

CVRD Bylaw No. 4270 - Cowichan Valley Regional District Official Community Plan for the Electoral Areas Bylaw, 2021

Schedule C - Development Permit Areas and Schedule U - Development Permit Area Maps

Explanation of Changes in Amendment Bylaw 4424

Table 1 Exemptions harmonization & modernization

Bylaw section	Change	Explanation
DPA 1: Riparian Protection, page 19	<p>Delete exemption c.: the construction of an accessory building, such as a pump house, gazebo, garden shed or playhouse, if all of the following apply:</p> <ul style="list-style-type: none"> i. the building is located within an existing landscaped area; ii. no native trees are removed; iii. the building is located a minimum 5 m from the high-water mark of the stream; and iv. the total floor area of accessory buildings on the parcel, including the pumphouse, gazebo, garden shed or playhouse, is less than 10 m² 	Modernize - Inconsistent with the Riparian Areas Protection Regulation that requires development in a riparian assessment area of a stream to follow riparian assessment procedures as outlined in the Regulation. Development includes structures listed within this exemption.
	<p>Delete the word <u>private</u> and delete v. from exemption d:</p> <p>d. the construction of a <u>private</u> trail if all the following apply:</p> <ul style="list-style-type: none"> 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); 	Modernize - Allows for a public trail to be exempt based on the same criteria as a private trail. The intention of a riparian trail is to access water.

	<p>iv. the trail is designed to prevent soil erosion where slopes occur; <u>and</u></p> <p>v. <u>no part of the trail is less than 5 m from the high-water mark of the stream</u></p>	
	Delete exemption e: “normal farm practices within the ALR”	Modernize - Farm practices do not need to be exempt from Riparian Areas Protection Regulation.
DPA 2: Sensitive Ecosystem Protection, page 28	<p>Add the following exemptions to electoral areas A, B, C, E, F, G, H and I:</p> <p>Addition to a single detached dwelling of up to 10 m² in gross floor area.</p> <p>Construction of an accessory building or structure with a gross floor area of less than 10 m² provided it has no permanent foundation and that it does not require the removal of trees.</p> <p>Construction of a retaining wall less than 10 m horizontal and less than 1 m in height.</p> <p>Construction of a non-structural impervious surface such as a driveway, walkway, patio or terrace not exceeding 10 m².</p> <p><u>Add to the exemptions above:</u></p> <p>A development permit is not required in electoral areas A, B, C, D, E, F, G, H and I for the following purposes in respect of which the Regional District has received written confirmation by a registered professional biologist that, based on field verification, there are no sensitive ecosystems as mapped in the Madrone Environmental Services report, 2018 on the portion of the parcel being altered, or on the portion of the parcel on which construction would occur.</p>	<p>Harmonize - Extend the exemptions previously applicable only to electoral area D to the other electoral areas. Create consistent exemptions across the electoral areas.</p> <p>Modernize- Clarify that the exemptions require the applicant to provide a letter from an RP Bio that exempts development from a development permit if the RP Bio attends the subject property and confirms in writing that there is not a sensitive ecosystem on the subject property. No fee is required from CVRD to use this exemption. A template letter will be provided.</p>

	Replace “Construction of a retaining wall less than 10 m <u>horizontal</u> and less than 1 m in height” with “Construction of a retaining wall less than 10 m in <u>length</u> and less than 1 m in height.	Harmonize - Clarification of language.
	Add the following exemption: 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.	Harmonize - This exemption also applies in DPA 1 Riparian Protection.
DPA 3: Marine Uplands and Foreshore Protection, page 34	In the table Permit Exemptions, replace the word distributed with disturbed in the following sentence: Minor alterations to areas that have been previous been <u>distributed</u> for at least five years, provided that only hand tools and natural materials, such as wood or stone, are used in the construction.	Correct typo.
DPA 3: Marine Uplands and Foreshore Protection, page 34	Delete inconsistent exemptions: The following exemptions apply: a. construction of, addition to or alteration of buildings or structures not located over the foreshore or water; and b. activities requiring provincial government approval prior to the CVRD issuing a building permit. A requirement for provincial approval is generally triggered where the proposed development would increase the area of the foreshore or ocean floor.	Modernize - These exemptions are inconsistent with DPA3.
DPA 4: Aquifer Protection, page 38	Amended the text to change the source of electoral area H aquifer DPA mapping to the 2022 BC Groundwater Aquifer mapping. Updating the data set for all electoral areas to 2022 BC Groundwater Aquifer mapping.	Modernization of data for all electoral areas. At the request of the electoral area H APC during harmonization of the OCP, the data set for Aquifer Protection DPA continued based on the data in the repealed OCP Bylaw 1497. Now that the DPAs are moving towards modernization, proceeding to use of the updated provincial 2022 aquifer mapping.

DPA 5: Wildfire Hazard, page 51	<p>Delete the underlined text from the following exemption:</p> <p>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, <u>and that the score remains low or moderate over time.</u></p>	Modernize - Exemptions are considered based on proposed development and cannot be projected or anticipated over time.
DPA 2, DPA 3, DPA 4, DPA 5	<p>Add the following exemption: for emergency actions. Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:</p> <ul style="list-style-type: none"> 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. 	<p>Harmonize - Consistent exemption wording to allow emergency works that cannot wait for issuance of a development permit. This language currently exists in DPA 1 (Riparian Protection), and it is recommended for inclusion in other DPAs—2 Sensitive Ecosystem, 3 Marine Uplands and Foreshore Protection, 4 Aquifer Protection and 5 Wildfire Hazard.</p>

Table 2 Mapping Modernization

Bylaw Section	Change	Explanation
UDPA 1 UDPA 3 UPDA 4	Removed PID 009-549-234 from map.	Ministerial Order 2020-021 added PID 009-549-234 to Cowichan Tribes' Cowichan Indian Reserve No. 1.
UDPA 4 Aquifer Protection Maps, pages 32– 47	Update data source to 2022 BC Groundwater Aquifer mapping.	Modernization of DPA 4. Updating the data set to 2020 data.
The following maps have been modernized to improve visibility when viewing multiple DPAs that overlap on an area of interest.		
UDPA 1 Riparian Area Protection – Regional (excluding the Gulf Islands) map, page 8		Amended text and map symbolism by replacing “dark green” with “hatched dark green”.
UDPA 2 Sensitive Ecosystem Protection maps, pages 9–25		Amend text and map symbolism by replacing “orange” with “pale orange outlined in dark orange”; and “dark orange” with “light brown outlined in dark brown”.
UDPA 3 Marine Uplands and Foreshore Protection maps, pages 25–31		Amend text and map symbolism by replacing “noted in pink” with “noted in pink and blue”; replacing “dark pink” with “pink outlined in dark pink”; and replacing “light pink” with “dark pink”.
UDPA 4 Aquifer Protection maps, pages 32–47		Amend text and map symbology from “purple” to “outlined in purple and filled with purple”.
UDPA 5 Wildfire Hazard maps, pages 48–69		Amend text and map symbology by replacing “light orange” with “filled with orange asterisks with spiked outline”.
UDPA 6 Floodplain Hazard maps, pages 70–73		Amend text and map symbology by replacing “hatched black” with “shaded light grey outlined in grey”.

UDPA 7 Landslide Hazard maps, pages 74–80	Amend text and map symbology by replacing “shaded dark red” with “outlined in dark red with dark red horizontal stripes”.
UDPA 9 Intensive Residential Development maps, pages 91–99	Amend the text and map by replacing “shaded in bright purple” with “outlined in bright purple with bright purple vertical stripes”.
UDPA 10 Multi-family Residential Development maps, pages 100–108	Amend the text and map by replacing “shaded in yellow” to “outlined in yellow with yellow vertical stripes”.
UDPA 11 Commercial and Mixed-use Development maps, pages 109–121	Amend the text and map by replacing “shaded in red” with “outlined in red with red vertical stripes”.
UDPA 12 Industrial Development maps, pages 122–132	Amend the text and map by replacing “shaded green” with “outlined in green with green hatching”.
UDPA 13 Energy and Water Conservation; Greenhouse Gas Emissions Reduction maps, pages 133 - 138	Amend the text and map by replacing “shaded teal” with “outlined in teal with teal vertical stripes”.