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

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**Please note: Recommendation #19 was varied by the Committee by striking out 'or his alternate' and adding 'or the Electoral Area Services Committee Vice-Chair'**

### RECOMMENDATIONS

1. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018”.
2. That the Board give second reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
3. That the Board introduce and give first reading to “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018”.
4. That the Board give second reading to “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
5. That the Board introduce and give first reading to “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018”.
6. That the Board give second reading to “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
7. That the Board introduce and give first reading to “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018”.
8. That the Board give second reading to “Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.05, 2018” having considered the impact on the current Financial Plan, Liquid Waste Management Plan and Solid Waste Management Plan.
9. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05, 2018”.

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

- i. "Regional District of Nanaimo Electoral Area F Zoning and Subdivision Amendment Bylaw No. 1285.33, 2018";
20. That the Board introduce and give first, second and third reading to "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018".
21. That the Board approve revisions to "Policy B1.12 *Riparian Areas Regulation Stream Declaration*" under the revised title of "Policy B1.12 Property Declaration Form".

## SUMMARY

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

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

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

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

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

- “Regional District of Nanaimo Development Approval and Notification Bylaw No. 1432, 2005”; and
- Policy B1.12 – *Riparian Areas Stream Declaration*.

## **BACKGROUND**

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

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

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

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

### ***Land Use Implications***

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

The wording of exemptions and guidelines currently vary among DPAs adopted for the same purpose, as they were written at different times with different best practices, by different authors and with different areas of focus. To create consistent language, the wording of most of the DPAs require adjustment. These adjustments will not alter the objectives of the DPAs, rather simplify and refine while adding more exemptions to reflect current best practices.

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

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

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

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

### ***Intergovernmental Implications***

First Nations identified in the project's Consultation Plan were notified of this project in March, 2018, and invited to contact us to discuss any interest they may have. One response has been

received from K'omoks First Nation indicating no comment. Formal referrals will be sent to First Nations and agencies after first reading of the amending bylaws.

### ***Public Consultation Implications***

Public consultation for the project included: sharing information and documents through the project website; live events in each electoral area; newspaper and social media advertising; and direct stakeholder outreach through email, phone calls, and in-person meetings. During the month of July, twelve 'pop-up offices' (two in each electoral area) and two open houses were held. One open house was at the Cedar Heritage Centre and the other was at the Qualicum Beach Civic Centre, representing central locations in southern and northern parts of the RDN. These events were advertised through the Parksville – Qualicum News and the Nanaimo News Bulletin, Facebook, Twitter and the RDN website, as well as posters on bulletin boards throughout the region. Attendance numbers were between 0 and 9 for each of the 'pop-up offices' and were 6 and 14 respectively for the open houses.

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

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

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

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

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

Recommended updates to the drafts based on public and stakeholder input are listed in Attachment 3 – Updates to draft DPAs and TUPs Resulting from Consultation. Red-lined copies of the standardized DPAs and the revised TUP text showing these updates are available on the project website.

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

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

## **ALTERNATIVES**

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

## **FINANCIAL IMPLICATIONS**

The 2018 Budget includes funds for community engagement costs for this project such as facility rentals and printed materials. All community, stakeholder and First Nations engagement,

along with bylaw drafting, communication materials drafting and design will be completed by RDN staff.

## STRATEGIC PLAN IMPLICATIONS

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



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August 14, 2018

Reviewed by:

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

Attachments:

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



15. Regional District of Nanaimo Development Application and Notification Procedures  
Bylaw No. 1776, 2018.

**Attachment 1**

**Current Development Permit Area Structure by OCP Area**

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

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

**Attachment 2**

**Proposed Development Permit Area Structure by OCP Area**

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

**Legend:**

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

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

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

### Attachment 3

## Updates to Draft DPAs and TUPs Resulting from Consultation

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

### **Freshwater and Fish Habitat DPA**

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

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

### ***Sensitive Ecosystems DPA***

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

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

### ***Eagle and Heron Nesting Trees DPA***

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

### ***Aquifers DPA***

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

### ***Marine Coast DPA***

<b>Section</b>	<b>Update</b>



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

### ***Hazard Lands DPA***

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

***Farmland Protection DPA***

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

***Temporary Use Permits***

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