



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4424

A Bylaw to Amend an Official Community Plan

Green Highlight Indicates Changes Since May 2022 First Reading

WHEREAS the Board of the Cowichan Valley Regional District has adopted an official community plan for the Regional District's electoral areas;

AND WHEREAS the plan designates certain development permit areas and the Board wishes to amend the development permit exemptions and guidelines;

AND WHEREAS the Board has considered the matters mentioned in section 477(3) of the *Local Government Act* and has consulted with the school districts mentioned in s. 476(1) of the *Act*;

NOW THEREFORE 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. 4424 - Bylaw No. 4270 Development Permit Area Amendment Bylaw, 2023**”.

2. AMENDMENTS

- a. CVRD Bylaw No. 4270 - Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021 is amended in SCHEDULE A as indicated in Schedule A to this bylaw.
- b. CVRD Bylaw No. 4270 - Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021 is amended in SCHEDULE B as indicated in Schedule B to this bylaw.
- c. CVRD Bylaw No. 4270 - Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021 is amended in SCHEDULE C as indicated in Schedule C to this bylaw.
- d. The bylaw is further amended in SCHEDULE D by adding the hyperlinks indicated in Schedule B to this bylaw, at the locations indicated.
- e. The bylaw is further amended by substituting the maps attached to this bylaw as Schedule E for the corresponding maps in SCHEDULE D- AGRICULTURAL LANDS MAPS.
- f. The bylaw is further amended by substituting the maps attached to this bylaw as Schedule F for the corresponding maps in SCHEDULE U – DEVELOPMENT PERMIT AREAS MAPS.

3. FORCE AND EFFECT

Considered in conjunction with the Cowichan Valley Regional District Financial Plan and the Liquid Waste Management Plan under Section 477(3) of the *Local Government Act*, the ___ day of _____, 2023.

Referred to the Agricultural Land Commission under Section 477(3) of the *Local Government Act* the 24th day of May, 2022 and re-referred the _____ day of _____, 2023.

Referred to the boards of education of School Districts No. 68 and 79 under section 476 of the *Local Government Act* the 24th day of May, 2022, and re-referred the _____ day of _____, 2023.

READ A FIRST TIME this 11th day of May, 2022.

READ A FIRST TIME, AS AMENDED this _____ day of _____, 2023.

READ A SECOND TIME this _____ day of _____, 2023.

PUBLIC HEARING this _____ day of _____, 2023.

CONDUCTED PURSUANT TO PART 14, section 464 of the *Local Government Act*

READ A THIRD TIME this _____ day of _____, 2023.

ADOPTED this _____ day of _____, 2023.

Chairperson

Corporate Officer

SCHEDULE A

- a) Under Part 4, Land Use Designations and Policies, replace the second paragraph with the following:

Land Use Designations generally follow parcel boundaries and though not shown on the maps, land use designations extend to the centerline of the road right of way, except for Schedule U DPA 8 and the Agricultural Land Reserve.

Where land use designations split parcels, the boundary will be considered approximate. The ALR boundary is not always consistent with parcel boundaries.

“Road Right of Way” refers to the depiction of a formally dedicated road in Parcel Map BC (PMBC) by the Land Title Survey Authority (LTSA), where “formally dedicated” refers to the vesting of title for the purposes of road. In instances where a road has been legally established, but steps have not been taken to reflect the establishment in land title records, the road is not considered “formally dedicated”. As per the LTSA, roads are formally dedicated via their depiction as highway, road, or lane on a subdivision or reference plan, submitted under s. 107 of the *Land Title Act*; or roads are formally dedicated under s. 115 of the *Land Title Act* via the submission of a Form 12 (Certificate as to Highway in Statutory Right of Way Plan) and related Statutory Right of Way plan.

A road or highway is a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way as per the *Land Titles Act*. Constructed and gazetted roads may not be formally dedicated with LTSA, may not be located in the centreline of a formally dedicated road right of way, and may not be located within a formally dedicated road right of way, therefore road centrelines cannot be assumed to represent the centreline of a road right of way.

SCHEDULE B – LOCAL AREA PLANS

The following amendments apply to Schedule B Local Area Plans:

Electoral Area A – Mill Bay/Malahat Local Area Plan
Electoral Area B – Shawnigan Lake Local Area Plan
Electoral Area C – Cobble Hill Local Area Plan
Electoral Area D – Cowichan Bay Local Area Plan
Electoral Area E - Cowichan/Koksilah Local Area Plan
Electoral Area F – Cowichan Lake South/Skutz Falls Local Area Plan
Electoral Area G – Saltair Local Area Plan
Electoral Area H – North Oyster/Diamond Local Area Plan
Electoral Area I – Youbou/Meade Creek Local Area Plan

- a) Under part 2, Land Use Planning Designations, replace the second paragraph with the following:

Land use designations generally follow parcel boundaries and though not shown on the maps, land use designations extend to the centreline of any adjacent road right of way. Where land use designations split parcels, the boundary will be considered approximate.

“Road Right of Way” refers to the depiction of a formally dedicated road in Parcel Map BC (PMBC) by the Land Title Survey Authority (LTSA), where “formally dedicated” refers to the vesting of title for the purposes of road. In instances where a road has been legally established, but steps have not been taken to reflect the establishment in land title records, the road is not considered “formally dedicated”. As per the LTSA, roads are formally dedicated via their depiction as highway, road, or lane on a subdivision or reference plan, submitted under s. 107 of the *Land Title Act*; or roads are formally dedicated under s. 115 of the *Land Title Act* via the submission of a Form 12 (Certificate as to Highway in Statutory Right of Way Plan) and related Statutory Right of Way plan.

A road or highway is a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way as per the *Land Titles Act*. Constructed and gazetted roads may not be formally dedicated with LTSA, may not be located in the centreline of a formally dedicated road right of way, and may not be located within a formally dedicated road right of way, therefore road centrelines cannot be assumed to represent the centreline of a road right of way.

SCHEDULE C - DEVELOPMENT PERMIT AREAS

- (a) Under the heading “How to Use the Development Permit Area Guidelines”, replace the content following the sub heading “Permit Exemptions” with the following:

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 of 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.
- (b) Under the heading “Definitions”, add the following to the definition of “Development” following the words *Local Government Act*: “and without limitation includes the alteration or removal of vegetation and the deposit or removal of soil materials.”
- (c) Under the heading “Definitions”, add the following:
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)

A road or highway is a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way as per the *Land Titles Act*. Constructed and gazetted roads may not be formally dedicated with LTSA, may not be located in the centreline of a formally dedicated road right of way, and may not be located within a formally dedicated road right of way, therefore road centrelines cannot be assumed to represent the centreline of a road right of way.

Road Right of Way refers to the depiction of a formally dedicated road in Parcel Map BC (PMBC) by the Land Title Survey Authority (LTSA), where “formally dedicated” refers to the vesting of title for the purposes of road. In instances where a road has been legally established, but steps have not been taken to reflect the establishment in land title records, the road is not considered “formally dedicated”. As per the LTSA, roads are formally dedicated via their depiction as highway, road, or lane on a subdivision or reference plan, submitted under s. 107 of the *Land Title Act*; or roads are formally dedicated under s. 115 of the *Land Title Act* via the submission of a Form 12 (Certificate as to Highway in Statutory Right of Way Plan) and related Statutory Right of Way plan.

- (d) Under the heading “Development Permit Area” in DPA 1 replace “dark green” with “hatched dark pale green”.
- (e) Under the heading “Permit Exemptions” in DPA 1 delete exemption c. referring to accessory buildings, delete the word “private” from exemption d., delete from item d “v. no part of the trail is less than 5 m from the high-water mark of the stream”, add to exemption e “conducted in accordance with the Code of Practice of Agricultural Management and in alignment with *Farm Practices Protection Act* and excluding

- confined barns or shelters for livestock”, add as exemption i “lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit.”
- (f) Replace in DPA 2 “Sensitive Ecosystems Protection” with “Environmentally Sensitive Areas Protection” and the prefix “SE” with “ESA” throughout.
 - (g) Under the heading “Development Permit Area” in DPA 2, first bullet replace “those part of electoral areas A, B, C, D, E, F, G and I” with “all nine electoral areas of the Cowichan Valley Regional District”.
 - (h) Under the heading “Development Permit Area” in DPA 2, delete the second bullet.
 - (i) Under the heading “Development Permit Area” in DPA 2, third bullet replace “hash” with “hatched”.
 - (j) Under the heading “Development Permit Area” in DPA 2, fourth bullet replace “dark orange” with “brown”.
 - (k) Replace the table under the heading “Permit Exemptions” in DPA2 with the following:

A development permit is not required for the following purposes:

- a. Addition to a single detached dwelling of up to 10 m² in gross floor area.
- b. Construction of an accessory building or structure with a gross floor area of up to 10 m² 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 m².
- 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 that 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 Cowichan Valley Regional District;
 - ii. park works and services undertaken or authorized by Cowichan Valley Regional District; 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.

- (l) Under the heading “Development Permit Area” in DPA 3, replace “noted in pink” with “noted in pink and blue”; in a. replace “dark pink” with “pink and outlined in dark pink”; in b. replace “light pink” with “dark pink”.
- (m) In the table under the heading “Permit Exemptions” in DPA 3 replace the words “have been previous been distributed” with “have previously been disturbed”, replace the word “subdivision” with “lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit”, and delete the paragraph beginning with the words “The following exemptions apply:”.
- (n) In the table under the heading “Permit Exemptions” for DPA 3 add the following classes of exemptions for Electoral Areas A, C, D, G:

Construction, maintenance or operation of:

- i. municipal works and services undertaken or authorized by Cowichan Valley Regional District;
- ii. park works and services undertaken or authorized by Cowichan Valley Regional District; and
- iii. federal and provincial works.

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.

- (o) In DPA 3, under Permit Guidelines, delete subheading Subdivision and guideline MUF5.
- (p) Under the heading “Development Permit Area” in DPA 4, replace the first paragraph with:

DPA 4 - Aquifer Protection comprises all areas outlined in purple and filled with purple dots on Schedule U, UDPA4 Aquifer Protection - Regional. The boundary of the Development Permit Area encompasses the following:

- Those parts of Electoral Areas A, B, C, D, E, F G, H and I included in the 2022 provincial Ground Water Aquifers dataset.

- (q) Replace under the heading “Permit Exemptions” in DPA 4 with the following:

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 ALR, conducted in accordance with the Code of Practice of Agricultural Environmental Management and in alignment with *Farm Practices Protection Act* and excluding confined barns or shelters for livestock.
- 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 Cowichan Valley Regional District;
 - ii. park works and services undertaken or authorized by Cowichan Valley Regional District; 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.

- (r) Under the heading Development Permit Area in DPA 5, replace the first paragraph with the following:

Wildfire Hazard DPA refers to those parts of all electoral areas of the Cowichan Valley Regional District on Schedule U, UDPA5 Wildfire Hazard – Regional identified in the orange patterned area within 200 metres of moderate, high or extreme wildfire behaviour threat class areas.

This applies to land and water but excludes First Nations reserve land and member municipalities.

- (s) Add under the heading Justification of Designation in DPA 5 following the words flammable objects, “In some locations, there are structures within moderate, high or extreme wildfire threat classes located over water.”
- (t) Replace below the heading “Permit Exemptions” in DPA 5:

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 Cowichan Valley Regional District;
 - i. park works and services undertaken or authorized by Cowichan Valley Regional District; and
 - ii. 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.
- (u) Under the heading “Development Permit Area” in DPA 6, replace “hatched black” with “shaded light grey and outlined in grey”.
- (v) In DPA 6, following the section “Justification for Designation”, add the following:
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 Cowichan Valley Regional District;
 - ii. park works and services undertaken or authorized by Cowichan Valley Regional District; 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.
- (w) Replace in DPA 7, “Landslide Hazard” with “Slope Stability” and prefix “LH” with “SS” throughout.
- (x) Under the heading “Development Permit Area” in DPA 7, replace “shaded dark red” with “outlined in dark red with dark red horizontal stripes”
- (y) Under the heading “Permit Exemptions” in DPA 7, add the words “In Area G” to the beginning of exemption d, and add as exemption g “lot line adjustments where subdivision does not result in the ability to construct a new dwelling unit.”
- (z) Under the heading “Development Permit Area” in DPA 8, first paragraph, add “H” after “G”,
- (aa) Under the heading Development Permit Area in DPA 8, add after the first

paragraph:

DPA 8 Protection of Farmland is a 30 m buffer measured from the boundary of the Agricultural Land Reserve as submitted to DataBC by the Agricultural Land Commission as of May 3, 2023, and from the boundary of the Renewable Resource - Agriculture Land Use Designation, and extends into non-agricultural lands. The ALR boundary is not always consistent with parcel boundaries.

(bb) Replace the section under “Permit Exemptions” in DPA 8 with the following:

A development permit is not required for the following activities:

- a. alteration of land;
- b. construction of an accessory building or structure with a gross floor area of up to 10 m²;
- 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 Cowichan Valley Regional District;
 - ii. park works and services undertaken or authorized by Cowichan Valley Regional District; 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.

(cc) Replace DPA 8 guideline PF1 with:

Install continuous landscape and fencing buffers between non-agricultural uses and lands designated for agricultural use and/or in the ALR in accordance with the 1993 Agricultural Land Commission Landscape Buffer Specifications and the B.C. 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 ALR land; and
- d. install the landscape buffer after alteration of land or construction of buildings and structures.
- e. Ensure the vegetated buffer is a “no build zone” free of buildings, paths, pools, tennis courts, or other similar structures.

(dd) Delete DPA 8 guideline PF3.

(ee) Delete DPA 8 PF9 and PF11.

(ff) Under the heading Development Permit Area in DPA 9, replace “shaded in bright purple” with “outlined in bright purple with bright purple vertical stripes”.

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- (gg) Under the heading “Development Permit Area” in DPA 9, seventh paragraph, replace “Part 5” with “Part 4”.
 - (hh) Under heading “Permit Exemptions” in DPA 9, delete exemption “j”.
 - (ii) Under the heading Development Permit Area in DPA 10, replace “shaded in yellow” to “outlined in yellow with yellow vertical stripes”.
 - (jj) Under the heading “Development Permit Area” in DPA 10, seventh paragraph, replace “Part 5” with “Part 4”.
 - (kk) Under the heading Development Permit Area in DPA 11, replace “shaded in red” with “outlined in red with red vertical stripes”.
 - (ll) Under the heading “Development Permit Area” in DPA 11, seventh paragraph, replace “Part 5” with “Part 4”.
 - (mm) Under the heading Development Permit Area in DPA 12, replace “shaded green” with “outlined in green with green hatching”.
 - (nn) Under the heading “Development Permit Area” in DPA 12, seventh paragraph, replace “Part 5” with “Part 4”.
 - (oo) Under the heading Development Permit Area in DPA 13, replace “shaded teal” with “outlined in teal with teal vertical stripes”.

**Schedule D –
Amendments to Bylaw 4270 Schedule C Hyperlinks**

- (a) Replace the hyperlink in the definition of “Invasive plant species” in the Definitions with http://www.sxd.sala.ubc.ca/9_resources/fed_%20files/fed%20land%20development%20guidelines.pdf
- (b) Replace the hyperlink in RP6 with <https://www.coastalisc.com/priority-invasive-plants/>
- (c) Replace the hyperlink to the third document in the table in RP17 with http://www.sxd.sala.ubc.ca/9_resources/fed_%20files/fed%20land%20development%20guidelines.pdf
- (d) Replace the hyperlink in SE1 with <https://www.coastalisc.com/priority-invasive-plants/>
- (e) Replace the hyperlink to the fourth document in the table on page 30 of Schedule C with <https://www.coastalisc.com/priority-invasive-plants/>
- (f) Replace the hyperlink in SE6 with <https://www.coastalisc.com/priority-invasive-plants/>

Schedule E

Amendments to Bylaw 4270 SCHEDULE D – AGRICULTURAL LANDS MAPS

Schedule F
Amendments to Bylaw 4270 SCHEDULE U – DEVELOPMENT PERMIT AREAS
MAPS