

19. Environmental Development Permit Areas



19.1 Objectives

The following sections include guidelines for environmental measures for new development. The guidelines will be used by the City of Colwood in evaluating development applications. The goal of this process is to compare the submitted design with these guidelines and to consider the rationale documented in accordance with guidelines. The assessment process is not the design process; the design process is the responsibility of the developer.

The objectives of the Environmental Permit Areas are to:

General

- a. Promote site adaptive planning in all new developments as a means of protecting ecological features, views, and neighbourhood character.
- b. Support an integrated watershed planning approach to the comprehensive management of surface, rainwater, groundwater, and marine resources that promotes healthy, resilient aquatic ecosystems and maintains natural hydrological functions.
- c. Protect biological diversity, wildlife and wildlife habitats, habitat features and ecosystem function.

Riparian Area and Marine Shoreline

- d. Protect the integrity and ecological function of riparian areas and marine shorelines.
- e. Guide development to occur in a manner that minimizes environmental impact on aquatic and shoreline habitat, fish and wildlife, and supports the regeneration of ecological functions and processes.
- f. Conserve and manage riparian and foreshore areas as a public resource.
- g. Maintain the natural water balance of the site including the interconnectedness of precipitation, surface water, groundwater, and marine waters.
- h. Protect development from flooding and erosional processes associated with extreme weather events and potential sea level rise in ways that do not lead to hardening of shorelines and loss of environmental and recreational values.
- i. Minimize or reduce pollutants to the aquatic environment.
- j. Reduce cumulative impacts to riparian and shoreline environments.

Sensitive Ecosystems

- k. Support and encourage the protection of rare and endangered species and their habitats, and rare ecosystems.
- l. Maintain a strong diversity of native plants, animals, and ecosystems that is resilient and adaptable to changing environmental conditions well into the future.
- m. Protect large trees, particularly old growth trees, and the ecosystems that support them.
- n. Recognize the regional value of species, lands, and habitats in Colwood.
- o. Balance the protection of locally rare species with the protection of a wide variety of native species that may be less rare, but nevertheless ecologically valuable.
- p. Support cluster development and alternative design strategies that can afford greater environmental protection while still achieving community planning objectives.

Hillside

- q. Protect wildlife habitat and corridors, and environmentally sensitive areas on hillsides.
- r. Identify significant features prior to development, and protect hillside character and natural features.
- s. Conserve unique natural features such as landforms, rock outcrops, mature trees and vegetation, hilltops, and ridge lines.
- t. Minimize blasting and re-countouring of hillsides.

Natural Hazards

- u. Protect lives and property from hazardous conditions such as landslides and erosion by avoiding development on unstable or hazardous areas.
- v. Protect people and development from flooding and erosional processes associated with extreme weather events and potential sea level rise in ways that do not lead to hardening of shorelines and loss of environmental and recreational values.
- w. Protect lives and property from interface wildfire.

19.2 Development Permit Exemptions

In an Environmental Protection Development Permit Area, a development permit is not required in the case of:

- a. A subdivision which consists of a parcel line adjustment or consolidation;
- b. A subdivision under existing zoning of a parcel of land at least 4000 m² creating 4 or fewer new lots which is located at least 30 m from a watercourse, waterbody or foreshore and at least 3 m from a slope of 30% or more in grade and which does not result in the removal of native vegetation;
- c. A subdivision for park purposes;
- d. Land in the Steep Slopes Development Permit Area that is less than 30% in slope (with the exemption only to the steep slope requirements);
- e. A one-family dwelling or a two-family dwelling on a parcel which

was created by a plan of subdivision for which a valid development permit exists;

- f. An accessory building or sundeck less than 15 m² in area which is located at least 30 m from a watercourse, waterbody or foreshore and at least 3 m from a slope of 30% or more in grade and which does not result in the removal of native vegetation;
- g. Fences 30 m or more from a watercourse or foreshore which do not result in the removal of native vegetation;
- h. Park or trail improvements within a dedicated park undertaken or approved by the City of Colwood;
- i. Road or utility works within a dedicated highway undertaken or approved by the City of Colwood;
- j. Unpaved paths or trails which are less than 1 m in width, which do not result in the removal of native vegetation, disruption of soils or wildlife, and are not within 30 m of a watercourse or waterbody, including the marine foreshore;
- k. Renovations, repairs and maintenance to existing buildings that are protected by Part 14, Division 14 of the Local Government Act;
- l. Minor interior and exterior renovations to existing buildings, excluding any additions or increases in building volume;
- m. Removal of invasive non-native vegetation including gorse, Scotch broom, knotweed, hogweed, common fennel, purple loosestrife, knapweed, blessed milk thistle, carpet burweed, English ivy, daphne, yellow-flag iris, butterfly bush, and poison hemlock and its immediate replacement with vegetation native to the surrounding ecosystem or the temporary soil stabilization with mulch or other suitable material until a qualified professional deems it suitable for replanting with native species;
- n. In an area where ground water recharge or discharge is the only activity, an exemption will be permitted with a subsurface geology report by a professional engineer or geoscientist and an agreement to abide by the report together with the planting of vegetation native to the surrounding ecosystem;
- o. Removal of trees not located in the Sensitive Ecosystem Development Permit Area and at least 3 m from a slope of 30% or more and that is authorized by a tree management permit;
- p. Removal of hazardous trees that threaten the immediate safety of life or buildings where a report prepared by a certified forestry professional or ISA Certified Arborist, registered in British Columbia and qualified as a Wildlife/Danger Tree Assessor, has been submitted which concludes the tree(s) is (are) hazardous, and the hazard(s)

cannot be addressed other than by removing the tree. Reporting standards are provided in the City's Guide to Development Permit Areas. Tree replacement will be required;

- q. Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public and or private property, including forest fire, flood and erosion protection works, protection, repair or replacement of public utilities, clearing of an obstruction from a bridge, culvert or stream, bridge repairs, and removal of hazardous trees;
- r. Ecological restoration and enhancement projects undertaken or approved by the City of Colwood, the Ministry of Environment, or Fisheries and Oceans Canada;
- s. Agricultural use in the Agricultural Land Reserve;
- t. Normal agricultural practices, on land appropriately zoned for such activities, as defined by the Farm Practices Protection Act.
- u. Applications to rebuild existing single family homes which are not part of a subdivision/consolidation application and applications to construct an addition to an existing single family home where the footprints are located at least 30 m from a watercourse, waterbody or foreshore and at least 3 m from a slope of 30% or more in grade and which does not result in the removal of native vegetation other than trees for which a tree management permit is obtained.

19.3 Submission Requirements

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

- a. Owner;
- b. Civic and legal address;
- c. North arrow and scale;
- d. Property lines, rights-of-way, covenant areas and easements*;
- e. Topographic plan, with minimum 1 m contours, showing existing site condition;

Ecological features including:

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

- h. Rock outcrops;
- i. Wildlife habitat features;
- j. Rare species and ecosystems (data available from the BC Conservation Data Centre);
- k. Tree inventory (including species and diameter at breast height) completed by a Qualified Professional or other tree professional acceptable to the City of Colwood. For large parcels over 1 ha in size, the existing condition plan may show groups of trees by species and age class, if trees are to be retained; however, a detailed survey will still be required to show individual trees, including root zones, which may be impacted by the development, including those within utility corridors, roadways, and building envelopes (i.e. all impacted trees).
- l. Vegetation cover (tree, shrub, herb, forb, invasive species, landscaped areas);
- m. Natural boundary for properties adjoining the ocean;
- n. Existing trails and off-site connections;
- o. Archaeological or heritage features;
- p. Sun/shade analysis;
- q. Existing buildings, structures, roads and infrastructure, including septic fields and parking areas; and
- r. Calculated values for total impervious area and effective impervious area.
- s. Grading plan showing native soil retention areas, cut and fill areas, blasting and proposed retaining walls;
- t. Location of all proposed buildings and structures including underground infrastructure, hydro and telecommunications connections and junction boxes, including protective measures for such infrastructure;
- u. Siting of parking areas, driveways, and loading docks;
- v. The extent and nature of landscaping, including a tree retention, replacement and removal plan; details of vegetation to be maintained or proposed to be planted, retention of native soils, addition of new topsoil, and a cost estimate for the proposed plant material;
- w. Proposed habitat restoration or enhancement areas and details of the works;
- x. Proposed erosion and sediment control works;
- y. Calculated values for total impervious area and effective impervious area, post-development;
- z. Proposed rainwater management works including measures to protect groundwater quality;
- aa. Demonstrated compliance with the flood construction level calculated for the site;

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

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

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