

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, September 4, 2018

1:30 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Electoral Area Services Committee Meeting - July 10, 2018 6

That the minutes of the Electoral Area Services Committee meeting held July 10, 2018 be adopted.
4. DELEGATIONS
 - 4.1 John Peirce, Village Vision Planning Committee, re Gabriola Village Transportation Corridor and Road Side Pedestrian Trail 12
5. COMMITTEE MINUTES

That the following minutes be received for information:

 - 5.1 East Wellington / Pleasant Valley Parks and Open Space Advisory Committee - June 25, 2018 15
6. COMMITTEE RECOMMENDATIONS
 - 6.1 East Wellington / Pleasant Valley Parks and Open Space Advisory Committee
 - 6.1.1 Signage Strategy - EA 'EW/PV' Pilot Project 17

That the Signage Strategy be received and Anders and Dorrit's Community Park be identified as the pilot location for an interpretive and entrance sign.

7. PLANNING

7.1 Other

7.1.1 DPA and TUP Standardization Project

20

1. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018”.

2. That the Board give second reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

3. That the Board introduce and give first reading to “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018”.

4. That the Board give second reading to “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

5. That the Board introduce and give first reading to “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018”.

6. That the Board give second reading to “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

7. That the Board introduce and give first reading to “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018”.

8. That the Board give second reading to “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.

9. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018”.

10. That the Board give second reading to “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid

Waste Management Plan.

11. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018”.
12. That the Board give second reading to “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Amendment Bylaw No. 1540.02, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
13. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018”.
14. That the Board give second reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
15. That the Board introduce and give first reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”.
16. That the Board give second reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”.
17. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.
18. That the Board give second reading to “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.
19. That the Board direct the public hearing on the following bylaws to be Chaired by Director Stanhope or his alternate:
 - a. “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018”.
 - b. “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018”;
 - c. “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018”;
 - d. “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018”;
 - e. “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018”;

- f. "Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018";
- g. "Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018"; and
- h. "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018";
- i. "Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018";

20. That the Board introduce and give first, second and third reading to "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018".

21. That the Board approve revisions to "Policy B1.12 *Riparian Areas Regulation Stream Declaration*" under the revised title of "Policy B1.12 Property Declaration Form".

8. EMERGENCY PREPAREDNESS

8.1 Emergency Plan Update 244

That the Emergency Plan Update report be received for information.

9. FIRE PROTECTION

9.1 Fire Services Project Update 246

That the Fire Services Projects Updates be received for information.

10. BUILDING INSPECTION

10.1 Building Permit Activity – Second Quarter 2018 249

That the report Building Permit Activity – Second Quarter 2018 be received for information.

11. BUSINESS ARISING FROM DELEGATIONS

12. NEW BUSINESS

12.1 Directors' Forum

12.1.1 Planning

12.1.2 Community Parks

12.1.3 Emergency Preparedness

12.1.4 Fire Protection

12.1.5 Bylaw Enforcement

12.1.6 Building Inspection

12.1.7 Other Electoral Area Matters

13. ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, July 10, 2018
1:30 P.M.
RDN Board Chambers

In Attendance:	Director B. Rogers	A/Chair
	Director A. McPherson	Electoral Area A
	Director H. Houle	Electoral Area B
	Director M. Young	Electoral Area C
	Director J. Fell	Electoral Area F
	Director J. Stanhope	Electoral Area G
	Director W. Veenhof	Electoral Area H

Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	W. Idema	A/Gen. Mgr. Corporate Services
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Pearce	Director of Transportation & Emergency Services
	J. Holm	Mgr. Current Planning
	T. Mayea	A/Mgr. Administrative Services
	S. Commentucci	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area Services Committee Meeting - June 12, 2018

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held June 12, 2018, be adopted.

CARRIED UNANIMOUSLY

DELEGATIONS

Kristan Vanden Hoek and Mark Secord, re Agenda Item# 7.2.1 - Official Community Plan and Zoning Amendment Application No. PL2018-043 - 1723 Cedar Road, Electoral Area A.

Kristan Vanden Hoek and Mark Secord spoke in opposition of the Water Treatment Plant in Cedar, BC.

Toby Seward, Agent, North Cedar Improvement District, re Agenda Item# 7.2.1 - Official Community Plan and Zoning Amendment Application No. PL2018-043 - 1723 Cedar Road, Electoral Area A.

Toby Seward, Agent, North Cedar Improvement District provided an update regarding the Water Treatment Plant in Cedar, BC.

COMMITTEE MINUTES

It was moved and seconded that the following minutes be received for information:

Electoral Area 'A' Parks, Recreation and Culture Commission - June 20, 2018

Electoral Area 'B' Parks and Open Space Advisory Committee - June 18, 2018

Nanoose Bay Parks and Open Space Advisory Committee - June 13, 2018

Electoral Area 'G' Parks and Open Space Advisory Committee - June 13, 2018

Electoral Area 'H' Parks and Open Space Advisory Committee - June 11, 2018

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area 'A' Parks, Recreation and Culture Commission

Lease and Site License Agreement with Cedar School and Community Enhancement Society for the Management of Cedar Heritage Centre (2019-2020)

It was moved and seconded that the Lease and Site License Agreement with Cedar School and Community Enhancement Society (CSCES) commencing the 1st of January 2019 ending the 31st of March 2020 be approved.

CARRIED UNANIMOUSLY

Electoral Area 'B' Parks and Open Space Advisory Committee

Signage Strategy - Electoral Area 'B'

It was moved and seconded that the trails and parks associated with the Whalebone Area of Gabriola be designated as the pilot project for the new signage strategy.

CARRIED UNANIMOUSLY

Nanoose Bay Parks and Open Space Advisory Committee

Signage Strategy - Electoral Area 'E'

It was moved and seconded that Electoral Area 'E' Parks and Open Space Advisory Committee endorse the signage project, and Es-hw Sme~nts Community Park be the pilot location.

CARRIED UNANIMOUSLY

Electoral Area 'G' Parks and Open Space Advisory Committee

Little Qualicum Hall – Building Considerations and Public Consultation Report

It was moved and seconded that \$170,000 in Community Works Funds is provided to undertake safety and accessibility upgrades to the Little Qualicum Hall and that \$50,000 is budgeted over 2 years to complete the repairs.

CARRIED UNANIMOUSLY

PLANNING

Development Variance Permit

Development Variance Permit Application No. PL2018-008 - 2798 Sunset Terrace, Electoral Area 'H'

It was moved and seconded that the Board approve Development Variance Permit No. PL2018-008 to increase the maximum permitted floor area for a recreational residence subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-008.

CARRIED UNANIMOUSLY

Development Variance Permit Application No. PL2018-060 - 3471 Blueback Drive, Electoral Area 'E'

It was moved and seconded that the Board approve Development Variance Permit No. PL2018-060 to reduce the setback from the top of slope 30 percent or greater from 8.0 metres to 3.0 metres, be approved subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-060.

CARRIED UNANIMOUSLY

Zoning Amendment

**Official Community Plan and Zoning Amendment Application No. PL2018-043 - 1723
Cedar Road, Electoral Area 'A' - OCP Amendment Bylaw No. 1620.04, 2018 - Introduction;
Amendment Bylaw No. 500.419, 2018 - Introduction**

It was moved and seconded that the Board approve the proposed Public Consultation Plan as outlined in Attachment 10.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.04, 2018".

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.04, 2018", having considered the impact on the current Financial Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board receive the Summary of the Public Information Meeting held on June 7, 2018.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give two readings to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.419, 2018".

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.04, 2018" and "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.419, 2018", be delegated to Director McPherson.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct that the conditions set out in Attachment 2 of the staff report be completed prior to “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.04, 2018” and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.419, 2018” being considered for adoption.

CARRIED UNANIMOUSLY

Zoning Amendment Application No. PL2018-062 - 860, 870, 890 Spider Lake Road, Electoral Area ‘H’ - Amendment Bylaw 500.421, 2018 - Introduction

It was moved and seconded that the Board receive the Summary of the Public Information Meeting held on June 11, 2018.

CARRIED UNANIMOUSLY

It was moved and seconded that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.421, 2018, being considered for adoption.

CARRIED UNANIMOUSLY

It was moved and seconded that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018”, be introduced and read two times.

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

NEW BUSINESS

Village Way Path Project

It was moved and seconded that pending final approval by the Regional District of Nanaimo and the Union of BC Municipalities, up to \$25,000 of Electoral Area 'B' Community Works Funds be allocated to update the engineering drawings and specifications for the Village Way Path Project to meet Ministry of Transportation and Infrastructure requirements.

CARRIED UNANIMOUSLY

Directors' Forum

The Directors' Forum included discussions related to Electoral Area matters.

Planning

It was moved and seconded that staff be directed to provide a report on what would be required to increase the property size required for keeping of household poultry.

CARRIED UNANIMOUSLY

Bylaw Enforcement

It was moved and seconded that staff provide a report considering changes to the EA 'A' Noise Bylaw to apply to rock breaking and similar or associated activities/processes so as to reduce noise levels to the Permissible Sound Levels (PSLs) expressed in terms of one-hour average sound levels values for outdoor noise and attenuation of noise through the walls of a dwelling provided in the provincial guidelines for pit and quarrying facilities.

It was moved and seconded that the report consider applying the Permissible Sound Levels (PSLs) to activities that are anticipated to extend beyond four days and to restricting such activities to the period of Monday through Friday, excluding holidays, and to the hours of 8 am to 5 pm on those days.

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

TIME: 2:35 PM

CARRIED UNANIMOUSLY

CHAIR

Delegation: John Peirce, Village Vision Planning Committee, re Gabriola Village Transportation Corridor and Road Side Pedestrian Trail

Summary: See attached 'Brief in Support of Request to Meet with the RDN'

Action Requested: See attached 'Brief in Support of Request to Meet with the RDN'

Brief in Support of a request to meet with the RDN Board of Directors

Background

Village Vision, a community-led planning process, was established in 2013 to guide the development of a proactive, comprehensive, long-term vision of the future of Gabriola Island's village core. This was accomplished through: community meetings and workshops; presentations by experts; in-person and on-line surveys; and a 2-day planning exercise conducted by Masters of Community Planning students from Vancouver Island University. These activities resulted in a comprehensive report identifying principles and objectives to address key issues like traffic circulation, public gathering spaces and infrastructure, water management, housing, cultural presence, and environment and ecology. Throughout the process the Village Vision Planning Committee worked closely with the Local Trust Committee, the Regional District of Nanaimo and the Ministry of Transportation and Infrastructure in order to ensure that the concepts favoured by the community were grounded in reality.

Several 'big ideas' for the transformation of Gabriola's village core were generated through the Village Vision process, and we are actively working with key partners to implement the ideas generated through the community consultations.

The Regional District of Nanaimo is a key partner in achieving this vision. There are three areas in which the RDN mandate plays a pivotal role: its ability to acquire land; recreation and parks planning; and, as a legal entity recognized by the Province of BC, it has the authority to engage with provincial ministries whose mandates affect Gabriola, such as the Ministry of Transportation and Infrastructure (MoTI).

Achieving many of the objectives identified in the Village Vision report will require the support of the RDN. Ultimately, we would like to work with the RDN to develop a plan to address the core elements necessary for a comprehensive village core plan. In the near term, we have identified two areas that need to be focused on.

Objective and Goals

While there are many recommendations in the Village Vision report, there are two primary goals that are fundamental to a coherent village core:

1. Acquiring property: (a) that could be used to create a focal community gathering place that could meet a variety of needs (e.g., a community events/recreation building on a property large enough to accommodate a variety of community needs); and (b) that could be suitable for affordable housing in the Village core (would require zoning change).
2. Working with Islands Trust and MoTI to ensure a coherent, safe, accessible and rurally appropriate transportation corridor from Tin Can Alley to the BC Ferries terminal. This would potentially include:
 - a. a Village pedestrian pathway system
 - b. establishing North Road as the Village 'main street' with attendant traffic calming
 - c. addressing safety issues for all users

With regard to this second goal, Village Vision recently made a presentation to the Executive Committee of the Islands Trust urging that the 1992 Letter of Agreement between the Trust and MoTI be amended so that "village" area roads of the Islands Trust islands can be made safe and welcoming to pedestrians, cyclists and motorists. Our proposal is to create a mechanism for citizen-led groups to work with their LTCs and Regional

Districts, to formulate infrastructure improvements that will enhance safety for everyone and provide more options for cyclists and pedestrians in their communities. This proposal was very well received and is being pursued by IT officials.

Our request to the RDN

- We request the RDN to engage with the Islands Trust and MoTI to encourage the development of a letter of agreement (LOA) consistent with creating a coherent, safe, accessible and rurally-appropriate transportation corridor for village cores to replace the out-of-date 1992 LOA.
- We encourage the RDN to continue their efforts with MoTI to ensure that a road side pedestrian trail (the Village Way) can be built along North Road on Gabriola.

We appreciate the efforts of our Director and the support of his RDN colleagues in helping us address these important issues. In return we are happy to meet with RDN Directors from rural areas (and with relevant community representatives) to discuss how a process of community-led planning can result in engaged citizens creating a vision for more livable village areas within the RDN.

Respectfully submitted on behalf of the Village Vision planning group,

Diane Cornish
Dyan Dunsmoor-Farley
Steven Earle
John Peirce
Jim Ramsay

cc: Howard Houle, Regional Director Area “B”

REGIONAL DISTRICT OF NANAIMO**MINUTES OF THE EAST WELLINGTON / PLEASANT VALLEY PARKS AND OPEN SPACE
ADVISORY COMMITTEE MEETING****Monday, June 25, 2018****6:00 P.M.****East Wellington Fire Hall**

In Attendance:	Director M. Young	Chair
	S. Cameron	Member at Large
	B. Erickson	Member at Large
	R. Heikkila	Member at Large
	B. Lind	Member at Large
Regrets:	D. Cawthorne	Member at Large
Also in Attendance:	C. Pinker	Alt. EW/PV Director
	K. Cramer	RDN Parks Planner

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved with Signage Strategy moved ahead of 5yr Project Plan and Fire Protection Water Tanks being added to New Business.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES**East Wellington / Pleasant Valley Parks and Open Space Advisory Committee Meeting -
January 29, 2018**

It was moved and seconded that the minutes of the East Wellington / Pleasant Valley Parks and Open Space Advisory Committee meeting held January 29, 2018 be adopted.

CARRIED UNANIMOUSLY

REPORTS**Parks Update Report – Winter 2018**

Ms. Cramer provided an update on next steps for Anders & Dorrit's Community Park and the Committee discussed moving forward with approvals prior to moving into detailed design. An update on the Benson Creek Falls Regional Park access improvement project was also provided.

It was moved and seconded that the Parks Update Report - Winter 2018 be received for information.

CARRIED UNANIMOUSLY

NEW BUSINESS

Signage Strategy - EA 'EW/PV' Pilot Project

The Committee reviewed and discussed the signage and suggested a "Leave No Trace" note be added to the signage.

It was moved and seconded that the Signage Strategy be received and Anders and Dorrit's Community Park be identified as the pilot location for an interpretive and entrance sign.

CARRIED UNANIMOUSLY

5-year Project Plan – Electoral Area 'C'

The committee discussed the items on the plan. The Park Sign pilot project will be moved to 2019.

It was moved and seconded that the 5yr Project Plan - Electoral Area C be received.

CARRIED UNANIMOUSLY

Fire Protection Water Tanks

Mountain Fire Protection District Board of Trustees will send a letter to the RDN requesting permission to bury two water tanks within their leased area of Meadow Drive Community Park for fire protection.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 8:00PM

CHAIR

The Signage Strategy was presented to the EASC on February 13, 2018.

Through the development of the Community Parks and Trails Strategy, signage was identified as the most requested park improvement feature by the public for existing community parks.

We received direction from the Board to replace current Community Park signs with new welcoming signs. Research into signage for parks and trails in other jurisdictions was completed to better understand the graphic direction the Signage Strategy could take. The variety in design options currently provided for many communities is vast – there were many precedent ideas that could work for RDN Parks. Staff focused efforts on the cost effective qualities of signage while maintaining clear wayfinding options and branding opportunities. Staff met with RDN team members in Building & Bylaw Services, Corporate Services, and within Parks Services to better understand their signage needs. All were presented with an overview of the Signage Strategy and their feedback was considered and integrated into the sign design.

Staff examined the current Sign Manual for Community and Regional Parks & Trails, 2001 as reference for the proposed Signage Strategy for Community Parks and Trails. The new signs will reflect an updated graphic style and the RDN Graphic Design Standards. The corporate branding for the RDN uses a specific font type and colour palette; the new sign design integrates these branding components. An updated RDN logo will be provided on the new signs as well.

The signage classifications are as follows:

Identification Signage

Identification Signage is intended to mark the location of the park or trail at the earliest approach point to the park or trail itself. It is intended primarily to be visible from a distance by visitors traveling by vehicle at higher speeds but also useful to visitors arriving by bicycle or on foot. A wood sign would be placed adjacent the main road into the park or adjacent the parking area, where possible. It would be used at parks with larger entrances.

Kiosk Signage

A kiosk would be placed where it could be accessed safely by a pedestrian or cyclist. It would provide information such as mapping, background information, safety information, as well as park etiquette. Larger kiosk could provide broader information about RDN Parks.

Entrance Signage

Entrance Signage is intended to mark the main entrance to a park or trail. It should be to pedestrian scale, visible from a distance, and legible upon approach. A combination of Entrance and Welcome Signage would highlight the main entrance.

Welcome Signage

The welcome sign would provide historic and current information about the park or trail, provide a park map or trail system (or both), identify park or trail amenities, identify park or trail regulations, and provide contact information for RDN Parks.

Trail Head Signage

Trail Head Signage is intended to mark the beginning of a trail. It would provide the trail name, the trail condition (easy, moderate, difficult), the length of the trail, identify trail use (hiking vs walking), and provide a trail system map with “You are here” identified.

Directional Signage

Directional Signage is intended to be placed where required in a park or along a trail. The purpose is to direct park and trail users to areas of interest. Directional Signage would be a wayfinding tool for park and trail users not referencing maps. Where necessary, park or trail system diagrams with a location identified will be provided to enhance the wayfinding experience.

Regulatory Signage

Regulatory Signage is intended to reinforce Bylaw 1399 and to clearly identify uses permitted/not permitted in RDN Parks and along RDN Trails. It would provide universally understood icons to highlight uses permitted/not permitted and provide contact information for RDN Parks. Regulatory Signage would be customizable to reflect the individual park or trail in which the sign would be placed.

Interpretive Signage

Interpretive Signage is intended to provide historical, environmental, and/or educational information for park and trail users. Interpretive Signage would be used in parks in areas of significance or along trails to highlight points of interest.

Safety Signage

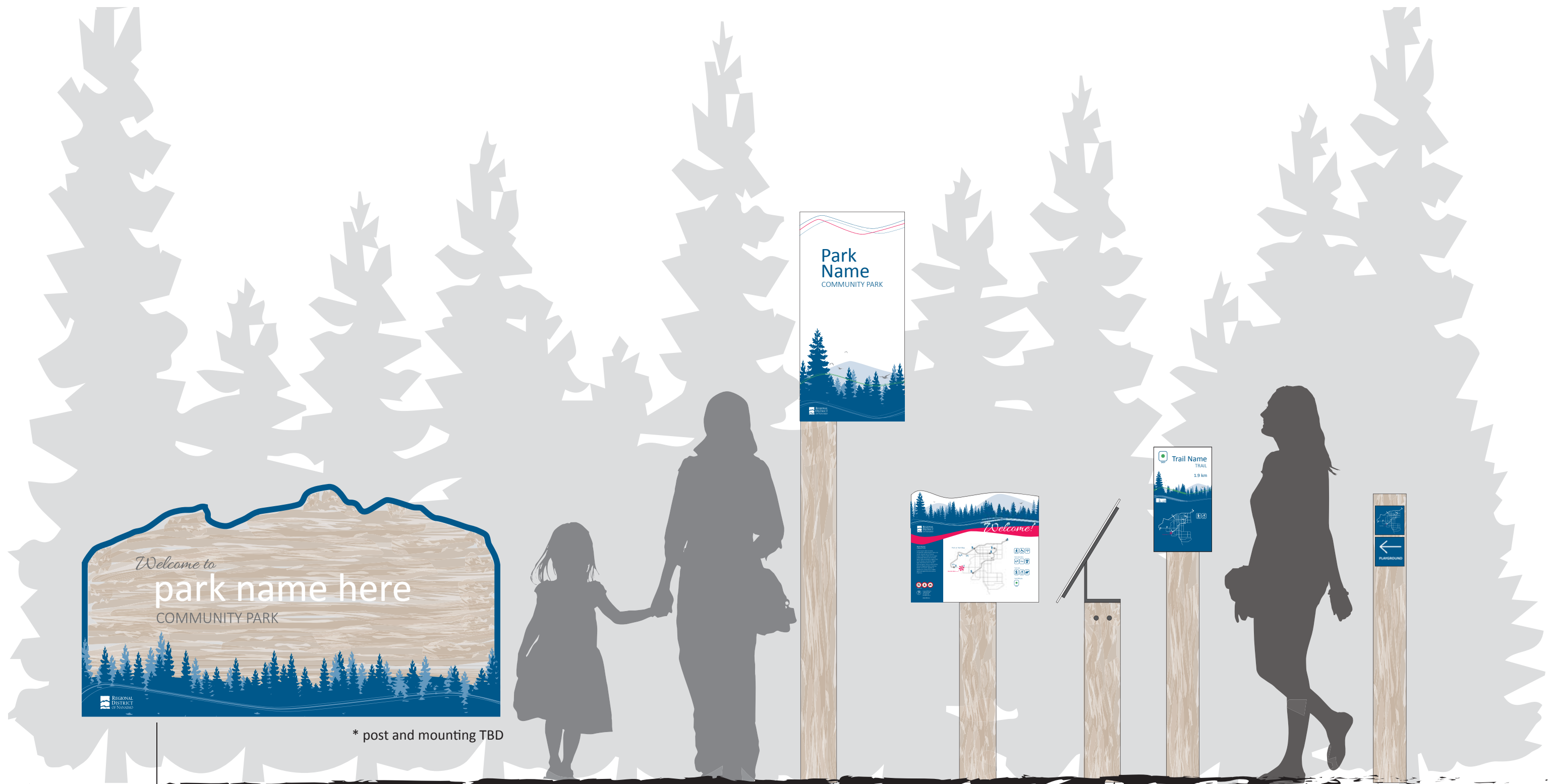
Safety Signage is intended to alert park and trail users of possible dangerous conditions or unusual activities. Their placement is key to ensure the safety of the public. The established use of yellow for ‘Caution’ and red for ‘Danger’ would be maintained.

Goal and Next Steps

For the POSAC meeting the goal is for the members to receive the information regarding the Signage Strategy for Community Parks and Trails, provide comment and feedback if they so desire, and to discuss which park and/or trail would be best suited to be the pilot site for new signage. Staff will ultimately assess the success of the signage for the park or trail, compare how it functions to the other pilot sites in the EAs, and determine potential changes required to improve on the signage prior setting it as the standard for RDN Parks.

Please set a date a time for the pilot site to be selected, giving the POSAC members adequate time to reflect on their recommendation.

Thank you!



* post and mounting TBD

IDENTIFICATION sign
cedar wood product and dimensions
to remain

ENTRANCE sign
size: 18x36"
height to
top of sign: 8'

WELCOME sign
size: 18x22"
height to top of sign: 4'
*panel tilt 30° back

INTERPRETIVE sign
size: 18x22"
height to top of sign: 4'
*panel tilt 30° back

TRAIL HEAD sign
size: 10x18"
height of top of sign: 4'-8"

DIRECTIONAL sign
size: 5x5"
height to top of sign: 4'

SIGNAGE CLASSIFICATION FOR THE SIGNAGE STRATEGY FOR COMMUNITY PARKS AND TRAILS
EASC Meeting February 13th, 2018

TO: Electoral Area Services Committee **MEETING:** September 4, 2018
FROM: Courtney Simpson
Senior Planner **FILE:** 6780-30
SUBJECT: Development Permit and Temporary Use Permit Areas Standardization Project

RECOMMENDATIONS

1. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018”.
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12. That the Board give second reading to “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Amendment Bylaw No. 1540.02, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
13. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018”.
14. That the Board give second reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
15. That the Board introduce and give first reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”.
16. That the Board give second reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”.
17. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.
18. That the Board give second reading to “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.
19. That the Board direct the public hearing on the following bylaws to be Chaired by Director Stanhope or his alternate:
 - a. “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018”.
 - b. “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018”;
 - c. “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018”;
 - d. “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018”;
 - e. “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018”;
 - f. “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018”;
 - g. “Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018”; and
 - h. “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”;
 - i. “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”;

20. That the Board introduce and give first, second and third reading to “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018”.
21. That the Board approve revisions to “Policy B1.12 *Riparian Areas Regulation Stream Declaration*” under the revised title of “Policy B1.12 Property Declaration Form”.

SUMMARY

The RDN 2017 Operational Plan identifies specific action item SCD-10-2017 to Review, Standardize and Update DPAs in RDN Electoral Area official community plans (OCP). This is a key action item for Community Planning in 2018 and is recommended to streamline and improve application processing. The project was initiated at the February 27, 2018, Board meeting through endorsement of the Terms of Reference including the consultation plan. Public and stakeholder consultation and resulting revision of the draft bylaw amendments are now complete and recommended for first and second reading.

Public and stakeholder input on draft amendments (during the consultation period from late - June to mid August), resulted in several recommended updates to the standard DPA and TUP areas. While public input may continue to be received until the close of the public hearing, the consultation period involving outreach and events is now considered complete. This report recommends first and second reading to bylaws amending all seven RDN electoral area OCPs and the two zoning bylaws.

These amendments facilitate standardizing 25 of the 49 DPAs, and moving the ‘applicability’, ‘exemption’ and ‘guideline’ sections of all DPAs from the OCPs to the zoning bylaws. Relocating these sections of the DPAs into the zoning bylaws will streamline ease of use, and allow for more effective enforcement. Remaining within the relevant OCPs are designation of DPAs and description of the special conditions or objectives that justify the designations. There are also some updates to the wording or maps to facilitate standardization and best practices. Note that the DPAs that are part of the Schooner Cove and Lakes District neighbourhood plans within the Nanoose Bay OCP are not part of this project; they are part of phased development agreements, and they remain within those neighbourhood plans in their entirety.

For TUP areas, the recommended bylaw amendments move all TUP regulations and requirements to the zoning bylaws for the purpose of standardization, and making them easier to interpret. Six different TUP area designations and conditions are consolidated into one in Zoning Bylaw 500. This also allows the RDN to issue a TUP for any use on any parcel not permitted by the zoning bylaw, based on a list of conditions to determine the suitability of the temporary use. For Zoning Bylaw 1285 that only applies to Electoral Area F, a shorter version of the TUP section in Bylaw 500 is used as not all regulations related to specific uses apply to Area F.

To implement the standardization of the Eagle and Heron Nesting Tree DPA, amendments are required to the *Riparian Areas Stream Declaration Form* that is currently used for property owners to indicate whether there are any streams or other water features on their property in order to determine if a development permit is required prior to development. Expanding the use of this form is proposed to include a property owner declaration of eagle and heron nesting trees. To make this change, the following administrative bylaw and policy require amendment:

- “Regional District of Nanaimo Development Approval and Notification Bylaw No. 1432, 2005”; and

- Policy B1.12 – *Riparian Areas Stream Declaration*.

BACKGROUND

The RDN 2017 Operational Plan identifies specific action item SCD-10-2017 to Review, Standardize and Update DPAs in RDN Electoral Area OCPs. This is a key action item for Community Planning in 2018 and is recommended to streamline and improve application processing. The project was initiated at the February 27, 2018, Board meeting through endorsement of the Terms of Reference including the consultation plan. Public and stakeholder consultation and resulting revision of the draft bylaw amendments are now complete and recommended for first and second reading.

A DPA is an important tool used in the development process for a number of purposes such as: to protect the natural environment; to protect development from hazardous conditions; to guide the form and character of development; to promote energy or water conservation; or, to promote reduction of greenhouse gas emissions. Where a DPA is designated in an OCP, a development permit must first be obtained prior to proceeding with certain types of development such as subdivision, construction, or land alteration. A map in the OCP indicates where the DPA applies, and text of the DPA indicates the types of development that require a permit. The text of the DPA also describes the objectives and special conditions that justify the designation and guidelines respecting the manner by which the objectives or special conditions will be addressed. Some DPA guidelines require a report from a professional such as a biologist or engineer, or other supporting information. The permit itself includes conditions that must be adhered to during or after development.

The RDN designates 49 DPAs in its seven OCPs (Attachment 1 – Current Development Permit Area Structure by OCP Area). Proposed changes involve reorganizing and combining 25 of these DPAs into seven standard DPAs that apply across more than one OCP area (Attachment 2 – Proposed Development Permit Area Structure by OCP Area). Of the remaining 24 DPAs, nine are part of phased development agreements for Schooner Cove and Lakes District and are not included in this project, and 14 primarily address the form and character of development and are tailored to the character of a specific area.

The standardizing of 25 existing DPAs into seven involves some reorganization. For example, several existing DPAs for sensitive ecosystem protection currently include a number of features such as eagle and heron nesting trees, aquifers, marine coast and other sensitive ecosystems. The reorganization separates these into individual DPAs to allow for more tailored exemptions and guidelines. This reorganization is described in detail in the previous staff report and its attachments, which are available to the public on the project website at www.getinvolved.rdn.ca/DPAs.

Land Use Implications

The newly standardized DPAs were carefully constructed and reviewed to ensure they meet the objectives of the project related to improving consistency and ease of interpretation and adopting best practices, without designating any new DPAs where they do not already exist.

The wording of exemptions and guidelines currently vary among DPAs adopted for the same purpose, as they were written at different times with different best practices, by different authors and with different areas of focus. To create consistent language, the wording of most of the

DPA's require adjustment. These adjustments will not alter the objectives of the DPA's, rather simplify and refine while adding more exemptions to reflect current best practices.

The newly drafted TUP sections for the zoning bylaws carry forward limitations on the issuance of TUPs for industrial activities as they currently exist. For other uses, they expand the RDN's ability to issue TUPs for any use in any zone where performance criteria are met. The issuance of a TUP is subject to public notification and is a discretionary decision, meaning that if the Board considers the proposal to be inappropriate for the location, or the use itself would cause unacceptable impacts, it can choose to deny the permit.

A red-lined version showing updates to the Board-endorsed June 26 drafts as a result of public and stakeholder consultation has been prepared for each of the seven standard DPA's and the TUP section. They are available on the project website. These updates also include suggested wording changes for clarity from Directors. Input received during the consultation period and resulting updates are described in Attachment 3. The attachments to this report show the clean versions in the applicable amendments to the OCP and zoning bylaws, which are recommended for first and second reading (Attachments 4-12).

To implement the standardization of the Eagle and Heron Nesting Tree DPA, the Riparian Areas Declaration Form should be amended to also include property owner declaration of trees containing eagle or heron nests. Instead of relying on OCP mapping of the location of nests that can be quickly outdated, the draft DPA now applies to a buffer around any eagle or heron nesting tree, whether or not that nest has been mapped in the OCP. Board Policy B1.12 *Riparian Areas Regulation Stream Declaration* establishes use of this form, and the policy is amended for Board approval to include declaration of eagle and heron nesting trees. This also takes the opportunity to streamline a related matter of requirement for site profiles forms, which, based on legal advice, is also included in this revised declaration form.

The "Regional District of Nanaimo Development Approval and Notification Bylaw No. 1432, 2005" has also been re-drafted to reflect the new title for the declaration form and to improve clarity throughout. Bylaw No. 1432 was due for an update to also include reference to phased development agreements or amendments to phased development agreements, which although not part of this project, has been noted as an outstanding item to be addressed the next time the bylaw is amended. Due to the reformatting required throughout the bylaw, a new bylaw to repeal and replace it is recommended (Attachment 15 - Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018).

Intergovernmental Implications

First Nations identified in the project's Consultation Plan were notified of this project in March, 2018, and invited to contact us to discuss any interest they may have. One response has been received from K'omoks First Nation indicating no comment. Formal referrals will be sent to First Nations and agencies after first reading of the amending bylaws.

Public Consultation Implications

Public consultation for the project included: sharing information and documents through the project website; live events in each electoral area; newspaper and social media advertising; and direct stakeholder outreach through email, phone calls, and in-person meetings. During the month of July, twelve 'pop-up offices' (two in each electoral area) and two open houses were

held. One open house was at the Cedar Heritage Centre and the other was at the Qualicum Beach Civic Centre, representing central locations in southern and northern parts of the RDN. These events were advertised through the Parksville – Qualicum News and the Nanaimo News Bulletin, Facebook, Twitter and the RDN website, as well as posters on bulletin boards throughout the region. Attendance numbers were between 0 and 9 for each of the ‘pop-up offices’ and were 6 and 14 respectively for the open houses.

Direct emails were sent to a list of 32 stakeholders including people working in the development field such as biologists, engineers, development consultants, surveyors and designers. A few responses were received within the first week with general support for any efforts at standardization. Follow up phone calls, emails and meetings resulted in detailed feedback from additional stakeholders.

Overall, the input received strongly supports the concept of standardization and streamlining. The consultation process also was an opportunity to hear from the public about any problems, or frustrations they have with the development process and ideas for improvements. Many concerns were already addressed in the draft documents, and additional changes have been made where new errors or omissions were identified (Attachment 3 - Updates to Draft DPAs and TUPs Resulting from Consultation). Input received on DPAs were primarily minor or technical in nature, aimed at simplifying sentence structure or improving accuracy. The exception was the Farmland Protection DPA where the Board specifically requested that consultation seek input on an additional exemption for existing small lots.

Input on the idea of adding an exemption to the Farmland Protection DPA for existing small lots was primarily received at the open house in the southern part of the RDN. There was support for the idea, but it was unknown what would be a suitable lot size threshold. If the Board would like to add an exemption for existing small lots, the change would impact Electoral Areas A, E and G. The DPA also applies to the Arrowsmith Benson – Cranberry Bright OCP that covers part of Electoral Area C, and Electoral Area H, but for those two areas it only applies to subdivision. The potential exemption for small lots is intended to relate to land alteration, construction of buildings and structure, and creation of impervious or semi-pervious surfaces. DPAs for those activities is only required in Electoral Areas A, E and G.

Two residents of the Columbia Beach area suggested that they should not be required to obtain a development permit for repair of riprap shoreline protection. As this area is within the Parksville Qualicum Wildlife Management Area, owners require approvals from the Province in addition to a development permit from the RDN for shoreline protection works. Staff does not recommend adding a new exemption for repair of riprap shoreline protection, as the environmental impact that a development permit is aimed at mitigating could still be significant for repair of riprap. Repair typically involved heavy machinery on the beach, accessing the beach from a public access, and changes to the vegetation of the shoreline.

The input regarding TUPs mainly involved concern about past or present resource extraction and processing that was disruptive due to noise, dust and odour, and ensuring that current limits on TUPs for these uses are retained. The amendment bylaws address these issues where they are within RDN jurisdiction.

Recommended updates to the drafts based on public and stakeholder input are listed in Attachment 3 – Updates to draft DPAs and TUPs Resulting from Consultation. Red-lined copies

of the standardized DPAs and the revised TUP text showing these updates are available on the project website.

A number of issues outside the scope of this project were raised throughout the consultation. Many of these could be addressed through future projects of the RDN and include:

- How height is measured – request to simplify the definition in the zoning bylaw.
- Setback reduction from 15 metres to 8 metres from the natural boundary of the sea where the sea frontage is protected by works designed by a professional engineer – request to remove the ability to reduce this setback in the Floodplain Bylaw as it encourages hard armouring of the shoreline where it is not needed for erosion protection.
- Expanding all DPAs for protection of the environment to all areas – specifically mentioned was support for the Marine Coast DPA to cover the entire Marine Coast of the electoral areas, and the Eagle and Heron Nesting Tree DPA to cover all areas.
- Creating a rebate program for trees to be planted adjacent to the Agricultural Land Reserve.
- Creating an email subscriber list for RDN news and notifications where people can select areas or topics of interest, instead of asking people to sign up for notifications on specific projects as they come and go.
- Publish a list of development permit applications and make it available to the public in consideration that those now under delegated approval no longer appear on RDN meeting agendas.
- Making Riparian Area Regulation Assessment reports available to other biologists as a reference so they can build on each other's work to develop knowledge and understanding of streams.

ALTERNATIVES

1. Proceed with the Development Permit and Temporary Use Permit Area Standardization Project and consider first and second reading of the amendment bylaws and proceed to public hearing.
2. Do not proceed with the amendment bylaw readings and public hearing and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

The 2018 Budget includes funds for community engagement costs for this project such as facility rentals and printed materials. All community, stakeholder and First Nations engagement, along with bylaw drafting, communication materials drafting and design will be completed by RDN staff.

STRATEGIC PLAN IMPLICATIONS

The 2016 – 2020 Board Strategic Plan recognizes a “focus on organizational excellence and service” and this project will advance the goal to “ensure our processes are as easy to work with as possible”. Other goals advanced through this project are “economic health” and “the environment”.



Courtney Simpson
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August 14, 2018

Reviewed by:

- P. Thompson, Manager, Long Range Planning
- G. Garbutt, General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Current Development Permit Area Structure by OCP Area
2. Proposed Development Permit Area Structure by OCP Area
3. Updates to Draft DPAs and TUPs Resulting from Consultation
4. Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018
5. Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018
6. Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018
7. Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018;
8. Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05 2018
9. Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018;
10. Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018;
11. Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018
12. Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018
13. Policy B1.12 Riparian Areas Regulation Stream Declaration – version showing changes for information
14. Policy B1.12 Property Declaration Form – for approval
15. Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018.

Attachment 1

Current Development Permit Area Structure by OCP Area

Official Community Plan	DPA Name	<p><u>Legend:</u></p> <p><i>Bold and italic</i> indicate those DPAs that are standardized with other DPAs.</p> <p>* The guidelines related to aquifer protection in these DPAs will be moved to the standardized Aquifer DPA</p>
Area A	1. <i>Environmentally Sensitive Features</i>	
	2. <i>Watercourse and Fish Habitat Protection</i>	
	3. <i>Nanaimo River Floodplain</i>	
	4. <i>Farm Land Protection</i>	
	5. South Wellington Industrial – Commercial*	
	6. Cedar Main Street*	
	7. Cassidy*	
	8. Cedar*	
	9. Yellow Point Aquifer Protection	
Arrowsmith Benson – Cranberry Bright	Village Centre - Commercial	
	<i>Farmland Protection</i>	
	<i>Watercourse Protection</i>	
	<i>Sensitive Ecosystems</i>	
	<i>Fish Habitat Protection</i>	
East Wellington – Pleasant Valley	1. <i>Fish Habitat Protection</i>	
	2. <i>Natural Hazard Areas</i>	
	3. Industrial	
Nanoose Bay	1. Form and Character	
	2. <i>Farmland Protection</i>	
	3. <i>Watercourse Protection</i>	
	4. <i>Sensitive Ecosystem Protection</i>	
	5. Highway Corridor Protection	
	Lakes District DPAs 1-5	
	Schooner Cove DPAs 1-4	
Area F	<i>Watercourse Protection</i>	
	<i>Fish Habitat Protection</i>	
Area G	1. <i>Fish Habitat Protection</i>	
	2. <i>Environmentally Sensitive Features</i>	
	3. <i>Hazard Lands</i>	
	4. <i>Farmland Protection</i>	
	5. Highway Corridor	
	6. Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character	

Official Community Plan	DPA Name
Area H	1. Freshwater and Fish Habitat Protection
	2. Eagle and Heron Nesting Trees
	3. Aquifers
	4. Marine Coast
	5. Coastal Steep Slope Hazard
	6. Farmland Protection
	7. Rural Commercial
	8. Qualicum Bay and Dunsmuir Village Centres
	9. Deep Bay Southwest Bowser Village Centre

Attachment 2

Proposed Development Permit Area Structure by OCP Area

Official Community Plan	DPA Name
Area A	<i>1. Sensitive Ecosystems</i>
	<i>2. Marine Coast</i>
	<i>3. Eagle and Heron Nesting Trees</i>
	<i>4. Aquifers</i>
	<i>5. Freshwater and Fish Habitat</i>
	<i>6. Hazard Lands</i>
	<i>7. Farmland Protection</i>
	8. South Wellington Industrial – Commercial*
	9. Cedar Main Street*
	10. Cassidy*
	11. Cedar*
	12. Yellow Point Aquifer Protection
Arrowsmith Benson – Cranberry Bright	Extension Village Centre - Commercial
	<i>Farmland Protection</i>
	<i>Freshwater and Fish Habitat</i>
	<i>Sensitive Ecosystems</i>
East Wellington – Pleasant Valley	<i>1. Freshwater and Fish Habitat</i>
	<i>2. Hazard Lands</i>
	3. East Wellington – Pleasant Valley Industrial
Nanoose Bay	1. Nanoose Bay Form and Character
	<i>2. Farmland Protection</i>
	<i>3. Freshwater and Fish Habitat</i>
	<i>4. Sensitive Ecosystems</i>
	<i>5. Eagle and Heron Nesting Trees</i>
	6. Highway Corridor Protection
	Lakes District DPAs 1-5
	Schooner Cove DPAs 1-4
Area F	<i>Freshwater and Fish Habitat</i>
Area G	<i>1. Freshwater and Fish Habitat</i>
	<i>2. Sensitive Ecosystems</i>
	<i>3. Marine Coast</i>
	<i>4. Eagle and Heron Nesting Trees</i>
	<i>5. Aquifers</i>
	<i>6. Hazard Lands</i>
	<i>7. Farmland Protection</i>
	8. Inland Highway Corridor

Legend:

Bold and italic indicate those DPAs that are standardized with other DPAs.

* The guidelines related to aquifer protection in these DPAs are moved to the standard Aquifer DPA

Official Community Plan	DPA Name
	9. Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character
Area H	1. Freshwater and Fish Habitat Protection
	2. Eagle and Heron Nesting Trees
	3. Aquifers
	4. Marine Coast
	5. Coastal Steep Slope Hazard
	6. Farmland Protection
	7. Rural Commercial – Electoral Area H
	8. Qualicum Bay and Dunsmuir Village Centres
	9. Deep Bay Southwest
Bowser Village Centre	

Attachment 3

Updates to Draft DPAs and TUPs Resulting from Consultation

Throughout, changes were made to the words “lot” or “parcel” for consistency.

Freshwater and Fish Habitat DPA

Section	Update
Designation	Minor wording and grammar
Justification	Removal of one sentence as it was repetitive
Applicability	Removal of exemptions 8-10 as they are repetitive
Exemption 1	Minor wording and sentence structure
Exemption 5	Regarding hazard tree removal, “immediate” threat changed to “imminent” threat to more accurately reflect the intent
Exemption 6	Addition of “non-native” to describe the “invasive plants” that can be removed at a small-scale without a development permit. Also, replace reference to Develop with Care to the publication ‘Grow Me Instead’ from the Invasive Plant Council of BC.
Exemption 8 (new)	New exemption for observation holes and test pits for percolation or geotechnical investigation
Exemption 12 (renumbered)	Minor wording and sentence structure
Exemption 13 (renumbered)	Added by splitting Exemption 11 into two for clarity and accuracy
Exemption 14 (renumbered)	Added in order to carry forward Exemptions 1 and 2 from the Area A OCP. Had previously indicated this would be addressed in the Designation section.
Exemption 15 (renumbered)	Minor wording and grammar
Exemption 16 (renumbered)	Removed lot consolidation as a type of subdivision for which a DP is not required, as the RDN would not be involved in a lot consolidation where there is no other lot line adjustment or subdivision
Exemptions 17-19 (renumbered)	Minor wording and grammar
Guidelines 1-2	Minor wording and grammar
Guideline 3	List of sensitive biophysical features to be assessed is re-written based on stakeholder feedback to be more clear and effective
Guideline 4	List of mitigation measures to be included in the biological assessment is updated based on stakeholder feedback
Guideline 8	Improved wording and sentence structure for clarity
Guideline 10	Minor wording and grammar

Guideline 12	Accurate reference to authorization for in stream works under Provincial legislation
Guideline 14	Deleted suggestion that a landowner may wish to dedicate the SPEA back to the Crown, as this can be ineffective as years pass due to streams meandering over time. The suggestion to register a covenant on the SPEA remains, as a covenant can be written so as to move with the stream over the years.
Guideline 16	Regarding required fencing for the SPEA, adjustments to allow for the biologist to advise on timing of the installation of the fencing and on the type of fencing given the situation.

Sensitive Ecosystems DPA

Section	Update
Designation	For Electoral Areas A and G, the designation section is adjusted to strengthen the current intent that, when the mapped area of a sensitive ecosystem does not exactly match the real life extent of the sensitive ecosystem, the DPA applies to where the sensitive ecosystem actually is instead of where it is mapped. The approach in the Nanoose Bay and Arrowsmith Benson – Cranberry Bright OCPs is to designate the entire property on which the sensitive ecosystem is mapped as being within the DPA. Based on legal advice, this, paired with an exemption stating that a DP is not required where the sensitive ecosystem does not exist on-the-ground, is recommended as a better way of designating the sensitive ecosystem DPA, and is now recommended for all four of the OCP areas in which the DPA applies. A DPA can still only be required for a property that is designated as being within the DPA, so no new properties are added to this DPA.
Exemption 2	To the exemption for minor additions (which is a new exemption added as part of this project), additional clarity is added that the minor addition is a cumulative 25% of the original ground floor area.
Exemption 5	To the exemption for a single trail through the DPA, additional criteria that no rare plants are disturbed or impacted.
Exemption 8	Addition of “non-native” to describe the “invasive plants” that can be removed at a small-scale without a development permit. Also, replace reference to Develop with Care to the publication ‘Grow Me Instead’ from the Invasive Plant Council of BC.
Exemption 9	Regarding hazard tree removal, “immediate” threat changed to “imminent” threat to more accurately reflect the intent
Exemption 11	Changed reference to minimum lot size being met exclusive to the DPA, to being exclusive to the sensitive ecosystem. This allows for mapping inaccuracies and is more correct, as the DPA is designated over the entire parcel where a sensitive ecosystem is mapped.
Exemption 12	Removed lot consolidation as a type of subdivision for which a DP is not required, as the RDN would not be involved in a lot consolidation where

	there is no other lot line adjustment or subdivision.
Guideline 4	List of mitigation measures to be included in the biological assessment is updated based on stakeholder feedback
Guideline 6	Deleted for consistency, as through this standardization project, existing guidelines broadly requiring conforming with Develop With Care are not carried forward. The intent of this guideline is to raise awareness of the document as a resource for property owners and developers and this can be communicated outside of the DPA.

Eagle and Heron Nesting Trees DPA

Section	Update
Designation	Updated to have measure of the DPA as a radius from the base of the tree instead of drip line of the tree
Applicability 1	Minor change for consistency with other DPAs
Exemption 1	Addition of Registered Professional Biologist who can assess if the development is outside of the DPA (which is the buffer from a nesting tree)
Exemptions 3-4	Correction to the nesting season
Exemption 7	Addition of “non-native” to describe the “invasive plants” that can be removed at a small-scale without a development permit. Also, replace reference to Develop with Care to the publication ‘Grow Me Instead’ from the Invasive Plant Council of BC
Exemption 9	For an exemption for works conducted by a government agency, addition that they have been made aware of the eagle or heron nest
Guideline 2	Addition to require geographic coordinates of the nesting tree

Aquifers DPA

Section	Update
Justification	Minor wording and sentence structure
Exemption 3 (new)	New exemption for observation holes and test pits for percolation or geotechnical investigation
Guideline 2	Changed title of the Checklist of Preparation of Hydrogeological Assessment Reports to a more general reference to an RDN checklist as there is currently no checklist in place.

Marine Coast DPA

Section	Update

Justification	Minor wording
Exemption 3	To the exemption for minor additions (which is a new exemption added as part of this project), additional clarity is added that the minor addition is a cumulative 25% of the original ground floor area
Exemption 9	Regarding hazard tree removal, “immediate” threat changed to “imminent” threat to more accurately reflect the intent
Exemption 10	Addition of “non-native” to describe the “invasive plants” that can be removed at a small-scale without a development permit. Also, replace reference to Develop with Care to the publication ‘Grow Me Instead’ from the Invasive Plant Council of BC.
Guideline 9	Regarding shoreline protection below the natural boundary, addition of requirement that any proposed works below the natural boundary must be authorized by the Provincial Crown as owner of that land
Guideline 15	Regarding lot design for subdivision, change ‘shall’ to ‘should’ to reflect that the RDN does not have final subdivision approving authority but can influence subdivision design through the DPA

Hazard Lands DPA

Section	Update
Exemption 4	To the exemption for where a geotechnical report is provided to the building inspector for the proposed development, updates to the wording based on legal advice
Exemption 10	Regarding hazard tree removal, “immediate” threat changed to “imminent” threat to more accurately reflect the intent
Exemption 11	Addition of “non-native” to describe the “invasive plants” that can be removed at a small-scale without a development permit. Also, replace reference to Develop with Care to the publication ‘Grow Me Instead’ from the Invasive Plant Council of BC.
Exemption 14 (new)	New exemption for observation holes and test pits for percolation or geotechnical investigation
Guideline 10	Deleted for consistency, as through this standardization project, existing guidelines broadly requiring conforming with Develop With Care are not carried forward. The intent of this guideline is to raise awareness of the document as a resource for property owners and developers and this can be communicated outside of the DPA

Farmland Protection DPA

Section	Update
Exemption 10	Addition of “one” to the exemption for a driveway.
Exemption 14	Addition of “non-native” to describe the “invasive plants” that can be removed at a small-scale without a development permit. Also, replace reference to Develop with Care to the publication ‘Grow Me Instead’ from the Invasive Plant Council of BC.

Temporary Use Permits

Section	Update
1.g)	Adding new clause for clarity
2	Adding a table for improved clarity on limitations of the issuance of a TUP in specified areas for specified resource uses
2.d) (renumbered)	Removing the specified distance of 100 metres for a berm or vegetated buffer to allow for opportunity for a larger buffer should it be warranted
3	Clarification that where the land is in the ALR, approval from the ALC is required before issuance of a permit
Overall	Limited the content to be added to Zoning Bylaw 1285 to only that applicable within Area F

ATTACHMENT 4

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1620.05**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA A
OFFICIAL COMMUNITY PLAN BYLAW NO. 1620, 2011**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018”.
- B. “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018” is hereby amended as set out in Schedules A, B and C of this Bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1620.05**

Schedule A

1. "Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018" is hereby amended as follows:
 - a) by amending Schedule A as follows:
 - i. to the Table of Contents, by deleting subsection 12.0 Development Permit Areas and replacing with the following:

"12.0 Development Permit Areas
12.1 Sensitive Ecosystems Development Permit Area
12.2 Freshwater and Fish Habitat Development Permit Area
12.3 Marine Coast Development Permit Area
12.4 Eagle and Heron Nesting Trees Development Permit Area
12.5 Aquifers Development Permit Area
12.6 Hazard Lands Development Permit Area
12.7 Farmland Protection Development Permit Area
12.8 South Wellington Industrial – Commercial Development Permit Area
12.9 Cedar Main Street Development Permit Area
12.10 Cassidy Development Permit Area
12.11 Cedar Development Permit Area
12.12 Yellow Point Aquifer Protection Development Permit Area"
 - ii. to Section **2.5 Organization of the Plan**, second paragraph:
 - a. by deleting both occurrences of the word "Guidelines" and replacing with "designations".
 - b. by adding the following sentence at the end of the paragraph: "Development Permit Area exemptions and guidelines are found in the zoning bylaw."
 - iii. to Section **6.2 Cedar Main Street Village Plan**, first paragraph:
 - a. by deleting the word "Guidelines" and replacing with "designation".
 - b. by adding the following sentence at the end of the paragraph: "Development Permit Area exemptions and guidelines are found in the zoning bylaw."
 - iv. to Section **12.0 Development Permit Areas**, Introduction:

- a. to the second paragraph, by adding “found in Bylaw 500” after “Guidelines” and before the period, and delete the last sentence: “The OCP specifies the information required in order to submit a development permit application”.
- b. to the third paragraph, second sentence, by deleting the word “within” after “specified” and before “each”, and replacing with “in Bylaw 500 for”.
- c. to the fifth paragraph, by deleting all three occurrences of “this plan” and replacing the first two occurrences with “ the DPA Guidelines”.
- v. to Section **12.0 Development Permit Areas**, by deleting sub-sections 12.1 to 12.4 and replacing with Schedule B attached to and forming part of this bylaw.
- vi. to sub-section **12.5 South Wellington Industrial – Commercial Development Permit Area**, by deleting the Application, Exemptions, and Guidelines sections.
- vii. to sub-section **12.7 Cassidy Development Permit Area**, by deleting the Application, Exemptions, and Guidelines sections.
- viii. to sub-section **12.8 Cedar Development Permit Area**, by deleting the Application, Exemptions, and Guidelines sections.
- ix. to sub-section **12.9 Yellow Point Aquifer Development Permit Area**, by deleting the Applicability, Exemptions, Guidelines, and Definitions sections.
- b) by amending **Schedule B – Cedar Main Street Village Plan** as follows:
 - i) to Section **6 Cedar Main Street Development Permit Area (DPA)**:
 - a. to **6.1 Purpose**, to the second sentence, delete “herein” and replace with “the Zoning Bylaw No. 500”
 - b. delete **6.3 Application; 6.5 Exemptions; 6.6 Variances to Bylaw No. 500; 6.7 Permit Security; and 6.8 Guidelines**.
- c) by deleting **Map No. 9 - Development Permit Areas for the Protection of the Natural Environment** and replacing with Schedule C attached to and forming part of this bylaw.

Schedule B to accompany "Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1620.05**

Schedule B

12.1 Sensitive Ecosystem Development Permit Area

DESIGNATION:

The Sensitive Ecosystems Development Permit Area is shown on Map No. 9 and applies to the following:

- all parcels containing the following sensitive ecosystems mapped in the Provincial Sensitive Ecosystem Inventory: 'coastal bluff', 'terrestrial herbaceous', and 'older forest' as mapped in the Provincial Sensitive Ecosystem Inventory; and
- known occurrences of the following rare and endangered species as mapped by the Conservation Data Centre: Propertius Duskywing (butterfly) and Vesper Sparrow.

AUTHORITY:

The Sensitive Ecosystems Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity pursuant to Section 488(1)(a) of the *Local Government Act*.

JUSTIFICATION:

Increasing development pressure and environmental awareness, as well as the RGS goal of environmental protection has led to the need for the protection of the Plan Area's most sensitive environmentally significant features including components of the Coastal Douglas Fir Ecosystem, rare species, and other environmentally sensitive features to ensure their continued survival and enjoyment for generations to come.

The objective of the development permit area is to minimize the impacts of developments on environmentally sensitive features, ecosystems or habitat.

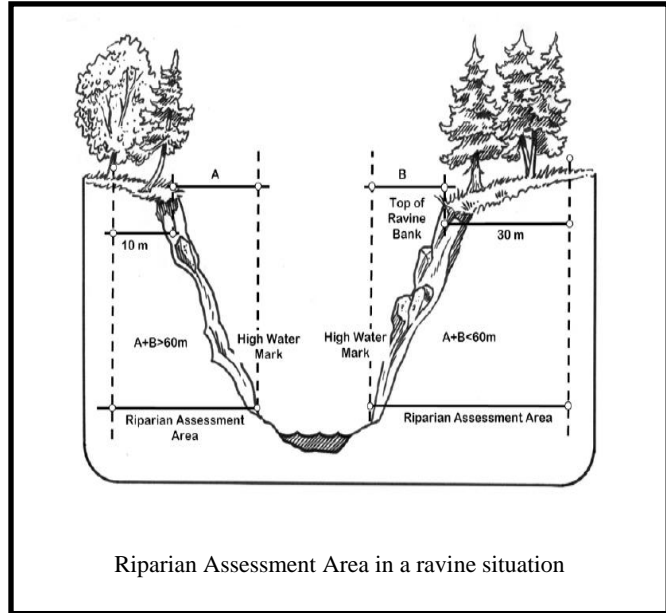
12.2 Freshwater and Fish Habitat Development Permit Area

DESIGNATION

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 9, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation (RAR)* of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:

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



2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

‘ravine’ means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

‘stream’ includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook; and
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

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

AUTHORITY

The Freshwater and Fish Habitat Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of

development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

JUSTIFICATION

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the RAR are met.

The objectives of this development permit area are:

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

12.3 Marine Coast Development Permit Area

DESIGNATION:

The Marine Coast Development Permit Area is shown on Map No. 9 and applies within a 15 metre horizontal distance upland from the present natural boundary and within 15 metres horizontal distance seaward of the present natural boundary. In estuarine areas, it applies upstream, both on land and water, to the extent of tidal influence. For clarity, in estuarine areas the Freshwater and Fish Habitat Development Permit Area also applies.

AUTHORITY:

The Marine Coast Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

JUSTIFICATION:

Coastal and marine environments provide goods and services from an ecological, economic, and social perspective. The form and dynamics of the shoreline help determine essential habitat conditions for coastal plant and animal communities. Coastal areas are also highly valued by property owners, the general community, and marine recreational users for their aesthetic qualities, recreational values, and views.

In addition, many coastal communities are experiencing unprecedented levels of growth. This is a critical time to recognize the unintended consequences of past practices and to identify ways to reduce the impacts of development and ensure that the benefits of having healthy marine ecosystems continue to be enjoyed for generations to come.

The objectives of this development permit area are:

1. To work towards the ‘protection of the environment’ goal of the Regional Growth Strategy, in particular by following the policy to ‘minimize impacts of development in coastal zones by ensuring use of low impact development’.
2. To plan and regulate new development in a manner that preserves, protects and restores the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
3. To balance development opportunities with the ecological conservation and restoration of the shoreline environment.
4. To maintain the public’s safe use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline.

12.4 Eagle and Heron Nesting Trees Development Permit Area

DESIGNATION:

The Eagle and Heron Nesting Trees Development Permit Area is shown on Map No. 9. The development permit area is defined as follows:

- a) For **Bald Eagle Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing bald eagle nests and is a 60 metre radius measured from the base of the nesting tree.
- b) For **Great Blue Heron Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing great blue heron nests, and shall be
 - i. a 60 metre radius from the base of the nesting tree on lots 1.0 hectare or smaller; and
 - ii. a 100 metre radius from the base of the nesting tree on lots larger than 1.0 hectare.

Where the colony consists of more than one tree, the radius is measured from a line drawn around the outer perimeter of the base of all nest trees.

The locations of the eagle and heron nesting trees identified on Map No. 9 of this plan are intended to provide an approximate location only. Ground-truthing may be required by Regional District staff, a

Registered Professional Biologist, or British Columbia Land Surveyor, to accurately determine the location of the tree or trees.

AUTHORITY:

The Eagle and Heron Nesting Trees Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

JUSTIFICATION:

Nesting birds such as the Great Blue Heron and Bald Eagle are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, now and for the future.

Pacific Great Blue Herons are a Species of Special Concern in Canada and are Blue-listed in British Columbia. There are only about 500 nests on Vancouver Island and the Gulf Islands. Bald Eagles are territorial and generally require 1000 meters between nesting sites. Both species nest near lakes, rivers and shorelines throughout BC where they are close to their food source. The loss of available nesting habitat near their food source, as well as disturbance from human presence, reduces the birds' ability to thrive and successfully raise their young. While Section 34 of the *Wildlife Act* provides for the protection of Bald Eagles and Pacific Great Blue Herons and several other at risk bird species, this development permit area protects the nesting habitat essential to ensuring breeding populations are maintained.

The objectives of this development permit area are:

1. To implement Regional Growth Strategy Policy 2.14 to protect environmentally sensitive areas from the impacts of development.
2. To protect eagle and heron nesting sites from the impacts of development.

12.5 Aquifers Development Permit Area

DESIGNATION:

The Aquifers Development Permit Area is shown on Map No. 9 and applies to parcels within the growth containment boundary or industrial lands where non-residential development is supported.

AUTHORITY:

The Aquifers Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

JUSTIFICATION:

Aquifers are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, and community value as a drinking water source now and for the future.

Aquifers and surface water are connected and interact with each other as typically, surface waters recharge aquifers in months with precipitation and snow melt. The groundwater system contributes to baseflow in rivers and streams, maintaining habitat for fish, wildlife and plants and is the sole domestic water supply for many residents. Maintaining both water quality and quantity requires careful management for the long-term sustainability of ecosystems and drinking water values.

Care must be taken in construction methods, excavation, surface drainage and the storage, handling and manufacture and use of products on parcels of land within this Development Permit Area to avoid contamination of the underlying aquifer and to protect and promote its sustainable use as a drinking water source.

In the Cassidy Village Centre area, a 2010 groundwater vulnerability study conducted by GW Solutions Inc. in partnership with Vancouver Island University indicates the upper Cassidy aquifer is highly vulnerable to surface contamination while the lower aquifer was found to be protected by a thick layer of blue clay. There is concern in the community based on the fact that the majority of residents draw their drinking water from the upper aquifer and there are no community water or sewer services.

In the South Wellington Industrial – Commercial area, there are no community water or community sewer services. Residents are concerned with the protection of groundwater resources, their primary source of domestic drinking water, due to the lack of community services combined with the fact that there are heavy industrial uses on relatively small lots in close proximity to rural residential uses that rely on private domestic wells. Therefore, it is important to ensure that both existing and future commercial and industrial uses do not pose a threat to ground water quantity or quality.

The Cedar Village Centre area overlies mapped Aquifer 161 which is closely connected to the Nanaimo River and ranked as high vulnerability to surface contamination due to the shallow water table and very permeable gravel and sand aquifer material. Water supply for the North Cedar Improvement District comes from Aquifer 161, therefore it is important to ensure both existing and future land uses do not pose a threat to groundwater quality and quantity.

The objective of this development permit area is to implement RGS Policy 2.14 to protect groundwater aquifers and environmentally sensitive areas from contamination and reduced supply caused by land use and development activities.

12.6 Hazard Lands Development Permit Area

DESIGNATION:

The Hazard Lands Development Permit Area is applicable to the Nanaimo River Floodplain identified on Map No. 9.

AUTHORITY :

The Hazard Lands Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity and for the protection of development from hazardous conditions, pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

JUSTIFICATION:

The Nanaimo River floodplain (including portions of Haslam Creek) is designated by the province as a ‘high risk’ floodplain area. The objective of this development permit area is to protect property from flooding and potential loss of land and property due to high water, erosion, and instability.

12.7 Farmland Protection Development Permit Area

DESIGNATION:

The Farmland Protection Development Permit Area is shown on Map No. 10 and applies to all properties adjacent to the Provincial Agricultural Land Reserve (ALR) boundary.

AUTHORITY:

The Farmland Protection Development Permit Area is designated a development permit area for the protection of farming, pursuant to Section 488(1)(c) of the *Local Government Act*.

JUSTIFICATION:

The BC Agricultural Land Commission has acknowledged that the development of lands adjoining farmlands may compromise the agricultural use of the ALR lands. Agricultural lands therefore require protection for long-term agricultural use.

In addition, as a result of inappropriately designed developments, land use conflicts may develop between the land uses. The incorporation of a 15 metre wide buffer between developed lands and agricultural lands is expected to promote greater compatibility between the uses while protecting the agricultural uses from urban impacts.

The objective of this Development Permit Area is to protect the agricultural land resource of the Plan Area for present and future production of food and other agricultural products.”

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1620.05**

Schedule 'C'

Map No. 9 – Development Permit Areas for the Protection of the Natural Environment

Legend

- Electoral Area Boundary
- Plan Area Boundary

Sensitive Ecosystems
Development Permit Area

- Coastal Bluff, Terrestrial Herbaceous and Old Forest Ecosystems
SOURCE: Sensitive Ecosystem Inventory 2004
- Sensitive Species
SOURCE: Conservation Data Centre

Eagle and Heron Nesting Trees
Development Permit Area

- All Mapped and Unmapped eagle and heron nesting trees within the shaded area shown on inset map
- Eagle Nest Tree:
60 metre radius from base of tree
- Heron Nest:
60 metres from base of tree for lots ≤ 1.0 hectares
100 metres from base of tree for lots > 1.0 hectares
SOURCE: BC Ministry of Environment

Freshwater and Fish Habitat
Development Permit Area

- All Mapped and Unmapped Streams that are Subject to the Riparian Areas Regulation within the shaded area shown on inset
- Nanaimo River and Haslam Creek
- All other Watercourses
- Lake, Wetland, and Pond
- Wetland and Riparian Areas
SOURCE: Sensitive Ecosystem Inventory 2004

Marine Coast
Development Permit Area

- Coastal Areas:
15 metres from Natural Boundary

Hazard Lands
Development Permit Area

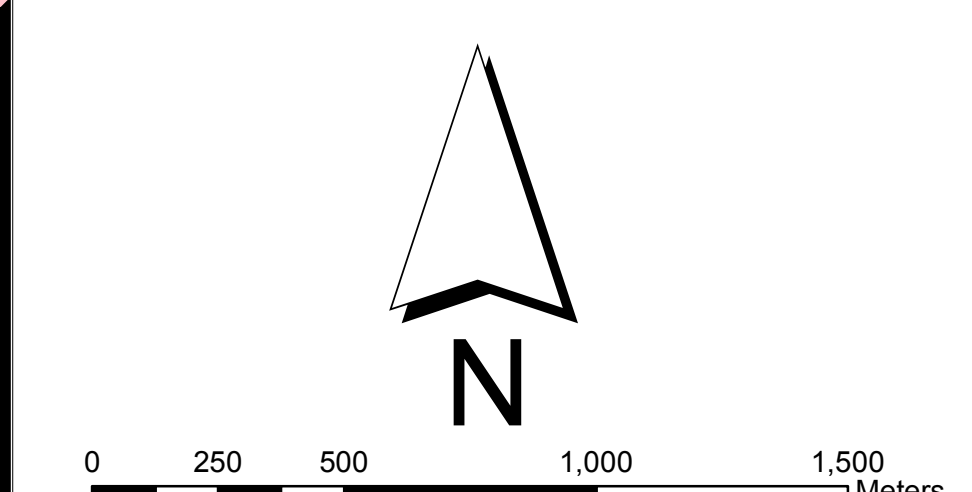
- Nanaimo River Floodplain
Designated by the floodplain limit at a 200 year frequency.
SOURCE: B.C. Water Management Branch, Floodplain Mapping Program and Regional District of Nanaimo Floodplain Management Bylaw No. 1469 Schedule 'A' maps

Aquifers Development
Permit Area

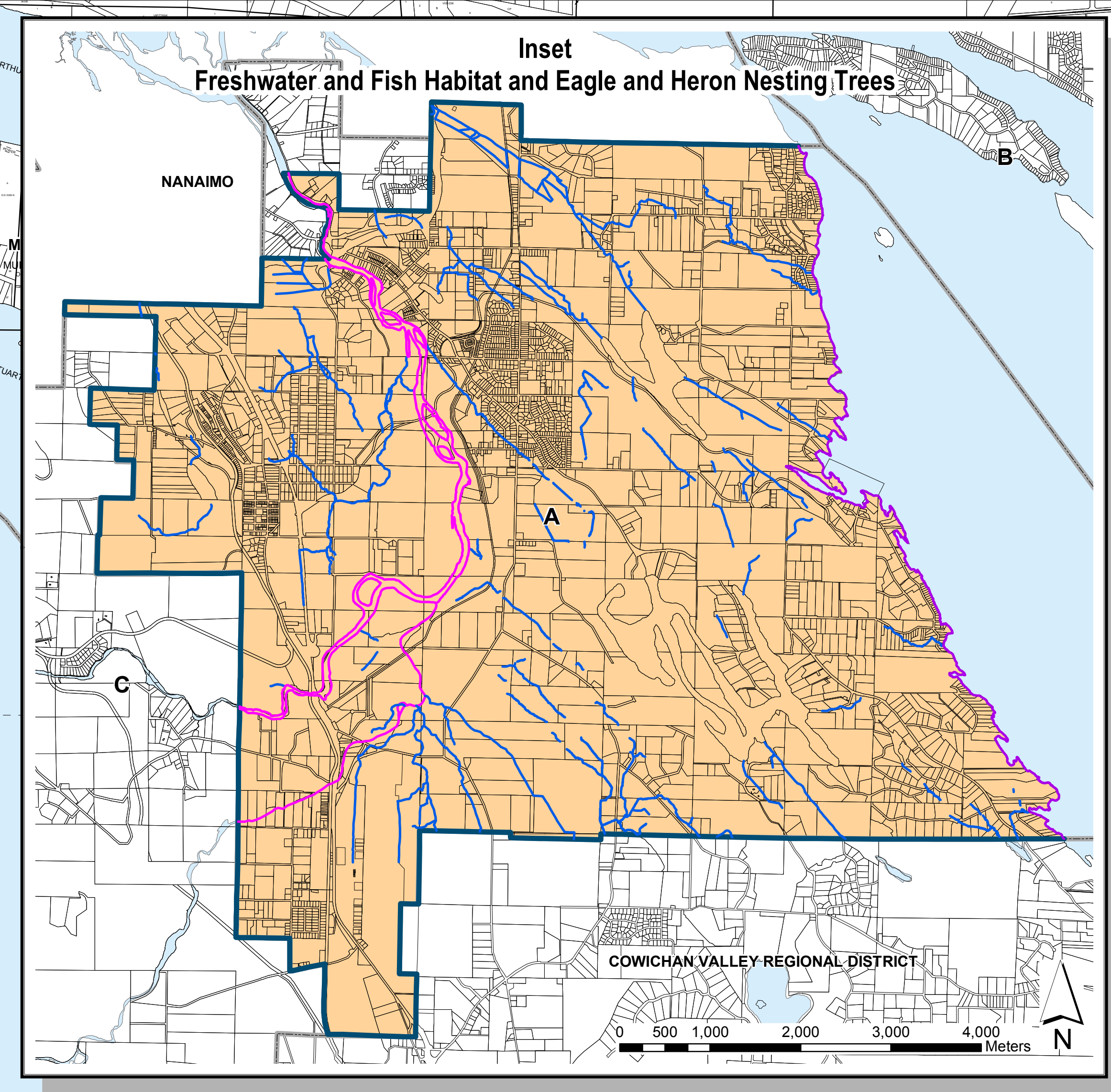
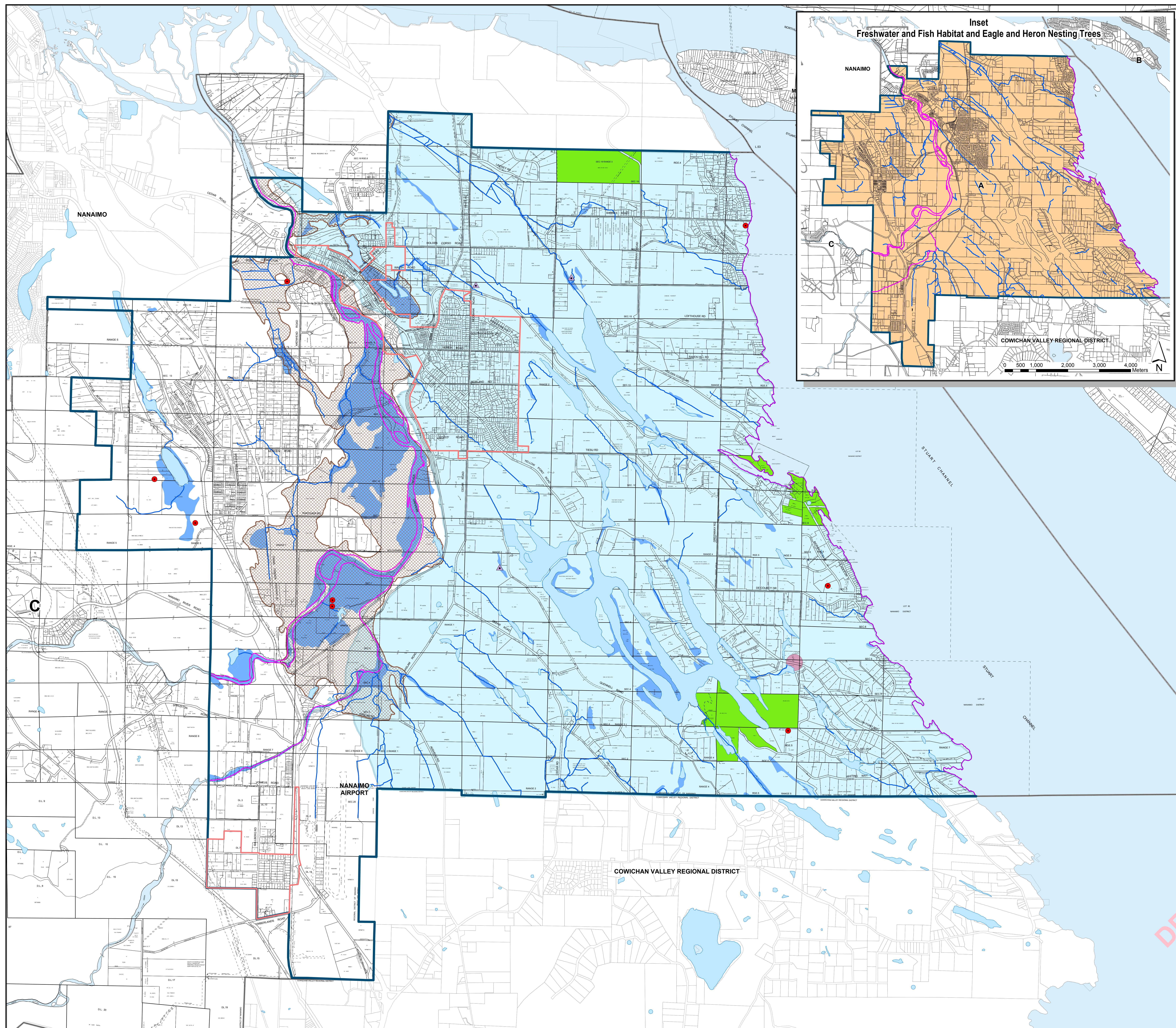
- Yellowpoint Aquifer
Development Permit Area
SOURCE: B.C. Ministry of Environment

Chairperson Corporate Officer

BYLAW NO.1620.05, 2018
Schedule 'C'



DRAFT



ATTACHMENT 5

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1148.07**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ARROWSMITH BENSON-CRANBERRY BRIGHT
OFFICIAL COMMUNITY PLAN BYLAW NO. 1148, 1999**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018”.
- B. “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999” is hereby amended as set out in Schedules A, B, C and D of this Bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1148.07**

Schedule A

1. "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" is hereby amended as follows:
 - a) by amending Schedule A as follows:
 - i. to the Table of Contents, under Appendix A:
 - a. by inserting "Extension" before Village Centre
 - b. by deleting "Farm Land" and replace with "Farmland"
 - c. by deleting "Watercourse Protection"
 - d. by deleting "Fish Habitat Protection" and replacing with "Freshwater and Fish Habitat"
 - ii. to the Introduction section, under Plan Format, to the fourth paragraph, second sentence, by inserting the words "the zoning bylaw" after "and" and before "provides";
 - iii. to Goal 3 – Protect Rural Integrity:
 - a. by deleting Rural Policy 2.a.viii
 - b. by deleting Resource Policy 2.a.viii
 - iv. by deleting Aggregate and Mineral Resources Policy 6;
 - v. to Goal 4 – Protect the Natural Environment, Freshwater Management policy 6, by deleting "Watercourse and Fish Habitat Protection" and replacing with "Freshwater and Fish Habitat Protection";
 - vi. to Goal 6 – Create a Vibrant and Sustainable Economy, under Agriculture, to the fourth paragraph, last sentence, by deleting "requirements of" and replacing with "established in"; and
 - vii. to Appendix A: Development Permit Areas, introduction section:
 - a. to the first paragraph, second sentence, by inserting "in the zoning bylaw" after "provided" and before the period
 - b. to the first paragraph, last sentence, by inserting "in the zoning bylaw" after "specified" and before the period

- c. to the third paragraph, first bullet, by inserting “Extension” before “Village”
- d. to the third paragraph, second bullet, by deleting “Farm Land” and replacing with “Farmland”
- e. by deleting the third paragraph, third bullet
- f. to the third paragraph, fifth bullet, by inserting “Freshwater and” before “Fish Habitat”; and adding “and protection of development from hazards” after “environment” and before the “)”.
 - viii. to Appendix A: Development Permit Areas, Village Centre – Commercial Development Permit Area:
 - a. to the “Area” section, by inserting “Extension” after “The” and before “Village”
 - b. to the “Justification” section, by deleting “designated” and replacing with “within the Extension”
 - c. by deleting the “Application”, “Exemptions” and “Guidelines” sections.
 - ix. To Appendix A: Development Permit Areas, by deleting the Farm Land Protection, Watercourse Protection, Sensitive Ecosystems Protection and Fish Habitat Protection Development Permit Areas and replacing with Schedule ‘B’ attached to and forming part of this bylaw.
- b) by deleting Map No. 7 - Development Permit Areas, Sheets 3 & 4 of 5, and replacing with Schedule ‘C’ attached to and forming part of this bylaw.
- c) by deleting Map No. 7 – Development Permit Areas, Sheet 5 of 5, and replacing with Schedule ‘D’ attached to and forming part of this bylaw.

Schedule B to accompany "Regional District of Nanaimo Arrowsmith
Benson-Cranberry Bright Official Community Plan Amendment Bylaw
No. 1148.07, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1148.07**

Schedule B

**FARMLAND PROTECTION
DEVELOPMENT PERMIT AREA**

Authority:

The Farmland Protection Development Permit Area is designated a development permit area for the protection of farming, pursuant to Section 488(1)(c) of the *Local Government Act*.

Designation

The Farmland Protection, Development Permit Area is as shown on Map No. 7, Development Permit Areas, Sheet 2 of 5 and applies to all properties adjacent to the Provincial Agricultural Land Reserve (ALR) boundary.

Justification:

Lands located within the ALR require protection for long term agricultural use. Land use conflicts may develop between lands within the ALR and lands adjoining or reasonably adjacent to the ALR. These conflicts may compromise the agricultural use of the ALR lands. The incorporation of 15 metre wide buffers between new subdivisions and ALR lands will protect the agricultural use of ALR lands.

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREAS

Authority:

The Sensitive Ecosystems Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity pursuant to Section 488(1)(a) of the *Local Government Act*.

Designation:

The Sensitive Ecosystems Development Permit Area is as shown on Map No. 7 (Development Permit Areas, Sheet 5 of 5) and applies to the following sensitive ecosystems mapped in the Provincial Sensitive Ecosystem Inventory (SEI): 'terrestrial herbaceous', 'older forest', and 'sparsely vegetated'.

Justification:

This Development Permit Area is applicable to lands, which contain sensitive ecosystems as identified by Environment Canada and the BC Ministry of Environment, Lands and Parks.

A SEI for east Vancouver Island and the Gulf Islands has been completed by Environment Canada and the BC Ministry of Environment, Lands and Parks. The SEI identified ecosystems within the eastern segment of Arrowsmith Benson - Cranberry Bright, which are endangered or sensitive to disturbance.

The objective of the development permit area is to minimize the impacts of developments on environmentally sensitive features, ecosystems or habitat.

FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

Authority:

The Freshwater and Fish Habitat Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems, and biological diversity and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

Designation:

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 7, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation* (RAR) of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:
 - a) for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
 - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
 - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.
2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

‘ravine’ means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

‘stream’ includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b);

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

‘watercourse’ means a permanent or non permanent (containing water at least six months of the year) source of water supply that is natural or man made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a stream, with well defined banks and a bed of 0.6 metres or more below the surrounding land serving to give

direction to or containing a current of water but does not apply to a man made pond that does not connect to a stream.

Justification

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizing stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Riparian vegetation stabilizes streambanks, helping to minimize erosion and sedimentation that can be harmful to aquatic ecosystems. Erosion of banks and steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

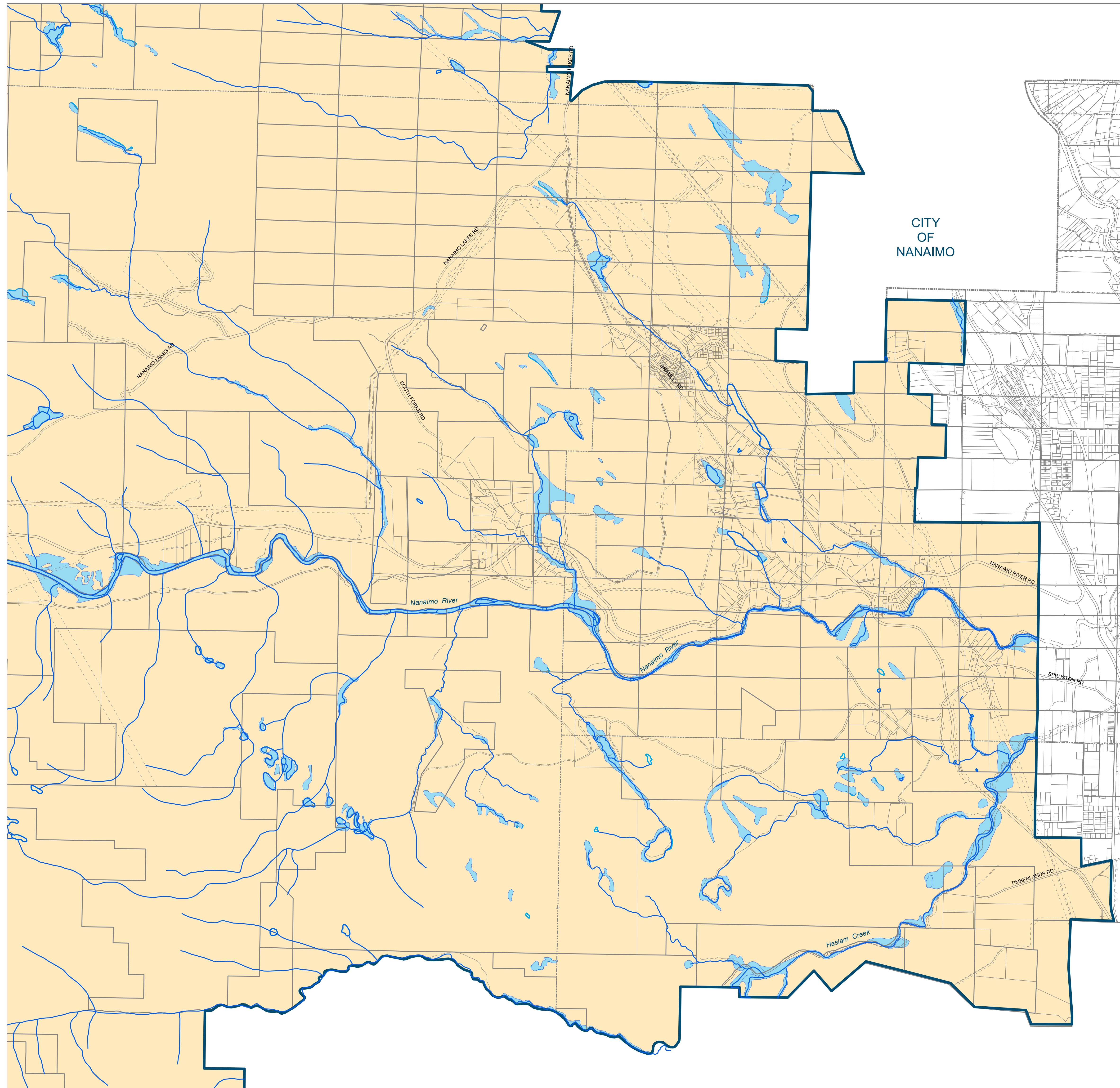
Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the RAR are met.

The objectives of this development permit area are:

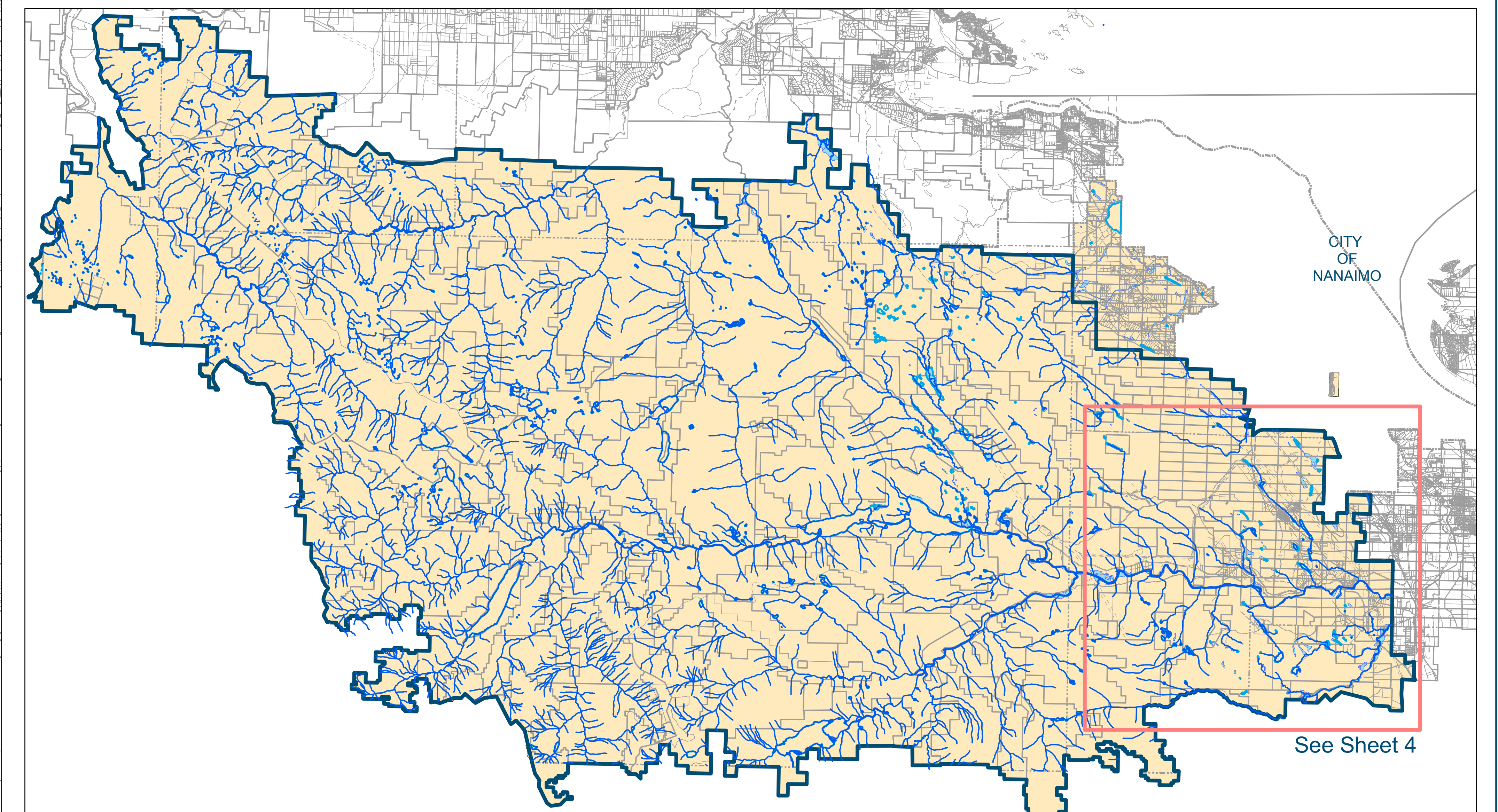
1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1148.07
Schedule C

Map No. 7 – Development Permit Areas, Sheets 3 & 4 of 5



Sheet 4

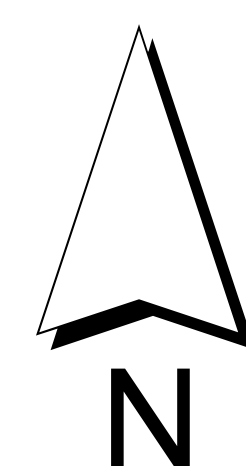


Sheet 3

DRAFT



REGIONAL DISTRICT OF NANAIMO



0 5 10 20 Kilometers

LEGEND

— Plan Area Boundary

FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

■ All Mapped and Unmapped Streams that are Subject to the Riparian Areas Regulation

— Watercourse

Source: Provincial TRIM Mapping

□ Lake/Marsh/Swamp

■ Riparian Vegetation / Wetland

Source: Sensitive Ecosystem Inventory 2004

ARROWSMITH BENSON - CRANBERRY BRIGHT OFFICIAL COMMUNITY PLAN

Map 7 Sheets 3 & 4 of 5 DEVELOPMENT PERMIT AREAS FRESHWATER AND FISH HABITAT

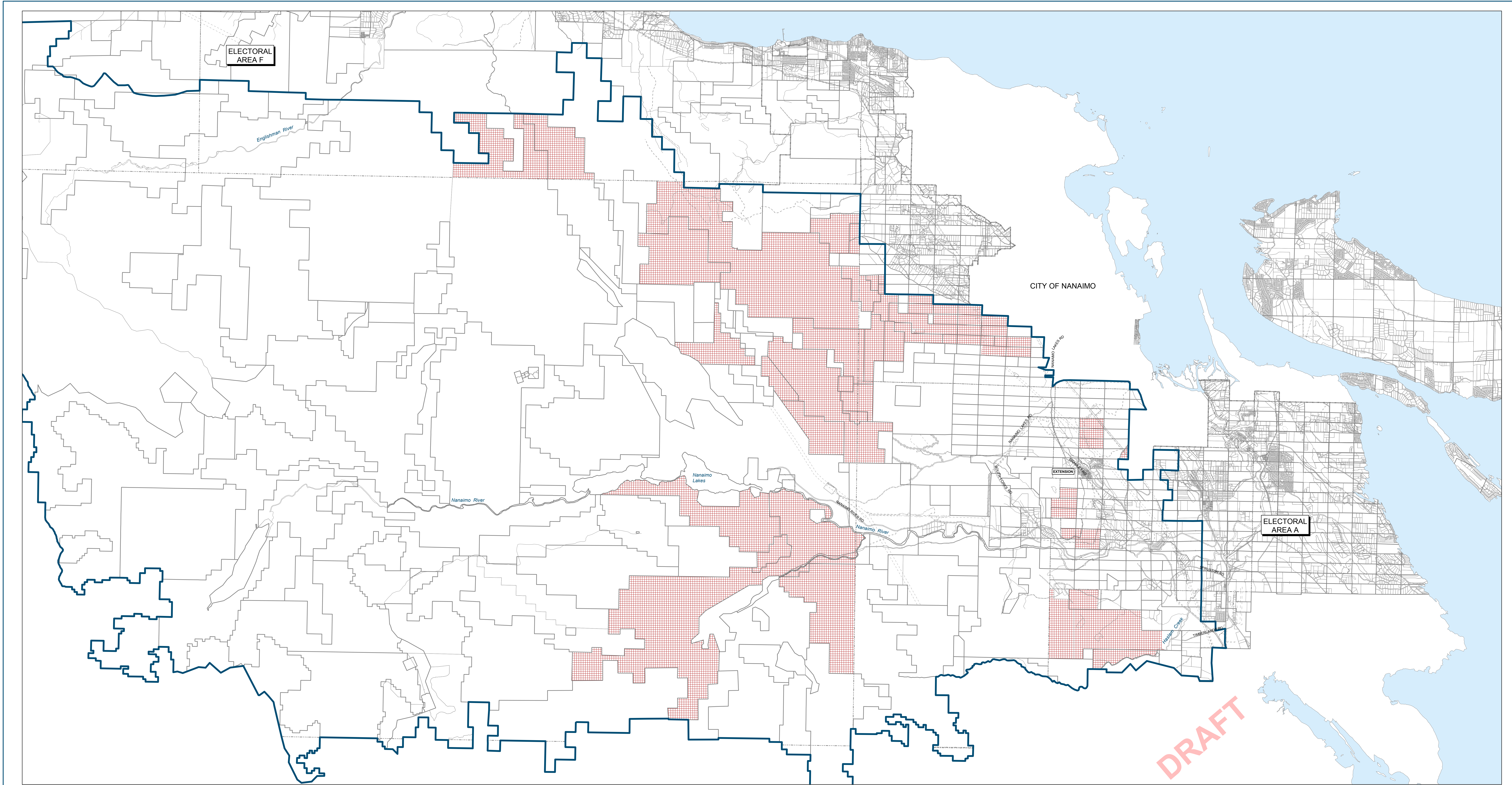
Chairperson

Corporate Officer

Schedule 'C' BYLAW NO. 1148.07, 2018

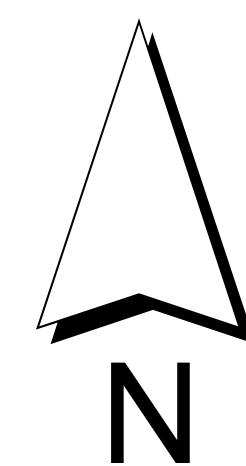
REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1148.07
Schedule D

Map No. 7 – Development Permit Areas, Sheets 5 of 5



LEGEND

-  Plan Area
-  Sensitive Ecosystems Development Permit Area



**ARROWSMITH BENSON - CRANBERRY BRIGHT
OFFICIAL COMMUNITY PLAN**
Map 7 Sheet 5 OF 5
DEVELOPMENT PERMIT AREAS
SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA

Chairperson _____

Corporate Officer _____

Schedule 'D'
BYLAW NO. 1148.07, 2018

Aug 21, 2018

ATTACHMENT 6

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1055.05**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO EAST WELLINGTON – PLEASANT VALLEY
OFFICIAL COMMUNITY PLAN BYLAW NO. 1055, 1997**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018.”

- B. The “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997” is hereby amended as set out in Schedules A, B and C of this Bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1055.05**

Schedule A

1. "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" is hereby amended as follows:
 - a) By amending Schedule A as follows:
 - i. by deleting in the **TABLE OF CONTENTS, SECTION 8 – DEVELOPMENT PERMIT AREAS** and replacing with the following:
"SECTION 8 - DEVELOPMENT PERMIT AREAS
9.1 Freshwater and Fish Habitat.....
9.2 Hazard Lands.....
9.3 East Wellington – Pleasant Valley Industrial....."
 - ii. by deleting section **4.1 RESOURCE, Policies: Resource, Action: 4.**
 - iii. to **SECTION 8 - DEVELOPMENT PERMIT AREAS**, introduction:
 - a. to the second paragraph, after the first sentence, by inserting the following: "For development permit areas designated in this Plan, the guidelines are located in the zoning bylaw."
 - b. to the fourth paragraph, first sentence, after the word "guidelines", by inserting "in the zoning bylaw".
 - c. to the fifth paragraph, first sentence, after the word "Plant", by inserting "and the zoning bylaw".
 - d. to the fifth paragraph, last sentence, by deleting "within the guidelines of" and replacing with "in the zoning bylaw".
 - iv. by deleting **8.1 FISH HABITAT PROTECTION** and **8.2 NATURAL HAZARD AREAS** and replacing with Schedule B attached to and forming part of this bylaw.
 - v. to **8.3 INDUSTRIAL:**

- a. to the title, by inserting “**EAST WELLINGTON – PLEASANT VALLEY**” before “**INDUSTRIAL**”; and
 - b. by deleting the **GUIDELINES** section.
- b) by deleting Map No. 5 – Development Permit Areas and Map No. 6 – Fish Habitat Protection Development Permit Areas and replacing with Schedule C attached to and forming part of this bylaw.

Schedule B to accompany "Regional District of Nanaimo East
Wellington – Pleasant Valley Official Community Plan Amendment
Bylaw No. 1055.05, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1055.05**

Schedule B

8.1 FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

Designation:

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 5, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation* (RAR) of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:
 - a) for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
 - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
 - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.
2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

'ravine' means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

'stream' includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b);

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

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

Authority:

The Freshwater and Fish Habitat Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

Justification:

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil’s ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream’s natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia’s *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the *Riparian Areas Regulation* are met.

The objectives of this development permit area are:

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.

2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

8.2 HAZARD LANDS DEVELOPMENT PERMIT AREA

Designation:

This Development Permit Area is applicable to lands that may be susceptible to flood or erosion in the floodplain of Brannen Lake and the Millstone River as shown on Map No. 5.

Authority:

The Hazard Lands Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity and for the protection of development from hazardous conditions, pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

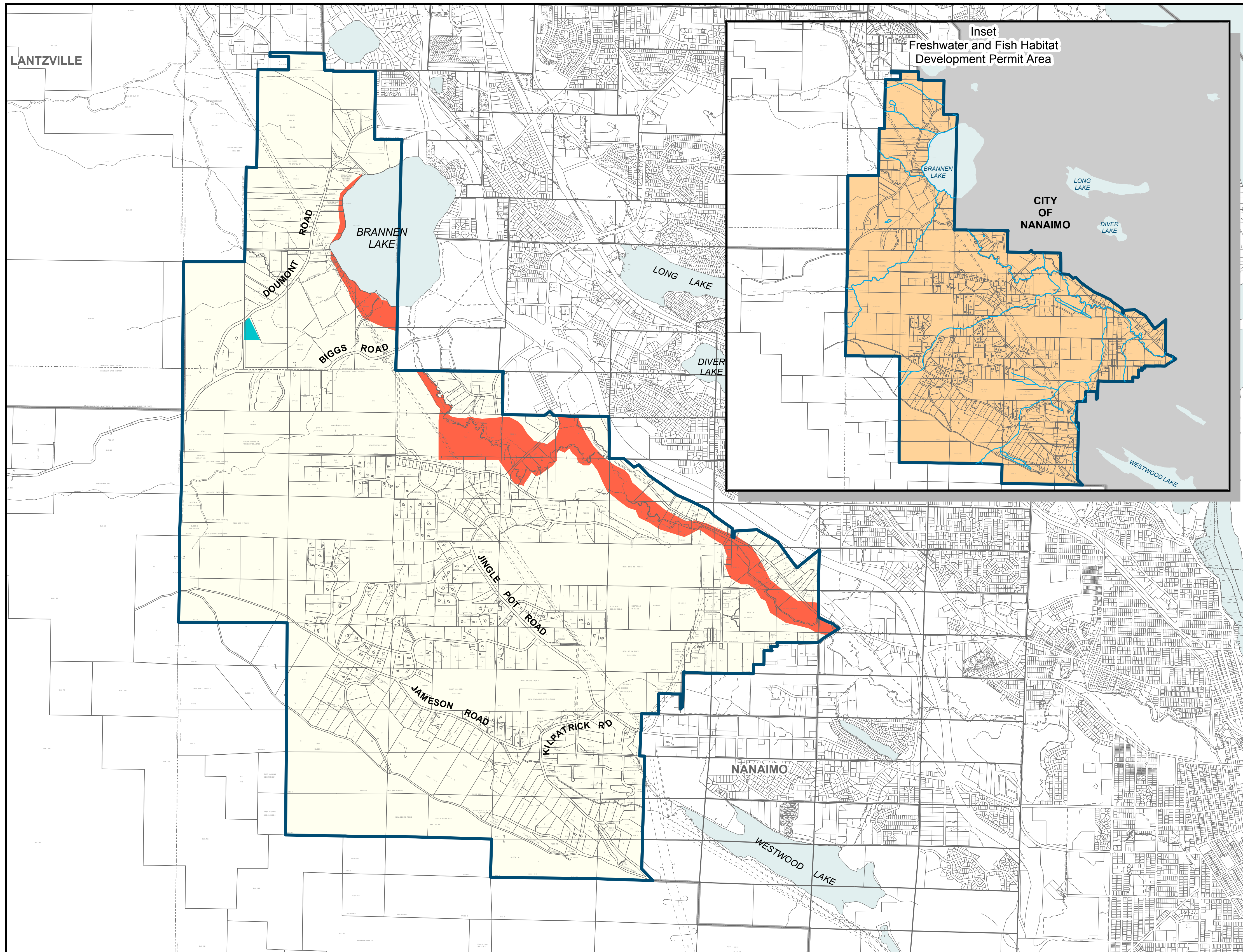
Justification:

Lands susceptible to mass movement or erosion have been identified in the Plan Area. The development of land or removal of vegetation may destabilize such areas and create potential danger to life. In order to minimize the hazard potential of these areas, the construction of buildings or structures or the subdivision or alteration of land requires regulation. The objective of this development permit area is to protect property from flooding and potential loss of land and property due to high water, erosion and instability.

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1055.05**

Schedule C

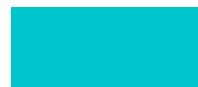
Map 5 – DEVELOPMENT PERMIT AREAS





EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN

MAP 5 Development Permit Areas

Legend

-  Plan Area
-  Hazard Lands Development Permit Area
-  East Wellington - Pleasant Valley Industrial Development Permit Area

Freshwater and Fish Habitat Development Permit Area

-  All Mapped and Unmapped Streams that are Subject to the Riparian Area Regulation within the shaded area shown on Inset Map
-  Watercourse

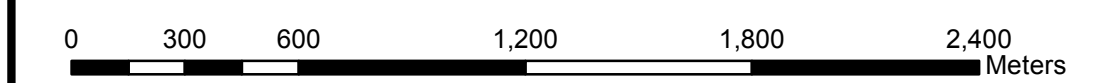
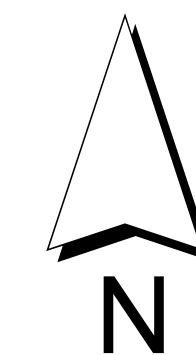
NOTE: Boundary Lines depicting designations on this map are approximate only. Additional areas or values may be present which have not been identified on this map.

Chairperson _____

Corporate Officer _____

DRAFT

SCHEDULE 'C' BYLAW NO. 1055.05



Aug 22, 2018

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1400.05**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO NANOOSE BAY
OFFICIAL COMMUNITY PLAN BYLAW NO. 1400, 2005**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018”.
- B. The “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” is hereby amended as set out in Schedules A, B, C and D of this Bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1400.05**

Schedule A

1. "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" is hereby amended as follows:

a) By amending Schedule A as follows:

i. to the **Table of Contents**:

a. by deleting **Section IX – Development Permit Areas** and replacing it with the following:

"Section IX - Development Permit Areas

Development Permit Areas General Policies

- DPA I Nanoose Bay Form and Character
- DPA II Farmland Protection
- DPA III Freshwater and Fish Habitat
- DPA IV Sensitive Ecosystems
- DPA V Eagle and Heron Nesting Trees
- DPA VI Highway Corridor Protection"

b. To **Maps Forming Part of this Plan**, by deleting "Map No. 6 Development Permit Areas: and replacing with "Map No. 6 Development Permit Areas for Protection of the Natural Environment; and by deleting "Map No. 7 Watercourse Protection Development Permit Area" and replacing with "Map No. 7 Development Permit Areas for Form and Character and Farmland Protection"

ii. to **Section II, 2.1 ENVIRONMENTALLY SENSITIVE AREAS**, Policy 4, by deleting "Guidelines contained" and replace with "designated"

iii. to **Section II, 2.1 ENVIRONMENTALLY SENSITIVE AREAS**, Policy 5, by deleting "Guidelines contained" and replace with "designated"

iv. to **Section III, 3.4 RESOURCE LANDS**, by deleting Policies 14 and 15.

v. **Section IX, Development Permit Areas**, introduction section:

- a. to the third paragraph, second sentence, delete “will be addressed are also included”; and at the end of the sentence, insert “are included in the zoning bylaw” before the period.
- b. Delete the list in the fourth paragraph and replace with the following:
 - “DPA I Nanoose Bay Form and Character
 - DPA II Farmland Protection
 - DPA III Freshwater and Fish Habitat
 - DPA IV Sensitive Ecosystems
 - DPA V Eagle and Heron Nesting Trees
 - DPA VI Highway Corridor Protection”
- vi. To **Section IX, Development Permit Areas, DPA 1 Form and Character:**
 - a. to the title, insert “Nanoose Bay” before “Form and Character”
 - b. to **DPA 1 - PURPOSE**, insert “Nanoose Bay” before “Form and Character”
 - c. to **DPA 1 - AREA**, insert “Nanoose Bay” before “Form and Character”
 - d. to **DPA 1 – JUSTIFICATION**, insert “Nanoose Bay” before “Form and Character”
 - e. delete the **DPA 1 – GUIDELINES** and **DPA 1 – EXEMPTIONS** sections.
- vii. To **Section IX, Development Permit Areas**, delete **DPA II Farmland Protection, DPA III Watercourse Protection, and DPA IV Sensitive Ecosystem Protection** and replace with Schedule B attached to and forming part of this bylaw.
- viii. To **Section IX, Development Permit Areas, DPA V Highway Corridor Protection**, delete the **DPA V – GUIDELINES** and **DPA V – EXEMPTIONS** sections.
- b) by deleting Map No. 6 – Development Permit Areas and replacing with Schedule C attached to and forming part of this bylaw.
- c) Map No. 7 – Watercourse Protection Development Permit Area and replacing with Schedule D attached to and forming part of this bylaw.

Schedule B to accompany "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1400.05**

Schedule B

DPA II

FARMLAND PROTECTION

DPA II - AREA

The Farmland Protection Development Permit Area is shown on Map No. 7 and applies to all properties adjacent to the Provincial Agricultural Land Reserve (ALR) boundary.

DPA II - PURPOSE

The Farmland Protection Development Permit Area is designated a development permit area for the protection of farming, pursuant to Section 488(1)(c) of the *Local Government Act*.

DPA II - JUSTIFICATION

The BC Agricultural Land Commission has acknowledged that the development of lands adjoining farmlands may compromise the agricultural use of the ALR lands. Agricultural lands therefore

require protection for long-term agricultural use.

In addition, as a result of inappropriately designed developments, land use conflicts may develop between the land uses. The incorporation of a 15 metre wide buffer between developed lands and agricultural lands is expected to promote greater compatibility between the uses while protecting the agricultural uses from urban impacts.

The objective of this DPA is to protect the agricultural land resource of the Plan Area for present and future production of food and other agricultural products

DPA III

FRESHWATER AND FISH HABITAT

DPA III - DESIGNATION

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 6, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation* (RAR) of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:
 - a) for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
 - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
 - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the

high water mark to a point that is 10 metres beyond the top of the ravine bank.

2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

'ravine' means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

'stream' includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b);

'top of the ravine bank' means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

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

DPA III - AUTHORITY

The Freshwater and Fish Habitat Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

DPA III - JUSTIFICATION

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife,

and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil's ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural

environment, ecosystems and biological diversity of the Plan Area.

Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the *RAR* are met.

The objectives of this development permit area are:

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

DPA IV

SENSITIVE ECOSYSTEMS

DPA IV - DESIGNATION

The Sensitive Ecosystems Development Permit Area is shown on Map No. 6 and applies to parcels containing the following environmentally sensitive ecosystems mapped in the Provincial Sensitive Ecosystem Inventory (SEI): woodland, coastal bluff (for lands that are subdividable), terrestrial herbaceous, wetland, and sparsely vegetated ecosystems.

DPA IV - AUTHORITY

The Sensitive Ecosystems Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

DPA IV - JUSTIFICATION

The Sensitive Ecosystems Development Permit Area is comprised of parcels including lands that have been identified in the SEI: East Vancouver Island and Gulf Islands 1997 and 2004 updates completed by the Canadian Wildlife Service. These lands have been identified as being endangered or sensitive to disturbance. The lands include stands of Garry oak, woodlands, meadows, grasslands, and their

associated species. Some of the plant and animal species are found only in southeastern British Columbia and these ecosystems are among the rarest in the province. Nanoose Bay is unique in the range of sensitive ecosystems it contains and in the required level of preservation of these systems.

The objective of the development permit area is to minimize the impacts of developments on environmentally sensitive features, ecosystems or habitat.

DPA V

EAGLE AND HERON NESTING TREES

DPA V - DESIGNATION

The Eagle and Heron Nesting Trees Development Permit Area is shown on Map No. 6. The development permit area is defined as follows:

- a) For **Bald Eagle Nesting Trees** - the development permit area applies to all mapped and unmapped trees containing bald eagle nests and is a 60 metre radius measured from the base of the nesting tree.
- b) For **Great Blue Heron Nesting Trees** - the development permit area applies to all mapped and unmapped trees containing great blue heron nests, and shall be
 - i. a 60 metre radius from the base of the nesting tree on lots 1.0 hectare or smaller; and
 - ii. a 100 metre radius from the base of the nesting tree on lots larger than 1.0 hectare.

Where the colony consists of more than one tree, the radius is measured from a line drawn around the outer perimeter of the base of all nest trees.

The locations of the eagle and heron nesting trees identified on Map No. 6 of this plan are intended to provide an

approximate location only. Ground-truthing may be required by Regional District staff, a Registered Professional Biologist, or British Columbia Land Surveyor, to accurately determine the location of the tree or trees.

DPA V - AUTHORITY

The Eagle and Heron Nesting Trees Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

DPA V - JUSTIFICATION

Nesting birds such as the Great Blue Heron and Bald Eagle are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, now and for the future.

Pacific Great Blue Herons are a Species of Special Concern in Canada and are Blue-listed in British Columbia. There are only about 500 nests on Vancouver Island and the Gulf Islands. Bald Eagles are territorial and generally require 1000 meters between nesting sites. Both species nest near lakes, rivers and

shorelines throughout BC where they are close to their food source. The loss of available nesting habitat near their food source, as well as disturbance from human presence, reduces the birds' ability to thrive and successfully raise their young. While Section 34 of the *Wildlife Act* provides for the protection of Bald Eagles and Pacific Great Blue Herons and several other at risk bird species, this development permit area protects the nesting habitat essential to ensuring breeding populations are maintained.

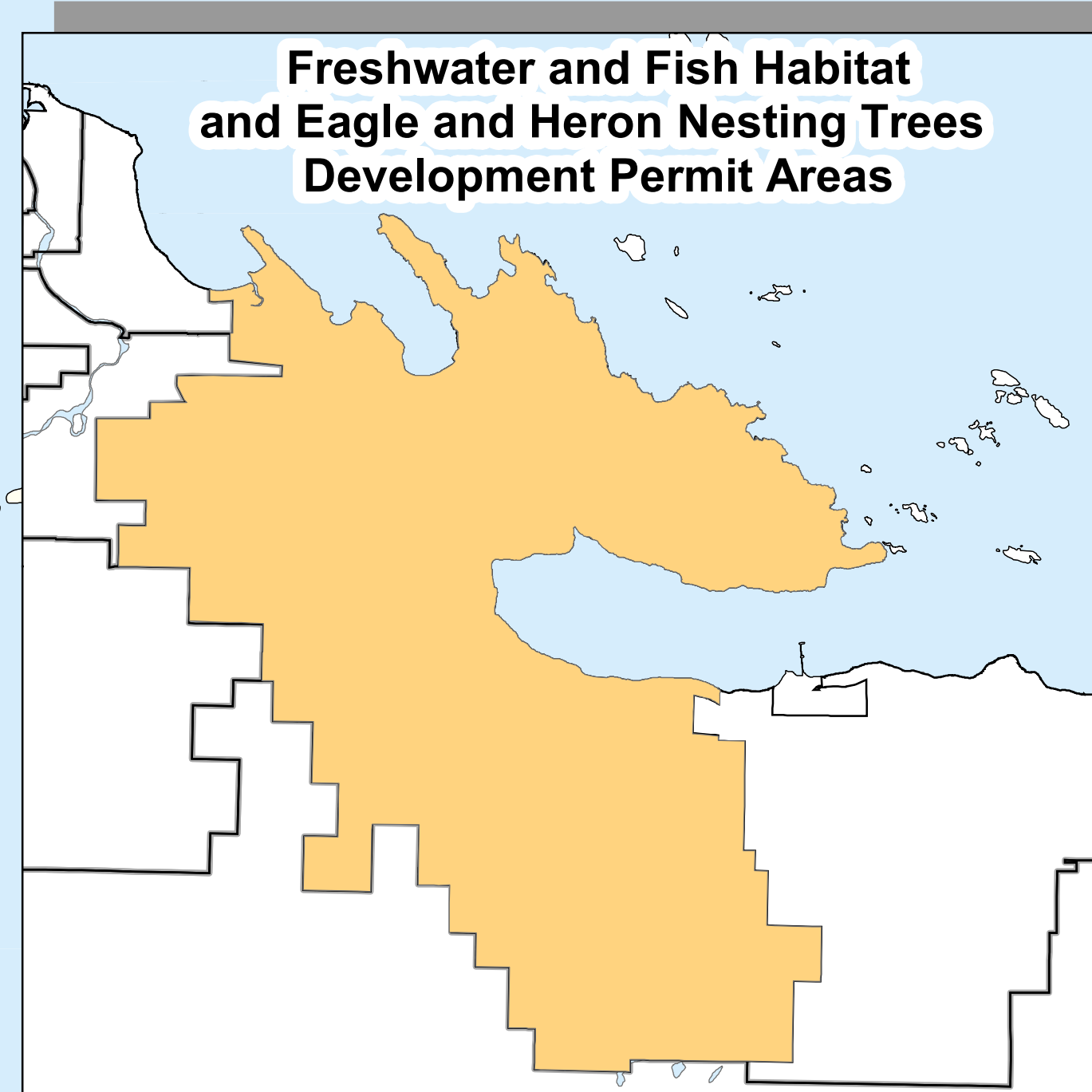
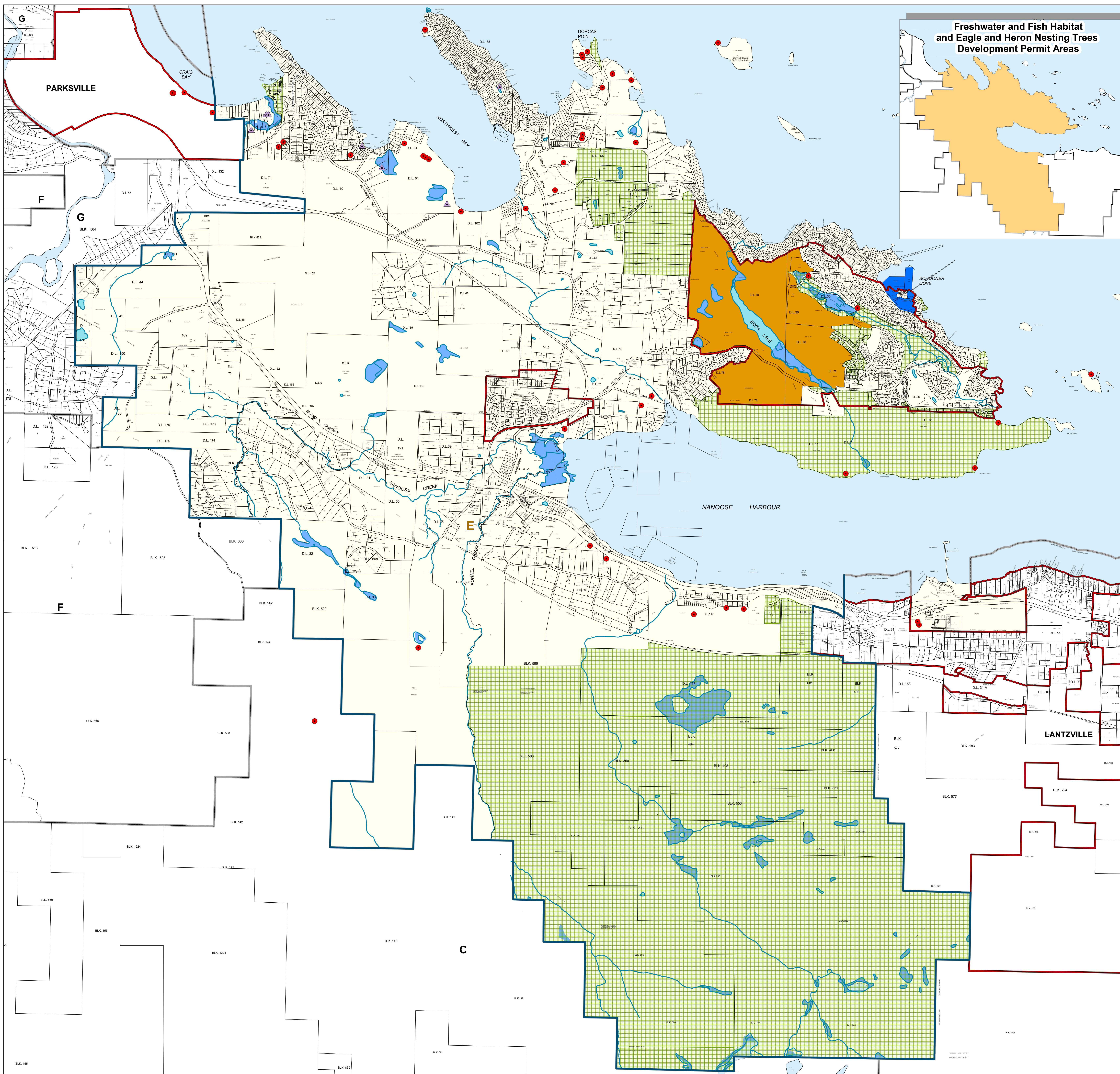
The objectives of this development permit area are:

1. To implement Regional Growth Strategy Policy 2.14 to protect environmentally sensitive areas from the impacts of development.
2. To protect eagle and heron nesting sites from the impacts of development.

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1400.05**

Schedule C

Map No. 6 Development Permit Areas for Protection of the Natural Environment



- Legend**
- Plan Area Boundary
 - Urban Containment Boundary

Sensitive Ecosystems Development Permit Area

- Terrestrial Herbaceous, Sparse Vegetation, Woodland, and Coastal Bluff (For Lands that are Subdividable)

SOURCE: Sensitive Ecosystem Inventory 2004

Eagle and Heron Nesting Trees Development Permit Area

- All Mapped and Unmapped eagle and heron nesting trees within the shaded area shown on inset map

- Eagle Nesting Tree

60 metre radius from base of tree

- ▲ Heron Nesting Tree

60 metres from base of tree for lots ≤ 1.0 hectares

100 metres from base of tree for lots > 1.0 hectares

SOURCE: BC Ministry of Environment

Freshwater and Fish Habitat Development Permit Area

- All Mapped and Unmapped Streams that are Subject to the Riparian Areas Regulation within the shaded area shown on inset map

- Watercourses

- Lakes, Wetlands and Ponds

- Wetland and Riparian Areas

SOURCE: Sensitive Ecosystem Inventory 2004

Lakes District Neighbourhood Plan Area

Lands within the Lakes District Neighbourhood Plan Area are subject to the development permit areas included within Section 5 of Schedule 'B' - Lakes District Neighbourhood Plan, which is attached to and forms part of the 'Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.'

Schooner Cove Neighbourhood Plan Area

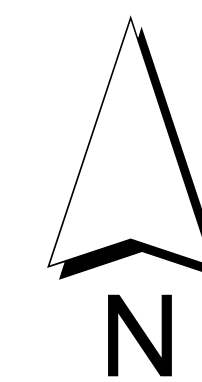
Lands within the Schooner Cove Neighbourhood Plan Area are subject to the development permit areas included within Section 5 of Schedule 'C' - Schooner Cove Neighbourhood Plan, which is attached to and forms part of the 'Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.'

DRAFT

Chairperson _____ Corporate Officer _____

- BYLAW NO. 1400, 2005
- BYLAW NO. 1400.01, 2006
- BYLAW NO. 1400.03, 2011
- BYLAW NO. 1400.04, 2011
- BYLAW NO. 1400.05, 2018

Schedule 'C'





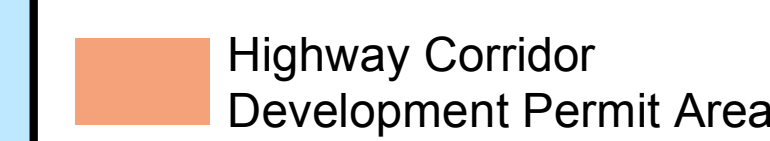
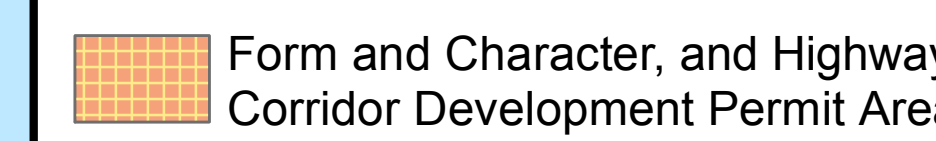
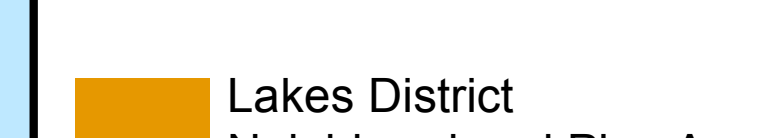
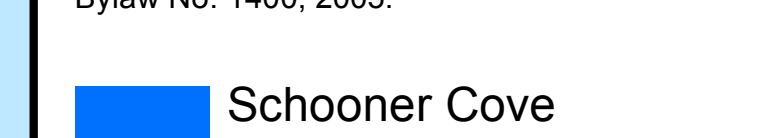


**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1400.05**

Schedule D

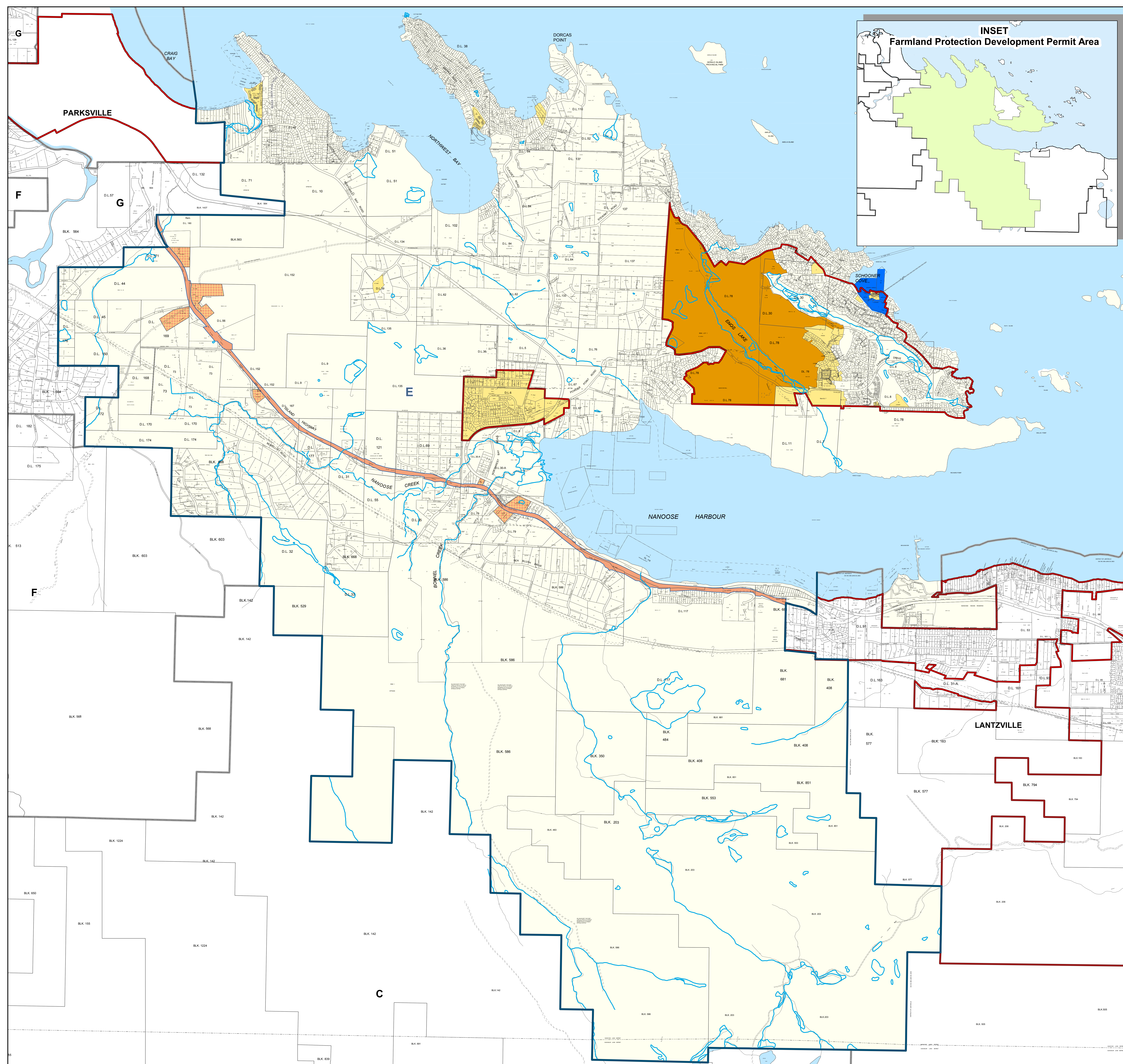
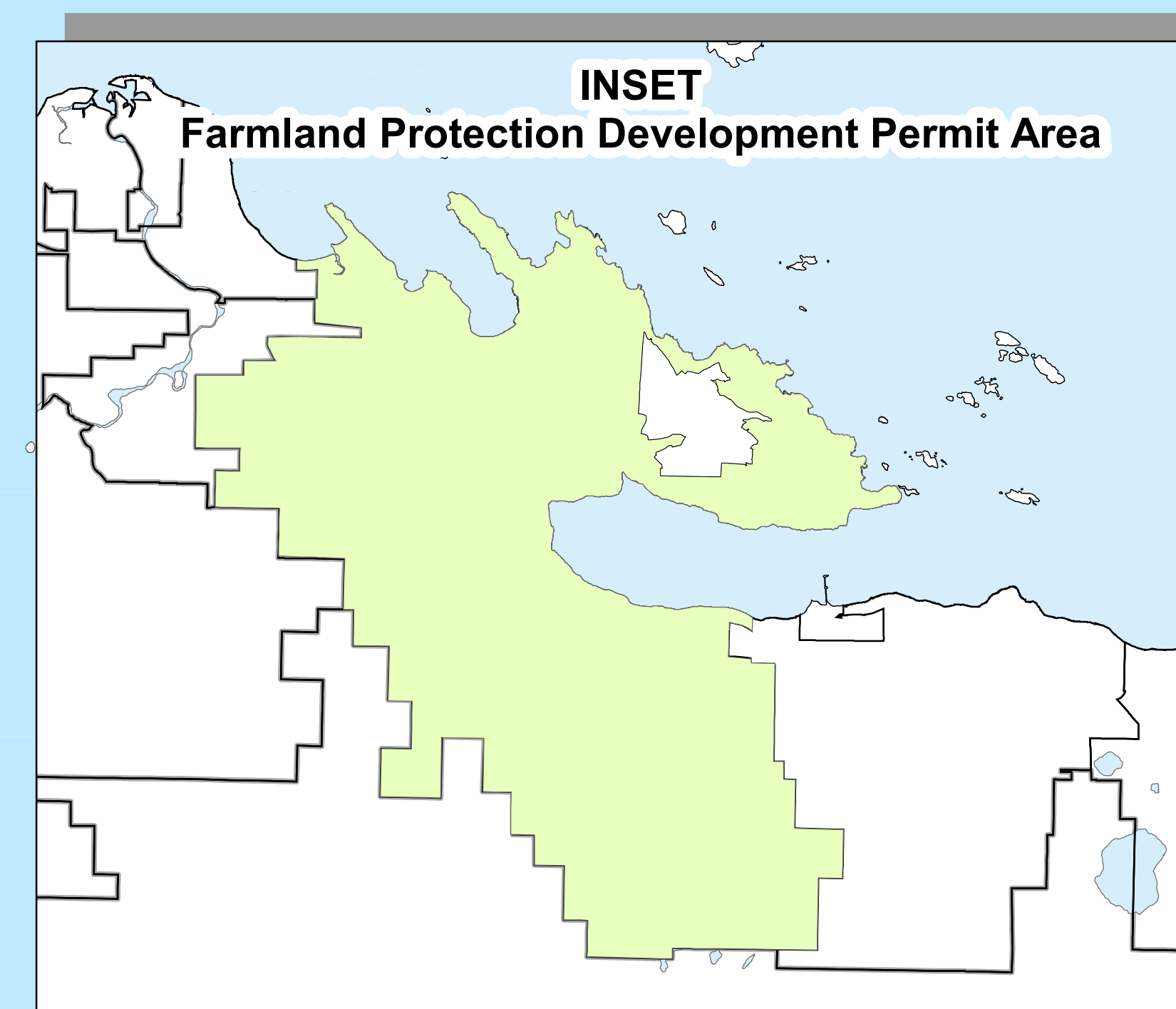
Map No. 7 Development Permit Areas for Form and Character and Farmland Protection

Legend

-  Plan Area Boundary
-  Urban Containment Boundary
-  Nanoose Bay Form and Character Development Permit Area
-  Farmland Protection Development Permit Area
-  Highway Corridor Development Permit Area
-  Form and Character, and Highway Corridor Development Permit Area
-  Lakes District Neighbourhood Plan Area
-  Schooner Cove Neighbourhood Plan Area

Lands within the Lakes District Neighbourhood Plan Area are subject to the development permit areas included within Section 5 of Schedule 'B' - Lakes District Neighbourhood Plan, which is attached to and forms part of the 'Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.'

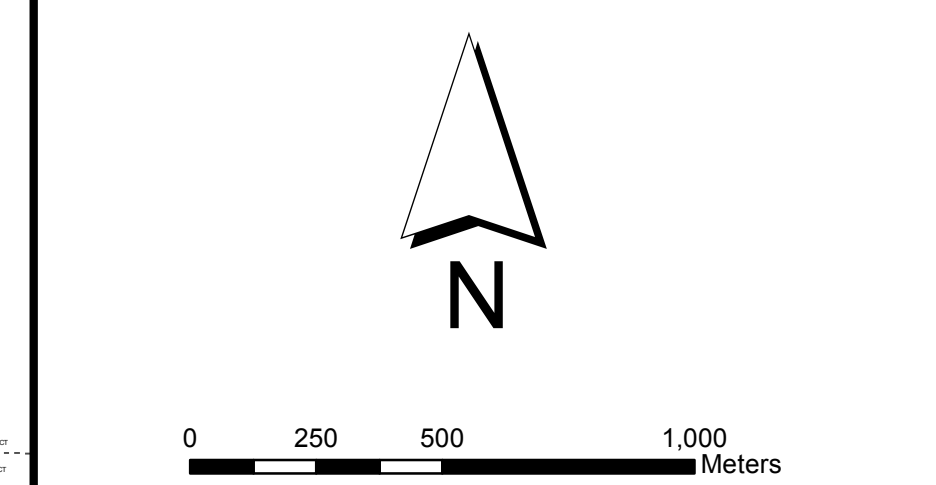
Lands within the Schooner Cove Neighbourhood Plan Area are subject to the development permit areas included within Section 5 of Schedule 'C' - Schooner Cove Neighbourhood Plan, which is attached to and forms part of the 'Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.'



DRAFT

Chairperson _____ Corporate Officer _____

BYLAW NO. 1400.05, 2018
Schedule 'D'



ATTACHMENT 8

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1152.05**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA F
OFFICIAL COMMUNITY PLAN BYLAW NO. 1152, 1999**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05 2018”

- B. The “Regional District of Nanaimo Electoral Area F Official Community Plan Bylaw No. 1152, 1999” is hereby amended as set out in Schedules A, B and C of this Bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1152.05**

Schedule A

1. "Regional District of Nanaimo Electoral Area F Official Community Plan Bylaw No. 1152, 1999" is hereby amended as follows:
 - a) by amending Schedule A as follows:
 - i. to the **Table of Contents**, by deleting **Appendix A** and replacing with the following:

"Appendix A:
A1 Freshwater and Fish Habitat Development Permit Area"
 - ii. to the **Table of Contents, Maps forming part of this Plan:**
 - a. by delete "Map 3: Watercourse Protection Development Permit Areas" and replacing with "Map 3: Freshwater and Fish Habitat Development Permit Area"
 - b. by deleting "Map 7: Fish Habitat Protection Development Permit Area"
 - iii. to **Section 1: Introduction**, subsection **The Regional Growth Management Plan and the Regional Context Statement**, by deleting the fifth paragraph and replacing it with the following:

"In response to the RGMP's goal of protecting the natural environment, the Electoral Area 'F' OCP designates a development permit area over specific identified and unmapped watercourses in the Plan Area and establishes objectives to encourage the protection of the natural environment."
 - iv. to **Section 1: Introduction**, subsection **Organization of this Plan**, by deleting the fifth paragraph and replacing with the following:

"The Official Community Plan also contains one appendix: Appendix A1 states the regulations for the Freshwater and Fish Habitat Development Permit Area.
 - v. to **Section 3: Natural Resources**, subsection **Aggregates and Mineral Resources**, by deleting Future Impact Policy 2.

- vi. to **Section 4: The Natural Environment**, by deleting subsection **Watercourse Protection Development Permit Area** and subsection **Fish Habitat Protection Development Permit Area** and replacing with the following:

“Freshwater and Fish Habitat Development Permit Area

The Freshwater and Fish Habitat Development Permit Area is designated on Map No. 3 of this Official Community Plan, and applies to the riparian assessment areas of mapped and unmapped streams subject to the Riparian Areas Regulation (RAR) of the Riparian Areas Protection Act, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. The zoning bylaw sets out the guidelines of the Freshwater and Fish Habitat Development Permit Area.”

- vii. to **Section 5: Business and Economy**, by deleting General Policy 2.
 - viii. by deleting **Appendix A1 Watercourse Protection Development Permit Area** and **Appendix A2 Fish and Habitat Protection Development Permit Area** and replacing with Schedule ‘B’ attached to and forming part of this bylaw.
- b) by deleting Map 3: Watercourse Protection Development Permit Areas and Map 7: Fish Habitat Protection Development Permit Area and replacing with the Schedule ‘C’ attached to and forming part of this bylaw.

Schedule B to accompany "Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1152.05**

Schedule B

Appendix A1

Freshwater and Fish Habitat Development Permit Area

1.0 PURPOSE

The Freshwater and Fish Habitat Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

2.0 AREA

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 3, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation (RAR)* of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:
 - a) for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
 - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
 - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

‘ravine’ means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

‘stream’ includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook; and
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b).

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

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

3.0 JUSTIFICATION

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil’s ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream’s natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and steep slopes

can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the RAR are met.

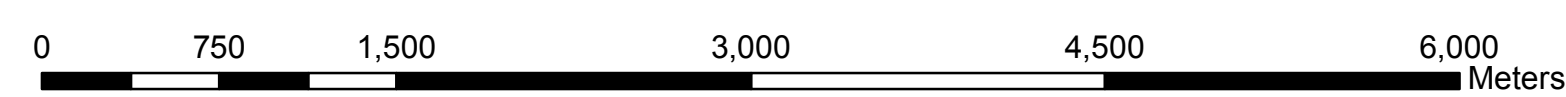
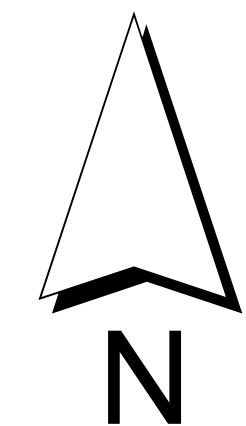
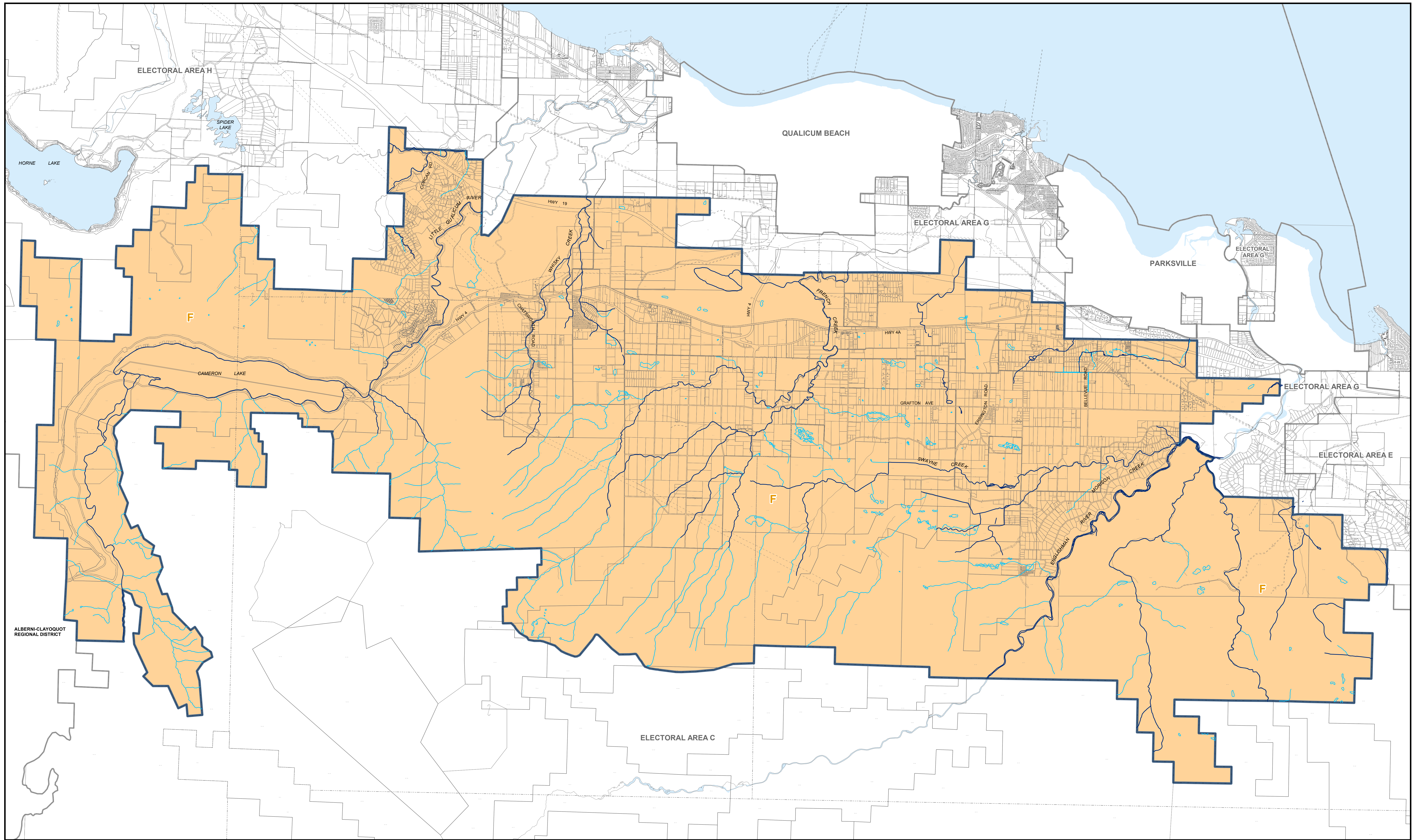
The objectives of this development permit area are:

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1152.05**

Schedule C

Map 3 - Freshwater and Fish Habitat Development Permit Area



Legend

- Plan Area Boundary
- All Mapped and Unmapped Streams that are Subject to the Riparian Areas Regulation
- Other Watercourse
- Watercourses With Known Fish Habitat

SOURCE: Fishtech Consulting and Environmentally Sensitive Areas Atlas

DRAFT

**ELECTORAL AREA 'F'
OFFICIAL COMMUNITY PLAN**

**Map 3
Freshwater and Fish Habitat
Development Permit Area**

BYLAW 1152.05, 2018
Schedule 'B'

Chairperson

Corporate Officer

Aug 21, 2018

ATTACHMENT 9

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1540.02**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA G
OFFICIAL COMMUNITY PLAN BYLAW NO. 1540, 2008**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018”
- B. The “Regional District of Nanaimo Electoral Area G Official Community Plan Bylaw No. 1540, 2008” is hereby amended as set out in Schedules A, B, and C of this Bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany “Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018”.

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1540.02**

Schedule A

1. “Regional District of Nanaimo Electoral Area G Official Community Plan Bylaw No. 1540, 2008” is hereby amended as follows:
 - a) To Schedule A:
 - i. to the **Table of Contents**, subsection **8.0 – Creating a Vibrant and Sustainable Economy**, by deleting “**8.7 Temporary Use Permits**”.
 - ii. To the **Table of Contents**, by deleting section **10.0 – Development Permit Areas** and replacing with the following:

“10.0 – Development Permit Areas
10.1 Freshwater and Fish Habitat
10.2 Sensitive Ecosystems
10.3 Marine Coast
10.4 Eagle and Heron Nesting Trees
10.5 Aquifers
10.6 Hazard Lands
10.7 Farmland Protection
10.8 Inland Island Highway Corridor
10.9 Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character”
 - iii. to section **1.0 Introduction**, subsection **1.5 Electoral Area ‘G’ Regional Context Statement, Goal 6: Vibrant and Sustainable Economy**, paragraph three, second sentence, by deleting “temporary use permits and”.
 - iv. to section **3.0 – Containing Urban Sprawl**, subsection **3.2 Neighbourhood Residential**, Policy 4. e., by deleting “Section 10 of this Plan” and replacing with “the zoning bylaw”
 - v. to section **5.0 – Protecting Rural Integrity**, subsection **5.1 Rural and Rural Residential Land Use Designations, Rural**:
 - a. by deleting Policy 26 and replacing with the following:

“Rezoning applications to rezone existing gravel pits to allow primary processing and related activities associated with gravel extraction may be supported in accordance with the Policies contained in Section 8.3 of this Plan.”

- b. to Policy 27 by deleting “and 8.7”.
- vi. to section **5.0 – Protecting Rural Integrity**, subsection **5.2 Rural Resource Lands**:
 - a. by deleting Policy 5 and replacing with the following:

“Rezoning applications to rezone existing gravel pits to allow primary processing and related activities associated with gravel extraction may be supported in accordance with the Policies contained in Sections 8.3 of this Plan.”
 - b. to Policy 6, by deleting “and 8.7”.
- vii. to section **8.0 – Creating a Vibrant and Sustainable Economy**, subsection **8.1 Agriculture**:
 - a. to Policy 4, by deleting all instances of “Farm land” and replacing with “Farmland”.
 - b. by deleting Policy 10.
- viii. to section **8.0 – Creating a Vibrant and Sustainable Economy**, subsection **8.4 Industrial Land Use Designation**, Policy 7:
 - a. by inserting “in the zoning bylaw” after “guidelines” and before “and”; and
 - b. by deleting “provisions” and replacing with “objectives”.
- ix. to section **8.0 – Creating a Vibrant and Sustainable Economy**, subsection **8.5 Commercial Land Use Designation**, Policy 10:
 - a. by inserting “in the zoning bylaw” after “guidelines” and before “and”; and
 - b. by deleting “provisions” and replacing with “objectives”.
- x. to section **8.0 – Creating a Vibrant and Sustainable Economy**, by deleting subsection **8.7 Temporary Use Permits**.
- xi. to section **9.0 – Improving Mobility**, subsection **9.5 Island Highway Agreement**, Policy 2:
 - a. by inserting “in the zoning bylaw” after “guidelines” and before “and”; and
 - b. by deleting “provisions” and replacing with “objectives”.
- xii. to **section 10.0 – Development Permit Areas, Introduction** section:
 - a. to the third paragraph, by inserting “the zoning bylaw” after “and” and before “specifies”.
 - b. by deleting the fourth paragraph.
- xiii. to **section 10.0 – Development Permit Areas**, by deleting subsections **10.1 Fish Habitat Protection; 10.2 Environmentally Sensitive Features; 10.3 Hazard Lands; and**

10.4 Farmland Protection, and replacing with Schedule B attached to and forming part of this bylaw.

- xiv. to **section 10.0 – Development Permit Areas, 10.5 Inland Island Highway Corridor**:
 - a. by renumbering the title to 10.8
 - b. under **Area**, to the second sentence, by deleting the bracketed text and replace with: “(Development Permit Areas: Form & Character, Island Highway Corridor, and Farmland Protection”.
 - c. by inserting “in the zoning bylaw” after “after “guidelines” and before “for”.
 - d. by deleting the “Application”, “Exemptions” and Guidelines” subsections.
 - xv. to **section 10.0 – Development Permit Areas**, subsection **10.6 Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character**:
 - a. by renumbering the title to 10.9
 - b. to the **Purpose**, by deleting “and provide guidelines”
 - c. to the **Area**, by deleting the bracketed text and replace with: “(Development Permit Areas: Form & Character, Island Highway Corridor, and Farmland Protection”.
 - d. by deleting the “**Application**”, “**Exemptions**” and **Guidelines**” subsections.
 - xvi. to **12.0 – Cooperation Among Jurisdictions**, Policy 9, second sentence, by deleting “of this plan” and replacing with “in the zoning bylaw”.
- b) by deleting **Map No. 9: Development Permit Areas: Fish Habitat Protection, Environmentally Sensitive Features & Hazard Lands** and replacing with Schedule C attached to and forming part of this bylaw.
- c) to **Map No. 10 – Development Permit Areas: Form and Character, Island Highway Corridor, and Farmland Protection**:
 - i. by deleting the name of the map “Map No. 10 – Development Permit Areas: Form and Character, Island Highway Corridor, and Farmland Protection” and replacing with “Map No. 10 – Development Permit Areas: Form and Character, Inland Island Highway Corridor and Farmland Protection”
 - ii. by deleting all instances of “Highway Corridor Development Permit Area” and replacing with “Inland Island Highway Corridor Development Permit Area”.
 - iii. by deleting all instances of “Farm Land” and replacing with “Farmland”.

Schedule B to accompany "Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1540.02**

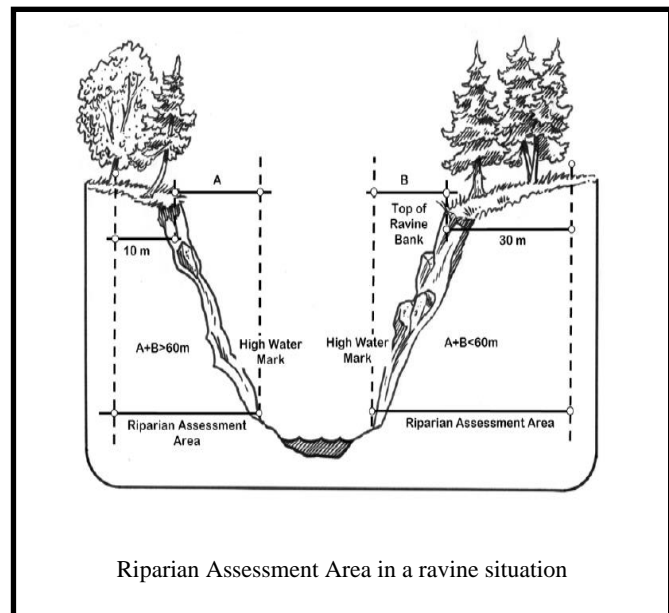
Schedule 'B'

10.1 Freshwater and Fish Habitat

Designation:

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 9, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation (RAR)* of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:
 - a) for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
 - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
 - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.



2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

‘ravine’ means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

‘stream’ includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook; and
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b).

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

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

Authority:

The Freshwater and Fish Habitat Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

Justification:

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil’s ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the RAR are met.

The objectives of this development permit area are:

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

10.2 Sensitive Ecosystems

Designation:

The Sensitive Ecosystems Development Permit Area is shown on Map No. 9 and applies to all parcels containing 'sparsely vegetated', and 'older forest' sensitive ecosystems mapped in the Provincial SEI: East Vancouver Island and Gulf Islands 1993 – 1997 and updated in 2004.

Purpose:

The Sensitive Ecosystems Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity pursuant to Section 488(1)(a) of the *Local Government Act*.

Justification:

Increasing development pressure and environmental awareness, as well as the Regional Growth Strategy's goal of environmental protection has led to the need for the protection of the Plan

Area's most sensitive environmentally significant features to ensure their continued survival and enjoyment for generations to come.

The objective of the development permit area is to minimize the impacts of developments on environmentally sensitive features, ecosystems or habitat.

10.3 Marine Coast

Designation:

The Marine Coast Development Permit Area is shown on Map No. 9 and applies within a 15 metre horizontal distance upland from the present natural boundary and within 15 metres horizontal distance seaward of the present natural boundary. In estuarine areas, it applies upstream, both on land and water, to the extent of tidal influence. For clarity, in estuarine areas the Freshwater and Fish Habitat Development Permit Area also applies.

Purpose:

The Marine Coast Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

Justification:

The coastal zone is one of the prime features of the natural environment of the Plan Area and includes recreational beaches, sheltered embayed areas and sensitive estuaries at the mouth of the Little Qualicum and Englishman Rivers as well as French and Morningstar Creeks. The coastal zone also includes shoreline, which may be susceptible to erosion or flooding in some areas.

The Plan Area contains one of only 22 provincially approved wildlife management areas. The Parksville–Qualicum Beach Wildlife Management Area (PQBWMA) encompasses 1,024 hectares of coastal foreshore, estuary, and river habitat between Craig Bay and the Little Qualicum River including land adjacent to the Englishman River. The PQBWMA includes most of the coastal shoreline in the Plan Area and a portion of the Englishman River. It contains a diversity of ecosystems and animal communities that are sensitive to development and human disturbance, including a significant migration of brant geese that stop to rest and feed within this area each spring.

The objectives of this development permit area are:

1. To work towards the 'protection of the environment' goal of the Regional Growth Strategy, in particular by following the policy to 'minimize impacts of development in coastal zones by ensuring use of low impact development'.
2. To plan and regulate new development in a manner that preserves, protects and restores the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.

3. To balance development opportunities with the ecological conservation and restoration of the shoreline environment.
4. To maintain the public's safe use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline.

10.4 Eagle and Heron Nesting Trees

Designation:

The Eagle and Heron Nesting Trees Development Permit Area is shown on Map No. 9. The development permit area is defined as follows:

- a) For **Bald Eagle Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing bald eagle nests and is a 60 metre radius measured from the base of the nesting tree.
- b) For **Great Blue Heron Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing great blue heron nests, and shall be
 - i. a 60 metre radius from the base of the nesting tree on lots 1.0 hectare or smaller; and
 - ii. a 100 metre radius from the base of the nesting tree on lots larger than 1.0 hectare.

Where the colony consists of more than one tree, the radius is measured from a line drawn around the outer perimeter of the base of all nest trees.

The locations of the eagle and heron nesting trees identified on Map No. 9 of this plan are intended to provide an approximate location only. Ground-truthing may be required by Regional District staff, a Registered Professional Biologist, or British Columbia Land Surveyor, to accurately determine the location of the tree or trees.

Authority:

The Eagle and Heron Nesting Trees Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

Justification:

Nesting birds such as the Great Blue Heron and Bald Eagle are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, now and for the future.

Pacific Great Blue Herons are a Species of Special Concern in Canada and are Blue-listed in British Columbia. There are only about 500 nests on Vancouver Island and the Gulf Islands. Bald Eagles are territorial and generally require 1000 meters between nesting sites. Both species nest near lakes, rivers and shorelines throughout BC where they are close to their food source. The loss of available nesting habitat near their food source, as well as disturbance from human presence, reduces the birds' ability to thrive and successfully raise their young. While Section 34 of the *Wildlife Act* provides for the protection of Bald Eagles and Pacific Great Blue Herons and

several other at risk bird species, this development permit area protects the nesting habitat essential to ensuring breeding populations are maintained.

The objectives of this development permit area are:

1. To implement Regional Growth Strategy Policy 2.14 to protect environmentally sensitive areas from the impacts of development.
2. To protect eagle and heron nesting sites from the impacts of development.

10.5 Aquifers

Authority:

The Aquifers Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

Designation:

The Aquifers Development Permit Area is shown on Map No. 9 and applies to parcels within the growth containment boundary or industrial lands where non-residential development is supported.

Justification:

Aquifers are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, and community value as a drinking water source now and for the future.

Aquifers and surface water are connected and interact with each other as typically, surface waters recharge aquifers in months with precipitation and snow melt. The groundwater system contributes to baseflow in rivers and streams, maintaining habitat for fish, wildlife and plants and is the sole domestic water supply for many residents. Maintaining both water quality and quantity requires careful management for the long-term sustainability of ecosystems and drinking water values.

The Plan Area intersects eight different mapped aquifers and contains the lower reaches of three major water regions (Little Qualicum River, French Creek, Englishman River). This results in varying aquifer and watershed conditions, characteristics and contexts. Vulnerability of mapped aquifers to surface contamination is generally high. For the most part, the mapped aquifers that underlie the Plan Area are moderately producing sand and gravel that are subject to moderate demand. These aquifer areas are drinking water sources for domestic well owners and customers of water services areas including EPCOR French Creek, Town of Qualicum Beach, City of Parksville and four RDN Water Service Areas: Surfside, French Creek, San Pareil, and Englishman River Community.

Care must be taken in construction methods, excavation, surface drainage, storage, handling and manufacture and use of products on parcels of land within this Development Permit Area to avoid contamination of the underlying aquifer and to protect and promote its sustainable use as a drinking water source.

The objective of this development permit area is to implement Regional Growth Strategy Policy 2.14 to protect groundwater aquifers and environmentally sensitive areas from contamination and reduced supply caused by land use and development activities.

10.6 Hazard Lands

Designation:

The Hazard Lands Development Permit Area is applicable to flood prone lands and those lands within the Plan Area with a natural grade greater than 30 percent as identified on Map No. 9. With respect to steep slopes west of the Little Qualicum River, this Development Permit Area applies to lands within 15 metres from the top of the bank where the natural grade of the slope is greater than 30 percent.

Authority:

The Hazard Lands Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity and for the protection of development from hazardous conditions, pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

Justification:

Hazardous lands include steep slopes adjacent to watercourses and along the coastal shoreline and flood prone lands. The subdivision, development of land, or removal of vegetation in these areas may destabilize the area, cause environmental damage, and pose potential for loss of life and property. In response to these risks and conditions, the objective of this Development Permit Area is to protect life, property and the environment from hazardous conditions.

10.7 Farmland Protection

Designation:

The Farmland Protection Development Permit Area is shown on Map No. 10 and applies to all properties adjacent to the Provincial Agricultural Land Reserve (ALR) boundary.

Authority:

The Farmland Protection Development Permit Area is designated a development permit area for the protection of farming, pursuant to Section 488(1)(c) of the *Local Government Act*.

Justification:

The BC Agricultural Land Commission has acknowledged that the development of lands adjoining farmlands may compromise the agricultural use of the ALR lands. Agricultural lands therefore require protection for long-term agricultural use.

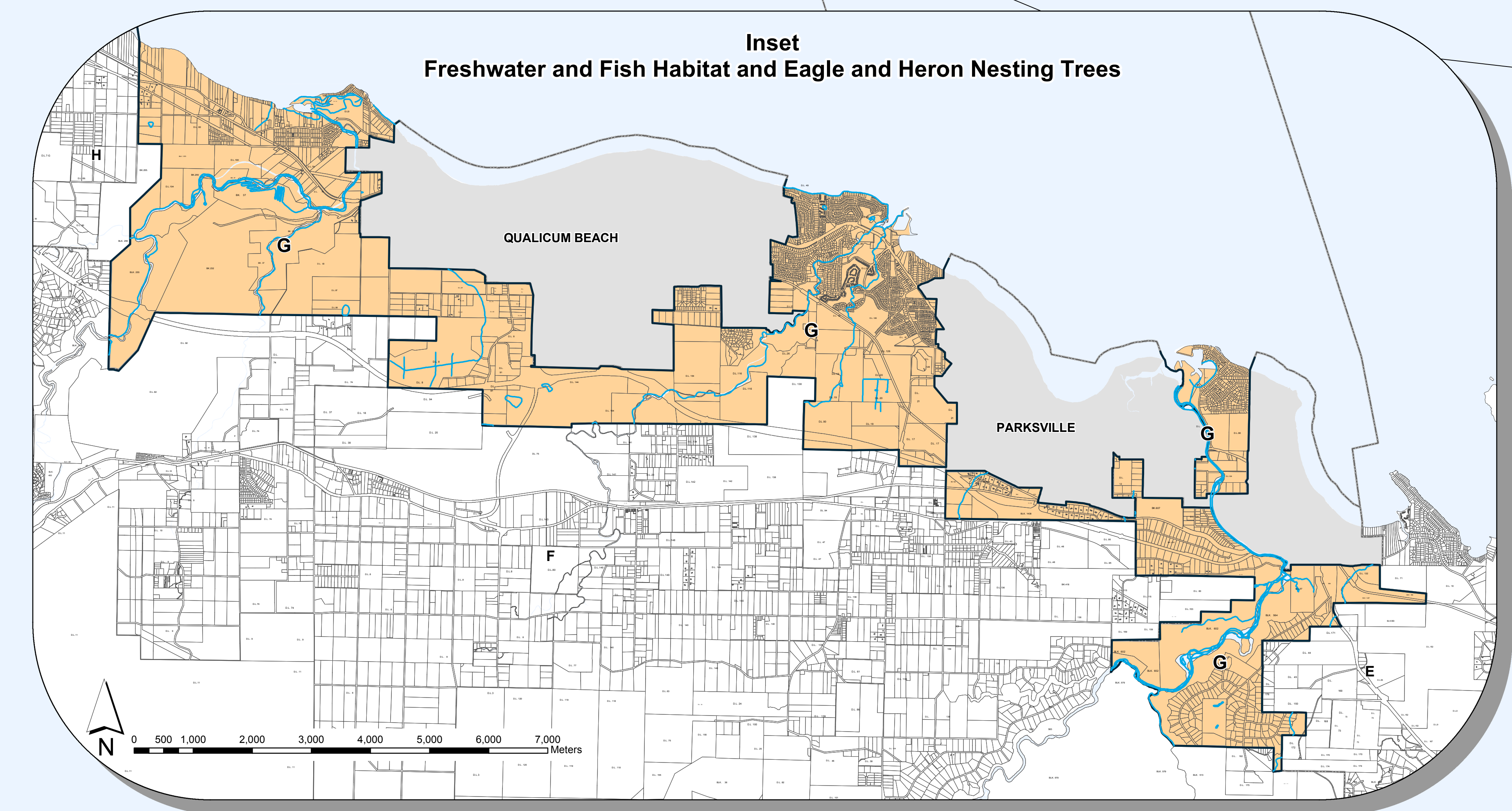
In addition, as a result of inappropriately designed developments, land use conflicts may develop between the land uses. The incorporation of a 15 metre wide buffer between developed lands and agricultural lands is expected to promote greater compatibility between the uses while protecting the agricultural uses from urban impacts.

The objective of this Development Permit Area is to protect the agricultural land resource of the Plan Area for present and future production of food and other agricultural products.

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1540.02**

Schedule C

Map No. 9 – Development Permit Areas: Environmentally Sensitive Features and Hazard Lands



Legend

- Plan Area Boundary
- Municipality
- Electoral Area Boundary

Sensitive Ecosystems Development Permit Area

- Older Forest and Sparsely Vegetated Ecosystems
- SOURCE: Sensitive Ecosystem Inventory 2004

Freshwater and Fish Habitat Development Permit Area

- All Mapped and Unmapped Streams that are Subject to the "Riparian Areas Regulation" * within the shaded area shown on Inset Map
 - Little Qualicum River, French Creek, and Englishman River
 - All other Watercourses
 - Lake, Wetland, and Pond
 - Wetland and Riparian Areas
- SOURCE: Sensitive Ecosystem Inventory 2004

Eagle and Heron Nesting Trees Development Permit Area

- All Mapped and Unmapped eagle and heron nesting trees within the shaded area shown on inset map.
 - Eagle Nest Tree: 60 metre Radius from Base of Tree
 - Heron Nest: 60 metres from base of tree for lots < 1.0 hectares, 100 metres from base of tree for lots > 1.0 hectares
- SOURCE: BC Ministry of Environment

Aquifers Development Permit Area

- Aquifer No. Aquifer
- Aquifer Classification
- Classification Development Subclass
- I - Heavy (demand is high relative to productivity)
 - II - Moderate (demand is moderate relative to productivity)
 - III - Light (demand is low relative to productivity)
- Vulnerability Subclass
- A - High (highly vulnerable to contamination from surface sources)
 - B - Moderate (moderately vulnerable to contamination from surface sources)
 - C - Low (not very vulnerable to contamination from surface sources)
- SOURCE: BC Ministry of Environment - Water Stewardship Division

Marine Coast Development Permit Area

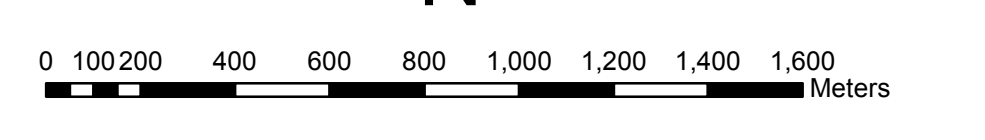
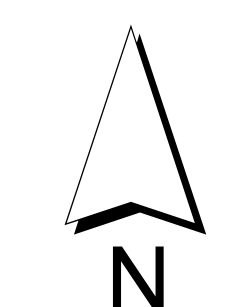
- Coastal Areas: 15 metres from Natural Boundary

Hazard Lands Development Permit Area

- Hazard Lands Development Permit Area

Chairperson _____ Corporate Officer _____

BYLAW NO. 1540.02, 2018
 Schedule 'C'



DRAFT

ATTACHMENT 10

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1335.07**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA H OFFICIAL COMMUNITY
PLAN BYLAW NO. 1335, 2017**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018”
- B. The “Regional District of Nanaimo Electoral Area H Official Community Plan Bylaw No. 1335, 2017” is hereby amended as set out in Schedules A, B and C of this Bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1335.07**

Schedule A

1. "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2017" is hereby amended as follows:
 - a) By amending Schedule A as follows:
 - i. to **CONTENTS**, Section 5 – The Development Strategy, by deleting "5.11 – Temporary Use Permits".
 - ii. to **CONTENTS**, Section 8 – Development Permit Areas by deleting "Coastal Steep Slope Hazard" and replacing with "Hazard Lands".
 - iii. to **CONTENTS, Maps forming part of this Plan**, delete "6. Environmentally Sensitive Areas Development Permit Areas" and replace with "6. Environmentally Sensitive Development Permit Areas"; and delete "8. Coastal Steep Slopes Development Permit Area" and replace with "8. Hazard Lands Development Permit Area".
 - iv. to **SECTION 2 – THE NATURAL ENVIRONMENT**, subsection **2.4 Marine Environment**:
 - a. to Policy 9, by adding "in the zoning bylaw" after the word "guidelines" and before the period.
 - b. to Policy 10, by adding "in the zoning bylaw" after the word "guidelines" and before the period.
 - v. to **SECTION 2 – THE NATURAL ENVIRONMENT**, subsection **2.5 Climate Change and Energy**, Policy 5, by deleting "development permit area guidelines" and replacing with "designation of development permit areas".
 - vi. to **SECTION 4 – COMMUNITY RESOURCES**, subsection **4.6 Marine Transportation**, Policy 3, by adding "in the zoning bylaw" after the word "guidelines" and before the period.
 - vii. to **SECTION 5 – THE DEVELOPMENT STRATEGY**, subsection **5.6 Tourist Commercial**, Policy 1, by adding "in the zoning bylaw" after the word "guidelines" and before the period.

- viii. to **SECTION 5 – THE DEVELOPMENT STRATEGY**, subsection **5.8 Deep Bay**, Policy 4, by adding “in the zoning bylaw” after the word “guidelines” and before the period.
- ix. by deleting in **SECTION 5 – THE DEVELOPMENT STRATEGY**, subsection **5.11 Temporary Use Permits**.
- x. to **SECTION 10.0 – DEVELOPMENT PERMIT AREAS**:
 - a. to the list of development permit areas at the beginning of the section, delete “Steep Slope Hazard” and replace with “Hazard Lands”.
 - b. to **General Policies and Exemptions, INTRODUCTION**, delete “and exemptions”; and delete “follows” and replace with “are found in the zoning bylaw”.
 - c. to **General Policies and Exemptions**, delete the “GENERAL EXEMPTIONS” section.
 - d. delete **DPA 1 – Freshwater and Fish Habitat Protection** and **DPA 2 – Eagle and Heron Nesting Trees**, and replace with Schedule ‘B’ attached to and forming part of this bylaw.
 - e. To **DPA 3 – Aquifers**, delete the “APPLICABILITY”, “EXEMPTIONS”, and “GUIDELINES” sections.
 - f. To **DPA 4 – Marine Coast**, delete the “APPLICABILITY”, “EXEMPTIONS”, and “GUIDELINES” sections.
 - g. To **DPA 5 – Coastal Steep Slope Hazard**, change the name of the development permit area to “Hazard Lands” throughout; and to the **AUTHORITY** section, add “for the protection of the natural environment and” after “area” and before “for the protection of development”; and delete “Section 488(1)(b)” and replace with “Section 488(1)(a) and (b)”.
 - h. Delete **DPA 6 – Farmland Protection**, and replace with Schedule C attached to and forming part of this bylaw.
 - i. To **DPA 7 – Rural Commercial** and **DPA 8 – Qualicum Bay and Dunsmuir Village Centres**, delete the “APPLICABILITY”, “EXEMPTIONS”, and “GUIDELINES” sections.
- b) To **MAP NO. 6: ENVIRONMENTALLY SENSITIVE DEVELOPMENT PERMIT AREAS**:
 - i. To the legend, under “Blue Heron Nesting Site”, add the following:
 - “60 metres from base of tree for lots < 1.0 hectares
 - 100 metres from base of tree for lots > 1.0 hectares”
 - ii. To the legend, under “Bald Eagle Nesting Tree”, add the following:
 - “60 metre radius from base of tree”
- c) To **MAP NO. 8. COASTAL STEEP SLOPES DEVELOPMENT PERMIT AREA**:
 - i. To the title, delete “COASTAL STEEP SLOPE HAZARD” and replace with “HAZARD LANDS”.
 - ii. To the legend, delete “STEEP SLOPES” and replace with “HAZARD LANDS”.

Schedule B to accompany "Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1335.07**

Schedule B

DPA 1 – Freshwater and Fish Habitat

DESIGNATION

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 6, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation* (RAR) of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped riparian assessment areas as defined in the RAR as follows:
 - a) for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
 - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
 - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.
2. All mapped watercourses, lakes, wetlands, and ponds that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

'ravine' means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1.

'stream' includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook; and
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).

‘top of the ravine bank’ means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

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

AUTHORITY

The Freshwater and Fish Habitat Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

JUSTIFICATION

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed contributing to effective rainwater management and stabilizes stream banks by holding soil in place. Plant root systems enhance the soil’s ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area, influencing stream channel morphology, dissipating the stream’s natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore

necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the *RAR* are met.

The objectives of this development permit area are:

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

DPA 2 – Eagle and Heron Nesting Trees

DESIGNATION

The Eagle and Heron Nesting Trees Development Permit Area is shown on Map No. 6. The development permit area is defined as follows:

- a) For **Bald Eagle Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing bald eagle nests and is a 60 metre radius measured from the base of the nesting tree.
- b) For **Great Blue Heron Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing great blue heron nests, and shall be
 - i. a 60 metre radius from the base of the nesting tree on lots 1.0 hectare or smaller; and
 - ii. a 100 metre radius from the base of the nesting tree on lots larger than 1.0 hectare.

Where the colony consists of more than one tree, the radius is measured from a line drawn around the outer perimeter of the base of all nest trees.

The locations of the eagle and heron nesting trees identified on Map No. 6 of this plan are intended to provide an approximate location only. Ground-truthing may be required by Regional District staff, a Registered Professional Biologist, or British Columbia Land Surveyor, to accurately determine the location of the tree or trees.

AUTHORITY

The Eagle and Heron Nesting Trees Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

JUSTIFICATION

Nesting birds such as the Great Blue Heron and Bald Eagle are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, now and for the future.

Pacific Great Blue Herons are a Species of Special Concern in Canada and are Blue-listed in British Columbia. There are only about 500 nests on Vancouver Island and the Gulf Islands. Bald Eagles are territorial and generally require 1000 meters between nesting sites. Both species nest near lakes, rivers and shorelines throughout BC where they are close to their food source. The loss of available nesting habitat near their food source, as well as disturbance from human presence, reduces the birds' ability to thrive and successfully raise their young. While Section 34 of the *Wildlife Act* provides for the protection of Bald Eagles and Pacific Great Blue Herons and several other at risk bird species, this development permit area protects the nesting habitat essential to ensuring breeding populations are maintained.

The objectives of this development permit area are:

1. To implement Regional Growth Strategy Policy 2.14 to protect environmentally sensitive areas from the impacts of development.
2. To protect eagle and heron nesting sites from the impacts of development.

Schedule C to accompany “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.07, 2018”.

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1335.07**

Schedule C

DPA 6 – Farmland Protection

DESIGNATION

The Farmland Protection Development Permit Area is shown on Map No. 7 and applies to all properties adjacent to the Provincial Agricultural Land Reserve (ALR) boundary.

AUTHORITY

The Farmland Protection Development Permit Area is designated a development permit area for the protection of farming, pursuant to Section 488(1)(c) of the *Local Government Act*.

JUSTIFICATION

The BC Agricultural Land Commission has acknowledged that the development of lands adjoining farmlands may compromise the agricultural use of the ALR lands. Agricultural lands therefore require protection for long-term agricultural use.

In addition, as a result of inappropriately designed developments, land use conflicts may develop between the land uses. The incorporation of a 15 metre wide buffer between developed lands and agricultural lands is expected to promote greater compatibility between the uses while protecting the agricultural uses from urban impacts.

The objective of this DPA is to protect the agricultural land resource of the Plan Area for present and future production of food and other agricultural products.

ATTACHMENT 11

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.422**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”.
- B. “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is hereby amended as follows:
 - 1. By adding the following to the Table of Contents in numerical order:

PART 5 – DEVELOPMENT PERMIT AREAS

5.1 Development Permit Area Organization

Section 5.1.1 Freshwater and Fish Habitat Development Permit Area

Section 5.1.2 Sensitive Ecosystems Development Permit Area

Section 5.1.3 Eagle and Heron Nesting Trees Development Permit Area

Section 5.1.4 Aquifers Development Permit Area

Section 5.1.5 Marine Coast Development Permit Area

Section 5.1.6 Hazard Lands Development Permit Area

Section 5.1.7 Farmland Protection Development Permit Area

Section 5.1.8 Yellow Point Aquifer Development Permit Area

Section 5.1.9 South Wellington Commercial – Industrial Development Permit Area

Section 5.1.10 Cedar Main Street Development Permit Area

Section 5.1.11 Cassidy Development Permit Area

Section 5.1.12 Cedar Development Permit Area

Section 5.1.13 Extension Village Centre – Commercial Development Permit Area

Section 5.1.14 East Wellington – Pleasant Valley Industrial Development Permit Area

Section 5.1.15 Nanoose Bay Form and Character Development Permit Area

Section 5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

Section 5.1.17 Bowser Village Centre Development Permit Area

Section 5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area

Section 5.1.19 Rural Commercial Development Permit Area

Section 5.1.20 Highway Corridor Protection Development Permit Area

Section 5.1.21 Inland Island Highway Corridor Development Permit Area

2. Under Part 3, Land Use Regulations, Section 3.3 General Regulations, by deleting subsection 17 and replacing with Schedule A attached to and forming part of this bylaw.
3. By adding Part 5 – Development Permit Areas as shown in Schedule B attached to and forming part of this bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018".

Chair

Corporate Officer

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.422
Schedule A

17) Temporary Use Permits

1. The Regional District may issue a temporary use permit on any lot to temporarily allow a use not permitted by this bylaw. The following general conditions will guide the consideration of such applications. The Regional District may waive any of the following should they be deemed to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.
 - i) The applicant demonstrates how any anticipated impact on the surrounding area will be mitigated (for example: noise, light, hours of operation, dust, odour, vibration, aesthetic impact, etc.).
 - ii) The applicant provides a projection of anticipated impact on local road networks, and proposes mitigating measures if necessary.
 - iii) The applicant provides an assessment of the impact of the proposed use on the natural environment, including groundwater, wildlife, and environmentally sensitive areas.
 - iv) The applicant provides a rationale for the suitability of the location and the inability to conduct the use in another area where the use is already permitted.
 - v) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the Regional District until completion of the proposed works.
 - vi) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.
 - vii) The proposed use is not a use referred to in section 2.
2. Notwithstanding clause 1 above, in some Official Community Plan areas, the issuance of a temporary use permit for specified uses is limited to specified designation as follows, and the following additional conditions will guide consideration of applications. The Regional District may waive any of the following should they be deemed to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.

Official Community Plan Area	Official Community Plan Designation	Use
Arrowsmith Benson – Cranberry Bright	Rural or Resource	<ul style="list-style-type: none"> • Primary processing of onsite aggregate or mineral resources • Manufacture of asphalt products • Commercial composting
East Wellington – Pleasant Valley	Resource	<ul style="list-style-type: none"> • Manufacture of asphalt products • Commercial composting solely for the purpose of reclaiming mined land
Nanoose Bay	Resource	<ul style="list-style-type: none"> • Manufacture of asphalt products • Gravel extraction • Commercial composting (only outside of the Agricultural Land Reserve)
Electoral Area G	Rural or Rural Resource	<ul style="list-style-type: none"> • Primary processing • Manufacture of asphalt products • Commercial composting • Concrete ready mix plant • Yard waste chipping

- i) lots are in excess of 8.0 hectares in area, or in Electoral Area G are in excess of 4.0 hectares in area;
- ii) the asphalt is produced in a portable asphalt batch plant;
- iii) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the *Waste Management Act*;
- iv) a separation distance, created by a natural vegetative buffer or berm, is maintained between the temporary use and any dwelling unit not located on the subject property. the width should sufficient to provide a reasonable buffer to noise, dust and sight;
- v) a composting activity shall be no closer than 400 metres from the Growth Containment Boundary as identified in the Regional Growth Strategy.
- vi) where gravel removal and processing are required in conjunction with the manufacture of asphalt products, all requirements for the Approval of Work System and Reclamation Permit under the *Mines Act* including provisions for rehabilitation of the site after completion, are satisfied;
- vii) the daily period is limited to minimize noise impacts, including heavy truck traffic, on surrounding lands;
- viii) the use does not produce odours detectable from adjacent lots;
- ix) for composting, the uses comply with the provincial *Organic Matter Recycling Regulations* and any Regional District of Nanaimo Waste Stream Licensing Bylaw;
- x) in Electoral Area G, consideration is given to future inclusion of the subject property and surrounding land into the City of Parksville or Qualicum Beach and the compatibility of future development with adjoining areas within each municipality.

3. Where the land is in the Agricultural Land Reserve, approval from the Provincial Agricultural Land Commission is required prior to issuance of a permit.
4. The Regional District may specify conditions in a permit including, but not limited to, environmental protection measures, odour abatement, hours of operation, parking, buffering, and groundwater protection.
5. The Regional District may require security and/or an undertaking to secure the conditions of the permit in accordance with the *Local Government Act*.

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.422
Schedule B

Schedule B to accompany “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.422, 2018”.

Chair

Corporate Officer

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

PART 5

DEVELOPMENT PERMIT AREAS

PART 5 – DEVELOPMENT PERMIT AREAS

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5.1 Development Permit Area Organization

For the area covered by this bylaw, the relevant official community plan designates development permit areas and describes the special conditions or objectives that justify the designations. The applicability, exemption and guidelines for the development permit areas are contained within this bylaw as within Part 5.

5.1.1 Freshwater and Fish Habitat Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

Terms used in this Development Permit Area that are defined in the provincial *Riparian Areas Regulation* (RAR), of the *Riparian Areas Protection Act*, are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time. This Regulation and Act may be obtained from the Provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development or from the BC Laws website.

A development permit is required for the following activities wherever they occur within this Development Permit Area, unless specifically exempted:

1. removal, alteration, disruption, or destruction of vegetation;
2. disturbance of soils; including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-impervious surfaces;
5. flood protection works;
6. construction of roads, trails, docks, wharves, and bridges; and
7. subdivision of land.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit.

Exemptions Applicable to all Watercourses

1. Development in an area where no stream or watercourse exists, or where the proposed development is clearly outside the development permit area, as determined by the Regional District, a BC Land Surveyor, or a Registered Professional Biologist. This exemption does not apply if the stream or watercourse ecosystem was previously filled or realigned without a development permit.
2. Renovations, repairs, maintenance, the construction of a second storey addition, excluding cantilevered construction to existing buildings within the same footprint (a building permit may still be required).
3. All park or parkland ancillary uses not containing commercial, residential, or industrial activities.
4. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;

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- c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

5. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest are exempt only if a permit under the *Wildlife Act* has been obtained.
6. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
7. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
8. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.
9. Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
12. Subdivision where the minimum lot size is met exclusive of the development permit area, and no works are proposed within the development permit area.

Exemptions Applicable to Streams under the RAR only

13. Subdivision where the minimum lot size is met exclusive of the Streamside Protection and Enhancement Area (SPEA), and no works are proposed within the Riparian Assessment Area.
14. Within Electoral Area A, development activities more than 30 metres from the Nanaimo River or Haslam Creek, measured from the top of bank or present natural boundary, whichever is greater, where:

5.1.1 Freshwater and Fish Habitat Development Permit Area

- a. a RAR assessment report has been completed by a Qualified Environmental Professional in accordance with the RAR Assessment Methods and submitted to the province; and
 - b. notification of the assessment report has been received by the provincial ministry responsible and the Regional District.
15. For streams subject to the RAR, in the case where a simple assessment is submitted which assigns a SPEA, a development proposed outside of the SPEA where:
- a) the assessment report has been completed by a Qualified Environmental Professional (QEP) in accordance with the RAR Assessment Methods; and
 - b) notification of the assessment report has been received by the provincial ministry responsible and the Regional District, and there are no measures outside of the SPEA required to protect the SPEA.

Exemptions Applicable to this development permit area where the RAR does not apply

16. Subdivision involving only lot line adjustment. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
17. A property owner may construct a single trail within this development permit area in accordance with the principles and standards of 'Access Near Aquatic Areas' of the Stewardship Series published by the provincial and federal governments, and subject to the following conditions:
- a) the trail provides the most direct route or feasible passage through the development permit area while minimizing the extent of vegetation removal or disturbance and minimizing excavation and removal of native soils;
 - b) the ground is stable, ie. erodible stream banks or other erosion prone areas shall be avoided;
 - c) no motorized vehicles are permitted on the trail;
 - d) the trail is not to exceed a maximum width of 1.5 metres;
 - e) no trees, which are greater than 5.0 metres in height and 10.0 centimetres in diameter, are to be removed; instead limbing and pruning of trees shall be done, where necessary, to facilitate the construction of the single trail;
 - f) the trail's surface shall only be composed of pervious materials.
18. Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, if the addition is located on the side or part of the building or structure most distant from the waterbody or stream.
19. The construction of a small accessory building or structure if all the following apply:
- a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation;

5.1.1 Freshwater and Fish Habitat Development Permit Area

- d) the building or structure is located a minimum of 10 metres from the high water mark or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
- e) the total area of the accessory building or structure is less than 10 square metres.

GUIDELINES

Development permits shall be issued in accordance with the following:

Guidelines applicable to all watercourses

1. An assessment must be prepared by a Registered Professional Biologist (a QEP for streams applicable to the RAR) for the purpose of identifying sensitive biophysical features on or near the development permit area and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list each guideline with an explanation of how the development is consistent with the guideline, or an explanation as to how the guideline is not applicable. The site plan should indicate the areas for yard and driveway and areas to remain free from development. See Guideline 13 for additional requirements of this report for streams applicable to the RAR.
2. If development or alteration of land is proposed within the development permit area, it shall be located so as to minimize the impact on the stream or waterbody. The assessment report shall include an explanation as to how locating development entirely outside of the development permit area has been considered, and the reason that it is not being proposed. Variances to the zoning bylaw regulations to minimize development in the development permit area should be considered.
3. Sensitive biophysical features to be assessed in this development permit area include but are not limited to:
 - a) forest cover and ecological communities;
 - b) surface drainage patterns;
 - c) site topography and channel morphology;
 - d) aquatic and riparian habitat values, condition and function;
 - e) rare and uncommon species and plant communities; and
 - f) an overall assessment of the ecological importance of the watercourse.
4. Mitigation measures that should be considered in the biological assessment include but are not limited to:
 - a) minimization of vegetation removal;
 - b) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors;
 - c) sediment and erosion control;
 - d) protection of sensitive areas through fencing or other permanent demarcation; and
 - e) timing of construction to minimize potential impacts.

5.1.1 Freshwater and Fish Habitat Development Permit Area

5. Where the applicant’s biologist or other qualified professional recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.
6. For the SPEA or where the applicant’s biologist or other qualified professional recommends other specific areas that must remain free from development:
 - a) the Regional District may require a Section 219 covenant to be prepared at the applicant’s expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
 - b) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
7. The applicant’s biologist or QEP may be required to provide confirmation to the Regional District that the property has been developed in accordance with the QEPs recommendations.

Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions

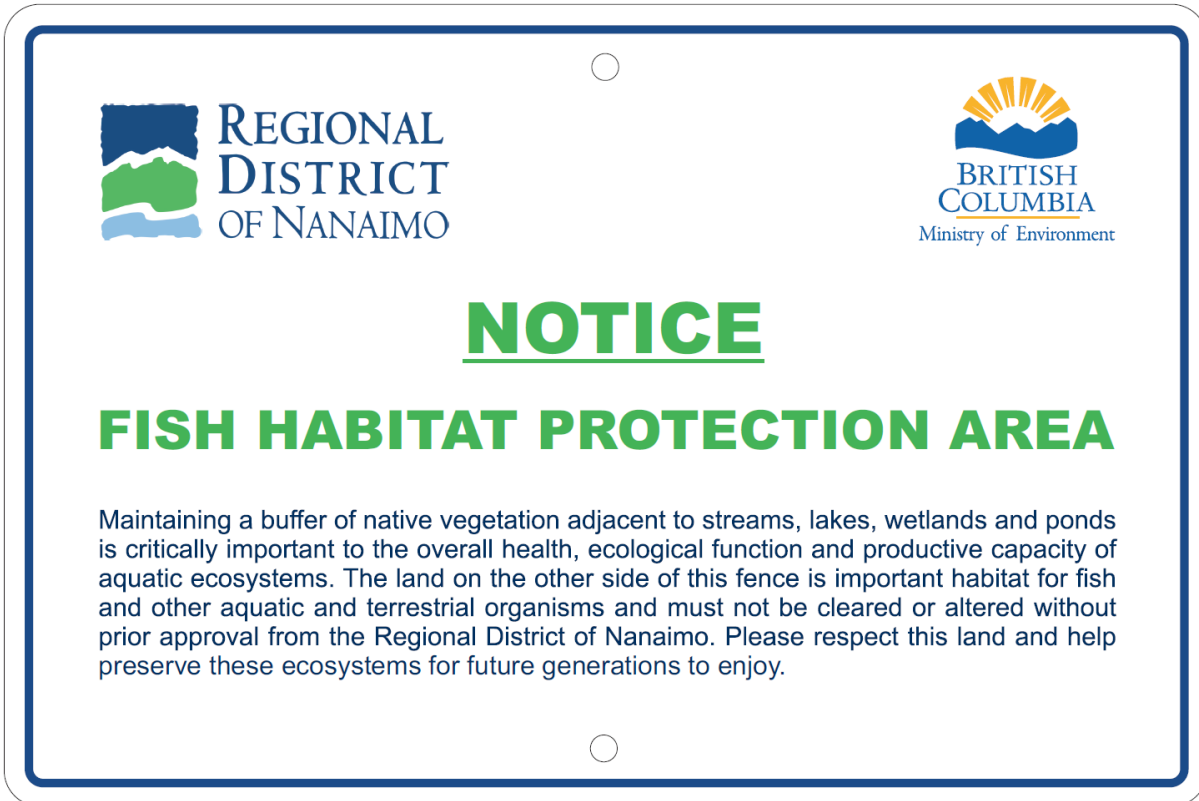
8. On any development where there is potential for silt, petroleum or any other contaminants to enter a watercourse either directly or indirectly through infiltration, provision of oil, grease and sediment removal facilities and the ongoing maintenance of these features will be required.
9. Directing drainage of rainwater from development sites into the SPEA and other watercourses and water bodies shall be avoided. Instead, rainwater is to be managed onsite with an emphasis on infiltration approaches to management. If impacts cannot be avoided through onsite infiltration, a sediment and erosion control plan may be required, and grading plan may be required where fill is placed near the freshwater feature.
10. In low-lying areas subject to flooding, development should not increase the flood risk on the subject property or on adjacent or nearby properties. Where the placement of fill is proposed within a floodplain as defined by the RDN Floodplain Management Bylaw, it shall be designed by a Professional Engineer to ensure that the placement of the proposed fill will not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, result in higher flood flows or result in higher flood potential elsewhere in the floodplain.
11. Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 metres, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

Additional Guidelines Applicable to Streams Subject to the RAR only

12. No development shall take place within any SPEA except where:

5.1.1 Freshwater and Fish Habitat Development Permit Area

- a) a QEP has determined that no serious harm is likely to occur or that it can be mitigated by following prescribed measures; or
 - b) the owner has obtained an authorization under subsection 35(2) [serious harm to fish] of the *Fisheries Act* or Section 11 [changes in and about a stream] of the *Water Sustainability Act*.
13. The Regional District shall require the applicant to retain a QEP, at the expense of the applicant, for the purpose of preparing an assessment report, pursuant to Section 4(2) of the RAR and the RAR Assessment Methodology Guidebook, and the assessment report must be electronically submitted to the provincial ministry responsible, via the Riparian Area Regulations Notification System, and a copy must be provided to the Regional District.
14. In addition to implementing the measures in the assessment report, to ensure the integrity of the SPEA the Regional District and landowner may consider the following:
 - a) gift to a nature preservation organization all or part of the SPEA; or
 - b) register a restrictive covenant or conservation covenant on title securing the measures prescribed in the assessment report.
15. For the purpose of subdivision design, proposed lot configuration shall consider the protection of the SPEA and minimize new lot lines in the SPEA. The proposed lot configuration should demonstrate that enough developable land is available on each lot to establish a development envelope that includes a reasonable yard area outside of the SPEA to accommodate wastewater disposal field, driveway, accessory buildings and yard.
16. Permanent fencing and/or other means of clearly delineating the SPEA boundary such as signage must be designed to follow the standard established by the Regional District and Ministry of Environment shown below. Signage should be installed to the satisfaction of the Regional District prior to land alteration and in the case of subdivision prior to the Regional District notifying the Approving Officer that the conditions of the development permit have been met. Fencing must be maintained in good order.



Aluminum or Dibond 12"x18" Radius corners
Inline border .14"
RDN logo: 2"x5.17"
Ministry of Environment logo: 2.5"x2.92"
Notice: Arial black type .90"
Fish Habitat Protection Area: Arial black type .60"
All other text: Arial bold type .27"

5.1.2 Sensitive Ecosystems Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development in an area where the sensitive ecosystem does not exist due to mapping inaccuracy, upon written confirmation from a Registered Professional Biologist. For clarity, if the sensitive ecosystem was previously disturbed without a development permit this exemption does not apply.
2. Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, provided that the addition is not situated closer to the environmentally sensitive feature for which the development permit area has been identified, than the existing building or structure.
3. Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required).
4. A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
5. A single trail within this development permit area, subject to the following:
 - a) the trail provides the most direct route of feasible passage through the development permit area;
 - b) the location is chosen to require a minimum amount of vegetation removal or disturbance, where no rare plants will be disturbed or otherwise impacted, and where there is limited excavation and removal of native soils;
 - c) the ground is stable, i.e erodible stream banks or other erosion prone areas must be avoided;
 - d) no motorized vehicles are permitted;

5.1.2 Sensitive Ecosystems Development Permit Area

- e) the trail is a maximum of 1.5 metres in width;
 - f) no trees, which are greater than 5.0 metres in height and no trees with a diameter at breast height of 10.0 centimetres or more are being removed; limbing, pruning and topping of trees should be done instead; and,
 - g) the trail's surface is pervious but may be constructed with materials that limit erosion and bank destabilization (certain structures may require a building permit).
6. The planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the development permit area provided the planting is carried out in accordance with the guidelines provided in 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia', published by Ministry of Environment, or any subsequent editions.
 7. 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. For clarity, this exemption does not apply to retaining walls and anything that is considered a structure as defined by the current zoning bylaw.
 8. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
 9. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
 10. The construction of a small accessory building or structure if all the following apply:
 - a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation;
 - d) the building or structure is located a minimum of 10 metres from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
 - e) the total area of the small accessory building or structure is less than 10 square metres.
 11. Subdivision where the following criteria is met:
 - a) minimum lot sizes will be met exclusive of the sensitive ecosystem;
 - b) no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of all lots will occur within the sensitive ecosystem; and
 - c) where a covenant is registered to protect the sensitive ecosystem or ecosystems in a manner that is consistent with the applicable development permit area guidelines.
 12. Subdivision involving only lot line adjustment. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the

5.1.2 Sensitive Ecosystems Development Permit Area

Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.

13. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as ‘farm’ under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
14. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

15. Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
16. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
17. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as ‘forest lands’ on the property assessment.

GUIDELINES

1. If development or alteration of land is proposed within the development permit area, it shall be located where it will cause the least impact on the sensitive ecosystem. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
2. An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these

5.1.2 Sensitive Ecosystems Development Permit Area

features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan the areas for yard and driveway and areas to remain free from development.

3. Existing native vegetation should be retained wherever possible to minimize disruption to habitat and maintain ecological processes that support ecosystem function, wildlife ecology, and unique ecosystems. These include, but are not limited to:
 - a) vegetation, trees, snags and root systems;
 - b) rare and uncommon species and plant communities;
 - c) soils and soil conditions (moisture, nutrients and permeability);
 - d) bird and other wildlife and their habitats, such as nesting and breeding areas;
 - e) wildlife habitat, including but not limited to wildlife breeding areas as well as nesting and perch trees; and
 - f) topography and relative orientation of features on neighbouring properties.
4. Mitigation measures that should be considered in the biological assessment include but are not limited to:
 - a) minimization of vegetation removal;
 - b) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors; and
 - c) timing of construction to minimize potential impacts.
5. Where the applicant's biologist recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping plan and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional.
6. Where the applicant's biologist recommends specific areas that must remain free from development:
 - a) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
 - b) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
7. The applicant's biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with the biologist's recommendations.

Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions

8. Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 metres, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or

5.1.2 Sensitive Ecosystems Development Permit Area

requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

9. Development or subdivision of land should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
 - c) not interfere with groundwater recharge; and
 - d) not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
10. The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other methods for managing rainwater on site should be included in all development proposals considered in this DPA.

5.1.3 Eagle and Heron Nesting Trees Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of natural features, including plants, trees and shrubs;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor, Registered Professional Biologist, or by the Regional District.
2. The landowner has offered and entered into a restrictive covenant to maintain an acceptable no disturbance buffer as determined by a registered professional biologist.
3. A Registered Professional Biologist with relevant experience has confirmed in writing that no Bald Eagle or no Great Blue Heron has established a nest and is present during the breeding and nesting season of the past five years. In general terms, this is from January to September for Great Blue Herons; and January to September for Bald Eagles.
4. Removal, trimming or alteration of vegetation other than the nest tree; onsite sewage disposal system installations and well drilling within the nest tree development permit area is permitted without a development permit where:
 - a) the activity is conducted entirely outside of the nesting season which is from January 15 to September 15 for Pacific Great Blue Herons and January 1 to September 1 for Bald Eagles, or
 - b) a Registered Professional Biologist with relevant experience has confirmed in writing that the activity will not negatively impact the nest tree, or its associated Great Blue Herons or Bald Eagles.
5. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
6. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also

5.1.3 Eagle and Heron Nesting Trees Development Permit Area

contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.

7. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
8. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

9. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*, and where they have been made aware of the eagle or heron nest.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

GUIDELINES

Development permits shall be issued in accordance with the following:

1. Development shall be located where it will cause the least impact to the nesting activity of eagles or herons. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided.
 - a) An assessment must be prepared by a Registered Professional Biologist with relevant experience to assess the potential impact of the proposed development on the function of the nest tree and development or land alteration within the development permit area on the subject property. The report should include, but is not limited to, the following:
 - b) definition of the study area and the proposed activities in relation to the nesting tree, including a map to identify the location including geographic coordinates of nesting tree or trees, the development permit area, and proposed or existing buildings and structures;

5.1.3 Eagle and Heron Nesting Trees Development Permit Area

- c) identification of the breeding season;
 - d) assessment of the impacts of the proposed activities in relation to the resident birds (Bald Eagle or Great Blue Heron) and prescribe appropriate measures to preserve, protect, restore or enhance the function of the nesting tree area and any alteration of the development permit area on the subject property;
 - e) recommendations on how to mitigate negative impacts during and after construction, if permitted under the *Wildlife Act*, to protect the long term integrity of the nesting habitat; and
 - f) reference to ‘Guidelines for Ecosystem and Species Protection’ and/or ‘Guidelines for Raptor Conservation during Urban and Rural Land Development in BC’ found in ‘Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia’ published by the Province of BC, or any subsequent editions.
2. The recommendations within the assessment report will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant’s expense, to the satisfaction of the Regional District.
 3. To avoid encroachment within the area to be protected as identified in the Assessment Report, prior to construction commencing and through to the completion of the development, installation of temporary fencing or flagged stakes is required at a distance from the nesting tree as prescribed in the Assessment Report.
 4. The applicant’s biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with their recommendations.

5.1.4 Aquifers Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. alteration of land, disturbance of soils, including grubbing, scraping and the removal of top soils;
2. construction, alteration, or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces;
4. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*; and
5. excavation or sub-surface disturbance in the sub-area defined as ‘risk of artesian conditions’.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Construction, renovation, repair or addition to a single dwelling unit, duplex dwelling unit, secondary suite, building or structure accessory to residential use including a driveway and except for excavation of a depth greater than 1.5 metres in an area with ‘risk of artesian conditions’.
2. Construction of or additions to a building or structure that do not require a building permit.
3. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.
4. Onsite wastewater disposal system installation meeting the requirements of the *Sewerage System Regulation* of the *Public Health Act*.
5. Subdivision of land within Cedar Village Centre and South Wellington Light Industrial & Commercial Area as designated in the Electoral Area A Official Community Plan, except for intensive residential within the Cedar Main Street Village Plan area (intensive residential is defined in that plan).
6. Subdivision of land where a maximum of three lots are proposed, including the remainder, and where the subject property:
 - a) in Electoral Area H has a ‘low’ vulnerability as identified in the Official Community Plan or;
 - b) in Electoral Area G does not have a development subclass of ‘heavy’ nor a vulnerability class of ‘high’ or a combination of ‘heavy’ or ‘high’ as identified in the Official Community Plan.

5.1.4 Aquifers Development Permit Area

7. Subdivision of land where the application is limited to lot line adjustment and no additional lots are created.
8. Subdivision of land where each lot has an approved connection to a community water system, except for within Cassidy Village Centre.
9. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as ‘farm’ under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than 5 years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as ‘Forest Lands’ on the property assessment.
11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area Guidelines as determined by the Regional District.

GUIDELINES

Development permits shall be issued in accordance with the following:

1. The use or disposal of substances or contaminants that may be harmful to area aquifers is discouraged and steps must be taken to ensure the proper disposal of such contaminants.
2. A report must be prepared by a Professional Engineer or Geoscientist with experience in hydrogeology. The report should follow any applicable checklist of the Regional District for preparation of hydrogeological assessment reports and should also include, but is not limited, to the following:
 - a) definition of the study area and the relationship of the proposed development to the protected aquifer, including map(s) indicating community water well locations;
 - b) recharge area and capture zone analysis for existing and proposed new wells;
 - c) an assessment of the ability of the aquifer to accommodate additional groundwater demand proposed by the development, which shall include the anticipated water demand of the proposed uses based on the development potential of the subject property based on the current zoning;
 - d) identification of potential impacts on adjacent properties and land uses; and
 - e) recommendations for measures required to ensure the quality and quantity of water in the aquifer is protected.
3. The use of permeable paving and other methods to reduce rainwater runoff are encouraged.
4. Where a proposed development will include any of the purposes or activities listed in Schedule 2 of the Contaminated Sites Regulation, (B.C. Reg. 375/96), the report prepared by a

Professional Engineer or Geoscientist with experience in hydrogeology (as described in Guideline 2) shall be required to confirm the protection of the aquifer in relation to the intended uses. In this case, the professional report should additionally include the following:

- a) as part of the map(s) described in Guideline 2a., also indicate: site location of activities listed in abovementioned regulation, all well locations (abandoned or operational, proposed or existing above ground or underground fuel storage tanks, and underground utilities, such as water, sanitary, and storm water drainage or natural gas lines;
 - b) assess the potential for contamination and the expected results should a spill occur;
 - c) identify appropriate site-specific groundwater protection measures;
 - d) address site design, and best management practices for site drainage, sewage disposal and hazardous material use, handling, storage, disposal and spill response; and
 - e) provide recommendations, a conclusion and a reference site layout plan.
5. A rainwater management plan prepared by a Professional Engineer may be required to ensure that the discharge of any treated effluent and rainwater does not negatively affect groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater.
- a) Treated effluent and diverted rainwater collection and discharge systems on commercial, industrial, multi-residential, and other developments where there is potential for silt and petroleum-based contaminants to enter a watercourse or infiltrate into the ground must be directed through an appropriately sized and engineered sediment, oil, water and grease separator or other engineered solution. Examples of uses to which this guideline applies includes uses such as vehicle and machinery storage, cleaning and maintenance, and public parking areas.
 - b) The engineer must provide an appropriate maintenance schedule.
6. Development or subdivision of land should be designed to:
- a) replicate the function of a naturally vegetated watershed;
 - b) not interfere with groundwater recharge;
 - c) maintain the hydraulic regime of surface and groundwater and pre-development flow rates which includes no net increase in peak rainwater run-off from the land to adjoining lands.
7. Where a proposed development is within a sub-area “risk of artesian conditions” as identified in the applicable official community plan:
- a) the professional report shall determine the depth of the overlying till aquitard, and provide recommendations for its protection during excavation, well drilling, and construction; and
 - b) wells must be drilled by a registered well driller who is qualified to control artesian flow.
8. Where a proposed development is within the well protection area or well capture zone of a community water system, the professional report must refer to the relevant well protection plan and provide recommendations for the development to ensure mitigation of any potential risk to the community water source.

5.1.4 Aquifers Development Permit Area

9. All development that proposes a site, facility, or premise where municipal solid waste or recyclable materials will be managed must be conducted in accordance with RDN Waste Stream Management Licensing Bylaw No. 1386, 2004 as amended or replaced from time to time.
10. Recommendations within the professional report(s) will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District. Where a maintenance schedule for a sediment, oil, water and grease separator is recommended, a commitment to the maintenance schedule may be included in the covenant.
11. Developments that are found to pose detrimental impact(s) on either the quality or quantity of groundwater which cannot be adequately mitigated shall not be supported by the Regional District.

5.1.5 Marine Coast Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
2. Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required). For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as riprap and stacked rocks, requires a development permit whether or not they meet the definition of 'structure' in other bylaws of the Regional District.
3. Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, provided that the addition is located on the side or part of the building or structure most distant from the foreshore.
4. A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
5. Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.
6. Construction of a fence so long as no native trees with a diameter at breast height of 20 centimetres or greater are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence.
7. 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.

8. The construction of a small accessory building or structure such as a pump house, gazebo, deck, patio, garden shed or play house if all the following apply;
 - a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation
 - d) the building or structure is located a minimum of 10 metres from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
 - e) the total area of the small accessory building or structure is less than 10 square metres.
9. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
10. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
11. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
12. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
13. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.

GUIDELINES

General Guidelines

1. Development within the development permit area should be limited and not negatively impact the ecological health of the immediate area, disrupt coastal sediment transport processes, or impede public access along the shore. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
2. An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these

features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan areas for yard and driveway and areas to remain free from development.

3. Existing native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion:
 - a) Dune grass is particularly sensitive to foot traffic and often keeping foot traffic away through fencing or signage can result in regeneration in short time periods. Replanting of dune grass and associated plants where it has been previously disturbed may be a condition of a development permit.
 - b) Coniferous trees provide important perches for eagles, and older trees may be used by eagles for nests. It is important that some trees are retained or replanted within and close to the development permit area when properties are developed, even if the trees are young.
 - c) Trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading, storage of fill or building materials, and other development activities.
 - d) Temporary fencing at a prescribed distance from the natural boundary or top of bank should be required to protect the shoreline vegetation.
4. New, or additions to, upland buildings and structures should be located and designed to avoid the need for shore protection works throughout the life of the building or structure. Only if all options to locate and design without the need for shore protection measures are exhausted should such works be considered.
5. Shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw or for reclaiming land lost due to erosion.
6. Where shoreline protection works are proposed they shall be designed by a Professional Engineer and:
 - a) be limited to that necessary to prevent damage to existing structures or established uses on adjacent upland;
 - b) be the ‘softest’ possible shore protection measure that will still provide satisfactory protection;
 - c) not be expected to cause erosion or other physical damage to adjacent or down-current properties;
 - d) address compatibility with any adjacent shore protection works; and
 - e) be in compliance with the Regional District’s Marine Retaining Wall Policy B1-09.
7. Where a geotechnical report is required, it will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant’s expense and to the satisfaction of the Regional District.
8. Where protection from erosion is proposed as either new works or replacement, every effort will be made to design shoreline protection in accordance with the *Green Shores* programs of the Stewardship Centre of BC. These programs provide resources for, and examples of, shoreline

5.1.5 Marine Coast Development Permit Area

erosion protection involving creation or maintenance of low-angle slopes allowing for dissipation of wave energy, retaining native plants and habitat, and providing a natural appearance. Some *Green Shores* approaches rely on use of the beach below the natural boundary, which requires permission from the Province.

9. Where erosion protection works are proposed below the natural boundary, they should not obstruct public access along the foreshore or beach, and must be authorized by the Provincial Crown as owner of that land.
10. Heavy equipment shall not be permitted on the beach unless existing conditions do not permit upland access and, if required, mitigation methods acceptable to the Regional District shall be identified as part of the application. Procedures shall be in compliance with the Regional District's Marine Retaining Wall Policy B1-09, as amended or replaced from time to time. For commercial and multi-family developments, the *Green Shores for Coastal Developments* program of the Stewardship Centre of BC should be reviewed and referenced, and every effort made to design the development in accordance with its recommendations and best practices.
11. Entirely 'hard' structural shore protection measures such as concrete walls, lock block, or stacked rock (riprap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
 - a) the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage associated with upland development;
 - b) all possible on site drainage solutions by directing drainage away from the shoreline edge have been exhausted;
 - c) Green Shores non-structural or structural measures are not feasible or not sufficient to address the stabilization issues;
 - d) it is not feasible to instead construct a retaining wall that meets the zoning bylaw setback;
 - e) the shore protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - f) all shore protection structures are installed upland of the present natural boundary of the sea.
12. Where the installation of a hydrothermal and geoexchange unit is proposed, the Regional District will require the applicant to provide a report by a Registered Professional Biologist with experience in marine ecology, to assess the potential impact of the proposed installation on the marine environment, public users of the foreshore, the anchoring of vessels, and First Nation shellfish harvesting, and provide recommendations to restore or enhance those areas impacted by the proposed development.
13. Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional.
14. The applicant may be required to provide confirmation to the Regional District that the property has been developed in accordance with the recommendations of the biologist or engineer, as applicable.

Guidelines Applicable to Subdivisions and New Development

15. Subdivisions should be designed so that the new lots will not require shore protection measures in order for useable, safe building sites to be created above the year 2100 flood construction level when considering sea level rise.
16. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
17. New driveways, parking lots, and wastewater disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the design and construction of the road, parking lot or wastewater disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met. These works may be required to be completed prior to final approval of the subdivision.

Guidelines Applicable to Vegetation Management, Restoration and Enhancement

18. If the area has been previously cleared of native vegetation or where clearing is proposed, replanting should be required in accordance with these guidelines and according to the recommendations of a Registered Professional Biologist. Where it is not practical to replace all vegetation that is or has been removed, replanting should be focused on the areas of highest ecological value such as foreshore dune grass ecosystems, trees suitable for eagle perching, or other areas identified in the biophysical assessment.
19. Vegetation species used in replanting, restoration or enhancement should be salt and wind tolerant, and selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or wildlife habitat values as needed. A minor amount of suitably adapted, non-invasive, non-native vegetation may also be considered acceptable subject to supportive recommendations in a biophysical report.
20. All replanting should be maintained by the property owner for a minimum of two years from the date of completion of the planting. This may require removal of invasive, non-native weeds (e.g., Himalayan Blackberry, Scotch Broom, English Ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense within that time in the next regular planting season.

Guidelines Applicable to Beach Nourishment and Upland Fill

21. Fill on land above the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and the Regional District may require a sediment and erosion plan prepared by a qualified professional.
22. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. This would also require permission from the Province.

Guidelines Applicable to Commercial and Industrial Development

5.1.5 Marine Coast Development Permit Area

23. New boating facilities that provide moorage shall not be constructed unless access is available to adequate and convenient facilities for pump-out of holding tanks.
24. New boat maintenance and repair facilities shall be designed, located and operated in a way that ensures there will be no discharge of toxic materials from boats (fuels, oils, maintenance by-products, etc.)
25. In order to minimize the impact on aquatic life, lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cutoff angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.
26. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.

Guidelines Applicable to Boat Launch Facilities or Ramps

27. Boat launch ramps are the least desirable of all water access structures and may only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes. The ramp width should be minimized, and paved strips versus a full concrete pad is preferable. Development Permit applications must demonstrate all applicable provincial and federal guidelines have been followed and approvals are in place.

5.1.6 Hazard Lands Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

A development permit is required for the following activities unless specifically exempt:

1. alteration of land, placement of fill, disturbance of soils, including grubbing, scraping and removal of top soils;
2. construction or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces; and,
4. subdivision of land.

EXEMPTIONS

The following activities are exempt from requiring a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
2. Where there is no flooding or steep slope hazard, confirmation of which may require a letter from a Professional Engineer.
3. The construction of buildings and structures in accordance with the RDN Floodplain Management Bylaw No. 1469, 2006 or a subsequent Floodplain Bylaw, where there is no proposed land alteration, placement of fill, or modification to land within the floodplain outside of the building footprint beyond minor soil disturbance resulting from normal construction practices.
4. Where a geotechnical report for a proposed building or structure is provided to the building inspector and a s.219 covenant regarding building on the land is registered on the title to the land, in circumstances where there is no proposed alteration of land, including placement of fill, other than minor soil and vegetation disturbance of a type and to an extent that is usual in normal construction practices.
5. On a lot where the hazard is not due to a steep slope, a second storey addition to an existing structure provided the building footprint remains the same.
6. The construction of a small accessory building or structure if all the following apply:
 - a) the building is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) is moveable by being not directly affixed to the ground;
 - d) the building is located a minimum of 10 metres from the high water mark of a watercourse or waterbody or, where a slope greater than 3:1, 10 metres from the top of the slope; and

- e) the total area of the small accessory building is less than 10 metres square.
7. The construction of a fence.
 8. In the case of an application to subdivide, a development permit is not required where:
 - a) minimum lot areas are met exclusive of the development permit area; and
 - b) no development activities (such as grading, clearing, trenching, installation of pipes, etc.) relating to the creation of lots or provision of services for those lots will occur within the development permit area.
 9. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Professional Engineer, and there are no works proposed within the development permit area.
 10. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
 11. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plan Council of BC's 'Grow Me Instead' publication.
 12. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
 13. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

14. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.

5.1.6 Hazard Lands Development Permit Area

15. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
16. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
17. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

GUIDELINES

General Guidelines

1. An assessment report prepared by a Professional Engineer or Geoscientist with experience in geotechnical engineering, geohazard assessment or river hydrology, as applicable, shall be required to assist in determining what conditions or requirements shall be included in the development permit so that the proposed development is protected from the hazard, and no increase in hazard is posed to existing development on or near the subject property.
 - a) The assessment report should include a site plan identifying areas susceptible to the flooding, erosion or steep slope hazard, location of watercourses, existing natural vegetation, on site topography, and the location of the proposed development.
 - b) The assessment report must include a statement from the Professional Engineer that states in their opinion that the property is safe for the intended use.
 - c) The assessment report will form part of the development permit terms and conditions, and which may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
2. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
3. Where the assessment report recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.
4. Development should:
 - a) be designed to ensure that development can withstand the hazard;
 - b) take a form that minimizes the development with any hazardous areas and minimizes impact on the natural features including vegetation, that help to mitigate flood and/or erosion risk; and
 - c) be conducted at a time of year, and use construction methods, that minimize the impact on the development permit area.

5.1.6 Hazard Lands Development Permit Area

5. Prior to construction commencing, the installation of temporary fencing or flagged stakes marking any areas to be avoided due to either hazardous conditions or to avoid disturbance to a sensitive vegetation that plays a role in mitigating the hazard, is required.

Guidelines related to flood hazard

6. Development or subdivision of land should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates; and
 - c) not interfere with groundwater recharge.
7. Wetlands and other natural water features should be maintained in their natural state to enhance natural flood storage and protect environmentally sensitive ecosystems. Restoration of previously impacted natural freshwater systems should be considered in this development permit area to improve flood hazard mitigation.
8. Site development shall preserve natural vegetation where it contributes to flood protection and mitigation.
9. Where the placement of fill is proposed within a floodplain, the fill must not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain. The Regional District may require a report by a Professional Engineer that ensures the placement of the proposed fill would not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain.

Guidelines related to steep slopes

10. No unnecessary disturbance of the steep slope shall be permitted. Site development shall preserve natural vegetation on steep slopes and retain the natural terrain, topography of the site, and minimize cutting into the slopes.
11. Development at the top and toe of a steep slope should be designed to prevent negative impacts to slope stability and protect development from the hazard. The assessment report should include recommendations for development such as drainage management, landscaping, and proximity of buildings and structures to the slope.

5.1.7 Farmland Protection Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

A development permit is required for the following activities wherever they occur within the Development Permit Area, unless specifically exempted:

1. Subdivision of land as defined in the *Land Title Act* or bare land strata under the *Strata Property Act*.
2. For Electoral Areas A, E and G only:
 - a) alteration of land, disturbance of soils, including grubbing scraping and removal of top soils;
 - b) construction or erection of buildings and structures; and
 - c) creation of non-structural impervious or semi-pervious surfaces.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development on lands within the ALR.
2. Development in accordance with an existing covenant for maintenance of a landscaped buffer related to adjacency of the ALR.
3. Lands zoned industrial, and proposed to be or being used for industrial purposes.
4. Subdivision where each proposed lot within the DPA have a minimum lot depth of 50 metres measured perpendicular from the ALR boundary.
5. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
6. Construction of a building or structure located further than 15 metres from the boundary of the ALR.
7. Land alteration, disturbance of soils, including grubbing, scraping and removal of top soils greater than 15 metres from the boundary of the ALR.
8. Maintenance of existing buildings and structures.
9. Reconstruction of, redevelopment of, additions (including second storey), or alterations to an existing dwelling unit or other building or structure within the development permit area

5.1.8 Farmland Protection Development Permit Area

provided the changes do not result in the buildings or structures being located further within the DPA than the existing buildings or structure.

10. Construction of one access driveway provided it is no more than 9.0 metres in width.
11. The construction of a fence provided the area being disturbed to allow for construction and maintenance is 3.0 metres or less in width, and no trees with a diameter at breast height of 10 centimetres or more are being removed.
12. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.
 - d) notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.
13. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
14. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
15. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
16. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
17. The construction of a small accessory building or structure if all the following apply:
 - a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation;
 - d) the building or structure meets setbacks in the zoning bylaw; and
 - e) the total area of the small accessory building or structure is less than 10 square metres.

GUIDELINES

1. A 15 metre wide vegetated buffer should be retained or established and maintained on land adjacent to an ALR boundary. The buffer shall generally be designed and landscaped using materials set out in *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions.
2. Within the vegetated buffer area mature trees and existing native vegetation shall be preserved and where possible integrated with the new landscaping. The planting of trees is strongly encouraged.
3. Plant layout, spacing and support shall generally be in accordance with *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions. The planting material should include non-invasive, low maintenance, native vegetation that can thrive with little or no fertilizer.
4. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
5. New buildings and structures, except for fencing, should not be situated within the 15 metre vegetated buffer area.
6. Despite the above guidelines, a vegetated buffer of less than 15 metres may be considered in cases where 15 metres is not possible due to existing lot size or other natural or human-made constraint, and buildings or structures may be located within the 15 metres area where it is shown there are no other practical options. Where the buffer area is proposed to be less than 15 metres, as much existing buffering vegetation as possible should be retained or enhancement of vegetation and/or construction of fencing should be undertaken.
7. The vegetated buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval.
8. A Section 219 covenant as per the *Land Title Act* may be required to restrict the removal of vegetation and the construction of any buildings or structures other than fencing within the buffer area, and notify any future property owner that the lot is adjacent to the ALR where normal farm practices may produce noise, odour, dust or other impacts.
9. Subdivision design must minimize the impacts that may occur between farm and non-farm uses on adjacent ALR lands including but not limited to the following:
 - a) Site design to allow the clustering of lots, buildings or structures away from ALR lands.
 - b) Avoid road endings or stubs which point directly into the ALR, and half roads along the ALR boundary, except where required for access by farm vehicles.
 - c) Where a parkland dedication is required, the dedication should be located next to the ALR boundary and include the required vegetated buffer.
10. Fencing should be constructed generally in accordance with *Guide to Edge Planning: Appendix C – Fencing Specifications*, published by the BC Ministry of Agriculture, or any subsequent editions.

5.1.8 Yellow Point Aquifer Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.

APPLICABILITY

A development permit is required for the following activities unless specifically exempt:

1. Subdivision of land as defined in the Land Title Act or the Strata Property Act; and,
2. Construction, alteration, or erection of a dwelling unit(s).

EXEMPTIONS

The following activities are exempt from requiring a development permit:

1. Subdivision of land which results in three or fewer lots and the parcel proposed to be subdivided has not been subdivided within the past five years.
2. Land alteration.
3. Construction of a dwelling unit or subdivision of land on lands serviced by a community water system.
4. Construction and/or alteration of accessory buildings, agricultural buildings, structures and fencing.
5. Construction or renovation to commercial, institutional, recreational, and industrial buildings.
6. All additions or alterations to an existing dwelling unit.
7. The replacement or reconstruction of an existing dwelling unit with another dwelling unit within the same basic footprint.
8. Construction of a secondary suite.
9. Construction of a dwelling unit where the applicant demonstrates that there is:
 - a) A well that existed prior to July 26, 2011 which produces a minimum of 3.5 m³ per day year round that will be connected to the proposed dwelling unit;
 - b) an existing (prior to July 26, 2011) water license with capacity to satisfy at least 30% of total household water use for a 90 day period; or
 - c) a valid approved source of water which is not groundwater that is currently in use and has adequate capacity to satisfy at least 30% of total household water use for a 90 day period.
10. Construction of a dwelling unit where the dwelling unit:
 - a) Is not to be connected to a groundwater source; and,
 - b) Is entirely serviced with water through stored and treated rainwater which meets or exceeds Canadian Drinking Water Standards.

Note: for exemption 10 above, prior to the issuance of a building permit, a report from an Engineer or other qualified professional may be required to satisfy the Regional District that the proposed rainwater

system has adequate capacity to meet the year round water demands of the dwelling unit being proposed and that the water will be stored and treated to Canadian drinking water standards.

GUIDELINES

A. For subdivision, the following guidelines apply:

1. Where property is proposed to be subdivided and more than three parcels, including the remainder (if applicable) are proposed, the Regional District shall require the applicant to supply a report prepared by a professional Hydrogeologist or engineer registered in the province of British Columbia and experienced in hydrogeological investigations which includes the following:
 - a) An assessment of the characteristics and behavior of the aquifer at its most stressed time of the year which includes two cross sections which define the groundwater body and determine where the water comes from. The assessment must also examine the location of proposed wells and their interaction with the Yellow Point Aquifer;
 - b) The results and professional interpretation of a minimum 72 hour pumping test to occur in at least one location within the lands being subdivided or a greater number as recommended by a professional hydrogeologist or engineer based on the scale of development and aquifer characteristics;
 - c) An assessment of seasonal water table fluctuations and the ability of the Yellow Point aquifer to provide a sustainable water supply which satisfies the additional groundwater demand without impacting adjacent rural properties or restricting or limiting the availability of water supply for agricultural irrigation;
 - d) An assessment of the potential for salt water intrusion as a result of the proposed water extraction which is required to service the proposed development; and,
 - e) Identification of key recharge points located on the subject property and recommended measures to protect them.
 - f) Recommendations to address the impacts on groundwater quality and quantity identified through the assessments outlined in sections 1.i – v.

The Regional District shall require the applicant to implement the report's recommendations in the proposed development and the recommendations shall become conditions of the development permit.

2. The Regional District may require, at the applicant's expense, and to the satisfaction of the Regional District, a Section 219 covenant registering the Hydrogeologist's and/or engineer's report on the title of the subject property.
3. The Regional District may require the applicant to install a groundwater monitoring device in at least one well within the proposed subdivision. The Regional District may require an agreement be registered on title to allow the Regional District to access the property to collect data from the device
4. Where rainwater management is recommended by the report identified in Guideline 1 above, rainwater must be retained on site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.

B. For the construction of a dwelling unit the following guidelines apply:

Siting of Buildings and Structures

1. Dwelling units must be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which captures the majority of the rainwater flows.
2. Water storage tanks should be sited in the least obtrusive way possible from the neighboring properties.
3. A site plan should be provided illustrating the location of the proposed water storage tank(s) in relation to the proposed dwelling unit and adjacent property lines. The site plan should illustrate the rainwater harvesting system components and may be prepared by the applicant provided it is drawn to scale and is legible.

Form and exterior design

4. Dwelling units should be designed to optimize opportunities for rainwater capture for the intended use and corresponding cistern volume.
5. Roof surface materials should be selected to accommodate the type of rainwater harvesting system being proposed.

Specific features in the development

6. Impervious surfaces should be minimized. The use of impervious paved driveways is discouraged.

Machinery, equipment, and systems external to buildings and other structures

7. The Regional District shall require that all new dwelling units include a rainwater harvesting system which is designed to satisfy a minimum of 30% of the total household water use (indoor and outdoor) for a minimum of 90 consecutive precipitation free days.
8. Rainwater harvesting systems should target a minimum rainwater storage tank volume of 18,181 litres (4,000 Imperial Gallons). Larger tank sizes are also supported. This figure was derived based on the following information and calculation:

- Average total household water use the RDN is 704 litres per day
- 30% of the total household water use is for outdoor non-potable use
- Storage must satisfy 100% of outdoor watering needs for a 90 day period

Minimum tank volume is calculated as follows:

Average household use per day \times 0.3 \times 90 days = minimum water storage tank volume

$$704 \text{ litres} \times \frac{30}{100} \times 90 \text{ days} = 19,008 \text{ litres}$$

9. Notwithstanding Guideline 8 above, a water storage tank with a lesser volume may be supported where an assessment of total household water use (indoor and outdoor) prepared by a registered plumber, accredited rainwater harvesting professional, or Engineer is provided, and the applicant is proposing to satisfy a minimum of 30% of total household use for a minimum of 90 consecutive precipitation free days with a rainwater harvesting system.
10. Rainwater harvesting systems may, at the applicant's discretion, be designed for non-potable outdoor use, non-potable indoor use, or potable drinking water use. The design of such systems must reflect their intended use.
11. The rainwater harvesting system design must, at minimum, consider and include the following components:
 - a) Roofing materials that are appropriate for the type of rainwater harvesting system being proposed.
 - b) Gutters, downspouts, and transport piping to move the rainwater collected on the roof towards the water storage tank and beyond to its end use.
 - c) Debris removal, filters, and first flush diverter sized and designed to accommodate the proposed rainwater harvesting system.
 - d) Provisions for tank overflow.
 - e) A water storage tank(s) rated for potable use while it is strongly recommended that all other components be rated for potable use.
 - f) A pumping system to move the rainwater and distribution system.
 - g) Rainwater filtration, purification, and disinfection (in the case of potable systems).
12. Rainwater harvesting systems should be designed to facilitate additional storage volume and future connection to the dwelling unit.
13. All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with "Non-Potable Water Do Not Drink" as shown in Diagram 2 at right.
14. Although not a requirement of these Development Permit Area Guidelines, where non-potable rainwater harvesting equipment is required, the Regional District shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses. The Regional District shall assist the applicant in obtaining the necessary building permit approvals.



DEFINITIONS

Total household water use means the sum total of all water use in a household during a typical hot dry summer day including gardens and lawns, baths and showers, kitchen (dishwasher, etc.), toilet flushing, laundry, car washing, drinking, property maintenance, and other outdoor uses.

5.1.9 South Wellington Industrial – Commercial Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.

APPLICATION

A development permit is required for the following activities unless specifically exempt:

1. Alteration of land, disturbance of soils, including grubbing, scraping and removal of top soils;
2. Construction, alteration, or erection of buildings and structures; and,
3. Creation of non-structural impervious or semi-pervious surfaces;

EXEMPTIONS

1. A development permit shall not be required for the construction, renovation, or addition to single or duplex dwelling units or accessory residential buildings.
2. A development permit shall not be required for the subdivision of land.
3. A development permit shall not be required for alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

GUIDELINES

General Design

1. The Regional District shall require building elevations prepared by an architect or other qualified designer.
2. The use of non-combustible building materials is encouraged and where feasible locally produced natural building materials should be incorporated in to the design without compromising the building or structure's fire resistance.
3. There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
4. Development of land should be designed to:
 - a) Replicate the function of a naturally vegetated watershed;
 - b) Maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
 - c) Not interfere with groundwater recharge; and,
 - d) Not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
5. Public open space and pedestrian walkway linkages to adjacent neighbourhoods which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
6. The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.

7. The use of rainwater catchment and reuse as well as other water conservation devices and strategies shall be encouraged.
8. Buildings and structures, located on parcels adjacent to the Tran Canada Highway, South Wellington Road, or Schoolhouse Road, shall generally be sited and shaped in a visually unobtrusive manner.

Parking and Loading

9. Parking and loading areas shall generally be located to the rear of buildings, should be screened from view from the Trans Canada Highway and adjacent residential uses and be located outside of the minimum required zoning setback, unless a variance is being considered. Screening should consist of landscaping, fencing, or a combination of landscaping and fencing. Parking areas should include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.
10. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A Professional Engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
11. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
12. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

Landscaping and Screening

13. The applicant may be required to submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the current edition of the British Columbia Landscape Standard and satisfies the following objectives:
 - a) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - b) To minimize water consumption through means such as micro-irrigation and xeriscaping;
 - c) To provide visual separation from the Tran Canada Highway and compatibility with surrounding single residential uses;
 - d) To improve the aesthetic appeal of the development;
 - e) To assist in the safe movement of pedestrians throughout the site;
 - f) To reduce the amount of impervious surfaces on the site;
 - g) To complement the development and surrounding uses;
 - h) To establish or enhance habitat values on the development site where appropriate; and/or,
 - i) To shade the development from the summer sun.
14. The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the development permit application.

15. At minimum, and in addition to the requirements specified in Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 as amended or replaced from time to time, the landscape design should provide:
 - a) A continuous landscaped screen area of at least 2.0 metres in width along the inside of all property lines, excluding access points and adjacent to all roads and highways;
 - b) Where landscaping is for the purpose of visual separation, a minimum height of 5.0 metres once mature; and,
 - c) A landscape buffer of at least 5.0 metres in width to create spatial separation between non-residential and residential zoned properties and should contribute towards the objectives identified in Policy 20 above.
16. Notwithstanding Policy 20 above, the landscaped buffer width and enhancement works adjacent to any watercourse shall be determined by a Qualified Environmental professional and shall work towards Policy 20(h) above– to establish or enhance habitat values on the development site.
17. Development should be sited in a manner that minimizes the disturbance of existing native vegetation.
18. Vegetation species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
19. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
 - a) Shrubs – 45 cm;
 - b) Groundcover and grass – 30 cm; and,
 - c) Trees – 30 cm around and below the root ball.
20. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an irrigation industry association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.
21. The Regional District shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.
22. Garbage and recycling containers shall be screened with landscaping and solid gated fencing to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping, or a combination of the two.
23. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

Site Illumination and Signage:

24. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or light directed towards the sky.
25. All new, replacement, and upgraded exterior lighting in existing and proposed developments shall be 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.
26. The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.
27. Signage should be visually unobtrusive; particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective. No video, reader board, neon, or LED signs will be supported.
28. Where there is a conflict between these DPA guidelines and the [RDN Sign Bylaw No. 993, 1995](#), these guidelines shall prevail. However, a variance to the sign bylaw may be required.

Pedestrian and Cyclist Considerations:

29. Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right of ways of the adjacent streets should be provided.
30. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.
31. Bicycle parking facilities should be considered at grade near primary building entrances.

5.1.10 Cedar Main Street Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.

APPLICATION

A development permit is required for the following development activities unless specifically exempt:

1. Alteration of land or disturbance of soils such as grubbing, scraping, and removal of top soils;
2. Construction, alteration, or erection of buildings and structures; and,
3. Creation of non-structural impervious or semi-pervious surfaces.
4. Subdivision of land(s).

EXEMPTIONS

A Development Permit shall not be required for the following:

1. Construction, renovation, or addition to a single or duplex dwelling unit or accessory residential building on a lot.
2. The replacement or repair of an existing sign provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).
3. Subdivision of land, except in the case of subdivision for intensive residential¹.
4. Renovations or alterations within a building.
5. Alterations or additions to a building which do not require a building permit, except where new signage requires a development permit.
6. Development activities that are not visible from Cedar Road or other public spaces.
7. Invasive species removal on lands located outside of the 30 metre Riparian Assessment Area or the Streamside Protection and Enhancement Area as established by a Qualified Environmental Professional.
8. Construction of unattended public utilities.
9. Construction of an attended public utility and related accessory buildings and structures (excluding government office) such as a water treatment facility, shall be exempt from DPA guidelines in the following categories: General Guidelines, Building Massing, Site Planning and Pedestrian Design, Façade Design and Architectural Detailing.

¹ For the purpose of this DPA, intensive residential shall mean any residential development with an average minimum parcel size less than 2000 m² or density greater than 5 dwelling units per ha whether fee simple or strata.

VARIANCES TO BYLAW NO. 500

The requirements of this Plan may not be consistent with the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. Where there is inconsistency between Bylaw No. 500 and these DPA Guidelines, a variance to Bylaw No. 500 may be required to meet the intent of this Plan.

PERMIT SECURITY

1. The Regional District may require applicants for any development permits within the Cedar Main Street Development Permit Area to provide security in the form of cash or an unconditional, irrevocable and automatically renewing letter of credit in cases where:
 - The Regional District considers that damage to the natural environment (including ground and surface water) could result as a consequence of a contravention of a condition in a development permit issued;
 - The permit holder is required to retain, restore or replace vegetation;
 - The permit holder is required to provide landscaping; and/or,
 - The permit holder is required to provide onsite rainwater management.

The amount of these securities shall be determined by a qualified person and shall be sufficient to cover the cost of materials and labour.

GUIDELINES

The Cedar Main Street Development Permit Area Guidelines are organized into the following ten categories.

- | | |
|--|----------------------------|
| 1. General Guidelines | 6. Architectural Detailing |
| 2. Building Massing | 7. Landscape Design |
| 3. Site Planning and Pedestrian Design | 8. Signage |
| 4. Green Building | 9. Lighting |
| 5. Façade Design | 10. Parking and Loading |

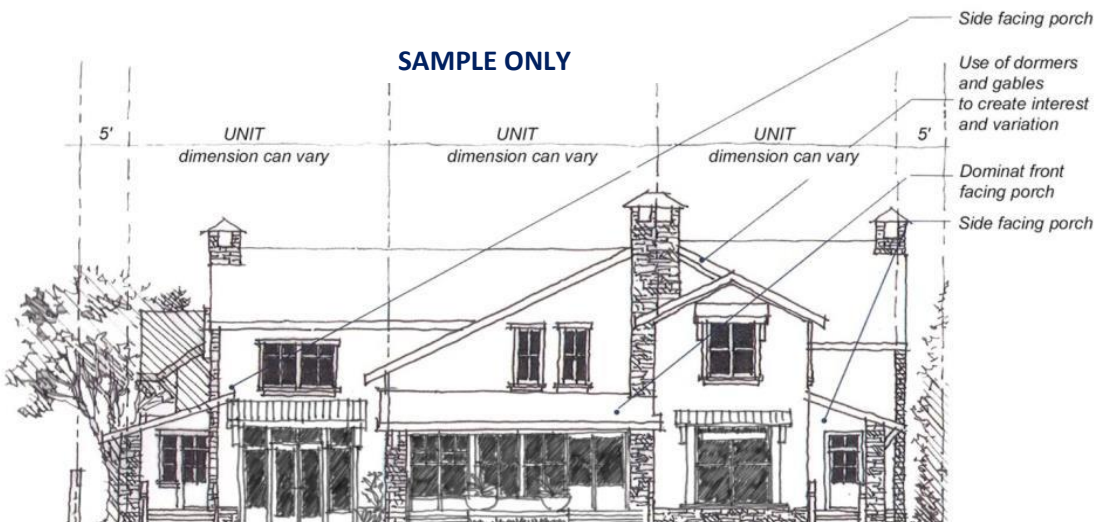
Development applications must generally satisfy all applicable Development Permit Area Guidelines in order for staff to recommend approval of a Development Permit application.

General Guidelines

1. Development is encouraged to incorporate design elements and reflect the general intent of the Design Ideas included in Sections 3 and 4 of the Cedar Main Street Village Plan.
2. Where new or alterations to buildings and structures are proposed, the Regional District may require building elevations prepared by an architect or other qualified designer.
3. In the case of subdivision for intensive residential development, each dwelling unit shall be designed in a way which is consistent with the direction provided in this Development Permit Area. Building elevations showing how the proposed buildings comply may be required and may be secured at the time of subdivision through the use of a Section 219 covenant.

BUILDING MASSING

4. A variety of architectural styles shall be used that create visual interest, complement adjacent buildings, and reflect local culture and history. Applicants are encouraged to refer to the Visual Preference Exercise results contained in the Final Charrette Report dated June 2012 for inspiration.
5. Larger buildings (>12 metres in width) shall be designed in such a way as to avoid large flat building expanses which are visible from Cedar Road. Large expanses shall include trim, design features (such as windows, gables, projections, and porches), varied façade materials, and architectural design.



Sample of how a larger building could be designed to avoid large flat building expanses.

6. Larger buildings should be consistent with the height and emerging character of other buildings on the street.
7. Smaller buildings (≤ 12 metres in width) should include one or more of the following design features:

- a) Design which maintains a residential scale and simplicity in façade and roof design;
- b) Generous first floor heights;
- c) Front porches or patios;
- d) A vertical orientation not in a rancher style;



SAMPLE: Building with vertical orientation



5.1.10 Cedar Main Street Development Permit Area

- e) Gable ends of the roof facing Cedar Road. (exceptions can be made for flat roofed buildings and buildings utilizing passive solar and requiring certain roof orientations; and,
 - f) Architectural design which compliments adjacent buildings through contrasting roof orientations and shapes. Roof design that provides usable space through dormers and gables is strongly encouraged.
8. Multi-tenant/Multi-use buildings should include independent entrances and visual separation between uses. Visual separation could include both colour, façade, and/or other design elements.
9. New buildings should appear to be two storeys as viewed from Cedar Road.
10. A third floor can be included where:
- a) It is fully contained within the roof and the building.
 - b) It maintains a two storey appearance from Cedar Road.
 - c) The building meets the fire protection and rescue requirements of the North Cedar Fire Department.²
11. Buildings should emphasize a 'small town' or 'rural' scale and should utilize a variety of heights, varied building faces, and artistic design features to add interest to the streetscape.



Example of third floor space built into the roofscape.

SAMPLE ONLY



Example of how topography could be used to support of third storey within the roof on the downslope side of a parcel.

SITE PLANNING AND PEDESTRIAN DESIGN

² Applicants may be required to submit correspondence from the North Cedar Fire Department regarding both fire protection and rescue.

5.1.10 Cedar Main Street Development Permit Area

12. Travel ways which straddle lot lines to accommodate shared access and/or parking facilities are preferred. Travel ways should be avoided between every building.
13. Mixed use and commercial buildings shall be located in close

SAMPLE ONLY



- Third floor space which shall be built into the through hand frame
- Travel ways which straddle lot lines are preferred.
- Parking shall not be located between buildings.
- Storefront entrances covered from the elements
- Provide bicycle racks
- Where on-street parking is possible it shall be used in the overall parking counts.



Example of a covered walkway

Illustration of desirable design elements such as mixed on and off street parking and shared travel ways between developments.

proximity to the sidewalks and the pedestrian space.

14. Design, siting, and construction of sidewalks shall be determined through discussions with the owner/developer and MOTI where applicable.
15. Where mixed use or commercial buildings are proposed, avoid large spaces between buildings.
16. Maximize opportunities for the creation of accessible public space such as patios, plazas, and courtyards.
17. The use of drive-through shall not be part of building or site design.
18. For commercial and mixed-use developments continuous weather protection for pedestrians should be provided on the exterior of the building. This can be accomplished in a number of ways including:

- a) Maintaining covered porch areas adjacent to building entrances;

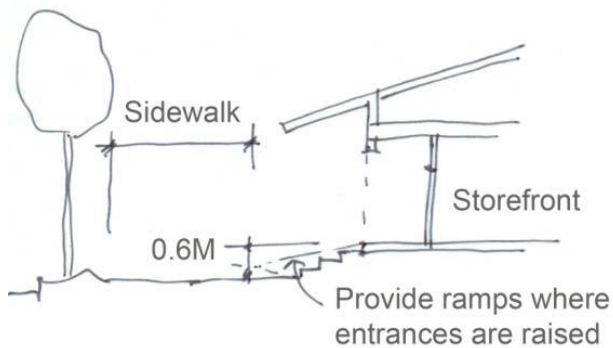
SAMPLE ONLY



Illustration of commercial building storefront located in close proximity to the sidewalk.

5.1.10 Cedar Main Street Development Permit Area

- b) Providing canopies above storefront doors constructed of wood or other quality, durable materials which are colour-fast and resistant to deterioration caused by dampness; and,
 - c) Extending roof elements at least 1.8 metres past the building envelope provided the roof above is no more than 5.5 metres in average above the storefront threshold.
19. Safe, convenient pedestrian routes for all units should be provided from the unit to an abutting street. All pedestrian access points and routes should be designed for universal access to accommodate persons with disabilities.



20. Where the possibility for view exists, the protection and creation of view corridors towards York Lake or the Nanaimo River should be incorporated in a site's design.
21. Where a building is adjacent to Cedar Road, its principal elevation should be oriented towards Cedar Road and designed in such a manner as to promote a lively energetic, pedestrian-oriented, streetscape. Residential developments proposed to be screened from Cedar Road are exempt from this guideline.
22. Buildings located on corner lots should be oriented towards both streets and building design should add significant prominence to the corner.
23. Outdoor seating areas should be provided.

GREEN BUILDING

24. The use of rainwater harvesting for landscape irrigation and other indoor and outdoor non-potable uses should be used. The use of potable rainwater harvesting

SAMPLE ONLY



Example of an outdoor seating area on a corner lot

5.1.10 Cedar Main Street Development Permit Area

systems for potable is encouraged³ where supported by a report from a Professional Engineer or other qualified person that the system⁴ produces water that meets or exceeds Canadian Drinking Water Standards in a quantity sufficient for the proposed use.

25. Sites should be evaluated for passive solar gain opportunities. On sites with substantial solar exposure, buildings should be sited, designed, and landscaped to take advantage of passive solar gain in winter and reduce sun exposure in summer.
26. Electric vehicle charging stations are encouraged.
27. All new commercial, mixed use, and multi-unit residential buildings within the Development Permit Area should strive to achieve a third party certification such as built green gold or Leadership in Energy and Environmental Design (LEED). The Regional District may provide assistance in the Planning and Design Process and may offer grants and incentives in accordance with current offers and rebate programs.
28. The use of solar panels, geothermal heating and other efficient or renewable energy use alternatives are encouraged in building and site design.

FAÇADE DESIGN

29. Visually appealing quality siding materials shall be used.
30. Building design shall avoid large expanses of any one type or style of cladding.
31. The use of vinyl siding should be minimized.
32. To create visual interest the following design strategies shall be used:
 - a) Create different textures by using both horizontal and vertical façade elements;
 - b) Break up large building expanses;
 - c) Separate uses with trim and exterior design features; and,
 - d) Use a variety of complementary types of siding material, trim, colour, etc.
33. A variety of complementary colours shall be used. The use of at least three different colours on the building exterior is encouraged.
34. Materials must be high quality, practical, durable, and hard wearing and must be appropriate for a west coast environment. Materials that integrate well within the natural environment should be included in the design.

ARCHITECTURAL DETAILING

35. Buildings should utilize a variety of high quality complimentary architectural styles rather than a unified design theme.

³ May require approval from outside jurisdiction such as Vancouver Island Health Authority or North Cedar Improvement District.

⁴ System includes roofing material, collection, treatment, and all other components.

36. Exposed structural elements such as exposed rafter tails, timber brackets, posts, and beams are

SAMPLE ONLY

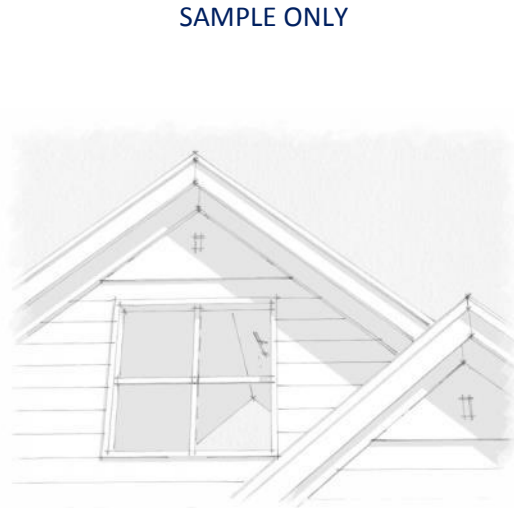


Example of different architectural types that are supported.

encouraged.

5.1.10 Cedar Main Street Development Permit Area

37. At gable ends, encourage the use of frieze boards, det
ails,

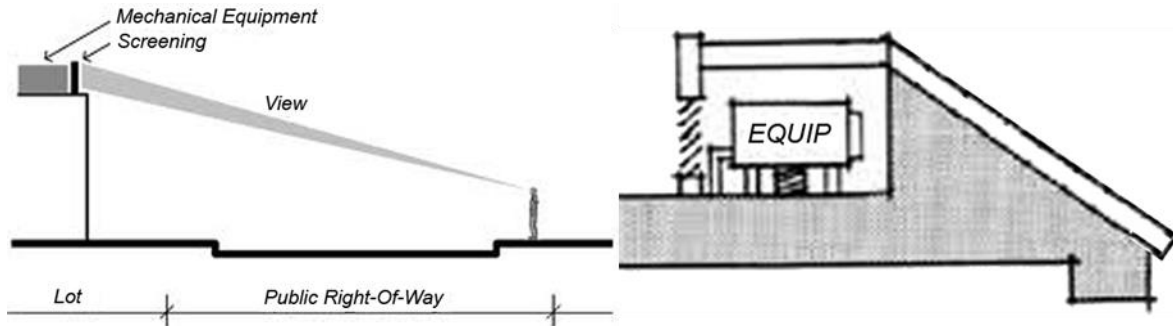


Care should be taken in detailing the façade. Use trim in appropriate dimensions and locations.

and other trim.

Illustration showing the use of frieze boards and other trim

- 38. Larger buildings shall utilize accent design features/ strategies to break up large expanses of siding.
- 39. Rooftop mechanical units shall be screened from view with design elements that are incorporated within the architectural massing. Consideration should be given to impacts on adjacent properties.



Examples of rooftop screening

LANDSCAPE DESIGN

40. Where landscaping is required as part of the development permit, the applicant shall submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
- To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - To protect, enhance, or retain existing mature healthy vegetation;
 - To minimize water consumption through means such as micro-irrigation and xeriscaping;
 - To promote compatibility with surrounding uses;
 - To improve the aesthetic appeal of the development and adjacent streetscape;
 - To assist in the safe movement of pedestrians throughout the site;
 - To reduce the amount of impervious surfaces on the site;
 - To shade the proposed development from the summer sun;
 - To complement the development and surrounding uses; and/or,
 - To establish or enhance habitat values on the development site where appropriate.
41. Notwithstanding Guideline 40 above, edible landscapes (food producing plants, shrubs, and trees) are encouraged and may be considered part of the landscape design where suitable arrangements have been made for ongoing care and maintenance as well as produce harvesting to the satisfaction of the Regional District. Community gleaning is strongly encouraged.
42. The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the Development Permit application.
43. To provide separation between residential and non-residential uses (excluding mixed use buildings and developments and shared parking and laneways), a landscaped screen of at least 2.0 metres in width along the shared property lines, excluding access points, between all commercial and residential zoned properties should be provided.
44. Landscaping should be provided adjacent to all roadways to improve aesthetic appeal, minimize impervious surfaces, and provide a visual screen for all outdoor storage, refuse, parking, loading,

5.1.10 Cedar Main Street Development Permit Area

and unloading facilities and must also work towards the objectives identified in Guideline 6.8.8(1) above.

45. Landscaping of boulevards should be provided, including the provision of street trees in accordance with the following:
- a) All landscaping and works within the public road right-of-way require MOTI approval with a maintenance agreement arranged between the property owner/developer, MOTI, and the Regional District.
 - b) Where the opportunity exists, street trees should generally be provided as follows:
 - i. One high branched tree, of at least 5 centimetre caliper at breast height at time of planting, for every 6.0 metres of street property line with a maximum distance between trees of 12.0 metres, where the type and spacing of trees is to form a sidewalk canopy. Existing native vegetation may be considered provided it satisfies the general intent of this guideline;
 - ii. Tree species should be compatible with the local growing conditions and character of the area; and,
 - iii. A minimum of 3 cubic metres of appropriate soil and growing space is provided for each tree.
46. Garbage and recycling containers shall be screened with landscaping and/or gated fencing to a minimum height of 2.0 metres. Chain link fence may only be used in accordance with Guideline 52 below. Similarly, utilities, service kiosks, metres, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping, or a combination of the two.
47. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
48. A principle of 'no net loss' of significant native vegetation in any development should be considered. Where it is necessary to remove significant vegetation in order to develop a property, replacement plantings should be provided of a sufficient number, size, type, and maturity to offset its removal.
49. Plant species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
50. Unless otherwise noted above, all landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
- a) Shrubs – 45 cm;
 - b) Groundcover and grass – 30 cm; and,
 - c) Trees – 30 cm around and below the root ball.
51. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an Irrigation Industry Association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.

5.1.10 Cedar Main Street Development Permit Area

52. The Regional District shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour, as determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District. The security shall be released following the completion of all approved landscaping and/or site improvements as specified in the Development Permit to the satisfaction of the Regional District. Notwithstanding the above, the Regional District shall withhold 25% of the security for one year to ensure proper maintenance.
53. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

SIGNAGE

- 54. Signs should be hand crafted and provide individuality to each establishment.
- 55. Materials chosen for signage should be durable enough to last for several years of continuous use, except for the special cases of temporary signage or banners.
- 56. The following types of signs are not considered acceptable:
 - a) reader board;
 - b) neon;
 - c) flashing;
 - d) animated;
 - e) rotating,
 - f) backlit; and,
 - g) signs which are illuminated in a way which projects light beyond the sign's surface or results in light being directed beyond the sign's surface or towards the sky.
- 57. Signs should be designed to cater to the pedestrian (limit height, size, and placement) and be in scale with the building and be related to a use or a

SAMPLE ONLY



Example of a hand crafted sign



Example of a consolidated free standing sign

SAMPLE ONLY



Example of a fascia sign that is complementary to the design of the building and graphically communicates a message.

business within.

58. Free standing signage should be consolidated where possible with other businesses or uses as illustrated.

59. Creativity in how signs are designed (i.e. different shapes, colours, materials, and fonts) is supported.

60. The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the

5.1.10 Cedar Main Street Development Permit Area

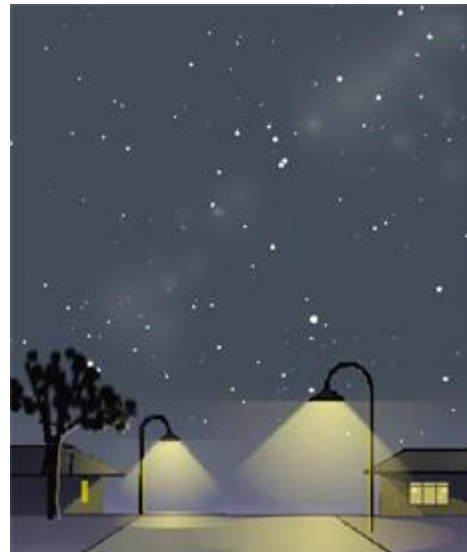
buildings and landscaping. The design of fascia signs containing individual business signage shall be complementary to the design of the building.

61. Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.
62. Signs should graphically communicate a message.
63. If there is a conflict between these Development Permit Area guidelines and the [RDN Sign Bylaw No. 993, 1995](#) as amended or replaced from time to time, these guidelines shall prevail. However, a variance to the sign bylaw may be required.

LIGHTING

64. The use of solar lighting is encouraged.
65. Lighting should be designed for security and safety in accordance with Crime Prevention Through Environmental Design (CPTED) principles.
66. Site illumination must not result in glare directed towards neighbouring properties, adjacent roads, or light directed towards the sky.
67. Building façades may be discreetly illuminated through the use of strategically placed lighting which shines down from the buildings surface.
68. All new, replacement, and upgraded exterior lighting in existing and proposed developments shall be 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.
69. Decorative street lights which are compatible with existing decorative street lighting and are in scale with their surroundings are encouraged.

SAMPLE ONLY



Full cut off light fixtures direct light below the horizontal plane reducing light pollution and protecting the night sky.

PARKING AND LOADING

70. If on street parking is proposed, it must be designed by a Professional Engineer and approved by the Ministry of Transportation and Infrastructure.
71. On site parking and loading areas should generally be located to the rear or side of buildings, should be screened from view from the adjacent road, and be located outside of the minimum required building setback. The screening should consist of landscaping, fencing, or a combination of landscaping and fencing.
72. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure

5.1.10 Cedar Main Street Development Permit Area

that adequate lane widths and turning radii are provided for all forms of vehicles intended to use the property.

73. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
74. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.
75. Parking areas should be designed to be aesthetically pleasing and should include smaller groupings of parking spaces separated by landscaping and shade trees. Large expanses of open parking area should be avoided.
76. The use of permeable paving materials is encouraged in parking areas where it can be demonstrated that oil, water, and other potential contaminants will not enter the aquifer, river, lake, or wetland.
77. Bicycle parking facilities should be provided for each use in accordance with the following:
 - a) Office use: 0.5 - 1 space per 100 m² of gross floor area;
 - b) Institutional: 0.5 – 0.8 spaces per 100 m² of gross floor area;
 - c) Commercial: 1 space per 750 m² of gross floor area with a minimum of four spaces per establishment; or,
 - d) Multi-unit residential: 0.2 spaces per dwelling unit.

Where calculation results in a fractional number, the nearest whole number above the calculation shall be taken.

5.1.11 Cassidy Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.

APPLICATION

A development permit is required for the following activities unless specifically exempt:

1. Alteration of land and disturbance of soils;
2. Construction, alteration, or erection of buildings and structures;
3. Subdivision as defined in the [Land Title Act](#) or the [Strata Property Act](#); and,
4. Creation of non-structural impervious or semi-pervious surfaces;

EXEMPTIONS

1. A development permit shall not be required for the construction, renovation, or addition to one single or duplex dwelling unit or accessory residential building on one single lot.
2. The replacement or repair of an existing sign provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).
3. A development permit shall not be required for alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

GUIDELINES

General Design

1. For commercial, multi residential, The Regional District shall require an applicant to submit building elevations prepared by an architect or other qualified designer.
2. Commercial and mixed use buildings should be designed to reflect the fact that they are located within a pedestrian environment and should be of human scale at street level and should aim to provide functional civic space.
3. The siting of buildings shall be integrated with other existing uses within the Cassidy Rural Village land use designation to promote safe pedestrian linkages and encourage consolidated vehicle access.
4. The use high quality building materials such as Hardiplank, stone, wood, brick, and other exterior natural building materials shall be encouraged.
5. Development should generally not be visible from the Trans Canada Highway with the exception of those properties north of Timberlands Road which are designated Commercial by this plan.
6. The architectural design of buildings and structures should be varied, aesthetically pleasing and visually pleasing.

5.1.10 Cassidy Development Permit Area

7. Buildings clad entirely in vinyl siding will be strongly discouraged. Where vinyl is used, it should be used sparingly and in combination with other materials.
8. The use of energy efficient building materials, techniques, technologies, and practices that produce local energy and/or reduce the amount of energy consumption shall be strongly encouraged which include, but are not limited to:
 - a) passive solar gain;
 - b) district heat and hot water;
 - c) solar voltaic cells;
 - d) solar hot water;
 - e) micro wind; and
 - f) geothermal.

Parking and Loading

9. Parking areas should be located to rear or side of buildings and should include landscaped boulevards and other aesthetically pleasing landscaping features.
10. In cases where parking is not practical to the rear or side of buildings, it may be supported in front of a building provided all parking areas are adequately screened by solid fencing, landscaping, or a combination of the two.
11. Loading areas should be located to the side or rear of buildings and should not be visible from the adjacent road.
12. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
13. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
14. Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.

Landscaping and Screening

15. The Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or qualified designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
 - a) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - b) To minimize water consumption through means such as micro-irrigation and xeriscaping;
 - c) To improve the aesthetic appeal of the development;
 - d) To screen the development from the Trans Canada Highway and adjacent established neighbourhoods;

5.1.10 Cassidy Development Permit Area

- e) To maintain rural character;
 - f) To shade the proposed development from the summer sun;
 - g) To assist in the safe movement of pedestrians throughout the site;
 - h) To reduce the amount of impervious surfaces on the site;
 - i) To complement the development and surrounding uses; and,
 - j) To establish or enhance habitat values on the development site where appropriate.
16. The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the development permit application.
17. Where development is proposed adjacent to Timberlands Road, Hallberg Road, or the Trans Canada Highway, the landscape design should provide a landscaped buffer consisting of native vegetation either maintained, enhanced, or established of sufficient height, width, and density to provide spatial separation and screen the proposed development from view from Timberlands Road, Hallberg Road, and the Trans Canada Highway with the exception of strategically placed and consolidated signage and access and egress points.
18. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
- a) Shrubs – 45 cm;
 - b) Groundcover and grass – 30 cm; and,
 - c) Trees – 30 cm around and below the root ball.
19. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an Irrigation Industry Association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.
20. The Regional District shall require the applicant to submit a landscaping security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.
21. Garbage and recycling containers shall be screened with landscaping and solid gated fencing to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with landscaping, fencing, or a combination of the two.
22. Decorative fences are encouraged which complement the materials used for the principle building.

Site Illumination and Signage

23. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads, or the sky.
24. All new, replacement and upgraded exterior lighting in existing and proposed developments shall be 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.
25. The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building. No video, neon, reader board, or LED signs will be supported.
26. The installation of fascia or projecting signs that are handcrafted, hand painted, and individually designed are strongly encouraged.
27. Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.
28. If there is a conflict between these DPA guidelines and the [RDN Sign Bylaw No. 993, 1995](#) as amended or replaced from time to time, these guidelines shall prevail. However, a variance to the sign bylaw may be required.

Pedestrian and Cyclist Considerations

29. Pedestrian sidewalks or defined pathways to encourage pedestrian movement throughout the site should be provided.
30. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.
31. Bicycle parking facilities should be provided at grade near primary building entrances.

5.1.12 Cedar Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.

APPLICATION

A development permit is required for the following activities unless specifically exempt:

1. Alteration of land and disturbance of soils;
2. Construction, alteration, or erection of buildings and structures; and,
3. Creation of non-structural impervious or semi-pervious surfaces;

EXEMPTIONS

1. A development permit shall not be required for the construction, renovation, or addition to one single or duplex dwelling unit or accessory residential building on one single lot.
2. The replacement or repair of an existing signs provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).
3. A development permit shall not be required for the subdivision of land.
4. A development permit shall not be required for alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

GUIDELINES

General Design

1. The Regional District shall require building elevations prepared by an architect or other qualified designer.
2. Commercial development should be ground-oriented and in scale with the surrounding uses.
3. The use of non-combustible building materials is encouraged and where feasible, locally produced natural building materials should be incorporated in to the design without compromising the building or structure's fire resistance.
4. There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
5. Development of land should be designed to:
 - a) Replicate the function of a naturally vegetated watershed;
 - b) Maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
 - c) Not interfere with groundwater recharge; and,
 - d) Not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.

5.1.10 Cedar Development Permit Area

6. Public open space and pedestrian walkway linkages to adjacent neighbourhoods, which complement existing parks and recreation opportunities and reduce automobile dependence, shall be encouraged.
7. The use of energy efficient building materials, techniques, and practices that reduce energy consumption shall be encouraged.

Parking and Loading

8. Parking and loading areas should generally be located to the rear of buildings, should be screened from view from the adjacent road, and be located outside of the minimum required zoning setback, unless a variance is being considered. The screening should consist of landscaping, fencing, or a combination of landscaping and fencing.
9. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
10. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
11. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.

Landscaping and Screening

12. The Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
 - a) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - b) To minimize water consumption through means such as micro-irrigation and xeriscaping;
 - c) To promote compatibility with surrounding residential uses;
 - d) To improve the aesthetic appeal of the development;
 - e) To assist in the safe movement of pedestrians throughout the site;
 - f) To reduce the amount of impervious surfaces on the site;
 - g) To shade the proposed development from the summer sun;
 - h) To complement the development and surrounding uses; and/or,
 - i) To establish or enhance habitat values on the development site where appropriate.
13. The landscaping plan must be drawn to scale and show the type, size, and location of proposed landscaping and shall be submitted with the development permit application.
14. To provide separation between residential and non-residential uses, a continuous landscaped buffer area of at least 2.0 metres in width along the inside of all property lines, excluding access points, adjacent to all residential zoned property should be provided.

15. Landscaping should be provided adjacent to all roadways to improve aesthetic appeal, minimize impervious surfaces, and provide a visual screen for all outdoor storage, refuse, parking, loading, and unloading facilities and must also work towards the objectives identified in Guideline 12 above.
16. Garbage and recycling containers shall be screened with landscaping and/or solid gated fencing to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping, or a combination of the two.
17. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
18. Vegetation species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
19. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
 - a) Shrubs – 45 cm;
 - b) Groundcover and grass – 30 cm; and,
 - c) Trees – 30 cm around and below the root ball.
20. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an Irrigation Industry Association of British Columbia irrigation contractor or other equivalent to the satisfaction of the Regional District.
21. The Regional District shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour, as determined by a landscape architect or other similarly qualified person to the satisfaction of the Regional District, to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.
22. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

Site Illumination and Signage

23. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or light directed towards the sky.
24. All new, replacement, and upgraded exterior lighting in existing and proposed developments shall be 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.
25. The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.
26. Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.

5.1.10 Cedar Development Permit Area

27. If there is a conflict between these DPA guidelines and the [RDN Sign Bylaw No. 993, 1995](#) as amended or replaced from time to time, these guidelines shall prevail. However, a variance to the sign bylaw may be required.

Pedestrian and Cyclist Considerations

28. Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right of ways of the adjacent streets should be provided.
29. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
30. Bicycle parking facilities should be considered at grade near primary building entrances

5.1.13 Extension Village Centre – Commercial Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

APPLICABILITY

Prior to commencing the construction of, addition to, or alteration of a building or structure the owner must obtain a development permit in accordance with the Village Centre – Commercial, Development Permit Area Guidelines.

EXEMPTIONS

A development permit is not required for the following:

1. construction, alteration or addition to a building or structure utilized for non-commercial purposes including home based businesses, public utility uses or park uses;
2. internal alterations to an existing building or structure;
3. excluding signs and awnings, building additions or alterations which do not affect more than 20 percent of the area of a building face or increase gross floor area by more than 20 percent;
4. canvas awnings provided no portion exceeds 4.0 metres in height as measured from finished grade and the vertical or horizontal extent of the awning does not exceed 1.5 metres;
5. unlit or front lit, suspended, projecting signs provided the sign face does not exceed one (1) square metre and the distance between the sign faces does not exceed 0.1 metre;
6. unlit or front lit signs consisting solely of physically separate letters or symbols attached directly to a building exterior or awning and occupying a rectangular area of not more than one (1) square metre; or
7. subdivision of land.

GUIDELINES

1. All new buildings must be massed to give the impression of small blocks.
2. The architectural design and scale of new buildings must integrate with and enhance the residential character of surrounding buildings.
3. An addition to an existing building must integrate with the overall architectural design and scale of the building.
4. Building elevations, which are visible from the street, must be treated as front elevations for the purpose of ensuring that buildings do not turn their backs on the street. The treatment of these elevations need not be as extensive as the actual front elevation but should promote visual harmony especially in regards to streetscapes.
5. The main pedestrian entrance of a building must face the street, and have direct and continuous pedestrian access to the street.

5.1.13 Extension Village Centre – Commercial Development Permit Area

6. Developments must incorporate pedestrian traffic routes along public road frontages and should provide covered walkways to shelter pedestrian movements.
7. On site pedestrian walkways and public pedestrian traffic routes must be hard surfaced.
8. Where possible, off-street parking areas must be located behind the building so that the building screens the parking area from the road.
9. Vehicle accesses should be consolidated where possible.
10. Buildings and structures should be sited in a manner that minimizes the disturbance of existing natural vegetation.
11. Landscaping must be comprised primarily of native species, which enhance the architectural characteristics of the development.
12. Signs must be unobtrusive, grouped whenever possible and designed in such a manner as to be complementary to the architectural design and scale of surrounding development.
13. Site lighting must not utilize high-intensity lights and must be ornamental and in scale with a pedestrian environment. The use of metal halide lighting is encouraged.
14. Garbage containers, loading, unloading and storage areas must be screened from public view.

5.1.14 East Wellington – Pleasant Valley Industrial Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

GUIDELINES

1. A Development Proposal shall be submitted with the Development Permit application. The proposal should generally provide the following information, in the form of plans and/or written documents:
 - a) detailed site plan illustrating existing and proposed buildings and structures, topographical features and existing natural vegetation;
 - b) detailed plans of proposed buildings and structures;
 - c) detailed storm water management plans; and
 - d) detailed landscaping plan indicating the location, number and type of proposed plantings.
2. Off-street parking should be located to the rear or sides of buildings and structures wherever possible. Off-street parking proposed to be located to the front of buildings and structures should be suitably screened with a landscape screen.
3. Outside storage and manufacturing areas should be located to the rear of the buildings and structures and be suitably landscaped with a landscape screen.
4. Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive.
5. Signage should be visually unobtrusive and grouped wherever possible. Particular emphasis should be given to signage, which is aesthetically pleasing and has a minimal amount of lighting and specifically excludes neon lighting.
6. Where land use activities involve the handling, storage or manufacture of potential contaminants, provision shall be made that will prevent seepage of such contaminants into the subsurface. All provisions shall be approved by the appropriate provincial agency prior to issuance of a development permit. All parking facilities shall be equipped with oil/water separators.
7. Any new development shall not negatively impact storm water quality or quantity.
8. Facilities for the proposed storage and distribution of propane from tanks or vessels over an aggregate volume of 19,000 litres shall be required to meet the following:
 - a) have located on site one approved fire extinguisher having a minimum capacity of 8.0 kilograms of dry chemical with a BC rating;
 - b) meet all requirements of the *Gas Safety Act* and regulations adopted thereto;
 - c) additional fire protection measures may be required in compliance with the NFPA Standard for the Storage and Handling of Liquefied Petroleum Gases; and
 - d) plans shall be forwarded to the Fire Chief of the local fire protection department for review and comment.

5.1.15 Nanoose Bay Form and Character Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.

EXEMPTIONS

1. A development permit shall not be required to construct, renovate or alter a single dwelling unit or building or structure accessory to a single dwelling unit.
2. A development permit shall not be required to construct an accessory building to a multiple dwelling unit development where the proposed accessory building is 10 m² or less in size and 3 m in height.
3. A development permit shall not be required for interior alterations or repairs.
4. A development permit shall not be required for the subdivision of land.

GUIDELINES

1. The character of commercial development will generally:
 - a) Be designed and situated to maximize views wherever possible;
 - b) integrate with and enhance the character of existing development;
 - c) incorporate natural materials into the design of the buildings;
 - d) be designed to maximize the use of the existing topography and natural landscaping; and
 - e) incorporate crime prevention and public safety features.
2. The character of multi-unit residential development will generally:
 - a) be in keeping with the character of the village centre and surrounding rural and residential lands;
 - b) provide a range of housing types and options;
 - c) be developed to a height that maintains 'human scale' (generally less than three storey);
 - d) be ground oriented;
 - e) be designed to maximize the use of the existing topography and natural landscaping;
 - f) incorporate natural building materials into the design of the buildings; and
 - g) be designed and situated to maximize views wherever possible.
3. Safe pedestrian and cycling routes shall be provided through and to commercial or multi-unit residential developments and shall link to existing neighborhoods, parks and the waterfront.
4. Introduced landscaping shall use native plantings, drought tolerant species, and xeriscaping standards, where possible.

5.1.15 Nanoose Bay Development Permit Area

5. Off-street parking areas shall primarily be located to the rear or side of buildings and include landscape areas or screening.
6. Any outside storage or manufacturing areas shall be located to the rear of buildings unless adequately screened with landscaping.
7. Where appropriate, pedestrian facilities shall be provided to separate pedestrian and traffic circulation on a site and minimize vehicle/pedestrian conflicts.
8. Building and site design should include "public gathering places" (e.g. outdoor plazas) and encourage pedestrian uses. The use of small seating areas, entry areas, plazas, and other meeting places in conjunction with pedestrian areas is encouraged.
9. Where appropriate, cycling facilities should be provided through safe circulation paths with sheltered locations for bicycle security.
10. Signage shall complement the design of buildings and structures and be grouped on multiple development sites. The use of natural materials is encouraged.
11. The use of indirect lighting on signage is encouraged.
12. Walls, fences, shrubs, grade changes or other site features should not obscure vehicle driver vision of pedestrian or bicycle routes or provide for concealment.
13. Applications to rezone land within a village or neighbourhood centre shall be evaluated, at a minimum, on how the following elements are proposed to be incorporated into the development and shown to be compatible with the centre:
 - a) a mix of uses;
 - b) building and landscape architectural themes;
 - c) concept design of public space;
 - d) public park land requirements;
 - e) road standards;
 - f) pedestrian facilities;
 - g) treatment of utilities (i.e., street lighting, hydro, etc);
 - h) methods of integrating existing and new developments; and
 - i) where a Village Centre Plan has been prepared for the Red Gap Village Centre, how the development proposal responds to the elements of the Village Centre Plan.

5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plan.

APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 meters in height.
2. Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
3. Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
4. Addition to an existing building or structure that is not visible from a public roadway or other public spaces.
5. Subdivision of land except for intensive residential which for the purpose of this exemption, means any residential development with an average minimum parcel size less than 2,000 m² or density greater than five dwellings per hectare whether fee simple or strata.
6. Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
7. Construction of unpaved driveways and walkways not exceeding 4 meters in width.

GUIDELINES

1. For Qualicum Bay Village Centre, tourist and business frontage for the Village shall be encouraged to be oriented toward the central portion of District Lot 20, Newcastle District and shall provide linkage and integration with the existing commercial lands along the Island Highway No. 19A and institutional uses including the Lighthouse Community Hall, seniors housing and park land.
2. For Dunsmuir Village Centre, the tourist and business frontage for the Village shall be encouraged to be oriented toward Horne Lake Road and existing commercial areas along the Island Highway No. 19A. New development shall provide pedestrian and vehicle linkages with the existing residential areas and currently vacant lands adjacent to Horne Lake Road.

3. The character of commercial development will generally:
 - a) be integrated with and enhance the character of the existing development,
 - b) be designed with a mix of commercial building styles, and constructed as small scale, low-rise structures that are clustered together,
 - c) be oriented toward adjacent streets where possible, and
 - d) be designed to have separate buildings or buildings that appear as small, individual buildings rather than a single large building.
4. The character of multi-family development will generally:
 - a) be in keeping with the village character and surrounding residential or rural areas,
 - b) provide a range of housing types,
 - c) be clustered in small groups,
 - d) provide pedestrian linkages to areas beyond the development,
 - e) be ground oriented wherever possible; and
 - f) incorporate landscaping to separate residential clusters.
5. Incorporating natural materials to create a “west coast” style into the design is encouraged.
6. Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s Community Parks and Trails Strategy, Regional Parks and Trails Plan, or Active Transportation Plan, and any subsequent editions.
7. Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
8. Development shall not be separated or ‘gated’ with walled or fenced enclaves.
9. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas.
10. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
11. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
12. Sites and buildings must be designed to use best practices for integrated rainwater management and water conservation techniques, including appropriate source controls such porous and permeable surfaces, bioswales, absorbent landscaping, infiltration facilities, re-use systems and other techniques. Water quality should be maintained by ensuring that no deleterious substances enter ground or surface water. Rainwater should be managed onsite wherever

5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

- possible, and management approaches should be aligned with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of Environment, or any subsequent editions. The Regional District may require a rainwater management plan prepared by a professional engineer or other qualified professional.
13. Applicants are encouraged to refer to the most recent edition of the British Columbia Landscape Standards published by the BC Society of Landscape Architects when creating their plan. Landscaping should be used in site design to achieve the following list of objectives:
- a) retain existing healthy, mature trees to provide shading and enhance the streetscape;
 - b) new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions;
 - c) utilize a variety of native plants that are drought tolerant suitable to local growing conditions;
 - d) enhance the pedestrian experience (e.g., aesthetics, weather conditions, safe movement throughout site and visual separation from and between uses) and compliment the development and surrounding area;
 - e) add texture and three dimensional components to the site (e.g., ground level planting, raised beds, shrubs, tree canopy) and avoid creating areas that are predominately bark mulch, gravel or other similar materials;
 - f) minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping;
 - g) respect required sightlines from roadways and enhance public views;
 - h) help screen parking areas, electrical and mechanical features, and refuse and recycling facilities; and
 - i) contribute to a sense of personal safety and security.
14. The design and layout of open spaces that can accommodate buildings and areas for edible landscapes and food production are encouraged (e.g., planter boxes, green house, compost facility, private and/ or community gardens, arbours and associated planting, bee hives.)
15. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
16. Exterior lighting shall be low intensity, pedestrian-oriented with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lighting is encouraged.
17. All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.
18. Signs should be visually unobtrusive, grouped wherever possible and primarily pedestrian-oriented, designed at a pedestrian scale. Handcrafted signs of a professional quality, designed to be effective with minimal lighting and integrated into the overall design of the building and landscape are preferred.

5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

19. For land to be developed where a commercial property abuts residential zoned property(s), a landscaped buffer area should be provided between the commercial property and the residential property(s) to provide a visual screen.
20. For land to be developed that is adjacent to or adjoining an Agricultural Land Reserve boundary a buffer area containing vegetation or fencing or a combination of both shall be retained, or established and maintained. All buffer areas shall generally be designed and landscaped using materials set out in Guide to Edge Planning: Appendix B, published by the BC Ministry of Agriculture, or any subsequent editions.

5.1.17 Bowser Village Centre Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plan.

APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. alteration of land, placement of fill, disturbance of soils, including grubbing, scraping and the removal of top soils;
2. construction of, addition to, or alteration of a building or structure;
3. creation of non-structural impervious or semi-pervious surfaces; and
4. subdivision of land as defined in the Land Title Act or Strata Property Act.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Construction, renovation, or addition to a single dwelling unit, detached secondary suite or duplex dwelling unit.
2. Addition to an existing building or structure that is not visible from a public road way or other public spaces.
3. The replacement or repair of an existing sign providing the sign is not enlarged or moved and is replaced with the same type of sign (i.e., fascia, freestanding, etc).
4. Subdivision of land as defined in the *Land Title Act* or *Strata Property Act*, except for intensive residential⁵.
5. Maintenance and minor modifications to existing landscaping, existing roads, parking areas, paths and trails.
6. Construction of unpaved driveways and walkways not exceeding 4 meters in width.
7. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

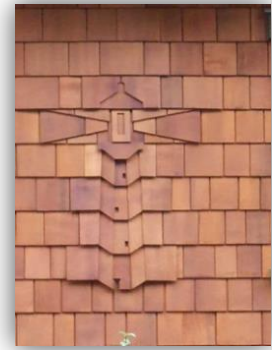
GUIDELINES

Context and Regional Expression

⁵ For the purpose of this DPA, intensive residential shall mean any residential development with an average minimum parcel size less than 2000 m² or density greater than 5 dwelling units per hectare, whether fee simple or strata.

5.1.17 Bowser Village Centre Development Permit Area

1. Incorporate form and images that relate to the natural and cultural landscape of Bowser by integrating one or more of the following themes:
 - a) Lighthouse Country
 - b) First Nations History
 - c) Post 1900's historical themes such as logging, fishing and shellfish aquaculture
 - d) Connect to water such as Thames Creek, Strait of Georgia, surface water and aquifers
 - e) West coast influenced design incorporating BC wood products
2. Through building design and placement, address sunlight penetration, natural ventilation, and protection from different weather elements to improve the pedestrian experience in commercial areas (e.g., covered walkways, awnings, canopies, overhangs, pergolas and shade trees).
3. Protect and enhance public views of landmarks, buildings, open spaces, natural features and the ocean through careful building siting, height and form.



Example of desired design detail.

Human Scale

4. Design from human scale and visual interest in all building elevations. This can be achieved by placing an emphasis on street facing building entrances, windows and landscaping relative to walls and building structure.
5. Mixed use and commercial buildings shall be located in close proximity to the sidewalks and pedestrian spaces.
6. Where mixed use or commercial buildings are proposed, avoid large spaces between buildings.
7. The use of drive-through shall not be a part of building or site design.
8. Design, siting and construction of sidewalks or paths in the road right-of-way shall be consistent with the Active Transportation Plan for Electoral Area H, 2017 or provide rationale for taking a different approach as presented in that Plan. Note that approval from the Ministry of Transportation and Infrastructure is required for works in the road right-of-way.



Example of mixed-used building, orientated to the street with covered walkway.

Building Massing, Height and Form

9. Larger buildings (e.g., > 12meters in width) shall be designed to avoid large, flat building expanses by creating multiple, separate buildings such that individual buildings appear as many small buildings that are compatible in shape, mass, and exterior finishes. Consider

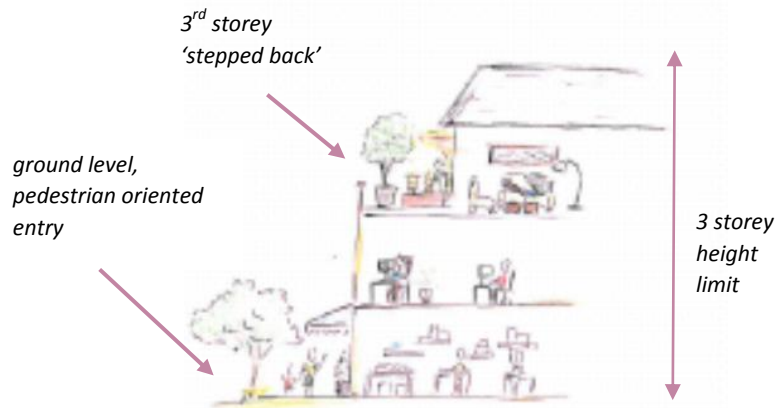


Example of building articulation, varying rooflines & exterior architectural design detail.

5.1.17 Bowser Village Centre Development Permit Area

using building articulation, visually-interesting rooflines (e.g., variations in cornice lines and roof slopes); architectural elements (e.g., balconies, bay windows, cupolas, dormers), and other detailing that creates rhythm along the lines of the building.

10. Utilize landscaping treatments to further soften the mass of building form (e.g., strategic location of trees, hedge borders, trellis and surface materials such as pavers).
11. On slopes, building design should step with the natural topography. Building form should depict a series of buildings nested into the hillside, rather than a single, uniform building form.



12. Building height is limited to a maximum of 12 meters (i.e., 3 storeys) unless otherwise specified.
13. Where building height is 12 meters (i.e., 3 storeys), incorporate step back and/or terrace above the second floor to reduce visual impact and to strengthen the pedestrian-scale of the building.
14. Development shall not be separated or 'gated' with walled or fenced enclaves.

Building Style & Exterior Materials

15. High quality, functional exterior finishes suited to a west coast climate should be used to ensure the integrity of the building envelope and to present an attractive appearance.
16. Natural, local non-combustible materials should be used to the greatest extent possible, with an emphasis on British Columbia wood products.
17. Use exterior colours that are found in or complement the area's natural and cultural landscape.
18. Use materials in combination to create contrast, enhance human scale and reduce massing of a building.



Example of different materials and colours used in combination to create contrast and to reduce massing of a prominent building in the Qualicum Beach village center.

Signs, Canopies & Lighting

5.1.17 Bowser Village Centre Development Permit Area

19. Signs should be visually unobtrusive, grouped wherever possible and primarily pedestrian-oriented, designed at a pedestrian scale. Handcrafted signs of a professional quality, designed to be effective with minimal lighting and integrated into the overall design of the building and landscape are preferred.

20. The following types of signage shall be encouraged:

- a) projecting two dimensional signs suspended from canopies, awnings or overhangs,
- b) externally, front lit signs especially with LED lighting,
- c) fascia signs integrated into the design of the building,
- d) letter signs mounted on storefronts, and
- e) carved wooden signs.

21. The following types of signage shall be avoided:

- a) awnings as signs or large signage on awnings (letter heights over 30 cm/12 inches),
- b) internally lit, plastic face, aluminum box style signage,
- c) animated, flashing, oscillating or moving signs,
- d) pylon (stand alone) signs, and
- e) roof top signs.

22. Continuous weather protection for pedestrian's comfort should be provided in commercial areas (e.g., awnings, canopies, overhangs, pergolas and shade trees). All design elements should complement the overall building and public realm.

23. Exterior lighting shall be low intensity, pedestrian-orientated with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lighting is encouraged.

24. All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.



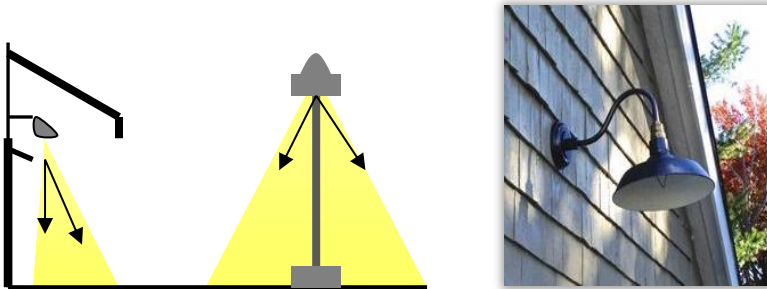
Examples of desired signage that is attractive and informative for both pedestrians and the travelling public.



Example of undesirable signage within the Bowser Village Center.

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- 25. Light fixtures should be concealed, unless they are decorative and then the style shall be consistent with the design and character of the building.



Examples of Full-Cut Off Lighting and decorative exterior lighting.

Outdoor Public Open Spaces

- 26. Outdoor patios and dining areas should be designed to create a compatible and complementary relationship with the adjacent streetscape, building architecture, and uses. These spaces should be well defined by landscaping, decorative fencing or other vertical barriers while being generally open and visible from public areas.
- 27. Public art or features should be considered for public plazas and courtyards.
- 28. All play areas for children should have adequate shade and seating for adults.
- 29. The retention of natural features (like trees, rock or other landscape features) in open spaces shall be encouraged.
- 30. Street furniture to enhance the pedestrian experience, such as benches, decorative street lamps, bicycle racks and refuse containers shall be incorporated in the landscape design. These shall be required to be consistent, similar, or identical in character to the architectural character



of the development and identified by type and source in the application.

Accessibility & Connectivity

- 31. Universal design principals shall be employed to ensure meaningful access for people of all ages, stages and abilities, including children, parents, older adults and seniors. Meaningful access is determined by the users' complete experience of a building, connecting pathways, sidewalks, entrances, doors and hallways. Features include things such as accessible, barrier-free travel

Examples of all ages street furniture with complementary landscaping to define public outdoor spaces.

5.1.17 Bowser Village Centre Development Permit Area

routes to the main building entry, smooth, ground-level entrances without stairs, and wide interior doors and hallways. Consider those using such equipment as wheelchairs, other walking-aids, strollers and bicycles.

32. Accessible travel routes shall be provided that incorporate transitions between public walkways, together with private walkways, parking areas, retail shops and services, and roads to provide seamless and interesting access for all users, including those of different ages and abilities.



Example of accessible, laneways that connect commercial areas to public/social spaces.

Crime Prevention

33. Best practices for “Crime Prevention through Environmental Design” should be incorporated into building design, such as:
 - a) Natural surveillance, ‘eyes on the street’: visibility, light and openness should maximize the ability to see throughout the site through placement of windows that access all areas, appropriate lighting to avoid darken spaces and walkways, entrances and site features should be designed to avoid areas for hiding.
 - b) Define spaces: creating a clear definition between public and private space that express ownership and boundaries, particularly for multi-residential and mixed-use developments.
 - c) Active Spaces: Encourage legitimate activity in public spaces by locating uses in complementary arrangements. Avoid spaces that appear confined, isolated, or unconnected, or appear without a clear purpose or function.

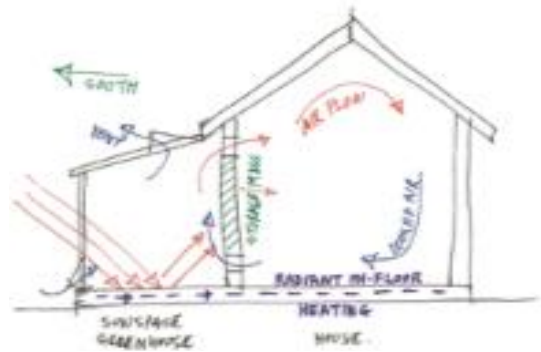
Green & Healthy Buildings

34. Evaluate site design for passive solar gain and cooling opportunities (e.g., passive solar water heating, solar mass wall, passive solar heating of intake air). On sites with substantial solar exposure, buildings should be sited, designed, and landscaped to take advantage of passive solar gain in winter and reduce sun expose in summer.
35. Minimize exposure to noise and pollution through site and building design, especially for those developments located along busy roads (e.g., triple-pane glazing, orient courtyards, playgrounds, open spaces, and building air intakes away from the road).

5.1.17 Bowser Village Centre Development Permit Area

36. Utilize sustainable construction methods and materials, including the reuse, rehabilitation, restoration, and recycling of buildings and/or building elements.

37. All new commercial, mixed-use, and multi-unit residential buildings within the development permit area are encouraged to be efficient and healthy, and are encouraged to seek third party certification, such as Built Green Gold or Leadership in Energy and Environmental Design (LEED). The Regional District may be able to provide assistance in the planning process and may offer financial assistance in accordance with Regional District’s environmental rebate and grant programs.



Example of a passive solar gain designed house.

38. The design and layout of open spaces that can accommodate buildings and areas for edible landscapes and food production are encouraged (e.g., planter boxes, green house, compost facility, private and/ or community gardens, arbours and associated planting, bee hives).

39. The installation of electric vehicle charging stations are encouraged. The Regional District may be able to provide assistance in the planning process and may be able to identify applicable rebate and grant programs.

Relationship to the Street

40. Orient residential and commercial buildings to face the street.

41. Commercial and mixed-use buildings should be sited within close proximity to sidewalks and the pedestrian space to enhance the pedestrian experience, unless where a setback may be considered to provide transition to adjacent building or pedestrian-friendly features such as a patio, courtyard or plaza.



Example of an animated, mixed-use streetscape that provides a buffer between pedestrians and road traffic.

42. Building setbacks from lot lines should:

- a) be designed to create an intimate, pedestrian friendly streetscape;
- b) be between 0.0 m and 3.0 m (RDN in collaboration with MOTI will determine minimum building setbacks from lot lines);
- c) consider relationship and transition to adjacent buildings;
- d) corner sites are encouraged to feature landmark design or alternatively to provide a semi-public or public open space; and

- e) include “corner cuts” or similar treatment to expand sidewalks adjacent to intersections.



43. Pedestrian sidewalks or defined walkways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be



Example of site plan demonstrating a ‘woonerf’ style streetscape.

Example of :

provided.

- 44. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or 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.
- 45. In residential areas, side street should consider ‘woonerf’ style streets that integrate needs of multiple users such as walking, cycling, playing, gardening and socializing.
- 46. Pedestrian sidewalks or defined walkways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.

Pedestrian Access, Provisions for Cyclists Circulation, Vehicles and Loading

- 47. Clearly defined, safe pedestrian access shall be provided through sites and parking areas to maintain a pattern of active transportation that is integrated with building entrances, walkways, sidewalks, trails and adjacent streets.
- 48. Locate parking areas to the rear of buildings, internal to the building, or below grade.
- 49. Avoid large expanses of parking. Provide paved surfaces with visual interest and landscaped areas to create safe pedestrian walkways and visual breaks between clusters of parking stalls (approximately every seven stalls).
- 50. Bicycle and scooter parking facilities should be provided at grade near primary building entrances.





Example of BC Transit bus shelter stop with wet-weather shelter and parking areas that integrate active transportation.

51. Where side road access is not feasible, shared driveways to access business and residential properties from Highway No. 19A shall be encouraged for new development.

52. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.

53. All loading and storage areas shall be complementary to the development, screened with landscaping and/or gated fencing to a minimum 2.0 meters as appropriate and wherever possible be located to the rear of the building in unobtrusive areas.

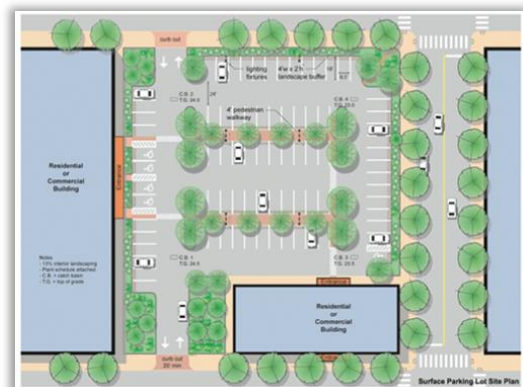
54. Provision should be made for promoting easy access to public transit, emergency vehicle, delivery and service vehicles and may include construction of a bus shelter or pad.

Landscaping & Screening

55. Where landscaping is required within the development permit area, the Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or other qualified professional and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.

56. Applicants are encouraged to refer to the most recent edition of the British Columbia Landscape Standards published by the BC Society of Landscape Architects when creating their plan. Landscaping should be used in site design to achieve the following list of objectives:

- a) retain existing healthy, mature trees and new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions;
- b) utilize a variety of native plants that are drought tolerant suitable to local growing conditions;
- c) enhance the pedestrian experience (e.g., aesthetics, weather conditions, safe movement throughout site and visual

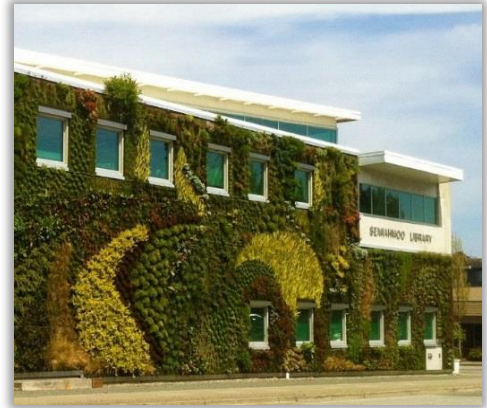


Example of parking plan with safe pedestrian access and landscaping features.

5.1.17 Bowser Village Centre Development Permit Area

separation from and between uses) and compliment the development and surrounding area;

- d) add texture and three dimensional components to the site (e.g., ground level planting, raised beds, shrubs, tree canopy) and avoid creating areas that are predominately bark mulch, gravel or other similar materials;
- e) minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping;
- f) respect required sightlines from roadways and enhance public views;
- g) help screen parking areas, electrical and mechanical features, and refuse and recycling facilities;
- h) contribute to a sense of personal safety and security;



Example of a vertical green wall system.

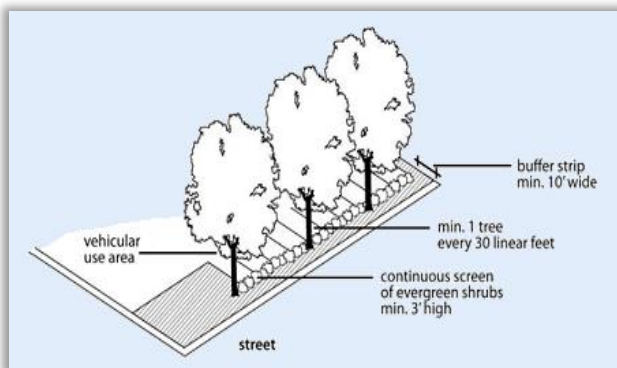
57. Mitigate undesirable architectural elements (e.g., blank walls can be covered with trellis and vines).

58. Minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping. Landscaping is to meet the minimum depth of topsoil or amended organic soil on all landscaped areas of a property:

- a) Shrubs – 45 cm,
- b) Groundcover and grass – 30 cm, and
- c) Trees – 30 cm around and below the root ball.

59. Landscape plans must be drawn to scale and show type, size and location of proposed landscaping works and planting materials and shall be submitted with the development permit application.

60. Where irrigation is required to maintain proposed landscaping, it should be designed and installed by an Irrigation Industry Association of British Columbia certified irrigation designer or another qualified person.



Example of landscaped buffer from street or between residential properties.



Example of decorative fencing and landscaped screening.

5.1.17 Bowser Village Centre Development Permit Area

61. Where a commercial property abuts residential zoned property, landscaped buffer area should be provided between the commercial property and the residential property(s).
62. High-efficiency, water saving, automatic irrigation systems are encouraged.
63. All refuse and recycling facilities shall be screened with landscaping and/or gated fencing to a minimum 2.0 meters. Similarly, utilities, electrical and mechanical features shall be screened with fencing, landscaping or a combination of the two.
64. Decorative fences are encouraged. Where chain link fencing used, it shall be screened with landscaping.

Rainwater Management

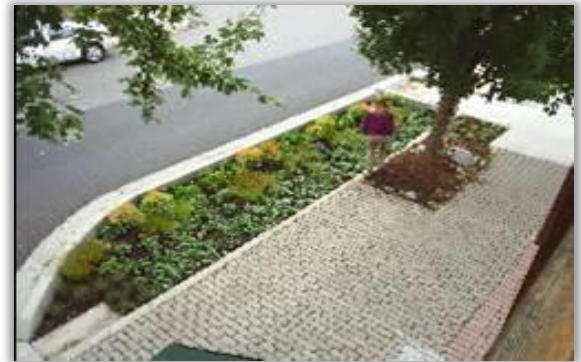
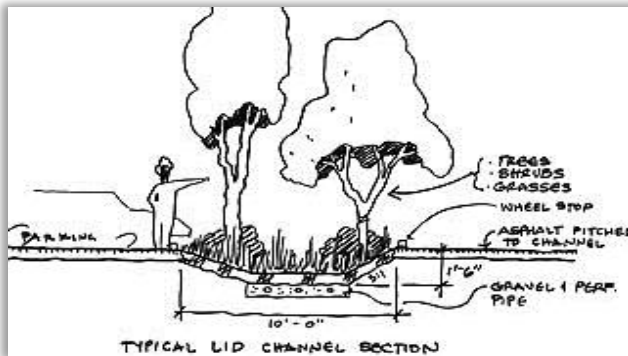


Examples of a rain garden and rainwater harvesting system.

65. Design sites and buildings to use best practices for integrated rainwater management and water conservation techniques, including appropriate source controls such porous and permeable surfaces, bioswales, absorbent landscaping, infiltration facilities, and re-use systems and other techniques aligned with Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014, published by the B.C. Ministry of Environment, or any subsequent editions.
66. Water quality should be maintained by ensuring that no deleterious substances enter ground or surface water.
67. The Regional District may require a rainwater management plan prepared by a Professional Engineer or other qualified professional.

5.1.17 Bowser Village Centre Development Permit Area

68. New buildings are encouraged to include non-potable water harvesting in the form of rainwater catchment or green roofs.



Examples of bioswales, permeable surfaces and absorbent landscaping.

Multi-Residential and Intensive Residential Development Guidelines

69. Residential units should be clustered to make the most efficient use of land and preserve as much land as possible for open space.
70. Residential land uses should be arranged to achieve gradual transition and minimize conflicts with adjacent housing types and surrounding neighbourhoods.
71. Residential units shall be designed to allow residents privacy as well as a sense of community such that each unit has at least one private outdoor space with access to or views of adjacent semi-public spaces.
72. Use landscaping and design to clearly distinguish and provide transitions between public and private spaces especially where residential uses are mixed with commercial uses.
73. Children’s play areas should be located to facilitate ‘natural surveillance’ with high visibility from residential units.

Additional Commercial Mixed-Use Development Guidelines

74. The maximum floor area for individual retail and commercial units should be 300 m² with the exception of grocery stores where a maximum 1,500 m² of retail space will be allowed.
75. Building size for institutional and commercial service/light industrial uses shall be a maximum 1,000 m².



Example of mixed-use building with third floor roofscape.

Additional Service Commercial/Light Industrial Development Guidelines

76. Retail and office uses in commercial service

5.1.17 Bowser Village Centre Development Permit Area

development should be ground oriented, located adjacent to the street with non-retail functions located to the rear of the property.

77. Residential 'live-work' units shall be located above street level over top of commercial service uses.
78. Where possible residential 'live-work' units should be oriented to overlook public streets.
79. Residential 'live-work' units shall have at least one private outdoor space with access to or views of adjacent semi-public spaces.

5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area G Official Community Plan.

APPLICATION

A development permit is required for the following activities unless specifically exempt:

1. alteration of land, placement of fill, disturbance of soils, including grubbing, scraping, and removal of top soils;
2. construction or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces; and
4. subdivision as defined in the *Land Title Act* or the *Strata Property Act*.

EXEMPTIONS

The following activities are exempt from requiring a development permit:

1. Single residential development and accessory uses, including subdivision, on lands zoned for single residential use.
2. The cutting down of hazardous trees in accordance with the recommendations contained in a report prepared by an Arbourist or other qualified professional. Trees must pose an immediate threat to the safety of persons or existing buildings or structures.

GUIDELINES

Servicing

1. Prior to any phase of a proposed development, the developer must provide a report prepared by a registered professional engineer that provides the following:
 - a) detailed plans and specifications showing the proposed sewage connection or disposal system (in unserviced areas) and rainwater drainage systems to be constructed to service the proposed development;
 - b) on lands serviced by community water, proof that the proposed development will be connected to the community water system and that the proposed system is compatible with the adjacent municipality's engineering standards; and,
 - c) on lands serviced with community sewer, proof that the proposed development will be connected to the community sewer system and that the proposed system is compatible with the adjacent municipalities engineering standards.

5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character
Development Permit Area

General Design

2. The Regional District of Nanaimo shall require an applicant to submit building elevations prepared by an architect or other qualified professional.
3. Commercial development should be ground oriented and in scale with the surrounding uses.
4. The use of non-combustible building materials is encouraged and where feasible locally produced natural building materials should be incorporated in to the design without compromising the building or structures fire resistance. West Coast architecture is strongly encouraged.
5. There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
6. Development or subdivision of land should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
 - c) not interfere with groundwater recharge;
 - d) not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
7. Benches, ornamental street lights, and public art are encouraged throughout the site. Outdoor patios or amenity areas are encouraged.
8. Street furniture such as benches, lamps and refuse containers shall be incorporated in the landscape design. These shall be required to be consistent, similar, or identical in character to the architectural character of the development and identified by type and source in the application.
9. Public open space and pedestrian walkway linkages to adjacent neighbourhoods and to Wembley Mall which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
10. The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.
11. Comprehensive development proposals that consider the full life cycle of input materials and process by-products as well as seek to minimize energy and raw materials use, minimize waste, and build sustainable economic, ecological and social relationships (eco-industrial networking) shall be encouraged.
12. Buildings shall be designed so as to avoid presenting an overly massive appearance using roof lines, window treatments, and landscaping to break up their bulk and soften their appearance.

Residential Development Guidelines

13. Residential developments should include a variety of housing sizes and types. These may range from single dwelling units, condominiums, and townhouses. Residential land uses should be arranged to achieve gradual transition from adjacent housing types and surrounding neighbourhoods.

5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area

14. Developments should be designed to take advantage of sun exposure to reduce winter heating and summer cooling.
15. Multiple dwelling unit buildings should be designed to utilize sunlight for the health and comfort of residents and for energy conservation purposes.
16. Dwelling units should be designed to allow residents privacy as well as a sense of community such that each unit has at least one private outdoor space with access to or views of adjacent semi-public spaces.
17. Development shall not be a separate "gated community" with walled or fenced enclaves and shall be integrated with and compatible with surrounding neighbourhoods.
18. Where practical, clustering of multi-residential development a minimum of 250 metres away from the centre of the FCPC should be required in order to maximize vegetation retention buffers to limit periodic odour migration.

Parking and Loading

19. Parking and loading areas shall generally be located to the rear of buildings, must be screened from view from adjacent properties, and be located outside of the minimum required zoning setback. The screening should consist of landscaping and/or fencing. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.
20. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
21. Provision should be made for emergency vehicles, moving vans, and service vehicles.
22. Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

Landscaping and Screening

23. The Regional District shall require the applicant to submit a landscaping plan prepared by a Landscape Architect or equivalent professional which meets the British Columbia Landscape Standard and satisfies the following objectives:
 - a) to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - b) to minimize water consumption through means such as micro-irrigation and xeriscaping;
 - c) to provide visual separation from and compatibility with surrounding single residential uses;
 - d) to improve the aesthetic appeal of the development;
 - e) to assist in the safe movement of pedestrians throughout the site;
 - f) to reduce the amount of impervious surfaces on the site;
 - g) to compliment the development and surrounding uses;

5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area

- h) to preserve the rural experience and to minimize the visual distraction of development on Highways No. 19, 19A, and Highway 4; and,
 - i) to establish or enhance habitat values on the development site where appropriate.
- 24. The landscaping plan must be drawn to scale and show the type, size and location of proposed landscaping and shall be submitted with the development permit application.
- 25. At minimum the landscape design should provide a continuous landscaped buffer area of at least 2.0 metres in width along the inside of all property lines, excluding access points, adjacent to all roads and highways and adjacent to all residential zoned property and should contribute towards the objectives identified in Guideline 24.
- 26. Notwithstanding Guideline 24, the landscaped buffer adjacent to any watercourse, coastal area, or environmentally sensitive feature shall be determined by a QEP and shall work towards Guideline 23(i) – to establish or enhance habitat values on the development site.
- 27. To separate parking, service or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 metres in width and 2.0 metres in height, shall be provided along the inside of all affected property lines.
- 28. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
- 29. Vegetation species used in replanting, restoration and enhancement shall be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and habitat wildlife habitat values as needed.
- 30. All replanting shall be maintained by the property owner for a minimum of five years from the date of completion of the planting. Unhealthy, dying or dead stock will be replaced at the owner's expense during the next regular planting season.
- 31. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
 - a) shrubs – 45 cm;
 - b) groundcover and grass – 30 cm;
 - c) trees – 30 cm around and below the root ball.
- 32. Where irrigation is required to maintain proposed landscaping, it shall be designed and installed by an Irrigation Industry Association of British Columbia certified irrigation designer.
- 33. The Regional District of Nanaimo shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other similarly qualified person to the satisfaction of the Regional District to be released upon final inspection by a Landscape Architect or other similarly qualified person to the satisfaction of the Regional District of Nanaimo.
- 34. Garbage and recycling containers shall be screened with landscaping and fencing and gated to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with landscaping and fencing.

5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area

35. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged matching the materials used for the principle building.
36. Subject to the approval of the MOT where applicable, the installation of boulevards, street trees, pedestrian pathways, or sidewalks within the public road right of way may be supported. Boulevards must be landscaped, irrigated, and maintained by the subject development.
37. Open spaces acting as sites of public assembly shall incorporate special landscape features such as fountains, landscaping or monuments as focal elements.

Site Illumination and Signage:

38. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.
39. All new, replacement and upgraded exterior lighting in existing and proposed developments shall be 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.
40. The size, location and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.
41. No roof top signs shall be permitted. Multi-tenant buildings shall provide combined tenant signage.
42. Signage should be visually unobtrusive; particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective

Pedestrian and Cyclist Considerations:

43. Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.
44. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or 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.
45. Bicycle parking facilities should be provided at grade near the primary building entrances.

5.1.19 Rural Commercial Development Permit Area

Information Note: *the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area H Official Community Plan.*

APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 meter in height.
2. Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
3. Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
4. Construction of a building or structure with a total floor area of 10 square meters or less which is not visible from a public roadway.
5. Addition to an existing building or structure that is screened from view from a public roadway or other public space by the existing building or structure.
6. Subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.
7. Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
8. Construction of unpaved driveways and walkways not exceeding 4 meters in width.

GUIDELINES

1. The character of the development will generally:
 - a) be designed to utilize the existing topography and vegetation in a manner that is visually unobtrusive and blends into the surrounding landscape,
 - b) be designed to mimic the natural water balance by maximizing infiltration of uncontaminated rainwater,
 - c) integrated with and enhance the character of existing development to avoid mass and character that would be overwhelming to adjacent non-commercial properties, and

- d) include gathering places such as seating areas, patios, garden entry areas that are visible and accessible and encourage pedestrian uses, where possible.
2. Incorporating natural materials to create a “west coast” style into the design is encouraged.
3. Where buildings present an aspect to the highway or to highly visible areas, continuous blank wall surfaces (longer than 5 meters) shall be avoided. Consider using building articulation, visually-interesting rooflines (e.g., variations in cornice lines and roof slopes); architectural elements (e.g., balconies, bay windows, cupolas, dormers), and other detailing that creates rhythm along the lines of the building.
4. Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s *Community Parks and Trails Strategy, Regional Parks and Trails Plan, or Active Transportation Plan*, and any subsequent editions.
5. Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
6. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas.
7. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
8. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
9. For land to be developed where it abuts a residential zoned property(s), a landscaped buffer shall be retained or planted to provide a visual screen.
10. Porous and permeable surfaces should be used where practical and techniques such as rain gardens and vegetative swales to assist in the treatment of rainwater runoff from a site are encouraged in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of Environment, or any subsequent editions. The Regional District may require a rainwater management plan prepared by a Professional Engineer or other qualified professional.
11. Mature trees shall be preserved and, where possible, integrated with new landscaping. The planting of trees is strongly encouraged.
12. Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions.
13. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified professional to the satisfaction of the Regional District.
14. Exterior lighting shall be low intensity, pedestrian-orientated with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lightening is encouraged.

5.1.19 Rural Commercial Development Permit Area

15. All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.
16. Signage should be visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage that is complementary to the scenic qualities of the area and requires a minimal amount of lighting to be effective. Animated, flashing, oscillating or moving signs and roof top signs shall be avoided to retain a rural appearance and not be distracting to drivers.

5.1.20 Highway Corridor Protection Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Nanoose Bay Official Community Plan.

EXEMPTIONS

The following are exempt from obtaining a development permit:

1. The construction, renovation, or addition to a single dwelling unit, duplex dwelling unit, or accessory residential buildings; and/or
2. The subdivision of land within the ALR.

GUIDELINES

1. Landscaping, screening and the retention of natural vegetation shall be encouraged to enhance the appearance of properties adjacent to the highway in accordance with land use bylaws.
2. Off street parking, loading areas, refuse containers and outdoor storage/manufacturing areas shall, where achievable, be located to the rear of buildings and/or adequately screened from residential and rural lands by a combination of landscape buffering and fencing.
3. Signage on properties bordering the highway should be grouped whenever possible, complementary with the natural character of the area, and employ the use of a minimal amount of direct or indirect lighting to be effective.
4. The Ministry of Transportation and Infrastructure is supported in their initiatives to consolidate access points to major roadways and to provide access through 'slip' roads.

5.1.21 Inland Island Highway Corridor Development Permit Area

Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area G Official Community Plan.

APPLICATION

A development permit is required for the following commercial, industrial, intensive residential and multi-residential uses unless specifically exempt:

1. alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping, and removal of top soils;
2. construction or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces; and
4. Subdivision as defined in the *Land Title Act* or the *Strata Property Act*.

EXEMPTIONS

1. All development activities, including subdivision of land that does not include commercial, industrial, intensive residential or multi-residential development or related activities.

GUIDELINES

1. Development or redevelopment of commercial, industrial, or multi-residential land within the Inland Island Highway Development Permit Area shall:
 - a) reinforce the rural and aesthetic visual image of the Inland Island Highway by maintaining the rural wooded landscape on adjoining lands;
 - b) ensure that orderly and aesthetic development or redevelopment of existing industrial zoned lands do not negatively impact the view corridor of the new highway; and,
 - c) prohibit direct vehicular access from the Inland Island Highway.
2. All industrial, commercial, or multi-residential subdivisions or individual developments should provide a 30 metre visual integrity buffer, adjacent to the Inland Island Highway, where a natural wooded character will be maintained and no buildings, outdoor storage or signage shall be permitted without the approval of both the MOTI and the Regional District Board.
3. Buildings, structures, parking, and storage should be designed and sited to be outside of the visual integrity buffer of the Inland Island Highway and complement the rural integrity of the area. Plans shall be submitted illustrating cross sections of the property and proposed buildings. The Plans shall illustrate the view corridor of eastbound and westbound traffic and the visual impact of any proposed structures from the Inland Island Highway. In addition, a photographic survey of the site and development proposal shall be submitted, from adjoining parcels and major roadways, to illustrate visual compatibility with surrounding development.
4. No signage shall be visible from the Inland Island Highway. Signage should be visually unobtrusive and grouped whenever possible, and no third party signs shall be permitted within the Development Permit Area.

5.1.21 Inland Island Highway Corridor Development Permit Area

5. Wherever possible development should be oriented with the "front" face of buildings away from the Highway and no loading, storage, or other service functions should be located between the building and the highway.
6. Where the introduction of vegetation is required within the Development Permit Area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
7. Where irrigation is required to maintain proposed landscaping, it should be designed and installed an Irrigation Industry Association of British Columbia certified irrigation designer.

ATTACHMENT 12

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.33

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA F ZONING AND
SUBDIVISION BYLAW NO. 1285, 2002

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018”.
- B. “Regional District of Nanaimo Electoral Area F Zoning and Subdivision Bylaw No. 1285, 2002” is hereby amended as follows:

- 1. To the **Table of Contents**, section 2.21, by deleting “for Farmers’ Market”.
- 2. By adding the following to the Table of Contents in numerical order:

“Section 7 – Development Permit Areas

<u>Section</u>	<u>Title</u>
7.1	Development Permit Area Organization
7.2	Freshwater and Fish Habitat Development Permit Area”

- 3. By deleting **Section 2.21 Temporary Use Permits for Farmers’ Market**, and replacing with Schedule A attached to and forming part of this bylaw.
- 4. By adding **Section 7 – Development Permit Areas** as shown in Schedule B attached to and forming part of this bylaw.

Introduced and read two times this ___ day of _____ 20XX.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this ___ day of _____ 20XX.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018".

Chair

Corporate Officer

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.33
Schedule A

2.21 Temporary Use Permits

1. The Regional District may issue a temporary use permit on any lot to temporarily allow a use not permitted by this bylaw. The following general conditions will guide the consideration of such applications. The Regional District may waive any of the following should they be deemed to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.
 - a) The applicant demonstrates how any anticipated impact on the surrounding area will be mitigated (for example: noise, light, hours of operation, dust, odour, vibration, aesthetic impact, etc.).
 - b) The applicant provides a projection of anticipated impact on local road networks, and proposes mitigating measures if necessary.
 - c) The applicant provides an assessment of the impact of the proposed use on the natural environment, including groundwater, wildlife, and environmentally sensitive areas.
 - d) The applicant provides a rationale for the suitability of the location and the inability to conduct the use in another area where the use is already permitted.
 - e) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the Regional District until completion of the proposed works.
 - f) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.
2. Where the land is in the Agricultural Land Reserve, approval from the Provincial Agricultural Land Commission is required prior to issuance of a permit.
3. The Regional District may specify conditions in a permit including, but not limited to, environmental protection measures, odour abatement, hours of operation, parking, buffering, and groundwater protection.
4. The Regional District may require security and/or an undertaking to secure the conditions of the permit in accordance with the *Local Government Act*.

Schedule B to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018".

Chair

Corporate Officer

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.33
Schedule B

DEVELOPMENT PERMIT AREAS

SECTION 7

7.1 Development Permit Area Organization

For the area covered by this bylaw, the Electoral Area F Official Community Plan designates development permit areas and describes the special conditions or objectives that justify the designations. The applicability, exemption and guidelines for the development permit areas are contained within this bylaw as within Section 7 of this bylaw.

7.2 Freshwater and Fish Habitat Development Permit Area

APPLICABILITY

Terms used in this development permit area that are defined in the provincial *Riparian Areas Regulation (RAR)*, of the *Riparian Areas Protection Act*, are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time. This Regulation and Act may be obtained from the provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development or from the BC Laws website.

A development permit is required for the following activities wherever they occur within this Development Permit Area, unless specifically exempted:

1. removal, alteration, disruption, or destruction of vegetation;
2. disturbance of soils; including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-impervious surfaces;
5. flood protection works;
6. construction of roads, trails, docks, wharves, and bridges; and
7. subdivision of land.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit.

Exemptions Applicable to all Watercourses:

1. Development in an area where no stream or watercourse exists, or where the proposed development is clearly outside the development permit area, as determined by the Regional District, a BC Land Surveyor, or a Registered Professional Biologist. This exemption does not apply if the stream or watercourse ecosystem was previously filled or realigned without a development permit.
2. Renovations, repairs, maintenance, the construction of a second storey addition, excluding cantilevered construction to existing buildings within the same footprint (a building permit may still be required).
3. All park or parkland ancillary uses not containing commercial, residential, or industrial activities.
4. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

5. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest are exempt only if a permit under the *Wildlife Act* has been obtained.
6. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plan Council of BC's 'Grow Me Instead' publication.
7. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.

8. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.
9. Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
12. Subdivision where the minimum lot size is met exclusive of the exclusive of the development permit area, and no works are proposed within the development permit area.

Exemptions Applicable to Streams under the RAR only:

13. Subdivision where the minimum lot size is met exclusive of the Streamside Protection and Enhancement Area (SPEA), and no works are proposed within the Riparian Assessment Area.
14. Within Electoral Area A, development activities more than 30 metres from the Nanaimo River or Haslam Creek, measured from the top of bank or present natural boundary, whichever is greater, where:
 - a. a RAR assessment report has been completed by a Qualified Environmental Professional (QEP) in accordance with the RAR Assessment Methods and submitted to the province; and
 - b. notification of the assessment report has been received by the provincial ministry responsible and the Regional District.
15. For streams subject to the RAR, in the case where a simple assessment is submitted which assigns a SPEA, a development proposed outside of the SPEA where:
 - a) the assessment report has been completed by a QEP in accordance with the RAR Assessment Methods; and
 - b) notification of the assessment report has been received by the provincial ministry responsible and the Regional District, and there are no measures outside of the SPEA required to protect the SPEA.

Exemptions Applicable to this development permit area where the RAR does not apply:

16. Subdivision involving only lot line adjustment. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
17. A property owner may construct a single trail within this development permit area in accordance with the principles and standards of 'Access Near Aquatic Areas' of the

Stewardship Series published by the provincial and federal governments, and subject to the following conditions:

- a) the trail provides the most direct route or feasible passage through the development permit area while minimizing the extent of vegetation removal or disturbance and minimizing excavation and removal of native soils;
 - b) the ground is stable, ie. erodible stream banks or other erosion prone areas shall be avoided;
 - c) no motorized vehicles are permitted on the trail;
 - d) the trail is not to exceed a maximum width of 1.5 metres;
 - e) no trees, which are greater than five metres in height and 10 centimetres in diameter, are to be removed; instead limbing and pruning of trees shall be done, where necessary, to facilitate the construction of the single trail;
 - f) the trail's surface shall only be composed of pervious materials.
18. Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, if the addition is located on the side or part of the building or structure most distant from the waterbody or stream.
19. The construction of a small accessory building or structure if all the following apply:
- a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation;
 - d) the building or structure is located a minimum of 10 metres from the high water mark or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
 - e) the total area of the accessory building or structure is less than 10 square metres.

GUIDELINES

Development permits shall be issued in accordance with the following.

Guidelines applicable to all watercourses:

1. An assessment must be prepared by a Registered Professional Biologist (a QEP for streams applicable to the RAR) for the purpose of identifying sensitive biophysical features on or near the development permit area and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list each guideline with an explanation of how the development is consistent with the guideline, or an explanation as to how the guideline is not applicable. The site plan should indicate the areas for yard and driveway and areas to remain free from development. See Guideline 13 for additional requirements of this report for streams applicable to the RAR.

2. If development or alteration of land is proposed within the development permit area, it shall be located so as to minimize the impact on the stream or waterbody. The assessment report shall include an explanation as to how locating development entirely outside of the development permit area has been considered, and the reason that it is not being proposed. Variances to the zoning bylaw regulations to minimize development in the development permit area should be considered.
3. Sensitive biophysical features to be assessed in this development permit area include but are not limited to:
 - a) forest cover and ecological communities;
 - b) surface drainage patterns;
 - c) site topography and channel morphology;
 - d) aquatic and riparian habitat values, condition and function; and
 - e) an overall assessment of the ecological importance of the watercourse.
4. Mitigation measures that should be considered in the biological assessment include but are not limited to:
 - a) minimization of vegetation removal;
 - b) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors;
 - c) sediment and erosion control;
 - d) protection of sensitive areas through fencing or other permanent demarcation; and
 - e) timing of construction to minimize potential impacts.
5. Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.
6. For the SPEA or where the applicant's biologist or other qualified professional recommends other specific areas that must remain free from development:
 - a) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
 - b) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
7. The applicant's biologist or QEP may be required to provide confirmation to the Regional District that the property has been developed in accordance with the QEPs recommendations.

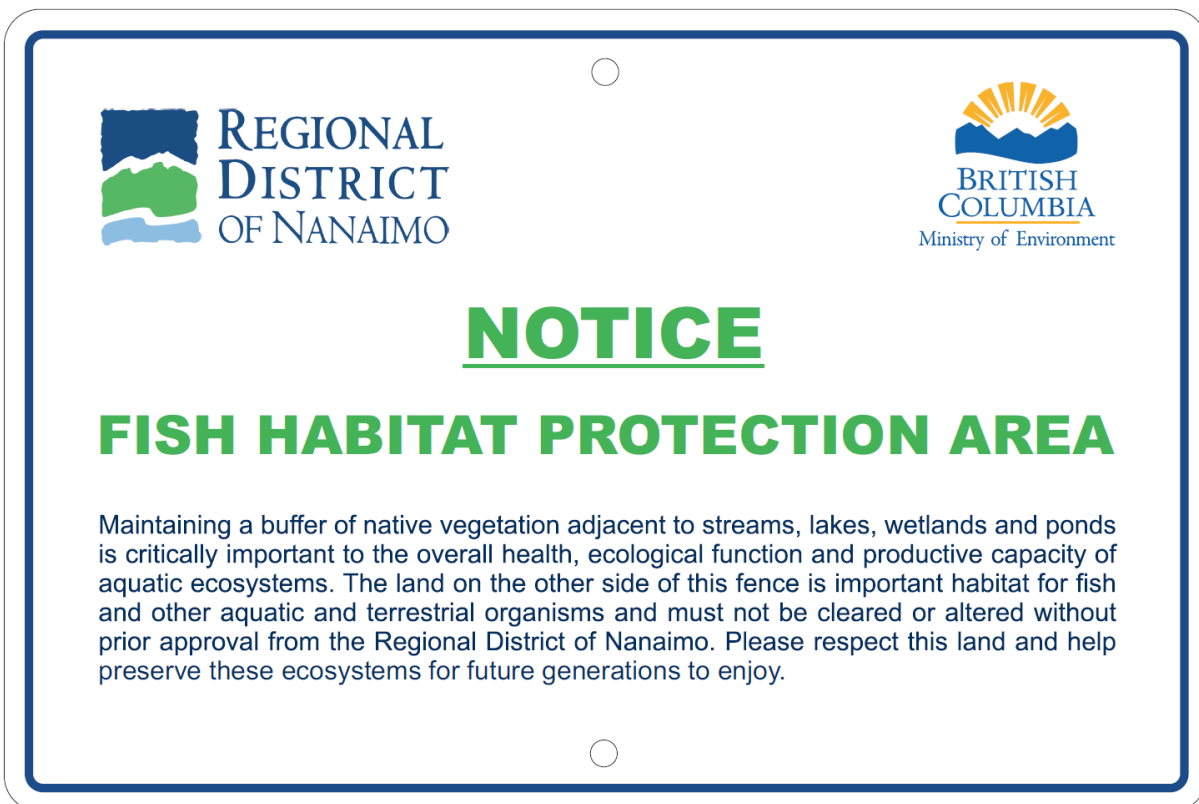
Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions:

8. On any development where there is potential for silt, petroleum or any other contaminants to enter a watercourse either directly or indirectly through infiltration, provision of oil, grease and sediment removal facilities and the ongoing maintenance of these features will be required.
9. Directing drainage of rainwater from development sites into the SPEA and other watercourses and water bodies shall be avoided. Instead, rainwater is to be managed onsite with an emphasis on infiltration approaches to management. If impacts cannot be avoided through onsite infiltration, a sediment and erosion control plan may be required, and grading plan may be required where fill is placed near the freshwater feature.
10. In low-lying areas subject to flooding, development should not increase the flood risk on the subject property or on adjacent or nearby properties. Where the placement of fill is proposed within a floodplain as defined by the RDN Floodplain Management Bylaw, it shall be designed by a Professional Engineer to ensure that the placement of the proposed fill will not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, result in higher flood flows or result in higher flood potential elsewhere in the floodplain.
11. Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 metres, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may include registration of a Section 219 Covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

Additional Guidelines Applicable to Streams Subject to the RAR only:

12. No development shall take place within any SPEA except where:
 - a) a QEP has determined that no serious harm is likely to occur or that it can be mitigated by following prescribed measures; or
 - b) the owner has obtained an authorization under subsection 35(2) [serious harm to fish] of the *Fisheries Act* or Section 11 [changes in and about a stream] of the *Water Sustainability Act*.
13. The Regional District shall require the applicant to retain a QEP, at the expense of the applicant, for the purpose of preparing an assessment report, pursuant to Section 4(2) of the RAR and the RAR Assessment Methodology Guidebook, and the assessment report must be electronically submitted to the provincial ministry responsible, via the Riparian Area Regulations Notification System, and a copy must be provided to the Regional District.
14. In addition to implementing the measures in the assessment report, to ensure the integrity of the SPEA the Regional District and landowner may consider the following:
 - a) gift to a nature preservation organization all or part of the SPEA; or
 - b) register a restrictive covenant or conservation covenant on title securing the measures prescribed in the assessment report.

15. For the purpose of subdivision design, proposed lot configuration shall consider the protection of the SPEA and minimize new lot lines in the SPEA. The proposed lot configuration should demonstrate that enough developable land is available on each lot to establish a development envelope that includes a reasonable yard area outside of the SPEA to accommodate wastewater disposal field, driveway, accessory buildings and yard.
16. Permanent fencing and/or other means of clearly delineating the SPEA boundary such as signage must be designed to follow the standard established by the Regional District and Ministry of Environment shown below. Signage should be installed to the satisfaction of the Regional District prior to land alteration and in the case of subdivision prior to the Regional District notifying the Approving Officer that the conditions of the development permit have been met. Fencing must be maintained in good order.



Aluminum or Dibond 12"x18" Radius corners
Inline border .14"
RDN logo: 2"x5.17"
Ministry of Environment logo: 2.5"x2.92"
Notice: Arial black type .90"
Fish Habitat Protection Area: Arial black type .60"
All other text: Arial bold type .27"

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT: <i><u>Riparian Areas Regulation Stream Property Declaration Form</u></i>	POLICY NO: B1.12 CROSS REF.:
EFFECTIVE DATE: September 26, 2006	APPROVED BY: Board
REVISION DATE: <u>September 4, 2018</u>	PAGE: 1 of 3

PURPOSE

To provide a consistent process to determine a property owner's knowledge of the following for the purpose of development applications:

1. the presence or absence of streams subject to the Riparian Areas Regulation (RAR)
2. the presence or absence of eagle or heron nesting trees on or near the subject property; and
3. that a site has been used, or is used, for industrial or commercial purposes or activities.

To when handling property related inquiries and development applications, and to ensure that property owners and developers their agents are aware of their responsibilities with respect to the Riparian Areas Regulation RAR, development permit area requirements with respect to eagle and heron nesting trees, and the Contaminated Sites Regulation.

POLICY

~~1.~~—The property declaration form, a sample of which is attached as Attachment No. 1, shall be completed by the property owner(s) or authorized agent(s) when applying for a building permit, and as necessary to determine whether or not a ~~d~~Development ~~p~~Permit or Site Profile Form is required. This is, to ensure compliance with the ~~Riparian Areas Regulation RAR, Contaminated Sites Regulation, and development permit area requirements.~~

Riparian Areas:

2. Where the property owner(s) or authorized agent(s) indicates that there is a water feature on a property, and the development, including land alteration and/or vegetation removal, may be within 30.0 metres of a watercourse, staff shall:
 - i. require the applicant to hire a Qualified Environmental Professional to determine whether the water feature is subject to the RAR, or
 - ii. make the determination that a water feature(s) is (are) not subject to the RAR where the situation is clear; however, where any uncertainty exists the applicant shall be required to hire a Qualified Environmental Professional to make the determination.
3. Where the property owner(s) or authorized agent(s) indicates that there is (are) no water feature(s) on a property that may be within 30.0 metres of any development, including land alteration and/or vegetation removal, staff shall:
 - i. review mapping resources and air photographs for any indication of the presence of a watercourse;

- ii. check for a water feature during any site visits or inspections of the property; and
 - iii. require the applicant to hire a Qualified Environmental Professional to make a determination as to whether the watercourse is subject to the RAR where a water feature is suspected to exist.
 - iv. where no water feature exists within 30.0 metres of a development, consider exempting the proposed development from requiring a ~~d~~Development ~~P~~ermit, according to the requirements of the applicable development permit area;
4. ~~If a proposed development as defined in the Riparian Areas Regulation RAR is found to be within the Riparian Assessment Area as defined in the Riparian Areas Regulation RAR, the applicant shall be required to hire a Qualified Environmental Professional to conduct an assessment pursuant to the Riparian Areas Regulation RAR and applicable development permit area.~~

Eagle and Heron Nesting Trees:

5. ~~Where the property owner(s) or authorized agent(s) indicates that there is an eagle or heron nesting tree on or near a property, and the development, including land alteration and/or vegetation removal, may be within a radius of the tree specified in the development permit area designation, staff shall:~~
- i. ~~determine if the applicable official community plan designates a development permit area for eagle and heron nesting trees and if so, inform the applicant that a development permit is required; and~~
 - ii. ~~inform the applicant of their responsibilities under the *Wildlife Act* related to not disturbing the nest or birds.~~

Contaminated Sites:

6. ~~Where the property owner(s) or authorized agent(s) indicate that a site has been used, or is used, for industrial or commercial purposes or activities, staff shall:~~
- i. ~~determine if a Site Profile Form is required, and if so, require that the site profile form is completed prior to accepting a development application form.~~

Riparian Areas Regulation Stream Declaration Form Policy - Attachment No. 1
SAMPLE FORM



**Riparian Areas Regulation
Property Declaration Form**

Page 1 of 1

Property Subject Legal Description: _____

Subject Property Address: _____

~~I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo from approving or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.~~

~~I (we) understand that a water feature includes any of the following:~~

- ~~a) any watercourse, whether it usually contains water or not;~~
- ~~b) any pond, lake, river, creek, or brook; and/or;~~
- ~~c) any ditch, culvert, spring, or wetland.~~

~~I (we) declare that (please check the one that applies):~~

- ~~A. there are no water features located on the subject property, or~~
- ~~B. there are water features located on the subject property.~~

~~I (we) declare that all proposed development including land alteration, vegetation removal, construction and / or building (please check the one that applies):~~

- ~~A. is greater than 30.0 metres from a water feature, or~~
- ~~B. is less than 30.0 metres from that water feature.~~

~~I (we) acknowledge that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features prior to signing this form.~~

Property owner/agent signature(s): 1 _____ 2 _____

Print Name(s): 1 _____ 2 _____

Mailing Address: _____ Postal Code: _____ Phone: _____

Witnessed By: _____ Date: _____



Property Declaration Form **for Riparian Areas, Nesting Trees,** **and Site Profiles**

Subject Property Legal Description:

Subject Property Civic Address:

Subject Property PID:

Riparian Areas

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo (RDN) from approving or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek or brook; and/or,
- c) any ditch, culvert, spring, or wetland.

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features. I (we) declare that **(please check the one that applies):**

- that there are no water features located on the subject property; or
- there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, alteration or construction of a building or structure **(please check the one that applies):**

- is greater than 30.0 metres from a water feature; or
- is less than 30.0 metres from a water feature.

Eagle and Heron Nesting Trees

I (we) acknowledge that the *Wildlife Act* protects Bald Eagles and Great Blue Herons, their eggs and nests. Bald Eagles and Great Blue Herons are sensitive to development near their nesting sites and may return to a nest that has been unused for a number of years.

While the provincial government and the RDN undertake mapping of nesting sites from time to time, not all are mapped. Some sites on private property may have been undetected, and new nests are continually being built. Typically, a 60 metre radius for an eagle nesting tree and depending on the level of development in an area, a 60 - 300 metre radius for a heron nesting tree or heronry (group of trees) is considered to be sensitive to disturbance. Electoral Areas A, E, G and H require that a development permit be obtained prior to development near an eagle or heron nest.

Mapped eagle nest trees and heronries can be found on the Community Mapping Network at <http://cmnmaps.ca/WITS/> and <http://cmnmaps.ca/GBHE/>

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of eagle or heron nests prior to completing this form. I (we) declare that **(please check the one that applies)**:

- there are no eagle or heron nesting trees on or within 100 metres of the subject property; or
- there is an eagle or heron nesting tree on or within 100 metres of the subject property.

Site Profile

I (we) acknowledge that when an application is made to the RDN, Section 40(1) of the *Environmental Management Act* requires that a Site Profile be completed when the applicant knows, or reasonably should know, that the land is being used or has been used for industrial or commercial purposes of the type listed in Schedule 2 of the *Contaminated Sites Regulation* unless otherwise exempt under the Regulation. Please find the Site Profile Form and Schedule 2 on the Government of BC website at www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/site-profiles or on the RDN's website. Please contact the RDN Planning Department if any of the activities listed in Schedule 2 apply to the subject property.

I (we) declare that **(please check the one that applies)**:

- I (we) have read the *Contaminated Sites Regulation* Schedule 2 document, and determined that the subject property has been used for purposes listed in Schedule 2, and filled out the Site Profile Form; or
- I (we) have read the *Contaminated Sites Regulation* Schedule 2 document and am (are) not required to submit a Site Profile Form as to my (our) knowledge, the subject property has not been used for any of the activities listed in Schedule 2; or
- I (we) have read the *Contaminated Sites Regulation* Schedule 2 document and am (are) exempted from being required to submit a Site Profile Form under Section 4 of the *Contaminated Sites Regulation*. I (we) have provided the following information in support of this exemption:

(List information here. Use additional pages if required):

DECLARATION SIGNATURE

All registered owners shown on the certificate of title must sign the declaration. Please provide an additional page with owners' names and signatures if required.

I (we) declare that I (we) have read and filled out the above form.

Owner/Agent 1 _____ Signature _____

Owner 2 _____ Signature _____

Owner 3 _____ Signature _____

Applicant Mailing Address: _____

Email: _____ Phone: _____

Date: _____

Witnessed By Name: _____ Witnessed By Signature: _____

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT:	<i>Property Declaration Form</i>	POLICY NO: B1.12
		CROSS REF.:
EFFECTIVE DATE:	September 26, 2006	APPROVED BY: Board
REVISION DATE:	September 4, 2018	PAGE: 1 of 3

PURPOSE

To provide a consistent process to determine a property owner’s knowledge of the following for the purpose of development applications:

1. the presence or absence of streams subject to the Riparian Areas Regulation (RAR)
2. the presence or absence of eagle or heron nesting trees on or near the subject property; and
3. that a site has been used, or is used, for industrial or commercial purposes or activities.

To ensure that property owners and their agents are aware of their responsibilities with respect to the RAR, development permit area requirements with respect to eagle and heron nesting trees, and the Contaminated Sites Regulation.

POLICY

The property declaration form, a sample of which is attached as Attachment No. 1, shall be completed by the property owner(s) or authorized agent(s) when applying for a building permit, and as necessary to determine whether or not a development permit or Site Profile Form is required. This is to ensure compliance with the RAR, Contaminated Sites Regulation, and development permit area requirements.

Riparian Areas:

2. Where the property owner(s) or authorized agent(s) indicates that there is a water feature on a property, and the development, including land alteration and/or vegetation removal, may be within 30.0 metres of a watercourse, staff shall:
 - i. require the applicant to hire a Qualified Environmental Professional to determine whether the water feature is subject to the RAR, or
 - ii. make the determination that a water feature(s) is (are) not subject to the RAR where the situation is clear; however, where any uncertainty exists the applicant shall be required to hire a Qualified Environmental Professional to make the determination.
3. Where the property owner(s) or authorized agent(s) indicates that there is (are) no water feature(s) on a property that may be within 30.0 metres of any development, including land alteration and/or vegetation removal, staff shall:
 - i. review mapping resources and air photographs for any indication of the presence of a watercourse;

- ii. check for a water feature during any site visits or inspections of the property; and
 - iii. require the applicant to hire a Qualified Environmental Professional to make a determination as to whether the watercourse is subject to the RAR where a water feature is suspected to exist.
 - iv. where no water feature exists within 30.0 metres of a development, consider exempting the proposed development from requiring a development permit, according to the requirements of the applicable development permit area;
4. If a proposed development as defined in the RAR is found to be within the Riparian Assessment Area as defined in the RAR, the applicant shall be required to hire a Qualified Environmental Professional to conduct an assessment pursuant to the RAR and applicable development permit area.

Eagle and Heron Nesting Trees:

5. Where the property owner(s) or authorized agent(s) indicates that there is an eagle or heron nesting tree on or near a property, and the development, including land alteration and/or vegetation removal, may be within a radius of the tree specified in the development permit area designation, staff shall:
- i. determine if the applicable official community plan designates a development permit area for eagle and heron nesting trees and if so, inform the applicant that a development permit is required; and
 - ii. inform the applicant of their responsibilities under the *Wildlife Act* related to not disturbing the nest or birds.

Contaminated Sites:

6. Where the property owner(s) or authorized agent(s) indicate that a site has been used, or is used, for industrial or commercial purposes or activities, staff shall:
- i. determine if a Site Profile Form is required, and if so, require that the Site Profile Form is completed prior to accepting a development application form.

Declaration Form Policy - Attachment No. 1
SAMPLE FORM



Property Declaration Form

for Riparian Areas, Nesting Trees,
and Site Profiles

Subject Property Legal Description: _____

Subject Property Civic Address: _____

Subject Property PID: _____

Riparian Areas

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo (RDN) from approving or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

- a) any watercourse, whether it usually contains water or not;
- b) any pond, lake, river, creek or brook; and/or,
- c) any ditch, culvert, spring, or wetland.

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features. I (we) declare that (***please check the one that applies***):

- that there are no water features located on the subject property; or
- there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, alteration or construction of a building or structure (***please check the one that applies***):

- is greater than 30.0 metres from a water feature; or
- is less than 30.0 metres from a water feature.

Eagle and Heron Nesting Trees

I (we) acknowledge that the *Wildlife Act* protects Bald Eagles and Great Blue Herons, their eggs and nests. Bald Eagles and Great Blue Herons are sensitive to development near their nesting sites and may return to a nest that has been unused for a number of years.

While the provincial government and the RDN undertake mapping of nesting sites from time to time, not all are mapped. Some on private property may have been undetected, and new nests are continually being built. Typically, a 60 metre radius for an eagle nesting tree and depending on the level of development in an area, a 60 - 300 metre radius for a heron nesting tree (or trees) is considered to be sensitive to disturbance. Electoral Areas A, E, G and H require that a development permit be obtained prior to development near an eagle or heron nest.

Mapped eagle and heron nest trees can be found on the Community Mapping Network at www.cmnmaps.ca/WITS/ and www.cmnmaps.ca/GBHE/.

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of eagle or heron nests prior to completing this form. I (we) declare that (***please check the one that applies***):

- there are no eagle or heron nesting trees on or within 100 metres of the subject property; or
- there is an eagle or heron nesting tree on or within 100 metres of the subject property.

Site Profile

I (we) acknowledge that when an application is made to the RDN, Section 40(1) of the *Environmental Management Act* requires that a Site Profile be completed when the applicant knows, or reasonably should know, that the land is being used or has been used for industrial or commercial purposes of the type listed in Schedule 2 of the *Contaminated Sites Regulation* unless otherwise exempt under the Regulation. Please find the Site Profile Form and Schedule 2 on the Government of BC website at www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/site-profiles or on the RDN's website. Please contact the RDN Planning Department if any of the activities listed in Schedule 2 apply to the subject property.

I (we) declare that (***please check the one that applies***):

- I (we) have read the *Contaminated Sites Regulation* Schedule 2 document, and determined that the subject property has been used for purposes listed in Schedule 2, and filled out the Site Profile Form; or
- I (we) have read the *Contaminated Sites Regulation* Schedule 2 document and am (are) not required to submit a Site Profile Form as to my (our) knowledge, the subject property has not been used for any of the activities listed in Schedule 2; or
- I (we) have read the *Contaminated Sites Regulation* Schedule 2 document and am (are) exempted from being required to submit a Site Profile Form under Section 4 of the *Contaminated Sites Regulation*. I (we) have provided the following information in support of this exemption:

(List information here. Use additional pages if required): _____

DECLARATION SIGNATURE

All registered owners shown on the certificate of title must sign the declaration. Please provide an additional page with owners' names and signatures if required.

I (we) declare that I (we) have read and filled out the above form.

Owner/Agent 1 _____ Signature _____

Owner 2 _____ Signature _____

Owner 3 _____ Signature _____

Applicant Mailing Address: _____

Email: _____ Phone: _____

Date: _____

Witnessed By Name: _____ Witnessed By Signature: _____

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1776, 2018

A BYLAW TO ESTABLISH DEVELOPMENT APPLICATION AND
NOTIFICATION PROCEDURES

WHEREAS Section 460 of the *Local Government Act* provides that where a local government has adopted an official community plan or a zoning bylaw, the local government must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issuance of a permit under Part 14 of the *Local Government Act*;

NOW THEREFORE, The Board of the Regional District of Nanaimo, in open meeting assembled, enacts the following:

1. Citation

This Bylaw may be cited as "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018."

2. Schedules

The following schedules attached to this bylaw form an integral part of this bylaw and are enforceable in the same manner as this bylaw:

2.1. Schedule A – Development Application Notice Specifications

3. Application and Repeal

3.1 This bylaw applies to the types of matters referred to in section 5.1 of this bylaw within Electoral Areas A, C, E, F, G, and H of the Regional District.

3.2 "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005" is hereby repealed.

4. Definitions

4.1. For the purpose of this bylaw, the following definitions apply:

"Applicant" means a person applying for a Bylaw Amendment, a permit under Part 14 of the *Local Government Act*, a phased development agreement bylaw or another matter or decision of the Regional District to which this bylaw applies;

"Building setback" means a setback for the construction of a building or other structure established under a land use bylaw or under a bylaw establishing a floodplain;

"Building elevation" means an elevation for a structural support system established under a bylaw establishing a floodplain;

"Bylaw amendment" means an amendment to one or both of a zoning bylaw or an official community plan bylaw;

"Parcel" or "Subject Parcel" means one or more lots, or parts of lots, that are the subject of an application for a Bylaw amendment, permit, approval or other decision of the Regional Board;

"Property Declaration Form" means a form setting out the owner's confirmation regarding the subject parcel;

"Regional Board" means the Board of the Regional District;

"Regional District" means the Regional District of Nanaimo.

4.2 A reference in this bylaw to any bylaw, policy or form of the Regional District is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

5. Application Requirements

5.1 This bylaw applies to applications for:

- (a) a bylaw amendment;
- (b) issuance or amendment of a permit under Part 14 of the *Local Government Act*; and
- (c) adoption of a bylaw to authorize a phased development agreement.

5.2 An owner of land may authorize an agent in writing to act on behalf of the owner and must notify the Regional District in writing if the owner changes.

5.3 An applicant requesting a bylaw amendment, permit or approval referred to in Section 5.1 must submit information required by the Regional District which includes at a minimum the following:

- (a) a completed application form provided by the Regional District;
- (b) a copy of state of title certificate(s) dated within 30 days of the date of application;
- (c) a corporate registry search if the owner is a corporation, current to within 30 days;
- (d) a copy of all covenants, easements, and rights of way and any other encumbrance affecting the use of land registered against the title;
- (e) confirmation that the land is not land to which the *Private Managed Forest Land Act* (British Columbia) applies;
- (f) a copy of approval or permission for the proposed use or development under any applicable provincial enactment;
- (g) two (2) copies of a detailed site plan prepared by a BC Land Surveyor drawn to a maximum scale of 1:500 showing all information applicable to the parcel including:
 - (i) boundaries and dimensions of the parcel(s);
 - (ii) proposed subdivision of parcel(s);
 - (iii) location of existing and proposed roads;
 - (iv) location and type of existing and proposed easements, rights of way and covenants;
 - (v) location of watercourses, environmentally sensitive areas, eagle and heron nests, natural hazard areas, and their associated setbacks;
 - (vi) size and location of an existing and proposed building, or structure and their use or proposed use;
 - (vii) applicable building setbacks;

- (viii) applicable development permit areas;
- (ix) location of existing and proposed vehicular, cycling, and pedestrian internal routes and access points;
- (x) location of existing and proposed off-street parking and loading spaces, garbage and recycling provisions;
- (xi) location and type of existing and proposed landscaping;
- (xii) existing and proposed on-site water or wastewater services; and
- (xiii) location and type of existing and proposed signage;
- (h) a detailed plan of building elevations drawn to a scale not larger than 1:100;
- (i) electronic copies of all plans;
- (j) site profile pursuant to the *Environmental Management Act*, if applicable;
- (k) Property Declaration Form pertaining to presence or absence of riparian areas, and eagle and heron nesting trees, and contaminated sites on the subject property;
- (l) professional reports to be provided under “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999”, or otherwise requested by the Regional District or an accepted Impact Report Proposal;
- (m) written authorization from an owner for an agent to act on behalf of the owner under Section 5.2 of this bylaw; and
- (n) the applicable application fee set out in “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002”.

6 Public Notification

6.2 In accordance with the *Local Government Act*, where notice is required to be given by the Regional District to owners and tenants in occupation of the subject parcel and other parcels, the parcels within the distances from the lot lines of the subject parcel as set out in Column III of the following table will be included in the notification:

I Electoral Area(s)	II Application Type	III Distance measured from the lot lines of the subject parcel
F	Bylaw amendment	500 metres
A, C, E, G and H	Bylaw amendment that would allow for less than 20 additional residential units on the subject parcel; or affects a subject parcel having an area less than 4000 m ² zoned or to be zoned for the purpose of commercial or industrial development	200 metres
	Bylaw amendment that would allow for 20 or more additional residential units; or affects a parcel area equal to or greater than 4000 m ² for the purpose of commercial or industrial	500 metres

	development	
All	Phased Development Agreement or amendment other than a minor amendment	500 metres
All	Development Variance Permit	50 metres
All	Temporary Use Permit	200 metres

7 Development Notice Signage

- 7.1 For a Bylaw amendment application, the applicant shall, at their cost, post signage a minimum of 10 days prior to a scheduled public information meeting in respect of the application or where there is no public information meeting, a minimum of 10 days prior to the Electoral Area Services Committee meeting at which the application will be first considered.
- 7.2 The signage shall be made of weather resistant material and shall be in accordance with the specifications outlined in Schedule A attached to and forming part of this bylaw.
- 7.3 A minimum of one sign per parcel being considered as part of the amendment application in a location that provides an unobstructed view from the nearest constructed highway.
- 7.4 Notwithstanding subsection 7.3 above, in the case of a parcel having more than one highway abutting the parcel, a minimum of one sign for each highway frontage in locations that provide unobstructed views from the said highways.
- 7.5 Notwithstanding subsections 7.3 and 7.4 above, where a parcel abuts intersecting highways, provided the sign is posted at the corner of the intersecting highways in such a manner as to provide an unobstructed view from the both highways, the posting of one sign will be considered sufficient.
- 7.6 The applicant must submit photographs to the Regional District showing all installed signs within 48 hours of the signs being posted.
- 7.7 The sign or signs must be promptly removed at the expense of the applicant after the completion of the public hearing.

8 Public Information Meetings

A public information meeting may be held for any application described in this bylaw as determined by the Regional District. A notice of the meeting shall be placed in a minimum of one (1) edition of a local newspaper at least 3 and not more than 10 days prior to the meeting, and shall be mailed at least 10 days prior to the meeting to the owners and tenants of the subject parcel and owners and tenants of nearby parcels as indicated in Section 6.

9 Effective Date

This bylaw shall come into effect upon adoption.

Introduced and read three times this ____ day of _____, 20XX.

Adopted this ____ day of _____, 20XX.

CHAIR

CORPORATE OFFICER

Schedule A to accompany "Regional District of Nanaimo
Development Application and Notification Procedures Bylaw No.
1776, 2018".

Chair

Corporate Officer

Schedule A

Development Application Notice Specifications (page 1 of 2)

DEVELOPMENT APPLICATION SIGN

Line

1 **DEVELOPMENT APPLICATION**

2 AN APPLICATION HAS BEEN SUBMITTED TO THE REGIONAL DISTRICT OF NANAIMO
3 TO (REZONE/REDESIGNATE) THIS PROPERTY FROM _____ TO _____

4
5
6 Location Map
7 Civic Address/Legal Description
8

FOR FURTHER INFORMATION CONTACT:

APPLICANT:
NAME:
ADDRESS:
PHONE:

9 **A PUBLIC HEARING¹ WILL BE HELD**

10 DATE:

11 TIME:

12 LOCATION:

13 ADDRESS:

14

REGIONAL DISTRICT OF NANAIMO

STRATEGIC AND COMMUNITY DEVELOPMENT

6300 HAMMOND BAY ROAD

NANAIMO, BC V9T 6N2

PHONE: 390-6510 or 1-877-607-4111

planning@rdn.bc.ca

1 Where a public information meeting is to be held, the sign will indicate the date, time and place of that meeting. Where a public hearing is to be held after the public information meeting, the applicant will change the sign to indicate the date, time and place of the hearing.

Schedule A

Development Application Sign Specifications (page 2 of 2)

DEVELOPMENT APPLICATION SIGN DETAIL

Lettering:

White Background / Royal Blue Lettering
Royal Blue Border around Sign

Royal blue colour codes for printer as follows: PANTONE® #301C

CMYK - 100/40/0/40

RGB - 0/82/147

HEX - 005293

Printing on Uncoated

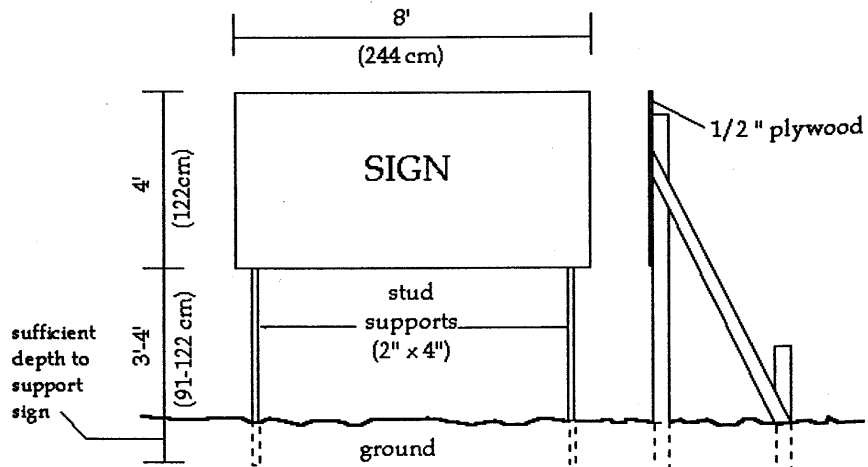
PANTONE® #2945U

CMYK - 100/40/0/50

Lettering in BLOCK CALIBRI CAPITALS with the following minimum height sizes for each Notice:

Line 1	12.4 cm (5")
Line 2	7.5 cm (3")
Line 3	7.5 cm (3")
Line 4	7.5 cm (3")
Line 5	4.0 cm (1.5")
Line 6	4.0 cm (1.5")
Line 7	4.0 cm (1.5")
Line 8	4.0 cm (1.5")
Line 9	4.0 cm (1.5")
Line 10	4.0 cm (1.5")
Line 11	4.0 cm (1.5")
Line 12	4.0 cm (1.5")
Line 13	4.0 cm (1.5")

Notice Installation:



TO: Electoral Area Services Committee **MEETING:** September 4, 2018
FROM: Melissa Tomlinson
Special Projects Coordinator,
Emergency Services **FILE:** 7130-03-01
SUBJECT: Emergency Plan Update

RECOMMENDATION

That the Emergency Plan Update report be received for information.

SUMMARY

The current Regional District of Nanaimo Emergency Plan was developed in 2013 and needs to be updated since the industry standard is to review and update an emergency plan every 3 to 4 years. Based on feedback, the current Emergency Plan is cumbersome and not suitable for distribution to the public as it contains information protected by the *BC Freedom of Information and Protection of Privacy Act*. The RDN Emergency Services Department has been working with our local partner emergency programs through the Mid Island Emergency Coordinators and Managers group to develop a standard and more concise Emergency Plan and Operational Guidelines.

BACKGROUND

In 1995, the RDN, under the powers granted by the *Local Government Act*, the *Emergency Program Act*, Stats B.C. c.41, 1993, Index Chap. 105.1, created the Regional District of Nanaimo Emergency Program Bylaw Nos. 952 and 953, and 1416 (update version, 2005). These bylaws give direction to the Emergency Program and allow for the preparation of the Emergency Plan under the Province of BC Emergency Management System guidelines.

Local authorities are legislated by the provincial government, through the *Emergency Program Act, 2018*, to create local emergency plans to prepare for the response to and recover from emergencies and disasters. The RDN's current emergency plan was updated most recently in 2013, thus necessitating an update as it is now outside of the industry standard window of 4 years. Currently, RDN Emergency Services is working collaboratively with the Emergency Coordinators and Managers (MIECM) to review the previous plan structure in order to streamline it and standardize within the Mid-Island region. The updated emergency plan will be easily accessible to the public while remaining within the constraints of privacy protection. As well, together with the MIECM, the RDN Emergency Services will review sections of the Emergency Plan every two years to ensure it is kept current.

Once the standardized Emergency Plan is complete, RDN Emergency Services will input the relevant information to customize the plan for the RDN, such as community capacity and limitations, local bylaws and agreements. The plan can then be revised and updated as required. For example, when the Hazard, Risk and Vulnerability Assessment project is finished (estimated September 2019), information from this project will be added to the Emergency Plan as well as into the corresponding contingency plans.

This updated, standardized Emergency Plan is in the final draft stages and is anticipated to be completed and available for customization by the Fall 2018 and will be implemented by the RDN early 2019. The updated Emergency Plan not only summarizes response activities, which are expanded upon within the Operational Guidelines, but also addresses planning, recovery and mitigation activities. This method addresses all four pillars of Emergency Management, using the BC Emergency Management System approach. This will result in a more comprehensive plan than previously, which focused solely on the emergency response phase.

ALTERNATIVES

1. That the Emergency Plan Update report be received for information.
2. That alternative direction be provided.

FINANCIAL IMPLICATIONS

There are no financial implications associated in the review and revision of the Emergency Plan; this report is provided for information purposes only.

STRATEGIC PLAN IMPLICATIONS

Updating the RDN Emergency Plan is a priority project, arising from the 2016 Gap Analysis of Emergency Planning. This supports the strategic priority of “Focus on Service and Organizational Excellence” by recognizing emergency services as core elements of community safety, and through continued support of emergency preparedness within the Regional District of Nanaimo.



Melissa Tomlinson
mtomlinson@rdn.bc.ca
August 12, 2018

Reviewed by:

- D. Pearce, Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

TO: Electoral Area Services Committee **MEETING:** September 4, 2018
FROM: Doug Gardiner
Fire & Rescue Services Coordinator **FILE:** 7380-01
SUBJECT: Fire Services Projects Update

RECOMMENDATION

That the Fire Services Projects Updates be received for information.

SUMMARY

A Fire Services Review was completed by Dave Mitchell and Associates in April 2016. Several recommendations were made in this review, which are in the process of being completed. The project to create a standardized set of Operational Guidelines for the six Regional District of Nanaimo Fire Halls began in early 2018 and is expected to be complete by the end of September 2018. The project to create a standard design for use in all new fire hall builds began in June 2018. This project is using the construction of the Dashwood Fire Hall as a template to create a Fire Hall design for use in the construction of future fire halls. The project to create a standard for fire apparatus is also in process, with the Apparatus Specification Committee agreeing on several standards and a long term plan for fire apparatus replacement and repurpose.

BACKGROUND

Fire Operational Guidelines:

In April 2016, a Fire Services Review was conducted for the Regional District of Nanaimo (RDN). One of the recommendations from the review was that each Fire Department has a complete set of Operational Guidelines (OGs), and that the RDN, in cooperation with the fire departments, develop a uniform set of region-wide OGs for use by each department to reduce the workload involved and ensure consistency.

A Request for Proposal was issued in early 2018, and the contract was awarded to Tim Pley and Associates on April 16, 2018. The consultant met with the fire departments on May 24, 2018 to give a general overview of the project and have input from the fire departments on what they would like to see in the finished product. First, current OGs from fire departments were compiled, there were over 340 OGs. Tim Pley and Associates expects the completed project to have between 100-150 common OGs.

To date, there are one hundred (100) drafted OGs. Sixty-four (64) of these completed OGs were reviewed at a meeting on July 11, 2018 between the Fire Chiefs and contractor Tim Pley & Associates. At this meeting, the feedback from the Fire Chiefs has been positive and they are

pleased with the progress and product. These 64 completed OGs were electronically sent to the Fire Chiefs and are awaiting further comment.

The project was slated for completion at the end of August 2018. However, due to the wildfire season and scheduling, the review with the Fire Chiefs is scheduled for early September. The project is now due to be completed by the end of September. This extension will ensure the Fire Chiefs all have a chance for input, and the finished product will be satisfactory for all departments involved.

Standardization of Fire Halls:

The RDN issued a Request for Proposal to hire a consultant to provide a conceptual fire hall design for the Dashwood Fire Hall, with the purpose to design a functional and cost-efficient fire hall built to post-disaster requirements. A report was brought to the Electoral Area Services Committee (EASC) on June 12, 2018 where this project was endorsed. The Fire Hall Standardization Project was awarded to Zeidler Architecture (with sub-consultant Praxis).

In early July, the RDN Project Lead along with Zeidler Architecture had created a design suitable for the project. On July 11, 2018 the RDN Project Lead and Fire Service Coordinator met with members from the Dashwood Society Board and the Dashwood Fire Chief. The attendees suggested some minor changes which were made and were pleased with the overall product. On July 18, the design was shared with Errington, Coombs-Hilliers and Bow Horn Bay Fire Chiefs.

Moving forward, the project is expected to have complete conceptual drawings and 3D modeling to present to the Dashwood Society Board at their October 2018 meeting. By April-May 2019, the drawings will be ready for Informational Open Houses to the Dashwood public.

Standardization of Apparatus Equipment:

One of the recommendations of the Fire Service Review by Dave Mitchell and Associates in April 2016 was to create common fire apparatus specification templates for use in future purchases. An Apparatus Specification Committee was formed with representation from regional fire departments and the RDN Fire Service Coordinator. A meeting was held on January 18, 2018 with the intention to come up with a consensus on the cost-saving components for engines and tenders.

The committee realized that each department has their own challenges and needs to serve their individual communities, so one apparatus to fit all would not work. Although individual compartments can be determined based on the individual fire department's needs, it was agreed that the pump panel will be placed on the left side of the apparatus.

The committee had several recommendations the first being that engines use a custom "Spartan" cab and chassis. Other recommendations for engines are: to have the maximum horse power available at the time; as well as largest running gear and brakes available at the time. There are several reasons the committee made these recommendations. Choosing a custom cab and chassis is much safer in accidents with roll-over safety specifications. As well, the custom cabs also have more room inside for fire fighters, gear, Self-Contained Breathing Apparatus (SCBA) and are specifically designed and customizable for the industry. Custom chassis have a much better turning radius compared to the commercial chassis. There is a local warranty centre for Spartan in Ladysmith BC, so warranty service on the engines is convenient. Using a custom cab and chassis has a higher initial cost than a commercial cab and chassis,

however it has the option to repurpose in twenty to twenty-five years into crew carrying tenders for an additional ten to fifteen years. The next step will be to complete a full cost analysis as well as detailed report on what apparatus other similar fire departments use. This report will be completed in early 2019.

Overall the committee has agreed upon the same apparatus specifications for purchasing new equipment. Individual community needs have been considered and form part of the recommendations. Standardizing the fire department apparatus is a long term plan, as some departments have recently purchased equipment and will not need replacements for twenty to twenty-five years.

ALTERNATIVES

1. That the Fire Services Project Updates be received for information.
2. That alternative direction be provided.

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

STRATEGIC PLAN IMPLICATIONS

Progress made to date on implementing the 2016 Fire Services Review recommendations supports the strategic priority of "Focus on Service and Organizational Excellence" by recognizing emergency services as a core element of community safety, and through providing support and improvement to operations and administration of the fire services within the RDN.



Doug Gardiner
DGardiner@rdn.bc.ca
August 13, 2018

Reviewed by:

- E. Beauchamp, A/Manager, Emergency Services
- D. Pearce, Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

TO: Electoral Area Services Committee **MEETING:** September 4, 2018
FROM: Tom Armet **FILE:**
 Manager, Building & Bylaw Services
SUBJECT: Building Permit Activity – Second Quarter 2018

RECOMMENDATION

That the report Building Permit Activity – Second Quarter 2018 be received for information.

SUMMARY

This report contains summary information on building permit activity to the end of the second quarter of 2018 (January to June) in the Regional District of Nanaimo's (RDN's) seven Electoral Areas as well as the District of Lantzville, where the RDN provides building permit and inspection services under contract. Overall, the RDN has experienced continued growth in residential construction activity during the past three years at levels higher than the provincial average. This trend continued in the first half of 2018 with a similar number of permit applications received as in the same period in 2017.

An update on initiatives that the Department is continuing to implement to improve the efficiency of building permit processing is also provided in this report.

BACKGROUND

The level of building activity within the Regional District of Nanaimo is reflective of the continued strong economy in the region. New construction in the RDN Electoral Areas tends to be predominantly residential, with a relatively small number of non-residential (commercial, industrial) building permits issued.

Building permit data is collected and disseminated monthly to various federal and provincial agencies such as Statistics Canada and BC Assessment where the data is used for tracking, property valuation and forecasting of development trends. RDN staff also post monthly permit activity reports on the RDN website and provide copies to the Area Directors.

This report provides a brief summary of both residential and non-residential building permit activity in the Electoral Areas and the District of Lantzville to the end of the second quarter of 2018. Corresponding data for the years 2017 and 2016 is shown for comparison.

Building Permit Applications

The RDN received 438 building permit applications in the first half of 2018, consistent with the number of permit applications received in the same period in 2017, and 42% higher than the same period in 2016. The overall construction value of the permits issued in the first half of 2018 was \$80 million, a 22% increase over 2017 and a 90% increase in construction value over the same period in 2016.

Non-Residential Building Permits

Non-residential (commercial/industrial) building permits represent a relatively small number of the overall permits issued. However, the value of these permits can be high, depending on the scope of the commercial or industrial projects. In the first half of 2018, the RDN issued 11 non-residential permits valued at \$2.7 million, 25 permits valued at \$7.4 million in 2017, and 14 non-residential permits valued at \$3.5 million in 2016.

Building Permits by Electoral Area

As noted above, the RDN continues to experience increased building activity levels in the Electoral Areas. The following table provides a breakdown of building permits by Electoral Area and Lantzville in the first six months of 2016 to 2018:

Electoral Area	Building Permits – January to June 2018		
	2016	2017	2018
A	61	84	74
B	44	62	65
C	32	31	32
E	49	88	69
F	42	69	63
G	50	61	69
H	54	35	43
Lantzville	26	17	23
Total Q01/Q02 Permits	309	447	438
Total Construction Value of Permits Issued (\$m)	\$42	\$65.5	\$80

Building Permit Approvals and Inspection Scheduling

Building Permit approval times can vary depending on the project complexity and increased volumes of applications during the busiest periods for construction activity. During the first quarter of 2018, the turn-around time for permit approvals was 3 to 4 weeks. However, it increased to an average of 5 weeks at the end of the second quarter, due to higher volumes of applications. Permit approvals and inspection scheduling times in the RDN remain consistent with or lower than other regional districts and municipalities on Vancouver Island.

Service Enhancements

Permit processing times and the delivery of inspection services has an impact on our customers' ability to deliver product to their clients. In response to this, we have incorporated a continuous improvement model to review our processes and incorporate new technologies. Staffing levels are adjusted within the plan review and inspection functions to ensure that permit approvals and inspection scheduling benchmarks are maintained during periods of increased application and inspection volumes.

As previously reported, work is continuing on the initiative to implement a public portal in late 2018 for online building permit applications and inspection scheduling. The public portal will be fully integrated with the RDN's internal processes and is designed to give the public the option to "self-serve" their building permit application and inspection requests from their home, office or mobile device. Use of the portal will eliminate the need for clients to travel to the RDN office or schedule their inspections by telephone, which in turn will enhance the overall efficiency of the permit/inspection process for the public and staff alike.

ALTERNATIVES

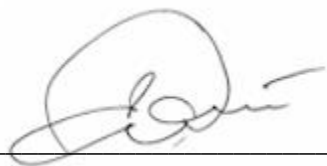
1. Receive the report on Building Permit Activity - Second Quarter 2018 for information.
2. Provide alternate direction to staff.

FINANCIAL IMPLICATIONS

There are no financial implications in receiving this report.

STRATEGIC PLAN IMPLICATIONS

Reporting on building permit activity enhances regional governance by providing Area Directors with information on development activity and trends within each Electoral Area and the region overall.



Tom Armet
tarmet@rdn.bc.ca
August 20, 2018

Reviewed by:

- P. Thompson, Acting General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer