in conjunction with the temporary use and restore the lands to the condition specified in the permit.

### *Servicing*

- G-PC5** For uses that generate sewerage, a sewerage suitability assessment may be required to confirm that existing onsite sewage disposal can accommodate the temporary use (or be expanded to accommodate the temporary use).



- a. Proof of filing with Island Health will be required following approval of the permit.
- b. If connected to a CVRD community system, sewer service connections at the property line will be decommissioned/ disconnected when the temporary use permit ceases unless otherwise specified by the CVRD.

**G-PC6** For uses that require water, proof of potable water shall be a condition of the permit.

- a. Depending on the type of use, a [Water System Operating Permit](#) may be required through Island Health, and proof of securing the permit shall be required.
- b. Depending on the type of use, a provincial water licence may be required, and proof of securing the license shall be required.
- c. If connected to a CVRD community system, water service connections at the property line will be decommissioned/disconnected when the temporary use permit ceases unless otherwise specified by the CVRD.

**G-PC7** No alteration to the natural drainage, construction or excavation shall be undertaken on any portion of the subject property unless a grading, drainage and stormwater management plan has been prepared by a qualified professional

- a. a [letter of professional assurance and commitment for field review](#) may be required depending on the scale of development;
- b. an erosion and sediment control plan may be required.

**G-PC8** For uses that generate garbage, organics or recyclables, collection and disposal shall be confirmed either by

- a. confirmation that CVRD curbside collection services are currently available for the proposed use, with verification of the anticipated size of tote (e.g. garbage totes larger than the 140L size will be subject to an additional annual service fee to ensure all users pay their fair cost for garbage disposal); or
- b. for parcels or land uses not covered under CVRD curbside collection, verification is to be provided that a private hauler and subscribe to a garbage collection service is available to the site for the duration of the temporary use.

#### *Additional Approvals*

**G-PC9** Additional provincial or CVRD permits/approvals (e.g. a development permit, building permit or highway use permit) may be required as conditions of the temporary use permit approval or may be required following approval of the temporary use permit.

### 3 – SPECIFIC TEMPORARY USE PERMIT CONDITIONS AND APPLICATION REQUIREMENTS BY USE CATEGORY

The CVRD Board will consider temporary use permits that fall into the six categories of uses defined in section 3 of this bylaw. The Board will not consider uses that do not fit within these categories.

#### 3.1 - Seasonal Accommodation in Recreational Vehicle Use

##### Application Requirements

- RV-AR1** Applications for seasonal accommodation in CSA-Z241 park model trailers or CSA Z240 RV recreational vehicles will only be considered on land that is within an Agricultural zone and classified as a farm under the [Assessment Act](#), or in conjunction with temporary worker housing for multi-unit, commercial or industrial development.
- RV-AR2** Applications for accommodation in seasonal units specific to agritourism accommodation shall generally not exceed a maximum of ten sleeping units as is consistent with the Agricultural Land Reserve Use Regulation.
- a. Where applications propose to expand the number of units beyond ten sleeping units, authorization from the ALC shall be required prior to consideration of a temporary use permit application.
  - b. Where applications are for parcels outside of the ALR, the temporary use permit may also provide for agritourism activities. Applications shall demonstrate consistency with ALR policy.
- RV-AR3** In addition to proof of water (G-PC11), sewage (G-PC10), drainage (G-PC12) and solid waste (G-PC13), applications for accommodation in temporary/seasonal structures must provide information on the proposed provision of electricity to the temporary structure (if applicable).
- RV-AR4** Applications for accommodation in temporary/seasonal structures must provide a temporary accommodation site plan showing the proposed location of the accommodation unit as well as any amenities (e.g. picnic tables, gazebos, parking areas, etc.).
- RV-AR5** Where applications propose to provide both an accommodation site as well as a CSA Z240 RV recreational vehicle, [proof of insurance](#) for the recreational vehicle must be provided.

##### RV Permit Conditions

The following are example permit conditions that the CVRD Board may consider for applications that include temporary accommodation in recreational vehicles, but these examples should not be construed as limiting the Board's authority to impose other permit conditions it considers appropriate.

- RV-PC1** If temporary accommodation is proposed in seasonal units, the use may be limited to April 1<sup>st</sup> – September 30<sup>th</sup> of each calendar year as a condition of the permit regardless of the term of the permit.

- RV-PC2** The temporary seasonal accommodation site shall be situated in accordance with the minimum prescribed setbacks for an accessory building for the applicable zone.
- RV-PC3** The temporary seasonal accommodation site shall be screened from adjacent parcels or public roads with a minimum 2 m tall vegetation buffer or solid fence.
- RV-PC4** The temporary seasonal accommodation site shall be located on the parcel with which the temporary workers are associated.
- a. Where it is not possible to locate the temporary units on the parcel with which the temporary workers are associated (e.g. such as in the instance where a farm operation extends over multiple parcels), section 3.5 Temporary Worker Housing Use of these guidelines shall also be applicable.
- RV-PC5** Temporary structures are not permitted on a vacant parcel unless a valid building permit for a single detached dwelling has been issued for the parcel.

### 3.2 - Short-Term Rental Use

#### Application Requirements

- STV-AR1** Applications for short-term rentals shall include a primary, secondary and tertiary contact for the operator.
- STV-AR2** Approvals for short-term rentals within a suite (attached or detached), or a whole-home rental must be consistent with the electoral areas' principal residence requirement pursuant to the *Short-Term Rental Accommodation Act*.

#### Short-Term Rental Permit Conditions

The following are example permit conditions that the CVRD Board may consider for applications that include short-term rentals, but these examples should not be construed as limiting the Board's authority to impose other permit conditions it considers appropriate.

- STV-PC1** Where a short-term rental use is proposed within a suite (attached or detached), the short-term rental may only be located on a parcel where the owner's principal dwelling is located, and the owner must be present for the duration of rental occupancy.
- STV-PC2** Two off-street parking spaces shall be provided for a short-term rental use, in addition to the parking required for the owner's principal dwelling.
- STV-PC3** The maximum number of adult occupants that can occupy a short-term rental is eight.

### 3.3 - Specific Commercial Uses

#### Application Requirements

- CM-AR1** Temporary commercial uses shall generally only be considered for properties that are already zoned Commercial or Industrial (including Comprehensive Development zones, which permit commercial and/or industrial uses as a principal use).

## Temporary Commercial Permit Conditions

The following are example permit conditions that the CVRD Board may consider for applications for commercial uses, but these examples should not be construed as limiting the Board's authority to impose other permit conditions it considers appropriate.

**CM-PC1** Temporary commercial uses must be sited in an existing building.

**CM-PC2** Where a temporary commercial use includes a food truck, CM-PC1 is not applicable, as a food truck may be situated within an existing parking area, provided that minimum parking requirements for existing uses are met.

## 3.4 - Specific Industrial Uses

### Application Requirements

**IND-AR1** Temporary industrial uses shall generally only be considered for properties that are already zoned Industrial (including Comprehensive Development zones, which permit industrial uses as a principal use).

**IND-AR2** Low-impact industrial uses such as portable sawmills that are consistent with ALR regulations and do not require permanent infrastructure can be considered for parcels in the ALR.

### Temporary Industrial Permit Conditions:

The following are example permit conditions that the CVRD Board may consider for applications for industrial uses, but these examples should not be construed as limiting the Board's authority to impose other permit conditions it considers appropriate.

**IND-PC1** No concrete, asphalt, construction or demolition debris, petroleum products, food waste, land clearing waste, yard waste or any non-soil material shall be brought onto the parcel.

**IND-PC2** No hazardous materials are to be brought to or stored on the subject property.

**IND-PC3** No uses or activities or land uses specified in [Schedule 2](#) of the Contaminated Sites Regulation *Environmental Management Act* shall be considered through a temporary use permit.

**IND-PC4** A site investigation report, prepared by a qualified professional, shall be required 60 days prior to expiry of the temporary use permit to confirm that temporary use permit activities have not caused contamination of the parcel.

- a. A copy of the site investigation report shall be prepared by a qualified professional with a professional cover letter to verify that the temporary use area is free of fuel or hazardous materials contamination and refuse and has been restored to the conditions specified in the permit.
- b. In the event that hazardous materials are discovered, the owner is responsible for containment, removal and remediation. In such an event, the CVRD must be immediately notified in writing.

### 3.5 - Temporary Worker Housing Use

#### Application Requirements

- WC-AR1** Temporary worker housing uses shall generally only be considered in Commercial and/or Industrial zones.
- WC-AR2** Notwithstanding WC-AR1, temporary worker housing for farm workers may be considered on agricultural land that is classified as a farm under the [Assessment Act](#), and designated as agriculture under the OCP.
- a. Temporary worker housing associated with an agricultural use shall require a restoration plan. The restoration plan described in G-PC2 shall be completed in consultation with a qualified agrolgist.
  - b. The CVRD Board encourages applications that include a plan to improve the base soil characteristics of the property to provide a clear benefit for agriculture in the long term.
  - c. Temporary Worker Housing associated with an agricultural uses shall not be situated within the ALR without ALC approval. A temporary use permit considered under WC-AR2 shall not be issued without first obtaining approval from the ALC.
- WC-AR3** The Temporary Worker Housing site shall be located on the parcel with which the temporary workers are associated.
- a. Where it is not possible to host accommodation sites on a work site, consideration may be given to adjacent parcels or on other lands owned by the business with which the seasonal workers are associated. Traffic, neighbourhood impacts and a reduced term of permit may be considered in these circumstances.
- WC-AR4** Notwithstanding WC-AR1, Temporary Worker Housing and/or lodging for emergency management purposes, such as sheltering individuals displaced by a natural disaster (e.g. wildfire, earthquake, etc.) may be considered on land that has sufficient capacity for on-site servicing.
- WC-AR5** Proof of all necessary permits required through the Ministry of Transportation and Transit as well as Island Health are to be provided to the CVRD prior to approving the temporary use.

#### Permit Conditions

- WC-PC1.** The Temporary Worker Housing shall be situated in accordance with the minimum prescribed setbacks for the applicable zone.

### 3.6 - Market/Festival Use

#### Application Requirements

- MA-AR1** A temporary market/festival use shall generally only be considered in Commercial and/or Industrial zones (including Comprehensive Development zones, which permit commercial and/or industrial uses as a principal use).

**MA-AR2** Notwithstanding MC-AR1, a temporary market/festival use may be considered on parcels within the ALR for expanded agri-tourism and expanded Gatherings for Events as described in the Agricultural Land Reserve Use Regulation.

- a. A temporary use permit considered under MA-AR2 shall not be issued without first obtaining a Non-Farm Use authorization from the ALC.

**MA-AR3** A temporary market/festival use may be established for a seasonal use (e.g. weekend markets for a portion of the calendar year) or for an event (e.g. an annual music festival). A temporary market/festival use is not intended to operate year-round.

**MA-AR5** For parcels that are permitted to have a music festival use within a zoning bylaw, a temporary market/festival use may be issued to modify the conditions of a music festival use for a temporary period including but not limited to

- a. authorizing a music festival that is in addition to the limit established in the zoning bylaw (e.g. by expanding the hours of performances and/or expanding the number of festival events in a calendar year); and
- b. permitting other commercial uses in conjunction with a temporary market/festival use that would otherwise not be permitted in the zoning bylaw.

#### Temporary Market/Festival Permit Conditions

The following are example permit conditions that the CVRD Board may consider for applications for a temporary market/festival use, but these examples should not be construed as limiting the Board's authority to impose other permit conditions it considers appropriate.

**MA-PC1** Issuance of a temporary use permit does not relieve the owner/operator from obtaining a special event permit.