

Attachment 6

REGIONAL DISTRICT OF NANAIMO BYLAW NO. 1055.05

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

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

- A. This Bylaw may be cited as “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.05, 2018.”
- B. The “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997” is hereby amended as set out in Schedules A, B and C of this Bylaw.

Introduced and read two times this 18th day of September 2018.

Considered in conjunction with the Regional District of Nanaimo Financial Plan and any applicable Waste Management Plans this 18th day of September 2018.

Public Hearing held pursuant to Section 464 of the *Local Government Act* this 23rd day of October 2018.

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

Adopted this ____ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

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

Chair

Corporate Officer

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

Schedule A

1. "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" is hereby amended as follows:

a) By amending Schedule A as follows:

- i. by deleting in the **TABLE OF CONTENTS, SECTION 8 – DEVELOPMENT PERMIT AREAS** and replacing with the following:

"SECTION 8 - DEVELOPMENT PERMIT AREAS

9.1 Freshwater and Fish Habitat.....

9.2 Hazard Lands.....

9.3 East Wellington – Pleasant Valley Industrial....."

- ii. by deleting section **4.1 RESOURCE, Policies: Resource, Action: 4.**

- iii. to **SECTION 8 - DEVELOPMENT PERMIT AREAS**, introduction:

- a. to the second paragraph, after the first sentence, by inserting the following: "For development permit areas designated in this Plan, the guidelines are located in the zoning bylaw."
- b. to the fourth paragraph, first sentence, after the word "guidelines", by inserting "in the zoning bylaw".
- c. to the fifth paragraph, first sentence, after the word "Plant", by inserting "and the zoning bylaw".
- d. to the fifth paragraph, last sentence, by deleting "within the guidelines of" and replacing with "in the zoning bylaw".

- iv. by deleting **8.1 FISH HABITAT PROTECTION** and **8.2 NATURAL HAZARD AREAS** and replacing with Schedule B attached to and forming part of this bylaw.

- v. to **8.3 INDUSTRIAL:**

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

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

Chair

Corporate Officer

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

Schedule B

8.1 FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

Designation:

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

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

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

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

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

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

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

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

Authority:

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

Justification:

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

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

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

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

The objectives of this development permit area are:

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

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

8.2 HAZARD LANDS DEVELOPMENT PERMIT AREA

Designation:

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

Authority:

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

Justification:

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

**REGIONAL DISTRICT OF NANAIMO
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Schedule C

Map 5 – DEVELOPMENT PERMIT AREAS