

Capital Regional District

Bylaw No. 3721

A BYLAW TO ESTABLISH AN OFFICIAL COMMUNITY PLAN FOR MALAHAT

- A. WHEREAS** the Capital Regional Board wishes to update the Community Plan for the Malahat area of the Regional District;
- B. AND WHEREAS** the residents of Malahat, the adjacent municipality 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 program and the Capital Regional District's Regional Growth Strategy;
- D. AND WHEREAS** Sections 876, 877, 919.1 and 920.01 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 Greenhouse Gas reduction targets
 - Designation of Development Permit Areas
 - Designation of Development Approval Information Areas

- E. 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 Malahat, which is a part of the Capital Regional District, as shown on Map No. 1, which is attached to and forming 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 6 attached hereto are hereby made a part of this bylaw.

SECTION 4 REPEAL OF BYLAWS

The following bylaw is hereby repealed:

The Capital Regional District Bylaw No. 3228, cited as the "Official Community Plan for Malahat Bylaw No. 1, 2004".

SECTION 5 TITLE

This bylaw may be cited for all purposes as the "Official Community Plan for Malahat, Bylaw No. 1, 2012".

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SECTION 6 IMPLEMENTATION

READ A FIRST TIME THIS	12 th	day of	September	2012.
READ A SECOND TIME THIS	12 th	day of	September	2012.
READ A THIRD TIME THIS	14 th	day of	November	2012.
Schedule "A" of this Bylaw as approved by the Minister of Transportation and Infrastructure this	12 th	day of	March	2013.
Schedule "A" of this Bylaw as approved by the Minister of Community, Sport and Cultural Development this	14 th	day of	February	2013.
ADOPTED THIS	13 th	day of	March	2013.

Chair

Corporate Officer

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PART 1.0 COMMUNITY BACKGROUND INFORMATION

1.1 2001 Population Profile and Estimates for 2006 and 2011

The population of the Malahat planning area in 2001 was estimated to be approximately 145 people. Based upon 2001 census information, the age sex breakdown of the population was as follows:

Table 1: 2001 Population Breakdown

MALES	AGE COHORT	FEMALES
0	95+	0
0	90-94	0
0	85-89	0
0	80-84	0
10	75-79	0
5	70-74	5
0	65-69	0
10	60-64	5
0	55-59	5
5	50-54	5
10	45-49	0
5	40-44	5
10	35-39	5
5	30-34	10
5	25-29	5
5	20-24	0
15	15-19	0
0	10-14	0
5	5-9	10
0	0-4	0
90	TOTALS	55

Notes: 1/. There were concerns that this data might underestimate the population of the Malahat area. However, a preliminary assessment of this data and that collected by community volunteers indicates that the following is a reasonable estimation of the population.

Utilizing this breakdown (2001) as the base age sex profile of the Malahat area, population estimates and breakdowns have been developed for 2006 and 2011 respectively.

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Table 2: 2006 Population Estimate

MALES	AGE COHORT	FEMALES
0	95+	0
0	90-94	0
0	85-89	0
8	80-84	0
4	75-79	4
0	70-74	0
9	65-69	5
0	60-64	5
5	55-59	5
10	50-54	0
5	45-49	5
10	40-44	5
5	35-39	10
5	30-34	5
5	25-29	0
15	20-24	0
0	15-19	0
5	10-14	10
0	5-9	0
4	0-4	3
90	TOTALS	57

Notes:

- 1/. This estimate has been developed using the age-specific fertility rate for the Local Health Unit Area and the provincial age-specific death rate.
- 2/. Based on current assumptions and with the migration factor portioned in, the population is estimated to be in the range of 147 to 157.

Table 3: 2011 Population Estimate

MALES	AGE COHORT	FEMALES
0	95+	0
0	90-94	0

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6	85-89	0
3	80-84	3
0	75-79	0
8	70-74	5
0	65-69	5
5	60-64	5
10	55-59	0
5	50-54	5
10	45-49	5
5	40-44	10
5	35-39	5
5	30-34	0
15	25-29	0
0	20-24	0
5	15-19	10
0	10-14	0
4	5-9	3
3	0-4	2
89	TOTALS	58

Notes:

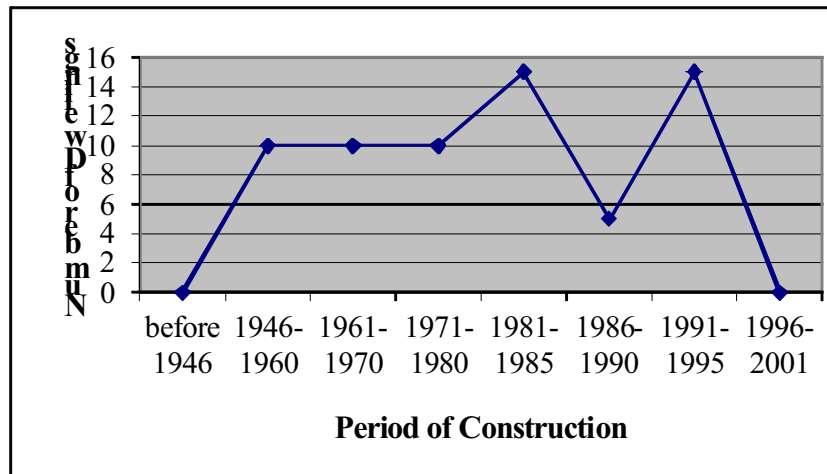
- 1/. This estimate has been developed using the age-specific fertility rate of the Local Health Unit Area and the provincial age-specific death rate.
- 2/. Based on current assumptions and with the migration factor portioned in, the population is estimated to be in the range of 146 to 156.

1.2 Building Permit Trends

The predominant type of dwelling in the Malahat area is a single-family dwelling unit. The number of building permits issued in the area is as follows:

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Figure 1: Period of Construction of Private Dwellings



Source: Capital
Regional
District 2001

The above information suggests that demand for new dwellings in this area has not been strong between 1996 and 2001. Coupled with the stable population estimates (see Section 1.1), new residential lands are not required to account for the next ten years of projected growth.

1.3 Physiography of the Area

Based upon a review of a report entitled, An Introduction to the Ecoregions of British Columbia, the study area is a part of the Georgia Depression Ecoprovince, the Eastern Vancouver Island Ecoregion and the Nanaimo Lowland Ecosection. This suggests the following:

- The ocean and the Strait of Georgia modify temperatures throughout the area. The southern parts of this ecoprovince, which includes the Malahat area, have the highest annual amounts of sunshine in the province; and
- This ecoprovince is predominantly a semi-enclosed estuarine environment, which is strongly affected by freshwater discharges. A near shore environment or zone surrounds all the islets, islands and the mainland portions adjacent to saltwater. The dominant interface between land and saltwater is an intertidal zone.

1.3.1 General Topographical Information and Main Topographical Features

The area can generally be characterized as strongly rolling or hilly with very steep areas particularly from the shoreline region heading towards the Trans-Canada Highway, where elevation gain can be up to 200 metres over a very short distance. The area also has significant areas of exposed bedrock and rock outcrops. The main topographical features of the area consist of the Warwick Range.

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1.3.2 Geological Setting and Soil Characteristics

The following soil associations have been identified in the Malahat area:

Table 4: Soil Units of the Malahat Area

Soil Unit	Drainage Rating	Usual Texture	Slope Range in Percent (Degrees)	Developed in	General Topographical Features
Hiller (HL)	Rapidly drained;	Gravelly loamy sand or very gravelly loamy sand	15-60 (8-33)	Areas that consist of colluvial or morainal deposits	Strongly rolling to hilly; Often 10-50cm over bedrock
Rock Outcrop (RO)	-	-	-	Bedrock	-
Rosewall (RL)	Rapidly drained;	Cobbly, gravelly sandy loam or cobbly, gravelly loam	15-30 (8-17)	Areas that consist of colluvial or morainal deposits	Strongly rolling
Shawnigan (S)	Well-drained;	Gravelly sandy loam or very gravelly sandy loam	15-30 (8-17)	Areas that consist of morainal (till) deposits	Strongly rolling
Somenos (SE)	Well-drained;	Gravelly sandy loam or very gravelly sandy loam	30-60 (17-30)	Areas that consist of morainal deposits (till)	Hilly; Often between 50-100cm thick over bedrock
Squally (SL)	Rapidly drained;	Gravelly loamy sand or gravelly sandy loam	15-30 (8-17)	Areas that consist of colluvial or morainal deposits	Strongly rolling; Often 50-100cm over intrusive bedrock
Tzuhalem (TM)	Rapidly drained;	Gravelly loamy sand or very gravelly loamy sand	30-60 (17-30)	Areas that consist of colluvial or morainal deposits	Hilly; Often between 10-50cm thick over bedrock

Source: Soils of Southern Vancouver Island, MOE Technical Report, 1985

The above information indicates that the soils in the Malahat area are well-to rapidly drained and often form a shallow layer of sediment above bedrock. This suggests that the Malahat area has a lot of surface-water runoff issues after periods of extensive rain.

1.4 Dominant and Sensitive Ecosystems

Historically, Douglas-fir forests blanketed the south and east sides of Vancouver Island. Today, this Coastal Douglas-fir Biogeoclimatic zone, which constituted only 0.3-percent of the province in 1992 (CRD Parks), is considered unique and rare. In combination with Arbutus trees, which are also somewhat

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threatened, this forest is characteristic of only two communities in British Columbia and is found nowhere else in Canada. The only other forest of this type is found along the southern California coastline. The area is generally characterized as second-growth forest, which provides important wildlife corridors and buffers around more sensitive areas, including the Greater Victoria Water Supply Area.

As mentioned previously, the Malahat is bordered by Finlayson Arm, which forms part of the Saanich Inlet, a coastal fjord that preserves unique marine communities of giant cloud sponges, anemones, sea plumes, lampshells and other invertebrates. The marine ecosystem includes at least 16 rare species, some of which have rarely been recorded elsewhere in the province. Offshore waters also provide a natural habitat for large marine animals including a variety of whales, seals, porpoises, sea lions and white-sided dolphins as well as octopus, six-gill sharks and wolf eels.

Both the water and the land are highly susceptible to environmental degradation. Weak tidal currents and sluggish circulation limit the inlet's capacity to filter and remove contaminants.

The shoreline provides a home for otters and many species of migrating waterfowl. The open forest, combined with rock outcrop habitats and the Finlayson Arm seashore, provides habitat for over 150 species of resident and migrant birds. Some species designated as sensitive or vulnerable found in the area include

- Anna's Humming bird;
- Bald Eagle;
- Wintering Western Grebe;
- Great Blue Heron;
- Green-backed Heron; and
- Peale's Peregrine Falcon.

The Sensitive Ecosystems Inventory project, carried out by the Canadian Wildlife Service, has identified several sensitive ecosystems in this area including some wetlands, forests and terrestrial herbaceous ecosystems. As mentioned earlier, much of the forest is older second-growth forest, which is not generally a 'sensitive' ecosystem; however, it is still important in terms of providing habitat and wildlife corridors.

Due to the rocky terrain in much of the Malahat area, there are several terrestrial herbaceous ecosystems found in the open, grassy hilltops. Grasses, moss, wildflowers and lichens may dominate these hilltops. Rare plants of these ecosystems include:

- Deltoid balsamroot (Balsamorhiza deltoidea)
- Yellow montane violet (Viola praemorsa)
- Scalepod (Idahoa scapigera)
- Dune bentgrass (Agrostis pallens)

1.4.1 Rare Species

The CRD Natural Areas Atlas has mapped occurrence of rare species and the following species have been identified as blue-listed species within the Malahat area:

- Ermine, anguinae subspecies, (*Mustela erminea anguinae*) is a blue-listed mammal that occurs in the western portions of the Malahat planning area and its range extends into the Greater Victoria Water Supply area;
- Macoun's groundsel (*Senecio macounii*) is a blue-listed plant species that occurs in the western portions of the Malahat planning area and its range extends into the Greater Victoria Water Supply Area. Source: CRD Natural Areas Atlas

*Please note the following definition: Blue-listed species are vulnerable, sensitive or at risk.

Source: Ministries of Sustainable Resource Management and Water, Land and Air Protection

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1.4.2 Streams and Waterbodies

Driving along the Malahat Drive (Trans-Canada Highway) one can often see waterfalls or streams rushing through the area. The streams in the winter and spring can be quite powerful as the snow in higher elevations begins to melt or after days of rain. In fact, one section of Aspen Road, which crosses Camsusa Creek, had to be replaced since water from the creek overtook its banks causing significant road damage. The names of the major streams and fish species found in the Malahat area are as follows*:

- Camsusa Creek (and tributaries)
- Arbutus creek
- Niagara Creek
 - Steelhead
- Several (3) unnamed creeks, possibly ephemeral
- Wigglesworth Lake
 - Cutthroat Trout
- Lubbe Lake
 - Cutthroat Trout
 - Rainbow Trout
 - Smallmouth Bass
- Goldstream Lake
 - Brown Bullhead
 - Cutthroat Trout

Source: Ministry of Sustainable Resource Management, FISS

* The above information regarding fish species represents existing information from Ministry of Sustainable Resource Management databases and more information is periodically being added. The absence of fish in the above list does not imply that there are no fish present.

In the western portion of the Malahat, which includes the Sooke Hills Regional Park Reserve and the CRD Water Lands, there are several lakes, wetlands and streams not listed above.

In addition to these, there are several wetland areas, some of which are swamp and the others are peatlands (bog and fen). These are situated approximately in the following locations:

- Two wetland areas situated at the north and south ends of Wigglesworth Lake;
- One wetland area located along Niagara Creek;
- Two wetland areas near the northwest boundary of the Malahat planning area, near or situated at Block 453; and
- One wetland area consisting of a private lake located off Aspen Road.

1.5 Potential Heritage Sites

Part of Malahat heritage includes archaeological sites – 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.

While the Malahat plan area does not contain any recorded archaeological sites, this is largely because the area has not been systematically examined. There is significant potential for archaeological sites to present in some localities. 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 an archaeological site.

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PART 2.0 ADMINISTRATIVE STRUCTURE AND APPLICATION OF THE PLAN

2.1 Administrative Structure of this Plan

An Official Community Plan (OCP) or “Plan” is authorized by the *Local Government Act*, which defines an OCP as:

“ . . . a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements.”

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.

2.2 Application of the Plan

This Official Community Plan applies to the Malahat 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 Malahat Official Community Plan to create a conflict with provincial enactments.

2.3 Regional Growth Strategy Consistency

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 eight goals of the Capital Regional District’s Regional Growth Strategy, which was adopted in August 2003, are 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 sustainably
- 5/. Build more complete communities
- 6/. Improve housing affordability
- 7/. Increase transportation choices
- 8/. Strengthen the regional economy

As the development policies of this Official Community Plan should work towards the goals of the Regional Growth Strategy, the following paragraphs will outline how this Official Community Plan supports these goals.

Firstly, the goal and the objectives of the plan illustrate that the intent of the plan is to maintain the rural atmosphere, protect natural resources and protect the environment insofar as it lawfully can. In order to keep settlement compact this Official Community Plan has identified a settlement containment area on Map No. 2, which is attached to and forms a part of this bylaw. The goal is to have smaller lots contained within this area and larger lots directed outside the settlement containment area. The settlement containment area strives to maintain the integrity of rural communities through preservation of large lot development.

Additionally, this plan strives to protect the environment by identifying environmentally sensitive areas and by designating these as development permit areas.

In order to build more complete communities and strengthen the regional economy, as envisioned by the Regional Growth Strategy, the plan encourages the development of home-based business and neighbourhood or tourism commercial activities within the settlement areas.

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While the Malahat area remains relatively isolated from other areas within the Capital Regional District, the goal of the Regional Growth Strategy to improve transportation choice may not be readily achieved; however, as opportunities arise in the future consideration will be given as to how this can be achieved in the Malahat area.

As outlined above, this Official Community Plan has been prepared in a manner consistent with the goals of the Capital Regional District’s Regional Growth Strategy.

2.4 Greenhouse Gas Reduction Targets

The Capital Regional District will work to reduce greenhouse gas (GHG) emissions within the plan area shown on Map No. 1 by 3% below 2007 levels by 2020.

This target will be met by:

- a. Developing a carbon reduction plan for the Capital Regional District operations in the Malahat area; and
- b. Undertaking the following:
 - 1) Educating residents, businesses and tourists about climate change as it relates to community priorities.
 - 2) Reviewing existing policies and objectives within the OCP and/or establishing new policies and objectives with the intent of reducing energy use and protection of valuable carbon sinks.
 - 3) Collaborating with other governments in examining and implementing GHG reduction strategies on a regional basis through one or more of the following:
 - development of GHG reduction standards for buildings by addressing each issue such as energy performance, local material, orientation and density;
 - development of additional infrastructure for cycling, walking, transit and carpooling as alternatives to single occupant vehicle use;
 - waste reduction including enhanced waste diversion of recyclable materials;
 - protection of ecosystems through the conservation and enhancement of forested areas;
 - development of a renewable energy generation plan;
 - development of programs and policies that increase local food security and local food supply options.

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PART 3.0 GOALS AND OBJECTIVES OF THE PLAN

3.1 Goal of the Plan

The overall goal is to develop a community plan that is respectful of both the natural and the current man-made environments. The desired settlement pattern consists of the following:

- Low density single-family uses;
- Small lot residential development directed into the settlement containment area with larger lot residential development in the other portions of the plan area;
- Limited commercial development - located adjacent to the Trans-Canada Highway.

3.1.1 Objectives of the Plan

The above-referenced goal will be achieved through the following objectives:

- Understand and research the potential impact of development upon the Malahat natural environment;
- Set up mitigation strategies to limit or minimize any potential impact that the new development may have upon either the man-made or natural environment;
- Enhance local environmental awareness and promote land uses that protect the natural environment;
- Maintain as much land as possible in its current natural state in order to protect and enhance the present diversity of plant and animal life;
- Protect and, if necessary, restore the natural water systems. Ensure that development does not contribute to soil erosion, slope instability or increased surface-water runoff;
- Ensure the long-range viability of our natural sources of potable water by preventing pollutants from entering the water system. This includes surface-water runoff channels, aquifers, groundwater areas or wetland areas;
- Establish a pattern of land use which would retain both the rural and the natural character of the area;
- Protect the marine ecosystem;
- Protect important wildlife habitats and corridors;
- Site sewage disposal systems to minimize pollution of surface and groundwater, and to conform to appropriate setbacks from water wells, marine shores, watercourses and wetlands;
- Encourage home-based businesses that are respectful of the community and its residents; and
- As outlined through Section 2.3 of this bylaw and through the *Local Government Act*, the Official Community Plan should work towards the goals of the Regional Growth Strategy.

3.1.2 Land Use Inventory Statistics

The current amount of land within the total plan area is 7435.8 hectares (18,374.3 acres). Significant features are shown on Map 3. The land areas are broken down as follows*:

- A/. Settlement area - The current amount of land with the settlement designation is approximately 1642.8 hectares (4059.4 acres), or approximately 22% of the plan area.
- B/. Marine area - The current amount of land designated as marine zone is approximately 114.4 hectares (282.7 acres), or approximately 1.5% of the plan area.

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- C/. Existing parks and open space - The current amount of land designated as park is approximately 3749.0 hectares (9264.0 acres), or approximately 50.5% of the plan area.
- D/. CRD Water Lands - The current amount of land designated as CRD Water Lands is approximately 1905.0 hectares (4707.4 acres), or approximately 25.6-percent of the plan area.
- E/. Roads - The current amount of land used as roads is 24.5 hectares (60.5 acres) or approximately 0.3-percent of the plan area.

*Land Use Inventory Statistics as per 2006 data and may not be an accurate representation of actual land areas.

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PART 4.0 LAND-USE POLICIES AND DESIGNATIONS

4.1 General Development Policies - applicable to all land use designations

- 1] Any development, construction or alteration of land within an area designated as a Development Permit Area (DPA) is subject to the requirements of the relevant Development Permit (DP) policies contained in this bylaw.
- 2] Any development should be consistent with the retention of the visual landscape of natural areas, especially on or near hilltops and ridges.
- 3] The development must respond to the physical constraints of the site and must limit the removal of or damage to any of the natural vegetation cover.
- 4] Any development must be designed to protect lakes, watercourses and their tributaries by not allowing sediments or other effluents into the water system as outlined through the Development Approval Information process in Section 4.5 of this bylaw.
- 5] All development must minimize any negative impact on the natural environment and the existing neighbourhood.
- 6] Stream crossings will be located so as to minimize the disturbance of banks, channels and vegetation cover.
- 7] If any temporary watercourse alteration or diversion takes place, streams should be rerouted through their original channels.
- 8] The appropriate authorities should prohibit the unnecessary removal of gravel and soil from streambeds of the above watercourses and should ensure that there is no modification of these stream channels and banks without careful consideration of potential adverse environmental effects.
- 9] Access to lakes, rivers, streams, the sea and other water sources for emergency purposes must be provided.
- 10] Any development proposal must incorporate designs that reduce forest fire risks for homes within, and at the edge of, forested lands.
- 11] The development must be sited to allow emergency vehicle access.
- 12] Development proposals 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).
- 13] There are several archaeological sites within the planning area; therefore, any proposed development may be subject to an archaeological search conducted by CRD Planning staff. As a result, the applicant may be required to contact the Archaeological Branch of the provincial government in order to satisfy their requirements.
- 14] Historic and archaeological sites are sensitive to human presence. Development proposals will be reviewed in relation to existing and possible archaeological sites, and where sites are apparent, such proposals will be referred to the Heritage Conservation Branch of the provincial government for comment.
- 15] Where forestry and forestry-related activities are practiced as a permitted use, such activities are supported and encouraged to continue.
- 16] Any privately-owned forestland that is assessed as Managed Forest under the Private Managed Forest Land Act should be retained and managed as long-term forestry lands.
- 17] Where lands are assessed as Managed Forest under the Private Managed Forest Land Act, uses permitted under the Act will be deemed permitted uses under this Plan.

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- 18] Conformance with the guidelines in the provincial publication *Develop with Care: Environmental Guidelines for Urban and Rural land Development in British Columbia* and in the joint federal-provincial publication *Land Development Guidelines for the Protection of Aquatic Habitat* is encouraged.
- 19] It is acknowledged that there are environmentally sensitive areas within the Plan area that have not been mapped or identified in this Plan. In order to identify and protect these areas, all development proponents are encouraged to conduct a complete site, terrain and vegetation inventory analysis to locate environmentally sensitive areas, sensitive ecosystems, rare and endangered species and habitat prior to planning development. The actual physical reality shall take precedence over its geographical representation on a map.

4.2 Land Use Designations

4.2.1 Settlement Area Designation

4.2.1.1 Preamble

The settlement designation, as shown on Map No. 2, signifies that the predominant land use is for residential purposes. The Plan is required by law to ensure that the housing stock available in the plan area meets the needs and requirements of the market place for at least five (5) years. This can easily be accommodated without any zoning changes as outlined by the current population projections. Residential housing may include but is not limited to private ownership, special needs housing, rental and affordable housing. The housing stock may or may not be occupied on a full-time basis. Home-based businesses may be considered as a venue for additional economic development activities for the individuals situated in an area with the settlement designation.

Additional uses within this designation include the following:

- a. Neighbourhood Commercial activities; and
- b. Tourism development activities, such as but not limited to bed and breakfasts.

4.2.1.2 Settlement Area Policies

- 1]
 - a. Development must be consistent with the goals and objectives of this plan.
 - b. The desired parcel size for residential development within the settlement containment area should be 1 ha (2.5 acres). All other residential development on both sides of the highway should consist of parcels greater than 12 ha (30 acres).
- 2] Development may be supported subject to the following:
 - a. The site will have minimal impact on the existing man-made and the natural physical features of the area;
 - b. The proposed development is designed to prevent pollutants from entering into the water system. This includes surface-water runoff channels, aquifers, ground water areas or wetland areas; and
 - c. Greenbelts, natural buffer areas and berms must be used to separate incompatible land uses.
- 3] Community-sponsored facilities, programs and activities that serve to enhance the community's lifestyle may be considered, such as but not limited to:
 - a. a fire hall.
- 4] This area may be subject to the amenity bonusing provision as outlined in the *Local Government Act* and as allowed through the applicable zoning district.

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Developers who propose a mixed commercial/residential use must adhere to the following policies as well as to the foregoing:

- 5] Any mixed-use development must be compatible with the form and character of neighbouring land uses and must ensure that:
- a. There is adequate parking space for the required commercial use and the residential use. The commercial parking spaces are to be physically separated from the required residential parking spaces;
 - b. The residential use must be protected from any adverse impact from the commercial activities;
 - c. The area to be used for residential purposes is to be physically separated from the commercial area. The residential use and commercial use may be either in the same building and separated by either a wall or floor, or on the same lot but in two separate buildings. The development must meet the BC Building Code and the BC Fire Code requirements. Preference will be given to mixed-use developments that are in a single building or structure; and
 - d. Adequate and well-designed off-street parking, loading and service areas should be provided on the site of each mixed-use development with consideration given to:
 - i. Safe movement of vehicular and pedestrian traffic on and off the site;
 - ii. Design of a safe access and egress point; and
 - iii. Type and design of signs in relation to commercial uses with traffic signs.
- 6] The developer is advised to ensure that they have reviewed the other development policies as outlined through this bylaw.

4.2.2 Marine Designation

4.2.2.1 Preamble

Although the Province of British Columbia owns the shoreline adjacent to the study area, the Capital Regional District does have the jurisdiction in regard to the use of this area by persons other than the Crown pursuant to its ability to regulate the use of land, which includes the surface of water. This area consists of two regions: a beach/rocky shore area and confluence areas.

- The beach/rocky area generally consists of rock platforms or shelves overlain with beach veneers of boulders or gravel.
- The confluence areas consist of the regions where the freshwater of the various intermittent and permanent streams and the saltwater of the Saanich Inlet meet.

This Marine area extends out from the natural boundary to the Malahat Official Community Plan area as shown on Map No. 2.

4.2.2.2 Marine Policies

- 1] In order to protect the marine shoreline and to ensure that it is not negatively impacted by development, shoreline areas as shown on Map No. 5b are designated as Development Permits Areas (DPAs). Policies for these areas are contained in Section 4.4.5.
- 2] Except where otherwise permitted in the zoning bylaw or by a Development Permit (DP), all uses, buildings and structures must be set back at least 15.0 metres from the natural boundary of the sea.
- 3] Any construction, development or alteration of land within 15.0 metres of the natural boundary of the sea is subject to the requirement for a DP as set out in Section 4.4.5.
- 4] As the Plan area lies within a relatively high-risk seismic zone, the flood construction level will be regulated by the applicable flood hazard management bylaw.

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- 5] The protection, retention and restoration of natural shoreline vegetation, natural features and naturally occurring driftwood and rocks are encouraged.
- 6] Armouring or hardening of the shoreline by retaining walls, cement blocks or other permanent structures is discouraged.
- 7] Where shoreline protection is required, new and reconstructed protection structures should be constructed of rip-rap, large boulders or large wood material, rather than concrete walls.
- 8] Public recreational use of marine shorelands should be consistent with the suitability of each shore type for the proposed use, and users are encouraged to refrain from disturbing or polluting marine and related terrestrial habitats.
- 9] Log booms, commercial marinas, related commercial facilities, sale or rental of docking space, and services for boats or float planes will not be permitted in this area.
- 10] Any type of boathouse, wharf, pier, float or any other type of man-made structure that will be located on Crown land requires approval from the Province of B.C.

4.2.3 Park Designation

4.2.3.1 Preamble

The Park designation, as shown on Map No. 2, signifies the predominant use of these lands is for park. The Capital Regional District manages these lands as Regional Park and Regional Park Reserve. It is proposed that the section of the Trans Canada Trail that lies within the CRD will extend from Beacon Hill Park, through streets in the City of Victoria to the Galloping Goose Regional Trail, through Sooke Hills Wilderness Regional Park and the Malahat area. This trail will then connect with the Cowichan Valley Regional District's regional trail network near Shawnigan Lake.

4.2.3.2 Park Policies

- 1] The protection of these lands is important for conserving ecosystems and to create opportunities for public recreation.
- 2] The completion of the Trans Canada Trail through the Malahat area is of regional significance and efforts should be made to negotiate with landowners to secure the alignment.

4.2.4 Regional Water Supply Lands Designation

4.2.4.1 Preamble

The Regional Water Supply Lands designation, as shown on Map No. 2, signifies the predominant use of these lands is for the protection of water supply areas. The Capital Regional District manages these lands as part of the Regional Water Supply Area.

4.2.4.2 Regional Water Supply Lands Policies

- 1] The protection of these lands is important for maintaining a secure water supply area for the Capital Regional District.

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4.3 Development Policies

4.3.1 Environmentally Sensitive Areas Inventory

4.3.1.1 Preamble

Any environmentally sensitive area, as identified on Map No. 4, which is attached to and forms a part of this bylaw, should be preserved in its natural state. In order to achieve this goal and to protect watercourses, wetlands, riparian areas, sensitive ecosystems, habitat, and rare and endangered species, these areas are designated as DPAs, as indicated on Maps No. 5b and 5c.

4.3.1.2 Watercourse, Wetland and Riparian Areas Policies

- 1] In order to protect fish habitat, fish-feeding and fish-supportive watercourses and watercourse ecosystems and in keeping with the intent of the Riparian Areas Regulation, the retention in their natural state of all streams and watercourses and the land within 30 metres of the high water mark on both sides of the streams is recommended.
- 2] The watercourses and wetlands that are subject to the Riparian Areas Regulation are designated as DPAs and are shown on Map No. 5b. Development Permit policies for these areas are contained in section 4.4.6.
- 3] For residential, commercial and industrial development adjacent to any creek, stream, river or lake, the developer must follow the criteria for the determination of the riparian protection and streamside protection enhancement areas, as outlined in Section 4 of the Riparian Areas Regulation, B.C. Regulation 837/2004.

4.3.1.3 Sensitive Ecosystems Policies

- 1] Sensitive ecosystems are designated as Development Permit Areas, as shown on Map No. 5c. Policies for these areas are contained in Section 4.4.7.
- 2] All development activities, subdivisions and rezoning applications should be planned and implemented in a manner that will not adversely affect or disturb identified environmentally sensitive areas.
- 3] Preservation of natural topography and existing vegetation and trees is encouraged.
- 4] Public ownership or covenants on title of lands that are deemed to be environmentally sensitive is encouraged.

4.3.1.4 Natural Hazard Areas Policies

- 1] Areas with a slope exceeding 30 percent are designated DPAs as indicated on Map No. 5a. Policies for these areas are contained in Section 4.4.4.
- 2] Areas that are potentially subject to flooding or erosion are generally included within the foreshore DPA and indicated on Map No. 5b. Policies for these areas are contained in Section 4.4.5.
- 3] Areas that are considered to be at high or extreme risk of wildfire are shown on Map No. 3. Within these areas, it is recommended that a 10-metre buffer be provided between buildings and forested areas in new subdivisions where these areas are adjacent to forestland and woodlots of 20 hectares or more, in order to provide a fuel-free zone for fire protection.
- 4] Within wildfire hazard areas, all development activities, subdivision and rezoning applications should be planned and implemented in a manner that will reduce risks associated with wildfires.
- 5] Owner/applicants are responsible for reviewing all subdivision proposals and rezoning applications in accordance with relevant provincial fire protection guidelines and policies.
- 6] Property owners are encouraged to adhere to the guidelines contained in the publication entitled FireSmart: Protecting Your Community from Wildfire.

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4.3.2 Parkland and School Site Dedication Policies

4.3.2.1 Parkland

- 1] Provision of parkland must help the community achieve their quality of life objectives. This can be accomplished through the provision of having a developer provide parkland, without compensation, to the community. Depending upon the number of parcels of land being created and the size and location of the parcel being subdivided, the size, location and form of parkland will be determined by the Capital Regional District pursuant to the requirements of the *Local Government Act* and with input from the community. The parkland provided must be in the form of:

- (a) trails,
- (b) tot lots,
- (c) community parks,
- (d) sports fields,
- (e) regional parks,
- (f) interpretive parks,
- (g) waterfront parks,
- (h) greenspace, or
- (i) any combination of the above.

The provision and type of any parkland must be in a location that is acceptable to the Capital Regional District.

- 2] At its discretion, the Capital Regional District may ask for cash-in-lieu as the requirement for compliance with Section 941 of the *Local Government Act* for the future purchase of land for parks or development of parks in the Malahat.
- 3] For information relative to the acquisition, development, operation, preservation and maintenance of parks in the Juan de Fuca Electoral Area, applicants shall refer to the Juan de Fuca Electoral Area Community Parks Strategic Plan.

4.3.2.2 School Site Dedications

School site acquisition charges are payable in respect of development in accordance with Division 10.1 of Part 26 of the *Local Government Act*.

4.3.3 Roads and Servicing Policies

4.3.3.1 Preamble

The provision of roads and services of the land could play a role in shaping the land use development patterns in the Malahat plan area. No major roads, sewer systems or water systems are planned for the Malahat area at the time of preparation of this plan.

4.3.3.2 Road Development Policies

- 1] The Ministry of Transportation and Infrastructure road standards and requirements will be adhered to.

4.3.4 Public Facilities

The location of public facilities, such as schools, parks, water distribution systems and waste treatment and disposal sites could play a role in shaping the land use development patterns in the Malahat plan area. No new public facilities are planned for the Malahat area at the time of preparation of this plan.

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4.3.5 Sand and Gravel Deposits

No sand or gravel deposits were identified during the preparation of this plan. The location and operation of any sand and gravel extraction activities are subject to the requirements of the Mines Act.

4.4 Development Permit Policies

4.4.1 Preamble

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 in the permit have been achieved. The guiding principle for the use of Development Permits is found within Section 919.1 of the *Local Government Act*. DPAs can be designated for purposes such as, but not limited to the following:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions;
- 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 Community Plan must:

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

4.4.2 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 any of the elements protected by a Development Permit.
- 3] Any additional information requested by the Capital Regional District as outlined in the following sections must be provided at the applicant's expense.

4.4.3 General Exemptions for a Development Permit

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 10.0 square metres (107 square feet) and are accessory to an existing residence. This may include but is not limited to:
 - 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

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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.
10. subdivision and development applications on lands subject to steep slopes, sensitive ecosystems or watercourses, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the parcel does not include slopes exceeding 30-percent or 16.7 degrees in slope over a minimum 10 metre run, or does not contain sensitive ecosystems or does not contain a watercourse or wetland (that is, no features requiring protection are located on the parcel);
11. development applications on lands subject to steep slopes, sensitive ecosystems or watercourses, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the proposed development is located outside the steep slopes, or sensitive ecosystems or riparian assessment area or the setbacks for non-fish bearing watercourses and wetlands (that is, no feature requiring protection will be affected). This exemption does not apply to subdivision applications.

4.4.4 Development Permit Area No. 1: Steep Slopes

4.4.4.1 Designation

That part of the Malahat area shown in blue hatching on Map No. 5a, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area under Section 919.1(1)(b) of the *Local Government Act*.

All areas having slopes exceeding 30 percent or 16.7 degrees in slope over a minimum 10 metre run are designated as DPAs and are shown on the Steep Slopes DPA Map No. 5a, which is attached to and forms a part of this bylaw.

4.4.4.2 Justification

As pursuant to Section 919.1(1)(b) of the *Local Government Act*

(Protection of development from hazardous conditions)

The topography of the area, as well as the slope gradation and thin soil cover, renders the area highly susceptible to erosion and high windthrow hazard. Careful control of development or other alteration of these slopes is needed to reduce the risk to life and property, to prevent erosion and potential risks to down-slope properties, to prevent destabilization of slopes and to protect the visual quality of the slopes. Land clearing, road construction, changes in slope profiles, construction of buildings or roads, or other site disturbance in these areas could increase risk to life and property and harm the environmental values of the slopes.

4.4.4.3 Objective

To regulate development in the area with a view to protecting the integrity of the slopes and reducing the risk of injury to persons or damage to property.

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4.4.4.4 Guidelines

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

- 1] There will be no site disturbances on a steep slope other than those allowed in a Development Permit or subject to a general exemption as outlined in Section 4.4.3 of this bylaw.
- 2] Excluding trees that present a safety hazard or those that a higher-level government has authorized to be removed, no disturbance of vegetation or movement of substrate will be allowed where there is any potential for erosion, other than that allowed in a Development Permit or subject to a general exemption.
- 3] Erosion control measures, during and after construction, will be specified in the permit application.
- 4] Any development must be designed to avoid stormwater runoff that could destabilize the slope or cause damage to neighbouring properties.
- 5] Removal of vegetation should be minimized to allow only for building sites, sewage disposal systems, driveways, landscaping and other permitted land uses.
- 6] A disturbed site should be revegetated using plant material indigenous to the site or other suitable non-invasive plants.
- 7] An applicant will be required to provide a Slope Stability Plan, certified by a qualified professional with relevant expertise, showing how the proposed development is to be designed and constructed so as to prevent any destabilization or erosion on the slope. The Slope Stability Plan must take account of, but is not limited to, whichever of the following factors are relevant to the proposed development:
 - a. Slope stability prior to development, identification of any areas subject to landslide, landslip, rockfall and windthrow;
 - b. Soil types, depths and conditions;
 - c. Siting of all buildings and other structures, services, driveways and parking areas;
 - d. Existing and proposed impervious surfaces;
 - e. Stream channeling and drainage systems;
 - f. Measures to safeguard neighbouring properties and structures from hazards arising from the siting, the preparation of the site (including but not limited to blasting), and the construction of the proposed development;
 - g. Design of mitigation measures, such as sediment traps, in areas subject to destabilization during land clearing, construction and rehabilitation;
 - h. Alternative vegetation and erosion control measures;
 - i. Survey of tree cover and other major vegetation cover shown before and after the proposed development;
 - j. Location of well, sewage disposal system and soil test sites; and
 - k. Anticipated removal or additions of soil, sand or gravel.

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4.4.5 Development Permit Area No. 2: Foreshore and Marine Shoreline

4.4.5.1 Designation

That part of the Malahat foreshore area, shown in a heavy blue line on Map No. 5b, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area under Section 919.1(1)(a) of the *Local Government Act*.

4.4.5.2 Justification

As pursuant to Section 919.1(1)(a) of the *Local Government Act* (Protection of the natural environment, its ecosystems and biological diversity). All foreshore areas are considered fragile. A Development Permit will be required for any uses, buildings or structures proposed within 15.0 metres (50 feet) of the natural boundary of the sea.

4.4.5.3 Objective

To regulate development adjacent to foreshore and marine shoreline areas in order to maintain the ecological value of these areas and to guard against their contamination.

4.4.5.4 Guidelines

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

- 1] No development, building, structure, site disturbances or sewage disposal system will be permitted on a foreshore Development Permit Area, as specified in the Justification above, except those allowed in a Development Permit or subject to the general exemptions as outlined under Section 4.4.3.
- 2] An assessment by a qualified professional and a B.C. land surveyor's certificate will be conditions of the Development Permit for shoreline protection devices or works.
- 3] 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.
- 4] Modification of banks or shores, which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted.
- 5] All new developments or modifications to existing developments must be designed to avoid any increase in runoff.
- 6] A Development Permit application will include the following:
 - a scale-drawn site plan, certified by a qualified, licensed professional with relevant expertise, drawn at a scale of 1:2,000, or, with approval of the Capital Regional District, at a scale of 1:5,000. The site plan must show:
 - a) the foreshore areas on the site;
 - b) the proposed location of the principal dwelling or other buildings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces and direction and quantity of any surface-water discharge, before and after any development;
 - c) any other feature of the development (including but not limited to alteration of the ground surface by removal, filling or blasting) with the potential to affect the protected areas.

4.4.6 Development Permit Area No. 3: Watercourses, Wetlands and Riparian Areas

4.4.6.1 Designation

- 1] That part of the Malahat area shaded blue, adjacent to the various watercourses, creeks and streams as outlined on Map No. 5b, which is attached to and forms a part of this bylaw, and

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- 2] That part of the Malahat area shaded blue, adjacent to the various wetlands and lakes as outlined on Map No. 5b, which is attached to and forms a part of this bylaw, are designated as DPAs under Section 919.1(1)(a) of the *Local Government Act*.
- 3] Notwithstanding the areas identified on Map 5b, the actual Development Permit Area No. 3: Watercourses, Wetlands and Riparian Areas will in every case be verified and measured on the ground.

4.4.6.2 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 metres (100 feet) of these features; and
- 2] watercourse areas as identified on Map No. 5b, 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.

4.4.6.3 Objective

To regulate development adjacent to water features, watercourses and riparian areas in order to protect the community's water supply, to maintain the ecological value of these areas and to guard against their contamination.

4.4.6.4 Guidelines

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

- 1] 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.
- 2] No development, building or other structure, subdivision of land, sewage disposal system or site disturbance (alteration of land or vegetation) will be permitted on the Development Permit Areas, as indicated on Map No. 5b, except as allowed by a Development Permit.
- 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. 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.
- 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). The report should be prepared pursuant to the Riparian Areas Regulations Assessment Methodology Guidebook.
- 5] Development Permit applications that affect non-fish bearing watercourses will include a report/assessment prepared by a qualified professional (eg. RPBio, Environmental Engineer) outlining the following information:
 - a. a detailed site plan drawn at a scale of 1:2,000 (or with the approval of the Capital Regional

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- District, 1:5,000) identifying the high water mark of a stream or top of a ravine bank and a line 15 metres 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.
- 6] All DP applications will also include a plan showing the following:
- a. the proposed location of the principal dwelling or other buildings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces and direction and quantity of any surface-water discharge, before and after any development;
 - b. any other feature of the development (including but not limited to alteration of the ground surface by removal, filling or blasting) with the potential to affect the protected area.
- 7] Any development must be designed so as to maintain the quality of any stormwater flowing toward or into the identified water features and to prevent any increase in volume and peak flow of runoff.
- 8] 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.
- 9] Modification of channels, banks or shores which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted.
- 10] 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.
- 11] Gardening and other related residential activities should be sited so as to prevent nutrient-rich water from entering natural water features.
- 12] 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.
- 13] 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.

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4.4.7 Development Permit Area No. 4: Sensitive Ecosystems

4.4.7.1 Designation

That part of the Malahat area shown in green, as outlined on Map No. 5c, which is attached to and forms a part of this bylaw, is designated as a DPA under Section 919.1(1)(a) of the *Local Government Act*.

4.4.7.2 Justification

As pursuant to Section 919.1(1)(a) of the *Local Government Act*

(Protection of the natural environment, its ecosystems and biological diversity).

This area is considered by the Sensitive Ecosystems Inventory as a unique ecological region with exceptionally high biodiversity values. It supports many unique ecosystems. The size of the area and its location adjacent to the Sooke Hills Wilderness Regional Park Reserve further enhances its ecological value.

Land clearing, construction of buildings or roads or other site disturbance in this area would degrade the ecological value of this area.

4.4.7.3 Objective

To regulate development in such areas in a manner that protects biodiversity and ecological values.

4.4.7.4 Guidelines

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

- 1] No development or site disturbance will be permitted within an older forest ecosystem as outlined on Map No. 5c.
- 2] A Development Permit will be required for any activity, work or alteration of land in all other sensitive ecosystems shown on Map No. 5c.
- 3] Development Permit applications will include a report prepared by a Qualified Environmental Professional outlining the following information:
 - a. a detailed site plan drawn at a scale of 1:2,000 (or with the approval of the Capital Regional District, 1:5,000) identifying the sensitive ecosystems within the site;
 - b. criteria used to define the boundaries of the sensitive ecosystems;
 - c. an inventory of rare or endangered plants and animal species and related habitat;
 - d. an impact statement describing effects of proposed development on the natural conditions;
 - e. procedures for protection of the sensitive ecosystems during construction;
 - f. guidelines for mitigating sensitive ecosystem or habitat degradation including limits of proposed leave areas and buffers;
 - g. habitat compensation alternatives, where compensation is approved.
- 4] Changes in the land surface, which could affect the health of vegetation or the biodiversity of any plant communities, will be minimized.
- 5] Drainage will be designed and constructed so that there is no increase or decrease in the amount of surface-water or groundwater available to the sensitive ecosystem.
- 6] Where necessary, provision will be made and works undertaken to maintain the quality of water reaching the sensitive ecosystem.
- 7] Nest trees are protected and must be buffered under the provincial *Wildlife Act*. This includes known nest trees and nest trees that may be identified during the course of site assessment or development.

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- 8] Planting of invasive non-native vegetation adjacent to or in designated sensitive ecosystem areas will be discouraged.
- 9] The Development Permit will include requirements for a comprehensive stormwater management plan designed or intended to limit possible entry of oil, greases and other contaminants to natural watercourses and the marine environment.

4.4.8 Development Permit Area No. 5: Commercial Development Area

4.4.8.1 Designation

The area of land shown shaded yellow on Map No. 5d, which is attached to and forms a part of this bylaw, is designated as a DPA for the form and character of commercial development.

4.4.8.2 Justification

As pursuant to Section 919.1 (1) (f) of the *Local Government Act*

(Establishment of objectives for the form and character of commercial, industrial or multi-family residential development).

The various commercial areas in the Malahat area merit designation as DPAs for the form and character of commercial development due to their unique location and their relationship to surrounding land uses.

4.4.8.3 Objective

To encourage a building design theme that is complementary to and respectful of the natural setting.

4.4.8.4 Guidelines

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

- 1] Design buildings to take advantage of natural contours and features of the landscape so that buildings and structures fit into the natural surroundings.
- 2] Cluster buildings to reduce and minimize disturbance of the natural vegetative cover.
- 3] Design buildings in a form which can make best use of the natural environment, which allows for retention of natural vegetative cover and which reinforces existing aesthetic and natural advantages of area.
- 4] Retain existing second-growth forest and native understorey plants in areas where there are no buildings, structures, parking areas or other constructed features.
- 5] Minimize outdoor storage and screen outdoor storage and loading/unloading facilities from neighbouring properties through the retention of trees and native understorey plants or the planting of native or complementary species.
- 6] Screen parking areas to the greatest extent possible, with existing and new landscaping as described in subparagraph (5).
- 7] Install outdoor lighting which is of low intensity and pedestrian-oriented or which is directed down and away from surrounding residential areas so as to reduce and minimize glare into the environment.
- 8] If applicable, site accessory developments such as parking and storage away from the shoreline to reduce the visual impact of the development from the water.

Schedule “A” of Capital Regional District Bylaw No. 3721

Malahat Official Community Plan

4.5 Development Approval Information Area

4.5.1 Designation

Part of the Malahat study area as shown on Map No. 6, which is attached to and forms a part of this bylaw, is designated as a Development Approval Information area.

4.5.2 Justification

- 1] The natural environment of the Malahat area supports an ecosystem of great diversity, including rare species of flora and fauna, and supports human habitation. All of the living things in the Malahat depend on the quantity and quality of the available groundwater. Any development with the potential to deplete the groundwater or interfere with wetlands in one region also has the potential to diminish the quantity and quality of available groundwater in one or more of the other groundwater regions. In particular, the extent to which a new well is likely to interfere with an existing well cannot be reliably inferred except from actual interference testing of the affected wells.
- 2] Any new large-scale development will increase the traffic flow along the various roads within the Malahat area. Information is required in reviewing the potential impact that the larger traffic flows may have upon these various roads.*
- 3] New development may affect the provision of fire and police protection in the Malahat area. Information is required on the possible impact that development may have upon the provision of these two services.
- 4] Given the topography and the rich biodiversity of Malahat, the plan area has numerous environmentally sensitive features that require a thorough analysis to be completed prior to development taking place. This also includes an analysis of the effect of any liquid waste disposal in order to ensure that it has no adverse effect on human health or the natural environment.

4.5.3 Objective

- 1] Information relating to the following matters is required whenever an application is made for either a zoning change or a Development Permit:
 - a. the natural environment;
 - b. traffic flows;
 - c. the provision of community services;
 - d. the local infrastructure, which means water service, sewage disposal and other utilities.

4.5.4 Guidelines

- 1] As a part of applications for a zoning change or the issuance of a Development Permit, applicants must provide, at their expense, an assessment by a qualified professional, as outlined in the Development Approval Information Bylaw, of the impact that the proposed development may have on any of the above-referenced matters.

4.5.5 Exemptions

- 1] A small-scale subdivision, defined as the creation of four lots or less, is exempt from the Development Approval Information requirements. A Development Permit application for one lot is also exempt from the Development Approval Information requirements.
- 2] Parent parcels of land that are less than 2.02 ha. (5 acres) in size are exempt from the Development Approval Information requirements.

* In terms of traffic flow, large-scale development is defined as the creation of 20 or more lots. This includes phased approaches or one time application for all the new lots.

