CITY OF COURTENAY
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COMPLIANCE CHECKLIST

DEVELOPMENT PERMIT AREA-4

ENVIRONMENTAL

Checklist for Development Permit Area (DPA-4) – Environmental (In accordance with City of Courtenay Zoning Bylaw No. 2500, 2007)

The purpose of this Development Permit Area is to protect ecosystems and features that provide habitat for aquatic and terrestrial species, preserve biodiversity, and provide ecosystem services when conducting development near Environmentally Sensitive Areas. Where the term Environmentally Sensitive Area (ESA) is used, it is meant to include the buffers, also known as protection setbacks, of that ESA.

To approve an application for a Development Permit Area (DPA) the development project must meet the guidelines set out in the DPA. If the guideline can not be met or the guideline appears not to apply, the applicant must clearly explain why, by providing a written explanation in the section provided in this form or as a separate letter of rationale.

How to Use This Checklist:

For each guideline listed in the table below, please indicate one of the following:

- **Yes** – Your project complies with the guideline.
- **Not Applicable** – The guideline does not apply to your specific project.
- **No** – Your project does not comply with the guideline.

Important: Incomplete checklists will be rejected and result in delayed (or inactive) applications.

Project Address:	**Date:**
Applicant:	**Signature:**
Agent:	**Signature**

The guidelines are organized into 'General' and 'Additional' guidelines. 'General' guidelines are expected to apply to most applications. 'Additional' guidelines will only apply to specific uses, areas, or circumstances. Please read the section headings carefully and ensure that items marked 'Not Applicable' or 'No' are explained in writing. **See Maps 5 and 6 of the DPA-4 guidelines.**

GENERAL GUIDELINES – *Site planning*	**Yes**	**Not Applicable**	**No**
1. Development encroachment on ecosystems and their buffers identified in the EIA shall not be permitted.	☐	☐	☐
2. Connectivity and linkages of ESAs on the property to adjacent ESAs, tree retention areas, and other habitat areas shall be maintained and restored wherever possible to develop a continuous network of ecosystems and minimize fragmentation. This means locating development within the parcel where it will cause the least impact to natural habitat and the movement of native fauna between adjacent areas.	☐	☐	☐
3. Parcel size for subdivision parcels, including bare land strata lots, shall be designed to be met exclusive of any ecosystems and their buffers identified in the EIA.	☐	☐	☐
4. Buffer setbacks shall include sufficient distance to protect the roots of vegetation and trees, and address forest stand stability dynamics such as increased windthrow risk following proposed removal.	☐	☐	☐
5. Development on slopes greater than 30% should be avoided due to the high risk of erosion and bank slippage.	☐	☐	☐

6. Grading of lands immediately adjacent to ESAs shall be matched so that engineered slopes do not exceed 3:1 for a distance of five metres from the setback boundary.	☐	☐	☐
7. Development and subdivision shall be planned, designed, and implemented in a manner that supports the maintenance and restoration of natural system functions including watercourse hydrology and groundwater recharge. This includes:	☐	☐	☐
a. Managing rainwater in accordance with the Water Balance Model or the most recent integrated watershed management or rainwater policy and design manual.	☐	☐	☐
b. Managing rainwater on site and maintaining pre-development surface water flows, or affect the quality of the water availability within the non-disturbance areas, unless specified in the Development Permit.	☐	☐	☐
c. Using pervious surfaces such as absorbent landscape, pervious pavement, and similar storm water source controls as much as practicable; and	☐	☐	☐
d. Ensuring a minimum of 20 centimeters of topsoil on all future lawn areas.	☐	☐	☐
Natural features, including soil, groundwater, native vegetation, and tree cover throughout the development, should be preserved in addition to Environmentally Sensitive Areas. This includes:			
a. Meeting or exceeding a tree density target of 50 trees per net developable hectare, as described in the Tree Protection and Management Bylaw 2850.	☐	☐	☐
b. Except where ecosystems are characterized by isolated trees (e.g. terrestrial herbaceous ecosystems), conserving groups of trees along with their associated understories rather than isolating individual specimens.	☐	☐	☐
c. Preserving large, wind-firm trees (living and dead) and veteran recruit trees, particularly within 500 metres of large water bodies, to support raptor habitat (nesting and perching).	☐	☐	☐
d. Preserving native vegetation and tree cover also means preserving their roots.	☐	☐	☐
8. Habitat structures such as old trees, snags, trees with cavities, trees with perches for raptors, leaf litter, fallen debris, and ephemeral wetlands shall be maintained in a manner that balances Fire Smart principles and public safety with ecosystem restoration under the guidance of a Registered Professional Biologist.	☐	☐	☐
9. Disturbance to nesting sites and breeding areas as identified in the EIA is prohibited.	☐	☐	☐
10. Wildlife crossings wherever wildlife corridors are interrupted by roadways, as determined by the EIA, shall be included.	☐	☐	☐
11. Unutilized existing structures should be removed from ecosystems and their buffers identified in the EIA.	☐	☐	☐
12. Lighting shall be designed to provide the minimum necessary for safety purposes and to avoid light intrusion throughout the parcel and particularly within the ESA.	☐	☐	☐
13. Landscape requirements on the property, outside of the Environmentally Sensitive Areas, shall be complementary and supportive of the habitat types and ecosystem values within the protection areas.	☐	☐	☐
14. The ecological value of the ESA should be enhanced by adding habitat features such as nest boxes.	☐	☐	☐
15. Dedication of the Environmentally Sensitive Area, including a stream and surrounding areas, to the City of Courtenay for the preservation of the area, prior to development or subdivision of land containing or adjacent to an ESA is encouraged. These lands may not be donated in Lieu of five percent parkland subdivision requirement.	☐	☐	☐
16. Environmental restoration may be required where an area has been previously cleared of native vegetation, or is cleared during the process of development. Recovery efforts may be required to enhance or re-introduce species, subspecies and populations where species are threatened, endangered, or extirpated.	☐	☐	☐

17. Disturbed areas, areas of invasive species removal, or where planting stock is thin or bare shall be replanted or supplemented within the ESA identified in the EIA. Restoration plans are subject to the following guidelines:	☐	☐	☐
a. Restore disturbed areas quickly (with consideration given to hydrologic and climatic variables) to minimize erosion, ensure sediment control, and prevent the spread of invasive species.	☐	☐	☐
b. Use trees, shrubs, and ground cover native to the area and adapted to specific site conditions today (soil type, sunshade, and moisture) and for a changing climate, and promote habitat and erosion control functions.	☐	☐	☐
c. Replace removed trees based on the recommendations of the EIA.	☐	☐	☐
d. Seed those areas not covered or restored with trees, shrubs, or ground cover with native herbaceous plants, grasses, or legumes.	☐	☐	☐
18. Artificial habitat features such as nesting boxes, spawning beds, and modified wildlife trees, snags, and raptor perching trees should be located where safe to do so.	☐	☐	☐
19. Restoration and recovery plans must:			
a. Be prepared by a Registered Professional Biologist.	☐	☐	☐
b. Address opportunity for retention of existing native vegetation within the development areas(s), use native species, recommend timing for plantings, provide cost estimates for the works, and recommend monitoring measures during and after said works.	☐	☐	☐
c. Include restoration recommendations for artificial habitat features where applicable.	☐	☐	☐
d. Be accompanied with securities to fulfill the restoration works in accordance with the Development Procedures Bylaw.	☐	☐	☐
e. Be monitored for a minimum of five years following restoration activities.	☐	☐	☐
FENCES, TRAILS, AND SIGNAGE	**Yes**	**Not Applicable**	**No**
20. ESA including individual trees should be protected with permanent fencing and shall follow the protection measures identified in the EIA.	☐	☐	☐
21. Fencing shall prevent encroachment into the protected areas, while also allowing for wildlife passage, as identified in the EIA. Permanent fencing specifications are to be approved by the City. Fencing must be installed sensitively so as not to damage tree roots.	☐	☐	☐
22. ESA shall be protected from intrusion by motor vehicles with a curb or other suitable protective barrier if roads, driveways, or parking areas abut the ESA.	☐	☐	☐
23. Trails, including stairways, where applicable, shall be designed to:	☐	☐	☐
a. Minimize the impacts of recreational use on ESAs and adjacent natural areas and systems.	☐	☐	☐
b. Minimize slope disturbance and changes to natural drainage patterns; and	☐	☐	☐
c. Be designed to prevent unauthorized motorized vehicle use to the maximum extent possible.	☐	☐	☐
24. Permanent signage to identify the ESAs and their values should be provided in areas where public access is provided.	☐	☐	☐
CONSTRUCTION PHASE	**Yes**	**Not Applicable**	**No**
25. Work shall be scheduled during times that minimize impact to all identified wildlife, recognizing that different species have different sensitive timing windows and some seasons pose greater development risk. For example, soil disturbance activities should be completed during the dry months of the year, while tree and vegetation cutting should occur outside of nesting windows. This includes taking care to schedule sensitive activities:	☐	☐	☐

a. Outside of known wildlife migration season;	☐	☐	☐
b. Outside of breeding, birthing, and rearing seasons (refer to Section 4 of *2014 Develop with Care Manual* for breeding least risk windows where available, and Registered Professional Biologist for recommendations)	☐	☐	☐
c. Within least risk regional timing windows for aquatic species.	☐	☐	☐
26. The roots of trees and native vegetation shall be protected during construction. Temporary fencing should be a minimum height of 1.2m and supported by poles placed at 2,5m intervals. The fence shall remain in place throughout clearing, site preparation, construction, or any other form of disturbance. Fencing must be installed sensitively so as not to damage tree roots.	☐	☐	☐
27. Invasive plant species shall be removed, controlled, and disposed of using site and species-appropriate methods and under the guidance of a Registered Professional Biologist.	☐	☐	☐
28. Native plants of high conservation value should be salvaged prior to clearing.	☐	☐	☐
29. Foreign material shall not enter into any ESAs, including – without imitation – stockpiled materials and vehicles, garbage, greases, oils, gasoline, sediments, pesticides and other contaminants during and after the construction phase of the proposed development.	☐	☐	☐
30. Sediment containment and erosion control measures shall be installed prior to any development activity and ensure they are regularly maintained to fulfill their purpose.	☐	☐	☐
31. Environmental monitoring may be required to confirm the completion and compliance with the required conditions of the Development Permit. Where required, monitoring shall include regular reports prepared by a Registered Professional Biologist during construction and for the duration of the works and maintenance period.	☐	☐	☐
32. A phased clearing approach may be required on large developments that are expected to be developed over a number of years in order to reduce erosion and sediment risk.	☐	☐	☐
ADDITIONAL GUIDELINES FOR DEVELOPMENT SUBJECT TO RIPARIAN AREAS PROTECTION REGULATION			
33. A 30 metre setback shall be provided from the stream boundary on all properties subject to the Riparian Areas Protection Regulation (RAPR). This means:	☐	☐	☐
a. An Environmental Development Permit (EDP) is required for development on a property that is subject to the RAPR, including on a property that contains a stream or any portion of a Riparian Assessment Area, even if development is not planned for within the Riparian Assessment Area.	☐	☐	☐
b. For new development subject to the RAPR a 30 metre setback from the stream boundary is required. In such instances the City does not require the submission of an RAPR assessment report as part of the EDP application.	☐	☐	☐
c. New lot subdivision within the 30 metre setback is not permitted.	☐	☐	☐
34. The following exceptions apply to the 30 metre setback of a stream:	☐	☐	☐
a. Where a 30 metre setback from the stream boundary results in the property being unable to accommodate any development at all under the designated zoning, the RAPR determined setbacks (Streamside Protection and Enhancement Area, SPEA) may apply.	☐	☐	☐
b. Where existing structure(s), parking facilities, and landscape areas already encroach in the 30 metre setback: i. When reconstructing or adding to an existing structure is proposed, the RAPR report and enhanced restoration measures that improve the existing condition of the setback are required as part of an EDP application. ii. In the case of redevelopment, the 30 metre setback requirement shall apply wherever possible. However, should it not be possible, then the RAPR assessment report shall set the minimum setback and enhanced	☐	☐	☐

restoration measures that improve the existing condition of the setback are required as part of the EDP application.	☐	☐	☐
c. A policy of net habitat gain, including resonation, shall be adopted wherever a 30 metre setback cannot be achieved due to existing development setbacks, and where the property has space for habitat gain.	☐	☐	☐
35. RAPR reports must be authored or reviewed and signed off by a Registered Professional Biologist.	☐	☐	☐
ADDITIONAL GUIDELINES FOR DEVELOPING NEAR THE K'OMOKS ESTUARY AND MARINE SHORELINE			
36. A natural, vegetated buffer strip within the first 30 metres above the natural boundary of the sea or Courtenay River (including up to Condensory Bridge) shall be maintained except where access is essential for water transport or public use.	☐	☐	☐
37. A policy of net habitat gain shall be adopted wherever a 30 metre setback cannot be achieved due to existing development setbacks.	☐	☐	☐
38. Aquatic, riparian, and upland areas that have been lost or degraded by previous land uses shall be restored to maximize their value as fish and wildlife habitat.	☐	☐	☐
39. Where recreational greenways along the Courtenay River and K'omoks Estuary are required, public access shall be chosen with respect for estuarine and riparian habitat functions.	☐	☐	☐
40. Shoreline scenic and aesthetic qualities that are derived from natural or cultural features, such as shore forms, natural vegetative cover, scenic vistas, diverse landscapes, historic structures, and rural and wilderness-like shores shall be maintained.	☐	☐	☐
41. Suitable raptor nesting and perching trees identified in the EIA, including veteran recruit trees and trees with natural cavities shall be protected. Where no suitable perching trees are present, the possibility of pruning mature trees in order to make them more attractive to raptors shall be examined.	☐	☐	☐
42. Groups of trees rather than isolated trees shall be retained where possible, to provide and interlocking tree canopy and support tree health.	☐	☐	☐
43. Following the Green Shores Coastal Development Rating System is strongly encouraged including designing to preserve and protect natural beach transportation processes in their natural state.	☐	☐	☐
ADDITIONAL GUIDELINES FOR DEVELOPING NEAR RAPTOR AND HERON NESTS			
44. Raptors and herons routinely establish new nests and therefore, not all nests may be shown on Map 5 "Terrestrial Environmentally Sensitive Areas." The guidelines apply whether a nest is mapped or not.	☐	☐	☐
45. A naturally vegetated "no development" buffer shall be maintained. The buffer must be based on scientifically established recommended minimum setbacks and determined by a Registered Professional Biologist with experience in assessments for the species in question. Refer to "Table 2: General guidance on raptor and heron nest setbacks."	☐	☐	☐
46. An additional "no disturbance" quiet buffer shall be maintained during breeding seasons. During this time no development activities may take place unless a Registered Professional Biologist provides a mitigation plan to allow identified activities to occur.	☐	☐	☐
47. Both existing and potential nest sites and perching trees as identified in the EIA shall be protected within the vicinity of the nest tree including veteran recruit trees and trees with natural cavities. Where no suitable perching trees are present, examine the possibility of pruning mature trees in order to make them more attractive to raptors.	☐	☐	☐
48. Groups of trees rather than isolated trees shall be retained where possible, to provide an interlocking tree canopy and support tree health.	☐	☐	☐

ADDITIONAL GUIDELINES FOR DEVELOPING NEAR ECOSYSTEM CONNECTIVITY AREAS			
49. Connectivity and linkages of ESAs on the property to adjacent ESAs and other habitat areas shall be maintained wherever possible, and in general accordance with the Ecosystem Connectivity Areas Opportunities identified on Map 5, to develop a continuous network of ecosystems and minimize fragmentation. This means locating development within the parcel where it will cause the least impact to natural habitat and the movement of native fauna between adjacent areas.	☐	☐	☐
50. To the maximum extent possible, the distribution and intensity of native vegetation and cover should be maintained throughout the property.	☐	☐	☐
51. New road and linear utility development within Connectivity Areas shall be avoided to the maximum extent possible. If new road and linear utility development cannot be avoided:	☐	☐	☐
a. The length and width of development shall be minimized;	☐	☐	☐
b. Crossings shall be narrow and perpendicular to the connectivity area	☐	☐	☐
c. Appropriate Wildlife crossing infrastructure must be designed and installed, where appropriate, based on the mitigation measures identified in the required bio-inventory. The design should follow best practices to reduce the impact of roads on local wildlife species.	☐	☐	☐
52. Any fencing or other similar barriers to the movement of identified wildlife shall be designed with wildlife movement in mind.	☐	☐	☐

WRITTEN EXPLANATION

Please use the section below (or include a separate letter of rationale) to describe how your development application meets the overall intention of the guidelines. If you have marked guideline(s) as “Not Applicable” or “No”, you must explain clearly why this is the case for your proposed development.

Missing information from your Compliance Checklist means it is incomplete, which prevents your application from proceeding until the issue is resolved.