

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3591**

**A BYLAW TO ESTABLISH AN OFFICIAL COMMUNITY PLAN FOR THE RURAL
RESOURCE LANDS**

- A** WHEREAS the Capital Regional Board wishes to adopt an Official Community Plan for the Rural Resource Lands within the Juan de Fuca Electoral area;
- B** AND WHEREAS the residents of the Juan de Fuca Electoral Area, the adjacent municipalities and various external provincial and federal government agencies have reviewed this community plan;
- C** AND WHEREAS this community plan has been considered in conjunction with the Capital Regional District's Financial and Capital Expenditures programme and the Capital Regional District's Regional Growth Strategy and the Capital Regional District's Waste Management Plan;
- D** AND WHEREAS Sections 876, 877, 919.1, 920.01 and 920.2 of the *Local Government Act* allow the Capital Regional District to develop a bylaw to address all of the following issues:
- The development of an Official Community Plan
 - The establishment of targets for the reduction of Greenhouse Gas emissions
 - The designation of Development Permit Areas
 - The designation of Development Approval Information Areas
 - The designation of Temporary Commercial and Industrial Use Permit Areas

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

| SECTION 1 GEOGRAPHIC AREA OF THE BYLAW

This bylaw covers the area referred to as the Juan de Fuca Rural Resource Lands, which is a part of the Capital Regional District as outlined on Map No. 1 – Location Map, which is attached to and forms a part of this bylaw.

| SECTION 2 SEVERABILITY

If any section, subsection, sentence, paragraph, schedule or map forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, schedule or map may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules or maps.

| SECTION 3 INCORPORATION OF SCHEDULES AND MAPS

Schedule "A" and Maps Numbered 1 to 4 attached hereto are hereby made a part of this bylaw.

SECTION 4 REPEAL OF BYLAWS

The following bylaw is hereby repealed only insofar as it applies to the Rural Resource Lands area:

The Capital Regional District Bylaw No. 189, cited as "A By-law Respecting Subdivision in Planning Area No. 1 Sooke Electoral Area, 1976."

SECTION 5 TITLE

This bylaw may be cited for all purposes as Bylaw No. 3591 "Official Community Plan for the Rural Resource Lands, Bylaw No. 1, 2009".

SECTION ~~6~~—5 IMPLEMENTATION

READ A FIRST TIME THIS _____ day of _____, 2009

READ A SECOND TIME THIS _____ day of _____, 2009

READ A THIRD TIME THIS _____ day of _____, 2009

Schedule "A" of this Bylaw is approved by the Minister of Community Development this _____ day of _____, 2009

ADOPTED this _____ day of _____, 2009

Chair

Secretary/Corporate Officer

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

Table of Contents

I.	PREFACE	1
I.I	Background Information.....	1
i)	Population	1
ii)	Land Use.....	1
iii)	Parks	2
I.II	Archaeological Sites	4
i)	Archaeological Site Objectives	4
ii)	Archaeological Site Policies.....	4
I.III	Definitions	5
II.	ADMINISTRATIVE STRUCTURE AND APPLICATION	11
II.I	Application of the Plan	11
II.II	Regional Growth Strategy Consistency.....	11
II.III	Transportation	12
II.IV	Greenhouse Gas Reduction Targets.....	13
II.V	Regional and Agency Collaboration	13
III.	GOALS AND OBJECTIVES OF THE PLAN	15
III.I	Goals of the Plan	15
III.II	Objectives of the Plan.....	15
	SCHEDULE A	17
	Part 1 General Policies.....	17
	Part 2 Enhancing Park Land and Natural Areas	18
	2.1 Park and Natural Area Policies.....	18
	Part 3 Land Use Designations.....	22
	3.1 Resource Lands Designation	22
	3.1.1 Resource Land Policies	22
	3.2 Agricultural Land Reserve Designation.....	24
	3.2.1 Agricultural Land Reserve Policies.....	24
	3.3 Recreational Commercial Designation	25
	3.3.1 Recreational Commercial Policies.....	25
	3.4 Water Supply Area Designation	25
	3.4.1 Water Supply Area Designation Policies.....	26
	3.5 Temporary Commercial and Industrial Use Permits (TUP)	26
	3.5.1 Temporary Use Permit (TUP) Policies	26
	Part 4 Development Approval Information Areas (DAIA)	28
	4.1 Justification	28
	4.2 Requirements.....	28
	4.3 Guidelines	29
	4.4 Exemptions	30
	Part 5 Development Permit Areas.....	31
	5.1 General Development Permit Policies.....	31
	5.2 General Exemptions	31
	5.3 Guidelines	32
	5.4 Development Permit Area No. 1: Commercial Development Permit Area (DPA 1).....	33
	5.4.1 Justification	33
	5.4.2 Objective	33
	5.4.3 Policies.....	33
	5.5 Development Permit Area No. 2: Watercourses, Wetlands and	

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

Riparian Development Permit Area (DPA 2)	34
5.5.1 Justification	34
5.5.2 Objective	35
5.5.3 Policies	35
5.6 Development Permit Area No. 3: Coastal Habitat and Hazard Protection Development Permit Area (DPA 3)	36
5.6.1 Justification	37
5.6.2 Objective	37
5.6.3 Policies	37
5.7 Development Permit Area No. 4: Protection of Farming (DPA 4)	38
5.7.1 Justification	38
5.7.2 Objective	39
5.7.3 Policies	39
Part 6 Sand and Gravel Deposits	41
6.1 Policies	41

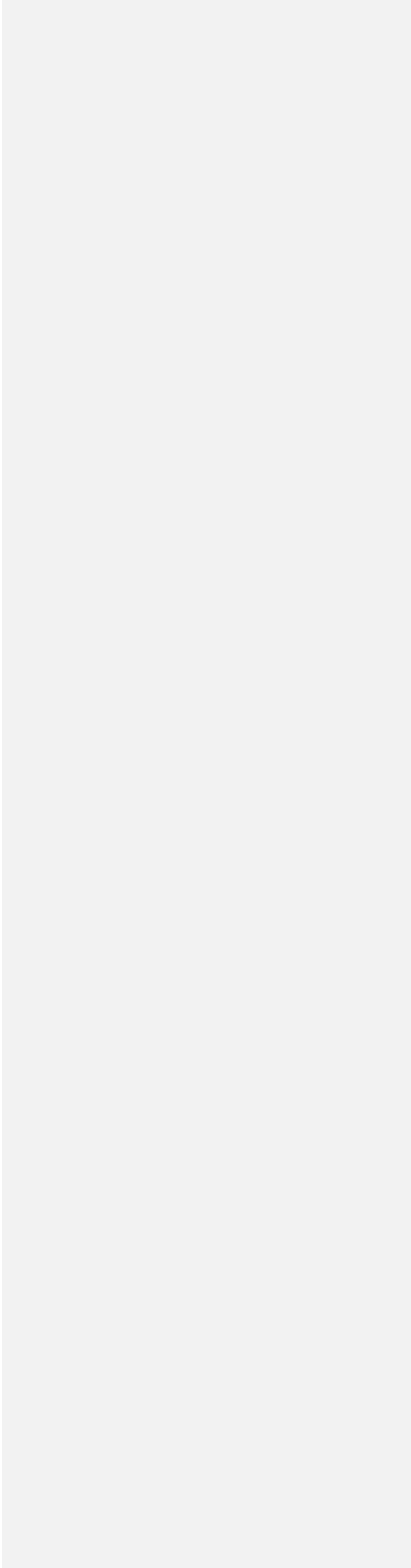
List of Maps

Maps Numbered 1 – 4 are attached to this Bylaw.

- Map 1: Location
- Map 2: Land Use Designations
- Map 3: Development Approval Information Area
- Map 4: Development Permit Areas

List of Tables

- Table 1: Land Use Areas
- [Table 2: Community Park Land Acquisition Objectives](#)



**Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan**

I. PREFACE

I.I BACKGROUND INFORMATION

Map 1 - Location Map shows the boundaries of this Official Community Plan (OCP). It extends generally from the Malahat Official Community Plan area, CRD Watershed Lands and Sea to Sea Regional Park Reserve in the east to the west of Port San Juan within the Juan de Fuca Electoral Area. It abuts the Strait of ~~Georgia~~ Juan de Fuca, the Otter Point and Shirley/Jordan River Official Community Plan areas, and the District of Sooke to the South. In the north and extreme west, the plan area abuts the Cowichan Valley Regional District and the Port Renfrew Comprehensive Community Plan area. The OCP area covers roughly ~~144,200~~ 131,738 ha (~~282,095 km²~~). The various tenures and areas of interest are summarized in Table 1 - Land Use Areas, below.

Juan de Fuca Electoral Area Resource Lands OCP Table 1 – Land Use Areas		
Land Category	Area ¹ (ha)	Area (A)
TFL	61,330 <u>51,830</u>	451,484 <u>128,074</u>
ALR	2,448 <u>120</u>	5,230 <u>4</u>
Crown Land ²	26,390 <u>4</u>	65,185 <u>48,680</u>
Greater Victoria Water Supply Lands	19,700	48,680
Existing Parks & Open <u>Space Protected Areas</u>	4,660 <u>2</u>	11,515 <u>4</u>

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i) Population

The population within the Plan area is sparse, with two small population nodes around Jordan River and Port Renfrew. As the Plan area is predominantly a resource and recreation area, it is not anticipated that there will be extensive settlement within the area. ~~Although little, nor is any permanent population growth of any significance within the Plan area is anticipated, a minor increase in the seasonal population is anticipated where tourist developments compatible with the resource and recreation nature of the area occur. It is only where tourist development compatible with the resource nature of the area occurs, that it is anticipated there may be minor increases in population.~~ Residents locating here would be primarily oriented to serving the tourism, recreation and resource uses of the area. Anticipated population growth will therefore be limited.

ii) Land Use

The lower elevations of the Plan area are within the Coastal Western Hemlock Biogeoclimatic zone which experience high precipitation, strong winds, mild temperatures and characterized by highly productive ecosystems. The subalpine ridges in the Plan area encompass the Mountain Hemlock Biogeoclimatic zone which experience colder temperatures, increased precipitation, predominated by wetland meadows and bogs. No inventory of environmentally sensitive areas

¹ Areas are rounded up and thus are approximate.

² This area was derived from CRD data. The Province of BC should be consulted for confirmation.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

or ecosystems has been conducted in the Plan area. However, the Plan area is valued for its diverse ecosystems and vast wildlife habitat.

The dominant land use in the Plan area is resource-based with forestry being the principal activity. Most of the lands in the area are in Crown forest or privately-owned forest tenure. Two Tree Farm Licenses, TFL 46 and TFL 25, form much of the land base in the planning area. There are also several holdings managed under the *Private Managed Forest Lands Act* located in the plan area.

The dominance of forestry activity within the Plan area is reinforced by the Vancouver Island Land Use Plan (VILUP). It designates much of the Plan area as Resource Management Zone (RMZ) 47, as an Enhanced Forestry Zone, areas with high timber harvesting potential, as well as an Enhanced Development Zone, with high capability for coastal tourism. VILUP was approved by the province in 1994 and was updated and consolidated in 2000 with a Summary Plan. VILUP represents objectives for provincial interests on Vancouver Island and establishes the following objectives and directions for Crown lands within the Plan area:

- Establishes 13% of the VILUP as protected area network;
- Secures 81% of the land base for commercial timber use, recreation and tourism, mining and other sustainable resource activities;
- Provides regional biodiversity by protecting old growth forest ecosystems and special ecological features;
- Establishes General, Enhanced and Special Management Zones and detailed descriptions of Resource Management Zones (RMZs);
- Supports food production activities;
- Recognizes settlement lands;
- Maintains energy and mining opportunities;
- Addresses integrated coastal management; and,
- Promotes community stability.

A number of sand and gravel deposits are found within the Plan area and are identified on Map 2. Extraction requires approval from the Ministry of Energy, Mines and Petroleum Resources and approval under CRD Bylaw No. 3297, A Bylaw to Regulate the Removal or Deposit of Soil on Lands within the Juan de Fuca Electoral Area. Extraction permits exist on Crown and private land holdings within the Plan area.

iii) Parks

The Plan area is widely used for outdoor recreation activities including hiking, surfing, swimming, skiing, camping, hunting, fishing, boating and off-road vehicle use by residents of Greater Victoria and the surrounding communities of Port Renfrew, Shirley / Jordan River and Otter Point. The majority of recreation occurs on private land holdings and crown land as there are no CRD parks within the Plan area. The Plan acknowledges the need for recreation opportunities and protected areas in the Rural Resource Lands and supports the Juan de Fuca Parks and Recreation Commission's park acquisition objectives, CRD Regional Parks Master Plan, CRD Transportation & Health Initiative Final Report and the Developing a Strategic Vision for Otter Point and Shirley document.

The Juan de Fuca Provincial Park, located in the south eastern portion of the Plan area, and Pacific Rim National Park, located in the western portion of the Plan area, protect the sensitive, unique coastline and natural wildlife corridors and habitat for both flora and fauna. The parks provide recreational opportunities including, camping, backpacking, day-use hiking and beach

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

activities. The parks also serve to protect old growth forests and some of the valuable cultural sites on First Nations’ traditional lands including shell middens, village sites, and traditional marine harvesting locations.

The CRD Regional Parks Department has established three parks reserves within the Plan area since 1997. The Sooke Hills Wilderness Regional Park Reserve is the largest park area in the CRD which provides buffering for the Greater Victoria Water Supply Area. The Kapoor Regional Park Reserve is also located within the Resource Lands Plan area of the Juan de Fuca Electoral Area. It was established in 1999 and features a forested landscape beside the Sooke River, accessible from the Galloping Goose Regional Trail at Leechtown. The Sea to Sea Regional Park Reserve is an important wilderness area connecting Tod Inlet and Sooke Basin. This Park Reserve was established in 2002 and is entirely within the Plan area. The CRD Regional Parks Master Plan has identified a number of proposed parks within the Plan area including Weeks Lake, the Muir Creek watershed, the ~~Kludahk Trail along the San Juan Ridge River~~ and an extension of the Galloping Goose Trail along the coast to Jordan River.

There are two ecological reserves within the Plan area – The San Juan River Estuary Ecological Reserve and the San Juan Ridge Ecological Reserve. Ecological reserves are areas in British Columbia selected to preserve representative and special natural ecosystems, plant and animal species, features and phenomena. The 79 ha San Juan River Estuary Ecological Reserve is located 5 km northeast of Port Renfrew and was established to conserve a representative sample of the lower alluvial forest communities on the San Juan River flood plain. The San Juan River is an important salmonid river and its delta is a special feeding habitat area for black bears, bald eagles, mink, and river otters during salmon runs. It also preserves important wildlife habitat for large mammals such as Roosevelt elk. The 98 ha San Juan Ridge Ecological Reserve is located 22 km east of Port Renfrew ~~along the Kludahk Trail~~. The Reserve is in a mountainous area that overlooks Juan de Fuca Provincial Park and is characterized by having a northerly aspect, ridge-top winds and deep snowfall creating conditions for sub-alpine and alpine vegetation at fairly low elevations. It was primarily established to protect a rare and disjunct population of the white glacier lily, found only in sub-alpine areas of Vancouver Island and on Mount Waddington, sub-alpine mountain hemlock vegetation and sub-alpine wetlands.

The 48 km Kludahk Trail is a unique backcountry wilderness recreation trail that runs along the San Juan Ridge. The majority of the Trail is on Crown Land property and access is through Private Managed Forest Land and private forest land holdings. During the 1990s, a group of volunteers completed construction of the trail and constructed 5 huts on the ridge to provide for basic overnight shelter. The jurisdiction of the trail is under the Province of British Columbia’s Ministry of Tourism, Culture and the Arts and the Trail is managed through an agreement with the Kludahk Outdoors Club. A special management zone for the Trail corridor has been established with forest companies operating in the area (WFP, Timber West and Teal Jones). In addition to these special management agreements, the Ministry of Environment has also established a Wildlife Habitat Area around the Noyse Lakes.

Schedule "A" of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

I.II ARCHAEOLOGICAL SITES~~HERITAGE~~

The Plan area is found within the traditional territory of five First Nations: the Hul'qumi'num Treaty Group, and the Pacheedaht, T'Sou-ke, Scia'new and Malahat First Nations. They have land or potential land claims located within the planning area. These current First Nation lands are locally managed and are outside the jurisdiction of this plan.

~~Provincial government inventories indicate there are approximately twenty-five (25) identified archaeological sites located here; they, and oral history, are the only 'written' evidence of the past that exist today and deserve protection. Whether recorded or not the *Heritage Conservation Act* protects archaeological resources on both private and on Crown land. Approval is required from the province to alter an archaeological site. Sites are not identified in this Plan due to their potentially sensitive nature. Part of the Plan area's heritage includes archaeological sites – the physical evidence of how and where people lived in the past. For 98% of the time people have lived in this area, no written records were made. Archaeological sites and oral tradition are the only vestiges of this rich history extending back many thousands of years. The plan area contains approximately 25 recorded archaeological sites and has the potential to contain more. The Province protects these sites, whether known or unrecorded, through the *Heritage Conservation Act*. This protection applies to both private and Crown land and means that you must have a heritage permit to alter or develop within an archaeological site. Archaeological sites are not identified in this Plan due to their potentially sensitive nature.~~

i) Heritage-Archaeological Site Objectives

- 1) To protect and conserve archaeological sites and property within the Plan area;
- 2) To make the public aware of the importance of preserving archaeological sites;
- 3) Respect and recognize traditional and current uses on heritage property in the Plan area.

ii) Heritage-Archaeological Site Policies

- 1) Protected ~~heritage resources~~archaeological sites include any site with physical evidence of human habitation or use that predates 1846, or any burial place or aboriginal rock paintings or carvings, regardless of age. These definitions of protected sites include but are not limited to middens, indicating temporary and permanent village sites, petroglyphs and known ancient village sites as well as individually found artifacts, among others. Any development that occurs within the Plan area must not alter or damage a protected archaeological site without a provincial heritage permit~~should conserve and protect these sites;~~
- 2) Prior to a proponent submitting a development application~~any development occurring on a site~~, it is recommended that a proponent engage a qualified consulting archaeologist to determine if detailed archaeological studies of the site property are required. ~~The proponent should also~~ contact the relevant Provincial Ministry and the relevant First Nation regarding potential heritage sites located on their lands with particular attention paid to areas within 500 metres of marine shorelines and river valleys;
- ~~3) Where appropriate, the CRD encourages development proponents to conduct an archaeological assessment of any site for which a development proposal is being considered prior to submitting a development application;~~

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

~~4) Where development is proposed within 500 metres of marine shorelines or a river or within river valleys of the Plan area, the CRD requires that an evaluation of the archaeological potential of the subject property to contain protected archaeological sites and, if appropriate, an assessment of the site proposed for development be completed prior to any other work is conducted on the site;~~

5) It shall be the responsibility of any development proponent to complete an archaeological study, ~~supervised~~ conducted by a ~~registered~~ qualified consulting archaeologist, to identify the potential incidence of archaeological resources on the proposed development site prior to any development occurring. The location of archaeological artifacts shall respect provincial regulatory requirements and First Nations traditions.

I.III DEFINITIONS

In this Bylaw, which includes Schedule A, unless the context requires otherwise, the following definitions apply:

ACCESSORY or ACCESSORY USE

means a use, building or structure that is incidental or subordinate to, and exclusively devoted to and located on the same parcel as a principal use, building or structure;

AGRICULTURE

means a farm use as defined in the *Agricultural Land Commission Act and Regulations*; specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition; use providing for growing, rearing, producing and harvesting of crops or livestock. Includes horticulture, silviculture, the storage, processing and sale on an individual farm of those products from that farm and the storage of farm machinery and equipment used on that farm;

AGRICULTURE, INTENSIVE

means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, fish, livestock or fur bearing animals, or the growing of mushrooms; includes but is not limited to mushroom, poultry and poultry egg farming, piggeries, fur farms, dog breeding and boarding kennels, rabbits, abattoirs, aquaculture and feedlots.

BUILDING

means any structure used or intended for supporting or sheltering any use or occupancy;

CABIN

means a structure or building which is used as temporary accommodation for the travelling public; which may or may not include kitchenettes, showers or toilet facilities;

CAMPGROUND

means a site operated as temporary accommodation ~~for holiday makers~~ for a length of stay of less than 30 ~~consecutive~~ days per calendar year in travel

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

trailers, recreation vehicles or tents; excludes mobile home parks, motels and hotels; may include sanitary and laundry facilities;

COMMUNAL WATER AND SEWER FACILITY

means a common sewer or system of sewerage or sewage disposal, a storm-water management system and a common system of water works that meets current health, environmental or other applicable regulations or standards. A communal facility may be owned and operated and maintained by: a Strata Corporation, a private corporation, an agency of the provincial government or a legal corporate entity as authorized under provincial or federal legislation.

COMMUNITY USE SERVICES

~~means the use of land, a building, a structure or facilities for the following purposes:~~

- ~~(a) recreational and social activities for local community purposes;~~
- ~~(b) community sponsored and publicly funded educational activities;~~
- ~~(c) community safety or emergency response activities, including fire, police, ambulance and first responder services; and~~
- ~~(d) government services.~~

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DEVELOPMENT

means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of non-structural impervious or semi-impervious surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in Section 872 of the *Local Government Act*.

DWELLING UNIT

~~means one or more rooms which comprise a self-contained unit used or intended to be used for habitation by one or more residents, including living, sleeping, sanitary facilities and a single kitchen; includes mobile homes, modular homes or prefabricated dwellings meeting CSA-A277 or CSA-Z240 standards or equivalent, but not recreational vehicles, tents, buses, travel trailers or other vehicles; accommodation providing sleeping rooms, washrooms and one room which due to its design, plumbing, equipment and furnishings may be used primarily as a kitchen for a domestic use or intended to be used permanently or semi-permanently as a residence for a household;~~

ENVIRONMENTALLY SENSITIVE AREA

means any parcel of land or area that already has, or with remedial action could achieve, desirable environmental attributes worthy of retention or special care. These attributes contribute to the retention or creation of wildlife habitat, soil stability, water retention or recharge, vegetative cover and similar vital ecological functions. Environmentally sensitive areas range in size from small patches to

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

extensive landscape features. They can include rare or common habitats, plants and animals.

FARM

means an area of land classified as a farm under the *Assessment Act*;

GOVERNMENT SERVICES

means the use of land, a building, structure, facilities or other works by ~~the Capital Regional District; a level of government, improvement district, a public utility regulated under the *Utilities Commission Act*, an incorporated non-profit society or by a corporation providing service to a municipality or a regional district pursuant to a partnering agreement under the *Local Government Act*;~~

HAZARDOUS TREE

means a diseased or damaged tree that poses a danger to a person or property as determined by a Certified Arborist;

HIGH WATER MARK

means ~~this is the visible high water mark of a stream where the presence and action of the water are so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself and includes the active floodplain~~natural boundary.

HOUSEHOLD

means:

- ~~(a) a person;~~
- ~~(b) two or more persons related by blood, marriage, adoption or associated through foster care;~~
- ~~(c) a group, including boarders who are not related by blood, marriage, adoption or associated through foster care; and~~
- ~~(d) in addition to the above, up to one housekeeper, nanny or other person who resides in the building in which the dwelling unit is located and who is employed for the purpose of providing services to the other members of the household or in relation to the residence itself;~~

NATURAL BOUNDARY

means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of its banks, in vegetation as well as in the nature of the soil itself as defined in the *Land Act*; means and the edge of dormant side channels of any lake, river, stream or other body of water and includes the active floodplain;

NATURAL GRADE

means the average geodetic elevation of all of the ground covered by the existing or proposed building area prior to any filling or excavation;

OUTDOOR RECREATION

means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

users is not a significant element and includes: parks, trails, open space, playing fields, ~~and playgrounds, low-impact wilderness camping and hunting, group shelters, nature facilities, botanical gardens, arboretums, and parking areas.~~

PARCEL OF LAND

means any lot, block or other area in which land is held or into which it is subdivided or as registered with Land Titles, and means a lot created by deposit of a strata plan under the *Strata Property Act* (British Columbia), but does not include a highway;

POTABLE WATER

means water which meets the standards in the *Drinking Water Protection Regulation*;

PRINCIPAL USE

means a use, building or structure which occupies the major portion of a parcel and constitutes the primary purpose for which the parcel is used;

PROCESSING FACILITY

means the use of land buildings or structures for the sorting, crushing, washing, screening, scaling, milling, processing or storage of material that originates on that lot;

PUBLIC UTILITY

means a use providing for public utility facilities for water, sewer, electrical, telephone, and similar services where such use is established by one of the levels of government, a Crown Corporation or by a company regulated by a government commission; includes but is not limited to plants, equipment and offices;

QUALIFIED PROFESSIONAL (QP)

means a professional whose professional skills will be related to the issue to be addressed, including:

- registered professional biologist (RPBio)
- civil, hydrological, or geotechnical engineer (P Eng)
- professional geologist (P Geo)
- professional agrologist (P Ag)
- member of the Canadian Institute of Planners (MCIP)
- registered professional forester (RPF)
- architect (MAIBC)
- landscape architect (BCSLA)
- land surveyor (BCLS), or
- other professional registered to practice in the Province of British Columbia.

REGIONAL BOARD

means the Capital Regional District Board;

REGIONAL GROWTH STRATEGY

the Regional Growth Strategy is an agreement, developed and approved by the Capital Regional District and its member municipalities, in accordance with the Provincial legislation contained under Part 25 of the *Local Government Act*.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

RESORT CABIN

means a building not greater than 140 m² used for temporary accommodation which is ancillary to a resort with a common caretaker and common facilities;

RESOURCE EXTRACTION

means a parcel of land used for the extraction of resource products, such as but not limited to forest or mining products, by either physical labour or with machinery or a combination of the two;

RIPARIAN AREA

means a streamside protection and enhancement area as defined by the *Riparian Areas Regulation*, including:

- (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and
- (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal;

RIPARIAN ASSESSMENT AREA

means, as defined by the *Riparian Areas Regulation*:

- (a) for a stream, the 30 m (98 ft) strip on both sides of the stream, measured from the high water mark,
- (b) for a ravine less than 60 m (197 ft) wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m (98 ft) beyond the top of the ravine bank, and
- (c) for a ravine 60 m (197 ft) wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m (33 ft) beyond the top of the ravine bank;

SILVICULTURE

means all activities related to the planting, harvesting and managing of timber including the removal of harvestable timber stocks but specifically excludes the processing of wood or wood products;

TEMPORARY ACCOMMODATION

means a total length of stay of not more than 30 days per calendar year;

TOP OF BANK

means the point at which the upward ground level becomes less than one vertical to four horizontal for a minimum distance of 15m, and refers to the crest of the bank where the slope clearly changes into the natural upland bench;

TOURIST ACCOMMODATION

means a building or area used for the temporary accommodation for tourists including: campsites, recreational vehicle sites, ~~tourist-resort~~ cabins, tourist lodges, and hotels;

TSUNAMI HAZARD AREA

means the Tsunami hazard area for emergency planning is the upland area extending from the high tide line to an inundation zone elevation determined by Provincial Emergency Preparedness;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

WATERCOURSE

means a permanent or non-permanent (containing water at least 6 months of the year) source of water supply that is natural or man-made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a stream, with well defined banks and a bed of 0.6m or more below the surrounding land serving to give direction to or containing a current of water but does not apply to a man-made pond that does not connect to a stream;

WATERSHED

means an area or ridge of land that separates waters flowing to different rivers, basins or seas;

WORKS AND SERVICES

means highways, drainage systems, water and sewer systems, sidewalks, roads and boulevards, street lighting, electrical and other wiring or any other works provided for in the subdivision or development of land.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

II. ADMINISTRATIVE STRUCTURE AND APPLICATION

An Official Community Plan (OCP) or “Plan” is authorized by the *Local Government Act*, and is a statement of objectives and policies to guide decisions on planning and land use management respecting the character of existing and proposed land use and servicing requirements in the area covered by the Plan. The key to developing a community plan is that it is a community driven exercise that reflects the community's values with respect to growth and development.

This Official Community Plan is intended to guide land use and development decisions, provide detailed planning direction with respect to community development and to establish regulatory functions for the Rural Resource Lands Area. It is the intention of ~~this Plan~~the Capital Regional District to maintain this area for resource use.

This Official Community Plan for the Rural Resource Lands includes the following schedule:

- Schedule A The Official Community Plan for Rural Resource Lands;

II.I APPLICATION OF THE PLAN

This Official Community Plan for the Rural Resource Lands applies to the Rural Resource Lands area as shown on Map No. 1, which is attached to and forms part of this Bylaw. It is not the intention of the Capital Regional District in adopting the Official Community Plan for the Rural Resource Lands to create a conflict with provincial enactments.

II.II REGIONAL GROWTH STRATEGY CONSISTENCY

The CRD adopted a Regional Growth Strategy (RGS) in 2003. Section 849(1) of the *Local Government Act* states that the purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.

The CRD's RGS has eight goals as follows:

- 1) Keep urban settlement compact.
- 2) Protect the integrity of rural communities.
- 3) Protect regional green/blue spaces.
- 4) Manage natural resources and the environment sustainability.
- 5) Build more complete communities.
- 6) Improve housing affordability.
- 7) Increase transportation choices.
- 8) Strengthen the regional economy.

The CRD's RGS outlines land use designations. Two land use designations apply to the Plan area as follows:

- 1) Capital Green Lands Policy Area
- 2) Renewable Resource Lands Policy Area

Capital Green Lands Policy Area refers to protected lands including parks, water supply areas and ecological reserves. The Renewable Resource Lands Policy Area refers to lands where the intent is to support the long-term use of the lands as renewable resource working landscapes such as agricultural and forestry lands.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

This Official Community Plan has been prepared to comply with the initiatives and actions of the RGS as they relate to protecting the integrity of rural communities, protecting regional green/blue spaces, managing natural resources and the environment sustainably and strengthening the regional economy. The RGS states that the jurisdictions responsible for administering the Juan de Fuca Electoral Area agree to update current Official Community Plans in a manner that maintains a long-term rural vision for the Electoral Area. The mainstay of the Official Community Plan (OCP) is to link it with these initiatives and actions and to establish strong ties with existing resource use so as to create economically viable and sustainable development.

The RGS proposes the continued long-term use of the forestry and agriculture lands as renewable resource working landscapes and to protect from development unprotected green space. Further, the RGS proposes an economic development strategy that focuses on the economic potential of unique biophysical attributes of the region, such as coastline areas and natural and cultural landscapes; actions to support agriculture; streamlined regulations to encourage investment and business development; and actions that explore the opportunities for primary and value-added natural resource industries such as forestry, fisheries and aggregates.

The existing economic structure of the Resource Lands is not proposed to be altered from its current function. By maintaining the existing land use and economic structure of the Plan area through the OCP, the Capital Regional District is able to focus on keeping urban settlement compact, building complete communities, improving housing affordability and increasing transportation choices where more intense, urban forms of development are occurring and where demands are greater for diversity of uses and services. The Resource Lands serve to reinforce many of the policy directions of the RGS by preventing the outward expansion of settlement areas, providing the urban areas with natural services and amenities including water supply, parks and trails, recreational amenities and limited economic development.

The primary goal of this Plan is to protect natural resources of the Plan area in the context of resource and economic uses, maintaining the rural atmosphere, and protecting its environment. It encourages-accommodates resource extraction, tourism and recreational uses in appropriate locations. Forms of development that increase demands for services and infrastructure, and that negatively impact the rural resource nature and the integrity of rural communities of the area are discouraged-not supported.

II.III TRANSPORTATION

The Ministry of Transportation and Infrastructure is responsible for road development and maintenance in the Juan de Fuca Electoral Area. With increased seasonal tourist use along Highway #14 and the Circle Route, ongoing maintenance and infrastructure improvements will be necessary to ensure safety of travellers.

In 2005, the Capital Regional District adopted a long-term transportation strategy for the Capital Region called Travel Choices. Together, the Regional Growth Strategy and Travel Choices represent a comprehensive vision for development of the region's land use patterns and associated travel networks that are sustainable, give priority to the movement of people and goods, and that contribute to improved quality of life throughout the region. The mission is to significantly increase the proportion of people walking, cycling, using transit, ride-sharing or using other alternatives to driving alone. The main goals include: integrating land use and transportation policies; enhancing alternatives to driving alone; managing transportation systems to maximize mobility and safety; and managing transportation investments in a fiscally responsible and strategic manner. A strategy for integrating land use and transportation policies

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

~~in rural areas includes providing travel alternatives by providing attractive linkages to cycling networks in order to minimize auto dependence.~~ As no settlement containment areas or sizeable residential developments are proposed within the Resource Lands area, demand for additional transportation infrastructure is not considered to be significant. However, means to increase transportation options through integrating land use and transportation policies, enhancing alternatives to driving alone, managing transportation systems to maximize mobility and safety, and managing transportation investments in a fiscally responsible and strategic manner are supported. Another important strategy for integrating land use and transportation policies in rural areas includes providing travel alternatives by providing attractive linkages to cycling networks in order to minimize auto dependence. Such policies are outlined in the Capital Regional District’s Travel Choices document.

II.IV GREENHOUSE GAS REDUCTION TARGETS

In 2008, the Provincial Government approved amendments to the *Local Government Act* under Bill 27 that require Official Community Plans and Regional Growth Strategies to include targets for reducing greenhouse gas (GHG) emissions. This initiative is part of a Provincial initiative to address climate change by reducing GHG emissions by 33 percent below current levels by 2020. Section 877 of the Local Government Act which outlines required content in Official Community Plans is amended by adding the following subsection:

- (3) An official community plan must include targets for the reduction of greenhouse gas emission in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.

Greenhouse gases emissions are generated within a community by electricity and fossil fuel energy use, transportation and the quantity and composition of waste and disposal methods. Government does not prescribe types of targets or levels of targets, but looks to local governments to demonstrate leadership and take aggressive action on tackling climate change by establishing meaningful and achievable targets in their communities. Government is actively developing ways to provide information to communities regarding their energy use and GHG emission in order to support local governments in setting targets, policies and objecting and monitoring their progress. The Government has created a Community Energy Emissions Inventory which will provide baseline community-wide energy and emissions information. However, no information is available for the Rural Resource Lands area at the time this plan was developed.

The goals and objectives for the Rural Resource Lands outlined in this Official Community Plan are intended to ensure the long-term use of these lands as renewable resource working landscapes and to allow expansion of appropriately-scaled recreational and commercial uses. As the Rural Resource Lands are intended primarily as forest lands and little or no settlement is assumed to occur, GHG emissions are anticipated to be insignificant. By preserving the rural character of the area through maintaining resource use, the forest area will function to sequester GHG-carbon emissions.

For the purpose of Section 877 of the Local Government Act, the target for the reduction of GHG emissions in the area covered by the Plan is 33 percent below current levels by 2020, which is consistent with the Provincial target. The policies and objectives as outlined in Part 1 of this Plan will serve to achieve this target.

II.V REGIONAL AND AGENCY COLLABORATION

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

The CRD will strive to work in collaboration and partnership with First Nations, the Agricultural Land Commission, Provincial Ministries, Cowichan Valley Regional District, Vancouver Island Health Authority, the Districts of Sooke, Langford, Metchosin, Colwood, Saanich, Central Saanich and other surrounding communities and all other necessary agencies and groups in regards to infrastructure, transportation, addressing energy and emissions managements and environmental concerns.

Schedule "A" of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

III. GOALS AND OBJECTIVES OF THE PLAN

III.I GOALS OF THE PLAN

The goals of the Official Community Plan for the Rural Resource Lands are consistent with the initiatives and actions of the RGS by ensuring that:

- 1) The continued long-term use of these lands as renewable resource working landscapes is encouraged and protected;
- 2) The scenic and recreational resources including parks and trails are maintained and enhanced;
- 3) Public access to the ocean and other waterways is provided;
- 4) The CRD Regional Parks' Master Plan and [Juan de Fuca Electoral Area Parks and Recreation Commission's](#) vision for ~~regional~~-parks and trails in the Juan de Fuca Electoral Area ~~are~~ supported;
- 5) Large-scale development that is intrusive to resource lands and recreational, public and open space uses is discouraged;
- 6) Development proposals are compatible with the proposed location and that significant landscape features are preserved; and
- 7) Natural features of the plan area are protected as part of any development approval.

III.II OBJECTIVES OF THE PLAN

Based on these goals, the objectives of the Plan are:

- 1) To provide criteria to guide development that is compatible with sustainable resource use, recreation and the environment;
- 2) To prevent the outward extension of settlement areas;
- 3) To protect the public from natural hazards such as tsunamis;
- 4) To protect the region's natural features and assets, drinking water supply areas and watersheds from inappropriate development;
- 5) To facilitate the acquisition, protection and provision of public parks, trails and access routes through park land dedication provisions of Section 941 of the *Local Government Act*;
- 6) To collaborate with the Juan de Fuca Electoral Area Parks and Recreation Commission to identify potential parkland and public water access points;
- 7) To collaborate with the Approving Officer to gain access to water through Section 75 of the *Land Title Act*;
- 8) To acknowledge community objectives as identified in the CRD Transportation & Health Initiative Final Report, the Developing a Strategic Vision for Otter Point and Shirley document and other community-driven vision statements;
- ~~4)9) To recognize existing resource uses and allow for continued sustainable resource development;~~
- 10) To support agricultural uses and to limit non-agricultural forms of development on Agricultural Land Reserve (ALR) lands;
- 11) To recognize and encourage commercial agriculture and family food production on non-ALR land to promote food security in the area;
- ~~2)12) To support the adoption of an Agricultural Area Plan to assess and manage lands with agricultural potential within the Plan area;~~
- ~~2)13) To recognize existing recreational ~~commercial~~ uses and to allow expansion of appropriately-scaled recreational ~~commercial~~ uses;~~

Schedule "A" of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

| 4)14) To recognize the importance of the Capital Regional District Water Supply and to support land uses that protect and maintain the integrity of the Water Supply Area reservoirs, ecosystems, facilities and infrastructure.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

SCHEDULE A

PART 1 GENERAL POLICIES

The policies in this section apply to the entire Plan area designated on Map No. 2 - Land Use Designations attached to and forming part of this bylaw.

- 1) Strengthening the regional economy and maintaining the ~~rural character~~dominant resource use of the Plan area are primary objectives of this OCP. This shall be accomplished by allowing uses and forms of development that protect the integrity of rural communities, protect regional green/blue spaces, provide for the management of natural resources, agriculture and the environment in a sustainable manner and strengthen the regional economy in keeping with the goals and objectives of the RGS;
- 2) When any development occurs it must minimize adverse impacts on the natural environment and shall retain the character of the visual landscape of natural areas, especially on or near hilltops and ridges and along the ocean and watercourses, maintain the ~~rural character~~dominant resource use of the Plan area and strengthen the regional economy;
- 3) Ensure public access is provided to lakes, streams, ocean and other water courses pursuant to Section 75 of the *Land Title Act* where subdivision of land occurs;
- 4) Ensure potable water supply areas and catchment basins are recognized by all levels of government and ~~protected~~the protection of catchment areas is supported;
- 5) Any development proposal shall incorporate designs that reduce forest fire risk for structural improvements within and at the edge of forested lands and should address the requirements established in National Fire Protection Association (NFPA) Standards 1142 (Water Supplies for Suburban and Rural Fire Fighting) and NFPA 1144 (Protection of Life from Wildfire);
- 6) Affordable housing is provided through the provision of secondary suites, staff accommodation and the allowance of home-based business opportunities in the Plan area. As this Plan assumes little or no multi-family residential settlement occurring within the Plan area, the provision of affordable, rental and/or special needs housing is not required at this time. This policy shall be reviewed in subsequent updates of the Plan;
- 7) Lands within the Water Supply Area designation as shown on Map 2 are exempt from all development permit requirements; and
- 7)8) Work with communities to minimize greenhouse gas emissions by implementing energy efficient building standards for all new construction and major renovations.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- ~~8) Work with Regional Parks to implement the Regional Parks’ Master Plan and support the vision for regional parks and trails in the Juan de Fuca Electoral Area.~~

PART 2 **ENHANCING PARK LAND AND NATURAL AREAS**

Park land and natural areas are essential in creating complete liveable communities. Parks and open space can take on many forms and can serve a variety of functions such as sports fields, wildlife viewing areas, hiking and walking trails, pedestrian linkages, and protected areas not intended for human disturbance. Parks and open spaces are an important component of the Plan Area as they help define the community, provide an opportunity for residents to enjoy the natural beauty of the area, encourage recreation, healthy living and social interaction.

Both Juan de Fuca Electoral Area residents and the regional population value the natural character of the Plan Area as it provides recreational opportunities, wildlife corridors and a sustainable renewable resource base. No community parks currently exist within the Plan Area. However, there is a strong local and regional desire to maintain, enhance and increase the current amount of protected green space within the Plan Area.

Regional parks and community parks are administered under separate programs due to differences in mandates and funding sources. In general, community parks and trails are intended to provide for the park and recreational needs of the local community and are not intended to attract or support use by the broader regional population. Community parks and trails are funded through local taxes and development revenues collected specifically within the Electoral Area. Therefore, the Juan de Fuca Electoral Area has its own community park and trail budget separate from CRD Regional Parks. Park land and natural areas can be acquired through various means such as land dedication through subdivision under provisions of Section 941 of the *Local Government Act*, as a requirement of rezoning, private donation or by direct purchase.

The following policies and objectives work towards maintaining, enhancing and increasing community park land and protected natural areas within the Plan Area in recognition of residents’ desires and the goals of the Regional Growth Strategy. Regional park objectives are outlined within the CRD Regional Parks Master Plan.

2.1 **PARK AND NATURAL AREA POLICIES**

- 1) Park land and trails shall be permitted and encourage in all land use designations;
- 2) Although park land is supported for the preservation of locally significant environmentally sensitive features, the protection of these features in consideration of rezoning should be in addition to the minimum 5% park land dedication provision under Section 941 of the *Local Government Act*;
- 3) In areas where park land is desired, developers are encouraged to dedicate greater than 5% park land;
- 4) Park land proposals must provide a benefit for the community and those lands with no benefit to the community should not be accepted;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 5) It is strongly preferred that land being considered for park land be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed park land is to be used for recreational purposes which require cleared lands;
- 6) Volunteer and non-profit assistance in the development, stewardship and management of community parks and trails is supported;
- 7) Zoning parks and natural areas for their intended use should be considered;
- 8) Public involvement early in the planning process, during acquisition and development of community parks and in the Juan de Fuca Electoral Area Parks and Recreation Commission is essential for the success of community parks;
- 9) Collaborate with CRD Regional Parks to implement the Regional Parks’ Master Plan, acquire regional parks and trails in the Juan de Fuca Electoral Area and ensure connectivity from community parks and trails;
- 10) The retention of provincial and federal Crown lands within the Plan Area as substantial contributors to the amount of green space enjoyed by residents is encouraged;
- 11) Private forest land owners are encouraged to continue to make their lands available for public recreation;
- 12) Protection of areas containing environmentally sensitive areas and sensitive ecosystems will be considered appropriate only as natural parkland or green space not intended for human disturbance except where appropriate recreation opportunities may be permitted without damage to the area;
- 13) Specific and controlled areas for multiple users (i.e., off-highway vehicles, equestrian riders etc.) should be accommodated;
- 14) No environmental inventory has been conducted of the Rural Resource Lands. Collaboration with other agencies and interest groups is encouraged to conduct a sensitive ecosystem inventory in order to determine significant habitat and natural areas requiring protection;
- 15) Potential or proposed park sites will be assessed according to the objectives outlined in Table 2 and any other CRD parks and trails plan and according to the following criteria:
 - The level of maintenance, improvement and liability required;
 - Location, topography and features of the property;
 - Sensitive ecosystems or presence of wildlife habitat;
 - Access to water;
 - Protection of potable water supply areas;
 - Accessibility and connectivity to other parks and trails;
 - Historical or archaeological features.

**Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan**

Juan de Fuca Electoral Area Resource Lands OCP Table 2 – Community Park Land Acquisition Objectives	
<u>Objective</u>	<u>Rationale or Comment</u>
<p><u>Acquire a wildlife and recreational corridor on each bank of the San Juan River from Port Renfrew to the source. Recommended side trails:</u></p> <p>a) <u>San Juan River to Clap Creek to Koksilah River to Shawnigan Lake;</u></p> <p>b) <u>San Juan River to Floodwood Creek to Weeks Lake;</u></p> <p>c) <u>Weeks Lake to Koksilah River and Shawnigan Lake.</u></p>	<ul style="list-style-type: none"> • <u>The San Juan River is unique as it is navigable by canoe for almost the entire length. It is also one of the few rivers with an east/west orientation providing access to the top of the resource lands.</u> • <u>There are important ecological areas such as the wild rhododendron forest near Weeks Lake.</u> • <u>Important wild life such as bear, cougar and Roosevelt elk habitat.</u> • <u>Objective identified in CRD Regional Master Park Plan.</u>
<p><u>Acquire a wildlife park corridor on each bank of the Jordan River from its source to the sea.</u></p>	<ul style="list-style-type: none"> • <u>The Jordan River complex is very near the source of the San Juan River and flows in a north-south direction. It is a major river of significant ecological consequence. It is also an important salmon-spawning river.</u> • <u>It is suitable for hiking trails into the backcountry north of the reservoirs.</u>
<p><u>Acquire the San Juan Forestry Recreation Site and the Red Creek Fir Trail.</u></p>	<ul style="list-style-type: none"> • <u>The forestry site is a semi-wilderness camping area currently administered by BC Forestry.</u> • <u>There are unique old-growth forests here. The old rail grade proceeds along an old-growth protection zone to end at the Red Creek Fir, which is the largest recorded fir tree in Canada.</u>
<p><u>Support the long-term protection and stewardship of the Kludahk Trail by the Kludahk Outdoors Club.</u></p>	<ul style="list-style-type: none"> • <u>This is a unique ecosystem consisting of semi-alpine wetlands and bogs. The ecosystem is fragile and unsuitable for intense or motorized use.</u>
<p><u>Establish a trail corridor from the Galloping Goose at Kapoor Park along the Leech River, north of the Bear Creek and Diversion reservoirs, to the Wye Creek system, thence along Loss Creek to the Loss Creek Provincial Park at highway 14.</u></p>	<ul style="list-style-type: none"> • <u>Starting at the western end of Diversion reservoir, a trail along the Jordan River Ridge parallel to and south of Loss Creek would provide scenic panoramic views.</u> • <u>Consider access to off-highway vehicles (OHVs) and equestrian</u>

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Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

<p><u>Continue a trail in the park to intersect the JdF Marine Trail at the mouth of Loss Creek.</u></p>	<p><u>riders in areas already disturbed such as logging roads.</u></p> <ul style="list-style-type: none"> • <u>This trail would provide backcountry camping opportunities.</u>
<p><u>Identify and create trail networks to link northward to Weeks Lake and other lakes and connect to the trail systems of the CVRD.</u></p>	<ul style="list-style-type: none"> • <u>The northern Resource Lands are rich in lakes and creeks. They also form the boundary with trail systems in the Cowichan Valley.</u>
<p><u>Support organizations such as the Victoria Motor Club (VMC) in a stewardship role for off-highway vehicles.</u></p>	<ul style="list-style-type: none"> • <u>The resource lands should support specific and controlled areas for motor sport.</u> • <u>Areas for consideration would be those identified as Blueberry Flats, Muir Creek riding area and Tansky riding area.</u>
<p><u>Acquire a trail north of the proposed Muir Creek Park to follow the Muir Creek Riparian area to Mount Muir. Acquire the summit of Mount Muir for a backcountry campsite. Continue the trail north to intersect the Loss Creek corridor at the Bear Creek Reservoir.</u></p>	<ul style="list-style-type: none"> • <u>Provides an ecologically interesting alternative route to the Loss Creek corridor described above.</u>

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

PART 3 LAND USE DESIGNATIONS

The policies in this section apply to the areas designated on Map No. 2 - Land Use Designations attached to and forming part of this bylaw. Lands within the Plan area in this designation include private lands, Crown lands, parks, ecological reserves, utilities and watershed lands.

3.1 RESOURCE LANDS DESIGNATION

The intent of the Resource Lands designation is to maintain the predominant recreation, agriculture and resource extraction uses for forestry and mining in the Plan area. Policies in this plan are not intended to impede any resource extraction activity, but will ~~encourage~~ require the protection of the natural environment and habitat ~~where possible~~. This land use designation also applies to large lots that may not have primary resource use potential. These lands are intended to provide for traditional rural pursuits and serve as a buffer between Resource Lands and more dense settlement areas. The lands are characterized by the suitability to accommodate un-serviced rural activities. These parcels typically have an adequate potable water supply and wastewater can be treated and disposed of through on-site ground disposal systems.

Portions of the Plan area are assessed private managed forest lands. These are regulated under the *Private Managed Forest Lands Act* (PMFLA) and ~~Rits regulations~~ No. 371. Lands in this assessment category must have a forest management plan and the lands are to be managed in accordance with the plan. A number of activities are permitted under the *PMFLA Regulation*. Section 21 of the *Act* prohibits a local government from adopting a zoning bylaw that prohibits an activity permitted by the *Regulation*. Activities listed in the *Regulation* include a residential ~~use~~, forestry, aggregate extraction and processing for use on the managed forest and others.

3.1.1 Resource Land Policies

- 1) Removal of privately-owned forest land that is assessed as Managed Forest under the *Private Managed Forest Land Act* is not supported;
- ~~2) Where forestry and forestry-related activities are practiced as a permitted use, such activities are supported and encouraged to continue;~~
- ~~3)2) While lands are assessed as managed forest under the *Private Managed Forest Land Act*, uses permitted under the *Act* and its regulations are permitted uses under this Plan and are supported and encouraged to continue;~~
- ~~4) Lands removed from their managed forest assessment status shall, subsequent to their removal, conform to the Resource Lands Designation of this OCP and shall be regulated under the appropriate provisions of the applicable zoning bylaw;~~
- 4)3) Resource uses such as silviculture, aggregate extraction, mineral extraction, agriculture, outdoor recreation, parks and wilderness activities are permitted uses in this designation;

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Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 5)4) Aggregate, mineral and forestry processing uses not permitted under the PMFLA may be considered within this designation subject to issuance of a Temporary Use Permit or an approved zoning and provided they are compatible with the objectives of this Plan; ~~and~~

~~Tourist facilities such as lodges, retail and storage and tourist accommodation such as campgrounds and recreational vehicles may be supported within this designation subject to approval of a Temporary Use Permit or a zoning amendment~~

- 5) The minimum parcel size for Resource Lands including Private Managed Forest Land is 120 ha except:

- 6.1) Where lands have been removed from Private Managed Forest Land status, a minimum parcel size of 4 ha may be considered for rezoning subject to the following:

- a) Evidence from a Qualified Professional or as determined by staff that the land is suitable for settlement uses, including an assessment of geotechnical and environmental constraints and evidence that potable water and sewage disposal can be supported on the property;
- b) The land is accessible by public road;
- c) The land is in proximity to existing settlement;
- d) The proposal demonstrates protection of natural features and provides public access to points of interest;
- e) The permitted density is one dwelling unit per parcel;
- f) A means of protection (through transfer to the CRD or by statutory right-of-way or covenant) as an amenity is provided to covey lands that are considered to be locally significant or include natural features or provide public access to points of interest.

- 6.2) Where lands have been removed from Private Managed Forest Land status, an average gross parcel size of 2ha may be considered for rezoning subject to the following:

- a) Evidence from a Qualified Professional or as determined by staff that the land is suitable for settlement uses, including an assessment of geotechnical and environmental constraints and evidence that potable water and sewage disposal can be supported on the property;
- b) The land is in proximity to existing settlement;
- c) The proposal demonstrates protection of natural features and provides public access to points of interest.
- d) The permitted density is one dwelling unit per parcel;
- e) The land is publically accessible by road with provision for public parking, public trail access and emergency vehicle access;
- f) A suitable visual buffer is provided for adjacent properties and natural features;
- g) A means of protection (through transfer to the CRD or by statutory right-of-way or covenant) as an amenity is provided to covey lands that are considered to be locally significant or include natural features or provide public access to points of interest;
- h) Provision of the necessary works, services or community benefits required to mitigate the impacts of development.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 6.3) Where lands have been removed from Private Managed Forest Land status, tourist uses (lodges, campgrounds, RV sites, resort cabins) may be considered for rezoning subject to the following:
- a) Evidence from a Qualified Professional or as determined by staff that the land is suitable for tourist uses, including an assessment of geotechnical and environmental constraints and evidence that potable water and sewage disposal can be supported on the property;
 - b) The land is publically accessible by road with provision for public parking, public trail access and emergency vehicle access;
 - c) The land is in proximity to an amenity (significant natural feature or publically accessible recreational land);
 - d) A means of protection (through transfer to the CRD or by statutory right-of-way or covenant) as an amenity is provided to convey lands that are considered to be locally significant or include natural features or provide public access to points of interest;
 - e) Provision of the necessary works, services or community benefits required to mitigate the impacts of development;
 - f) A suitable visual buffer is provided for adjacent properties and natural features.
- 6.4) Where lands have been removed from Private Managed Forest Land status, stratification of buildings or resort cabins may be considered where public amenities, works and services according to the above evaluation criteria have been secured and constructed.

3.2 AGRICULTURAL LAND RESERVE DESIGNATION

There are two Agricultural Land Reserve (ALR) areas within the Plan area. An area is located within the San Juan River estuary while a smaller area is located in the Tugwell Creek watershed. It is imperative that this land be protected for current and future agricultural activities in terms of local food security and the local economy.

3.2.1 Agricultural Land Reserve Policies

Development in the Agricultural Land Reserve is subject to the approval of the Agricultural Land Commission (ALC).

- 1) The CRD supports the preservation of agricultural lands and encourages farming on lands designated ALR;
- 2) Uses permitted in the *Agricultural Land Commission Act* and the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation 171/2002* are permitted on lands designated ALR as shown on Map No. 2 - Land Use Designations;
- 3) Existing lots within the ALR may not satisfy the minimum lot-size (4.0 ha) requirements of this section or the applicable zoning bylaw and shall be permitted to remain at their existing density however no further subdivision of these lots shall be permitted;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 4) Notwithstanding 6) below, any lot registered in the Land Title Office prior to the adoption of this OCP that has an area less than that specified in this OCP may be consolidated and minor lot line adjustments may be permitted where, in the opinion of the Provincial Approving Officer and the CRD, it would be not be against the public interest to approve such amendments and the effect would be to improve the existing situation;
- 5) Permitted uses within this area include single-family homes, one accessory dwelling, mobile homes, bed and breakfast uses and home based businesses in keeping with the other applicable policies of this Plan and subject to ALC regulations;
- 6) No parcel of land within this designation shall have an area of less than 4 ha (9.88 acres) except where existing parcels are recognized; and
- 7) Development adjacent to agricultural areas may be supported if the proposed use will have minimal impact on existing structural and natural physical features of the area and adheres to the Landscape Buffer Specifications recommended by the Agricultural Land Commission and the guidelines of the Protection of Farmland Development Permit Area.

3.3 RECREATIONAL COMMERCIAL DESIGNATION

The Gordon River Campground is the only private commercial campground use for recreational vehicles within the Plan area. Whereas the Provincial recreational sites at Fairy and Lizard Lakes respond to a different recreational need, the Gordon River Campground primarily serves to accommodate camping and marina needs of drive-in, recreational fishers.

The Plan recognizes these existing uses and provides the opportunity for expansion within the context of the policies of the Plan.

3.3.1 Recreational Commercial Policies

- 1) The Gordon River Campground is designated Recreational Commercial on Map No. 2 - Land Use Designations and is also designated as Development Permit Area 1 (DPA 1) on Map 4 – Development Permit Areas of this Plan;
- 2) This area is designated a Commercial Development Permit Area. Any development or redevelopment of lands designated Recreation Commercial shall require a Commercial Development Permit in accordance with the policies of this Plan.

3.4 WATER SUPPLY AREA DESIGNATION

The intent of the Water Supply Area designation is to protect all lands that may drain into the drinking water supply reservoirs within the Greater Victoria Water Supply Area. This designation recognizes that these lands provide drinking water for much of the population of Greater Victoria and are managed primarily for water supply and distribution, to provide continual access to water supply facilities and infrastructure, and for compatible ‘secondary’ values. These secondary values include biodiversity, fish habitat and cultural/historic sites.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

Lands within the Water Supply Area designation are closed to unauthorized access and subject to the restrictions contained within Bylaw No. 2804 – Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000.

3.4.1 Water Supply Area Designation Policies

- 1) The CRD supports the protection of the Water Supply Area lands;
- 2) Activities permitted in the Water Supply Area designation relate directly to the protection and management of water supply lands, facilities and infrastructure for water quality and supply and the protection and management of compatible secondary values such as biodiversity, fish habitat, and historic/cultural sites;
- 3) There is no unauthorized access to the Water Supply Area lands to ensure protection of the drinking water supply for most of the residents of Greater Victoria;
- 4) These lands are exempt from any development permit area criteria but are subject to Provincial environmental regulations;
- 5) The Water Supply Area lands are designated as Water Supply Area on Map No. 2 – Land Use Designations of this Plan.

3.5 TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMITS (TUP)

Section 921 of the *Local Government Act* enables a local government to issue temporary commercial or industrial use permits (TUPs) within designated areas. TUPs may be issued by the CRD throughout the Plan area subject to the policies of this Plan. The purpose is to enable entrepreneurs to respond to temporary, short-term business opportunities in keeping with the resource and rural character of the area in areas where commercial or industrial zoning does not exist.

3.5.1 Temporary Use Permit (TUP) Policies

- 1) Permits may be issued for any period up to two years and may be considered for renewal for a second period of up to two years;
- 2) No public health, public safety or negative environmental impacts shall result from the proposed activity;
- 3) Permits for aggregate processing such as asphalt and concrete manufacturing are permitted only within provincially licensed extraction areas or appropriately zoned lands;
- 4) A completed application form signed by the applicant or their agent shall be provided to the CRD prior to any application being processed by the CRD;
- ~~4~~5) Notification pursuant to the *Local Government Act* shall be required.
- ~~5~~6) A post-site restoration plan and implementation strategy for all areas granted a Temporary Use Permit shall be provided;

Schedule "A" of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- | ~~6)7)~~ The CRD may establish conditions related to the following in a temporary permit in accordance with the information provided by an applicant:
 - a) environmental protection;
 - b) siting;
 - c) hours of operation;
 - d) duration of the permitted use;
 - e) parking and traffic management;
 - f) on-site storage, buffers and screening;
 - g) external lighting, nuisance and noise abatement;
 - h) waste management; and
 - i) a post-use site restoration plan and implementation strategy.

- | ~~7)8)~~ The CRD may require the developer to provide performance security either through an irrevocable letter of credit or bond up to a value of 150% of the value of the construction on the site to ensure the post-use restoration occurs as outlined; and

- | ~~8)9)~~ The CRD may withdraw a temporary commercial or industrial permit if all the conditions established in the permit are not complied with by the user.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

PART 42 DEVELOPMENT APPROVAL INFORMATION AREAS (DAIA)

42.1 JUSTIFICATION

A local government may designate areas or circumstances where development approval information is required under Sections 920.01 and 920.1 of the *Local Government Act*. A DAIA policy requires the preparation of a report by a qualified professional that responds to the requirements of a DAIA policy or Bylaw on areas where a Development Permit, Subdivision, Temporary Use Permits, Rezoning or Park Dedication is proposed. Reports prepared by Qualified Professionals may be subject to independent peer review where required.

There is limited scientifically recorded information related to critical habitat and other ecological resources, hazard areas, and archaeological resources within the Plan area. Requirements and procedures to ensure the relevant development approval information is provided can be identified in an OCP. A local government can also require that the DAIA information be provided by a development proponent prior to consideration of the suitability of a development proposal.

The Plan area is designated in its entirety as a DAIA as shown on Map No. 3 - Development Approval Information Area which is attached to and forms a part of this bylaw.

42.2 REQUIREMENTS

The Regional District may require development approval information for zoning amendment application, development permit applications, temporary use permit applications, subdivision applications and park dedication. Proposals shall be evaluated, at a minimum, on:

- 1) The impact of the proposed development with surrounding land uses;
- 2) The consideration of public facilities such as schools, park land, public spaces, and/or amenities;
- ~~4)3)~~ 3) The impact of the proposed development on groundwater quality and quantity, surface water generated by the proposed development, and the option for collection, storage and dispersal of such drainage;
- ~~2)4)~~ 4) The impact of the proposed development on the natural environment such as adjacent aquatic areas, vegetation, soil and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;
- ~~3)5)~~ 5) The ability of the proposed development to provide on-site water and septic disposal or to connect to community services, if available; and
- 6) The impact of the proposed development on public infrastructure and community services such as water supply, sewage disposal, fire protection systems, and recycling;
- 7) The impact of the proposed development on traffic volumes and roads;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 8) How the development provides a buffer for adjacent farming areas to ensure no negative impact is caused by the development;
- 4)9) The aesthetic values of the proposed development such as visual character, integration with public areas and the natural environment, lighting, noise and odour.

DAIA requirements must be satisfied prior to any development application being processed by the Juan de Fuca Electoral Area Planning Department. Where applicable, development is subject to the approval of the Agricultural Land Commission. Where a DAIA report is required it shall be prepared by a Qualified Professional or Professionals, as required, actively practicing in relevant fields.

4.2.3 GUIDELINES

The following guidelines apply in their entirety to the area designated as Development Approval Information Area as indicated on Map No. 3 - Development Approval Information Area attached to and forming part of this OCP.

- 1) A report shall be prepared, at the applicant's cost, by a Qualified Environmental Professional or by a Qualified Professional(s) to satisfy these DAIA requirements. The following is a guideline to define the scope of the information required and is not intended to limit the scope of a report required by a Bylaw approved under Section 920.01. Applicants are advised that the CRD may require a peer review of a Qualified Professional's report.
- 2) The report will contain:
 - a) A legal description of the property including all relevant restrictive covenants registered on title;
 - b) A location map depicting the location of the property;
 - c) A description of all relevant ~~climatic~~, geological, hydro-geological, ecological and natural environment and other related historic and current information;
 - d) A site plan, certified by a qualified, licensed professional with relevant expertise, at an appropriate scale depicting:
 - i. the existing property boundaries;
 - ii. water courses, environmentally sensitive and habitat areas and slopes;
 - iii. pre-development drainage flows;
 - iv. any other relevant regional or site specific information;
 - v. The location of all proposed building and development sites showing all setbacks from natural boundaries and property boundaries and hazard areas with sufficient accuracy to allow the preparation of legal reference plan for attachment to a *Land Title Act* Section 219 covenant where required;
 - e) Where an archaeological interest has been identified, a report from a qualified archaeologist as to the extent, nature and required protection for any archaeological resources on the site;
 - f) A description of the methodology and assumptions used to undertake the assessments in sufficient detail to facilitate a professional review;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- g) An indication of the horizontal and vertical flood/tsunami construction levels;
- h) A declaration by a Qualified Professional that the subject lands are safe for the intended use for all potential hazards including but not limited to steep slopes, slippage, subsidence, tsunami, flooding and wildfire protection, including any works or actions designed to mitigate the hazard, clearly stated with sufficient detail and clarity to facilitate inclusion of a *Land Title Act* Section 219 covenant.

42.4 EXEMPTIONS

The Development Approval Information Area designation does not apply to provincially approved forestry, extraction or mining activities within the Plan area as these are regulated by [comparable](#) provincial legislation.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

PART 54 DEVELOPMENT PERMIT AREAS

Development Permits are a planning tool for sites, buildings and structures that warrant special protection or development control. These Permits must be approved by the Capital Regional District Board and may require some sort of security to ensure that the conditions of the Permit have been achieved. Section 919.1 of the *Local Government Act* outlines guiding principles for the use of Development Permits. Development Permit Areas can be designated for purposes such as, but not limited to, the following:

- 1) Protection of the natural environment, its ecosystems and biological diversity;
- 2) Protection of development from hazardous conditions;
- 3) Protection of farming;
- 4) Establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

With respect to areas designated as Development Permit areas, the OCP must:

- 1) Describe the conditions or objectives that justify the designation;
- 2) Specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

54.1 GENERAL DEVELOPMENT PERMIT POLICIES

- 1) Where land lies within more than one Development Permit Area, all of the applicable permit requirements must be met;
- 2) In accordance with the Local Government Act, a Development Permit must be obtained prior to subdivision, construction, alteration of land, soil deposit or removal, or any other development or activity that would impact on any of the elements protected by a Development Permit; and
- 3) Any additional information requested by the CRD as outlined in the following sections will be provided at the applicant's expense.

45.2 GENERAL EXEMPTIONS

No Development Permit will be required for the following:

- 1) internal alterations to a building;
- 2) Accessory buildings built after the main residential structure, but included in the original building permit plans;
- 3) Structures which are not greater in area than 10 m² (107 ft²) and are accessory to an existing residence. This may include, but is not limited to:

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- a) Gazebos;
 - b) Garden Sheds;
 - c) Tool Sheds; and
 - d) Decks;
- 4) Walkways, ramps and/or stairways for providing pedestrian and/or wheelchair access to any structure exempted in paragraph 3 above;
 - 5) Removal of hazard trees;
 - 6) Emergency actions for flood or erosion protection;
 - 7) Emergency works to repair or replace public utilities or infrastructure;
 - 8) Removal of invasive non-native vegetation from riparian areas;
 - 9) In-stream habitat development or restoration that complies with provincial and federal legislation and requirements; and
 - 10) Construction and/or alteration of land if a qualified environmental professional deems that there are no watercourses, wetlands or riparian features on the parcel, or a covenant identifies the watercourses, wetlands or riparian features and restricts construction, alteration of land, soil deposit or removal or any other development or activity in compliance with the *Riparian Areas Regulation*.

54.3 GUIDELINES

A development permit application shall be required prior to any development occurring in a Development Permit Area. Development permit applications require the following information to be satisfied by the applicant:

- 1) an application form completed by the applicant;
- 2) a detailed site plan, by a certified, licensed professional with relevant expertise, drawn at an appropriate scale showing the following:
 - a) the location of all features on the site including all buildings, structures, ramps, weirs, wells, sewage disposal systems, driveways access roads and driveways, lanes, parking and loading areas, refuse storage areas and similar improvements related to a principal or ancillary use;
 - b) the location of all watercourses, vegetation, environmentally sensitive areas, slopes, hazard areas;
- 3) a site drainage plan that illustrates the direction of flow of storm-water demonstrating post-development flows do not exceed pre-development flows;
- 4) where applicable, the form, exterior design and finish of all buildings and structures;
- 5) the landscaping of the site;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 6) a report from a qualified professional with relevant expertise including an impact statement and mitigation measures related to the proposed development.

54.4 DEVELOPMENT PERMIT AREA NO. 1: COMMERCIAL DEVELOPMENT PERMIT AREA (DPA 1)

The lands shown shaded on Map No. 4 - Development Permit Areas, attached to this bylaw are designated as DPA 1 - Commercial Development Permit Area (DPA 1) to regulate the form and character of commercial development. Commercial developments locating within the Plan area will have to meet the requirements set out in the guidelines below.

45.4.1 Justification

Pursuant to Section 919.1 (1) (f) of the *Local Government Act* the subject lands are designated for the establishment of objectives and guidelines to regulate the form and character of commercial development. Commercial sites merit designation as a DPA for form and character due to their location, the services they provide and their relationship to surrounding resource lands.

54.4.2 Objective

To encourage a form and character of site that is complementary to and respectful of the natural setting of the development itself and the area.

54.4.3 Policies

Development Permits issued in these areas will be in accordance with the following:

- 1) Buildings and structures shall be designed to:
 - a) take advantage of natural contours and features of the landscape;
 - b) clustered into the natural surroundings to minimize disturbance of the natural vegetative cover;
 - c) minimize impacts on all riparian, foreshore and ocean environments;
 - d) minimize the effects of lighting and shading on adjacent lands; and
 - e) reinforce existing aesthetic and natural features of the area.
- 2) Existing forest and under-storey native plants shall be retained in areas where there are no buildings, structures, parking areas or other constructed features;
- 3) Areas dedicated to outdoor storage, parking and loading areas shall be kept to a minimum and screened from neighbouring properties through the retention of trees and native under-storey plants or the planting of native species and supplemented with solid fencing;
- 4) Outdoor lighting shall be low intensity, ground-oriented lighting, directed away from surrounding uses and areas in order to minimize glare onto adjacent properties and either flush-mounted on buildings or on poles not exceeding 2.5 m (8.2 ft) in height;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 5) Accessory parking and storage shall be located away from shoreline areas to reduce the visual impact of the development from the water; and
- 6) Where a development proposal falls within any other area designated as a development permit area the guidelines of the applicable designation shall also apply to development locating in a DPA 1 area.

5.4.5 DEVELOPMENT PERMIT AREA NO. 2: WATERCOURSES, WETLANDS AND RIPARIAN DEVELOPMENT PERMIT AREA (DPA 2)

The Provincial *Fish Protection Act* requires local governments to protect riparian areas from development through the *Riparian Areas Regulation* (RAR). Its purpose is to protect the features, functions and conditions vital to the natural maintenance of stream health and productivity, riparian areas and water and prohibits development within 30 m (98 ft) of watercourses in specific regional districts. The CRD is one of the listed Regional Districts to which the RAR applies.

In addition to the above, the CRD wishes to protect freshwater watercourses and their related sensitive ecosystems throughout the Plan area by means of DPA No. 2. Freshwater DPA areas include all land within 30 m from the high water mark of all watercourses as defined by the *Riparian Areas Regulation* and illustrated on Map No. 4 - Development Permit Areas, are designated DPA 2 - Freshwater and Riparian Development Permit Area (DPA 2).

5.4.5.1 Justification

As pursuant to Section 919.1(1) (a) of the *Local Government Act* (Protection of the natural environment, its ecosystems and biological diversity).

Riparian ecosystems occur adjacent to lakes, streams, creeks and rivers, where the increased soil moisture supports and enhances plant communities distinct from the adjacent terrestrial areas. As a general rule, the protection of riparian systems is important for the following reasons: the protection of their biodiversity, the maintenance of water quality, the protection of aquatic habitat and the retention of wildlife corridors.

The DPA established under this section for watercourses, streams, wetlands and riparian areas includes:

- 1) all non-tidal water, such as watercourses, wetlands and all lands lying within 30 m (98 ft) of these features; and
- 2) watercourse areas as identified on Map No. 4, the extent of which will be partly determined through the *Riparian Areas Regulation* process for fish-bearing watercourses and by a Qualified Professional for non-fish bearing watercourses.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

54.5.2 Objective

To regulate development adjacent to water features and riparian areas in order to protect the community's water supply, to protect First Nations traditional and cultural uses of these areas, to maintain the ecological value of these areas including fisheries resources, wildlife habitat and migration corridors and to guard against their contamination.

54.5.3 Policies

Development Permits issued in these areas will be in accordance with the following:

- 1) No development shall be permitted within DPA 2 unless permitted by a development permit;
- 2) Development or alteration of land or vegetation should be planned to avoid intrusion into Development Permit Areas and to minimize the impact of any activity on these areas;
- 3) Development activities or proposals that have addressed the requirements of the *Riparian Areas Regulation* will be deemed to have met the requirements of this Development Permit Area as it pertains to fish-bearing watercourses;
- 4) Development Permit applications that affect a fish-bearing watercourse will include a report prepared by a Qualified Environmental Professional (QEP), as defined in the *Riparian Areas Regulation* (BC Reg. 376/2004 and amendments). No DP will be issued until after the report has been filed and confirmation is received from the Ministry of Environment;
- 5) In order for a watercourse to be designated as non-fish bearing, the *Riparian Areas Regulation Assessment Methodology* must have been followed. Development Permit applications that affect non-fish bearing watercourses will include a report/assessment prepared by a qualified professional (e.g., RPBio, Environmental Engineer) outlining the following information:
 - a) identification of the high water mark of a stream or top of a ravine bank and a line 15 m (49 ft) from the high water mark or top of ravine bank;
 - b) any intermittent or permanent wetlands on the site;
 - c) an environmental assessment of the watercourse ecosystem;
 - d) an impact statement describing effects of proposed development on the natural conditions;
 - e) measures deemed necessary to protect the integrity of the watercourse ecosystem from the effects of development;
 - f) guidelines and procedures for mitigating habitat degradation including limits of proposed leave areas;
 - g) habitat compensation alternatives, where compensation is approved.

There may be a need for additional requirements for habitat protection for wildlife/birds/amphibians and land management responsibilities of the Regional District for both fish and non-fish bearing watercourses;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 6) Any development must be designed so as to maintain the quality of any stormwater flowing toward or into the identified water features, to minimize the alteration of local hydrological conditions and to prevent any increase in volume and peak flow of runoff;
- 7) Vegetation appropriate, preferably indigenous, to the site may be required to be planted on the site to reduce erosion risk, restore the natural character of the site, improve water quality or stabilize slopes and banks;
- 8) Modification of channels, banks or shores which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted;
- 9) All new developments or modifications to existing developments should be designed and implemented to avoid any increase in runoff and to prevent pollutants from entering water features;
- 10) Gardening and other related residential activities should be sited so as to prevent nutrient-rich water from entering natural water features;
- 11) The Development Permit may designate and specify, where necessary, a buffer zone within which land alteration or structures will be limited to those compatible with safeguarding the characteristics of the water feature in accordance with a professional report;
- 12) Development Permits issued with regard to road and driveway construction in this area will ensure that:
 - a) watercourse crossings are located so as to minimize disturbance of water feature banks, channels, shores and vegetation cover;
 - b) wherever possible, bridges are used instead of culverts for crossings of fish-bearing watercourses; and
 - c) culverts are sited to allow unrestricted movement of fish in both directions. Where desirable, culverts may be designed to encourage in-stream storage of water;
- 13) Lands within the Agricultural Land Reserve are exempted from the Riparian Areas Regulation and Development Permit requirements. When land is being cleared for farm uses as defined in the Agricultural Land Commission Act, the required setback on both sides of a riparian area shall not be less than 3 m (9.8 ft).

5.4.6 DEVELOPMENT PERMIT AREA NO. 3: COASTAL HABITAT AND HAZARD PROTECTION DEVELOPMENT PERMIT AREA (DPA 3)

This OCP area includes a long coastline along the Strait of Juan de Fuca that extends from French Beach to Port San Juan. It accommodates the Juan de Fuca Marine Trail and French Beach, China Beach and Botanical Beach Provincial Parks, considered primary attractions along the Pacific west coast.

Most of the land abutting the coast is in Crown land tenure as park or as the Trail. Two portions of shoreline, one northwest of DL 189 and the other southeast of DL 204 remain in private tenure. The potential exists to adversely impact coastal habitat along the entire coast if the

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

lands are subject to development whether as trails or as private uses. The intent of this section of the Plan is to provide the CRD with means of protecting the entire coastal area from the potentially negative impacts of development.

Lands within the Coastal Habitat and Hazard Protection DPA are within tsunami inundation zones identified through CRD Emergency Protection Services and the Provincial Emergency Program. The CRD uses the provincial planning guidelines as the basis for tsunami preparedness efforts.

The coastal area northwest of Sombrio Point, which includes Port Renfrew, is considered a "High Risk" tsunami hazard area and falls within Notification Zone "C" for emergency planning purposes. Recommended vertical elevation levels for buildings and structures for Zone "C" are not less than 10 m (32.8 ft) above the normal highest tide.

The balance of the coastal area of the Juan de Fuca Electoral Area lies within Notification Zone "D". This Zone has a recommended vertical elevation for all buildings and structures of not less than 4 m (13 ft) above normal highest tide.

54.6.1 Justification

Pursuant to Section 919.1(a) and (b) of the *Local Government Act*, protection of the natural environment, its ecosystems and biological diversity; and protection of development from hazardous conditions the shorelines within the Plan area are designated as DPA 3 - Coastal Habitat and Hazard Protection Development Permit Area (DPA 3), as shown on Map No. 4 - Development Permit Areas. The lands affected by coastal habitat requirements of this DPA include all lands extending 30 m (98 ft) from the natural boundary of the sea within the Plan area.

Tsunami hazard setbacks are specifically established in **Policies** as noted below.

Disturbance of the marine foreshore along the waterfront can accelerate shoreline erosion on adjacent areas, reduce stability and degrade the ecological function and aesthetic appeal of the shoreline. To protect the ecological integrity and the stability of the marine foreshore slopes and ensure shorelines are maintained, alteration of adjacent lands must be regulated. Further, tsunami hazards exist along the coast and protection of development from hazardous conditions is necessary through the established setback and elevation requirements.

54.6.2 Objective

To protect the sensitive coastal environment of the Plan area and to protect development from hazardous conditions.

54.6.3 Policies

- 1) No development shall be permitted within DPA 3 unless permitted by a development permit;
- 2) The CRD discourages development of intensive uses within any tsunami inundation zone. Due to potential tsunami hazards, no development, buildings or structures are permitted within a vertical elevation of less than 10 m above the normal highest tide in the coastal area northwest of Sombrio Point lying within Notification Zone “C” without a development permit;

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 3) In the area southeast of Sombrio Point lying within Notification Zone “D” within the Plan Area, no development, buildings or structures are permitted within a vertical elevation of less than 4 m (13 ft) above normal highest tide without a development permit due to potential tsunami hazards;
- 4) The construction or alteration of land, buildings, structures and amenities such as trails, public conveniences, campgrounds and similar works, and shoreline protection devices, shall avoid intrusion into DPA 3 areas and shall minimize the impact of development and avoid environmental damage, erosion or accretion;
- 5) The CRD requires a geotechnical assessment report of the impact of all proposed works, including shoreline protection devices or works approved by the Department of Fisheries and Oceans (DFO), prepared by a qualified professional (QP) that indicates the lands proposed for development are safe for the intended use within DPA 3. No development or alteration of land shall be permitted where a geotechnical engineering report indicates that a hazardous condition would result from development activity;
- 6) Shoreline protection devices or works shall require the approval DFO prior to a development permit being issued;
- 7) A biophysical inventory and assessment of the site shall be required prior to development. Based on the biophysical assessment of a site within DPA 3, the planting or retention of trees or vegetation may be required to preserve, protect, restore or enhance habitat areas and to protect uses from hazardous conditions;
- 8) A vegetation management plan indicating the location of disturbed vegetation, areas to be replanted with species similar to those removed, the extent and management of vegetative buffer areas and vegetation mitigation measures is required for disturbed areas within DPA 3; and
- 9) The CRD encourages adherence to the guidelines in *Coastal Shore Stewardship: A Guide for Planners, Builders and Developers* and in the British Columbia edition of the publication *On the Living Edge: Your Handbook for Waterfront Living* when land in DPA 3 is developed.

54.7 DEVELOPMENT PERMIT AREA NO. 4: PROTECTION OF FARMING (DPA 4)

This OCP area includes two areas designated as Agricultural Land Reserve (ALR). A large area is located within the estuary of the San Juan River while a smaller area is located in the Tugwell Creek Watershed north of the Otter Point area. Lands located in the ALR require protection in order to enable normal farm practices to occur, to provide for local food security, to support local economic development and to preserve the ~~agricultural~~^{rural} character of the area. Development Permit Area No. 4 is subject to the approval of the Agricultural Land Commission.

54.7.1 Justification

Pursuant to Section 919.1 (1) (c) of the *Local Government Act*, ~~lands within the Plan area directly adjacent to—protection of farming~~ the Agricultural Land Reserve lands ~~within the Plan area~~ are designated as DPA 4 – Protection of Farming Development Permit Area (DPA 4), as

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

shown on Map No. 4 - Development Permit Areas. The lands affected by this designation include all lands extending 15 m (49 ft) from immediately adjacent to designated ALR areas as outlined on Map No. 4 - Development Permit Areas and includes guidelines related to development on ALR lands.

This Development Permit Area will ensure that adjacent land uses do not interfere with the functioning of normal farm operations outlined in the *Farm Practices Protection Act* and will help mitigate potential conflicts between adjacent uses. Retaining the viability of these lands for agriculture is important in providing local food security, economic diversity and in terms of preserving the rural landscapes of the area.

54.7.2 Objective

To regulate development in such areas in a manner that protects the viability of agriculture for present and future generations.

54.7.3 Policies

- 1) No development shall be permitted within DPA 4 unless permitted by a development permit;
- 2) The siting of buildings or structures should be designed so that road access is oriented away from adjacent land used for farming;
- 3) The Development Permit may designate and specify a buffer zone within which land alteration or structures will be limited to those compatible with the characteristics of agriculture;
- 4) Areas within any designated buffer zone should be landscaped in such a way as to provide a physical barrier between the agricultural use and the adjacent uses. This could include the planting of trees or shrubs that are natural to the area. All buffers must be designed using Ministry of Agriculture’s *Edge Planning Guide* or the Agricultural Land Commission’s *Landscaped Buffer Specifications*;
- 5) The siting of buildings or structures, including structures associated with the development of a trail or linear park, shall be minimized within buffer areas;
- 6) No development shall cause the amount of surface or ground water available to affected agricultural lands to be reduced from pre-development levels;
- 7) When land within a watercourse, wetland and/or riparian area is being cleared for farm uses as defined in the *Agricultural Land Commission Act*, the required setback on both sides of the watercourse, wetland and/or riparian area shall not be less than 3 m (9.8 ft);
- 8) When land is being cleared for farm uses as defined in the *Agricultural Land Commission Act*, the required setback on both sides of a riparian area shall not be less than three 3 m (9.8 ft);
- 9) A buffer maintenance plan must be developed and signed off by a qualified professional;

Schedule "A" of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

- 10) The CRD may require a Section 219 covenant under the *Land Title Act* for the specified buffer area prohibiting the removal of vegetation from the buffer area and require that the covenant be registered on title; and
- 11) Where an approved development abuts ALR land there shall not be any road ends that abut the ALR areas that would suggest that any form of development will proceed onto ALR lands in the future.

Schedule “A” of Capital Regional District Bylaw No. 3591
Rural Resource Lands Official Community Plan

PART 65 SAND AND GRAVEL DEPOSITS

The location of sand and gravel deposits could play a major role in shaping the character of the Plan area. This OCP identifies locations where major aggregate resources exist within the Plan area on Map 2: Land Use Designations. For further information, does not identify specific locations for aggregate resources within the Plan area but recognizes aggregates exist. Interested parties are referred to the provincial Ministry of Energy, Mines and Petroleum Resources.

65.1 POLICIES

- 1) Aggregate extraction operations are permitted within the OCP area.
- 2) New aggregate extraction operations are subject to Ministry of Energy, Mines and Petroleum Resources approval and require soil removal permits in accordance with CRD Bylaw No. 3297.
- 3) Negative impacts on watercourses and to the visual quality of the landscape should be minimized with all extractive aggregate operations. A mitigation plan to minimize potential negative impacts on these watercourses and visual resources shall be a part of the provincial approval requirements for any proposed aggregate operations within the Plan area.