Division 10, Schedule 8, Zoning Bylaw No. 3203, 2026

DEVELOPMENT PERMIT AREAS GUIDELINES

This document contains the specific guidelines to be followed when development applicants are required to obtain a Development Permit. The Development Permit Area designations, including objectives, for all Development Permit Areas within the City of Courtenay are also contained within the draft Official Community Plan (OCP). The guidelines in this document will be added to the City of Courtenay Zoning Bylaw upon adoption of the Official Community Plan.

DEVELOPMENT PERMIT AREA DESIGNATIONS

Introduction and Context

Development Permit Areas (DPAs) offer an implementation-oriented framework to ensure that development decisions support the community's broader aspirations as articulated in the Official Community Plan (OCP) within the authorities granted by the Local Government Act (LGA).

DPAs fit within a broader land use policy context and hierarchy:

OCP

- **Land Use Designations** – Reflecting long-term community goals and ambitions, the OCP guides overall City growth by designating land uses according to area of intended activity.

Zoning Bylaw

- **Zoning** – Regulated according to the Zoning Bylaw, specifics of scale and type of development in each land use zone outline permitted uses, densities, heights, setbacks, etc.
- **Development Permit Areas** – These focused tools then guide form and character, access, environmental protection measures, and a variety of other characteristics for development within each development permit area and specific land uses.

Division 7, Section 488 (1) of the LGA allows OCPs to designate DPAs for a variety of purposes, and allows for specific design objectives to be achieved, making sure development is responsive to its context. DPAs may be designated for the purposes of:

- Protection of:
  - a) The natural environment, its ecosystems, and biological diversity
  - b) Development from hazardous conditions
  - c) Farming
- Establishment of objectives for the form and character of:
  - d) Revitalization of an area in which a commercial use is permitted
  - e) Intensive residential development
  - f) Commercial, industrial, or multi-residential development
  - g) In relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region
- Promotion of:
  - h) Energy conservation
  - i) Water conservation
  - j) Reduction of greenhouse gas emissions

With the exception of g) (resort region), all designations are contained within the Courtenay DPAs as described further in each DPA category. The Development Permit Areas are designated within the OCP and the implementation-oriented guidelines are contained within the Zoning Bylaw.

DPA Categories

Five Development Permit Areas are designated, the objectives for which and lands to which they apply are described further in the following pages. All of the City of Courtenay is a Development Permit Area but only the following listed uses, lands, or specific areas are subject to Development Permits:

Table 1 Development Permit Area Categories

DPA Category	Purpose
1. Commercial, industrial, large-scale residential and mixed-use.	Form and character guidelines contained within the Zoning Bylaw communicate urban design expectations, including for the purposes of intensive residential and multi-residential development, commercial revitalization, energy and water conservation, greenhouse gas emissions reductions, and protection of the natural environment. These guidelines support design decisions that are responsive to context and climate and offer the flexibility to respond creatively while ensuring cohesive and thoughtful planning and design of new development.
2. Small-Scale Multi-Unit Residential.	
3. Farm Protection.	Farm protection guidelines contained within the Zoning Bylaw communicate setback, siting, separation and screening requirements when developing adjacent to agricultural lands in order to minimize the potential for conflicts between agricultural and non-agricultural land uses.
4. Environmental.	Environmental and hazardous guidelines contained within the Zoning Bylaw communicate environmental protection and development safety considerations when conducting any form of development near Environmentally Sensitive Areas (ESA) or Steep Slopes.
5. Protection from hazardous conditions: Steep Slopes.	

In general, where land is within a DPA, an owner must obtain a development permit prior to:

- Subdivision;
- Construction of, addition to, or alteration of a building or structure, land, or parking area;
- Alteration of land containing or adjacent to an Environmentally Sensitive Area (ESA).

A number of general exemptions are listed here. More specific exemptions are included within the Development Permit Area guidelines provided within the Zoning Bylaw.

Exemptions for Normal Farm Practices

Normal farm practices in accordance with the Farm Practices Protection (Right to Farm) Act do not require a development permit.

Exemptions for Environmental Development Permits

Environmental Development Permits are not required:

- For the replacement of windows;
- For painting the exterior of a building;
- Institutional uses; or
- For any of the activities or circumstances defined within the Exemptions section of the Environmental DPA Guidelines.

Exemptions for Form & Character Development Permits

A Form and Character Development Permit is not required if any of the following are the case, including if multiple exemptions are the case:

- Institutional uses;
- Replacement of windows;
- Painting the exterior of a building;
- Construction of a fence;
- Replacement of a roof;
- Accessory buildings that do not require a building permit;
- Proposed residential development with a total of one or two dwelling units;
- For a minor alteration to the exterior of a building that does not change the architectural character of the development. For the purpose of this Section, "minor" is defined as a change which does not:
  a. Increase site coverage more than 25% of the approved coverage;
  b. Alter more than 25% of the existing floor area to a maximum of 200 m2;
  c. Change the exterior design of a building on any one side more than 25%, including the addition or removal of windows.
- Where a subdivision or strata plan including a phased strata plan is consistent with a Development Permit issued for a development on a property.

HOW TO USE THESE GUIDELINES

Multiple DPAs

Depending on the project, multiple DPA categories may apply. In cases where an application is subject to more than one DPA category, only one Development Permit will be issued; however, the application will be subject to meeting the guidelines of all applicable DPAs.

General & Additional Guidelines

The guidelines for each of the DPAs have been organized to include both general guidelines that apply to any type of development within that category of DPA, as well as additional guidelines that apply only to specific uses, areas, or circumstances.

DPA Section Organization

Within each DPA category, content is organized as follows:

- **Justification** - The designation of the specific use or area, including maps where relevant, as defined by Section 488 (1) of the Local Government Act
- **Objectives** - The rationale for the category and what the guidelines aim to achieve
- **Guidelines** - The instructions within a particular category, outlining topics such as:
  - Siting, Scale & Massing
  - Architectural Detail & Materials
  - Open Space & Amenity Areas
  - Landscaping & Screening
  - Universal Design & Accessibility
  - Site Circulation, Parking & Servicing
  - Environmental Protection & Restoration
- **DPA specific exemptions** - For some DPAs, specific exemptions apply.

LANGUAGE OF GUIDELINES

The guideline sections provide a variety of measures. Some of these measures are of high importance, while others seek to guide thinking to permit flexibility in achieving outcomes.

In order to recognize this sliding scale of emphasis, language has been crafted to include verbs and adverbs that direct users on intended outcomes:

- **'Shall' / 'Must' / 'Required'** - Identifies the measure as a requirement.
- **'Shall Not' / 'Must Not' / 'Prohibited'** - Identifies the item as not allowed.
- **'Should' / 'Recommended' / 'Encouraged'** - Identifies the measure as having a strong preference, with its inclusion to be explored or an alternative approach to be justifiable / reasonable.
- **'Should Not' / 'Not Recommended' / 'Discouraged'** - Similar to above, this reflects a negative preference for the measure in question, and unless a well-reasoned justification is provided is not to be included.
- **'May' / 'Could'** - These items are optional, and will be suitable based on individual contexts.

DPA-1: COMMERCIAL, INDUSTRIAL, LARGE-SCALE RESIDENTIAL AND MIXED USE

JUSTIFICATION:

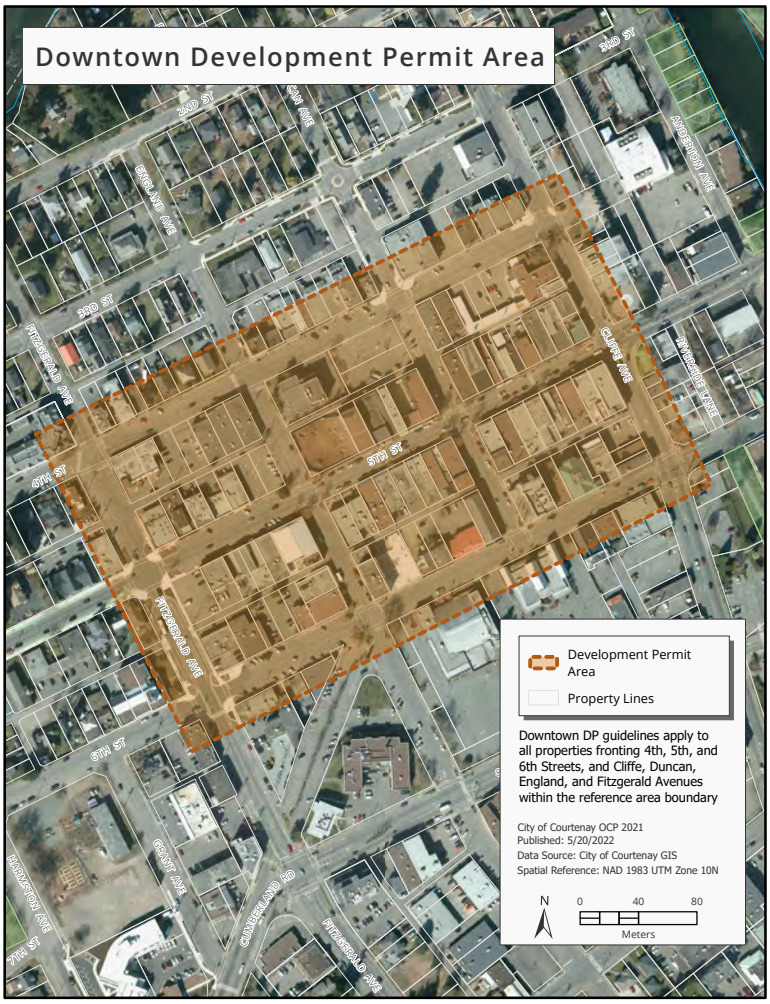
This Development Permit Area is intended to achieve attractive, architecturally coordinated and context appropriate higher density, employment and mixed-use building and landscape designs that consider the relationship between buildings, open areas, and circulation systems, in order to promote walkable, safe, and vibrant developments. It also promotes development that considers protection of the natural environment, energy efficiency, water conservation and the reduction of greenhouse gas emissions.

Pursuant to Section 488(1)(a)(d)(f)(h)(i) and (j) of the *Local Government Act*, this designation applies to all developments that contain commercial, industrial or mixed-uses and residential developments with five or more residential units within the boundaries of the City of Courtenay. Additional guidelines apply for a defined area of the downtown (as shown on enclosed Map 1) as well as in special heritage consideration areas (as shown on enclosed Map 2 - Old Orchard & Terminal Addition).

Objectives:

1. To ensure urban infill and redevelopment is well integrated and context-sensitive.
2. To promote compact urban form that is well-connected and accessible by walking, cycling, and transit and supportive of transit supportive densities.
3. To promote the creation of new destinations that help meet residents' daily needs by short walkable trips to grocers, shops, restaurants, personal services, community centres, and gathering spaces.
4. To transform vehicle-centric developments and prioritize the pedestrian environment.
5. To ensure attractive streetscapes, landscapes, building design, and vibrant public spaces.

Map 1 Downtown Development Permit Area



6. To foster neighbourhood connections and a shared sense of community across the city.

7. To improve urban ecological functions such as local biodiversity and rainwater infiltration.

8. To reduce energy and water consumption as well as greenhouse gas emissions (GHGs) associated with the built environment.

Within the Downtown Core (Map 1):

9. To protect and enhance the historic, small-scale retail character of the 4th, 5th, 6th Streets streetscape.

On Lands with a Multi-Residential Component:

10. To support a greater diversity of housing choices and affordability.

11. To ensure a high standard of livability and well-being within multi-residential developments.

On Lands with a Commercial and/or Industrial Component:

12. To enable the flexible and appropriate adaptive use and design of industrial lands to meet evolving community needs.

13. To provide convenient and safe access to industrial areas via all modes of transportation, including commercial or personal vehicles, transit, walking, and cycling.

Within the Old Orchard and Terminal Addition Neighbourhoods (Map 2):

14. To ensure new development contributes to the community and preservation of heritage resources and special neighbourhood character of the Old Orchard and Terminal Addition neighbourhoods.

GENERAL GUIDELINES

Siting, Scale & Massing

1. Passive design strategies that take advantage of site-specific climatic conditions shall be employed wherever possible depending on site characteristics. For siting considerations, this includes:
2. Buildings should be oriented to take maximum advantage of site-specific climatic conditions, especially solar access and wind flow.
3. Windows should be strategically designed, sized, and placed to manage year-round passive solar gain, while maximizing privacy where relevant (e.g. multi-residential uses).
4. Access to operable windows should be provided on at least two sides of the building to enable passive cooling through cross ventilation.
5. Roof overhangs, fixed fins, awnings, or other solar shading devices should be incorporated on south-facing windows to provide shade from peak summer sun while also enabling sunlight penetration during winter months.
6. All buildings, structures and expansions or additions thereto, shall be architecturally coordinated.
7. Where multiple buildings are proposed on one site, each building should be distinct, but designed to achieve cohesive scale, massing, and proportion.
8. The scale, form, height, setback, roofline, materials, and character of new development should complement neighbouring developments.
9. Massing should frame spaces, and create environments suitable to the location and use in which they are located.
10. Buildings should be sited to define the public realm with a continuous street wall. The building's primary façade should be facing the street and close to the minimum setback to establish a well-defined street edge.
11. Buildings should maintain and enhance existing views to surrounding natural features, particularly from sidewalks, streets, and public open spaces; and the design shall protect or mitigate impacts to identified public realm view corridors, including Comox Glacier, Courtenay, Puntledge, and Tsolum Rivers, K'ómoks Estuary, Salish Sea.
12. Stepped or varied building massing, articulated building walls and rooflines shall be incorporated to develop building form and character.
13. Buildings located on corner lots, lots adjacent to a residential property, and lots next to public open spaces should be stepped down toward the flanking street, adjacent building, or public open space.
14. Flat roofs should be structurally and architecturally designed to accommodate forms of rooftop landscaping and accessible outdoor amenity space.
15. Building frontages should be articulated and visually separated into smaller, distinctive units.

16. All street and public open space facing façades shall be activated with a diversity of visual elements and shall relate to the pedestrian scale. This may include the use of detailing of the façade, ground floor glazing, window size, awnings roof canopies, landscape treatment, distinct materiality, and building articulation.

17. Entries should be located or appear to front on to the street.

18. All exterior mechanical and electrical equipment shall be strategically located and incorporated into the overall architectural treatment in order to reduce visual impact. Equipment shall be located away from sidewalks and pedestrian amenities and screened from view or screened to blend in with the roof and/or elevator housing.

Example of stepped building massing and articulated walls to develop building form and character (guideline 12).

Example of stepped and varied rooflines to develop building form and character (guideline 12).

Example of articulated building frontages that are visually separated into smaller distinctive units, at both the ground and upper floors (guideline 15).

Example of a diversity of pedestrian-scaled visual elements being incorporated into the street-facing building façade (guideline 16). In this case a number of distinct building entries are incorporated.

Architectural Detail & Materials

19. The design of buildings should reflect the surrounding character.

20. The architectural design and building materials shall be of a high standard that indicates energy efficiency, quality, stability, and permanence.

21. Simple shifts in massing and changes in exterior colours and textures should be utilized to articulate façades.

22. Materials such as stone, ornamental work, and wood with varied details and columns shall be included.

23. Buildings should promote an emerging west coast character that prioritizes the use of natural materials such as exposed mass timber structural elements, vegetation, and natural light.

24. Any wall of a building which is visible from an open space (including a street), or residence shall be finished to the same standard as the front of the building to provide an attractive appearance.

25. Awnings, lighting fixtures and other structures shall be architecturally integrated with the design of the buildings.

26. Large expanses of blank walls or of any one material are not acceptable without architectural detailing, artwork, or sufficient landscaping to create visual interest.

27. Building roofs shall be designed to minimize the heat island effect and heat transfer into the building through various measures, including Energy Star-rated or high-albedo colour and materials. See additional green roof guidelines for Additional Guidelines for Part 3 Buildings.

28. Insulation and glazing shall include the following design treatments wherever possible:

    a. Maximum insulation effectiveness of the assembled building envelope to reduce heat loss.

    b. High-performance glazing.

    c. Punched or slightly recessed glazing on south- and west-facing elevations to reduce heat gain in summer.

    d. Thermally broken window frames and concrete balcony slabs.

    e. Bird-friendly glazing – The critical zone for bird collision is within a building's first four storeys, or mature tree height, whichever is greater. Use visual markers on the external surfaces of glass that are no more than 50mm wide and 100mm high within the critical zone. Possible visual markers include UV markers, fenestration patterns, adhesives, etching, fritting, sunshades, louvers, screens, blinds, and netting.

Example of bird-friendly glazing (guideline 28). The pattern shown is etched directly on lower-floor windows to reduce the frequency of bird collisions.

Example of emerging west coast character of wood, including tree timbers, being incorporated into a parking structure (guideline 23).

Example of use of ornamental wood, wood with varied details (guideline 22); emerging west coast character (guideline 23); and downtown heritage aesthetic (guideline 103).

Example of an industrial building incorporating changes in exterior colours and textures (guideline 21); and wood with varied details and columns (guideline 22).

Examples of different forms of artistic treatments and landscaping to create visual interest along large expanses of unavoidable blank walls (guideline 26).

Public Realm & Streetscape

29. Streetscapes and other public realms shall include a balance of vegetated, naturalized areas with permeable hardscapes.

30. Public realms shall maximize solar access. Optimal locations may include internal courtyards, rooftops, and ground floor plazas or park spaces adjacent to the property.

31. Distinct paved surfaces and street furnishings such as benches, lamps, bike racks, and refuse containers shall be incorporated in the landscape design. These shall be consistent in character to the development.

Example of a street-facing business providing a balance of naturalized areas and hardscapes (guideline 29).

Universal Design, Safety & Accessibility

32. Universal design and accessibility principles shall be designed into plazas, mid-block connections and lanes, through the appropriate selection of materials, stairs, and ramps as necessary, and the provision of wayfinding and lighting elements.

33. Ground floor units of residential buildings shall be accessible with a ramp or otherwise have no step entrances/ be level with the adjacent ground. Entrances should provide sufficient room for maneuvering wheelchairs and strollers, with a minimum turning radius of 1,500mm.

34. Streets should include frequent seating, with opportunities to sit every 50 metres.

35. On-site wayfinding strategies shall be employed that create attractive and appropriate signage using a 'suite' of similar elements that are consistent and accessible. Signage strategy shall include the needs of pedestrians, cyclists, and motorists, where applicable, and shall provide directional signage to public washrooms (in commercial and retail areas) as well as elevators. Washroom signage shall specify the location of family washrooms with change tables and accessible washrooms.

36. Lighting should be designed for security and safety. However, there should not be glare on neighbouring properties, adjacent roads, environmentally sensitive areas, or the sky.

37. All new, replacement, and upgraded street lighting in existing and proposed developments shall be LED Full-Cut Off/ Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.

38. Bird-Friendly lighting – Building-mounted lighting should be targeted and shielded to reduce light spill and its associated light pollution. Downlights are preferred, as is the use of green or blue light over white or red light.

Example of lighting treatments designed to avoid glare to adjacent properties and the street from both the private and public realm (guideline 36).

Landscaping & Screening

39. Existing, native vegetation within the Development Permit Area shall be retained as much as possible to minimize disruption to habitat and to protect against erosion and slope failure where applicable.

40. A Tree Density Target of 50 trees per hectare shall inform the minimum tree retention and/or planting requirement as part of a landscape plan, per Tree Protection and Management Bylaw 2850.

41. On-site landscaping to promote opportunities for passive heating/cooling without negatively affecting the potential for solar thermal or solar electric systems on the site and on surrounding properties shall be considered. For example, deciduous trees can provide desirable shading in the summer and allow for desirable solar gains in the winter.

42. Landscape strategies shall include opportunities to naturally convey, capture, treat, and infiltrate rainwater wherever possible. This includes maximizing pervious surfaces on the site using permeable unit paving assemblies, grasscrete, permeable concrete, rain gardens, bioswales, bioretention cells, bioretention planters, and bioretention corner bulges, rainwater tree trenches (soil cells and structural soil), and green roofs.

43. Landscaping shall be incorporated within all setback areas and shall be distributed throughout the site.

44. All fronting public boulevard areas shall be landscaped, with trees, and consistent with the onsite landscaping plans.

45. Parking and outdoor storage shall not be located along required building setbacks and landscape areas along street frontages.

46. Most or all of the landscaped areas should be designed to require little to no irrigation, other than hand watering for initial plant species establishment.

47. If irrigation is supplied, it should be limited to an underground system designed with high-efficiency targeted drip heads and automated weather sensors and use captured rainwater and greywater where possible.

48. All proposed planting zones should prioritize the selection of local plants that provide habitat, nesting, pollinator, foraging, or other biodiversity benefits and are drought tolerant.

a. Species adapted to future climate conditions shall be incorporated to the maximum extent possible.

b. Plantings should be provided in strategic locations to frame building entrances, soften edges, screen parking areas, and break up long façades.

c. Multi-functional landscape elements should be provided wherever possible, such as planting areas that also capture and filter rainwater or landscape features that feature public art or that users can interact with.

d. In residential environments, and outside of Environmentally Sensitive Areas, tree and plant selection should prioritize edible species and active urban agricultural uses should be included.

49. Foundation landscaping along the face of buildings is encouraged.

50. Decorative fences shall be architecturally coordinated with the materials used for the principal building.

51. Chain link fencing shall not be used in the front yard and when facing streets and public open spaces, unless effectively screened by landscaping.

52. Sufficient soil volumes shall be provided to support mature vegetation, including trees where applicable. This may include supplementing soil volumes with structural soil or silva cell type systems within hardscape areas.

    Minimum depth of topsoil or amended organic soils must be provided:

    a. Shrubs - 450mm
    b. Ground cover and grass - 300mm
    c. Trees - 300mm around and below the root ball, typically to a minimum total of 900mm. In addition, $15m^3$ is the minimum soil volume per tree, to be supplemented in hardscape zones with structural soil or silva cell type systems.

53. Topsoil or composted waste shall be used to assist in infiltration and increase the water holding capacity of landscaped areas.

Example of existing mature native vegetation being retained in a multi-residential development as part of the overall landscape concept (guideline 39).

Example of rainwater management features being integrated into landscape design (guideline 42).

Example of fronting public boulevards being landscaped and integrated into the site's landscape design (guideline 44).

Definitions for different types of outdoor spaces:

Private: Zones or areas for the use of the private property owner or designated group. This includes a private balcony, deck, or yard.

Semi-Private: Zones that are privately owned, but generally facilitate larger gatherings, such as common amenity spaces. These spaces are still generally for a designated group, with limited access to the wider public.

Semi-Public: Zones that allow access to the wider public, either to occupy or pass through. Common examples include seating areas or patios, right-of-ways across private developments, or parkettes provided by private development as public amenities.

Public: Zones that are fully accessible to the wide public, with an open sense of ownership. These are often city owned, and include areas like parks, plazas, and trail networks.

Site Circultation, Parking, and Servicing

54. Drive-through facilities are not permitted.

55. A pedestrian network shall be incorporated into the overall site design to ensure seamless and safe connections between the building(s) and parking areas and to logical destinations off-site.

56. Large lots should include mid-block connections—exterior public pedestrian routes that provide a connection or short-cut through blocks—in order to break down the scale of longer blocks and to create finer-grained connections to open space and active transportation networks.

57. Sidewalks shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting a parking area. Landscaping is encouraged as part of the design of the sidewalk.

58. The internal pedestrian network shall be distinguished from driving surfaces using durable, low-maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

59. Continuous weather protection shall be provided along exterior building walls directly adjacent to pedestrian networks and areas.

60. Off-street parking and loading spaces between the front façade of a building and the fronting street shall be avoided unless screened with significant landscaping. The preferred location of main parking and loading areas is at the rear and/or side of the building.

61. Parking areas should be broken down into smaller parking areas evenly dispersed throughout the development integrated with planted landscape areas.

62. Service and access points should prioritize pedestrian use wherever they cross walkways or the public realm.

63. Parking areas, drive-through lanes, utilities, and storage areas shall be screened from adjacent properties and from direct views from the street and other public open spaces.

64. Garbage and recycling containers shall be adequately sized to ensure maximum waste diversion opportunities on site.

65. Garbage and recycling containers shall be screened with landscaping and fencing and gated to a minimum height of 2 metres by buildings, a landscaping screen, solid decorative fence, or a combination thereof. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc., shall be screened with landscaping and fencing.

66. Sheltered, secure bicycle parking facilities shall be provided at grade near primary building entrances and pedestrian walkways.

67. Opportunities for priority car sharing and bicycle sharing parking are encouraged.

68. Electric bike parking and Electric Vehicle charging stations shall be planned and installed in convenient land accessible locations.

69. End of trip cycling facilities (e.g. washrooms, showers, lockers) are encouraged for larger developments and as part of Transportation Demand Management strategies.

Example of an animated mid-block connection at a pedestrian scale to improve pedestrian connectivity and create opportunities for additional outdoor public space (guideline 56).

Example of a continuous weather protection option, such as along exterior building walls directly adjacent to pedestrian networks and areas (guideline 59).

Example of using exposed mass timber structural elements as part of an emerging west coast character (guideline 23). Also includes pedestrian and cycling supportive features such as private sidewalks along the length of the building entry (guideline 57); weather protection (guideline 59); and seating and bike parking (guideline 31).

ADDITIONAL GUIDELINES FOR MULTI-RESIDENTIAL USES

The following guidelines apply to any multi-unit residential development of three or more units and any mixed-use development that includes a residential component.

70. For multi-unit residential buildings, individual units shall be articulated through integration of recessed entries, balconies, materials, or projection/recess in the façade.

71. Noise impacts of highways or arterial roads upon outdoor private and semi-private areas, and interior living spaces, should be mitigated through building and site design.

72. Buildings shall be sited to ensure the privacy of residences and adjoining properties.

73. Where individual unit heat pumps are used, they shall be screened. Ducted heat pump systems are recommended wherever possible.

74. Sufficient space for waste diversion receptacles shall be provided within each dwelling unit (e.g. space under the sink or a closet for a recycling bin, compost bin, and garbage bin).

75. Personal storage space for larger items shall be provided for each dwelling unit, whether it be within the dwelling unit or within a secured and convenient location within the development.

Private & Common Amenity Space

76. A minimum average of 20 m^2 of usable private outdoor spaces should be provided for each dwelling unit in the form of a deck, patio or yard, exclusive of common amenity areas.

77. A minimum of 10% of the total site area should be dedicated to common amenity spaces, whether indoor or outdoor. The common amenity space shall include sufficient area to allow for larger gatherings.

    a. Common outdoor amenity spaces should incorporate landscaping, seating, communal tables, play spaces, public art, and other elements that encourage gathering, recreation, and inter-generational activities and uses.

    b. Common outdoor amenity spaces to grow food is strongly encouraged. Where provided, gardening areas shall be designed to be functional for routine and active gardening by multiple residents and include servicing and accessibility requirements. Gardening areas are encouraged to be designed with other amenities, including outdoor children's play areas, indoor amenity rooms with kitchens, washrooms, and eating areas, and/or outdoor seating areas.

    c. All units shall be designed to have easy access to the usable private outdoor or common amenity spaces. Where applicable, they shall be separated from traffic and parking or include traffic calming, pedestrian-supported measures.

78. Outdoor spaces should be located to maximize sunlight penetration, minimize noise disruptions, and minimize 'overlook' from adjacent units.

79. Outdoor semi-private spaces are encouraged to be integrated with public open areas to create seamless, contiguous spaces.

80. Outdoor spaces and landscaped areas shall be designed to protect and feature mature trees on site, where possible. Where mature trees cannot be protected or where no mature trees exist on site, adequate open space shall be provided to ensure shade trees reach mature sizes.

Circulation & Parking

81. Buildings shall be clustered and roads minimized, where possible.

82. Where individual multi-residential units have vehicular access via a public street, combined driveway access points are required.

83. Where multi-residential units have individual garages or carports, they shall face away from streets.

84. Where lane access is available, parking entrances should be limited to lane access.

Specific to Townhouses

85. Where townhouse units are provided:

    a. Avoid symmetrical units and mirror image residential units unless each unit has a significant amount of fenestration and architectural detail.

    b. Individual entrances should front on to the street or public open space, where applicable.

    c. The building façade along street or public open space frontages shall be set back from the property line and sufficiently landscaped to create a transition zone from public land to private individual units.

Example of a multi-residential building that has minimized the visual impact of parking by combining driveways (guideline 82) and facing garages away from the street (guideline 83).

Example of a townhouse development façade setback and landscaped to create a transition zone from public land to individual units (guideline 85 c).

Example of a townhouse development in which mirrored units are sufficiently distinct through the use of fenestration and significant architectural detail (guideline 85 a).

Example of a central common outdoor amenity space (guideline 77), with easy pedestrian access to individual units, where possible (guideline 77 c).

Example of a rooftop common amenity space that includes both indoor and outdoor opportunities (guideline 77).

Example of private outdoor space provided for a residential unit within a mixed-used development (guideline 76).

ADDITIONAL GUIDELINES FOR COMMERCIAL USES

86. Buildings shall be designed with active frontages that include multiple, smaller storefronts, each defined by distinct signage, entrances, canopies and/or materiality. Frequent entrances and display windows shall be included to provide consistent architectural rhythm of smaller intervals.

87. Large-format retail uses should be wrapped with smaller retail units around the periphery, with individual entries accessed from the fronting sidewalk or open space.

88. Commercial, ground-level business premises should be provided continuously along pedestrian-oriented shopping areas.

89. First-floor commercial spaces should have a higher floor-to-ceiling height than upper floors.

90. Semi-public open spaces are strongly encouraged in the front of buildings. These may include:

    a. narrow extensions of the public sidewalk, or more generous amenity plaza or courtyard areas.

    b. setbacks for one or more adjacent buildings to collectively form a continuous open space along the street.

    c. plantings, trees, lighting.

Example of a semi-public courtyard shared amongst a number of businesses (guideline 90).

Example of a modest semi-public commercial space along a building façade that provides for visual interest (guideline 90).

Example of commercial buildings designed with active frontages that include multiple and distinct smaller storefronts (guideline 86).

ADDITIONAL GUIDELINES FOR PART 3 BUILDINGS

91. Opportunities for the distribution of natural daylight into a building's interior spaces to reduce the requirement for electric lighting use should be incorporated. Avoid the use of heavily tinted or reflective glazing that reduces the penetration of daylight and increases exterior glare.

92. Where possible, greater floor-to-ceiling heights should be included to increase the amount of interior space that can be day-lit from windows and to allow for vertical air ventilation, particularly for units with exterior walls on only one side.

93. Roofs or roof structures of buildings should be oriented within 15 degrees of due south to optimize solar energy collection through the use of solar thermal and photovoltaic (PV) modules.

94. A minimum of 10% of building electricity demand shall be provided by a combination of solar thermal or solar photovoltaic (PV) technologies. Solar PV installations can include both roof- or wall-mounted arrays or cladding systems.

95. New Part 3 buildings shall have at least partial green roof coverage, according to the table at top-right. Available roof space is defined as the total roof area minus areas dedicated to renewable energy infrastructure. Where feasible, prioritize intensive green roofs that enable active uses.

Gross Floor Area (Size of Building)	Coverage of Available Roof Space (Size of Green Roof)
2,000–4,999 m²	**20%**
5,000–9,999 m²	**30%**
10,000–14,999 m²	**40%**
15,000–19,999 m²	**50%**
20,000 m² or greater	**60%**

Example of solar photovoltaic panels being incorporated with greenroof elements (guideline 94 and 95).

Example of a Part 3 building with green roof coverage (guideline 95).

ADDITIONAL GUIDELINES FOR INDUSTRIAL USES

96. Acute noise sources shall be located as far from residential uses as possible.

97. Any office, reception, or sales component of the building shall be located closer to the street than any active industrial components.

98. A continuous perimeter of landscaped area of minimum 4.5 metres in width shall be provided along the inside of all property lines adjacent to streets, public open spaces, and residential uses.

ADDITIONAL GUIDELINES FOR CORNER LOTS

99. Buildings on corner lots should orient frontages towards both streets and/ or towards the corner and may include a corner-cut. Corner buildings should serve as anchors for the rest of the block, and consider including landmark architectural features such as:

    a. Public plazas

    b. Special or decorative canopies

    c. Bay windows, balconies, turrets, or articulated roof line features

    d. A corner entrance

    e. A prominent public art element

Example of a building on a corner lot designed to be visually interesting, including with a corner-cut, to provide a positive presence on both fronting streets (guideline 99).

ADDITIONAL GUIDELINES FOR DOWNTOWN *(See Map 1)*

100. Design shall respond positively to the scale and character of the downtown area and contribute to the evolution of the downtown's public realm.

101. Building frontages shall contribute to the character of a continuous commercial street wall.

102. Storefronts are encouraged to front on to Duncan Avenue to support the future development of Duncan Mews and Commons public realm concept.

103. The incorporation of a heritage aesthetic or heritage elements is encouraged through the use of architectural style and materials.

104. The development of rear laneways and alleyways for active use is strongly encouraged. Rear building façades should be designed to accommodate active commercial or retail space where appropriate.

105. Laneway design should include the use of materials, walls, fences, lighting, and landscape treatments that are inviting and interesting to pedestrians.

ADDITIONAL GUIDELINES FOR PARKING LOTS WITH MORE THAN 10 SPACES

106. Parking areas shall include landscaped areas, defined by concrete curbs with landscaping, to provide visual breaks between clusters of approximately 10 stalls.

Example of fine-scale architectural details being applied to support a heritage aesthetic, such as in the downtown (guideline 103).

107. Minimum landscape area dimensions shall be sufficient to support a tree at maturity.

108. Parking areas shall incorporate low-impact rainwater management solutions.

109. The termination of parking aisles shall be landscaped.

110. Tree planting is required throughout all parking areas where practicable given parking lot circulation and other site constraints. Tree planting plans should achieve 50% of the parking lot covered with tree canopy at tree maturity.

ADDITIONAL GUIDELINES FOR OLD ORCHARD AND TERMINAL ADDITION HERITAGE NEIGHBOURHOODS *(Map 3a)*

111. The orientation, scale, form, height, and materials proposed for a residence shall reflect and enhance heritage theme characteristics and neighbouring buildings.

112. Buildings must be designed in context with surrounding low-density residential buildings.

113. Variety, continuity, and pedestrian interest should be expressed in the design of buildings, especially at the ground level.

114. Design components that contribute to heritage-oriented architectural interest shall be incorporated. These include multiple gables, dormers, bay windows, decorative shingles, wood trim, porches, and verandas.

115. Roofs shall have substantial slope, articulated lines, and be designed to reduce the bulk of upper floors. Roof slopes with greater than 6:12 pitch are preferred; however, proposals for lower-pitch rooflines with significant articulation and design interest may be considered.

116. Front doors shall be clearly visible and accessible from a public street or publicly accessible pathway and shall be defined by porches, dormers, port cochere, canopies, or be recessed.

117. The design and finishing around windows and exterior doors should visually enrich the building elevation.

118. The landscape plan shall include fruit trees.

Map 2 Old Orchard and Terminal Addition Heritage Neighbourhood

Example of a small multi-unit residence being designed to complement the context of a low-density residential neighbourhood (guideline 112).

DPA-2: SMALL-SCALE MULTI-UNIT RESIDENTIAL

JUSTIFICATION:

This Development Permit Area provides direction for housing and related development that meet the needs of residents while fitting well into the existing community. The intent is to support three to four dwelling unit residential infill development, and redevelopment that demonstrates a high standard of creative building design. It also promotes development that considers protection of the natural environment, energy efficiency, water conservation and the reduction of greenhouse gas emissions.

Pursuant to Section 488(1)(a)(e)(h)(i) and (j) of the *Local Government Act*, this designation applies to all three-and four-dwelling-unit residential developments within the boundaries of the City of Courtenay. Additional guidelines apply in special heritage consideration areas (as shown on enclosed Map 2 - Old Orchard & Terminal Addition and Map 3 - 40 Houses Heritage Neighbourhood).

Objectives:

1. Establish guidelines for ground orientated, infill development in existing and new neighbourhoods that contribute to the preservation of the neighbourhood character while meeting city goals for housing diversity, gentle density, and access to employment and services.
2. Ensure new development contributes to the continuity and preservation of heritage resources and special neighbourhood character of Old Orchard and Terminal Addition Neighbourhood and 40 Houses Neighbourhood.

3. Promote a high standard of building, site planning and landscape design.
4. Encourage development that supports multi-modal transportation options and neighbourhood connectivity.
5. Encourage new development that considers protection of the natural environment, water conservation and energy efficiency in site planning and design.
6. Promote net zero emissions in new development, including alterations or additions to existing buildings.

Map 3a Old Orchard and Terminal Addition Heritage Neighbourhood Development Permit Area

Map 3b 40 Houses Heritage Neighbourhood Development Permit Area

GUIDELINES

Site Planning

1. Housing development should be planned in a comprehensive manner that considers the interface between the site, adjacent development, other land uses and its relationship to the public realm.
2. The design of the site should consider access to and efficiency of pedestrians, bicycles and vehicular circulation.
3. A minimum average of 20 m^2 of usable private outdoor spaces should be provided for each dwelling unit in the form of a deck, balcony, patio or yard, exclusive of common amenity areas.
4. Outdoor spaces should be located to maximize sunlight, minimize noise disruptions, and minimize 'overlook' from adjacent units.
5. Site planning shall consider the location of third-party utilities, such as clearance from overhead and pad mounted electrical utilities as required by the Canadian Electrical Code.
6. Site planning should consider opportunities to retain and integrate mature trees and existing natural features. Site planning shall consider impact to mature trees and their root systems on adjacent lands.

Public Realm and Streetscape

1. Building design including the placement of windows, balconies, and doors shall consider visual privacy between residences, and perimeter fencing and/or landscaping shall provide visual privacy of adjoining properties.
2. Buildings should be sited to face the fronting street(s). Consideration should be given to preserve adequate space for landscaping, privacy and light penetrating into living spaces.

Example of a building with shifts in massing and changes in exterior colours and textures and high-quality siding and west coast character (Building Design 3 and 4).

3. Principal entrances to a residence should be clearly defined using lighting, colour, paving texture, landscaping and/or enhanced architectural features, such as porches, patios, canopies, or recessed entryways.
4. On corner lots, all street-facing elevations should have an equal level of quality and design detailing.
5. For corner sites with no lane access, driveway access from the flanking street for one or more of the units is encouraged where both feasible and supported by the Development Services Department.
6. Parking and driveways should where feasible not occupy more than 50% of the area of the front yard and, where the site has a flanking side street, not more than 50% of the area of the flanking side yard.
7. Where a laneway exists, parking should access the lane where feasible.
8. Entrances and exits to parking areas shall be located and designed to reduce potential modal conflicts, maintain visual sight lines and limit impact to the transportation network.

Building Design

1. Buildings should be architecturally coordinated and provide a high quality of design. Building design should avoid repetition and monotony through subtle design variation between buildings on neighbouring properties.
2. Buildings should be designed to avoid large expanses of blank walls by incorporating architectural details, artwork, or sufficient landscaping to create visual interest.
3. Buildings should be designed to minimize their bulk with simple shifts in massing, roof articulation and use of varied architectural details, changes in exterior colours and textures.
4. Buildings should be designed with consistently high-quality and durable materials. West Coast architecture that incorporates natural design elements and materials such as exposed timber structural elements, native trees, vegetation landscaping and open concepts for natural light is encouraged.
5. Building roofs should minimize heat island effect and heat transfer into the building, such as through Energy Star-rated or high-albedo colour and materials.
6. Staircases to stacked units shall have weather protection and are encouraged to be indoor or screened from the street(s).
7. Building lighting should be designed to minimize spillage and glare to neighbouring properties, adjacent roads, Environmentally Sensitive Areas, and the sky.
8. Garbage and recycling storage should be located within a secure building or structure and not in any yard facing a road.
9. Where individual unit heat pumps are used, they should be screened.

Landscaping

1. Existing, native vegetation within the Development Permit Area should be retained to the extent feasible to minimize disruption to habitat and to protect against erosion and slope failure where applicable.
2. Landscaping shall include a mixture of tree, shrub, ground cover and perennial plants. Tree selection for optimizing tree canopy and providing a mixture of deciduous and conifer species is encouraged.
3. Proposed planting should prioritize the selection of local plants that provide habitat, nesting, pollinator, foraging, or other biodiversity benefits and are drought tolerant.
4. Proposed planting species adapted to future climate conditions should be incorporated to the maximum extent possible.
5. Proposed planting may consider edible species and active urban agricultural uses.
6. Proposed planting should be provided in strategic locations to frame building entrances, soften edges, screen parking areas, and break up long facades where feasible.
7. Most or all of the landscaped areas should be designed to require little or no irrigation, through use of planting materials and impervious surfaces. Hand watering is encouraged. If irrigation is supplied, it should be limited to an underground system designed with high-efficiency targeted drip heads and automated weather sensors and use captured rainwater and greywater where possible.

8. Sufficient soil volumes shall be provided to support mature vegetation, including trees where applicable. This may include supplementing soil volume with structural soil or silva cell type systems within hardscape areas. Minimum depth of topsoil or amended organic soils must be provided:

   - Shrubs – 450 mm
   - Ground cover and grass – 300 mm, and
   - Trees – 300 mm around and below the root ball, typically to a minimum total of 900 mm.

   In addition, 15 m^3 is the minimum soil volume per tree, to be supplemented in hardscape zones with structural soil or silva cell type systems.

9. Topsoil or composted waste shall be used to assist in infiltration and increase the water holding capacity of landscaped areas.

10. All new, replacement, and upgraded street lighting in existing and proposed developments shall be LED Full-Cut Off/ Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting fixtures will also be required to be FCO.

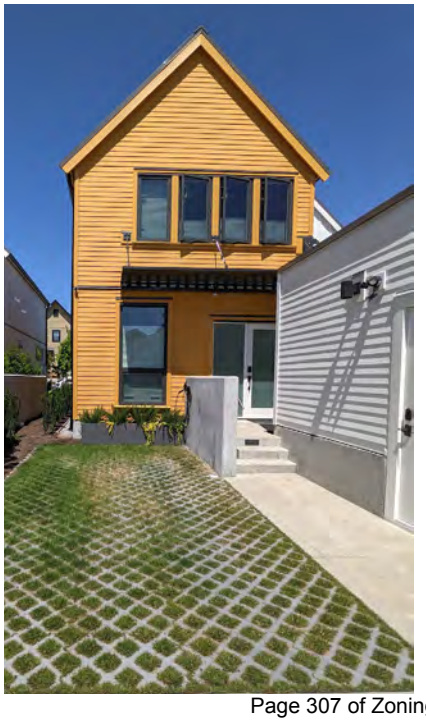
11. To reduce impervious surfaces, permeable paving material such grassed cellular paving, porous pavers, or a comparable alternative are encouraged for driveways and parking areas.

Additional Guidelines for Mobile Home Parks

1. The design of the overall Mobile Home Park shall be based on a comprehensive concept and shall give adequate attention to the attractive layout of the mobile home lots and structure placement, landscape character and design, location and screening of parking areas, design and placement of recreation areas, and design of vehicular and pedestrian circulation.

2. Formalized pedestrian access shall be provided throughout the property to connect internal streets and parking areas with semi-private areas for residents, and to the public walkway system.

3. A landscaping plan including tree planting plan for internal streets that provides for appropriately selected species at approximately 15-metre intervals shall be provided.



Example of a pervious driveway treatment to allow for rainwater infiltration (Landscaping 11).

ADDITIONAL GUIDELINES FOR THE OLD ORCHARD AND TERMINAL ADDITION NEIGHBOURHOODS *(Map 3a)*

1. The orientation, scale, form, height, and materials proposed for a residence shall reflect and enhance heritage theme characteristics and neighbouring buildings.
2. Vehicle parking and access should be located at the side or rear and set back from the primary dwelling façade.
3. Garages incorporated into the building structure should not project beyond the front elevation.
4. Roofs shall have substantial slope and articulated lines and be designed to reduce the bulk of a residence on upper floors. Roof slopes with greater than 6:12 pitch are preferred; however, proposals for lower-pitch rooflines with significant articulation and design interest may be considered.
5. Design components that contribute to architectural interest shall be incorporated. These include multiple gables, dormers, bay windows, decorative shingles, wood trim, porches, and verandas.
6. The design and finishing around windows and exterior doors should visually enrich the building elevation. Windows and doors should be articulated with trim.
7. Landscaping should include one or more fruit trees.

Example of a number of design elements such as gables, verandas, and decorative shingles incorporated into a single-residential home to create architectural interest (Additional Guidelines for the Old Orchard and Terminal Addition Neighbourhoods 5).

ADDITIONAL GUIDELINES FOR THE 40 HOUSES NEIGHBOURHOOD *(Map 3b)*

1. One-storey buildings, preservation of existing buildings, and simple rectangular massing are encouraged.
2. Maintaining the spatial relationship on the lot to the other houses in the neighbourhood is encouraged, including consistent front yard setbacks.
3. Low-pitch hipped roofs or single gable roofs shall be included.
4. Porch entries shall be minimal in keeping with the development.
5. Siding shall consist of wide plank horizontal wood or materials that resemble this effect.

DPA-3 FARM PROTECTION

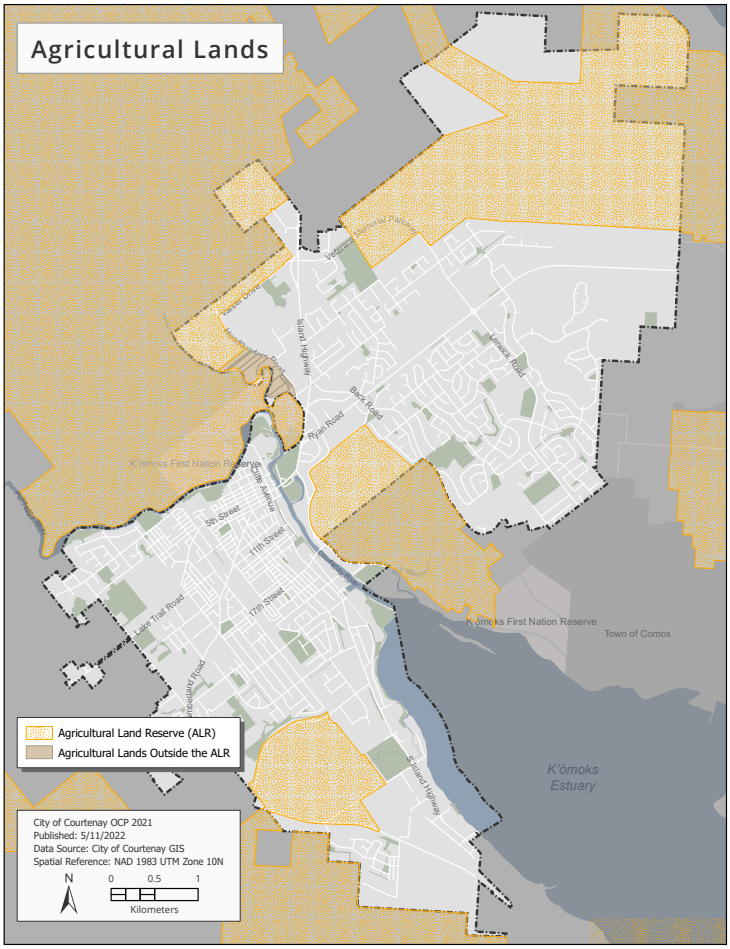
Justification:

This Development Permit Area is intended to protect agriculture and farming operations from adjacent new development and to reduce conflicts that could arise between agricultural use and non-agricultural uses through the use of possible requirements for screening, landscaping, fencing and siting of buildings or other structures.

This category applies to all properties adjacent to agriculturally zoned lands, including lands adjacent to those within the Agricultural Land Reserve (ALR) (as shown on Map 4). This includes properties that are within 30 metres of agricultural lands.

The designation and guidelines are in accordance with sections 488 (1) (c) of the Local Government Act.

Map 4 Agricultural Lands.



Objectives:

1. To minimize the conflicts that may arise between agricultural and non-agricultural land uses including as a result of nuisances such as agricultural odor, noise and dust to urban lands, or of urban light, noise and trespass to agricultural lands.
2. To minimize the impact of urban encroachment on agricultural lands.
3. To protect and/or develop effective vegetated buffers along agricultural land boundaries.

Exemptions

A Farm Protection Development Permit will not be required in the following circumstances:

1. The subdivision of land already provides the prescribed agricultural buffer.
2. Subdivision lot line adjustments.
3. Development on an existing lot, that does not require subdivision, and is separated from the ALR due to a slope greater than 30%.
4. A lot that is adjacent to an ALR property that is zoned for public and institutional uses (such as parks, schools, utilities).
5. A lot that has existing vegetation that meets the vegetated buffer requirements in the development permit guidelines as long as the intent of the guidelines for all other requirements have been met.
6. A lot separated by a dedicated road right of way of at least 20 metres wide.
7. Construction, addition or alteration of building or structure not exceeding 10m2 (100 ft2) in total gross floor area and where no variance(s) of the Zoning Bylaw is required.
8. Interior / exterior building alterations that do not expand the existing building foundation.
9. Repair, maintenance, alteration or reconstruction of existing legal buildings, structures or utilities, providing there is no expansion of the footprint.

Guidelines

General

1. Developments should generally follow, unless otherwise specified otherwise in the guidelines below, the guidelines and specifications provided in the Ministry of Agriculture Guide to Edge Planning and Agricultural Land Commission Landscaped Buffer Specifications.
2. The subdivision shall be designed to minimize the impacts that may occur between agricultural and urban uses on lands adjacent to agricultural lands.
3. Lots, buildings and structures should be clustered away from the agricultural lands to the maximum extent possible.
4. Topography shall be considered to minimize additional runoff from developed land onto agricultural land and minimize erosion.
5. A minimum 30 metre setback shall be established between future buildable areas and the agricultural land boundary. The 30 metre separation distance may include a watercourse, road, rail, or utility right of way.
6. A minimum 15 metre continuous vegetated buffer width shall be established parallel to the agricultural land boundary.
7. Exceeding a minimum 15 metre wide continuous vegetated buffer parallel to the agricultural land boundary is strongly encouraged to achieve the vegetated buffer widths outlined in the Ministry of Agriculture's "Guide to Edge Planning" most recent edition. When multiple uses occur on the lot, the most stringent vegetation buffer width should be used.

8. A minimum of 5 meter setback between vegetation buffer and the future buildable area shall be established to provide for sufficient access to the building(s).

9. Designing passive open space, including rainwater management infrastructure, next to the edge of any vegetated buffers is encouraged to add additional separation from agricultural and urban uses.

10. Development shall be designed to protect the vegetated buffer from potential negative impacts related to on-site activities (e.g. drainage, recreational pathways, driveways).

11. The road pattern shall be planned in such a way to direct urban traffic away from routes used by farmers to move equipment.

12. Utility extensions into agricultural land shall be avoided.

13. Lighting impacts on to agricultural land shall be avoided.

14. The vegetated buffer shall be located entirely on the non-agricultural side of the property boundary.

15. The vegetated buffer shall be designed, established and maintained to: filter noise, dust, airborne particulates and chemical spray drift from activities on adjacent agricultural land.

16. Existing native vegetation within the buffer shall be protected wherever possible; existing vegetation may serve as the entire buffer provided it meets the objectives of these development permit guidelines.

17. Vegetation buffer planting material shall be selected from the Ministry of Agriculture's "Guide to Edge Planning", most recent edition, appropriate for Courtenay's climate zone by following the criteria below:

    a. Non-invasive;

    b. Not harmful to nearby crops and do not harbor insects or diseases;

    c. Drought tolerant or require minimal irrigation;

    d. Low maintenance and require little or no fertilizer;

    e. Native to the area where possible;

    f. Adaptable to climate change;

    g. Beneficial pollinator plants, wherever possible.

    h. A deterrent to prevent trespass onto farms.

18. The vegetated portion of the buffer shall be a 'no build zone'. The area shall be free of buildings, parking, paved areas, lawn, paths, active and/or passive recreational activities.

19. A fence and educational signage about the boundary shall be installed along the agricultural land boundary and/or property line that meets the following criteria:

    a. Up to the maximum height permitted by the Zoning Bylaw;

    b. Solid wood, chain link, or wire mesh fabric;

    c. According to the fencing specifications found in the Ministry of Agriculture's "Guide to Edge Planning", most recent edition.

    d. Existing fencing may be utilized provided it is in good condition and meets the fencing guidelines.

20. The vegetated buffer shall be delineated and protected prior to the issuance of building permit.

21. A Statutory 219 Covenant shall be registered on title in order to secure the landscaping and fencing measures prescribed, including maintenance, and ensure adherence to recommendations outlined in professional reports, and/ or to notify land owners of the potential for land use conflicts due to active farm operations on the adjacent agricultural lands.

DPA 4 – ENVIRONMENTAL

JUSTIFICATION:

This Development Permit Area is intended 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.

This category applies to all lands shown on the Terrestrial Environmentally Sensitive Area Map D-4 and the Aquatic Environmentally Sensitive Map D–5 as well as to any property that contains an Environmentally Sensitive Area, whether mapped or not. Because not all ESAs are mapped, all properties that are equal to or larger than 4,000 metres square in size are subject to an Environmental Impact Assessment prior to development approvals to confirm the presence or absence of ESAs.

The types of Environmentally Sensitive Areas fall into the following categories:

- **Freshwater aquatic ecosystems:**
  Those natural systems that are either permanently or periodically under water. Water may be running, as in a river, stream or springs or still, as in lakes and wetlands, whether connected by surface flow to fish bearing waters or not. This includes their riparian areas, specifically lands within 30 metres of the natural boundary of such ecosystems. These ecosystems may also be subject to provincial Riparian Areas Protection Regulation (RAPR). (Shown in Map D-5).
- **Estuary and marine shorelines:**
  The waters and lands adjacent to the K'ómoks Estuary as well as the Courtenay River and including to the Condensory Bridge at Anderton Avenue and Condensory Road.

- **Terrestrial ecosystems:** Those ecosystems that are land-based. Common designations follow the provincial Sensitive Ecosystem Inventory categories: seasonally flooded agricultural fields, terrestrial herbaceous, older forest, older second growth forest, sparsely vegetated (cliffs and bluffs), wetland, riparian, and woodland such as Garry Oak ecosystems. (Shown in Map D-4).
- **At-risk species and ecological communities:** These include, but are not limited to, species listed under the federal Species at Risk Act (SARA) and species and ecological communities provincially designated as red- or blue-listed.
- **Ecosystems Connectivity Areas:** The Biogeoclimatic Zone in which Courtenay is situated (the Coastal Western Hemlock, very dry maritime, CWHxm) is one of the most at risk in BC. The greatest opportunities for protecting at-risk ecological communities within this zone are generally represented in the Ecosystem Connectivity Area Opportunities shown on Map D-4 Terrestrial Environmentally Sensitive Areas. The map includes gaps in the corridor that will require restoration.
- **Raptor and heron nests:** Under the BC Wildlife Act, the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron, or burrowing owl is protected whether occupied by a bird or its egg or not. Raptors are a term used to describe birds of prey including hawks, owls, falcons and eagles. This includes the nests themselves and their setbacks as determined by a Registered Professional Biologist.

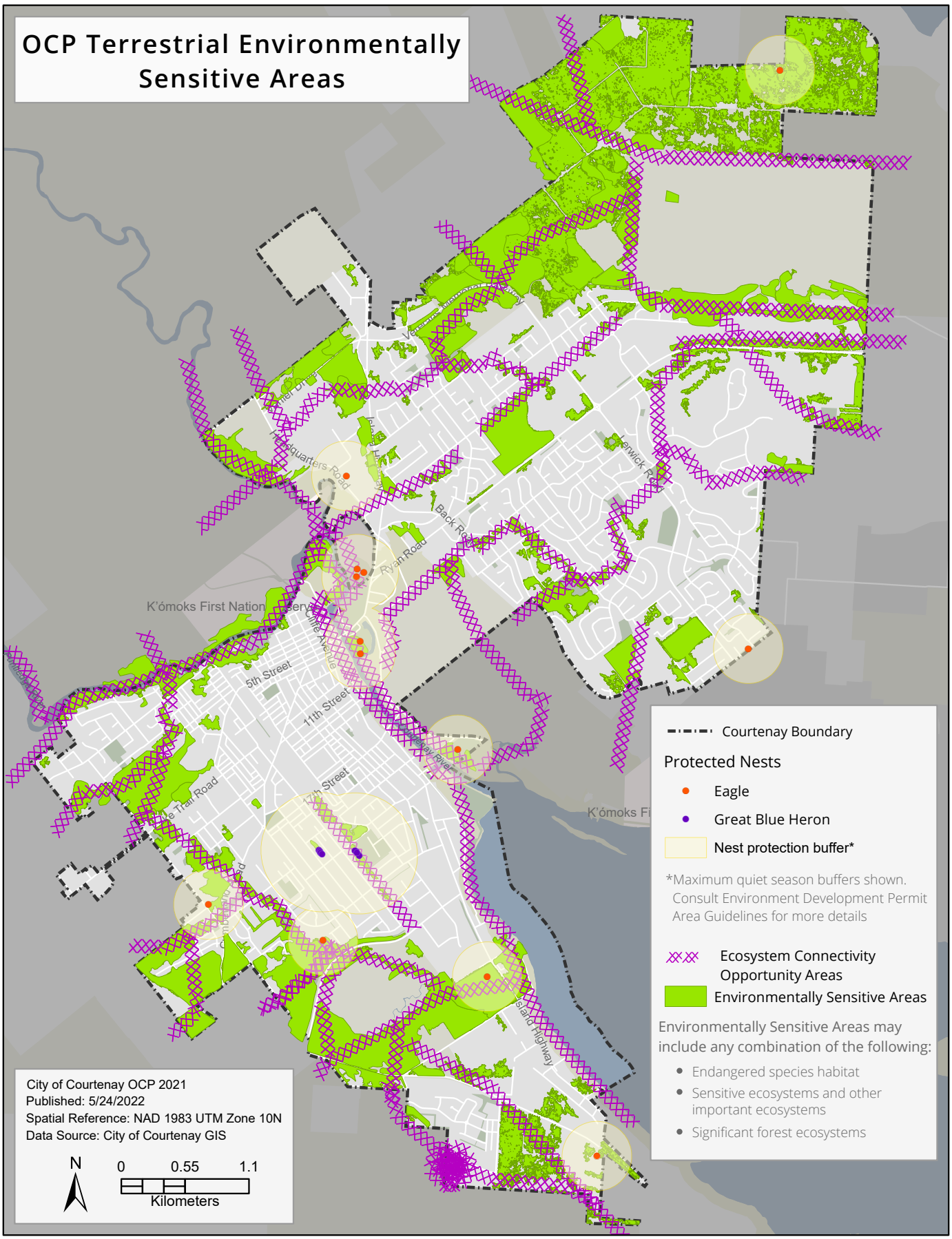
The designation and guidelines are in accordance with sections 488 (1) (a) of the Local Government Act.

The City of Courtenay's regulations do not negate the need for compliance with any federal or provincial statutes and regulations governing the management of the environment and wildlife.

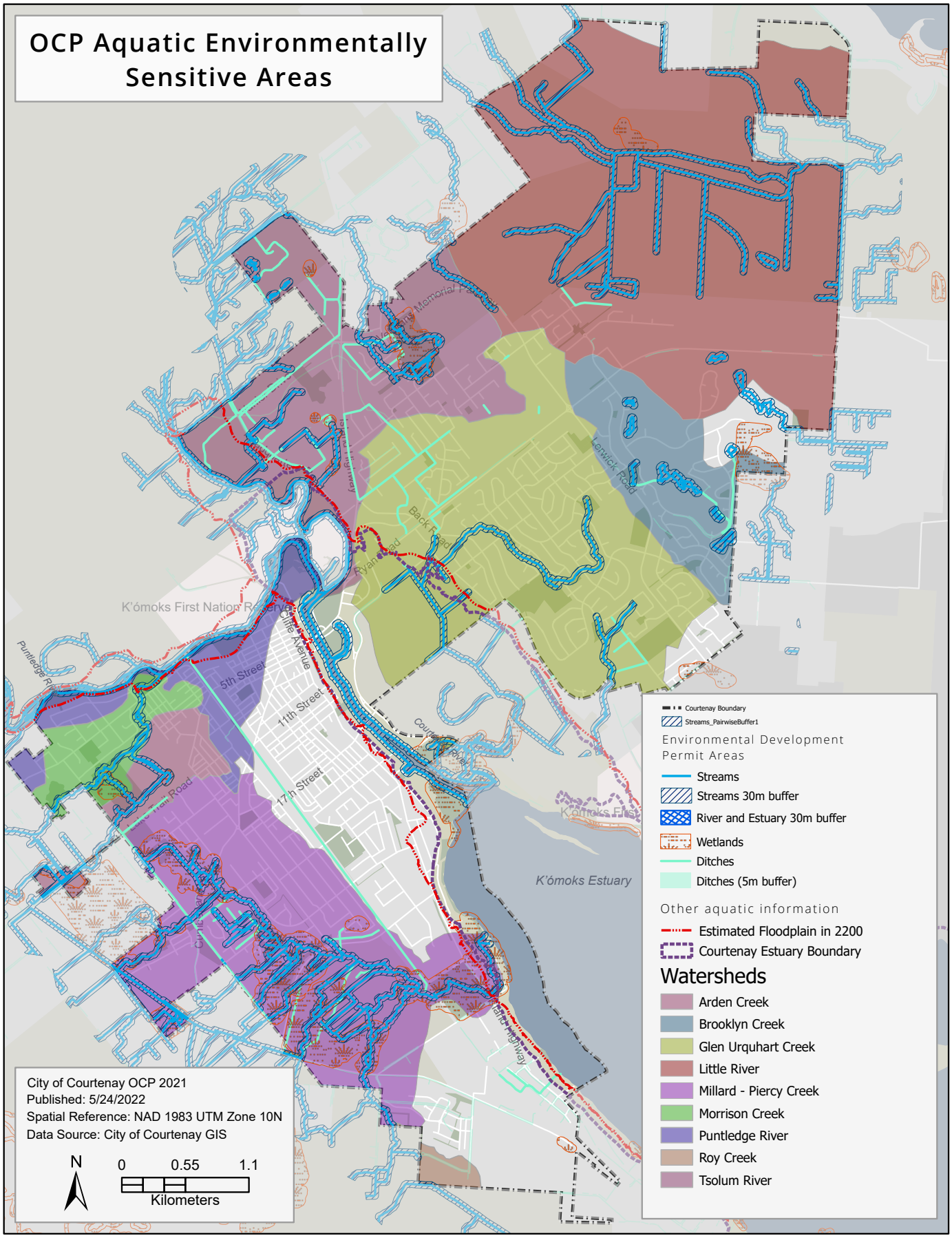
Objectives:

1. Protect areas of high biodiversity and ecological sensitivity within Courtenay including ground and surface water, shorelines, forests, wildlife and important wildlife habitats, ecosystem features and functions, and rare and endangered ecosystems, ecological communities and species.
2. Maintain ecosystem connectivity.
3. Restore and enhance previously degraded ecosystems.
4. Ensure that ecosystem protection and enhancement values are elevated and prioritized in the development design and review process, and specify where and how lands are developed around Environmentally Sensitive Areas.
5. Protect and enhance water quality and prevent contamination of water from land use and development activities.
6. Meet and generally exceed the Riparian Areas Protection Regulation (RAPR) requirements.
7. Provide comprehensive environmental protection guidelines that are scientifically rigorous, clear, and transparent to development applicants and the greater community.

Map 5 Terrestrial Environmentally Sensitive Areas.



Map 6 Aquatic Environmentally Sensitive Areas.



DESIGNATED AREAS & ACTIVITIES

The Environmental Development Permit Area applies to all privately-owned land within the City of Courtenay unless subject to a defined Exemption (Exemptions Section follows).

Unless exempt, a development permit addressing the Environmental Development Permit guidelines in this chapter must be approved before any development may take place. Development includes any of the following:

- removal, alteration, disruption, or destruction of vegetation
- disturbance of gravel, stand, soils and/or peat
- deposition of gravel, sands, soil, and/or peat
- construction, erection, or alteration of buildings and structures
- creation of non-structural impervious or semi-pervious surfaces
- flood protection works
- preparation for or construction of roads, trails, docks, and bridges
- provision and maintenance of sewer and water services
- development of drainage systems
- development of utility corridors
- blasting

GENERAL STRUCTURE

The structure of the Environmental Development Permit Area Guidelines follows the following format:

- **General Guidelines** - These generally apply to all types of development.
- **Additional Guidelines** - These apply additionally to specific types of Environmentally Sensitive Areas and are listed in box insets.

Where a property contains or is adjacent to more than one Environmentally Sensitive Area, all applicable development permit guidelines shall be followed.

EXEMPTIONS

An Environmental Development Permit (EDP) will not be required in the following circumstances:

1. **No Environmentally Sensitive Area.** The absence of an ESA shall be demonstrated as follows:

    a. Properties that are smaller than 4,000 square metres in size and do not contain an ESA shown on Maps 5 or 6 (Terrestrial and Aquatic Environmentally Sensitive Areas) are exempt.

    b. Properties that are equal to or larger than 4,000 square metres in size will require an Environmental Impact Assessment (EIA) in order to evaluate the presence of Environmentally Sensitive Areas.

        i. Where an ESA had previously been identified, but is no longer present, the City will take into account whether the ESA is no longer present due to its alteration.

        ii. Where alteration in the form of land clearing, drainage, or any other alteration that affected the ESA is known to have occurred, the City will require that an EDP be registered on title to include ecological restoration provisions.

        iii. Where the EIA demonstrates that no ESAs will be affected by the development proposal and where scenario 1.b.ii. does not apply, an EDP will not be required.

2. **Pre-existing protection.** Where a development permit of this type has already been issued or a conservation covenant under section 219 of the *Land Title Act* is registered against title, is granted to the City or a recognized conservancy and includes provisions which protect the environmentally sensitive area in a manner consistent with the current applicable EDPA guidelines, to the satisfaction of the City of Courtenay.

3. **Restoration activities only,** including invasive species removal. The proposed works are ecological restoration and enhancement, in accordance with established best management practices and senior government approvals, as required, under the purview of the City of Courtenay. This includes: hand removal of invasive plants or noxious weeds on a small scale with appropriate disposal methods; planting and maintenance of native species trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability. A restoration plan prepared by a Registered Professional Biologist must be presented to the City of Courtenay prior to these activities taking place.

4. **Sufficient senior government approvals**. Works approved by provincial or federal authorities with respect to the installation of public utilities, sewer and water lines, trail construction, stream enhancement, and fish and wildlife habitat restoration or site inspection.

5. **Public infrastructure**. Including the repair, maintenance of and improvements to all existing public structures, facilities, open spaces, trails, roads, utilities, and signage meant to include: sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric, and telephone.

6. **Emergency procedures**. Actions and activities necessary in order to prevent immediate threats to life or property. Any emergency works are to be undertaken in accordance with the Provincial Riparian Area Protection Regulations, Water Sustainability and Wildlife Acts, and the Federal Fisheries Act. Emergency actions by anyone other than authorized personnel must be reported to the City of Courtenay Operational Services Department immediately.

7. **Imminently hazardous trees**. Removal of a tree that is deemed an imminent hazard to the safety of life or buildings, as determined by an Arborist certified by the International Society of Arboriculture (ISA) with Tree Risk Assessor Certification (TRAC), provided a tree risk assessment report is provided to the City of Courtenay at the property owner's expense and removal is in accordance with the Provincial Riparian Area Protection Regulations, Water and Wildlife Acts, and the Federal Fisheries Act.

8. **Farm use in accordance with the Farm Practices Protection (Right to Farm) Act**. Provided that the proposed activity on the site will not impact the environmentally sensitive area and the activity relates solely to normal farm practices in accordance with the Act. Non-farming activities and buildings on lands that may otherwise be used, designated, or zoned for agriculture are subject to the EDP guidelines.

9. **Limited construction**. Specifically:

    a. The construction of a small accessory building if all of the following apply:

        i. The building is not located within 30 metres of natural boundary of a watercourse or within an environmentally sensitive area or its setback;

        ii. The building is located within an existing developed area;

        iii. No native trees are removed;

        iv. The total area of individual small accessory buildings is less than 10 m^2.

    b. Additions to existing buildings and structures that do not encroach into the present setback between the existing building and the defined ecologically sensitive feature.

    c. Fences and unpaved paths or trails which are less than one (1) metre in width, provided they are not located within 30 metres of a watercourse, waterbody or marine foreshore and no native vegetation is removed.

10. **Repair and maintenance of existing property**. Specifically:

    a. Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land or cause erosion into adjacent watercourses provided that existing native vegetation is not damaged. Use of pesticides is not permitted.

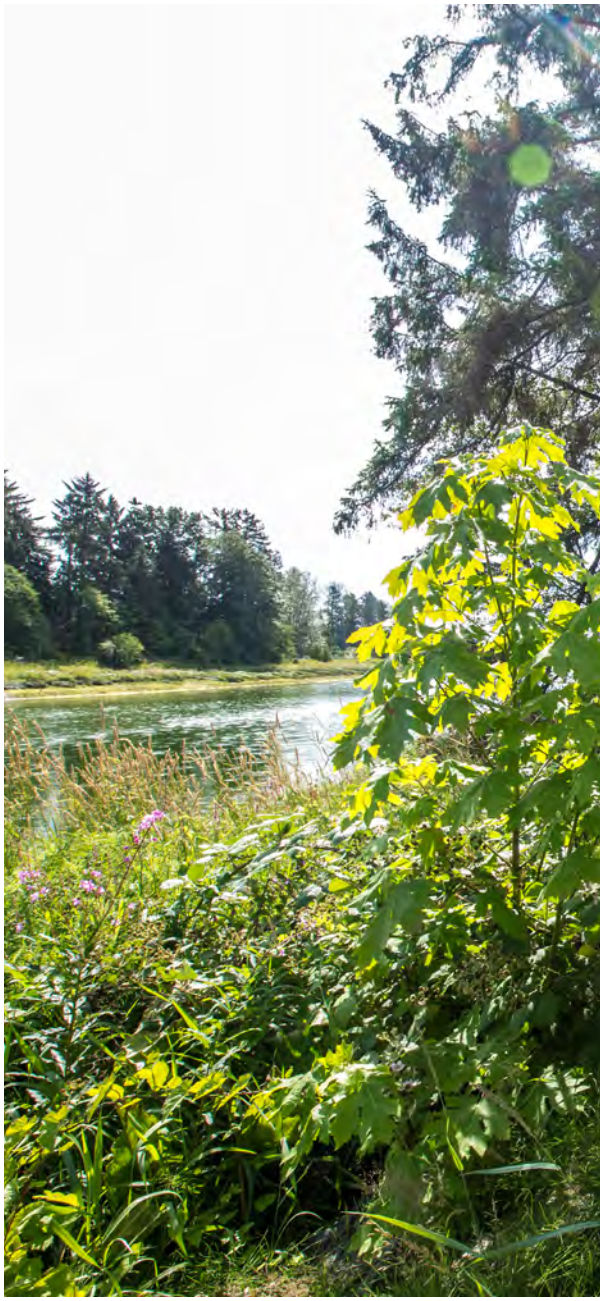
    b. Roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail and specifically no expansion of the amount of impervious area.

    c. Renovations, repair, and maintenance to existing buildings, structures, and utilities provided the structure remains on its existing foundation, does not extend the structure footprint either horizontally or vertically beyond its pre-existing condition, and is in compliance with the Local Government Act.

11. **Separated by a road**. Development within a Riparian Assessment Area where the development is separated from the body of water by a developed public road right of way, provided that no other Environmentally Sensitive Areas, including their buffers, are on the property.

12. **Lot consolidation or boundary adjustment**. A subdivision involving a lot consolidation or boundary adjustment where no new lots are being created and each remaining lot provides, outside of any environmental protection assessment areas, a building envelope of sufficient area to permit the construction of a standard sized building within the setback building envelope established by the Zoning Bylaw (the construction of a building will require an EDP).

13. **Developing near roadside ditches within a public road right of way**. Provisions regarding setbacks from both fish-bearing and non-fish-bearing roadside ditches shall be adhered to at the building permit stage. Five (5) metre leave strips will be required for known fish-bearing ditches. Two (2) metre leave strips will be required for non-fish-bearing ditches. Where it is unknown whether the stream contains fish or not, the five metre leave strip shall apply. An EDP will be required for developing near ditches that are located on private land, and will be subject to the Riparian Areas Protection Regulation if developing within 30 metres of said ditch.



GENERAL GUIDELINES

Site planning

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 sizes 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 drainage flows. Developments shall not result in an increase to post-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 stormwater source controls as much as practicable; and
    d. Ensuring a minimum of 20 centimeters of topsoil on all future lawn areas.

8. 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, for the purposes of supporting raptor habitat (nesting and perching).

    d. Preserving native vegetation and tree cover means also preserving their roots.

9. 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 FireSmart principles and public safety with ecosystem restoration under the guidance of a Registered Professional Biologist.

10. Disturbance to nesting sites and breeding areas as identified in the EIA is prohibited.

11. Wildlife crossings wherever wildlife corridors are interrupted by roadways, as determined by the EIA, shall be included.

12. Unutilized existing structures should be removed from ecosystems and their buffers identified in the EIA.

13. 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.

14. 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.

15. The ecological value of the ESA should be enhanced by adding habitat features such as nest boxes.

16. 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.

Restoration and recovery

17. 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.

18. 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, sun shade, 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 groundcover with native herbaceous plants, grasses, or legumes.

19. 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.

20. 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 area(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

21. ESA including individual trees should be protected with permanent fencing and shall follow the protection measures identified in the EIA.

22. 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.

23. 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.

24. 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.

25. Permanent signage to identify the ESAs and their values should be provided in areas where public access is provided.

Construction phase

26. 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 seasons;

    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); and

    c. Within least risk regional timing windows for aquatic species.

27. The roots of trees and native vegetation shall be protected during construction. Temporary fencing should be a minimum height of 1.2 m and supported by poles placed at 2.5 m intervals. The fence will 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.

28. 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.

29. Native plants of high conservation value should be salvaged prior to clearing.

30. Foreign material shall not enter into any ESAs, including – without limitation – stockpiled materials and vehicles, garbage, greases, oils, gasoline, sediments, pesticides and other contaminants during and after the construction phase of the proposed development.

31. Sediment containment and erosion control measures shall be installed prior to any development activity and ensure they are regularly maintained to fulfill their purpose.

32. Environmental monitoring may be required to confirm the completion and compliance with 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.

33. 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

The Riparian Areas Protection Regulation (RAPR) is a provincial regulation that calls on local governments to protect riparian areas during residential, commercial, and industrial development ensuring that a Qualified Environmental Professional conducts a science-based assessment of proposed activities and develops mitigation measures to avoid impacts from development to fish and fish habitat, particularly riparian habitat.

Local governments must provide protections that meet or exceed these provincial requirements. The guidelines provided below fulfill this objective and clarify when a RAPR assessment report is required as part of an EDP application. The general intent of these guidelines is to require a 30 metre setback in all possible instances, and to defer to the Riparian Area Protection Regulations methodologies for determining stream setbacks only in instances where the property will be undevelopable otherwise.

34. 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.

35. 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 into 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 an EDP application.

c. A policy of net habitat gain, including restoration, 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.

36. RAPR reports must be authored or reviewed and signed off by a Registered Professional Biologist.

ADDITIONAL GUIDELINES FOR DEVELOPING NEAR THE K'ÓMOKS ESTUARY AND MARINE SHORELINE

37. 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.

38. A policy of net habitat gain shall be adopted wherever a 30 metre setback cannot be achieved due to existing development setbacks.

39. 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.

40. Where recreational greenways along the Courtenay River and K'ómoks Estuary are required, public access shall be chosen with respect for estuarine and riparian habitat functions.

41. Shoreline scenic and aesthetic qualities that are derived from natural or cultural features, such as shoreforms, natural vegetative cover, scenic vistas, diverse landscapes, historic structures, and rural and wilderness-like shores shall be maintained.

42. 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.

43. Groups of trees rather than isolated trees shall be retained where possible, to provide an interlocking tree canopy and support tree health.

44. 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

45. 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.

46. 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."

47. 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.

48. 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.

49. Groups of trees rather than isolated trees shall be retained where possible, to provide an interlocking tree canopy and support tree health.

Table 2 General guidance on raptor and heron nest setbacks.

	Species tolerance to activity near nest side (common species listed; list is not exhaustive)	Undeveloped context	Rural context (lot sizes 1-5ha)	Urban context (lots smaller than 1ha)	Additional quiet season buffer
 	High tolerance: Osprey, Red-tailed Hawk, Great Horned Owl, Barred Owl. Moderate-high tolerance: Bald Eagle, Cooper's Hawk, Swainson's Hawk, American Kestrel, Merlin, Barn Owl, Northern Saw-whet Owl.	200 metres	100 metres	1.5 tree lengths (approx. 100m) or 50 metres from cliff	Add 100 metres
	Moderate tolerance: Turkey Vulture, Sharp-shinned Hawk, Peregrine Falcon, Northern Harrier, Western Screech-Owl, Short-eared Owl, Northern Pygmy Owl.	500 metres	200 metres	1.5 tree lengths (approx. 100m) or 50 metres from cliff	Add 100 metres
	Low-moderate tolerance: Burrowing Owl, Prairie Falcon. Low tolerance: Northern Goshawk, Spotted Owl.	500 metres	As advised by a Registered Professional Biologist	As advised by a Registered Professional Biologist	As advised by a Registered Professional Biologist
	Great blue heron. Tolerance not identified.	300 metres	200 metres	60 metres	Add 200 metres

Information from Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia, 2013. Raptor setbacks are measured from the base of the tree; heron setbacks are measured from a line drawn around the outer perimeter of all nest trees.

ADDITIONAL GUIDELINES FOR DEVELOPING NEAR ECOSYSTEM CONNECTIVITY AREAS

50. 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.

51. To the maximum extent possible, the distribution and intensity of native vegetation and cover should be maintained throughout the property.

52. 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 as determined by the mitigation measures described in the bio-inventory shall be designed and installed, using best practices for mitigating the effects of roads on local species.

53. Any fencing or other similar barriers to the movement of identified wildlife shall be designed with wildlife movement in mind.

DPA 5 – HAZARDOUS CONDITIONS – STEEP SLOPES

JUSTIFICATION:

This Development Permit Area is intended to establish a process for hazard assessment over those areas that are susceptible to land slippage and ensure that development is protected from such hazardous conditions.

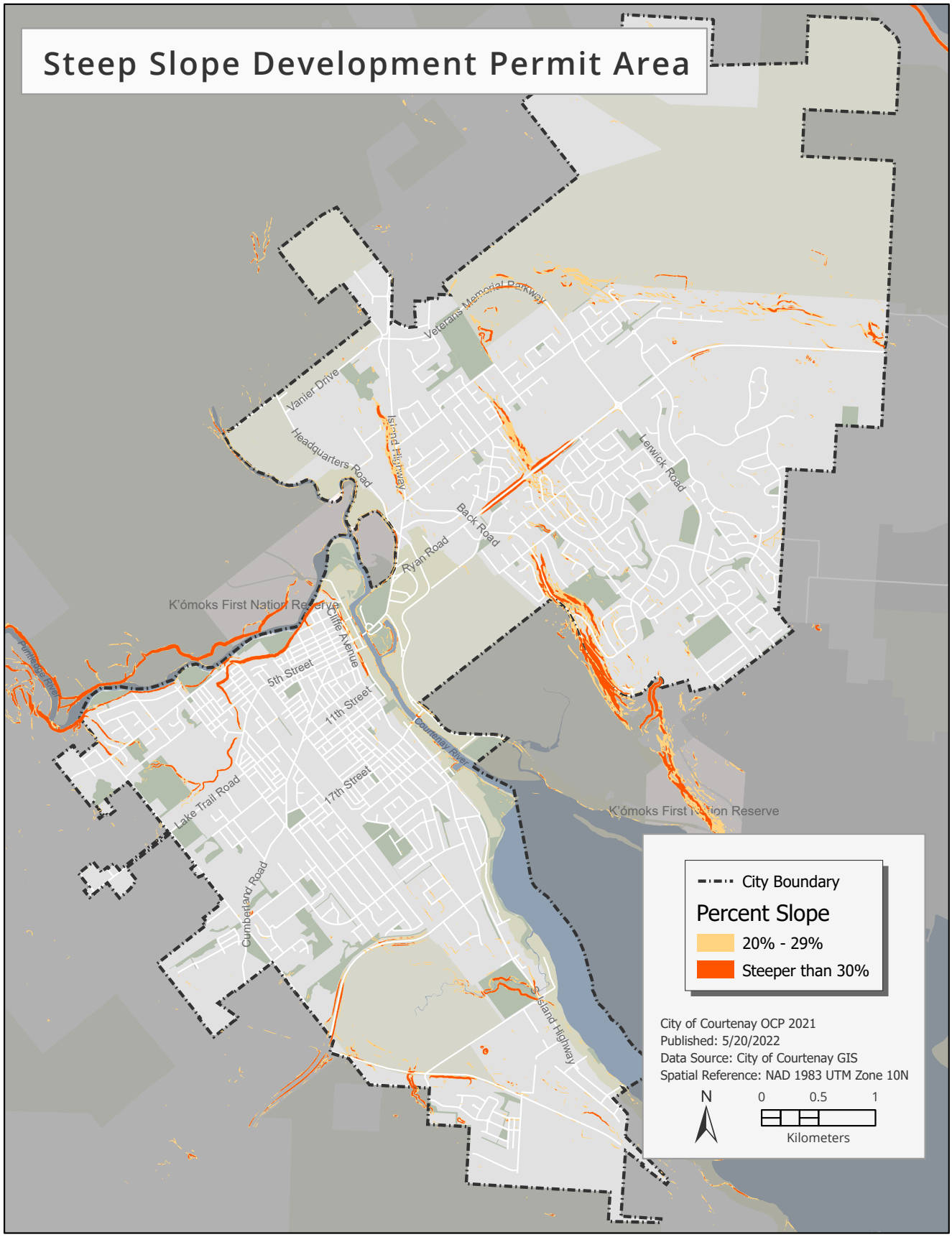
This category applies to all properties containing a slope of equal to or greater than 20% measured over a minimum horizontal distance of 10 metres (as shown on Map 7).

The designation and guidelines are in accordance with sections 488 (1) (b) of the Local Government Act.

Objectives:

1. Minimize the risk to people and property from natural hazards.
2. Provide stable and accessible building sites.
3. Promote development that is appropriate for steep slope areas by respecting terrain, maintaining natural vegetation and drainage patterns.
4. Inform land owners of potential hazards and encourage development and property maintenance that is resilient to hazard risk.

Map 7 Steep Slope Development Permit Area.



Exemptions

1. The proposed development will not be impacted by the identified hazardous conditions.
2. A restrictive covenant is in place which effectively mitigates the hazardous conditions on the property and saves harmless the City of Courtenay.
3. The only activity being proposed onsite relates to the removal of hazardous tree(s), and generally the stump must be retained. For the City to determine whether the proposed development qualifies for this exemption, applicants may be required to provide a report prepared by a certified arborist with Tree Risk Assessment Qualifications.

For the City to determine whether the proposed development qualifies for exemptions, applicants may be required to provide a report on the development and hazardous condition, prepared by a professional engineer or geoscientist experienced in geotechnical engineering (qualified professional).

Guidelines

1. Land shall be safe for the intended use or measures required for the land to be safe for the intended use provided.
2. A report shall be provided completed by a professional engineer or geoscientist experienced in geotechnical engineering indicating the land is safe for the intended use or measures required for the land to be safe for the intended use, in accordance with the Development Permit Area guidelines.
3. Development shall be designed to minimize any alterations to the steep slope and to reflect the site rather than altering the site to reflect the development.
4. Where risk slope stabilization measures are proposed, bioengineering approaches should be proposed prior to hard engineering solutions.
5. Buildings or permanent structures shall not be constructed in areas subject to steep slope hazardous conditions.
6. Buildings and structures shall be sited in accordance with setbacks determined by the City or a geotechnical report by a qualified professional.
7. As much as possible, the site should be designed to avoid the need for retaining walls.
8. Existing vegetation should be maintained to absorb water, minimize erosion and protect the slope.
9. Natural slopes of 30 per cent or more should be maintained as natural open space.
10. Disturbed slopes shall be revegetated where gullied or bare soil is exposed as per a qualified professional's report.
11. Fill, excavated material, sand or soil should be avoided near the top of slope.
12. Section 219 restrictive covenants may be required for areas that have been identified as hazardous.
13. The alteration of land, including vegetation, subdivision, or construction of, addition to or alteration of a building or structure should be in accordance with any required professional engineer or geoscientist report including any measures specified for the land to be safe for the intended use.