

Attachment 12

REGIONAL DISTRICT OF NANAIMO BYLAW NO. 1540.02

A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA G OFFICIAL COMMUNITY PLAN BYLAW NO. 1540, 2008

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 G Official Community Plan Amendment Bylaw No. 1540.02, 2018”
- B. The “Regional District of Nanaimo Electoral Area G Official Community Plan Bylaw No. 1540, 2008” 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 G Official Community Plan Amendment Bylaw No. 1540.02, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1540.02**

Schedule A

1. "Regional District of Nanaimo Electoral Area G Official Community Plan Bylaw No. 1540, 2008" is hereby amended as follows:
 - a) To Schedule A:
 - i. to the **Table of Contents**, subsection **8.0 – Creating a Vibrant and Sustainable Economy**, by deleting "**8.7 Temporary Use Permits**".
 - ii. To the **Table of Contents**, by deleting section **10.0 – Development Permit Areas** and replacing with the following:

"10.0 – Development Permit Areas
10.1 Freshwater and Fish Habitat
10.2 Sensitive Ecosystems
10.3 Marine Coast
10.4 Eagle and Heron Nesting Trees
10.5 Aquifers
10.6 Hazard Lands
10.7 Farmland Protection
10.8 Inland Island Highway Corridor
10.9 Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character"
 - iii. to section **1.0 Introduction**, subsection **1.5 Electoral Area 'G' Regional Context Statement, Goal 6: Vibrant and Sustainable Economy**, paragraph three, second sentence, by deleting "temporary use permits and".
 - iv. to section **3.0 – Containing Urban Sprawl**, subsection **3.2 Neighbourhood Residential**, Policy 4. e., by deleting "Section 10 of this Plan" and replacing with "the zoning bylaw"
 - v. to section **5.0 – Protecting Rural Integrity**, subsection **5.1 Rural and Rural Residential Land Use Designations, Rural**:
 - a. by deleting Policy 26 and replacing with the following:

“Rezoning applications to rezone existing gravel pits to allow primary processing and related activities associated with gravel extraction may be supported in accordance with the Policies contained in Section 8.3 of this Plan.”

- b. to Policy 27 by deleting “and 8.7”.
- vi. to section **5.0 – Protecting Rural Integrity**, subsection **5.2 Rural Resource Lands**:
 - a. by deleting Policy 5 and replacing with the following:

“Rezoning applications to rezone existing gravel pits to allow primary processing and related activities associated with gravel extraction may be supported in accordance with the Policies contained in Sections 8.3 of this Plan.”
 - b. to Policy 6, by deleting “and 8.7”.
- vii. to section **8.0 – Creating a Vibrant and Sustainable Economy**, subsection **8.1 Agriculture**:
 - a. to Policy 4, by deleting all instances of “Farm land” and replacing with “Farmland”.
 - b. by deleting Policy 10.
- viii. to section **8.0 – Creating a Vibrant and Sustainable Economy**, subsection **8.4 Industrial Land Use Designation**, Policy 7:
 - a. by inserting “in the zoning bylaw” after “guidelines” and before “and”; and
 - b. by deleting “provisions” and replacing with “objectives”.
- ix. to section **8.0 – Creating a Vibrant and Sustainable Economy**, subsection **8.5 Commercial Land Use Designation**, Policy 10:
 - a. by inserting “in the zoning bylaw” after “guidelines” and before “and”; and
 - b. by deleting “provisions” and replacing with “objectives”.
- x. to section **8.0 – Creating a Vibrant and Sustainable Economy**, by deleting subsection **8.7 Temporary Use Permits**.
- xi. to section **9.0 – Improving Mobility**, subsection **9.5 Island Highway Agreement**, Policy 2:
 - a. by inserting “in the zoning bylaw” after “guidelines” and before “and”; and
 - b. by deleting “provisions” and replacing with “objectives”.
- xii. to **section 10.0 – Development Permit Areas, Introduction** section:
 - a. to the third paragraph, by inserting “the zoning bylaw” after “and” and before “specifies”.
 - b. by deleting the fourth paragraph.
- xiii. to **section 10.0 – Development Permit Areas**, by deleting subsections **10.1 Fish Habitat Protection**; **10.2 Environmentally Sensitive Features**; **10.3 Hazard Lands**; and

10.4 Farmland Protection, and replacing with Schedule B attached to and forming part of this bylaw.

- xiv. to **section 10.0 – Development Permit Areas, 10.5 Inland Island Highway Corridor:**
 - a. by renumbering the title to 10.8
 - b. under **Area**, to the second sentence, by deleting the bracketed text and replace with: “(Development Permit Areas: Form & Character, Island Highway Corridor, and Farmland Protection”.
 - c. by inserting “in the zoning bylaw” after “after “guidelines” and before “for”.
 - d. by deleting the “Application”, “Exemptions” and Guidelines” subsections.
 - xv. to **section 10.0 – Development Permit Areas**, subsection **10.6 Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character:**
 - a. by renumbering the title to 10.9
 - b. to the **Purpose**, by deleting “and provide guidelines”
 - c. to the **Area**, by deleting the bracketed text and replace with: “(Development Permit Areas: Form & Character, Island Highway Corridor, and Farmland Protection”.
 - d. by deleting the “**Application**”, “**Exemptions**” and **Guidelines**” subsections.
 - xvi. to **12.0 – Cooperation Among Jurisdictions**, Policy 9, second sentence, by deleting “of this plan” and replacing with “in the zoning bylaw”.
- b) by deleting **Map No. 9: Development Permit Areas: Fish Habitat Protection, Environmentally Sensitive Features & Hazard Lands** and replacing with Schedule C attached to and forming part of this bylaw.
- c) to **Map No. 10 – Development Permit Areas: Form and Character, Island Highway Corridor, and Farmland Protection:**
- i. by deleting the name of the map “Map No. 10 – Development Permit Areas: Form and Character, Island Highway Corridor, and Farmland Protection” and replacing with “Map No. 10 – Development Permit Areas: Form and Character, Inland Island Highway Corridor and Farmland Protection”
 - ii. by deleting all instances of “Highway Corridor Development Permit Area” and replacing with “Inland Island Highway Corridor Development Permit Area”.
 - iii. by deleting all instances of “Farm Land” and replacing with “Farmland”.

Schedule B to accompany "Regional District of Nanaimo Electoral Area G Official Community Plan Amendment Bylaw No. 1540.02, 2018".

Chair

Corporate Officer

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1540.02**

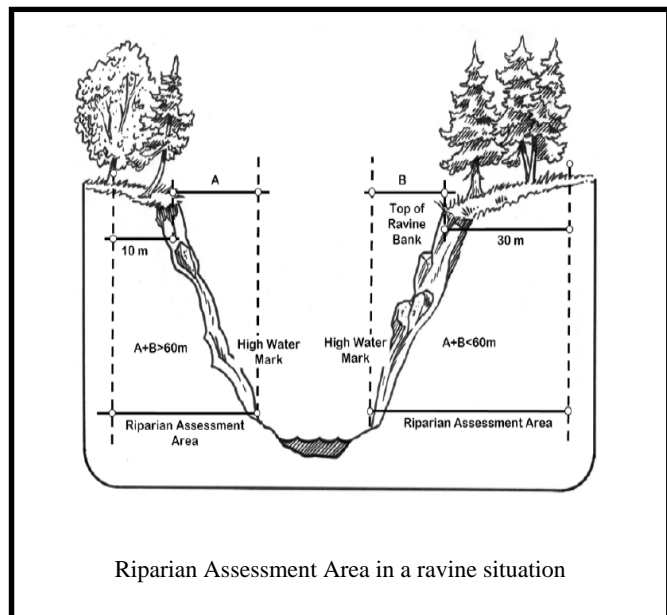
Schedule 'B'

10.1 Freshwater and Fish Habitat

Designation:

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 9, 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.

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 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.

10.2 Sensitive Ecosystems

Designation:

The Sensitive Ecosystems Development Permit Area is shown on Map No. 9 and applies to all parcels containing 'sparsely vegetated', and 'older forest' sensitive ecosystems mapped in the Provincial SEI: East Vancouver Island and Gulf Islands 1993 – 1997 and updated in 2004.

Purpose:

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*.

Justification:

Increasing development pressure and environmental awareness, as well as the Regional Growth Strategy's goal of environmental protection has led to the need for the protection of the Plan

Area's most sensitive environmentally significant features to ensure their continued survival and enjoyment for generations to come.

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

10.3 Marine Coast

Designation:

The Marine Coast Development Permit Area is shown on Map No. 9 and applies within a 15 metre horizontal distance upland from the present natural boundary and within 15 metres horizontal distance seaward of the present natural boundary. In estuarine areas, it applies upstream, both on land and water, to the extent of tidal influence. For clarity, in estuarine areas the Freshwater and Fish Habitat Development Permit Area also applies.

Purpose:

The Marine Coast 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:

The coastal zone is one of the prime features of the natural environment of the Plan Area and includes recreational beaches, sheltered embayed areas and sensitive estuaries at the mouth of the Little Qualicum and Englishman Rivers as well as French and Morningstar Creeks. The coastal zone also includes shoreline, which may be susceptible to erosion or flooding in some areas.

The Plan Area contains one of only 22 provincially approved wildlife management areas. The Parksville–Qualicum Beach Wildlife Management Area (PQBWMA) encompasses 1,024 hectares of coastal foreshore, estuary, and river habitat between Craig Bay and the Little Qualicum River including land adjacent to the Englishman River. The PQBWMA includes most of the coastal shoreline in the Plan Area and a portion of the Englishman River. It contains a diversity of ecosystems and animal communities that are sensitive to development and human disturbance, including a significant migration of brant geese that stop to rest and feed within this area each spring.

The objectives of this development permit area are:

1. To work towards the 'protection of the environment' goal of the Regional Growth Strategy, in particular by following the policy to 'minimize impacts of development in coastal zones by ensuring use of low impact development'.
2. To plan and regulate new development in a manner that preserves, protects and restores the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.

3. To balance development opportunities with the ecological conservation and restoration of the shoreline environment.
4. To maintain the public's safe use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline.

10.4 Eagle and Heron Nesting Trees

Designation:

The Eagle and Heron Nesting Trees Development Permit Area is shown on Map No. 9. The development permit area is defined 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 base 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 base of the nesting tree on lots 1.0 hectare or smaller; and
 - ii. a 100 metre radius from the base 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 base of all nest trees.

The locations of the eagle and heron nesting trees identified on Map No. 9 of this plan are intended to provide an approximate location only. Ground-truthing may be required by Regional District staff, a Registered Professional Biologist, or British Columbia Land Surveyor, to accurately determine the location of the tree or trees.

Authority:

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

Justification:

Nesting birds such as the Great Blue Heron and Bald Eagle are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, now and for the future.

Pacific Great Blue Herons are a Species of Special Concern in Canada and are Blue-listed in British Columbia. There are only about 500 nests on Vancouver Island and the Gulf Islands. Bald Eagles are territorial and generally require 1000 meters between nesting sites. Both species nest near lakes, rivers and shorelines throughout BC where they are close to their food source. The loss of available nesting habitat near their food source, as well as disturbance from human presence, reduces the birds' ability to thrive and successfully raise their young. While Section 34 of the *Wildlife Act* provides for the protection of Bald Eagles and Pacific Great Blue Herons and

several other at risk bird species, this development permit area protects the nesting habitat essential to ensuring breeding populations are maintained.

The objectives of this development permit area are:

1. To implement Regional Growth Strategy Policy 2.14 to protect environmentally sensitive areas from the impacts of development.
2. To protect eagle and heron nesting sites from the impacts of development.

10.5 Aquifers

Authority:

The Aquifers 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 Aquifers Development Permit Area is shown on Map No. 9 and applies to parcels within the growth containment boundary or industrial lands where non-residential development is supported.

Justification:

Aquifers are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, and community value as a drinking water source now and for the future.

Aquifers and surface water are connected and interact with each other as typically, surface waters recharge aquifers in months with precipitation and snow melt. The groundwater system contributes to baseflow in rivers and streams, maintaining habitat for fish, wildlife and plants and is the sole domestic water supply for many residents. Maintaining both water quality and quantity requires careful management for the long-term sustainability of ecosystems and drinking water values.

The Plan Area intersects eight different mapped aquifers and contains the lower reaches of three major water regions (Little Qualicum River, French Creek, Englishman River). This results in varying aquifer and watershed conditions, characteristics and contexts. Vulnerability of mapped aquifers to surface contamination is generally high. For the most part, the mapped aquifers that underlie the Plan Area are moderately producing sand and gravel that are subject to moderate demand. These aquifer areas are drinking water sources for domestic well owners and customers of water services areas including EPCOR French Creek, Town of Qualicum Beach, City of Parksville and four RDN Water Service Areas: Surfside, French Creek, San Pareil, and Englishman River Community.

Care must be taken in construction methods, excavation, surface drainage, storage, handling and manufacture and use of products on parcels of land within this Development Permit Area to avoid contamination of the underlying aquifer and to protect and promote its sustainable use as a drinking water source.

The objective of this development permit area is to implement Regional Growth Strategy Policy 2.14 to protect groundwater aquifers and environmentally sensitive areas from contamination and reduced supply caused by land use and development activities.

10.6 Hazard Lands

Designation:

The Hazard Lands Development Permit Area is applicable to flood prone lands and those lands within the Plan Area with a natural grade greater than 30 percent as identified on Map No. 9. With respect to steep slopes west of the Little Qualicum River, this Development Permit Area applies to lands within 15 metres from the top of the bank where the natural grade of the slope is greater than 30 percent.

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:

Hazardous lands include steep slopes adjacent to watercourses and along the coastal shoreline and flood prone lands. The subdivision, development of land, or removal of vegetation in these areas may destabilize the area, cause environmental damage, and pose potential for loss of life and property. In response to these risks and conditions, the objective of this Development Permit Area is to protect life, property and the environment from hazardous conditions.

10.7 Farmland Protection

Designation:

The Farmland Protection Development Permit Area is shown on Map No. 10 and applies to all properties adjacent to the Provincial Agricultural Land Reserve (ALR) boundary.

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*.

Justification:

The BC Agricultural Land Commission has acknowledged that the development of lands adjoining farmlands may compromise the agricultural use of the ALR lands. Agricultural lands therefore require protection for long-term agricultural use.

In addition, as a result of inappropriately designed developments, land use conflicts may develop between the land uses. The incorporation of a 15 metre wide buffer between developed lands and agricultural lands is expected to promote greater compatibility between the uses while protecting the agricultural uses from urban impacts.

The objective of this Development Permit Area is to protect the agricultural land resource of the Plan Area for present and future production of food and other agricultural products.

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1540.02**

Schedule C

Map No. 9 – Development Permit Areas: Environmentally Sensitive Features and Hazard Lands

Legend

- Plan Area Boundary
- Municipality
- Electoral Area Boundary

Sensitive Ecosystems

Development Permit Area

- Older Forest and Sparsely Vegetated Ecosystems

SOURCE: Sensitive Ecosystem Inventory 2004

Freshwater and Fish Habitat

Development Permit Area

- All Mapped and Unmapped Streams that are Subject to the "Riparian Areas Regulation" within the shaded area shown on Inset Map
- Little Qualicum River, French Creek, and Englishman River
- All other Watercourses
- Lake, Wetland, and Pond
- Wetland and Riparian Areas

SOURCE: Sensitive Ecosystem Inventory 2004

Eagle and Heron Nesting Trees

Development Permit Area

- All Mapped and Unmapped eagle and heron nesting trees within the shaded area shown on inset map.
- Eagle Nest Tree: 60 metre Radius from Base of Tree
- Heron Nest: 60 metres from base of tree for lots ≤ 1.0 hectares 100 metres from base of tree for lots > 1.0 hectares

SOURCE: BC Ministry of Environment

Aquifers

Development Permit Area

- Aquifer No. 602 IB
- Aquifer
- Aquifer Classification
- Classification
- Development Subclass
- I - Heavy (demand is high relative to productivity)
 - II - Moderate (demand is moderate relative to productivity)
 - III - Light (demand is low relative to productivity)
- Vulnerability Subclass
- A - High (highly vulnerable to contamination from surface sources)
 - B - Moderate (moderately vulnerable to contamination from surface sources)
 - C - Low (not very vulnerable to contamination from surface sources)

SOURCE: BC Ministry of Environment - Water Stewardship Division

Marine Coast

Development Permit Area

- Coastal Areas: 15 metres from Natural Boundary

Hazard Lands

Development Permit Area

- Hazard Lands Development Permit Area

Chairperson Corporate Officer

BYLAW NO. 1540.02, 2018
Schedule "C"



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Meters

Aug 21, 2018

