

Attachment 3

# PROPOSED CHANGES DESCRIBED BY OFFICIAL COMMUNITY PLAN AREA

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# DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

## CHANGES PROPOSED – ELECTORAL AREA A OCP

### INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the nine DPAs in the Electoral Area A Official Community Plan (OCP) are proposed for combination in their entirety with DPAs in other OCPs, and only the groundwater protection guidelines from four other DPAs will be included in a new Aquifers DPA. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the existing DPAs proposed to be combined.

For temporary use permits (TUP), little change is proposed for Electoral Area A in the standardization for all areas. The last section of this document outlines the specific changes for TUPs.

### SUMMARY OF CHANGES FOR ELECTORAL AREA A OCP AREA

Electoral Area A OCP DPAs	Proposed Changes
<b>1. Environmentally Sensitive Features</b> <ul style="list-style-type: none"> <li>• <b>Known locations of rare and endangered species</b></li> <li>• <b>Sensitive Ecosystem Inventory (SEI) features: ‘coastal bluff’, ‘terrestrial herbaceous’, ‘riparian vegetation’, ‘wetland’ and ‘older forest’</b></li> <li>• <b>Coastal areas</b></li> <li>• <b>Eagle and heron nesting trees</b></li> </ul>	Draft Sensitive Ecosystems DPA for rare and endangered species and all SEI features except for ‘riparian vegetation’ and ‘wetland’  Draft Marine Coast DPA  Draft Eagle and Heron Nesting Trees DPA  ‘Riparian vegetation’ and ‘wetland’ features move to Draft Freshwater and Fish Habitat DPA
<b>2. Watercourse and Fish Habitat Protection</b>	Draft Freshwater and Fish Habitat DPA
<b>3. Nanaimo River Floodplain</b>	Draft Hazard Lands DPA
<b>4. Farm Land Protection</b>	Draft Farmland Protection DPA
<b>5. South Wellington Industrial – Commercial</b>	Draft Aquifers DPA for content related to aquifers
<b>6. Cedar Main Street</b>	Draft Aquifers DPA for content related to aquifers
<b>7. Cassidy</b>	Draft Aquifers DPA for content related to aquifers
<b>8. Cedar</b>	Draft Aquifers DPA for content related to aquifers
<b>9. Yellow Point Aquifer Protection</b>	No change

## ENVIRONMENTALLY SENSITIVE FEATURES DPA

The current Environmentally Sensitive Features DPA in the Electoral Area A OCP applies to coastal areas, eagle and heron nesting trees, rare and endangered species, and the Sensitive Ecosystem Inventory (SEI) features of ‘coastal bluff’, ‘terrestrial herbaceous’, ‘older forest’, ‘riparian vegetation’ and ‘wetland’. As shown in the table below, the proposal is to separate this DPA into four different DPAs as part of the standardization project.

Electoral Area A OCP “Environmentally Sensitive Features DPA”	Draft DPA Where the Feature is Addressed
Known locations of rare and endangered species and SEI ‘coastal bluff’, ‘terrestrial herbaceous’, and ‘older forest’	Sensitive Ecosystems DPA
Eagle and heron nesting trees	Eagle and Heron Nesting Trees DPA
Coastal areas	Marine Coast DPA
SEI riparian vegetation and wetland	Freshwater and Fish Habitat DPA

### ***DRAFT SENSITIVE ECOSYSTEMS DPA***

The draft Sensitive Ecosystems DPA combines the guidelines related to the SEI features in DPAs from three other OCP areas, and includes known locations of rare and endangered species identified in the Electoral Area A OCP.

### **EXEMPTIONS**

All of the existing exemptions in the Sensitive Ecosystem Protection DPA for Electoral Area A that apply to the SEI features and rare and endangered species are carried forward to the draft Sensitive Ecosystems DPA with some adjustments, and addition of some new exemptions.

#### **SENSITIVE ECOSYSTEMS DPA EXEMPTIONS**

<b>Current Electoral Area A OCP Exemption</b>	<b>Draft DPA Exemption</b>
1. Development outside the DPA	This is covered in the “Designation” section of the DPA. A variation of this exemption in new Exemption 1.
2. Farm operations	Exemption 13 – reworded to reflect current best practices
3. Internal renovations and maintenance	Not included, not necessary
4. Minor additions, renovations and repairs	Exemption 2 and 3
5. Additions within the existing footprint	Exemption 4 – reworded to clarify this applies to a second story addition
6. Emergency procedures	Exemption 14
7. Construction of a single trail	Exemption 5 – but without the requirement that ‘sensitive habitat will not be impacted by the presence of the trail’. As this is an exemption, the concept is that if the trail is narrow and there is only one trail through the DPA on that property, the

	impact will be of such a minor nature that a development permit need not be required.
8. There is no exemption #8 (number skipped)	
9. Restoration or enhancement works	Exemption 15
10. Planting of trees, shrubs or groundcover	Exemption 6
11. Removal of invasive plants or noxious weeds	Exemption 8
12. Works conducted and/or approved by RDN, DFO or MoE	Exemption 15 and 16
13. Maintenance in previously disturbed areas	Exemption 7 – updated wording for clarity
14. Cutting vegetation and trees	Not included. Not necessary and may lead to confusion
15. Subdivision where criteria are met	Exemption 11 with addition of requirement for covenant

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.
- Exemption 12 - subdivision involving only lot line consolidation.
- Exemption 17 - forest management activities.

## GUIDELINES

The table below lists the guidelines in the current Electoral Area A OCP DPA that apply to the SEI and rare and endangered species, where they are found in the draft DPA, and a description of the rationale for the change.

### SENSITIVE ECOSYSTEMS DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guideline
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required	Not carried over at this time – further study required to determine best way to address situation where boundaries of SEI mapped shapes may not be exact
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity
3. Biologist recommendations may be conditions of permit	Not carried over – not required as this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 5 – updated for consistency, and language changed to ‘may’ require to allow flexibility
5. Regarding rainwater management	Guideline 10
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause	Guideline 1 – updated for consistency

the least impact	
8. May require revegetation plan	Guidelines 2 and 5 taken together cover the intent of option to require revegetation plan
9. Timing of construction to have least impact	Guideline 4 – within this guideline combined with other mitigation measures
10. Permanent or temporary fencing	Guideline 7 – within this guideline
11. Geotechnical report may be required for slopes of 30% or greater	Guideline 9
12. Comply with the environmental protection policies in Section 4.0 of this Plan	Guidelines 3 – 4 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
13. Compliance with Develop with Care	Guideline 6
14. May require covenant	Guideline 7
15. Use of rain gardens etc encouraged	Guideline 11
16. Consider natural features, ecological processes, etc	Guidelines 3 - 4
17. Best practice fire mitigation techniques	Not included. Unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques. Best adopted in a DPA for fire hazard.

To adopt best practices for achieving the objectives of the DPA, one additional guideline is included in the draft DPA that is not in the current Electoral Area A DPA.

- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.

#### ***DRAFT EAGLE AND HERON NESTING TREES DPA***

Eagle and heron nesting trees are currently designated within the Environmentally Sensitive Features DPA for Electoral Area A and apply to a radius of 60 metres around eagle nesting trees and 100 metres around great blue heron nesting trees.

All DPAs except for those in the recently adopted Electoral Area H OCP only apply to nesting trees that are mapped. This mapping can be many years out of date and does not account for newly established nests or those that were missed during the mapping exercise. It also does not account for trees or nests that have fallen and are no longer there. The proposed new DPA will apply to all nesting trees whether or not they are mapped.

Based on research into best practices and advice from Ministry of Environment biologists, the draft DPA reduces the radius around great blue heron nesting trees to 60 metres on lots of 1.0 hectares or smaller. As well, the current DPAs are not clear where the buffer is to be measured from, and the proposed changes will clarify that it is from the dripline of the tree or group of trees, as indicated in Ministry of Environment best practices.

## EXEMPTIONS AND GUIDELINES

For Electoral Area A, there are currently no exemptions or guidelines that specifically address nesting trees. In addition to general exemptions and guidelines that are consistent among all current DPAs that include eagle and heron nesting trees, the draft DPA includes the following:

- Exemption 3 - if a nest has been abandoned as confirmed by biologist and a record of five years of no use.
- Exemption 4 - for vegetation management, onsite sewage disposal installation and well drilling outside of nesting season.
- Guideline 2 - requiring biologist assessment outlining required content specific to nesting trees.

### **DRAFT MARINE COAST DPA**

Coastal areas 15 metres upland and 15 metres seaward of the natural boundary are currently designated within the Environmentally Sensitive Features DPA for Electoral Area A. Coastal areas are designated as a DPA in three different electoral areas and the draft Marine Coast DPA combines these three.

## EXEMPTIONS AND GUIDELINES

Exemptions for the Marine Coast DPA are the same as those within the draft Sensitive Ecosystems DPA listed earlier in this document. A comparison of guidelines is shown in the table below.

### **MARINE COAST DPA GUIDELINES**

<b>Current Electoral Area A OCP Guidelines</b>	<b>Draft DPA Guideline</b>
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required	Not applicable to Marine Coast DPA
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity.
3. Biologist recommendations may be conditions of permit	Not carried over – not required this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 13 – updated for consistency, and language changed to ‘may’ require to allow flexibility
5. Regarding rainwater management	Guideline 11 addresses onsite drainage in relation to the need for shore protection
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause the least impact	Guideline 1 – updated for consistency
8. May require revegetation plan	Guidelines 13 and 18
9. Timing of construction to have least impact	Not specifically mentioned but where machinery is required on the foreshore for installation or repair of shore protection works, Federal approvals require timing outside of fisheries windows

10. Permanent or temporary fencing	Guideline 3.d)
11. Geotechnical report may be required for slopes of 30% or greater	Not applicable
12. Comply with the environmental protection policies in Section 4.0 of this Plan	Guideline 3 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
13. Compliance with Develop with Care	Not included. Guidelines specifically pull out relevant best practices from this document for clarity
14. May require covenant	Guideline 7
15. Use of rain gardens etc encouraged	Not applicable
16. Consider natural features, ecological processes, etc	Guideline 6.b) as applicable to coastal areas
17. Best practice fire mitigation techniques	Not included. Unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques. Best adopted in a DPA for fire hazard
18. Sediment and erosion control plan may be required	Guideline 21
19. Engineer assessment required for shoreline stabilization device	Guidelines 5 and 6
20. Retaining walls or other 'hard' surfaces only supported where 'softer' approaches are not appropriate for site conditions	Guideline 11
21. Shoreline stabilization measures that obstruct pedestrian access are not supported	Guideline 9
22. Retaining wall should be located upland of the natural boundary and where feasible meet zoning setbacks. Retaining walls to reclaim land lost to erosion is not supported	Guidelines 5, 11 and 21

Additional guidelines for the Electoral Area A DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA. Many of these additional guidelines relate to best practices for shore protection works or address potential future development such as boat ramps, marinas and ocean loop geothermal.

- Guideline 4 – new, or additions to, buildings should be located and designed to avoid the need for shore protection works throughout the life of the building.
- Guideline 5 – shore protection works shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw.
- Guideline 7 – geotechnical report may require registration as a covenant.
- Guideline 8 – where protection from erosion is proposed every effort will be made to design in accordance with Green Shores.
- Guideline 10 – restrictions on heavy equipment on the beach.
- Guideline 11 – additional detail for other options that must be considered before hard structural protection will be considered.

- Guideline 12 – for ocean loop geothermal.
- Guideline 15 – subdivision shall be designed so that new lots will not require shore protection for usable building sites considering sea level rise to the year 2100.
- Guideline 16 – development on bluffs must be sufficiently set back based on geotechnical analysis.
- Guideline 17 – new driveways, parking lots, and wastewater disposal should not be located in the DPA.
- Guideline 19 – replanting should use salt and wind tolerant plants.
- Guideline 20 – replanting should be maintained by the property owners for minimum of two years.
- Guideline 22 – fill below the natural boundary may be supported when assisting with shore stability and permission has been granted by the Province.
- Guidelines 23-26 – to address commercial and industrial development.
- Guideline 27 – to address boat launch ramps.

## WATERCOURSE AND FISH HABITAT PROTECTION DPA

The Electoral Area A OCP Watercourse and Fish Habitat Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all OCP areas in RDN electoral areas.

### AREA OF APPLICATION

The Electoral Area A Watercourse and Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and to mapped streams not subject to the RAR. Also, the mapped ‘wetland’ and ‘riparian vegetation’ designations from the Electoral Area A OCP Sensitive Ecosystem Protection DPA are moved into the draft Freshwater and Fish Habitat DPA to create a single DPA for freshwater features.

### EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve clarity. The following exemptions are not carried forward from the Electoral Area A OCP:

- Exemptions 1 and 2 regarding development 30 metres or 15 metres from the top of bank or natural boundary depending on the stream. The purpose of this exemption is to effectively reduce the DPA around a watercourse based on a history of RAR reports showing that the streamside protection and enhancement area is consistently less than the riparian assessment area for streams in this areas. This will be moved to the designation section of this DPA for Electoral Area A only instead of including it in an exemption. This cannot be extended to other electoral areas without a study of the history of RAR assessments. A recent study of the history of RAR assessment for Electoral Area H did not find enough data to reduce the DPA to a distance lesser than the RAR.



- Exemption 5 - cutting of vegetation and trees. Not necessary and may lead to confusion.

The following exemptions are added that apply to all watercourses:

- Exemption 2 – second storey addition.
- Exemption 4 – emergency procedures.
- Exemption 5 – hazardous tree removal.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. For example, there are new exemptions for:

- Exemption 13 - lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings and structures.
- Exemption 16 – construction of a small accessory building in a previously landscaped area.

## GUIDELINES

The table below lists the guidelines in the current Electoral Area A Watercourse Protection DPA, where they are found in the draft Freshwater and Fish Habitat Protection DPA and description of the rationale for the change, if any.

### WATERCOURSE PROTECTION DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guidelines
A.1. Development should be designed to replicate the function of a naturally vegetated watershed	Guidelines 9 and 10 – wording different to achieve same objective
A.2. Variances may be considered	Guideline 2
A.3. Construction at time of year to minimize impact on rare and sensitive species	Guideline 4
A.4. Comply with environmental protection policies in Section 4.0 of this Plan	Guidelines 3 – 4 and throughout - instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
A.5. Geotechnical report may be required for slopes of 30% or greater	Guideline 11
A.6. All development proposals subject to Fish Protection Act and RAR	Not carried forward as not accurate for streams - not applicable to the RAR and not needed in a guideline
A.7. Rainwater should be managed on site	Guideline 9
A.8. Rain gardens and vegetated swales encouraged	Guideline 9 – different wording but same intent
A.9. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
B.1. Requirement for a QEP report when stream subject to the RAR	Guideline 13
B.2. Development permit not issued without	Guideline 13

notification from MoE that Assessment Report submitted	
B.3. Regarding 'Harmful Alteration, Disruption, or Destruction' of fish habitat	Guideline 12 – updated as legislation has changed
B.4. Regarding comments to DFO	Not applicable, change to legislation
B.5. Explanatory plan of SPEA and covenant may be required	Guideline 14
B.6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
B.7. Encouragement of other ways to protect SPEA	Guideline 14
B.8. Option to require fencing or signage	Guideline 16
B.9. Signage criteria	Guideline 16 – less specific to respond to experience with implementing the Area A guideline
B.10. Minimum parcel sizes should be met exclusive of the SPEA	Guideline 15 – additional clarity of criteria for subdivision design to protect the SPEA
B.11. New parcel lines in the SPEA should be minimized	Guideline 15
B.12. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward - this can be communicated by other means
B.13. Requirement for landscaping and security deposit	Guideline 5
B.14. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7
C.1. DPA is identified on Map No. 9	Not carried forward, not needed as a guideline
C.2. Requirement for biologist report	Guideline 1
C.3. Require compliance with professional recommendations	Guidelines 5 and 7, and this is the purpose of a DPA
C.4. Requirement for landscape and security deposit	Guideline 5
C.5. Development located where it has the least impact	Guideline 2
C.6. If native vegetation is disturbed, re-vegetation plan may be required	Guidelines 3-5
C.7. Permanent or temporary fencing of DPA may be required	Guideline 6 – only for temporary fencing
C.8. Development should be in accordance with best practice document	Not included - guidelines specifically pull out relevant best practices from this document for clarity
C.9. Covenant may be required	Guideline 6
C.10. Site specific natural features and ecological processes will be considered	Guideline 3-4

## HAZARD LANDS DPA

The Electoral Area A Nanaimo River Floodplain DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

### AREA OF APPLICATION

The Electoral A Nanaimo River Floodplain DPA applies to the floodplain as mapped by the Province in 1984. The draft guidelines address different hazard areas, both steep slope and flooding, in different electoral areas, and for Electoral Area A the DPA remains only applicable to the Nanaimo River Floodplain as designated in the OCP.

### EXEMPTIONS

All but one exemption in the Electoral Area A Nanaimo River Floodplain DPA are carried over to the draft Hazard Lands DPA with some rewording for clarity described in the table below.

#### HAZARD LANDS DPA EXEMPTIONS

Current Electoral Area A OCP Exemption	Draft DPA Exemption
1. Emergency procedures	Exemption 13
2. Requirement to report emergency actions	Exemption 13
3. Cutting trees and vegetation	Not included – not necessary and may lead to confusion
4. Work by the RDN or its agents	Exemption 14 and 16
5. Farm operations	Exemption 12 – reworded to reflect current best practices
6. Construction of buildings and structures in accordance with the Floodplain Bylaw	Exemption 3
7. DP not required prior to issuance of building permit if geotechnical report has been received that satisfies the guidelines and no proposed land alteration outside the building envelope or placement of fill	Exemption 4
8. Second storey addition	Exemption 5
9. Fence construction	Exemption 7
10. Development outside the floodplain and above the designated flood level	Exemptions 1 and 2
11. Subdivision where criteria are met	Exemption 8

### GUIDELINES

The table below lists the guidelines in the current Electoral Area A DPA, where they are found in the draft DPA with some minor re-wording for clarity.

#### HAZARD LANDS DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guidelines
1. May consider variances to minimize encroachment	Guideline 2
2. Assessment by qualified professional required	Guideline 1
3. Engineer report required for placement of fill	Guideline 9

4. Covenant may be required	Guideline 1
5. Drainage, sediment and/or erosion plan may be required	Guideline 10
6. Revegetation plan may be required	Guideline 3
7. Landscaping and security deposit required	Guideline 3
8. Mitigation and restoration shall be required as recommended by professional	Guideline 1
9. Development should be in accordance with best practice document	Guideline 10
10. Where there is no alternative to use flood prone lands, shall be located where no risk to life and damage can be mitigated	Guidelines 1 and 2
11. Wetlands should be maintained in their natural state	Guideline 7
12. Development should be designed to replicate a naturally vegetated watershed	Guideline 6
13. Criteria for design of development	Guidelines 4 and 8

Additional guidelines for the Electoral Area A OCP are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – temporary fencing may be required,
- Guidelines 12 and 13 relate to steep slopes and do not apply to the Electoral Area A OCP area.

## FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

### AREA OF APPLICATION

In the Electoral Area A OCP this DPA currently applies to lands within 15 metres of the ALR, and where the ALR boundary is on the opposite side of a road right-of-way, the 15 metres is measured from the side of the road most distant to the ALR. The four other Farmland Protection DPAs use slightly different ways of measuring the 15 metres from the ALR. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.

### EXEMPTIONS

The Electoral Area A DPA for Farmland Protection has 11 exemptions, and the draft DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

### FARMLAND PROTECTION DPA EXEMPTIONS

Current Electoral Area A OCP Exemption	Draft DPA Exemption
1. Development on land within the ALR	Exemptions 1 and 7
2. Agricultural uses	Exemption 5
3. Building or structure outside the 15 metre DPA	Exemption 6 – change in wording as the draft DPA applies to the entire property adjacent to the ALR, but this exemption has the same effect
4. Construction of access driveway	Exemption 10
5. Construction of fence in accordance with best practice document	Exemption 11 – instead of referring to the best practice document the pertinent criteria are included in the exemption
6. Maintenance of buildings and structures	Exemption 8
7. Additions or alterations where not located further within the DPA	Exemption 9
8. Removal of invasive plants or noxious weeds	Exemption 14
9. Subdivision where each parcel has a minimum depth of 50 metres or can provide adequate depth for building site area, accessory buildings and buffer	Exemption 4 – only depth of 50 m is carried over. The rest of this exemption is not carried over - assessing whether or not a subdivision meets these criteria should be done through the development permit process, and ensuring that subdivisions are designed this way is the purpose of the DPA. With the new delegation bylaw for development permits, processing time shortened to weeks instead of the potential for months when these DPAs required Board approval.
10. Reconstruction of building or structure on same footprint or further from the DPA	Exemption 9
11. Development in accordance with buffer conditions previously approved by the ALR	Exemption 2

Further exemptions are added for minor development where there is little to no expected impact, or for clarity where other provincial or federal legislation indicates a development permit cannot be required, in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 3 - lands zoned Industrial, and proposed to be or being used for industrial purposes. This exemption is in the current DPA in the Nanoose Bay OCP, and applies to several industrial-zoned parcel at the Island Highway East by Northwest Bay Logging Road. There are no other industrial zoned parcels in the other applicable OCP areas that are directly adjacent to the ALR. Therefore there is no impact to including this exemption in the draft guidelines. If lands are rezoned to Industrial in the future, this DPAs applicability would be considered at that time and could be addressed through rezoning.

- Exemption 12 – emergency procedures.
- Exemption 13 – hazardous tree removal.
- Exemption 15 – forest management activities.
- Exemption 16 – works conducted by the RDN that satisfy the guidelines.
- Exemption 17 – construction of a small accessory building in a previously landscaped area.

## GUIDELINES

The table below lists the guidelines in the current Electoral Area A DPA, where they are found in the draft DPA with some minor re-wording for clarity.

### FARMLAND DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guidelines
1. Vegetated buffer maintained or established designed in accordance with best practices document	Guideline 1 – buffer 15 m
2. Despite guideline 1 buffer of lesser width may be accepted subject to conditions	Guideline 6
3. Buildings and structures should be outside of the buffer	Guideline 5
4. Plan layout and spacing shall be generally in accordance with best practice document	Guideline 3
5. Covenant for vegetated buffer may be required	Guideline 8
6. Landscaped buffer shall be to standard of industry standard document	Not carried forward as another best practice document already referred to
7. Subdivision design criteria	Guideline 9
8. Landscape buffer should be installed prior to commencing construction	Guideline 7
9. Buffer maintenance plan	Guideline 4 – option to require landscape plan and security deposit instead to reflect best practices

Additional guidelines for the Electoral Area A OCP are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – preserving mature trees and existing vegetation in buffer area.
- Guideline 10 – fencing shall be constructed generally in accordance with best practice document.

## AQUIFERS DPA

This DPA includes the land above aquifers that have been mapped in Electoral Areas G and H, and within Electoral Area A it includes land within the Cedar and Cassidy Village Centres, Cedar Main Street and the South Wellington Industrial – Commercial area.

The Yellow Point Aquifer Protection DPA in Electoral Area A remains separate as it was created in response to professional reports and community concern about the low-producing aquifer and contains guidelines specific to the characteristics of that aquifer and the development potential of the area.

### AREA OF APPLICATION

For Electoral Area A, exemptions and guidelines related to groundwater protection from the DPAs that are primarily about form and character are moved to the draft DPA for aquifers. This will allow for streamlining the application requirements primarily related to hydrogeological reports.

### EXEMPTIONS

There are several more exemptions in the Aquifers DPA than in the Electoral Area A DPAs from which the aquifer exemptions and guidelines are moved. By focusing the DPA on aquifers it allows for more tailored exemptions that will help to streamline the development process.

### GUIDELINES

The tables below lists the guidelines in the current Electoral Area A DPAs, where they are found in the draft DPA with some minor re-wording for clarity.

#### AQUIFERS DPA GUIDELINES

Standardizing the groundwater protection guidelines within four Electoral Area A DPAs will provide clarity, result in updated best practices, and streamline the development process.

#### GUIDELINES FROM SOUTH WELLINGTON INDUSTRIAL – COMMERCIAL DPA

Current Electoral Area A OCP Guideline	Draft DPA Guidelines
1. Use or disposal of contaminants discouraged	Guideline 1
2. Hydrogeological report required	Guideline 2 – updated to reflect best practices
3. Rainwater management plan may be required	Guideline 5
4. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil water separator	Guideline 5
5. Covenant may be required for maintenance plan in relation to guideline 4	Guideline 10
6. Proposals with detrimental impact not supported	Guideline 11
7. Where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw	Guideline 9

Additional guidelines for the Electoral Area A OCP are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies, added for clarity as this Provincial regulation applies whether or not the DPA states this.
- Guideline 6 – development should replicate the function of a naturally vegetated watershed.

- Guideline 8 – where development is within the well-capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are recent provincial requirements so this is new information to draw from.

### GUIDELINES FROM CEDAR MAIN STREET VILLAGE PLAN DPA

Current Electoral Area A OCP Guideline	Draft DPA Guidelines
1. Incorporate facilities to manage contaminants	Guideline 5
2. Rainwater management plan may be required	Guideline 5
3. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil water separator	Guideline 5
4. Covenant may be required for maintenance plan in relation to Guideline 3	Guideline 10
5. Proposals with detrimental impact not supported	Guideline 11
6. No net increase in peak rainwater runoff	Guideline 6

Additional guidelines for the Cedar Main Street Village Plan area are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 1 - use or disposal of contaminants discouraged.
- Guideline 2 – hydrogeological report required.
- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well-capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are a recent provincial requirement, so this is new information to draw from.
- Guideline 9 - where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw.

### GUIDELINES FROM CASSIDY DPA

Current Electoral Area A OCP Guideline	Draft DPA Guidelines
1. Use or disposal of contaminants discouraged	Guideline 1
2. Hydrogeological report required	Guideline 2 – updated to reflect best practices
3. Rainwater management plan may be required	Guideline 5
4. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil	Guideline 5



water separator	
5. Covenant may be required for maintenance plan in relation to guideline 4	Guideline 10
6. Use of permeable paving encouraged	Guideline 3
7. Proposals with detrimental impact not supported	Guideline 11
8. No net increase in peak rainwater runoff	Guideline 6
9. Development should be designed to replicate the function of a naturally vegetated watershed	Guideline 6

Additional guidelines for the Cassidy Village area are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well- capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are a recent provincial requirement, so this is new information to draw from.
- Guideline 9 - where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw.

#### **GUIDELINES FROM CEDAR DPA**

<b>Current Electoral Area A OCP Guideline</b>	<b>Draft DPA Guidelines</b>
1. Use or disposal of contaminants discouraged	Guideline 1
2. Rainwater management plan may be required	Guideline 5
3. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil water separator	Guideline 5
4. Covenant may be required for maintenance plan in relation to guideline 3	Guideline 10
5. Proposals with detrimental impact not supported	Guideline 11

Additional guidelines for the Cedar Village Centre are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – hydrogeological report required.
- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 6 – development should replicate the function of a naturally vegetated watershed.

- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are recent provincial requirements so this is new information to draw from.
- Guideline 9 - where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw.

## TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area A OCP area.

### TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Electoral Area A OCP	Draft TUP designation and conditions
Policy 8.9.1 – The RDN may support TUPs on any parcel to temporarily permit a use not permitted by the zoning bylaw. The following conditions and criteria will be included in consideration of applications:	1.
a) Where land is in the ALR, permission from the Agricultural Land Commission is required	3.
b) RDN may specify conditions of approval and may require posting of a bond or other applicable security	4. and 5.
c) Impact and compatibility with adjacent uses	1.a) - demonstrate how any anticipated impact to surrounding area will be mitigated
d) Impact on local road networks	1.b)
e) Impact on the natural environment	1.c)
f) Environmental management plan submitted by the applicant	Not required overall but may be required for individual applications pursuant to Development Approval Information Bylaw, and monitoring may be a condition

Current Electoral Area A OCP	Draft TUP designation and conditions
	of the permit.
g) Intensity of the proposed use	Not specifically stated but covered through requirement to demonstrate how impacts will be mitigated
h) Inability to conduct the use on land elsewhere in the community	1.d)
i) Submission of decommissioning and reclamation plan	1.e)
j) Addresses visual integrity and buffer of Inland Island Highway	1.f)
k) Any other condition or criteria as determined applicable	1. preamble, and through the Development Approval Information Bylaw
Policy 8.9.2 – TUP may be considered for renewal	Not carried forward – not required in policy as it is in the <i>Local Government Act</i>
Policy 8.9.3 – regarding rezoning for a use permitted through TUP	Not carried forward, this policy will remain in the OCP

In addition, a TUP for the manufacture of asphalt products, soil composting or gravel extraction may only be issued on lands designated Rural, Rural Resource, or Resource in the applicable OCP, and specific conditions are included from other OCPs.

# DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

## CHANGES PROPOSED – ARROWSMITH BENSON – CRANBERRY BRIGHT OCP

### INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the five DPAs in the Arrowsmith Benson – Cranberry Bright (AB-CB) Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the four existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the AB-CB OCP area.

### SUMMARY OF CHANGES FOR ARROWSMITH BENSON – CRANBERRY BRIGHT OCP AREA

Arrowsmith Benson – Cranberry Bright OCP DPA / TUP	Proposed Changes
<b>1. Village Centre - Commercial</b>	No change
<b>2. Farmland Protection</b>	Draft Farmland Protection DPA
<b>3. Watercourse Protection</b>	Draft Freshwater and Fish Habitat DPA
<b>4. Sensitive Ecosystems</b> <ul style="list-style-type: none"> <li><b>SEI features: terrestrial herbaceous, older forest and sparsely vegetated</b></li> </ul>	Draft Sensitive Ecosystems DPA for SEI features for all but ‘wetland’ ‘Wetland’ and ‘riparian’ SEI features move to draft Freshwater and Fish Habitat DPA
<b>5. Fish Habitat Protection</b>	Draft Freshwater and Fish Habitat DPA

### FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

**AREA OF APPLICATION:**

In the AB-CB OCP this DPA currently applies to lands adjoining the ALR boundary or which are separated by a road right-of-way. The four other Farmland Protection DPAs use slightly different ways of measuring a 15 metres buffer from the ALR to define the DPA. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, **the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.**

**EXEMPTIONS:**

The AB-CB DPA for Farmland Protection has five exemptions, and the draft DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

**FARMLAND PROTECTION DPA EXEMPTIONS**

Current AB-CB OCP Exemptions	Draft DPA Exemption
1. Construction, alteration, or addition to a building or structure	Not carried forward as an exemption. Instead, for clarity and consistency, that this DPA only applies to subdivision is explained through the “applicability” section.
2. Subdivision where proposed parcels do not adjoin the ALR boundary	Not carried forward as an exemption. Instead, for clarity and consistency, that this DPA only applies to lands adjoining the ALR is explained through the “applicability” section.
3. Subdivision where the proposed parcels provide the following: a) a minimum parcel depth of 50 m, or b) adequate parcel depth for satisfactory building site area and 15 m vegetated buffer	3.a) is carried over to exemption 4 in the draft DPA. 3.b) is not carried forward as assessing whether or not a subdivision meets these criteria should be done through the development permit process, and ensuring that subdivisions are designed this way is the purpose of the DPA. A close study of the AB-CB zoning adjacent to the ALR shows no current small-lot zoning so the change to this exemption will have no impact, as meeting the 50 m parcel depth exemption will not be difficult.
4. Subdivision of lands within the Forest Land Reserve	Exemption 17
5. Subdivision of land for: a) industrial uses; b) public utility uses; or c) park uses	Exemptions 3 and 16

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development on lands within the ALR – added for clarity
- Exemption 2 – development in accordance with an existing covenant for landscaped buffer adjacent to the ALR
- Other exemptions related to construction that do not apply in the AB-CB OCP area.

## GUIDELINES

The table below lists the current guidelines in the AB-CB OCP DPA for farmland protection, where they are found in the draft DPA, and a description of the rationale for the change, if any.

### FARMLAND PROTECTION DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline
1. Subdivision design must minimize potential negative impacts on lands within the ALR	Guideline 9 – expands on best practices of subdivision design to minimize negative impacts
2. Minimum 15 m vegetated buffer must be established parallel to the ALR boundary in accordance with the following criteria:	Guideline 1
a) Materials must follow a 1993 best practice document and existing native vegetation may be incorporated	Guideline 1 – best practice document updated to more recent publication Guideline 2
b) Plant layout and spacing must be in accordance with 1993 best practice document	Guideline 3 - best practice document updated to more recent publication
c) Landscaped buffer shall be to standard of industry standard document	Not carried forward as another best practice document already referred to
d) If adequate fencing does not exist it must be constructed in accordance with best practice document	Guideline 10 – standards for fencing but not required. Review of this best practice document and more recent updates show a very high standard of agricultural fencing that would be onerous and expensive to construct and the rational and value is not understood.
3. Covenant may be required	Guideline 8

Additional guidelines for the AB-CB DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 4 – option to require landscaping plan and security deposit for landscaping.
- Guideline 6 – a buffer of less than 15 may be considered based on criteria.
- Guideline 7 – installation of buffer prior to development to improve likelihood that the vegetated buffer will be successfully established and maintained in the long term.
- Guideline 9 – includes important language to guide the evaluation of a DP application for subdivision based on best practices from the Ministry of Agriculture.
- Other guidelines related to construction that do not apply in the AB-CB OCP area.

## FRESHWATER AND FISH HABITAT PROTECTION DPA

The AB-CB OCP Watercourse Protection DPA and Fish Habitat Protection DPA become part of the draft Freshwater and Fish Habitat DPA that applies to all OCPs in RDN electoral areas.

### AREA OF APPLICATION

The AB-CB Watercourse Protection and Fish Habitat Protection DPAs apply to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation, and to mapped streams, lakes, marshes and swamps not subject to the RAR respectively. The mapped ‘wetland’ and ‘riparian’ designation from the Sensitive Ecosystems DPA is moved into the Freshwater and Fish Habitat DPA to create a single DPA for freshwater features.

### EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added to reduce situations where a DP must be required due to the wording of the DPA, but where there is little to no impact of the development. For example, there are new exemptions for:

- Exemption 1 – development in an area where no stream or watercourse exists as determined by the RDN, BC Land Surveyor or Biologist. This is to account for mapping inaccuracies.
- Exemption 2 – second storey addition.
- Exemption 3 – park uses.
- Exemption 6 – small scale, manual removal of invasive plants or noxious weeds.
- Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings or structures.
- Exemption 16 - Construction of a small accessory building within a previously landscaped area.

### GUIDELINES

The table below lists the guidelines in the current AB-CB DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

#### WATERCOURSE PROTECTION DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. Conditions that must be met and described to justify need to develop within the DPA	Guideline 2 – same intent, different approach for consistency with other DPAs
2. Seek variances to minimize development in DPA	Guideline 2
3. Applicant must provide:	
a) Written rationale for encroachment	Guideline 2

b) Impact Assessment, erosion control plan, habitat restoration plan, timing of construction to minimize impact	Guideline 1, 3, 4, and 9
4. Requirement for Impact Assessment may be waived for minor encroachment into DPA	Not carried forward as a guideline but additional exemptions address this intent
5. Development must be in accordance with Impact Assessment	Covered throughout, and is the essence of the DPA process. Guideline 7 says that biologist may be required to confirm compliance.
6. Encouragement to dedicate the DPA for conservation or register covenant	Guideline 6 further extends encouragement to “may” require
7. All development subject to RAR	Addressed through combining the RAR and non-RAR DPAs

### FISH HABITAT PROTECTION DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – with adjustments to respond to experience with implementing this guideline
9. Subdivision within the SPEA should be avoided	Guideline 15
10. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.
11. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7

Additional guidelines for the AB-CB DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – option to require a landscaping plan and security deposit for landscaping.
- Guideline 8 – oil water separator may be required for commercial, industrial, multi-residential and intensive residential development.



- Guideline 10 – In low lying areas flood risk should not be increased and proposal for fill within the floodplain requires report from Professional Engineer.
- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. Steep slopes are often associated with streams, and this enables the RDN to require a geotechnical report. When the RAR applies this is part of the provincial requirement.
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary. This is included in other DPAs and is considered a best practice at achieving the objectives of the DPA.

## SENSITIVE ECOSYSTEMS DPA

The current Sensitive Ecosystems DPA in the AB-CB OCP currently applies to the provincial Sensitive Ecosystem Inventory (SEI) features of ‘terrestrial herbaceous’, ‘older forest’, ‘sparsely vegetated’, ‘wetland’ and ‘riparian’. The draft DPA combines DPAs from three other OCP areas and for AB-CB, applies to these SEI features except for wetland and riparian, which move to the Freshwater and Fish Habitat DPA.

### AREA OF APPLICATION

In the AB-CB OCP, where an SEI feature is mapped, the parcel on which the feature is found is designated as being within the Sensitive Ecosystem DPA. While some OCPs designate only the mapped features, the approach for the AB-CB OCP remains the same for the applicable SEI features. The DPA designation map is re-drafted to remove those parcels on which only wetland and riparian ecosystems are located, as they are now addressed in a different DPA.

### EXEMPTIONS

The table below shows how the existing exemptions in the Sensitive Ecosystems DPA for the AB-CB OCP are carried forward or addressed in other ways. A number of new exemptions are added which are also listed below.

#### SENSITIVE ECOSYSTEMS DPA EXEMPTIONS

Current AB-CB OCP Exemptions	Draft DPA Exemption
1. Development that can be accommodated without protective measures as determined by Bio-Impact assessment	Additional exemptions address minor development in a more consistent manner and without requiring a professional report
2. Emergency actions	Exemption 14
3. Hazardous tree removal	Exemption 9
4. Lands within Forest Land Reserve	Exemption 17
5. Internal alterations to existing building or structure	Not carried forward, this is covered by “applicability” section
6. Farm operations	Exemption 13
7. Farm fences	Exemption 13
8. Works undertaken by RDN or its agents	Exemption 16

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – where a sensitive ecosystem does not exist (ie due to mapping error or inaccuracy).
- Exemption 2 – minor additions.
- Exemption 3 – repair and maintenance .
- Exemption 4 - second storey addition.
- Exemption 5 – a single trail meeting set of conditions and criteria.
- Exemption 6 – planting to enhance habitat values.
- Exemption 7 – gardening and yard maintenance within existing landscaped area.
- Exemption 8 – small scale manual removal of invasive plants or noxious weeds.
- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.
- Exemption 11 – subdivision where minimum lot size met exclusive of the DPA.
- Exemption 12 - subdivision involving only lot line consolidation.
- Exemption 15 – works conducted by provincial or federal government for trail construction or restoration.
- Exemption 16 - works conducted by the RDN or its agents.
- Exemption 17 - forest management activities.

## GUIDELINES

The table below lists the guidelines in the current AB-CB OCP DPA, where they are found in the draft DPA and description of the rationale for the change.

### SENSITIVE ECOSYSTEMS DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline
1. Development must not unnecessarily encroach a sensitive ecosystem and must minimize vegetation removal	Guidelines 1, 3, 4, 10 and 11
2. Variances should be sought to minimize encroachment	Guideline 1
3. Applicant must provide the following:	
a) Written rationale for need to develop in the DPA	Guideline 1
b) Impact Assessment, vegetation and habitat protection and restoration plan, timing of construction	Guidelines 2, 3, and 4
4. Development must be in accordance with Impact Assessment	Covered throughout, and is the essence of the DPA process. Guideline 8 says that biologist may be required to confirm compliance.

Additional guidelines for the AB-CB DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – option to require landscaping plan and security deposit for landscaping.
- Guideline 7 – option to require a covenant and temporary flagging where the biologist identifies areas to remain free from development.
- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.
- Guideline 9 – option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. This is in the Sensitive Ecosystems DPA for two other OCPs and enables the RDN to require this type of report where there is a steep slope in conjunction with the sensitive ecosystem.
- Guideline 10 and 11 – guidelines regarding drainage management to guide development that will help meet the objectives of this DPA.

## TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the AB-CB OCP area.

### TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current AB-CB OCP	Draft TUP designation and conditions
<i>Rural Policy 2.viii)</i> Temporary uses permitted	2.
<i>Resource Policy 2.viii)</i> Temporary uses permitted	2.
<i>Aggregate and Mineral Resources Policy 6</i> - Rural or Resource designations, TUP may be issued for primary processing of onsite aggregate or mineral resources, portable asphalt manufacturing or soil composting operations on a lot in accordance with the following conditions:	2.
a) the lot is in excess of 8.0 hectares in area;	2.a)
b) sensitive ecosystems, nesting sites, natural hazard areas and surface and groundwater systems are	2.c) without specific reference to OCP section.

Current AB-CB OCP	Draft TUP designation and conditions
protected in accordance with the policies of Goal 4 – Protect the Natural Environment;	
<p>c) Where necessary, the following approvals are obtained:</p> <ul style="list-style-type: none"> <li>i. Forest Land Commission,</li> <li>ii. Agricultural Land Commission,</li> <li>iii. Ministry of Transportation and Highways for an industrial access permit, or</li> <li>iv. Ministry of Environment, Lands and Parks for the issuance of a Waste Management approval pursuant to the <b>Waste Management Act</b>;</li> </ul>	<p>3. re Agricultural Land Commission 2.c) re Waste Management Act Others will be required as necessary through processing of the TUP application and are not required to be stated in the bylaw.</p>
<p>d) where land is within the Agricultural Land Reserve, gravel removal and primary processing are carried out in accordance with the terms and conditions of a permit under the <b>Soil Conservation Act</b>;</p>	<p>Not specifically mentioned, will be required if applicable through processing of the TUP application.</p>
<p>e) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained between the operation and any dwelling unit not located on the subject property;</p>	<p>2.d) adjusted to require the buffer to be 100 m but the berm is not required to be that width as it is considered to be excessive.</p>
<p>f) the daily period of operations are limited to minimize noise and traffic impacts on affected lands;</p>	<p>2.g)</p>
<p>g) all aspects of primary processing or composting operations are completed in their entirety within two calendar years of the date of issuance of a temporary use permit;</p>	<p>Not carried forward. This can be included in permit conditions.</p>
<p>h) the final product of the composting operation remains on the lot on which the operation was undertaken; and</p>	<p>Not carried forward, not included in any other OCPs</p>
<p>i) all requirements for the Approval of Work System and Reclamation Permit under the <b>Mines Act</b> including provisions for rehabilitation of the site after completion are satisfied.</p>	<p>1.e regarding reclamation plan. Specific reference to Mines Act not carried forward but will be addressed through the application process where applicable</p>

# DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

## CHANGES PROPOSED – EAST WELLINGTON – PLEASANT VALLEY OCP

### INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the five DPAs in the East Wellington – Pleasant Valley (EW-PV) Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the four existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the EW-PV OCP area.

### SUMMARY OF CHANGES FOR EAST WELLINGTON – PLEASANT VALLEY OCP AREA

East Wellington – Pleasant Valley OCP DPA / TUP	Proposed Changes
<b>1. Fish Habitat Protection</b>	Draft Freshwater and Fish Habitat DPA
<b>2. Natural Hazard Areas</b>	Draft Hazard Lands DPA
<b>3. Industrial</b>	No change

### FRESHWATER AND FISH HABITAT PROTECTION DPA

The EW-PV OCP Fish Habitat Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all OCPs in RDN electoral areas.

#### AREA OF APPLICATION

The EW-PV Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and as described in Guideline 13 of the current DPA, also applies to mapped watercourses not applicable to the RAR.

#### EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development in an area where no stream or watercourse exists as determined by the RDN, BC Land Surveyor or Biologist. This is to account for mapping inaccuracies.
- Exemption 2 – second storey addition.
- Exemption 4 – emergency procedures.
- Exemption 5 – hazardous tree removal.
- Exemption 6 – small scale, manual removal of invasive plants or noxious weeds.
- Exemption 8 – stream enhancement and restoration where provincial and federal approvals have been obtained.
- Exemption 11 – subdivision where minimum lot size is met exclusive of the SPEA.
- Exemption 13 – Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings or structures.
- Exemption 16 – construction of a small accessory building within a previously landscaped area.

## GUIDELINES

The table below lists the guidelines in the current EW-PV DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

### FISH HABITAT PROTECTION DPA GUIDELINES

Current EW-PV OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 15 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – with adjustments to respond to experience with implementing this guideline
9. Subdivision within the SPEA should be avoided	Guideline 15
10. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.

11. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7
12. Limit soil disturbance or other impacts on surface water and revegetate	Guidelines 9 and 10 – same intent with different wording and added option to require sediment and erosion control plan and/or report from Professional Engineer re flooding
13. Where mapped watercourse is not applicable to the RAR, QEP report generally following the methodology is required	To properly and clearly implement this guideline the DPA is designated for all mapped streams not subject to the RAR (as well as RAR-streams)
14. Development adjacent to streams described in 13 above must be consistent with recommendations in QEP report	As above
15. Criteria for QEP report for mapped streams not subject to the RAR	Guidelines 1, 3 and 4
16. Covenant may be required	Guideline 6

Additional guidelines for the EW-PV DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – development should be located where it will cause the least impact and variance so that development can take up less of the DPA should be considered.
- Guideline 5 – option to require landscaping plan and security deposit for landscaping.
- Guideline 8 – oil water separator may be required for commercial, industrial, multi-residential and intensive residential development.
- Guideline 10 – In low lying areas flood risk should not be increased and proposal for fill within the floodplain requires report from Professional Engineer.
- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. Steep slopes are often associated with streams, and this enables the RDN to require a geotechnical report. When the RAR applies this is part of the provincial requirement.
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary to result in long-term protection of the SPEA.

## HAZARD LANDS DPA

The EW-PV Natural Hazard Areas DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

### AREA OF APPLICATION

The EW-PV Natural Hazard Areas DPA applies to areas around Brannen Lake and the Millstone River that are susceptible to mass movement or erosion as a result of flooding.

## EXEMPTIONS

The table below lists the current exemptions in the EW-PV Natural Hazard Areas DPA and how they are addressed through the standardization process to a single DPA for hazard lands.

### HAZARD LANDS DPA EXEMPTIONS

Current Electoral Area A OCP Exemption	Draft DPA Exemption
1. Where a geotechnical report would be required as part of issuance of a building permit provided that implementation of the report’s recommendations will not result in the alteration or disruption of the natural environment. Nonetheless, a development permit relating to environmentally sensitive areas may be required.	Exemption 4. Reworded with different approach for clarity.
2. The Approving officer requires a geotechnical report as part of a subdivision of land, provided that implementation of the report’s recommendations will not result in the alteration or disruption of the natural environment. Nonetheless, a development permit relating to environmentally sensitive areas may be required.	Somewhat covered by exemption 4 but not carried forward exactly. Normal practice today is that the approving officer relies on RDN-designated DPAs to assist in determining if a geotechnical report is required. This exemption is challenging to implement particularly given the “nonetheless” clause.
3. Development to accommodate new principle uses or subdivision proposed beyond a distance of 30 metres from the hazard area	Exemption 1 and the DPA designation map should be used to determine if the location of a proposed development requires a DPA. This exemption is difficult to interpret. Extensive research into the original adoption of this DPA has not revealed a helpful explanation.
4. Construction of buildings or structures on the natural grade of land located above the floodplain	Exemption 3
5. Alterations to an existing building or structure	Exemption 5 second storey addition carries some of this intent

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 2 – where there is no flooding or steep slope hazard, confirmation of which may require a letter from a Professional Engineer.
- Exemption 6 – construction of small accessory building meeting listed criteria.
- Exemption 7 – construction of a fence.
- Exemption 8 – subdivision where minimum parcel sizes are met exclusive of the DPA.
- Exemption 9 – subdivision involving only lot line adjustment or consolidation.
- Exemption 10 – hazardous tree removal.
- Exemption 11 – small scale manual removal of invasive plants or noxious weeds.



- Exemption 12 – farm operations.
- Exemption 13 – emergency procedures.
- Exemption 14 – enhancement or in-stream works conducted by the RDN, DFO or MoE .
- Exemption 15 – forest management activities.
- Exemption 16 – works conducted by the RDN or its agents.

**GUIDELINES**

The table below lists the guidelines in the current EW-PV DPA, where they are found in the draft DPA with some minor re-wording for clarity.

**HAZARD LANDS DPA GUIDELINES**

<b>Current EW-PV OCP Guidelines</b>	<b>Draft DPA Guidelines</b>
1. Development proposal shall be prepared by a qualified professional and include the following:	
a) Identify areas susceptible to flooding, mudflows, erosion or other hazards...	Guideline 1
b) Assessment of existing natural vegetation and where alteration may occur as a result of development	Guideline 1
c) Site plan illustrating existing and proposed buildings and structures...	Addressed in Development Application Procedures Bylaw 1432
d) Location of all existing and proposed drainage ditches, ponds, culverts, septic tanks and disposal fields	As above
2. Hazard assessment required	Guideline 1
3. Hazard assessment shall include recommendations on mitigation strategies	Guidelines 1, and 7-9
4. DP will not be issued unless Engineer can assure safety of proposed development and no detrimental impact on environment	Guideline 1.b)

Additional guidelines for the EW-PV DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – rationale for developing in the DPA must be provided.
- Guideline 3 – option to require a landscaping plan and security deposit for landscaping.
- Guideline 5 – temporary fencing may be required.
- Guideline 9 – placement of fill shall not restrict passage of flood waters and option to require drainage, sediment and/or erosion control plan.
- Guidelines 12 and 13 relate to steep slopes and are not applicable to the EW-PV DPA.

## TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the EW-PV OCP area.

### TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

<b>Current EW-PV OCP</b>	<b>Draft TUP designation and conditions</b>
<p>Policy 4.1.4 - The Regional District may consider the issuance of temporary use permits for the manufacture of asphalt products or soil composting operations on land within the Resource designation of this Plan provided that such operations are to be located on parcels greater than 8.0 hectares in area and associated impacts will not adversely impact neighbouring land or development or the natural environment. In the case of soil composting, such activities shall be solely for the purpose of reclaiming mined land.</p>	<p>Includes additional conditions specific to manufacture of asphalt products, soil composting or gravel extraction. Requirement that soil composting is only for purpose of reclaiming mined land is not carried forward but other conditions are in place to mitigate impact.</p> <p>TUP may be issued for any use on any parcel subject to performance criteria to ensure the use is compatible with the surrounding area and does not cause undue impact such as noise, dust, odour, etc.</p>

# DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

## CHANGES PROPOSED - NANOOSE BAY OCP

### INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Three of the five DPAs in the Nanoose Bay Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas: Farmland Protection, Watercourse Protection and Sensitive Ecosystem Protection. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the three existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the Nanoose Bay OCP area.

### SUMMARY OF CHANGES FOR NANOOSE BAY OCP AREA

Nanoose Bay OCP DPA / TUP	Proposed Changes
<b>1. Form and Character</b>	No Change
<b>2. Farmland Protection</b>	Draft Farmland Protection DPA
<b>3. Watercourse Protection</b>	Draft Freshwater and Fish Habitat DPA
<b>4. Sensitive Ecosystem Protection</b> <ul style="list-style-type: none"> <li>• <b>Buffer around eagle and heron nesting trees</b></li> <li>• <b>SEI features: woodland, coastal bluff (for lands that are subdividable), terrestrial herbaceous, wetland and sparsely vegetated</b></li> </ul>	Draft Eagle and Heron Nesting Trees DPA  Draft Sensitive Ecosystems DPA for features for all except for 'wetland'  'Wetland' SEI feature moved to Draft Freshwater and Fish Habitat DPA
<b>5. Highway Corridor Protection</b>	No Change

## FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that all are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

### AREA OF APPLICATION:

In the Nanoose Bay OCP this DPA currently applies to lands adjoining and reasonably adjacent to lands (separated by a dedicated road) from the ALR to a point that is 15 metres from the ALR lands. The four other Farmland Protection DPAs use slightly different ways of measuring the 15 metres from the ALR. In addition, the boundary of the ALR varies: it is either on the ALR side of the road right-of-way, on the non-ALR side, or somewhere in the middle. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, **the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.**

### EXEMPTIONS:

The Nanoose Bay DPA for Farmland Protection has three exemptions, and the draft DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

#### FARMLAND PROTECTION DPA EXEMPTIONS

Current Nanoose Bay OCP Exemptions	Draft DPA Exemption
a) an application for the construction of a building or structure which is proposed to be located outside of the 15 metre buffer area	Exemption 6
b) an application for subdivision where the parcels, which are proposed to be adjoining an ALR boundary, have a minimum parcel depth of 50 metres <u>or can provide adequate parcel depth to provide for a satisfactory building site area including accessory buildings and a septic disposal system (if applicable); and still provide for the 15 metre buffer area; and</u>	Exemption 4 The 50 m parcel depth is a very clear exemption and is carried forward to the new DPA. The second part of the exemption regarding “adequate parcel depth” is not clear and should be determined as part of the development permit process, so the underlined portion is not carried forward. With the new delegation bylaw for development permits, processing time shortened to weeks instead of the potential for months when these DPAs required Board approval.
c) lands zoned industrial, and proposed to be or being used for industrial purposes.	Exemption 3

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development on lands within the ALR – added for clarity.
- Exemption 2 – development in accordance with an existing covenant for landscaped buffer adjacent to the ALR.
- Exemption 5 – where the development is part of a farm operation.
- Exemption 7 – land alteration more than 15 m from the ALR boundary.
- Exemption 8 – maintenance of buildings and structures.
- Exemption 9 – reconstruction or additions or alterations provided the building is not further within the DPA.
- Exemption 10 – Construction of an access driveway provided it is no more than 9.0 metres in width.
- Exemption 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.
- Exemptions 12-16 – standard exemptions added to most draft DPAs including such things as hazard tree removal, emergency actions in the event of flooding, manual removal of invasive species, etc.

## GUIDELINES

The table below lists the current guidelines in the Nanoose Bay OCP DPA for farmland protection, where they are found in the draft DPA, and a description of the rationale for the change, if any.

### FARMLAND PROTECTION DPA GUIDELINES

Current Nanoose Bay OCP Guidelines	Draft DPA Guideline
1.a) Proposed parcels, which adjoin an ALR boundary shall be designed in such a manner as to lessen the impact of development upon the adjacent ALR lands.	Covered in the overall objectives of the DPA
1.b) A minimum 15-metre wide buffer shall be established on land to be developed if it is adjoining to an ALR boundary, unless otherwise exempt from obtaining a development permit. 2. The retention or enhancement of existing native vegetation is encouraged within the 15-metre buffer area. Landowners are encouraged to consult BC Agricultural Land Commission publication entitled <i>Preserving Our Foodlands</i> (see Appendix No. 3 for web references).	Existing guideline 1.b) and 2 are covered in new guidelines 1-4 with an updated reference to a different publication from the Ministry of Environment to reflect best practices. New guidelines 3-4 provide the tools the Regional District may need ensure that the objectives of the DPA are met. Note that these are all worded to be flexible depending on the nature, scale and context of the development.
1.c) No buildings and structures, except for fencing, shall be situated within the 15-metre buffer area. (first part of this guideline)	Guideline 5

3. Applications to locate buildings and structures within the 15-metre buffer area shall be considered relative to the retention of existing vegetation or enhancement of vegetation and fencing within the buffer area.	Guideline 6 - updated language to assist in evaluating whether a proposal meets the intent of the DPA
4. As part of a rezoning or subdivision application, a section 219 covenant for the buffer area may be required to restrict vegetation and the construction of any buildings or structures other than fencing within the buffer area depending on the extent of proposed development or subdivision.	Guideline 8 - updated language to reflect intent and best practices
1.c) Where fencing is constructed, land owners are encouraged to consult BC Agricultural Land Commission publication entitled <i>Preserving Our Foodlands</i> (see Appendix No. 3 for web references). (second part of this guideline)	Guideline 10 - updated language and reference

Additional guideline are included in the draft DPA as follows:

- Guideline 7 - to improve likelihood that the vegetated buffer will be successfully established and maintained in the long term.
- Guideline 9 - includes important language to guide the evaluation of a DP application for subdivision based on best practices from the Ministry of Agriculture.

## WATERCOURSE PROTECTION DPA

The Nanoose Bay OCP Watercourse Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all official community plans in RDN electoral areas.

### AREA OF APPLICATION

The Nanoose Bay Watercourse Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation, and to mapped streams not subject to the RAR. The mapped “wetland” designation from the Nanoose Bay OCP Sensitive Ecosystem Protection DPA is moved into the Freshwater and Fish Habitat DPA to create a single DPA for freshwater features.

### EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added to reduce situations where a DP must be required due to the wording of the DPA, but where there is little to no impact from the development. For example, there are new exemptions for:

- Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 16 - Construction of a single small accessory building within a previously landscaped area.

## GUIDELINES

The table below lists the guidelines in the current Nanoose Bay DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

### WATERCOURSE PROTECTION DPA GUIDELINES

<b>Current Nanoose Bay OCP Guidelines</b>	<b>Draft DPA Guideline <i>Freshwater and Fish Habitat</i></b>
Guideline 1 – objective of the DPA	Guideline 12
Guideline 2 – requirement for report from Qualified Professional	Guideline 1 and 13
Guideline 3 – Requirement that the report is received by Ministry of Environment	Guideline 13
Guideline 4 -5 – regarding serious harm to fish	Guideline 12 – note this reflect changes to the legislation regarding serious harm to fish
Guideline 6 - request for covenant for the SPEA	Guideline 6 which also include additional options for protecting the SPEA
Guideline 7 – implementing measures from the report	Guidelines 5, 7 and 14 – additional options for the RDN to require confirmation from the biologist that recommendations have been implemented, and for the RDN to require a landscape plan and security deposit
Guideline 8 – protecting the SPEA	Guideline 14
Guideline 9 – 10 – subdivision and minimum parcel sizes met exclusive of the SPEA	Guideline 15 – adds some flexibility where minimum parcel size cannot be met exclusive of the SPEA, and how this should be assessed
Guideline 11 – encouragement to exceed the RAR	Not included as this is best communicated by other means
Guideline 12 – confirmation that QEP recommendations followed	Guideline 7 – changes guideline to be more general rather than specifically related to a building permit
Guideline 13 – minimizing encroachment in the DPA	Guideline 2
Guideline 14 – best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
Guideline 15 – encouraging applicants to consult best practice documents	Guidelines 3 and 4 capture the most important focus of these best practices for this DPA. Additionally public education about resources can be done outside of DPA guidelines.
Guideline 16 – for mapped streams not subject to the RAR	Addressed throughout
Guideline 16.f)	Guidelines 8-10 re rainwater management and protection of development from hazardous conditions are addressed by the RAR according to the assessment methodology. For streams not subject to the RAR, there is a more clear focus on rainwater management and the added ability to require a sediment and erosion control plan.

Additional guidelines are included in the draft DPA for consistency with other DPAs as follows:

- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. Steep slopes are often associated with streams, and this enables the RDN to require a geotechnical report. When the RAR applies it is a provincial requirement.
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary. This is included in other DPAs and is considered a best practice at achieving the objectives of the DPA and is consistent with other DPAs.

## SENSITIVE ECOSYSTEMS DPA

The current Sensitive Ecosystem Protection DPA in the Nanoose Bay OCP currently applies to a buffer around eagle and heron nesting trees and the provincial Sensitive Ecosystem Inventory (SEI) features woodland, coastal bluff (for lands that are subdividable), terrestrial herbaceous, wetland and sparsely vegetated. The draft DPA combines DPAs from three other OCP areas and for Nanoose Bay applies to these SEI features except for wetland, which moves to the Freshwater and Fish Habitat DPA. The eagle and heron nesting tree buffers become a DPA of their own.

### AREA OF APPLICATION

In the Nanoose Bay OCP, where an SEI feature is mapped, the parcel on which the feature is found is designated as being within the Sensitive Ecosystem Protection DPA. While some OCPs designate only the mapped features, the approach for the Nanoose Bay OCP remains the same for the SEI features of woodland, coastal bluff, terrestrial herbaceous and sparsely vegetated. The DPA designation map is re-drafted to remove those parcels on which only wetland and eagle and heron nesting trees are located, as those are now addressed in different DPAs.

### EXEMPTIONS

All of the existing exemptions in the Sensitive Ecosystem Protection DPA for the Nanoose Bay OCP remain with some changes, and some new exemptions are added.

#### SENSITIVE ECOSYSTEM PROTECTION DPA EXEMPTIONS

Current Nanoose Bay OCP Exemptions	Draft DPA Exemption
1. Development or alteration of land proposed to occur outside the designated Development Permit Area as shown on Map No. 6, as determined by a BC Land Surveyor or by the RDN.	This is covered in the “Designation” section of the DPA. A variation of this exemption in new Exemption 1
2. Maintenance of existing landscaping and planting native trees, shrubs, or ground cover and the maintenance or repair of legal or legal nonconforming buildings and structures within the existing footprint. (Building permit may be required)	Exemptions 2, 3, 6 and 7 regarding work in previously landscaped areas and minor building repair are an extension of Exemption 2 in the existing DPA. The additional detail is recommended to ensure clarity
3. The removal of invasive plants or noxious weeds on a small scale within the development permit area including;	Carried over to exemption 8. Reworded to refer to a best practices document



<p>but not limited to: Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife, is permitted provided measures are taken to avoid sediment or debris being discharged into the watercourse or onto the foreshore and the area is replanted with native species.</p>	<p>instead of listing a couple of best practices, and to not refer specifically to species. This will now more generally apply across electoral areas.</p>
<p>4. Minor additions to existing buildings and structures to a maximum of 25% of the total floor area of the existing building or structure, provided that the proposed 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.</p>	<p>Exemption 2</p>
<p>5. Construction of a single trail subject to the following:</p> <ul style="list-style-type: none"> <li>a. the trail must be a maximum 1.5 metres in width;</li> <li>b. the trail’s surface must be pervious but may be constructed with materials that limit erosion and bank destabilization (certain structures may require a building permit);</li> <li>c. the trail provides the most direct route of feasible passage through the development permit area;</li> <li>d. sensitive habitat will not be impacted by the presence of the trail;</li> <li>e. the ground must be stable, i.e. erodible banks or other erosion prone areas must be avoided;</li> <li>f. no trees, greater than 5 metres in height and 10 centimeters in diameter, are to be removed. Limbing, pruning and topping of trees must be done however a minimum of 60% of the original crown of any tree should be retained to maintain tree health and vigor; and</li> <li>g. no vehicles are permitted.</li> </ul>	<p>This exemption carries forward to exemption 5 in the draft DPA, without the requirement that “sensitive habitat will not be impacted by the presence of the trail”. As this is an exemption, the concept is that if the trail is narrow and there is only one trail through the DPA on that property, that the impact will be of such a minor nature that a development permit need not be required.</p>
<p>6. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:</p> <ul style="list-style-type: none"> <li>a. emergency actions for flood protection, and erosion protection;</li> <li>b. clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences in accordance with the Federal <i>Fisheries Act</i> and <i>Wildlife Act</i> ; and</li> <li>c. the removal of hazardous trees that present a danger to the safety of persons or are likely to damage public or private property in accordance with the Federal <i>Fisheries Act</i> and <i>Wildlife Act</i>.</li> </ul>	<p>Exemption 14</p>
<p>7. Restoration works to the sensitive ecosystem for which the development permit area has been identified, that complies with Provincial or Federal standards or requirements. Any activity within the sensitive ecosystem for which the development permit area has been</p>	<p>Exemption 15 - Reworded from Exemption 7 in the current Nanoose Bay OCP to reflect best practices.</p>

identified, requires compliance with Provincial and Federal legislation, and notification to the Regional District of Nanaimo.	
8. Subdivision of land where a covenant under section 219 of the <i>Land Title Act</i> is registered against the title to the land and includes provisions which, in the opinion of the Regional District, protect the sensitive ecosystem for which the development permit area has been identified on the lands in a manner that is consistent with the applicable Development Permit Area designation.	Exemption 11 - Nanoose Bay OCP exemption 8 is combined with similar exemptions in other DPAs to add to the criteria for exemption for subdivision. Additional criteria are that the minimum parcel sizes are to be met exclusive of the DPA and no development activities will occur in the DPA.
9. Fence building and other activities associated with a farm operation that are carried out upon lands to which section 2(2) of the <i>Farm Practices Protection (Right to Farm) Act</i> (British Columbia) applies where such activity is carried on in accordance with normal farm practices and the Federal <i>Fisheries Act</i> .	Exemption 13 - Carries the same intent as Exemption 9 in the current Nanoose Bay DPA but is updated to reflect best practices.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 4 - second storey addition.
- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.
- Exemption 12 - subdivision involving only lot line consolidation .
- Exemption 16 - works conducted by the RDN or its agents.
- Exemption 17 - forest management activities .

## GUIDELINES

The table below lists the guidelines in the current Nanoose Bay OCP DPA, where they are found in the draft DPA and description of the rationale for the change.

### SENSITIVE ECOSYSTEM PROTECTION DPA GUIDELINES

Current Nanoose Bay OCP Guidelines	Draft DPA Guideline
1. A development permit is required for the following activities unless specifically exempt : <ol style="list-style-type: none"> <li>a) Removal, alteration, disruption or destruction of natural features, including mature and native vegetation;</li> <li>b) Disturbance of soils, including grubbing, scraping, and removal of top soils;</li> <li>c) Construction or erection of buildings and structures;</li> <li>d) Creation of nonstructural impervious or semi-pervious surfaces; and</li> <li>e) Subdivision as defined in the <i>Land Title Act</i> or the <i>Strata Property</i></li> </ol>	Found in the “Applicability” section of the draft DPA. Only variation is to 1a where “mature and native vegetation” is replaced with “trees, plants and shrubs”.

<i>Act.</i>	
<p>2. Where development or the alteration of land is proposed within the <b>Sensitive Ecosystem Protection Development Permit Area</b>, the evaluation of the proposal shall consider the following site-specific natural features, functions, and conditions that support wildlife and unique ecosystems:</p> <ul style="list-style-type: none"> <li>a) maintenance of an effective visual and sound (natural vegetated) buffer around eagle and heron nesting sites or the sensitive ecosystem;</li> <li>b) vegetation, trees, snags, and root systems;</li> <li>c) rare and uncommon species and plant communities;</li> <li>d) soils and soil conditions (moisture, nutrients and permeability);</li> <li>e) bird and other wildlife and their habitats, such as nesting and breeding areas;</li> <li>f) maintenance of linkages with adjacent sensitive ecosystems to minimize fragmentation; and</li> <li>g) topography and relative orientation of features on neighbouring properties.</li> </ul>	Guidelines 3 and 4
<p>3. All proposed development activity must minimize the area of encroachment into the Development Permit Area.</p>	Guideline 1
<p>4. Best practice interface fire mitigation techniques shall be considered where they minimize impacts on the features and function within the Development Permit Areas.</p>	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
<p>5. Applicants are encouraged to consult the following guidelines: <u>Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997 (Volume 2: Conservation Manual</u> published by Canadian Wildlife Service; <u>Stream Stewardship, 1993</u> and <u>Land Development Guidelines, 1992</u> publications by DFO and MELP and the <u>Environmental Requirements and Best Management Practices for the Review of Land Development Proposals</u>, March 2001 publication by MELP, or any subsequent editions (see Appendix No. 3 for web references).</p>	Guideline 6 – updated with current best practice resources

Additional guidelines for the Nanoose Bay OCP DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – requirement for an assessment by a biologist – this requirement is implicit in the current DPA for Nanoose Bay and this change will provide clarity for property owners.
- Guideline 5 – option to require a landscape deposit. This is an important tool that can be used to ensure objectives of the DPA are met.
- Guideline 7 – option to require a covenant and temporary flagging where the biologist identifies areas to remain free from development.

- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.
- Guideline 9 – option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. This is in the Sensitive Ecosystems DPA for two other OCPs and enables the RDN to require this type of report where there is a steep slope in conjunction with the sensitive ecosystem.
- Guideline 10 and 11 – guidelines regarding draining management to guide development that will help meet the objectives of this DPA.

## EAGLE AND HERON NESTING TREES DPA

In the current Nanoose Bay OCP, eagle and heron nesting trees are included in the Sensitive Ecosystem Protection DPA. The guidelines for eagle and heron nesting tree protection are combined with those from three other OCPs into a new DPA with language to improve clarity.

The Nanoose Bay OCP does not currently contain any exemptions or guidelines specific to protection of eagle and heron nesting trees which can at times make it unclear what information is required in order to assess if the development permit guidelines are met, and can make it difficult to provide practical exemptions.

The Nanoose Bay OCP currently designates the property where an eagle or heron nest is mapped as being within the DPA, which means that if a tree is close to the property line and the buffer would extend to an adjacent property, the DPA is not properly designated to require a DP on that adjacent property. Conversely, the current DPA would have a large property entirely within the DPA even if there is a single nesting tree in only one part of the property. This will be corrected through revised mapping.

## TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Nanoose Bay OCP area.

### TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Nanoose Bay OCP	Draft TUP designation and conditions
<i>Resource Lands Policy 14</i> - The issuance of temporary use permits for the manufacture of asphalt products and/or gravel extraction on parcels may be considered provided that:	2.
a) the asphalt is produced in a portable asphalt batch plant;	2.b)
b) parcels are in excess of 8.0 hectares in area;	2.a)
c) any watercourses are protected from the manufacturing or gravel extraction activity;	1.c)
d) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the Waste Management Act;	2.c)
e) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained between the asphalt batch plant operation and any dwelling unit not located on the subject property;	2.d) adjusted to require the buffer to be 100 m but the berm is not required to be that width as it is considered to be excessive.
f) 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;	1.e regarding reclamation plan. Specific reference to Mines Act not carried forward but will be addressed through the application process where applicable.
g) primary processing is a permitted use on the parcel; and	Not carried forward in order to standardize. Compatibility with surrounding uses required to be considered in 1.a)
h) where land is within the Agricultural Land Reserve, notice has been given to the ALC of the intent to remove gravel or process soil in accordance with the Agricultural Land Commission Act and the ALC has granted approval.	3.
<i>Resource Lands Policy 15</i> - For Resource Lands not within the ALR, the issuance of temporary use permits for soil composting operations on parcels may be considered provided that:	2. extended to allow for issuance of a TUP on Resource lands whether or not they are in the ALR, in order to standardize.
a) parcels are in excess of 8.0 hectares in area;	2.a)
b) surface water is protected from all composting activities;	1.c)
c) ground-water will not be negatively impacted by all composting activities;	1.c)
d) approval is obtained from the ALC where required;	3.
e) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the Waste Management Act;	2.c)
f) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained	2.d) adjusted to require the buffer to be 100 m but the berm is not

<b>Current Nanoose Bay OCP</b>	<b>Draft TUP designation and conditions</b>
between the composting operation and any dwelling not located on the subject parcel;	required to be that width as it is considered to be excessive.
g) the daily period of composting activities is limited to normal daylight hours to minimize noise impacts, including heavy truck traffic, on surrounding lands;	2.g)
h) all aspects of the composting operation must be completed in its entirety within two calendar years of the date of issuance of a temporary use permit;	Not carried forward. This can be included in permit conditions.
i) primary processing is a permitted use on the parcel;	Not carried forward in order to standardize. Compatibility with surrounding uses required to be considered in 1.a)
j) the use does not produce odours detectable from adjacent parcels;	2.h)
k) the uses comply with the provincial Organic Matter Recycling Regulations and any RDN Waste Stream Licensing Bylaw.	2.i)
<i>Urban Containment Boundary Policy 8</i> - Pursuant to the Local Government Act, the issuance of temporary commercial use permits for real estate offices, show homes, signs and/or construction offices may be considered within Urban Containment Boundaries by the RDN Board.	1. – TUP may be issued on any parcel to allow a use not permitted in the zoning bylaw.

# DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

## CHANGES PROPOSED – ELECTORAL AREA F OCP

### INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

The two DPAs in the Electoral Area F Official Community Plan (OCP): Watercourse Protection and Fish Habitat Protection, are proposed for combination with the Freshwater and Fish Habitat Protection DPA that will apply to all electoral areas. The table below outlines the general changes to the structure of the DPAs in Electoral Area F. This summary document outlines the specific changes to each of the two existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the Electoral Area F OCP area.

### SUMMARY OF CHANGES FOR ELECTORAL AREA F OCP AREA

Electoral Area F OCP DPA / TUP	Proposed Changes
<b>1. Watercourse Protection</b>	Draft Freshwater and Fish Habitat Protection DPA
<b>2. Fish Habitat Protection</b>	Draft Freshwater and Fish Habitat Protection DPA
<b>TUP may be issued for aggregate extraction or farmers market in any designation, and for any use within Village Centres and rural separation boundaries.</b>	TUP application may be issued for any use in any zone subject to conditions.

### FRESHWATER AND FISH HABITAT PROTECTION DPA

The Electoral Area F OCP Watercourse Protection and Fish Habitat Protection DPAs become part of the draft Freshwater and Fish Habitat DPA that will be standard for all OCPs in RDN electoral areas.

### AREA OF APPLICATION

The Electoral Area F Watercourse Protection and Fish Habitat Protection DPAs apply to mapped streams indicated on Map No. 3 and all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation.

## EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added to reduce situations where a DP must be required due to the wording of the DPA, but where there is little to no impact of the development. For example, there are new exemptions for:

- Exemption 2 – repair and maintenance of buildings on existing footprint.
- Exemption 10 – works conducted by the RDN or its agents that satisfy the DPA guidelines.
- Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings or structures.
- Exemption 16 – second storey addition.
- Exemption 17 - construction of a small accessory building within a previously landscaped area.

## GUIDELINES

The table below lists the guidelines in the current Electoral Area F DPAs, where they are found in the draft standard DPA and description of the rationale for the change, if any.

### WATERCOURSE PROTECTION DPA GUIDELINES

<b>Current Electoral Area F OCP Guidelines</b>	<b>Draft DPA Guideline <i>Freshwater and Fish Habitat</i></b>
1. Written rationale and assessment of the potential impacts on aquatic habitat and/or neighbouring land uses that may be affected by the proposed development is required	Guideline 2
2. Criteria in the written rationale shall include the following and be prepared by the applicant’s registered biologist, engineer or professional in another relevant discipline:	Guideline 1
a) The impact of the proposed development on soil stability, natural vegetation and ground cover;	Guidelines 3 & 11
b) The impact of the proposed development on the quality and quantity of groundwater and surface water;	Guidelines 8-9
c) The impact of the proposed development on wildlife and fisheries sensitive areas; and	Guidelines 3 and 11
d) The impact of the development on environmentally sensitive areas on adjacent lands	Guidelines 3 and 10
3. All development proposals are subject to the requirements and procedures of the Fish Protection Act and the Riparian Areas Regulation	Addressed by combining the Watercourse and Fish Habitat Protection DPAs into a single DPA



### FISH HABITAT PROTECTION DPA GUIDELINES

Current Electoral Area F OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – additional clarity of criteria for subdivision design to protect the SPEA
9. Subdivision within the SPEA should be avoided	Guideline 15
10. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.
11. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7

Additional guidelines are included in the draft DPA as follows:

- Guideline 5 – option to require landscaping plan and security deposit for landscaping.
- Guideline 8 – oil water separator may be required for commercial, industrial, multi-residential and intensive residential development.
- Guideline 10 – In low lying areas flood risk should not be increased and proposal for fill within the floodplain requires report from Professional Engineer.
- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. This provides more clarity to existing Watercourse DPA guideline 2.a).
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary. This is included in other DPAs and is considered a best practice at achieving the objectives of the DPA.

## TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area F OCP area.

### TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

<b>Current Electoral Area F OCP</b>	<b>Draft TUP designation and conditions</b>
Aggregates and Mineral Resources Future Impact Policy 2:  <i>The issuance of temporary use permits for the extraction of aggregate resources may be considered provided that the proposed use shall have limited impact on other zoned uses</i>	Includes specific conditions for gravel extraction carried forward from other OCPs
Business and Economy Policy 2:  <i>All lands within the Village Centres and within the Rural Separation Boundaries shall be identified as being eligible for consideration for the issuance of temporary use permits.</i>	TUP may be issued for any use on any parcel subject to performance criteria to ensure the use is compatible with the surrounding area and does not cause undue impact such as noise, dust, odour, etc

In addition, a TUP for the manufacture of asphalt products, soil composting or gravel extraction may only be issued on lands designated Rural, Rural Resource, or Resource in the applicable OCP, and specific conditions are included from other OCPs.

# DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

## CHANGES PROPOSED – ELECTORAL AREA G OCP

### INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the six DPAs in the Electoral Area G Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the four existing DPAs proposed to be combined.

For temporary use permits (TUP), minor changes are proposed for Electoral Area G in the standardization for all areas. The last section of this document outlines the specific changes.

### SUMMARY OF CHANGES FOR ELECTORAL AREA G OCP AREA

Electoral Area G OCP DPAs	Proposed Change
<b>1. Fish Habitat Protection</b>	Draft Freshwater and Fish Habitat DPA
<b>2. Environmentally Sensitive Features</b> <ul style="list-style-type: none"> <li>• SEI features: ‘riparian vegetation’, ‘wetland’, ‘sparsely vegetated’ and ‘older forest’</li> <li>• Coastal areas</li> <li>• Eagle and heron nesting trees Little Qualicum River, Englishman River, French Creek and estuaries</li> <li>• Lakes, wetlands and ponds, other watercourses and streams</li> <li>• All known aquifers</li> </ul>	Draft Sensitive Ecosystems DPA for all except for ‘riparian vegetation’ and ‘wetland’ Draft Marine Coast DPA Draft Eagle and Heron Nesting Trees DPA Draft Freshwater and Fish Habitat DPA ‘Riparian vegetation’ and ‘wetland’ features moved to Draft Freshwater and Fish Habitat DPA Draft Aquifers DPA
<b>3. Hazard Lands</b>	Draft Hazard Lands DPA
<b>4. Farm Land Protection</b>	Draft Farmland Protection DPA
<b>5. Inland Island Highway Corridor</b>	No change
<b>6. Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character</b>	No change

## FISH HABITAT PROTECTION DPA

The Electoral Area G OCP Fish Habitat Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all OCP areas in RDN electoral areas. The freshwater features currently within the Electoral Area G Environmentally Sensitive Features DPA are moved into the draft Freshwater and Fish Habitat DPA.

### AREA OF APPLICATION

The Electoral Area G Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and to mapped streams not subject to the RAR. The mapped 'wetland' and 'riparian vegetation' Sensitive Ecosystem Inventory (SEI) designations and the river, creek, lake wetland and pond features from the Electoral Area G OCP Sensitive Ecosystem Protection DPA are moved into the Freshwater and Fish Habitat DPA to create a single DPA for freshwater features. Estuaries are addressed in both the Marine Coast and Freshwater and Fish Habitat DPAs.

### EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve clarity. The following exemption is not carried forward from the Electoral Area G OCP but is addressed through the designation section:

- Exemptions 1 and 2 regarding development 30 metres or 15 metres from the top of bank or natural boundary depending on the stream. The purpose of this exemption is to effectively reduce the DPA around a watercourse based on a history of RAR reports showing that the streamside protection and enhancement area is consistently less than the riparian assessment area for streams in this area. This will be moved to the designation section of this DPA for Electoral Areas A and G only, where it currently applies, instead of including it in a shared exemption. It cannot be extended to other electoral areas without a study of the history of RAR assessments. A recent study of the history of RAR assessment for Electoral Area H did not find enough data to reduce the DPA to a distance lesser than the RAR.

The following exemptions that apply to all watercourses are added:

- Exemption 1 – where no stream or watercourse exists due to mapping inaccuracy.
- Exemption 2 – repairs and maintenance and second storey addition within existing building footprint.
- Exemption 4 – emergency procedures.
- Exemption 10 – works conducted by the RDN or its agents that satisfy the DPA guidelines.
- Exemption 11 – subdivision where minimum lot size is met exclusive of the SPEA.

Watercourses, lakes, wetlands and ponds that are not subject to the RAR are currently included in the Electoral Area G Environmentally Sensitive Features DPA. Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. There are new exemptions for:

Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.

- Exemption 16 – construction of a small accessory building in a previously landscaped area

## GUIDELINES

The table below lists the guidelines in the current Electoral Area G Fish Habitat Protection DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

### FISH HABITAT PROTECTION DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. Permanent fencing and/or other means of delineating the SPEA must be installed	Guideline 16
9. A sign identifying the SPEA must be permanently installed	Guideline 15
10. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – with adjustments to respond to experience with implementing this guideline
11. Subdivision within the SPEA should be avoided	Guideline 15
12. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.
13. Requirement for landscape and security deposit	Guideline 5 – adjusted to be an option to require
14. Drainage should be designed to replicate the function of a naturally vegetated watershed	Guidelines 9 and 10 – same intent with different wording and added option to require sediment and erosion control plan and/or report from Professional Engineer re flooding

As streams and other freshwater features are also addressed in the current Environmentally Sensitive Features DPA for Electoral Area G, in the process of drafting a standard Freshwater and Fish Habitat DPA, guidelines from two Electoral Area G DPAs have been reviewed. The table below lists the guidelines in the current Electoral Area G Environmentally Sensitive Features DPA, where they are found in the draft Freshwater and Fish Habitat DPA and description of the rationale for the change, if any.

### ENVIRONMENTALLY SENSITIVE FEATURES DPA GUIDELINES

*This table lists only the relevant guidelines that are not duplicated in the Electoral Area G Fish Habitat Protection DPA, as those are addressed in the table above*

<b>Current Electoral Area G OCP Guidelines</b>	<b>Draft DPA Guideline <i>Freshwater and Fish Habitat</i></b>
1. Mapped locations for convenience only and ground truthing may be required	Exemption 1 – partially addresses. Will also address mapping inaccuracy through associated administrative bylaw updates.
2. Biologist assessment required	Guideline 1
3. Require compliance with conditions in biologist report as conditions of permit	Guideline 7 – this is an integral part of the DP process covered in legislation
6. Applicant to work with RDN to consider possible variances	Guideline 2
7. Developed to be located where it will cause the least impact	Guideline 2
8. Requirement for revegetation plan	Guidelines 4 and 5
9. Timing of construction to minimize impacts	Guideline 4
10. Permanent or temporary fencing may be required	Guideline 6
11. On parcels with a slope of 30% or greater, geotechnical report may be required	Guideline 11
12. All development proposals are subject to the RAR	Addressed by combining the DPAs relating to freshwater into a single DPA
13. Development applications shall generally comply with the environmental protection policies in Sections 2.1-2.8 of this Plan	Guidelines 3 – 4 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines.
14. Compliance with Develop with Care	Not included. Guidelines specifically pull out relevant best practices from this document for clarity.
15. Covenant may be required	Guideline 6
16. Rain water should be managed on site	Guideline 9
17. Use of rainwater management techniques	Guideline 9
18. Consider the site-specific natural features, ecological processes that support fish, riparian function, wildlife ecology and unique ecosystems...	Guidelines 3-4
19. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
20. May require sediment and erosion control plan	Guideline 9

**ENVIRONMENTALLY SENSITIVE FEATURES DPA**

The current Environmentally Sensitive Features DPA in the Electoral Area G OCP applies to:

- coastal areas;
- Little Qualicum River, Englishman River, French Creek and estuaries;
- lakes, wetlands and ponds, other watercourses and streams;
- all known aquifers; and
- Sensitive Ecosystem Inventory (SEI) features: ‘riparian vegetation’, ‘wetland’, ‘sparsely vegetated’ and ‘older forest’.

As shown in the table below, the proposal is to separate this DPA into five different DPAs as part of the standardization project.

Electoral Area G OCP “Environmentally Sensitive Features DPA”	Draft DPA Where the Feature is Addressed
SEI ‘sparsely vegetated’ and ‘older forest’	Sensitive Ecosystems DPA
Eagle and heron nesting trees	Eagle and Heron Nesting Trees DPA
Coastal areas	Marine Coast DPA
Little Qualicum River, Englishman River, French Creek and estuaries, lakes, wetlands and ponds, other watercourses and streams, and SEI ‘riparian vegetation’ and ‘wetland’	Freshwater and Fish Habitat DPA
All known aquifers	Aquifers DPA

**DRAFT SENSITIVE ECOSYSTEMS DPA**

For Electoral Area G, the draft DPA applies to the SEI features of sparsely vegetated and older forest.

**EXEMPTIONS**

All but one of the existing exemptions in the Sensitive Ecosystem Protection DPA for the Electoral Area G OCP remain with some adjustments. Exemption 13 for construction within the exterior walls is not carried forward as it is not necessary.

Exemption 15 regarding subdivision where minimum lot sizes are met exclusive of the DPA and no land alteration is taking place in the DPA is carried forward as Exemption 11 with addition of a requirement to register a covenant to protect the sensitive ecosystem to reflect best practices.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 3 - repair, maintenance, or alteration of existing legal buildings, structures.
- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.

- Exemption 12 - subdivision involving only lot line consolidation.
- Exemption 17 - forest management activities.

## GUIDELINES

The table below lists the guidelines in the current Electoral Area G OCP DPA, where they are found in the draft combined DPA and description of the rationale for the change.

### ENVIRONMENTALLY SENSITIVE FEATURES DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guideline
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required.	Not carried over at this time – further study required to determine best way to address situation where boundaries of SEI mapped shapes may not be exact
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity.
3. Biologist recommendations may be conditions of permit	Not carried over – not required as this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 5 – updated for consistency, and language changed to “may” require to allow flexibility
5. Regarding rainwater management	Guideline 10
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause the least impact	Guideline 1 – updated for consistency
8. May require revegetation plan	Guideline 2 and 5 taken together cover the intent
9. Timing of construction to have least impact	Guideline 4 – within this guideline combined with other mitigation measures
10. Permanent or temporary fencing	Guideline 7 – within this guideline
11. Geotechnical report may be required for slopes of 30% or greater	Guideline 9
12. All development proposals are subject to the RAR	Addressed by combining the DPAs relating to freshwater into a single DPA
13. Comply with the environmental protection policies in Section 4.0 of this Plan	Guidelines 3 – 4 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines.
14. Compliance with Develop with Care	Guideline 6
15. May require covenant	Guideline 7
16. Rain water should be managed on site	Guideline 9
17. Use of rain gardens etc encouraged	Guideline 11
18. Consider natural features, ecological processes, etc	Guidelines 3 - 4



19. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
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One additional guideline is included in the draft DPA to reflect best practices for achieving the objectives of the DPA as follows:

- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.

***DRAFT EAGLE AND HERON NESTING TREES DPA***

Eagle nesting trees are currently designated within the Environmentally Sensitive Features DPA for Electoral Area G and apply to a radius of 60 metres around eagle nesting trees. Heron nesting trees are not clearly designated as part of the DPA, but it appears that may have been the intent; Guideline 18.a. discusses maintaining a buffer around eagle and heron nesting sites. The draft DPA includes a buffer around both eagle and heron nesting trees for consistency among the four OCP areas to which it applies.

All DPAs except for those in the recently adopted Electoral Area H OCP only apply to nesting trees that are mapped. This mapping can be many years out of date and does not account for newly established nests or those that were missed during the mapping exercise. It also does not account for trees or nests that have fallen and are no longer there. The proposed new DPA will apply to all nesting trees whether or not they are mapped.

Based on research into best practices and advice from Ministry of Environment biologists, the draft DPA reduces the radius around great blue heron nesting trees to 60 metres on lots of 1.0 hectares or smaller. As well, the current DPAs are not clear where the buffer is to be measured from, and the proposed changes will clarify that it is from the dripline of the tree or group of trees, as indicated in Ministry of Environment best practices.

**EXEMPTIONS AND GUIDELINES**

For Electoral Area G, there are currently no exemptions that specifically address nesting trees, and there is one guideline that addresses maintenance of an “effective visual and sound (naturally vegetated) buffer around eagle and heron nesting sites”. In addition to general exemptions and guidelines that are consistent for all environmentally sensitive areas, the new draft DPA specifically for nesting trees includes the following:

- Exemption 3 - if a nest has been abandoned as confirmed by biologist and a record of 5 years of no use.
- Exemption 4 - for vegetation management, onsite sewage disposal installation and well drilling outside of nesting season.
- Guideline 2 - requiring biologist assessment outlining required content specific to nesting trees.

### **DRAFT MARINE COAST DPA**

Coastal areas 15 metres upland and 15 metres seaward of the natural boundary are currently designated within the Environmentally Sensitive Features DPA for Electoral Area G. Coastal areas are designated as a DPA in three different electoral areas and the draft Marine Coast DPA combines these three.

Exemptions for the draft Marine Coast DPA are consistent with the new Sensitive Ecosystems DPA. A comparison of guidelines specific to coastal areas is shown in the table below.

#### **MARINE COAST DPA GUIDELINES**

<b>Current Electoral Area G OCP Guidelines</b>	<b>Draft DPA Guideline</b>
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required.	Not applicable to coastal areas
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity
3. Biologist recommendations may be conditions of permit	Not carried over – not required this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 13 – updated for consistency, and language changed to “may” require to allow flexibility
5. Regarding rainwater management	Guideline 11 addresses onsite drainage in relation to the need for shore protection
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause the least impact	Guideline 1 – updated for consistency
8. May require revegetation plan	Guidelines 13 and 18
9. Timing of construction to have least impact	Not specifically mentioned but where machinery is required on the foreshore for installation or repair of shore protection works, Federal approvals require timing outside of fisheries windows
10. Permanent or temporary fencing	Guideline 3.d)
11. Geotechnical report may be required for slopes of 30% or greater	Not applicable
12. All development proposals are subject to the RAR	Not applicable
13. Comply with the environmental protection policies in Section 4.0 of this Plan	Guideline 3 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
14. Compliance with Develop with Care	Not included - guidelines specifically pull out relevant best practices from this document for clarity
15. May require covenant	Guideline 7
16. Rain water should be managed on site	Guideline 11
17. Use of rain gardens etc encouraged	Not applicable
18. Consider natural features, ecological processes, etc	Guideline 6.b) as applicable to coastal areas

19. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
20. Sediment and erosion control plan may be required	Guideline 21
21. Engineers assessment required for shoreline stabilization device	Guidelines 5 and 6
22. Retaining walls or other "hard" surfaces only supported where "softer" approaches are not appropriate for site conditions	Guideline 11
23. Shoreline stabilization measures that obstruct pedestrian access are not supported	Guideline 9
24. Retaining wall should be located upland of the natural boundary and where feasible meet zoning setbacks. Retaining walls to reclaim land lost to erosion is not supported	Guidelines 5, 11 and 21

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA. Many of these additional guidelines relate to best practices for shore protection works or address potential future development such as boat ramps, marinas and ocean loop geothermal.

- Guideline 4 – new or additions to buildings should be located and designed to avoid the need for shore protection works throughout the life of the building.
- Guideline 5 – shore protection works shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw.
- Guideline 7 – geotechnical report may require registration as covenant.
- Guideline 8 – where protection from erosion is proposed every effort will be made to design in accordance with Green Shores.
- Guideline 10 – restrictions on heavy equipment on the beach.
- Guideline 11 – additional detail for other options that must be considered before hard structural protection will be considered.
- Guideline 12 – for ocean loop geothermal.
- Guideline 15 – subdivision shall be designed so that new lots will not require shore protection for usable building sites considering sea level rise to the year 2100.
- Guideline 16 – development on bluffs must be sufficiently set back based on geotechnical analysis.
- Guideline 17 – new driveways, parking lots, and wastewater disposal should not be located in the DPA.
- Guideline 18 – replanting may be required.
- Guideline 19 – replanting should use salt and wind tolerant plants.

- Guideline 20 – replanting should be maintained by the property owners for minimum of two years.
- Guideline 22 – fill below the natural boundary may be supported when assisting with shore stability and permission has been granted by the Province.
- Guidelines 23-26 – to address commercial and industrial development.
- Guideline 27 – to address boat launch ramps.

### **DRAFT AQUIFERS DPA**

This draft DPA includes the land above aquifers that have been mapped in Electoral Areas G and H, and in limited parts of Electoral Area A.

### **AREA OF APPLICATION**

For Electoral Area G, exemptions and guidelines related to groundwater protection are currently within the Environmentally Sensitive Features DPA. New aquifer mapping is available from the Province which adjusts the boundaries of known aquifers, and this new mapping is proposed to be adopted as the DPA for Electoral Area G.

### **EXEMPTIONS**

For Electoral Area G, there are several exemptions within the Environmentally Sensitive Features DPA that specifically address aquifer protection. They are all carried forward to the draft DPA, with the addition of the following exemptions for minor development where there is little to no expected impact in order to streamline the development process, or where activities are addressed in provincial or federal legislation and a DP cannot be required:

- Exemption 2 – exemption for construction of a fence is expanded to exempt buildings and structures that do not require a building permit.
- Exemption 3 – installation of onsite wastewater disposal.
- Exemption 7 – subdivision where each lot has an approved connection to a community water system.
- Exemption 8 – farm operations.
- Exemption 9 – forest management activities.
- Exemption 10 – works conducted by the RDN or its agents that satisfy the DPA guidelines.

### **GUIDELINES**

The tables below lists the guidelines in the current Electoral Area G DPAs where they are found in the draft DPA with some minor re-wording for clarity.

### AQUIFERS DPA GUIDELINES

Current Electoral Area G OCP Guideline	Draft DPA Guidelines
25. Use or disposal of substances that may be harmful to aquifers shall be discouraged	Guideline 1
26. Professional report required with list of required information and recommendations	Guideline 2 – reworded to reflect best practices
27. Developments that pose detrimental impacts on quality or quantity of groundwater shall not be supported	Guideline 11
28. For developments that are proposed to be serviced by a community water system, written confirmation from the provider is required	Not carried forward as new exemption applies
29. Rainwater management plan may be required	Guidelines 4 and 6

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 6 – development should replicate the function of a naturally vegetated watershed.
- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are recent provincial requirements so this is new information to draw from.

### HAZARD LANDS DPA

The Electoral Area G Hazard Lands DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

#### AREA OF APPLICATION

The Electoral G Hazard Lands DPA applies to flood prone land and land with a natural grade greater than 30% as identified in Map No.9.

#### EXEMPTIONS

All exemptions from the Electoral Area G Hazard Lands DPA are carried forward to the draft DPA as shown in the table below, with some additional exemptions.

### HAZARD LANDS DPA EXEMPTIONS

Current Electoral Area G OCP Exemption	Draft DPA Exemption
1. Emergency procedures	Exemption 13
2. Requirement to report emergency actions	Exemption 13
3. Hazardous tree removal	Exemption 10
4. Work by the RDN or its agents	Exemption 14 and 16
5. Second storey addition	Exemption 5
6. Fence construction	Exemption 7
7. Subdivision where criteria are met	Exemption 8

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development outside the DPA as confirmed by a BC Land Surveyor or the Regional District.
- Exemption 2 – where there is no flooding or steep slope hazard as confirmed by a Professional Engineer.
- Exemption 3 – construction of buildings and structures in accordance with the Floodplain Bylaw where there is no land alteration or placement of fill outside the building footprint.
- Exemption 4 – where a geotechnical report for buildings or structures is registered on Title and there is no land alteration or placement of fill outside the building footprint.
- Exemption 6 – construction of a small accessory building of a maximum size and set back from the crest of a slope or high water mark.
- Exemption 9 – subdivision only involving lot line adjustment or consolidation if meets conditions.
- Exemption 11 – small scale manual removal of invasive plants or noxious weeds.
- Exemption 12 – farm operations.
- Exemption 15 – Forest management activities.

### GUIDELINES

The table below lists the guidelines in the current Electoral Area G DPA, where they are found in the draft DPA with some minor re-wording for clarity.

### HAZARD LANDS DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guidelines
1. May consider variances to minimize encroachment	Guideline 2
2. Assessment by qualified professional required	Guideline 1
3. Engineer report required for placement of fill	Guideline 9
4. Covenant may be required	Guideline 1
5. Drainage, sediment and/or erosion plan may be required	Guideline 10
6. Revegetation plan may be required	Guideline 3
7. Landscaping and security deposit required	Guideline 3

8. Mitigation and restoration shall be required as recommended by professional	Guideline 7
9. Development should be in accordance with best practice document	Guideline 11
10. Where there is no alternative to use flood prone lands, shall be located where no risk to life and damage can be mitigated	Guidelines 1 and 2
11. Wetlands should be maintained in their natural state	Guideline 7
12. Development should be designed to replicate a naturally vegetated watershed	Guideline 6
13. Criteria for design of development	Guideline 4, 8 and throughout

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – temporary fencing may be required.
- Guidelines 12 and 13 relate to steep slopes and provide additional clarity where the hazard is for steep slopes.

## FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

### AREA OF APPLICATION

In the Electoral Area G OCP this DPA currently applies to lands within 15 metres of the ALR. The four other Farmland Protection DPAs use slightly different ways of measuring the boundary of the DPA. For Electoral Area G, where the ALR boundary is at a road right-of-way, the DPA would apply to a portion of the parcel on the other side of the road. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, **the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.**

### EXEMPTIONS

The Electoral Area G DPA for Farmland Protection has six exemptions, and the DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

### FARMLAND PROTECTION DPA EXEMPTIONS

Current Electoral Area G OCP Exemption	Draft DPA Exemption
1. Development on land within the ALR	Exemptions 1 and 7
2. Building or structure outside the 15 metre DPA	Exemption 6 – change in wording as the draft DPA applies to the entire property adjacent to the ALR, but this exemption has the same effect.
3. Land alteration outside of the 15 metre buffer area	Exemption 7
4. Construction of fence meeting criteria	Exemption 11 – removes criteria for adequate site area as fence construction can be considered part of a buffer according to best practices.
5. Second storey addition	Exemption 9
6. Subdivision where each parcel has a minimum depth of 50 metres or can provide adequate depth for building site area, accessory buildings and buffer	Exemption 4 – only depth of 50 m is carried over. The rest of this exemption is not as assessing whether or not a subdivision meets these criteria should be done through the development permit process, and ensuring that subdivisions are designed this way is the purpose of the DPA. With the new delegation bylaw for development permits, processing time shortened to weeks instead of the potential for months when these DPAs required Board approval.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 2 – development in accordance with an existing covenant for landscaped buffer adjacent to the ALR.
- Exemption 3 - lands zoned industrial, and proposed to be or being used for industrial purposes: This exemption is in the current DPA in the Nanoose Bay OCP, and applies to several industrial-zoned parcel at the Island Highway East by Northwest Bay Logging Road. There are no other industrial-zoned parcels in the other applicable OCP areas that are directly adjacent to the ALR. Therefore there is no impact to including this exemption in the combined guidelines. If lands are rezoned to Industrial in the future, this DPAs applicability would be considered at that time and could be addressed through rezoning.
- Exemption 5 – where the development is part of a farm operation.
- Exemption 6 - Construction of a building or structure further than 15 metres from the ALR.
- Exemption 8 – maintenance of buildings and structures.
- Exemption 10 – Construction of an access driveway provided it is no more than 9.0 metres in width.
- Exemptions 12-16 – standard exemptions added to most draft DPAs including such things as hazard tree removal, emergency actions in the event of flooding, manual removal of invasive species, etc.



## GUIDELINES

The table below lists the guidelines in the current Electoral Area G DPA, where they are found in the draft DPA with some minor re-wording for clarity.

### FARMLAND DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guidelines
1. Design proposed parcels to lessen impact on ALR	Guideline 9
2. Vegetated buffer of 15 m maintained or established designed in accordance with best practices document	Guideline 1 – best practice document reference updated
3. Buildings and structures should be outside of the buffer, except for fencing which shall be constructed according to best practice document	Guideline 5 and 10 – best practice document reference updated
4. Plant layout and spacing shall be generally in accordance with best practice document	Guideline 3
5. Fencing constructed following best practice document	Guideline 10 – best practice document reference updated
6. Covenant for vegetated buffer may be required	Guideline 8
7. Landscaped buffer shall be to standard of industry standard document	Not carried forward as another best practice document already referred to

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – preserving mature trees and existing vegetation in buffer area .
- Guideline 4 – buffer maintenance plan and landscape and security deposit may be required.
- Guideline 6 – buffer of less than 15 m may be considered due to site constraints.
- Guideline 7 – buffer should be installed prior to construction commencing or final approval of subdivision.
- Guideline 10 – fencing shall be constructed generally in accordance with best practice document.

## TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an official community plan (OCP) or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area G OCP area.

### TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Electoral Area G OCP	Draft TUP designation and conditions
Section 8.7 Temporary Use Permits Policy 1: TUPs may be considered on parcels within the 'Rural' and 'Rural Resource' land use designations on parcels 4 hectares or greater in area for primary resource processing, asphalt batch plant, concrete ready mix plant, yard waste chipping, or commercial composting. The following criteria will be included in the RDN's consideration of such applications.	2
a) For commercial composting, proposal receives favourable recommendation from District Agriculturalist, Ministry of Agriculture and Ministry of Environment and would benefit agriculture b) Approval from ALC required	3 – approval from ALC required
c) Composting activity shall be no closer than 400 m from the UCB	2.e)
d) RDN may specify conditions and may require posting of a bond or other applicable security to ensure compliance with conditions	4 and 5
e) Impact of proposed use on adjacent agriculture, or forestry uses f) Compatibility of the proposed use with adjacent rural residential or rural uses	1.a) - demonstrate how any anticipated impact to surrounding area will be mitigated
g) Impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas.	1.c)
h) An environmental management plan is submitted by the applicant outlining environmental protection and monitoring procedures.	Not required overall but may be required for individual applications pursuant to Development Approval Information Bylaw, and monitoring may be a condition of the permit.
i) Intensity of the proposed use.	Not specifically stated but covered through requirement to demonstrate how impacts will be mitigated.
j) Inability to conduct the proposed use on land elsewhere in the community.	1.d)
k) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the Regional District of Nanaimo until completion of the proposed works.	1.e)
l) Consideration is given to future inclusion of the subject property and surrounding land into the City	2.j)

<b>Current Electoral Area G OCP</b>	<b>Draft TUP designation and conditions</b>
of Parksville or Qualicum Beach and the compatibility of future development with adjoining areas within each municipality.	
m) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.	1.f)
Section 8.7 TUP Policy 2 – Issuance of TUPs throughout the Plan Area for real estate offices, show homes, and construction offices may be considered	1. – TUP may be issued on any parcel to allow a use not permitted in the zoning bylaw.
Section 8.7 TUP Policy 3 – RDN may consider renewal of permit	Not carried forward – not required in policy as it is in the Local Government Act.
Section 8.7 TUP Policies 4-5 regarding rezoning for a use permitted through TUP.	Not carried forward, these policies will remain in the OCP.

# DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

## CHANGES PROPOSED – ELECTORAL AREA H OCP

### INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Six of the eight DPAs in the Electoral Area H Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. The Electoral Area H OCP was recently revised including extensive updates to the DPAs, which have served as a template for this project. However, this project results in some changes to the Electoral Area H DPAs, in order to standardize with other DPAs.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the Electoral Area H OCP area.

### SUMMARY OF DPA CHANGES FOR ELECTORAL AREA H OCP AREA

Electoral Area H OCP DPAs	Proposed Changes
<b>1. Freshwater and Fish Habitat Protection</b>	Draft Freshwater and Fish Habitat DPA
<b>2. Eagle and Heron Nesting Trees</b>	Draft Eagle and Heron Nesting Trees DPA
<b>3. Aquifers</b>	Draft Aquifers DPA
<b>4. Marine Coast</b>	Draft Marine Coast DPA
<b>5. Coastal Steep Slope Hazard</b>	Draft Hazard Lands DPA
<b>6. Farmland Protection</b>	Draft Farmland Protection DPA
<b>7. Rural Commercial</b>	No change
<b>8. Qualicum Bay and Dunsmuir Village Centres</b>	No change

## FRESHWATER AND FISH HABITAT PROTECTION DPA

The Electoral Area H Freshwater and Fish Habitat Protection DPA was a model for the draft combined DPA.

### AREA OF APPLICATION

The Electoral Area H Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and to mapped and unmapped streams not subject to the RAR. For consistency with other DPAs this will be adjusted to apply to only mapped streams not subject to the RAR. Using only mapped streams when the RAR does not apply will also result in more certainty for development.

### EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions:

- There is no longer a reference to a ‘general exemptions’ section. Instead, all relevant exemptions are in each DPA.
- Exemptions 2 and 4 – re works done with applicable Provincial and Federal approvals. Combined with Exemption 8 in the draft DPA to remove duplication.
- Exemption 5 – re streams subject to the RAR where a simple assessment is completed. Add that there are no measures required outside of the SPEA.
- Exemption 6 – re subdivision where the RAR does not apply. Reworded in Exemption 11.
- Exemption 9 – re second storey addition where the RAR does not apply. This is changed to be an exemption whether or not the RAR applies.

### GUIDELINES

A few adjustments are made to the Electoral Area H DPA guidelines in the process of combining them with other existing DPAs. The table below lists and describes these changes.

#### FRESHWATER AND FISH HABITAT PROTECTION DPA GUIDELINES

Current Electoral Area H OCP Guideline	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. Biologist assessment required	Carried forward as Guideline 1. Guidelines 3 and 4 are added to include further detail and guidance regarding the biologist assessment that is found in other DPAs.
8. Development should not increase flood risk	Guideline 10 – expanded to provide more clarity where a report from a Professional Engineer may be required related to flood risk.
13 and 14. Subdivision design	Guideline 15 – additional clarity of criteria for subdivision design to protect the SPEA

## EAGLE AND HERON NESTING TREES DPA

The Electoral Area H Eagle and Heron Nesting Trees DPA was a model for the draft DPA.

### AREA OF APPLICATION

The DPA applies 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 drip line 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 dripline of the nesting tree on lots 1.0 hectare or smaller; and
  - ii. a 100 metre radius from the dripline 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 drip line of all nest trees.

The great blue heron radius is adjusted for Electoral Area H. Prior to the 2017 OCP update the radius was 100 metres for heron nesting trees. This was reduced to 60 metres in the recent update, but further advice from the Ministry of Environment is that the reduction to a 60 metre radius should only be for lots 1.0 hectare or smaller.

### EXEMPTIONS

There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.

### GUIDELINES

Guideline 4 in the draft DPA is added that requires temporary fencing or flagging to avoid encroachment into the sensitive area as identified in the biologist report.

## AQUIFERS DPA

The Electoral Area H Aquifers DPA was a model for the draft DPA.

### EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- New Exemption 2 – construction or additions to a building or structure that do not require a building permit.

### GUIDELINES

The following guidelines are added to the draft combined DPA as they are found in other OCP’s aquifers DPA and serve to further clarify the intent.

- Guideline 1 - proper steps must be taken to dispose of any harmful substances used.

- Guideline 3 – use of permeable paving and other methods to reduce water runoff are encouraged.
- Guideline 5 – rainwater management plan may be required.
- Guideline 6 – development should be designed to replicate the function of a naturally vegetated watershed.
- Guideline 9 – proposal to manage solid waste or recyclables must be in accordance with the RDN Waste Stream Management Licensing Bylaw.

## MARINE COAST DPA

The Electoral Area H Marine Coast DPA was a model for the draft DPA.

### EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- Exemption 2 for placement of impermanent structures such as benches, tables and garden ornaments is removed as it is considered unnecessary now that the exemptions and guidelines are moved to the zoning bylaw as these things do not fall under the zoning bylaw definition of structure.
- Exemption 10 for mooring buoys is removed as it is not required.
- Exemption 11 for aquaculture operations is removed as it is not required.

### GUIDELINES

The following guidelines are revised in the draft DPA to combine with other OCP’s coastal guidelines, and to further clarify the intent.

- Guideline 5 states that shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw. Added to this is also that they shall not be allowed for reclaiming lost land due to erosion.
- Guideline 7 is added that where a geotechnical report is required, a covenant may be required to register the report to the property title.
- Guideline 11 adds a reason to the list where ‘hard’ shoreline protection may be considered: where it is not feasible to instead construct a retaining wall that meets the zoning bylaw setback.

## HAZARD LANDS DPA

The Electoral Area H Steep Slope Hazard DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

## AREA OF APPLICATION

The Electoral H Steep Slope Hazard DPA applies to flood prone land and land with a slope angle of 30% or greater.

## EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions. There are additional exemptions that only apply to flood hazard which is not relevant to the DPA in Electoral Area H:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- Exemption 4 – where a geotechnical report has been completed that satisfies the guidelines of the DPA. This is exemption 2 in the current Electoral Area H DPA, and is revised to combine with other DPAs.
- Exemption 6 – construction of a small accessory building that meets criteria such as distance from the crest of a slope.
- Exemption 7 – construction of a fence.

## GUIDELINES

The following guidelines are revised in the draft combined DPA to combine with other OCP’s Hazard Lands DPA guidelines, and to further clarify the intent. Guidelines that apply only to flooding hazard are not mentioned here.

- Guideline 5 states that shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw. Added to this is also that they shall not be allowed for reclaiming lost land due to erosion.

## FARMLAND PROTECTION DPA

The Electoral Area H Farmland Protection DPA was a model for the draft DPA.

## AREA OF APPLICATION

For Electoral Area H, the Farmland Protection DPA only applies to subdivision. For other electoral areas it also applies to construction of buildings and structures and land alteration. Additional exemptions and guidelines are primarily related to additional development that does not apply in Electoral Area H.

## EXEMPTIONS

Several exemptions are added to the Farmland Protection DPA through the process of combining the existing DPAs from different OCPs. The following exemptions in the draft combined OCP modify Electoral Area H DPA exemptions:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- Exemption 2 - Development in accordance with an existing covenant for maintenance of a landscaped buffer related to adjacency of the ALR.



- Exemption 3 - Lands zoned Industrial, and proposed to be or being used for industrial purposes.
- Exemption 4 - Subdivision where each proposed parcel within the DPA have a minimum parcel depth of 50 metres measured perpendicular from the ALR boundary.
- Other exemptions related to construction that do not apply in Electoral Area H.

## GUIDELINES

The following guidelines are revised in the draft combined DPA to combine with other OCP’s Farmland Protection DPA guidelines, and to further clarify the intent. Guidelines that do not apply to subdivision are not mentioned here.

- Guideline 6 - a vegetated buffer of less than 15 metres may be considered where there are site constraints.
- Guideline 7 – vegetated buffer should be installed prior to final subdivision approval.
- Guideline 10 – fencing should be generally in accordance with best practice document.

## TEMPORARY USE PERMITS

The Regional District of Nanaimo is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area H OCP area.

### TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Electoral Area H OCP	Draft Combined TUP designation and conditions
OCP Section 5.11 – TUP may be issued for all uses in all areas, based on performance criteria	Uses and areas are carried over to new TUP section.

In addition, a TUP for the manufacture of asphalt products, soil composting or gravel extraction may only be issued on lands designated Rural, Rural Resource, or Resource in the applicable OCP, and specific conditions are included from other OCPs.