

Attachment 8

REGIONAL DISTRICT OF NANAIMO BYLAW NO. 1152.05

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

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05 2018”
- B. The “Regional District of Nanaimo Electoral Area F Official Community Plan Bylaw No. 1152, 1999” is hereby amended as set out in Schedules A, B and C of this Bylaw.

Introduced and read two times this 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 Electoral Area F Official Community Plan Amendment Bylaw No. 1152.05 2018".

Chair

Corporate Officer

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

Schedule A

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

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

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

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

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

“Freshwater and Fish Habitat Development Permit Area

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

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

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

Chair

Corporate Officer

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

Schedule B

Appendix A1

Freshwater and Fish Habitat Development Permit Area

1.0 PURPOSE

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

2.0 AREA

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

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

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

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

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

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

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

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

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

3.0 JUSTIFICATION

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

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

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

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

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

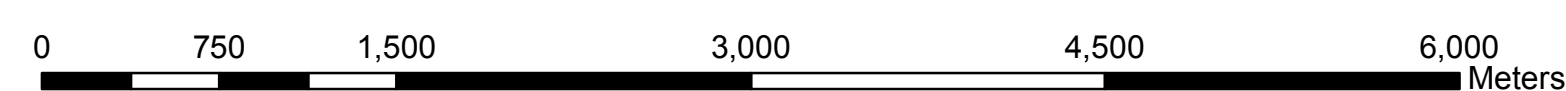
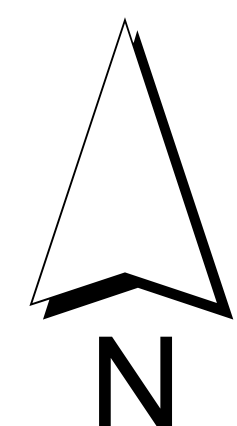
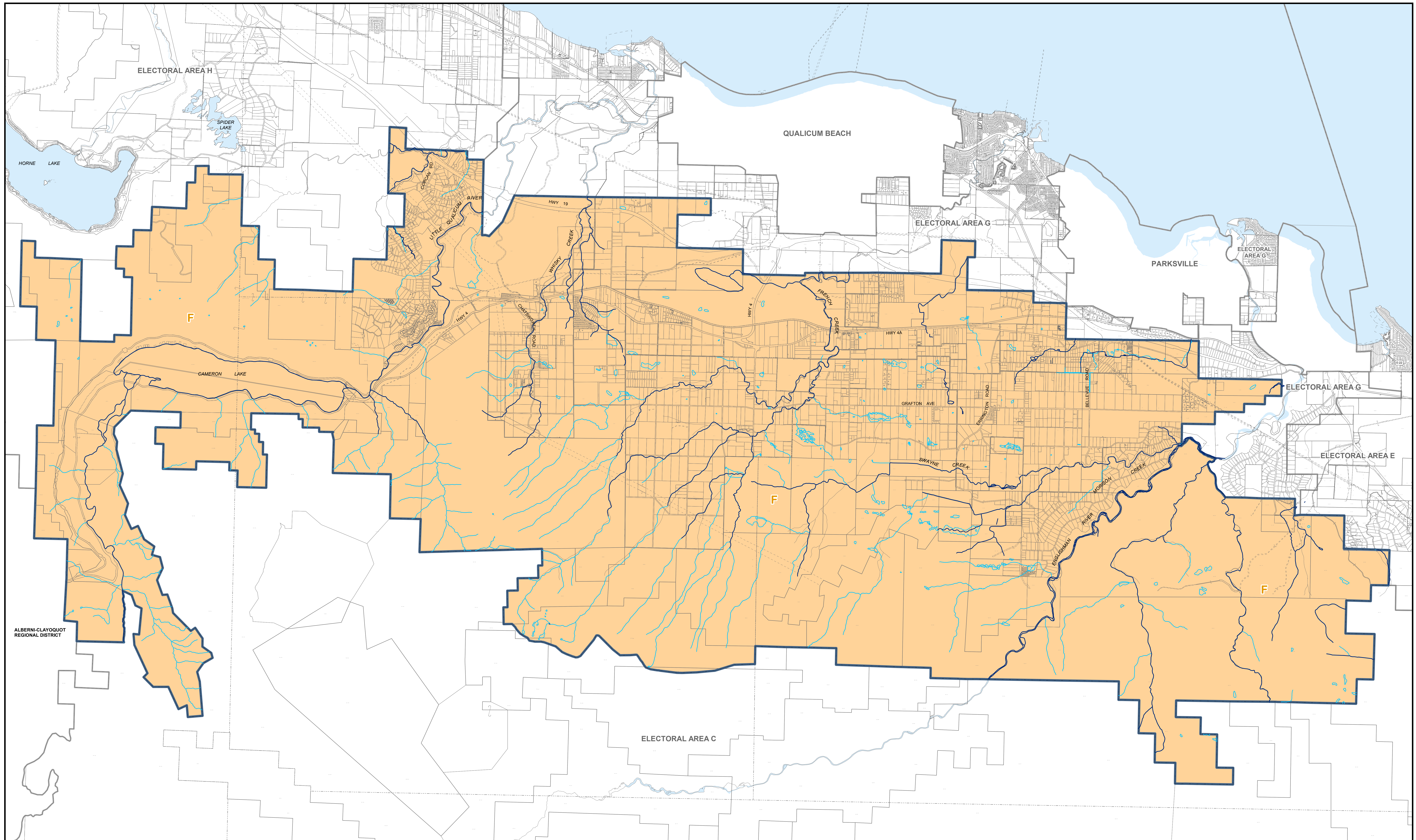
The objectives of this development permit area are:

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

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

Schedule C

Map 3 - Freshwater and Fish Habitat Development Permit Area



Legend

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

SOURCE: Fishtech Consulting and Environmentally Sensitive Areas Atlas

DRAFT

ELECTORAL AREA 'F' OFFICIAL COMMUNITY PLAN

Map 3 Freshwater and Fish Habitat Development Permit Area

BYLAW 1152.05, 2018
Schedule 'C'

Chairperson

Corporate Officer

Aug 21, 2018