

Attachment 7

REGIONAL DISTRICT OF NANAIMO BYLAW NO. 1148.07

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

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

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

Introduced and read two times this 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 Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.07, 2018".

Chair

Corporate Officer

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

Schedule A

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

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

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

Chair

Corporate Officer

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

Schedule B

**FARMLAND PROTECTION
DEVELOPMENT PERMIT AREA**

Authority:

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

Designation

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

Justification:

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

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREAS

Authority:

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

Designation:

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

Justification:

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

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

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

FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

Authority:

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

Designation:

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

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

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

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

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

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

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

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

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

Justification

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

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

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

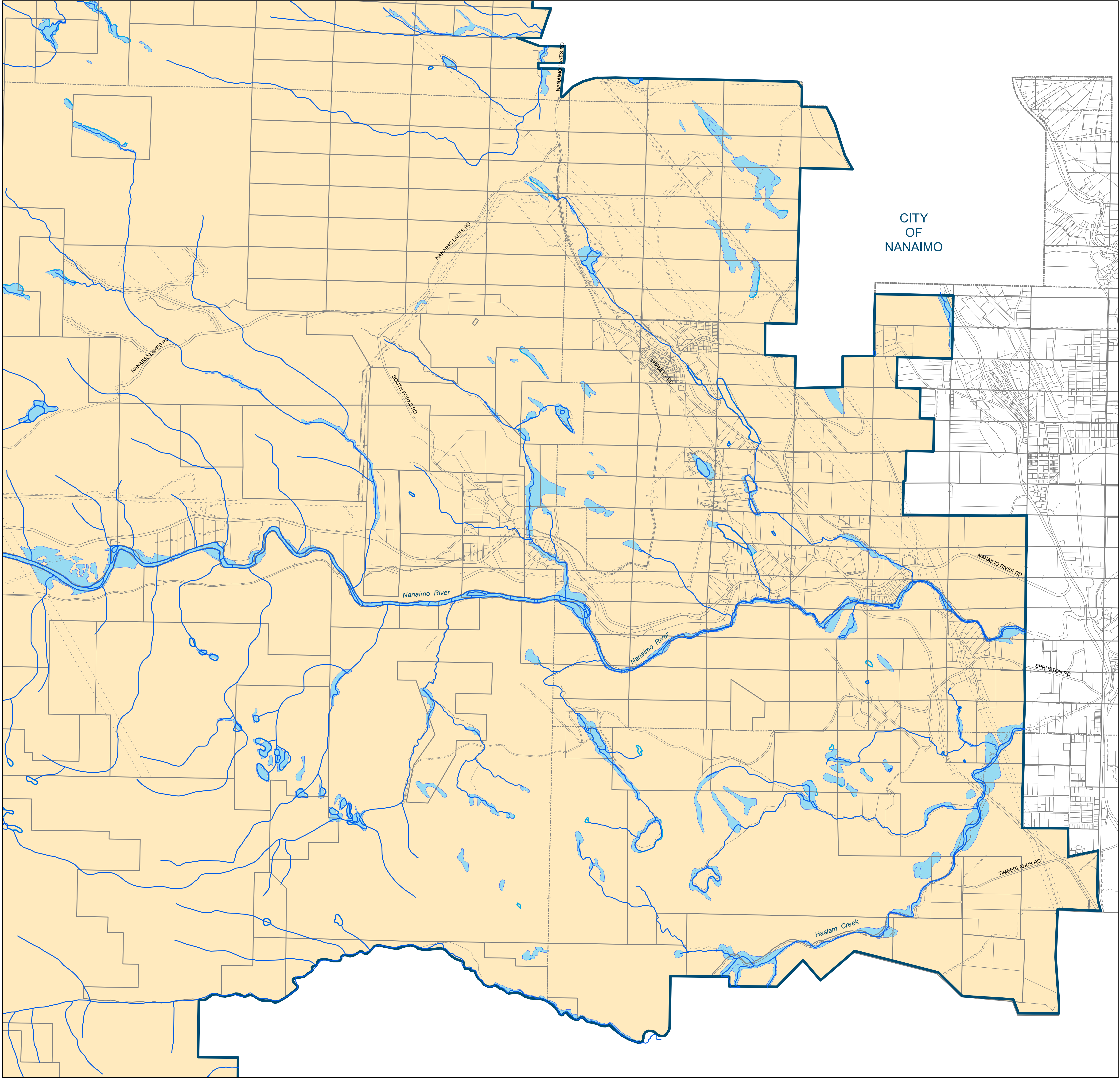
Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the RAR are met.

The objectives of this development permit area are:

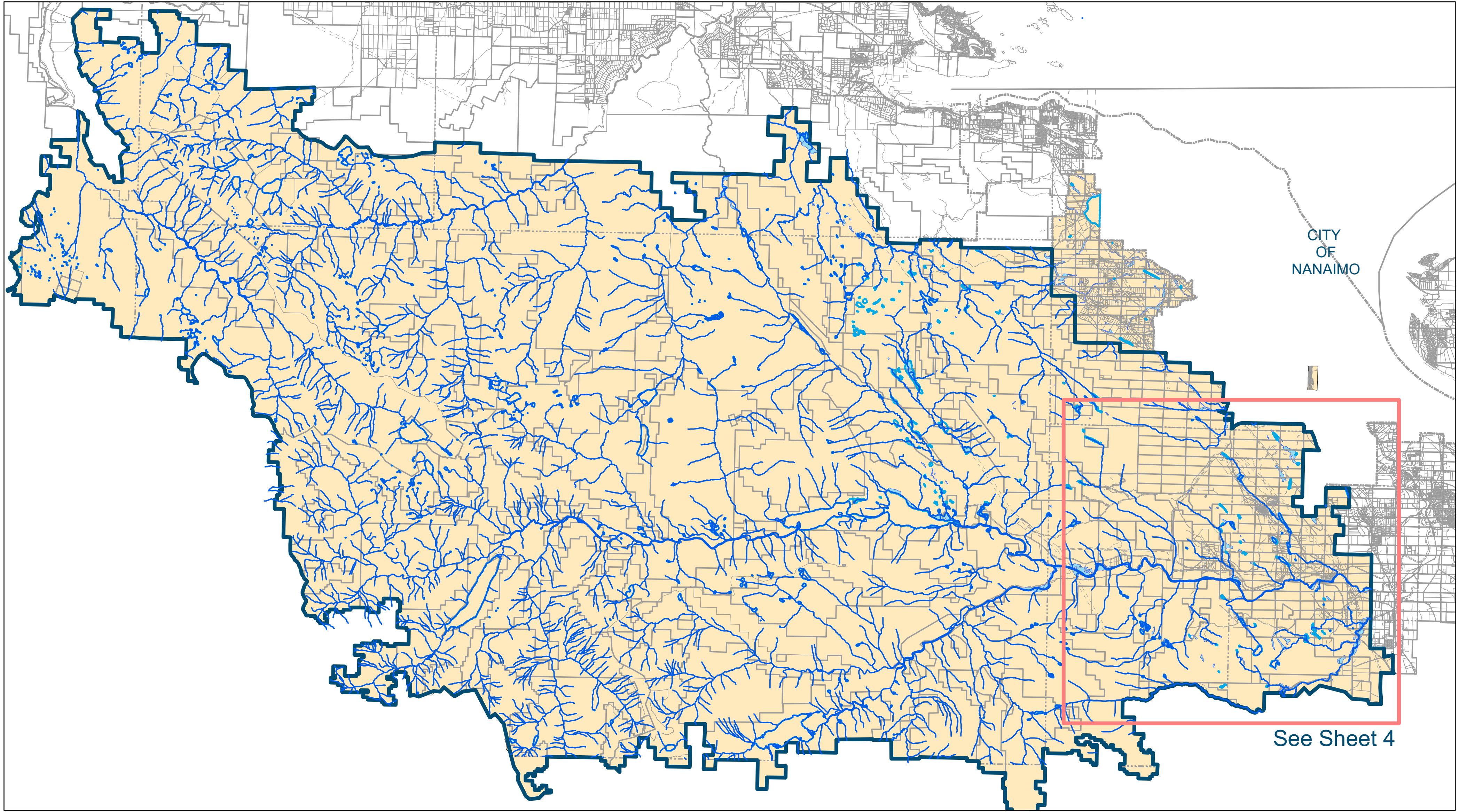
1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so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

REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1148.07
Schedule C

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



Sheet 4



Sheet 3

DRAFT



LEGEND

Plan Area Boundary

FRESHWATER AND FISH HABITAT
DEVELOPMENT PERMIT AREA

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

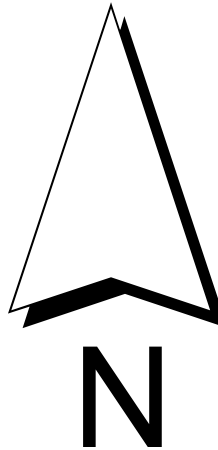
Watercourse

Source: Provincial TRIM Mapping

Lake/Marsh/Swamp

Riparian Vegetation / Wetland

Source: Sensitive Ecosystem Inventory 2004



0 5 10 20 Kilometers

ARROWSMITH BENSON - CRANBERRY BRIGHT
OFFICIAL COMMUNITY PLAN

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

Chairperson

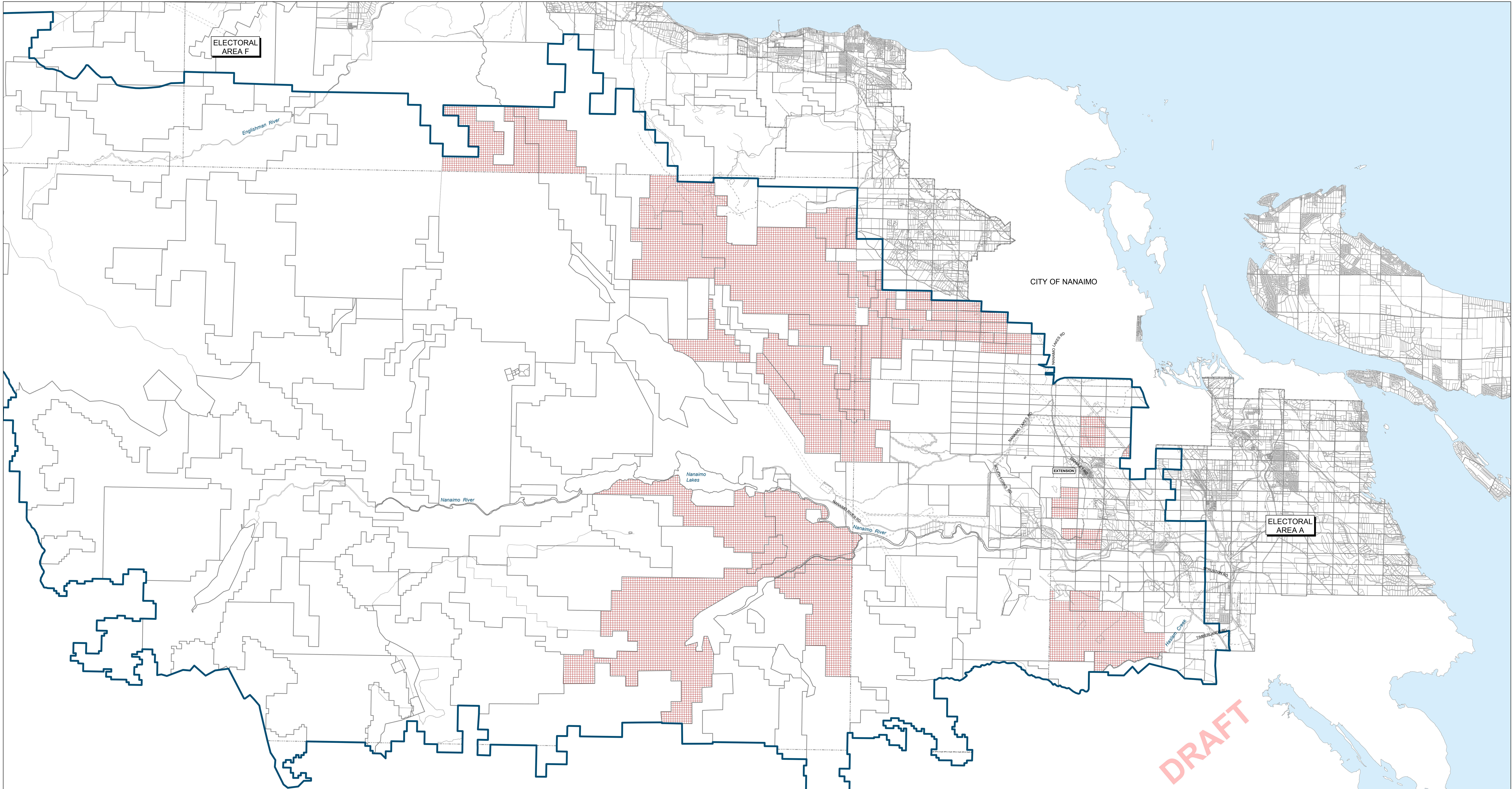
Corporate Officer

Schedule 'C'
BYLAW NO. 1148.07, 2018

Aug 21, 2018

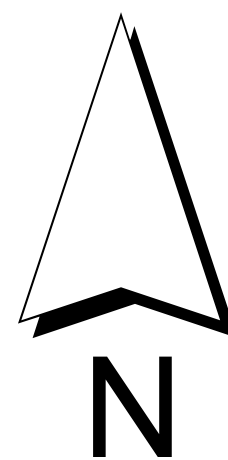
REGIONAL DISTRICT OF NANAIMO
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Schedule D

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



LEGEND

- Plan Area
- Sensitive Ecosystems Development Permit Area



0 3 6 12 Kilometers

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

Chairperson _____ Corporate Officer _____
Schedule 'D'
BYLAW NO. 1148.07, 2018