

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, June 12, 2018

1:30 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Electoral Area Services Committee Meeting - May 8, 2018 5

That the minutes of the Electoral Area Services Committee meeting held May 8, 2018, be adopted.
4. DELEGATIONS
5. COMMITTEE MINUTES

That the following minutes be received for information:

 - 5.1 Electoral Area 'A' Parks, Recreation and Culture Commission - April 25, 2018 10
6. COMMITTEE RECOMMENDATIONS
 - 6.1 Electoral Area 'A' Parks, Recreation and Culture Commission
 - 6.1.1 Cedar Community Association 12

That the grant application from Cedar Community Association for \$3,160.51 be approved.
 - 6.1.2 Signage Strategy - Pilot Park 21

That Thelma Griffiths Community Park be considered as a pilot park for entrance and interpretive signage.

6.1.3 Tipple Community Board Quote

Please note: Committee recommendation has no accompanying staff report

That the Regional District of Nanaimo Board consider the installation of a Regional District of Nanaimo communication board at the Cedar Plaza Tipple.

7. PLANNING

7.1 Development Permit

7.1.1 Development Permit and Temporary Use Permit Areas Standardization Project 24

That the draft development permit areas and temporary use permit areas be endorsed and First Nation, public and stakeholder consultation be initiated in accordance with the approved public consultation program for the Development permit and Temporary use permit Areas Standardization Project.

7.2 Development Variance Permit

7.2.1 No. PL2018-055 Development Variance Permit Application - 609 Hawthorne Rise, Electoral Area 'G' 156

Delegations Wishing to Speak to Development Variance Permit Application No. PL2018-055 - 609 Hawthorne Rise, Electoral Area 'G'

1. That the Board approve Development Variance Permit No. PL2018-055 to reduce the Other Lot Line setback subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-055.

7.2.2 No. PL2018-058 Development Variance Permit Application - 796 Mariner Way, Electoral Area 'G' 163

Delegations Wishing to Speak to Development Variance Permit Application PL2018-058 - 796 Mariner Way, Electoral Area 'G'

1. That the Board approve Development Variance Permit No. PL2018-058 to reduce the Interior Side Lot Line subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-058.

7.3 Zoning Amendment

7.3.1 No. PL2017-202 Zoning Amendment Application - Pitt Road, Electoral Area 'H' - Amendment Bylaw 500.418, 2018 – First and Second Reading 170

1. That the Board receive the Summary of the Public Information Meeting held on April 9, 2018.
2. That the Board require the applicant to complete the conditions as set out in Attachment 2 as a condition of Amendment Bylaw No. 500.418 being adopted.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.418, 2018”, be introduced and read two times.
4. That the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.418, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

7.3.2 No. PL2018-013 Zoning Amendment Application - Pitt Road, Electoral Area 'H' - Amendment Bylaw 500.420, 2018 – First and Second Reading 187

1. That the Board receive the Summary of the Public Information Meeting held on May 16, 2018.
2. That the Board require the applicant to complete the conditions as set out in Attachment 2 as a condition of Amendment Bylaw No. 500.420 being adopted.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.420, 2018”, be introduced and read two times.
4. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.420, 2018”, be chaired by Director Veenhof or his alternate.

7.4 Other

7.4.1 No. PL2018-074 Liquor Licence Amendment Application - 1548 Grafton Ave, Electoral Area 'F' 301

1. That the Board consider submissions or comments from the public regarding Liquor Licence Amendment Application No. PL2018-074.
2. That the Board adopt the resolution pertaining to Liquor Licence Amendment Application No. PL2018-074 attached to this report as Attachment 2.

8. EMERGENCY PREPAREDNESS

8.1 Emergency Services Website Updates 310

That the Emergency Services Website Updates report be received for information.

9. FIRE PROTECTION

9.1 Standardization of Fire Halls 312

That the Standardization of Fire Halls Project be endorsed.

10. BUSINESS ARISING FROM DELEGATIONS

11. NEW BUSINESS

11.1 Directors' Forum

11.1.1 Planning

11.1.2 Community Parks

11.1.3 Emergency Preparedness

11.1.4 Fire Protection

11.1.5 Bylaw Enforcement

11.1.6 Building Inspection

11.1.7 Other Electoral Area Matters

12. ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, May 8, 2018

1:30 P.M.

RDN Board Chambers

In Attendance:	Director J. Stanhope	Chair
	Director A. McPherson	Electoral Area A
	Director H. Houle	Electoral Area B
	Director M. Young	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director W. Veenhof	Electoral Area H
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Wells	Gen. Mgr. Corporate Services
	W. Idema	Director of Finance
	D. Pearce	Director of Transportation & Emergency Services
	T. Armet	Mgr. Building and Bylaw Services
	J. Hill	Mgr. Administrative Services
	J. Holm	Mgr. Current Planning
	T. Mayea	Legislative Coordinator
	S. Commentucci	Recording Secretary
	B. Ritter	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

The Chair introduced the new Legislative Coordinator, T. Mayea.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as amended to remove Item 4.1 from Delegations.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area Services Committee Meeting - April 10, 2018

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held April 10, 2018, be adopted.

CARRIED UNANIMOUSLY

COMMITTEE MINUTES

It was moved and seconded that the following minutes be received for information:

Electoral Area 'B' Parks and Open Space Advisory Committee - April 9, 2018

Electoral Area 'F' Parks and Open Space Advisory Committee - March 21, 2018

Electoral Area 'G' Parks and Open Space Advisory Committee - March 14, 2018

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area 'B' Parks and Open Space Advisory Committee

Cox Community Park Trails

It was moved and seconded that staff be directed to work with Gabriola Land and Trails Trust and to establish trails in the west section of Cox Community Park.

CARRIED UNANIMOUSLY

Huxley Community Park Phase 2 Construction Drawings

It was moved and seconded that up to \$75,000 of Electoral Area 'B' Community Works Funds be allocated for Huxley Community Park Phase 2 Construction Drawings.

CARRIED UNANIMOUSLY

It was moved and seconded that the Gabriola Skatepark Preferred Conceptual Plan be approved.

CARRIED UNANIMOUSLY

It was moved and seconded that up to \$10,000 of Electoral Area 'B' Community Works Funds be allocated for placement of pickleball court lines at the sport court at Huxley Community Park.

CARRIED UNANIMOUSLY

Electoral Area 'F' Parks and Open Space Advisory Committee

Signage Strategy for Community Parks and Trails - Electoral Area 'F' Review

It was moved and seconded that Malcolm Community Park be the pilot park for the new signage.

CARRIED UNANIMOUSLY

Electoral Area 'G' Parks and Open Space Advisory Committee

Signage Strategy for Community Parks and Trails – Electoral Area 'G' Review

It was moved and seconded that the pilot park for new signage for Electoral Area 'G' be Maple Lane Community Park and Stanhope Trail.

CARRIED UNANIMOUSLY

Maple Lane Park

It was moved and seconded that staff develop a plan and short term costs for Maple Lane Community Park and add it to the priorities for the Five Year Plan for Electoral Area 'G' Community Parks.

CARRIED UNANIMOUSLY

PLANNING

Development Variance Permit

Development Variance Permit Application No. PL2018-001 - 3672 Horne Lake Caves Road, Electoral Area 'H'

It was moved and seconded that the Board approve Development Variance Permit No. PL2018-001 to increase the maximum floor area on a single storey of a recreational residence from 70 m² to 95 m² subject to the terms and conditions outlined in Attachment 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-001.

CARRIED UNANIMOUSLY

Development Variance Permit and Request for Frontage Relaxation

Development Variance Permit Application No. PL2017-153 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2017-151 - 2120 and 2130 Sherritt Drive, Electoral Area 'E'

It was moved and seconded that the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lots 1 and 2 in relation to Subdivision Application PL2017-151, subject to the terms and conditions outlined in Attachments 2 and 3.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-153 to increase the permitted parcel depth of proposed Lots 1 and 2 subject to the terms and conditions outlined in Attachment 2 to 3.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-153.

CARRIED UNANIMOUSLY

Other

Non-medical Cannabis Retail Store Licence Applications Policy

It was moved and seconded that the Board adopt Regional District of Nanaimo Policy B1.24 Non-medical Cannabis Retail Store Licence Applications.

It was moved and seconded that the main motion be amended to add the following:

“and that the notification requirements, as noted in section 3. c) ii) of Policy B1.24 be expanded to a radius of 300 metres.”

Opposed (1): Director Young

CARRIED

It was moved and seconded that Regional District of Nanaimo Draft Policy B1.24 Non-medical Cannabis Retail Store Licence Applications be referred back to staff.

CARRIED UNANIMOUSLY

Liquor Licence Amendment Application No. PL2018-040 - 395 and 403 Lowry's Road, Electoral Area 'G'

It was moved and seconded that the Board consider submissions or comments from the public regarding Liquor Licence Amendment Application No. PL2018-040.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board adopt the resolution pertaining to Liquor Licence Amendment Application No. PL2018-040 attached to this report as Attachment 2.

CARRIED UNANIMOUSLY

BUILDING INSPECTION

Building Permit Activity – First Quarter 2018

It was moved and seconded that the report Building Permit Activity – First Quarter 2018 be received for information.

CARRIED UNANIMOUSLY

NEW BUSINESS

Directors' Forum

The Directors' Forum included discussions related to Electoral Area matters.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:28 PM

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF ELECTORAL AREA 'A' PARKS, RECREATION AND CULTURE COMMISSION MEETING

Wednesday, April 25, 2018

6:30 P.M.

Cedar Heritage Centre

In Attendance:	Director A. McPherson	Chair
	Commissioner L. Bury	Member at Large
	Commissioner M. Cawthorne	Member at Large
	Commissioner J. Fiddick	Member at Large
	Commissioner G. Gidden	Member at Large
	Commissioner L. Mann	Member at Large
	Commissioner A. Thornton	Member at Large
	Commissioner B. White	Member at Large
	Commissioner K. Wilson	Member at Large
Also in Attendance:	H. King	Superintendent, Recreation Services
	K. Cramer	Parks Planner
	A. Harvey	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES**Electoral Area 'A' Parks, Recreation and Culture Commission Meeting - February 21, 2018**

It was moved and seconded that the minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held February 21, 2018, be adopted as amended to add the Coast Salish First Nations territory acknowledgement to Call to Order.

CARRIED UNANIMOUSLY

COMMITTEE MINUTES AND RECOMMENDATIONS**EA 'A' Grant Sub-Committee Recommendation**

The Electoral Area 'A' Grant Sub-Committee met prior to the start of this Electoral Area 'A' Parks, Recreation and Culture Commission meeting. There was one application from the Cedar Community Association for the purchase of a computer projector and screen. The Committee brought forward the following recommendation:

That the grant application from Cedar Community Association for \$3,160.51 be approved.

It was moved and seconded that the grant application from Cedar Community Association for \$3,160.51 be approved.

CARRIED UNANIMOUSLY

REPORTS

Signage Strategy - Pilot Park

It was moved and seconded that Thelma Griffiths Community Park be considered as a pilot park for entrance and interpretive signage.

CARRIED UNANIMOUSLY

NEW BUSINESS

Driftwood Beach Access

K. Cramer updated the Commission with the Board's resolution that staff proceed with the final design, permitting and construction of the Driftwood Road beach access trail improvements in 2018 and not plan for additional parking at this time.

Tipple Community Board Quote

The Commissioners discussed their views about the Tipple Community Board, the use and message it should deliver and how it could be maintained, concluding that the interest is for a RDN communications outlet in the community, as opposed to a public notice board.

It was moved and seconded that the RDN Board consider the installation of a RDN communication board at the Cedar Plaza Tipple.

CARRIED UNANIMOUSLY

COMMISSIONER ROUNDTABLE

Commissioners provided community updates to the Committee.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 8:15 PM

CHAIR

ELECTORAL AREA 'A' RECREATION AND CULTURE GRANT-IN-AID PROGRAM

APPLICATION FORM



Date of Application: (m/d/y) 02 / 20 / 18

A. ORGANIZATION INFORMATION

1. Name of Organization: Cedar Community Association
Contact Name: Ted Girard
Position: Secretary
Phone Number(s): 250-245-7516
Mailing Address: 3015 Norman Rd. Nanaimo, B.C.
Postal Code: V9X 1K5

2. How long has the organization been established? 90 year (s)

3. Is the organization non-profit? If "No" please explain rationale for applying.
Yes [checked] No []

B. PROGRAM / EVENT / PROJECT INFORMATION

Please ensure that you fill out the information completely to ensure your application is considered - if more space is needed please attach a separate sheet of information.

1. Check only one of the following categories in a), b) or c):

a) New: Program [] Event [] Project [checked]
b) Expansion/Enhancement of Existing: Program [] Event [] Project []
c) Ongoing annual (have applied previously for the same): Program [] Event [] Project []

2. Please check one of the following that best describes the program, event or project:

Recreation [checked] Sports [] Culture [checked] Fine Arts [checked] Performing Arts [checked]

3. Name of the Program/Event/Project: Purchase of Computer Projector and Screen

4. Location: Cedar Community Hall, 2388 Cedar Road, Nanaimo, B.C.

5. Date(s): Upon receipt of funding

6. Time(s):

7. Ages of targeted participants / audience: All ages--from Brownies and Sparks on

8. Approximate number of participants / audience to be served: Most users of hall

9. Please check applicable area(s) of Electoral Area 'A' being served:

Cassidy: [checked] Cedar: [checked] South Wellington: [checked] Yellow Point: [checked]

10. Total amount requested: \$ 3,160.51 (budget details to be completed in Section C)

C. FINANCIAL INFORMATION

1. Specify, in general, what the funds will be used for: Funds will be used to purchase a projector, motorized screen, and connecting cables.

2. Copy of a specific program / event / project budget included? Yes No

Give reason if no: _____

3. Copy of organization's financial statement included? Yes No

Give reason if no: _____

4. What other efforts is the organization undertaking to obtain other funding for this program / event / project?
In-kind donation to install screen and projector, plus lockable "kiosk" with controls for screen and projector.

5. Have any requests for other funding been granted? Yes No

Granted by: _____

Please outline on the following page the projected budget information including:

- all revenues associated with the project (fees, other grants, donations, etc.)
- all expenses associated with the project
- all revenues / costs for the project should be completed under the applicable column "**Projected**".
- in addition, please add any in-kind services and estimated value that are being donated

Please ensure that you fill out the information completely to ensure your application is considered. Some of the following budget line items may or may not apply to your program / event / project - only complete what is applicable.

You may wish to submit your own budget information on a separate form and attach to the application, if desired or if a budget has already been completed.

Additional Information:

Purpose / Goals and Objectives of Program / Event / Project: _____

~~We'd like to purchase a computer projector and screen for Cedar Community Hall. This kind of projector is a standard piece of equipment now for public gatherings and meetings. It will be used to share information, to enhance artistic events (music, theatre and visual art), and to support the activities of community groups.~~

Brief Background Information of Organization and Services: _____

~~With a capacity of 200 people, Cedar Community Hall hosts many groups and large events in Area "A." Community groups such as Brownies and Sparks, Cedar Lions' Club, Yellow Point Drama Group and the RDN use the hall. In addition, many life events such as weddings and anniversaries also happen here.~~

Describe how you will evaluate the success of the program / event / project: _____

~~The projector and screen controls will be in a locked kiosk--so we'll be able to measure the success by the number of users and renters who request access.~~

Describe how you plan to market / promote the program / event / project: _____

~~Our website and ads will note that a projector is available. Potential renters will also be told when they contact us.~~

Provide a summary of the program / event / project including benefits to participants and the community, community support through volunteers and/or community partners: _____

~~Projected images are now a standard part of group events, public meetings, and cultural presentations.~~

~~Weddings and celebrations usually have slideshows as part of the ceremony.~~

~~Meetings by organizations such as the RDN often include Powerpoint presentations.~~

~~Activity groups such as Brownies use videos as part of their programming.~~

~~Cultural groups such as the drama club use projected images.~~

Please provide any other relevant information: _____

PROGRAM / EVENT / PROJECT FINANCIAL / BUDGET INFORMATION:

EXPENSES	YEAR 20__
	Projected (To be completed for application)
Supplies / Equipment:	
Facility / Venue Rental	
Permits	
Insurance	
Advertising Costs (marketing / publicity)	
Vehicle Rentals	
Administrative Costs (please specify, i.e. photocopying, fax, mail, etc)	

Equipment Rentals (Please specify, ie. tents, stage, lights, sound, etc)	

Materials / Supplies (Please specify the type of materials / supplies)	
projector and mount	1554.99
cables	396.90
motorized screen	869.99
tax	338.63

Additional On-Site Costs (Please specify)	

Fundraising Expenses (please specify)	

Other (please specify)	

Total Expenses = Line A	\$3160.51

REVENUES	YEAR 20__
	Projected (To be completed for application)
Earned Revenue:	
Registration / Course Fees	
Admission / Ticket Sales	
Advertising Income	
Rentals	
Other (please specify): _____	

B. Total Earned Revenue:	
Fundraising Revenue:	
Donations – Charitable (Churches, Service Clubs, Societies, etc)	
Donations – Corporate (Businesses, Private Organizations)	
Cash Sponsorships	
Fundraising Events	
Other (please specify): _____	

C. Total Fundraising Revenue:	
Other Government Revenue:	
Municipal Grants	
Provincial Grants	
Federal Grants	
Other (please specify): _____	

D. Total Government Grants:	
Total Revenues (Lines B + C + D) = Line E	\$
Line E – Line A (Revenues – Expenses) = total amount of Regional District Grant in Aid funding requested to cover shortfall	\$ 3160.51

Please Note: If you are receiving any in-kind services for the program / event / project, please outline the type of service, the source donor, and estimated value:

<u>Type / Source</u>	<u>Estimated Value</u>
Installation of screen, projector, and kiosk by Bruce Rowland	\$ 499.00
_____	\$ _____
_____	\$ _____

**Cedar Community Association
Profit & Loss**

April 2017 through January 2018

	Apr '17 - Jan 18
Income	
Donations	
Cedar Lions Club	700.00
Donations - Other	540.83
Total Donations	1,240.83
Interest	3.86
Memberships	75.00
Miscellaneous Income	50.00
Rebates	1,853.27
Rentals	
Miscellaneous	7,269.92
YP Drama Group	3,817.25
Swap meet	12,025.00
Total Rentals	23,112.17
Total Income	26,335.13
Expense	
Hall security	530.68
Advertising	135.00
Bank charges	40.00
Utilities	
Natural gas	1,104.89
Hydro	4,219.72
Total Utilities	5,324.61
GST/HST Expenses	752.11
Insurance	
Liability Insurance	225.00
Insurance - Other	4,898.00
Total Insurance	5,123.00
Janitorial	
Waste removal	1,069.90
Hall cleaning	5,075.00
Total Janitorial	6,144.90
Professional Fees	414.29
Property expenses	70.00
Repairs & maintenance	5,794.63
Supplies	1,378.94
Telephone	394.20
Total Expense	26,102.36
Net Income	232.77

Cedar Community Association
Balance Sheet
As of January 31, 2018

	Jan 31, 18
ASSETS	
Current Assets	
Chequing/Savings	
Island Savings CU account	22,963.48
Gaming Commission grant	0.00
Total Chequing/Savings	22,963.48
Total Current Assets	22,963.48
Fixed Assets	
Machinery & equipment	2,026.66
Total Fixed Assets	2,026.66
Other Assets	
Land & buildings	146,000.00
Total Other Assets	146,000.00
TOTAL ASSETS	170,990.14
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	959.02
Total Accounts Payable	959.02
Other Current Liabilities	
CRA tax	2,145.87
Security deposits	666.00
Total Other Current Liabilities	2,811.87
Total Current Liabilities	3,770.89
Total Liabilities	3,770.89
Equity	
Opening Bal Equity	156,597.23
Retained Earnings	10,389.25
Net Income	232.77
Total Equity	167,219.25
TOTAL LIABILITIES & EQUITY	170,990.14

Cedar Community Association Transactions by Account

As of January 31, 2018

	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Debit</u>	<u>Credit</u>
Island Savings CU account					
	01/04/2018		Alberta Millership	262.50	
	01/05/2018		Marsha Sampson	270.80	
	01/05/2018		NOAH	210.00	
	01/11/2018		Aunty Penny's	75.00	
	01/22/2018		Ham Happenings	100.00	
	01/29/2018		Jackie Moad	262.50	
	01/31/2018		Bank interest	0.40	
				<u>1,181.20</u>	
	01/03/2018	806	Raven Hill Media		435.00
	01/03/2018	807	Pacific Linen Supply		67.33
	01/03/2018	808	Polaris Solutions		4,898.00
	01/03/2018	100	BC Hydro		1,027.06
	01/03/2018	101	FortisBC		307.24
	01/26/2018	809	Mike Looyen		350.00
	01/26/2018	810	Ed Haaland Trucking		210.00
	01/26/2018	811	Bruce Rowland		356.50
Total Island Savings CU account					<u>7,651.13</u>
TOTAL					<u><u>-6,469.93</u></u>

The Signage Strategy was presented to the EASC on February 13, 2018.

Through the development of the Community Parks and Trails Strategy, signage was identified as the most requested park improvement feature by the public for existing community parks.

We received direction from the Board to replace current Community Park signs with new welcoming signs. Research into signage for parks and trails in other jurisdictions was completed to better understand the graphic direction the Signage Strategy could take. The variety in design options currently provided for many communities is vast – there were many precedent ideas that could work for RDN Parks. Staff focused efforts on the cost effective qualities of signage while maintaining clear wayfinding options and branding opportunities. Staff met with RDN team members in Building & Bylaw Services, Corporate Services, and within Parks Services to better understand their signage needs. All were presented with an overview of the Signage Strategy and their feedback was considered and integrated into the sign design.

Staff examined the current Sign Manual for Community and Regional Parks & Trails, 2001 as reference for the proposed Signage Strategy for Community Parks and Trails. The new signs will reflect an updated graphic style and the RDN Graphic Design Standards. The corporate branding for the RDN uses a specific font type and colour palette; the new sign design integrates these branding components. An updated RDN logo will be provided on the new signs as well.

The signage classifications are as follows:

Identification Signage

Identification Signage is intended to mark the location of the park or trail at the earliest approach point to the park or trail itself. It is intended primarily to be visible from a distance by visitors traveling by vehicle at higher speeds but also useful to visitors arriving by bicycle or on foot. A wood sign would be placed adjacent the main road into the park or adjacent the parking area, where possible. It would be used at parks with larger entrances.

Kiosk Signage

A kiosk would be placed where it could be accessed safely by a pedestrian or cyclist. It would provide information such as mapping, background information, safety information, as well as park etiquette. Larger kiosk could provide broader information about RDN Parks.

Entrance Signage

Entrance Signage is intended to mark the main entrance to a park or trail. It should be to pedestrian scale, visible from a distance, and legible upon approach. A combination of Entrance and Welcome Signage would highlight the main entrance.

Welcome Signage

The welcome sign would provide historic and current information about the park or trail, provide a park map or trail system (or both), identify park or trail amenities, identify park or trail regulations, and provide contact information for RDN Parks.

Trail Head Signage

Trail Head Signage is intended to mark the beginning of a trail. It would provide the trail name, the trail condition (easy, moderate, difficult), the length of the trail, identify trail use (hiking vs walking), and provide a trail system map with “You are here” identified.

Directional Signage

Directional Signage is intended to be placed where required in a park or along a trail. The purpose is to direct park and trail users to areas of interest. Directional Signage would be a wayfinding tool for park and trail users not referencing maps. Where necessary, park or trail system diagrams with a location identified will be provided to enhance the wayfinding experience.

Regulatory Signage

Regulatory Signage is intended to reinforce Bylaw 1399 and to clearly identify uses permitted/not permitted in RDN Parks and along RDN Trails. It would provide universally understood icons to highlight uses permitted/not permitted and provide contact information for RDN Parks. Regulatory Signage would be customizable to reflect the individual park or trail in which the sign would be placed.

Interpretive Signage

Interpretive Signage is intended to provide historical, environmental, and/or educational information for park and trail users. Interpretive Signage would be used in parks in areas of significance or along trails to highlight points of interest.

Safety Signage

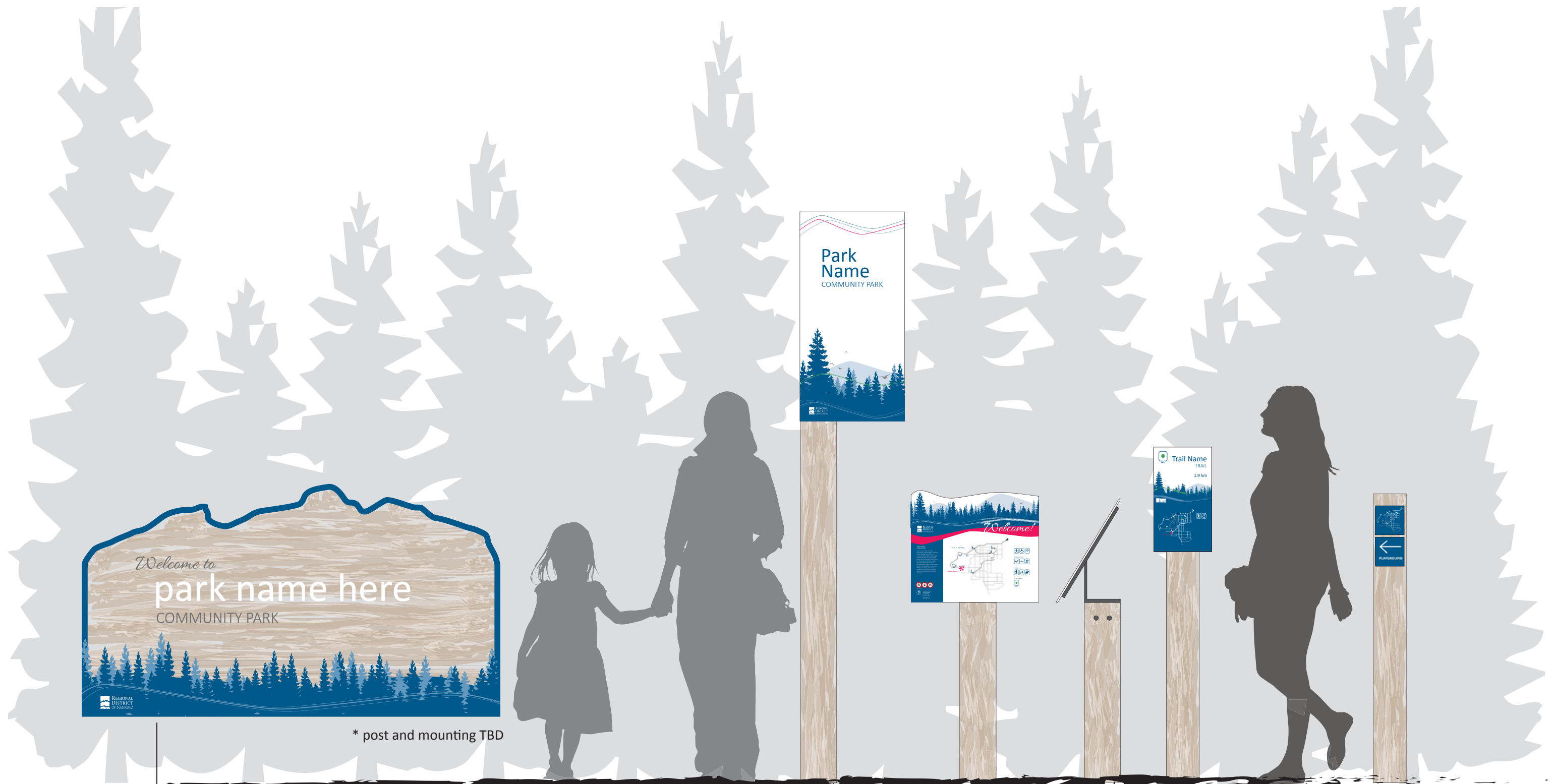
Safety Signage is intended to alert park and trail users of possible dangerous conditions or unusual activities. Their placement is key to ensure the safety of the public. The established use of yellow for ‘Caution’ and red for ‘Danger’ would be maintained.

Goal and Next Steps

For the POSAC meeting the goal is for the members to receive the information regarding the Signage Strategy for Community Parks and Trails, provide comment and feedback if they so desire, and to discuss which park and/or trail would be best suited to be the pilot site for new signage. Staff will ultimately assess the success of the signage for the park or trail, compare how it functions to the other pilot sites in the EAs, and determine potential changes required to improve on the signage prior setting it as the standard for RDN Parks.

Please set a date a time for the pilot site to be selected, giving the POSAC members adequate time to reflect on their recommendation.

Thank you!



* post and mounting TBD

IDENTIFICATION sign
cedar wood product and dimensions
to remain

ENTRANCE sign
size: 18x36"
height to
top of sign: 8'

WELCOME sign
size: 18x22"
height to top of sign: 4'
*panel tilt 30° back

TRAIL HEAD sign
size: 10x18"
height of top of sign: 4'-8"

DIRECTIONAL sign
size: 5x5"
height to top of sign: 4'

SIGNAGE CLASSIFICATION FOR THE SIGNAGE STRATEGY FOR COMMUNITY PARKS AND TRAILS
EASC Meeting February 13th, 2018

TO: Electoral Area Services Committee **MEETING:** June 12, 2018
FROM: Courtney Simpson
Senior Planner **FILE:** 6780-30
SUBJECT: Development Permit and Temporary Use Permit Areas Standardization Project

RECOMMENDATION

That the draft development permit areas and temporary use permit areas be endorsed and First Nation, public and stakeholder consultation be initiated in accordance with the approved public consultation program for the Development permit and Temporary use permit Areas Standardization Project.

SUMMARY

Review of development permit areas (DPAs) to streamline development processes is identified in the Regional District of Nanaimo's (RDN) 2017 Operational Plan as an action to support the RDN 2016-2020 Strategic Plan's focus on service and organizational excellence and focus on the environment. Revision of existing DPAs and temporary use permit (TUP) areas to improve consistency across electoral areas will standardize and streamline the application process.

This report presents draft DPAs and TUP areas recommended for stakeholder and public consultation and describes the approach and rationale for combining similar DPAs from individual official community plans (OCPs). Twenty-five individual DPAs for the purpose of protecting the natural environment, protecting development from hazardous conditions, or protecting farmland are reorganized and combined into seven standard DPAs. Seven different TUP area designation and conditions are consolidated into one that would allow the RDN to issue a TUP for any use on any parcel not permitted by the zoning bylaw based on a list of conditions aimed at determining the suitability of the temporary use.

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. Internal staff review and draft revisions are now complete.

A DPA is an important tool used in the development process 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 for what types of development a permit is required. The text of the DPA also describes its 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 – List of Current RDN Development Permit Areas). Proposed changes involve reorganizing and combining 25 of these DPAs into seven that apply across OCP areas. Of the remaining 24 DPAs, nine are part of phased development agreements for Schooner Cove and Lakes District, and 14 primarily address the form and character of development and are tailored to the character of a specific area.

The table below shows the seven proposed standardized DPAs and to which OCP areas they apply. No changes are proposed that would expand a DPA into an area where it is not currently designated, with the exception of the aquifer protection DPA in Area G where new aquifer boundary mapping is available from the Province.

DPA Name	Official Community Plan						
	Area A	Arrowsmith Benson – Cranberry Bright	East Wellington – Pleasant Valley	Nanoose Bay	Area F	Area G	Area H
Freshwater and Fish Habitat	X	X	X	X	X	X	X
Eagle and Heron Nesting Trees	X			X		X	X
Aquifers	X					X	X
Marine Coast	X					X	X
Sensitive Ecosystems	X	X		X		X	
Farmland Protection	X	X		X		X	X
Hazard Lands	X		X			X	X

The combination of 25 existing DPAs into seven involves some reorganization. For example, several existing DPAs for sensitive ecosystem protection currently combine a number of features such as eagle and heron nesting trees, aquifers, marine coast and other sensitive ecosystems. As shown in the above table, the new approach separates some of these features into individual DPAs to allow for more tailored exemptions and guidelines. The Farmland Protection and Hazard Lands DPAs do not involve any re-organization of different features within them.

Land Use Implications

The newly combined DPAs were carefully constructed and reviewed to ensure they meet the relevant objectives of the project as listed below:

- adopt consistent language across electoral areas for development permit areas and temporary use permit areas;
- improve ease of interpretation for the RDN, property owners and consultants;

- achieve consistency without designating any new areas where development permits are required or areas within which temporary use permits may be issued;
- adopt current best practices for development permit areas;
- correct issues of clarity in development permit area maps and text; and
- apply lessons learned from implementation of Electoral Area 'H' development permit areas adopted in 2017.

The wording of exemptions and guidelines vary amongst current 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.

An exhaustive listing of the adjustments needed to combine DPAs has been prepared for stakeholder and community consultation, and the highlights are included in this report.

Changes to Exemptions Throughout:

Every DPA includes exemptions, which are a list of types of development that do not require a permit. For example, a DPA could apply to buildings and structures generally, but there could be an exemption for buildings under a certain size, or minor addition to a building. Many exemptions are added or updated throughout the revised DPAs in response to best practices or an apparent need to exempt additional types of minor development. The process is streamlined by targeting the types of development that could impact what the DPA is trying to protect, and exempt those that have little or no impact.

Freshwater and Fish Habitat DPA:

The Freshwater and Fish Habitat DPA includes streams that are subject to the provincial *Riparian Areas Regulation* (RAR), and other freshwater features. Creating a single set of guidelines is straightforward for streams subject to the RAR because the requirements are guided by provincial legislation. Creating a single set of guidelines for other freshwater features involves moving them from other DPAs and adjusting the wording of exemptions and guidelines.

Eagle and Heron Nesting Trees DPA:

The Eagle and Heron Nesting Trees DPA applies to a radius around eagle and heron nesting trees. It is currently within the Environmentally Sensitive Areas DPA in most OCPs, and the draft combined DPA moves applicable content to a DPA for only eagle and heron nesting trees. The DPA currently applies to a radius of 60 metres around eagle nesting trees. For heron nesting trees, the radius is 100 metres except for the Area H OCP where it was recently reduced to 60 metres based on experience processing applications and a balance of environmental protection and streamlining development. The draft DPA takes the following approach to designate the area of application where the 60 metre radius around heron nesting trees only applies to lots of 1.0 hectare or smaller, based on more recent advice from the Ministry of Environment:

For bald eagles: 60 metres radius measured from the drip line of a tree containing an eagle nest.

For great blue herons:

- 60 metres radius measured from the drip line of a tree containing a heron nest on lots 1.0 hectare or smaller.
- 100 metre radius measured from the drip line of a tree containing a heron nest on lots greater than 1.0 hectare.

The current Area G OCP is unclear whether or not the DPA is meant to apply to heron nesting trees and the draft DPA clarifies that the DPA does apply to heron nesting trees. The Nanoose Bay OCP currently designates the property where an eagle or heron nest is mapped as being within the DPA, which means that if a tree is close to the property line and the buffer would extend to an adjacent property, the DPA is not properly designated to require a DP on that adjacent property. This is corrected in the draft DPA by designating a buffer around the nesting tree instead of the property on which the tree is located.

Eagle and heron nesting sites are actively changing, both with establishment of new nests, and the loss of nests by falling out of a tree or by the entire tree falling down. To be most effective, this DPA now applies to all mapped and unmapped nests. Without this change, a DPA cannot be required for the buffer area around a nest if it is not adopted into the map in the OCP, which may be based on data several years old. A web-base “community mapping network” maintains current data on mapped nests which will be referred to in addition to the OCP maps when determining when a permit is needed for this DPA. New and updated exemptions address the situation where a nest is mapped but is no longer there, to be clear that a development permit is not required.

Aquifers DPA:

The Aquifers DPA includes the land above mapped aquifers in Electoral Areas G and H, and in Electoral Area A, land within the Cedar and Cassidy Village Centres, Cedar Main Street and the South Wellington Industrial – Commercial area. Revised guidelines addressing content of hydrogeological reports will result in consistent reports across electoral areas.

Marine Coast DPA:

The Marine Coast DPA includes the marine coast in Electoral Areas A, G and H, 15 metres inland from the natural boundary and 15 metres seaward (except for 30 metres seaward in Area H). Standardizing the DPA guidelines by applying the newly adopted guidelines for Area H in Areas A and G includes a new emphasis on reducing the proliferation of seawalls, and new reference to shoreline development following the Green Shores Program of the Stewardship Centre of BC. This is consistent with evolving best practices for shoreline development.

For Areas A and G, the coastal DPA is currently within the DPA for environmentally sensitive features and the applicable exemptions and guidelines will be moved and revised into the new Marine Coast DPA.

Sensitive Ecosystems DPA:

The Sensitive Ecosystems DPA applies to the following OCP areas: Electoral Areas A, and G, Arrowsmith Benson – Cranberry Bright, and Nanoose Bay. This DPA has historically been designed as a “catch all” for protection of the natural environment for a range of features such as aquifer, eagle and heron nesting trees, coastal, and mapped areas from the Sensitive Ecosystem Inventory (SEI) provincial mapping.

The proposed approach moves many of these elements to DPAs unique to that feature such as coastal, aquifer, and freshwater, and the SEI designations remain in this DPA. The RDN began moving towards this change in 2007 with implementation of the RAR when new, separate DPAs were adopted for applicable riparian areas. To create combined guidelines that are easy to understand, this separation of features is needed as different OCPs designate DPAs for a different combination of features. The table below shows which SEI and other features apply in each of the OCP areas.

	Coastal Bluff	Terrestrial Herbaceous	Older Forest	Sparsely Vegetated	Woodland	Rare and Endangered Species
EA 'A'	X	X	X			X
AB-CB		X	X	X		
Nanoose Bay	X	X		X	X	
EA 'G'			X	X		

Farmland Protection DPA:

The Farmland Protection DPA applies to the following OCP areas: Electoral Areas A, G and H, Arrowsmith Benson – Cranberry Bright, and Nanoose Bay. There are currently four different ways the DPA boundary is defined in different OCPs:

- parcels directly adjacent to the ALR;
- parcels directly adjacent to the ALR or on the opposite side of the road from the ALR;
- a 15 metre wide buffer measured from the boundary of the ALR; or
- a 15 metre wide buffer measured from the boundary of the ALR or if the boundary of the ALR is across a road right-of-way, 15 metre from the edge of road right-of-way opposite the ALR.

To standardize the DPA, the draft simplifies the area of application to parcels directly adjacent to the ALR. This will mean that any parcel separated from the ALR by a road right-of-way will no longer be required to obtain a development permit.

The move away from defining the DPA based on a 15 metre measurement from the ALR boundary is recommended due to the inconsistent way the boundary is mapped in relation to roads, as sometimes the boundary includes the whole road, sometimes part, and sometimes none. Removing the DPA from applying to land across the road from the ALR is considered a reasonable balance between benefit to farming and cost to property owners who are developing across the road. While a road does not provide a visual screen from the ALR, it does provide a separation of uses; a standard road width is 20 metres. Exemptions ensure that development more than 15 metres away from the boundary of the ALR, except for subdivision, does not require a development permit.

Hazard Lands DPA:

The Hazard Lands DPA combines guidelines for the following current development permit areas (DPA):

- Electoral Area A OCP – Nanaimo River Floodplain;
- East Wellington – Pleasant Valley OCP – Natural Hazard Areas;
- Electoral Area G OCP – Hazard Lands; and
- Electoral Area H OCP – Coastal Steep Slope Hazard.

Depending on the geographic area, this DPA applies to floodplain areas, steep slope areas or both, and is designated for the purpose of protection of development from hazardous conditions and protection of the natural environment. Historically, hazard areas have been identified in RDN OCPs based on mapped floodplains or localized knowledge or studies or other areas subject to flooding and areas subject to steep slope hazard. Only Areas G and H have previously designated a development permit specifically for steep slope hazard. Steep slope hazard is also addressed where it is found in a riparian area, through the Freshwater and Fish Habitat Protection DPA.

Some older hazard land DPAs that were created before the addition of Fish Habitat Protection DPAs have a dual focus on protection of development from hazardous conditions and protecting the riparian ecosystem. To streamline and minimize duplication between the hazard and newly-labelled Freshwater and Fish Habitat DPA, some changes to the OCP descriptions are made, and while protection of the natural environment remains a purpose of the DPA, it is primarily in relation to where the natural environment helps to mitigate the hazard such as maintaining riparian vegetation to stabilize stream banks and reduce erosion.

Temporary Use Permits

The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Both zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers’ market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the current OCP policy on TUPs for all of the OCP areas.

OCP Area	Current Temporary Use Permit Areas and Conditions
Electoral Area A	All uses and all areas, based on performance criteria.
Arrowsmith Benson – Cranberry Bright	Within Rural or Resource designation for manufacture of asphalt or soil composting.
East Wellington – Pleasant Valley	Within the Rural and Resource designation temporary uses are permitted. Specific guidelines for primary processing of onsite aggregate or mineral resources, portable asphalt manufacturing or soil composting.
Nanoose Bay	Within the Resource Lands designation for manufacture of asphalt products and/or gravel extraction, and soil composting. Within the Growth Containment Boundary for real estate offices, show homes, signs and/or construction offices.
Electoral Area F	Aggregate extraction in any designation, and for any use within Village Centres and rural separation boundaries.
Electoral Area G	Within Rural and Rural Resource OCP designation on parcels 4 ha or larger for primary resource processing, asphalt batch plant, concrete ready mix plant, yard waste chipping or commercial composting. In any area, real estate offices, show homes and construction offices.
Electoral Area H	All uses and all areas, based on performance criteria.

It is recommended that the designation of TUP areas and listing of conditions is standardized by allowing all uses and all areas based on performance criteria, and consolidated in the relevant zoning bylaws.

Official Community Plan and Zoning Bylaw Amendments

The *Local Government Act* states that a DPA must be designated in an OCP, but that the guidelines may be in the zoning bylaw. Currently, all DPAs are entirely within the OCPs to which they apply. To combine each DPA, the application, exemptions and guidelines sections will be moved to the zoning bylaw: "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all of the combined DPAs, and "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No, 1285, 2002" for the Freshwater and Fish Habitat Protection DPA.

The relevant OCP will retain the text that designates the area where the DPA applies and describes the special conditions or objectives that justify the designation. Where possible, OCP text is proposed to be standardized for the DPAs where the guidelines are also standardized. OCP maps that designate DPAs will be revised to include updated DPA names, features that are moved from one DPA to another, and other changes such as the location of eagle and heron nests in the Nanoose Bay OCP instead of just the property on which they are located.

The designation of areas and specification of conditions for TUPs is standardized by allowing all uses and all areas based on performance criteria are proposed to be consolidated in both zoning bylaws.

Associated Administrative Bylaws:

To fully streamline the process for DP and TUP applications, the following bylaws and policies are also being reviewed as part of this project:

- "Regional District of Nanaimo Development Impact Assessment Bylaw No. 1165, 1999"
- "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005"
- Policy B1.12 *Riparian Areas Regulation Stream Declaration*
- Landscaping Regulations and Standards (Bylaw 500 Schedule '3F')

Intergovernmental Implications

First Nations identified in the Consultation Plan for the project 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.

Public Consultation Implications

A website for the project was launched in March 2018, on the RDN "Get Involved" page and is being used as a resource among other RDN departments, and by interested members of the public who hear about it through land use enquiries to the planning department about their property. After the draft DPAs have been endorsed by the Electoral Area Services Committee, a public announcement will be made inviting comments on the draft and advertising engagement events. At this time identified stakeholder groups will also be contacted and meetings will be arranged to review the drafts based on their interest.

ALTERNATIVES

1. That the draft revised development permit areas and temporary use permit areas be endorsed and circulated for First Nation, public and stakeholder consultation.
2. That the draft revised development permit areas and temporary use permit areas be amended.
3. That alternate direction be provided 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 Board's 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". Goals of other focus areas of the Strategic Plan for "economic health" and "the environment" will also be advanced through this project.



Courtney Simpson
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May 16, 2018

Reviewed by:

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

Attachments

1. List of Current Development Permit Areas
2. Draft Development Permit Areas and Temporary Use Permit Areas
3. Proposed Changes Described by Official Community Plan Area

Attachment 1
List of Current RDN Development Permit Areas

Official Community Plan	DPA Name
Area A	1. Environmentally Sensitive Features
	2. Watercourse and Fish Habitat Protection
	3. Nanaimo River Floodplain
	4. Farm Land Protection
	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
	Farmland Protection
	Watercourse Protection
	Sensitive Ecosystems
	Fish Habitat Protection
East Wellington – Pleasant Valley	1. Fish Habitat Protection
	2. Natural Hazard Areas
	3. Industrial
Nanoose Bay	1. Form and Character
	2. Farmland Protection
	3. Watercourse Protection
	4. Sensitive Ecosystem Protection
	5. Highway Corridor Protection
	Lakes District DPA 1: Form and Character
	Lakes District DPA 2: Natural Environment
	Lakes District DPA 3: Steep Slopes
	Lakes District DPA 4: Interface Fire Hazard
	Lakes District DPA 5: Energy, Water & GHG
	Schooner Cove DPA 1: Form & Character
	Schooner Cove DPA 2: Environ. Sensitive
	Schooner Cove DPA 3: Hazardous
	Schooner Cove DPA 4: Energy, Water & GHG
Area F	Watercourse Protection
	Fish Habitat Protection
Area G	1. Fish Habitat Protection
	2. Environmentally Sensitive Features
	3. Hazard Lands
	4. Farmland Protection
	5. Highway Corridor
	6. Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character

Legend:

Shaded DPAs indicate those that are included in the new standardized DPAs.

* The guidelines related to aquifer protection in these DPAs will be moved to the standardized Aquifer DPA

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

DRAFT DEVELOPMENT PERMIT AREAS AND TEMPORARY USE PERMIT AREAS

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FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

DRAFT DEVELOPMENT PERMIT AREA FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is reviewing development permit areas in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions, and requirements, and allow for updates to current best practices.

The Freshwater and Fish Habitat Development Permit Area applies to all official community plans in the RDN electoral areas.

FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

DRAFT OCP text for all OCPs

DESIGNATION

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. x, 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*, and all other mapped lakes, wetlands, ponds and watercourses. 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 lakes, wetlands, ponds, riparian areas and other watercourses 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 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 *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.

FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA

DRAFT standard 'applicability', 'exemptions' and 'guidelines' for Bylaw 500

APPLICABILITY

Terms used in this development permit area that are defined in the provincial RAR, of the *Riparian Areas Protection Act*, are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time. This Regulation and Act may be obtained from the provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development or from the BC Laws website.

A development permit is required for the following activities wherever they occur within this Development Permit Area, unless specifically exempted:

1. removal, alteration, disruption, or destruction of vegetation;
2. disturbance of soils; including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-impervious surfaces;
5. flood protection works;
6. construction of roads, trails, docks, wharves, and bridges; and
7. subdivision of land.

The following specific activities require a development permit where the RAR applies:

8. provision and maintenance of sewer and water services;
9. development of drainage systems; and
10. development of utility corridors.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

Exemptions Applicable to all Watercourses:

1. Development in an area where no stream or watercourse exists, as determined by the Regional District, a BC Land Surveyor, or a Registered Professional Biologist. For clarity, if the stream or watercourse ecosystem was previously filled or realigned without a development permit, this exemption does not apply.
2. Renovations, repairs, maintenance, the construction of a second storey addition, excluding cantilevered construction to existing buildings within the same footprint (a building permit may still be required).
3. All park or parkland ancillary uses not containing commercial, residential, or industrial activities.
4. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

5. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest are exempt only if a permit under the *Wildlife Act* has been obtained.
6. The small-scale, manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014' published by the Province of BC, or any subsequent editions.
7. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.

8. Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the Water Sustainability Act.
9. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
10. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
11. Subdivision where the minimum lot size is met exclusive of the Streamside Protection and Enhancement Area (SPEA) or where the RAR does not apply, exclusive of the development permit area, and no works are proposed within the Riparian Assessment Area or development permit area.

Exemptions Applicable to Streams under the RAR only:

12. For streams subject to the RAR, in the case where a simple assessment is submitted which assign a SPEA, a development proposed outside of the SPEA where:
 - a) the assessment report has been completed by a Qualified Environmental Professional (QEP) in accordance with the Riparian Areas Regulation Assessment Methods; and
 - b) notification of the assessment report has been received by the provincial ministry responsible and the Regional District, and there are no measures outside of the SPEA required to protect the SPEA.

Exemptions Applicable to this development permit area where the RAR does not apply:

13. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
14. A property owner may construct a single trail within this development permit area in accordance with the principles and standards of 'Access Near Aquatic Areas' of the Stewardship Series published by the provincial and federal governments, and subject to the following conditions:
 - a) the trail provides the most direct route of feasible passage through the development permit area;
 - b) the location is chosen to require a minimum amount of vegetation removal or disturbance and where there is limited excavation and removal of native soils;
 - c) the ground is stable, i.e. erodible stream banks or other erosion prone areas shall be avoided;
 - d) no motorized vehicles are permitted on the trail;
 - e) the trail is not to exceed a maximum width of 1.5 metres;
 - f) no trees, which are greater than five metres in height and 10 centimetres in diameter, are to be removed; instead limbing and pruning of trees shall be done, where necessary, to facilitate the construction of the single trail;

- g) the trail's surface shall only be composed of pervious materials.
15. Minor additions to existing buildings or structures to a maximum of 25 percent of the ground floor area, if the addition is located on the side or part of the building or structure most distant from the waterbody or stream.
16. The construction of a small accessory building or structure if all the following apply:
- a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation;
 - d) the building or structure is located a minimum of 10 metres from the high water mark or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
 - e) the total area of the accessory building or structure is less than 10 metres square.

GUIDELINES

Development permits shall be issued in accordance with the following:

Guidelines applicable to all watercourses:

1. An assessment must be prepared by a Registered Professional Biologist (a Qualified Environmental Professional for streams applicable to the RAR) with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan the areas for yard and driveway and areas to remain free from development. See Guideline 13 for additional requirements of this report for streams applicable to the RAR.
2. If development or alteration of land is proposed within the development permit area, it shall be located where it will cause the least impact on the stream or waterbody. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. Variances to the zoning bylaw regulations to minimize development in the development permit area should be considered.
3. Sensitive biophysical features to be identified and protected in this development permit area include but are not limited to:
 - a) plants and plant communities that provide refuges and migration routes for birds and wildlife and support fish life processes;
 - b) vegetation in riparian areas that moderates the volume and rate of water flowing through the watershed and stabilizes stream banks by holding the soil in place;
 - c) plant root systems that enhance the soil's ability to absorb water by making it more porous;

- d) vegetation that provides food and shelter for fish;
 - e) shade from trees that regulates water temperatures in the stream; and
 - f) logs and other woody debris that could 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.
4. Mitigation measures that should be considered in the biological assessment include but are not limited to:
- a) maintenance of an effective visual and sound (natural vegetated) buffer around nesting trees;
 - b) minimization of vegetation removal;
 - c) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors; and
 - d) timing of construction to minimize potential impacts.
5. Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.
6. For the SPEA or where the applicant's biologist or other qualified professional recommends other specific areas that must remain free from development:
- a) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
 - b) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
7. The applicant's biologist or QEP may be required to provide confirmation to the Regional District that the property has been developed in accordance with the QEPs recommendations.

Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions

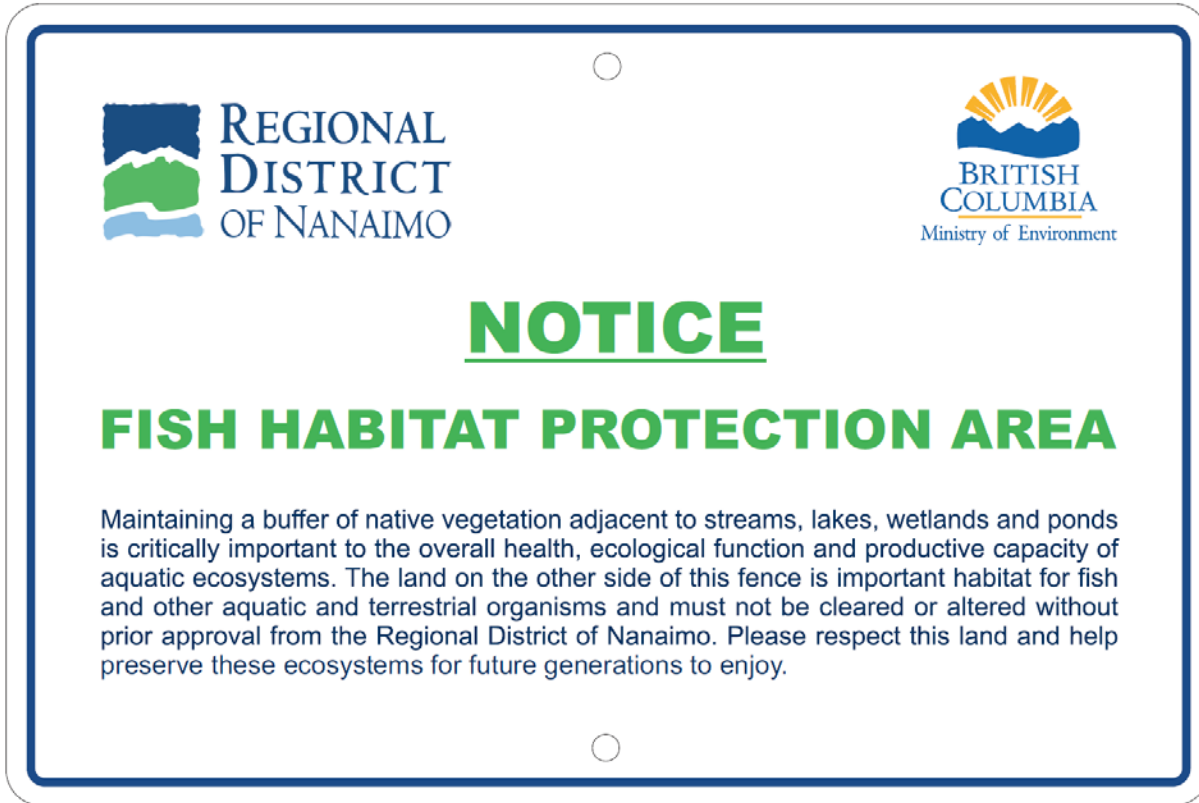
8. Treated effluent and diverted rainwater collection and discharge systems on commercial, industrial, multi-residential, intensive residential and other developments where there is potential for silt and petroleum-based contaminants to enter a watercourse directly or infiltrate into the ground will require the provision for grease, oil, and sedimentation removal facilities and the ongoing maintenance of these facilities.
9. Directing drainage of rainwater from development sites into the SPEA and other watercourses and water bodies shall be avoided. Instead, rainwater is to be managed onsite with an emphasis on infiltration approaches to management. If impacts cannot be avoided through onsite infiltration, a sediment and erosion control plan may be required, and grading plan may be required where fill is placed near the freshwater feature.
10. In low-lying areas subject to flooding, development should not increase the flood risk on the subject property or on adjacent or nearby properties. Where the placement of fill is proposed

within a floodplain as defined by the RDN Floodplain Management Bylaw the Regional District shall require a report by a Professional Engineer that ensure the placement of the proposed fill would not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain.

11. Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 metres, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may include registration of a Section 219 Covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

Additional Guidelines Applicable to Streams Subject to the RAR only

12. No development shall take place within any SPEA except where:
 - a) a QEP has determined that no serious harm is likely to occur or that it can be mitigated by following prescribed measures; or
 - b) the owner has obtained an authorization under subsection 35(2) [serious harm to fish] the *Fisheries Act*.
13. The Regional District shall require the applicant to retain QEP, at the expense of the applicant, for the purpose of preparing an assessment report, pursuant to Section 4(2) of the RAR and the Riparian Area Regulations Assessment Methodology Guidebook, and the assessment report must be electronically submitted to the provincial ministry responsible, via the Riparian Area Regulations Notification System, and a copy must be provided to the Regional District.
14. In addition to implementing the measures in the assessment report, to ensure the integrity of the SPEA the Regional District and landowner may consider the following:
 - a) dedicate back to the Crown or Regional District all or part of the SPEA;
 - b) gift to a nature preservation organization all or part of the SPEA; or
 - c) register a restrictive covenant or conservation covenant on title securing the measures prescribed in the assessment report.
15. For the purpose of subdivision design, proposed lot configuration shall consider the protection of the SPEA and minimize new parcel lines in the SPEA. The proposed lot configuration should demonstrate that enough developable land is available on each lot to establish a development envelope that includes a reasonable yard area outside of the SPEA to accommodate wastewater disposal field, driveway, accessory buildings and yard.
16. Permanent fencing and/or other means of clearly delineating the SPEA boundary such as signage must be designed to follow the standard established by the Regional District and Ministry of Environment shown below. Signage must be installed to the satisfaction of the Regional District prior to land alteration and in the case of subdivision prior to the Regional District notifying the Approving Officer that the conditions of the development permit have been met. Fencing must be designed to allow for the free and uninterrupted movement of organisms between riparian and upland ecosystems and must be maintained in good order.



Aluminum or Dibond 12"x18" Radius corners
Inline border .14"
RDN logo: 2"x5.17"
Ministry of Environment logo: 2.5"x2.92"
Notice: Arial black type .90"
Fish Habitat Protection Area: Arial black type .60"
All other text: Arial bold type .27"

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA

DRAFT DEVELOPMENT PERMIT AREA FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is reviewing development permit areas in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions, and requirements, and allow for updates to current best practices.

The Sensitive Ecosystems Development Permit Area applies to the following Official Community Plan (OCP) areas: Electoral Areas A, and G, Arrowsmith Benson – Cranberry Bright, and Nanoose Bay.

This DPA applies to select sensitive ecosystems identified in the provincial Sensitive Ecosystem Inventory (SEI) Mapping. For the Electoral Area A OCP area, the DPA also applies to known locations of rare and endangered species. The table below shows which SEI and other features apply in each of the OCP areas.

	Coastal Bluff	Terrestrial Herbaceous	Older Forest	Sparsely Vegetated	Woodland	Rare and Endangered Species
EA 'A'	X	X	X			X
AB-CB		X	X	X		
Nanoose Bay	X	X		X	X	
EA 'G'			X	X		

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA

DRAFT text for Electoral Area A OCP

DESIGNATION:

The Sensitive Ecosystems Development Permit Area is shown on Map No. 9 and applies to the following environmentally sensitive ecosystems features, ecosystems or habitat:

- 'coastal bluff', 'terrestrial herbaceous', and 'older forest' as mapped in the Provincial Sensitive Ecosystem Inventory; and
- known occurrences of the following rare and endangered species as mapped by the Conservation Data Centre: Propertius Duskywing (butterfly) and Vesper Sparrow.

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*.

JUSTIFICATION:

Increasing development pressure and environmental awareness, as well as the RGS goal of environmental protection has led to the need for the protection of the Plan Area's most sensitive environmentally significant features including components of the Coastal Douglas Fir Ecosystem, rare species, and other environmentally sensitive 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.

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA

DRAFT OCP text for Arrowsmith Benson – Cranberry Bright OCP

Designation:

The Sensitive Ecosystems Development Permit Area is 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'.

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*.

Justification:

These Development Permit Areas are applicable to lands, which contain sensitive ecosystems as identified by Environment Canada and the BC Ministry of Environment, Lands and Parks.

A Sensitive Ecosystems Inventory for east Vancouver Island and the Gulf Islands has been completed by Environment Canada and the BC Ministry of Environment, Lands and Parks. The Inventory 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.

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA

DRAFT OCP text for Nanose Bay OCP

DESIGNATION

The Sensitive Ecosystems Development Permit Area is shown on Map No. 6 and applies to parcels containing the following environmentally sensitive ecosystems mapped in the Provincial Sensitive Ecosystem Inventory (SEI): woodland, coastal bluff (for lands that are subdividable), terrestrial herbaceous, wetland, and sparsely vegetated ecosystems.

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*.

JUSTIFICATION:

The Sensitive Ecosystems Development Permit Area is comprised of parcels including lands that have been identified in the SEI: East Vancouver Island and Gulf Islands 1997 and 2004 updates completed by the Canadian Wildlife Service. These lands have been identified as being endangered or sensitive to disturbance. The lands include stands of Garry Oak, woodlands, meadows, grasslands, and their associated species. Some of the plant and animal species are found only in southeastern British Columbia and these ecosystems are among the rarest in the province. Nanoose Bay is unique in the range of sensitive ecosystems it contains and in the required level of preservation of these systems.

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

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA

DRAFT OCP text for Electoral Area G OCP

DESIGNATION

The Sensitive Ecosystems Development Permit Area is shown on Map No. 9 and applies to '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.

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA

DRAFT standard 'applicability', 'exemptions' and 'guidelines' for Bylaw 500

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development in an area where the sensitive ecosystem does not exist due to mapping inaccuracy, upon written confirmation from a Registered Professional Biologist. For clarity, if the sensitive ecosystem was previously disturbed without a development permit this exemption does not apply.
2. Minor additions to existing buildings or structures to a maximum of 25 percent of the ground floor area, provided that the addition is not situated closer to the environmentally sensitive feature for which the development permit area has been identified, than the existing building or structure.
3. Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required).
4. A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
5. A single trail within this development permit area, subject to the following:
 - a) the trail provides the most direct route of feasible passage through the development permit area;
 - b) the location is chosen to require a minimum amount of vegetation removal or disturbance and where there is limited excavation and removal of native soils;
 - c) the ground is stable, i.e. erodible stream banks or other erosion prone areas must be avoided;
 - d) no motorized vehicles are permitted;
 - e) the trail is a maximum of 1.5 metres in width;
 - f) no trees, which are greater than five metres in height and no trees with a diameter at breast height of 10 centimetres or more are being removed; limbing, pruning and topping of trees should be done instead; and,
 - g) the trail's surface is pervious but may be constructed with materials that limit erosion and bank destabilization (certain structures may require a building permit).

6. The planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the development permit area provided the planting is carried out in accordance with the guidelines provided in 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia', published by Ministry of Environment, or any subsequent editions.
7. Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land. For clarity, this exemption does not apply to retaining walls and anything that is considered a structure as defined by the current zoning bylaw.
8. The small-scale, manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014' published by the Province of BC, or any subsequent editions.
9. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
10. The construction of a small accessory building or structure if all the following apply:
 - a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation;
 - d) the building or structure is located a minimum of 10 metres from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
 - e) the total area of the small accessory building or structure is less than 10 square metres.
11. Subdivision where the following criteria is met:
 - a) minimum parcel sizes will be met exclusive of the development permit area; and
 - b) no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of all parcels will occur within the development permit area; and
 - c) where a covenant is registered to protect the sensitive ecosystem or ecosystems in a manner that is consistent with the applicable development permit area guidelines.
12. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
13. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less

than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.

14. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

15. Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
16. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
17. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'forest lands' on the property assessment.

GUIDELINES

1. If development or alteration of land is proposed within the development permit area, it shall be located where it will cause the least impact on the sensitive ecosystem. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
2. An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan the areas for yard and driveway and areas to remain free from development.
3. Existing native vegetation should be retained wherever possible to minimize disruption to habitat and maintain ecological processes that support ecosystem function, wildlife ecology, and unique ecosystems. These include, but are not limited to:

- a) vegetation, trees, snags and root systems;
 - b) rare and uncommon species and plant communities;
 - c) soils and soil conditions (moisture, nutrients and permeability);
 - d) bird and other wildlife and their habitats, such as nesting and breeding areas;
 - e) wildlife habitat, including but not limited to wildlife breeding areas as well as nesting and perch trees; and
 - f) topography and relative orientation of features on neighbouring properties.
4. Mitigation measures that should be considered in the biological assessment include but are not limited to:
- a) maintenance of an effective visual and sound (natural vegetated) buffer around nesting trees;
 - b) minimization of vegetation removal;
 - c) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors; and
 - d) timing of construction to minimize potential impacts.
5. Where the applicant's biologist recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping plan and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional.
6. Development should be designed following applicable guidelines in the Provincial Ministry of Environment document: ['Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia'](#) as amended or replaced from time to time.
7. Where the applicant's biologist recommends specific areas that must remain free from development:
- a) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
 - b) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
8. The applicant's biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with the biologist's recommendations.

Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions

9. Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 metres, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may

include registration of a Section 219 Covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

10. Development or subdivision of land should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
 - c) not interfere with groundwater recharge; and
 - d) not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
11. The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other methods for managing rain water on-site should be included in all development proposals considered in this DPA.

EAGLE AND HERON NESTING TREES DEVELOPMENT PERMIT AREA

DRAFT DEVELOPMENT PERMIT AREA FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is reviewing development permit areas in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions, and requirements, and allow for updates to current best practices.

The Eagle and Heron Nesting Trees DPA applies to the following Official Community Plan (OCP) areas: Electoral Areas A, G and H, and Nanoose Bay.

EAGLE AND HERON NESTING TREES DEVELOPMENT PERMIT AREA

DRAFT OCP text for Areas A, E, G and H

DESIGNATION

The Eagle and Heron Nesting Trees Development Permit Area is shown on Map No. X. 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 drip line 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 dripline of the nesting tree on lots 1.0 hectare or smaller; and
 - ii. a 100 metre radius from the dripline 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 drip line of all nest trees.

The locations of the eagle and heron nesting trees identified on Map No. X 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.

EAGLE AND HERON NESTING TREES DEVELOPMENT PERMIT AREA

DRAFT standard 'applicability', 'exemptions' and 'guidelines' for Bylaw 500

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of natural features, including mature and native vegetation;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
2. The landowner has offered and entered into a restrictive covenant to maintain an acceptable no disturbance buffer as determined by a registered professional biologist.
3. A Registered Professional Biologist with relevant experience has confirmed in writing that no Bald Eagle or no Great Blue Heron has established a nest and is present during the breeding and

nesting season of the past five years. In general terms, this is from February to June for Great Blue Herons; and January to September for Bald Eagles.

4. Removal, trimming or alteration of vegetation other than the nest tree; onsite sewage disposal system installations and well drilling within the nest tree development permit area is permitted without a development permit where:
 - a) the activity is conducted entirely outside of the nesting season which is from February to June for Pacific Great Blue Herons and January to September for Bald Eagles, or
 - b) a Registered Professional Biologist with relevant experience has confirmed in writing that the activity will not negatively impact the nest tree, or its associated Great Blue Herons or Bald Eagles.
5. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
6. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
7. The small-scale, manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014' published by the Province of BC, or any subsequent editions.
8. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a. emergency flood or protection works;
 - b. clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
 - c. any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

9. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.

11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

GUIDELINES

Development permits shall be issued in accordance with the following:

1. Development shall be located where it will cause the least impact to the nesting activity of eagles or herons. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided.
2. An assessment must be prepared by a Registered Professional Biologist with relevant experience to assess the potential impact of the proposed development on the function of the nest tree and development or land alteration within the development permit area on the subject property. The report should include, but is not limited, to the following:
 - a. definition of the study area and the proposed activities in relation to the nesting tree, including a map to identify the location of nesting tree or trees, the development permit area, and proposed or existing buildings and structures;
 - b. identification of the breeding season;
 - c. assessment of the impacts of the proposed activities in relation to the resident birds (Bald Eagle or Great Blue Heron) and prescribe appropriate measures to preserve, protect, restore or enhance the function of the nesting tree area and any alteration of the development permit area on the subject property;
 - d. recommendations on how to mitigate negative impacts during and after construction, if permitted under the *Wildlife Act*, to protect the long term integrity of the nesting habitat; and
 - e. reference to 'Guidelines for Ecosystem and Species Protection' and/or 'Guidelines for Raptor Conservation during Urban and Rural Land Development in BC' found in 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia' published by the Province of BC, or any subsequent editions.
3. The recommendations within the assessment report will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant's expense, to the satisfaction of the Regional District.
4. To avoid encroachment within the area to be protected as identified in the Assessment Report, prior to construction commencing and through to the completion of the development, installation of temporary fencing or flagged stakes is required at a distance from the nesting tree as prescribed in the Assessment Report.
5. The applicant's biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with their recommendations.

AQUIFERS

DEVELOPMENT PERMIT AREA

DRAFT DEVELOPMENT PERMIT AREA FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is reviewing development permit areas in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions, and requirements, and allow for updates to current best practices.

This DPA includes the land above mapped aquifers in Electoral Areas G and H, and in Electoral Area A, land within the Cedar and Cassidy Village Centres, Cedar Main Street and the South Wellington Industrial – Commercial area.

AQUIFERS DEVELOPMENT PERMIT AREA

DRAFT text for Electoral Area A OCP

DESIGNATION:

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

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*.

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.

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

In the Cassidy Village Centre area, a 2010 groundwater vulnerability study conducted by GW Solutions Inc. in partnership with Vancouver Island University indicates that Cassidy is underlain by a highly vulnerable aquifer. The report indicates that the upper Cassidy aquifer is highly vulnerable to surface contamination while the lower aquifer was found to be protected by a thick layer of blue clay. There is concern in the community based on the fact that the majority of residents draw their drinking water from the upper aquifer and there are no community water or sewer services.

In the South Wellington Industrial – Commercial area, there are no community water or community sewer services. Residents are concerned with the protection of groundwater resources, their primary source of domestic drinking water, due to the lack of community services combined with the fact that there are heavy industrial uses on relatively small lots in close proximity to rural residential uses. Therefore, it is important to ensure that both existing and future commercial and industrial uses do not pose a threat to ground water quantity or quality.

The Cedar Village Centre area overlies mapped Aquifer 161 which is closely connected to the Nanaimo River and ranked as high vulnerability to surface contamination due to the shallow water table and very permeable gravel and sand material. Water supply for the North Cedar Improvement District comes from Aquifer 161, therefore it is important to ensure both existing and future land uses do not pose a threat to groundwater quality and quantity.

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.

AQUIFERS DEVELOPMENT PERMIT AREA

DRAFT text for Electoral Area G OCP

DESIGNATION:

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

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*.

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 contain 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 under 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 DPA 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.

AQUIFERS DEVELOPMENT PERMIT AREA

Note: text for Area H OCP remains unchanged

AQUIFERS DEVELOPMENT PERMIT AREA

DRAFT standard 'applicability', 'exemptions' and 'guidelines' for Bylaw 500

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. alteration of land, disturbance of soils, including grubbing, scraping and the removal of top soils;
2. construction, alteration, or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces;
4. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*; and
5. excavation or sub-surface disturbance in the sub-area defined as 'risk of artesian conditions'.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Construction, renovation, repair or addition to a single dwelling unit, duplex dwelling unit, secondary suite, building or structure accessory to residential use including a driveway and except for excavation of a depth greater than 1.5 metres in an area with 'risk of artesian conditions'.
2. Construction of or additions to a building or structure that do not require a building permit.
3. Onsite wastewater disposal system installation meeting the requirements of the *Sewerage System Regulation* of the *Public Health Act*.
4. Subdivision of land within Cedar Village Centre and South Wellington Light Industrial & Commercial Area as designated in the Electoral Area A Official Community Plan, except for intensive residential within the Cedar Main Street Village Plan area (intensive residential is defined in that plan).
5. Subdivision of land where a maximum of three parcels are proposed, including the remainder, where the subject property:
 - a. in Electoral Area H has a 'low' vulnerability as identified in the Official Community Plan or;
 - b. in Electoral Area G does not have a development subclass of 'heavy' nor a vulnerability class of 'high' or a combination of 'heavy' or 'high' as identified in the Official Community Plan.
6. Subdivision of land where the application is limited to lot line adjustment and no additional parcels are created.
7. Subdivision of land where each lot has an approved connection to a community water system, except for within Cassidy Village Centre.
8. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than 5 years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
9. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
10. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area Guidelines as determined by the Regional District.

GUIDELINES

Development permits shall be issued in accordance with the following:

1. The use or disposal of substances or contaminants that may be harmful to area aquifers is discouraged and steps must be taken to ensure the proper disposal of such contaminants.
2. A report must be prepared by a Professional Engineer or Geoscientist with experience in hydrogeology. The report should follow the Regional District "Guidelines for Preparation of Hydrogeological Reports" as amended from time to time, and should also include, but is not limited, to the following:
 - a. definition of the study area and the relationship of the proposed development to the protected aquifer, including map(s) indicating community water well locations;
 - b. recharge area and capture zone analysis for existing and proposed new wells;
 - c. an assessment of the ability of the aquifer to accommodate additional groundwater demand proposed by the development, which shall include the anticipated water demand of the proposed uses based on the development potential of the subject property based on the current zoning;
 - d. identification of potential impacts on adjacent properties and land uses; and
 - e. recommendations for measures required to ensure the quality and quantity of water in the aquifer is protected.
3. The use of permeable paving and other methods to reduce rain water runoff are encouraged.
4. Where a proposed development will include any of the purposes or activities listed in Schedule 2 of the Contaminated Sites Regulation, (B.C. Reg. 375/96), the report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology (as described in Guideline 2) shall be required to confirm the protection of the aquifer in relation to the intended uses. In this case, the professional report should additionally include the following:
 - a. as part of the map(s) described in Guideline 2a., also indicate: site location of activities listed in abovementioned regulation, all well locations (abandoned or operational, proposed or existing above ground or underground fuel storage tanks, and underground utilities, such as water, sanitary, and storm water drainage or natural gas lines;
 - b. assess the potential for contamination and the expected results should a spill occur;
 - c. identify appropriate site-specific groundwater protection measures;
 - d. address site design, and best management practices for site drainage, sewage disposal and hazardous material use, handling, storage, disposal and spill response; and
 - e. provide recommendations, a conclusion and a reference site layout plan.
5. A rainwater management plan prepared by a Professional Engineer may be required to ensure that the discharge of any treated effluent and rainwater does not negatively affect groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater.
 - a. Treated effluent and diverted rain water collection and discharge systems on commercial, industrial, multi-residential, and other developments where there is potential for silt and petroleum-based contaminants to enter a watercourse or infiltrate

into the ground must be directed through an appropriately sized and engineered sediment, oil, water and grease separator or other engineered solution. Examples of uses to which this guideline applies includes uses such as vehicle and machinery storage, cleaning and maintenance, and public parking areas.

- b. The engineer must provide an appropriate maintenance schedule.
6. Development or subdivision of land should be designed to:
 - a. replicate the function of a naturally vegetated watershed;
 - b. not interfere with groundwater recharge;
 - c. maintain the hydraulic regime of surface and groundwater and pre-development flow rates which includes no net increase in peak rain water run-off from the land to adjoining lands.
 7. Where a proposed development is within a sub-area “risk of artesian conditions” as identified in the applicable official community plan:
 - a. the professional report shall determine the depth of the overlying till aquitard, and provide recommendations for its protection during excavation, well drilling, and construction; and
 - b. wells must be drilled by a registered well driller who is qualified to control artesian flow.
 8. Where a proposed development is within the well protection area or well capture zone of a community water system, the professional report must refer to the relevant well protection plan and provide recommendations for the development to ensure mitigation of any potential risk to the community water source.
 9. All development that proposes a site, facility, or premise where municipal solid waste or recyclable materials will be managed must be conducted in accordance with RDN Waste Stream Management Licensing Bylaw No. 1386, 2004 as amended or replaced from time to time.
 10. Recommendations within the professional report(s) will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District. Where a maintenance schedule for a sediment, oil, water and grease separator is recommended, a commitment to the maintenance schedule may be included in the covenant.
 11. Developments that are found to pose detrimental impact(s) on either the quality or quantity of groundwater which cannot be adequately mitigated shall not be supported by the Regional District.

MARINE COAST DEVELOPMENT PERMIT AREA

DRAFT DEVELOPMENT PERMIT AREA FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is reviewing development permit areas in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions, and requirements, and allow for updates to current best practices.

This DPA includes the marine coast in Electoral Areas A, G and H, 15 metres inland from the natural boundary and 15 metres seaward (except for 30 metres seaward in Area H).

MARINE COAST DEVELOPMENT PERMIT AREA

DRAFT text for Electoral Area A OCP

DESIGNATION:

The Marine Coast Development Permit Area is shown on Map No. x 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.

AUTHORITY:

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:

Coastal and marine environments provide goods and services from an ecological, economic, and social perspective. The form and dynamics of the shoreline help determine essential habitat conditions for coastal plant and animal communities. Coastal areas are also highly valued by property owners, the general community, and marine recreational users for their aesthetic qualities, recreational values, and views.

In addition, many coastal communities are experiencing unprecedented levels of growth. This is a critical time to recognize the unintended consequences of past practices and to identify ways to reduce the impacts of development and ensure that the benefits of having healthy marine ecosystems continue to be enjoyed for generations to come.

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.

MARINE COAST DEVELOPMENT PERMIT AREA

DRAFT text for Electoral Area G OCP

DESIGNATION:

The Marine Coast Development Permit Area is shown on Map No. x 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.

AUTHORITY:

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 flock of Pacific Black 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.

MARINE COAST DEVELOPMENT PERMIT AREA

Note: OCP text for Electoral Area H remains unchanged

MARINE COAST DEVELOPMENT PERMIT AREA

DRAFT standard 'applicability', 'exemptions' and 'guidelines' for Bylaw 500

APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
2. Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required). For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as riprap and stacked rocks, requires a

development permit whether or not they meet the definition of 'structure' in other bylaws of the Regional District.

3. Minor additions to existing buildings or structures to a maximum of 25 percent of the ground floor area, provided that the addition is located on the side or part of the building or structure most distant from the foreshore.
4. A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
5. Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.
6. Construction of a fence so long as no native trees with a diameter at breast height of 20 centimetres or greater are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence.
7. Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
8. The construction of a small accessory building or structure such as a pump house, gazebo, deck, patio, garden shed or play house if all the following apply;
 - a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation
 - d) the building or structure is located a minimum of 10 metres from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
 - e) the total area of the small accessory building or structure is less than 10 square metres.
9. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
10. The small-scale, manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014' published by the Province of BC, or any subsequent editions.
11. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
12. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

13. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.

GUIDELINES

General Guidelines

1. Development within the development permit area should be limited and not negatively impact the ecological health of the immediate area, disrupt coastal sediment transport processes, or impede public access along the shore. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
2. An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan areas for yard and driveway and areas to remain free from development.
3. Existing native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion:
 - a) Dune grass is particularly sensitive to foot traffic and often keeping foot traffic away through fencing or signage can result in regeneration in short time periods. Replanting of dune grass and associated plants where it has been previously disturbed may be a condition of a development permit.
 - b) Coniferous trees provide important perches for eagles, and older trees may be used by eagles for nests. It is important that some trees are retained or replanted within and close to the development permit area when properties are developed, even if the trees are young.
 - c) Trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading, storage of fill or building materials, and other development activities.
 - d) Temporary fencing at a prescribed distance from the natural boundary or top of bank should be required to protect the shoreline vegetation.
4. New, or additions to, upland buildings and structures should be located and designed to avoid the need for shore protection works throughout the life of the building or structure. Only if all options to locate and design without the need for shore protection measures are exhausted should such works be considered.
5. Shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw or for reclaiming land lost due to erosion.

6. Where shoreline protection works are proposed they shall be designed by a Professional Engineer and:
 - a) be limited to that necessary to prevent damage to existing structures or established uses on adjacent upland;
 - b) be the 'softest' possible shore protection measure that will still provide satisfactory protection;
 - c) not be expected to cause erosion or other physical damage to adjacent or down-current properties;
 - d) address compatibility with any adjacent shore protection works; and
 - e) be in compliance with the Regional District's Marine Retaining Wall Policy B1-09.
7. Where a geotechnical report is required, it will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
8. Where protection from erosion is proposed as either new works or replacement, every effort will be made to design shoreline protection in accordance with the *Green Shores* programs of the Stewardship Centre of BC. These programs provide resources for, and examples of, shoreline erosion protection involving creation or maintenance of low-angle slopes allowing for dissipation of wave energy, retaining native plants and habitat, and providing a natural appearance. Some *Green Shores* approaches rely on use of the beach below the natural boundary, which requires permission from the Province.
9. Where erosion protection works are proposed below the natural boundary, they should not obstruct public access along the foreshore or beach.
10. Heavy equipment shall not be permitted on the beach unless existing conditions do not permit upland access and, if required, mitigation methods acceptable to the RDN shall be identified as part of the application. Procedures shall be in compliance with the Regional District's Marine Retaining Wall Policy B1-09, as amended or replaced from time to time. For commercial and multi-family developments, the *Green Shores for Coastal Developments* program of the Stewardship Centre of BC should be reviewed and referenced, and every effort made to design the development in accordance with its recommendations and best practices.
11. Entirely 'hard' structural shore protection measures such as concrete walls, lock block, or stacked rock (riprap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
 - a) the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage associated with upland development;
 - b) all possible on-site drainage solutions by directing drainage away from the shoreline edge have been exhausted;
 - c) Green Shores non-structural or structural measures are not feasible or not sufficient to address the stabilization issues;
 - d) it is not feasible to instead construct a retaining wall that meets the zoning bylaw setback;

- e) the shore protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - f) all shore protection structures are installed upland of the present natural boundary of the sea.
12. Where the installation of a hydrothermal and geoexchange unit is proposed, the Regional District will require the applicant to provide a report by a Registered Professional Biologist with experience in marine ecology, to assess the potential impact of the proposed installation on the marine environment, public users of the foreshore, the anchoring of vessels, and First Nation shellfish harvesting, and provide recommendations to restore or enhance those areas impacted by the proposed development.
13. Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional.
14. The applicant may be required to provide confirmation to the Regional District that the property has been developed in accordance with the recommendations of the biologist or engineer, as applicable.

Guidelines Applicable to Subdivisions and New Development

15. Subdivisions shall be designed so that the new lots will not require shore protection measures in order for useable, safe building sites to be created above the year 2100 flood construction level when considering sea level rise.
16. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
17. New driveways, parking lots, and wastewater disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the design and construction of the road, parking lot or wastewater disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met. These works may be required to be completed prior to final approval of the subdivision.

Guidelines Applicable to Vegetation Management, Restoration and Enhancement

18. If the area has been previously cleared of native vegetation or where clearing is proposed, replanting should be required in accordance with these guidelines and according to the recommendations of a Registered Professional Biologist. Where it is not practical to replace all vegetation that is or has been removed, replanting should be focused on the areas of highest ecological value such as foreshore dune grass ecosystems, trees suitable for eagle perching, or other areas identified in the biophysical assessment.
19. Vegetation species used in replanting, restoration or enhancement should be salt and wind tolerant, and selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or wildlife habitat values as needed. A minor amount of suitably adapted, non-invasive, non-native vegetation may also be considered acceptable subject to supportive recommendations in a biophysical report.

20. All replanting should be maintained by the property owner for a minimum of two years from the date of completion of the planting. This may require removal of invasive, non-native weeds (e.g., Himalayan Blackberry, Scotch Broom, English Ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense within that time in the next regular planting season.

Guidelines Applicable to Beach Nourishment and Upland Fill

21. Fill on land above the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and the Regional District may require a sediment and erosion plan prepared by a qualified professional.
22. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. This would also require permission from the Province.

Guidelines Applicable to Commercial and Industrial Development

23. New boating facilities that provide moorage shall not be constructed unless access is available to adequate and convenient facilities for pump-out of holding tanks.
24. New boat maintenance and repair facilities shall be designed, located and operated in a way that ensures there will be no discharge of toxic materials from boats (fuels, oils, maintenance by-products, etc.)
25. In order to minimize the impact on aquatic life, lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cutoff angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.
26. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.

Guidelines Applicable to Boat Launch Facilities or Ramps

27. Boat launch ramps are the least desirable of all water access structures and may only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes. The ramp width should be minimized, and paved strips versus a full concrete pad is preferable. Development Permit applications must demonstrate all applicable provincial and federal guidelines have been followed and approvals are in place.

HAZARD LANDS DEVELOPMENT PERMIT AREA

DRAFT DEVELOPMENT PERMIT AREA FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is reviewing development permit areas in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions, and requirements, and allow for updates to current best practices.

This DPA combines guidelines for the following current development permit areas (DPA):

- Electoral Area A OCP – Nanaimo River Floodplain
- East Wellington – Pleasant Valley OCP – Natural Hazard Areas
- Electoral Area G OCP – Hazard Lands
- Electoral Area H OCP – Coastal Steep Slope Hazard

HAZARD LANDS DEVELOPMENT PERMIT AREA

DRAFT text for Electoral Area A OCP

DESIGNATION:

The Hazard Lands Development Permit Area is applicable to the Nanaimo River Floodplain identified on Map No. 9.

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:

The Nanaimo River floodplain (including portions of Haslam Creek) is designated by the province as a 'high risk' floodplain area. 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.

HAZARD LANDS DEVELOPMENT PERMIT AREA

DRAFT text for East Wellington – Pleasant Valley OCP

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.

HAZARD LANDS DEVELOPMENT PERMIT AREA

DRAFT text for Electoral Area G OCP

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 DPA is to protect life, property and the environment from hazardous conditions.

HAZARD LANDS DEVELOPMENT PERMIT AREA

Note: Text for Electoral Area H OCP remains unchanged except for extending the authority to also include protection of the natural environment, its ecosystems and biological diversity

HAZARD LANDS DEVELOPMENT PERMIT AREA

DRAFT standard 'applicability', 'exemptions' and 'guidelines' for Bylaw 500

APPLICATION

A development permit is required for the following activities unless specifically exempt:

1. alteration of land, placement of fill, disturbance of soils, including grubbing, scraping and removal of top soils;
2. construction or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces; and,
4. subdivision of land.

EXEMPTIONS

The following activities are exempt from requiring a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
2. Where there is no flooding or steep slope hazard, confirmation of which may require a letter from a Professional Engineer.
3. The construction of buildings and structures in accordance with the RDN Floodplain Management Bylaw No. 1469, 2006 or a subsequent Floodplain Bylaw, where there is no proposed land alteration, placement of fill, or modification to land within the floodplain outside of the building footprint beyond minor soil disturbance resulting from normal construction practices.
4. Where a geotechnical report for proposed buildings and structures that satisfies the guidelines of this development permit area is registered on title, and there is no proposed land alteration, placement of fill, or modification to land outside of the building footprint, beyond minor soil disturbance resulting from normal construction practices.
5. On a property where the hazard is not due to a steep slope, a second storey addition to an existing structure provided the building footprint remains the same.
6. The construction of a small accessory building or structure if all the following apply:
 - a) the building is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) is moveable by being not directly affixed to the ground;

- d) the building is located a minimum of 10 metres from the high water mark of a watercourse or waterbody or, where a slope greater than 3:1, 10 metres from the top of the slope; and
 - e) the total area of the small accessory building is less than 10 metres square.
7. The construction of a fence.
 8. In the case of an application to subdivide, a development permit is not required where:
 - a) minimum parcel areas are met exclusive of the development permit area; and
 - b) no development activities (such as grading, clearing, trenching, installation of pipes, etc.) relating to the creation of parcels or provision of services for those parcels will occur within the development permit area.
 9. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Professional Engineer, and there are no works proposed within the development permit area.
 10. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
 11. The small-scale, manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with '[Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014](#)' published by the Province of BC, or any subsequent editions.
 12. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
 13. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

14. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
15. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
16. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

GUIDELINES:

General Guidelines

1. An assessment report prepared by a Professional Engineer or Geoscientist with experience in geotechnical engineering, geohazard assessment or river hydrology, as applicable, shall be required to assist in determining what conditions or requirements shall be included in the development permit so that the proposed development is protected from the hazard, and no increase in hazard is posed to existing development on or near the subject property.
 - a) The assessment report should include a site plan identifying areas susceptible to the flooding, erosion or steep slope hazard, location of watercourses, existing natural vegetation, on-site topography, and the location of the proposed development.
 - b) The assessment report must include a statement from the Professional Engineer that states in their opinion that the property is safe for the intended use.
 - c) The assessment report will form part of the development permit terms and conditions, and which may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
2. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
3. Where the assessment report recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.
4. Development should:
 - a) be designed to ensure that development can withstand the hazard;
 - b) take a form that minimizes the development with any hazardous areas and minimizes impact on the natural features including vegetation, that help to mitigate flood and/or erosion risk; and
 - c) be conducted at a time of year, and use construction methods, that minimize the impact on the development permit area.

5. Prior to construction commencing, the installation of temporary fencing or flagged stakes marking any areas to be avoided due to either hazardous conditions or to avoid disturbance to a sensitive vegetation that plays a role in mitigating the hazard, is required.

Guidelines related to flood hazard

6. Development or subdivision of land should be designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates; and
 - c) not interfere with groundwater recharge.
7. Wetlands and other natural water features should be maintained in their natural state to enhance natural flood storage and protect environmentally sensitive ecosystems. Restoration of previously impacted natural freshwater systems should be considered in this development permit area to improve flood hazard mitigation.
8. Site development shall preserve natural vegetation where it contributes to flood protection and mitigation.
9. Where the placement of fill is proposed within a floodplain, the fill must not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain. The Regional District may require a report by a Professional Engineer that ensures the placement of the proposed fill would not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain.
10. Development should be designed following applicable guidelines in the Province of BC document: [‘Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia’](#) as amended or replaced from time to time.

Guidelines related to steep slopes

11. No unnecessary disturbance of the steep slope shall be permitted. Site development shall preserve natural vegetation on steep slopes and retain the natural terrain, topography of the site, and minimize cutting into the slopes.
12. Development at the top and toe of a steep slope should be designed to prevent negative impacts to slope stability and protect development from the hazard. The assessment report should include recommendations for development such as drainage management, landscaping, and proximity of buildings and structures to the slope.

FARMLAND PROTECTION DEVELOPMENT PERMIT AREA

DRAFT DEVELOPMENT PERMIT AREA FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is reviewing development permit areas in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions, and requirements, and allow for updates to current best practices.

The Farmland Protection DPA applies to the following Official Community Plan (OCP) areas: Electoral Areas A, G and H, Arrowsmith Benson – Cranberry Bright, and Nanoose Bay.

FARMLAND PROTECTION DEVELOPMENT PERMIT AREA

DRAFT text for all applicable OCPs

DESIGNATION:

The Farmland Protection Development Permit Area is shown on Map No. x 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 DPA is to protect the agricultural land resource of the Plan Area for present and future production of food and other agricultural products.

FARMLAND PROTECTION DEVELOPMENT PERMIT AREA

DRAFT standard 'applicability', 'exemptions' and 'guidelines' for Bylaw 500

APPLICABILITY

A development permit is required for the following activities wherever they occur within the Development Permit Area, unless specifically exempted:

1. Subdivision of land as defined in the *Land Title Act* or bare land strata under the *Strata Property Act*.
2. For Electoral Areas A, E and G only:
 - a) alteration of land, disturbance of soils, including grubbing scraping and removal of top soils;
 - b) construction or erection of buildings and structures; and
 - c) creation of non-structural impervious or semi-pervious surfaces.

EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development on lands within the ALR.
2. Development in accordance with an existing covenant for maintenance of a landscaped buffer related to adjacency of the ALR.
3. Lands zoned industrial, and proposed to be or being used for industrial purposes.
4. Subdivision where each proposed parcel within the DPA have a minimum parcel depth of 50 metres measured perpendicular from the ALR boundary.
5. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
6. Construction of a building or structure located further than 15 metres from the boundary of the ALR.
7. Land alteration, disturbance of soils, including grubbing, scraping and removal of top soils greater than 15 metres from the boundary of the ALR.
8. Maintenance of existing buildings and structures.
9. Reconstruction of, redevelopment of, additions (including second storey), or alterations to an existing dwelling unit or other building or structure within the development permit area provided the changes do not result in the buildings or structures being located further within the DPA than the existing buildings or structure.

10. Construction of an access driveway provided it is no more than 9.0 metres in width.
11. The construction of a fence provided the area being disturbed to allow for construction and maintenance is 3.0 metres or less in width, and no trees with a diameter at breast height of 10 centimetres or more are being removed.
12. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
 - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.
 - d) notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.
13. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
14. The small-scale, manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014' published by the Province of BC, or any subsequent editions.
15. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
16. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
17. The construction of a small accessory building or structure if all the following apply:
 - a) the building or structure is located within an existing landscaped area;
 - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
 - c) there is no permanent foundation;
 - d) the building or structure meets setbacks in the zoning bylaw; and
 - e) the total area of the small accessory building or structure is less than 10 square metres.

GUIDELINES

1. A 15 metre wide vegetated buffer should be retained or established and maintained on land adjacent to an ALR boundary. The buffer shall generally be designed and landscaped using

materials set out in *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions.

2. Within the vegetated buffer area mature trees and existing native vegetation shall be preserved and where possible integrated with the new landscaping. The planting of trees is strongly encouraged.
3. Plant layout, spacing and support shall generally be in accordance with *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions. The planting material should include non-invasive, low maintenance, native vegetation that can thrive with little or no fertilizer.
4. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
5. New buildings and structures, except for fencing, should not be situated within the 15 metre vegetated buffer area.
6. Despite the above guidelines, a vegetated buffer of less than 15 metres may be considered in cases where 15 metres is not possible due to existing parcel size or other natural or human-made constraint, and buildings or structures may be located within the 15 metres area where it is shown there are no other practical options. Where the buffer area is proposed to be less than 15 metres, as much existing buffering vegetation as possible should be retained or enhancement of vegetation and/or construction of fencing should be undertaken.
7. The vegetated buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval.
8. A Section 219 covenant as per the *Land Title Act* may be required to restrict the removal of vegetation and the construction of any buildings or structures other than fencing within the buffer area, and notify any future property owner that the parcel is adjacent to the ALR where normal farm practices may produce noise, odour, dust or other impacts.
9. Subdivision design must minimize the impacts that may occur between farm and non-farm uses on adjacent ALR lands including but not limited to the following:
 - a) Site design to allow the clustering of lots, buildings or structures away from ALR lands.
 - b) Avoid road endings or stubs which point directly into the ALR, and half roads along the ALR boundary, except where required for access by farm vehicles.
 - c) Where a parkland dedication is required, the dedication should be located next to the ALR boundary and include the required vegetated buffer.
10. Fencing should be constructed generally in accordance with *Guide to Edge Planning: Appendix C – Fencing Specifications*, published by the BC Ministry of Agriculture, or any subsequent editions.

TEMPORARY USE PERMIT AREAS

DRAFT TO APPLY TO ALL ELECTORAL AREAS - FOR COMMENT

May 23, 2018

Introduction

The Regional District of Nanaimo is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an official community plan (OCP) or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed with a wide variation.

To streamline the development process, it is recommended that TUP regulations are standardized for all electoral areas and that the designation of areas and specification of conditions is moved from the OCPs to the zoning bylaws.

Background:

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the OCP policy on TUPs for all of the OCP areas.

OCP Area	Current Temporary Use Permit Areas and Conditions
Electoral Area A	All uses and all areas, based on performance criteria
Arrowsmith Benson – Cranberry Bright	Within Rural or Resource designation for manufacture of asphalt or soil composting
East Wellington – Pleasant Valley	Within the Rural and Resource Designation temporary uses are permitted. Specific guidelines for primary processing of onsite aggregate or mineral resources, portable asphalt manufacturing or soil composting.
Nanoose Bay	Within the Resource Lands designation for manufacture of asphalt products and/or gravel extraction, and soil composting. Within the Growth Containment Boundary for real estate offices, show homes, signs and/or construction offices.
Electoral Area F	Aggregate extraction in any designation, and for any use within Village Centres and rural separation boundaries.
Electoral Area G	Within Rural and Rural Resource OCP designation on parcels 4 hectares or larger for primary resource processing, asphalt batch plant, concrete ready mix plant, yard waste chipping or commercial composting. In any area, real estate offices, show homes and construction offices.
Electoral Area H	All uses and all areas, based on performance criteria

TEMPORARY USE PERMIT PERMITS

Draft text for addition to zoning bylaws 500 and 1285

Temporary Use Permits

1. The Regional District may issue a temporary use permit on any parcel to temporarily allow a use not permitted by this bylaw. The following general conditions will guide the consideration of such applications. The Regional District may waive any of the following should they be deemed to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.
 - a) The applicant demonstrates how any anticipated impact on the surrounding area will be mitigated (for example: noise, light, hours of operation, dust, odour, vibration, aesthetic impact, etc.).
 - b) The applicant provides a projection of anticipated impact on local road networks, and proposes mitigating measures if necessary.
 - c) The applicant provides an assessment of the impact of the proposed use on the natural environment, including groundwater, wildlife, and environmentally sensitive areas.
 - d) The applicant provides a rationale for the suitability of the location and the inability to conduct the use in another area where the use is already permitted.
 - e) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the RDN until completion of the proposed works.
 - f) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.
2. Notwithstanding clause 1 above, the manufacture of asphalt products, soil composting or gravel extraction, may be considered on parcels within Official Community Plan land use designations of the Rural, Rural Resource, or Resource and the following additional conditions will guide consideration of applications:
 - a) parcels are in excess of 8.0 hectares in area, or in Electoral Area G are in excess of 4.0 hectares;
 - b) the asphalt is produced in a portable asphalt batch plant;
 - c) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the *Waste Management Act*;
 - d) a separation distance created by a natural vegetative buffer of 100 metres in width or berm is maintained between the asphalt batch plant operation, composting activity or gravel extraction and any dwelling unit not located on the subject property;
 - e) a composting activity shall be no closer than 400 metres from the Growth Containment Boundary as identified in the Regional Growth Strategy.
 - f) where gravel removal and processing are required in conjunction with the manufacture of asphalt products, all requirements for the Approval of Work System and Reclamation

Permit under the *Mines Act* including provisions for rehabilitation of the site after completion, are satisfied;

- g) the daily period is limited to minimize noise impacts, including heavy truck traffic, on surrounding lands;
 - h) the use does not produce odours detectable from adjacent parcels;
 - i) for composting, the uses comply with the provincial *Organic Matter Recycling Regulations* and any RDN Waste Stream Licensing Bylaw;
 - j) in Electoral Area G, consideration is given to future inclusion of the subject property and surrounding land into the City of Parksville or Qualicum Beach and the compatibility of future development with adjoining areas within each municipality.
3. Where the land is in the Agricultural Land Reserve, approval from the Provincial Agricultural Land Commission is required.
 4. The Regional District may specify conditions in a permit including, but not limited to, environmental protection measures, odour abatement, hours of operation, parking, buffering, and groundwater protection.
 5. The RDN may require security and/or an undertaking to secure the conditions of the permit in accordance with the *Local Government Act*.

PROPOSED CHANGES DESCRIBED BY OFFICIAL COMMUNITY PLAN AREA

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DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

CHANGES PROPOSED – ELECTORAL AREA A OCP

INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the nine DPAs in the Electoral Area A Official Community Plan (OCP) are proposed for combination in their entirety with DPAs in other OCPs, and only the groundwater protection guidelines from four other DPAs will be included in a new Aquifers DPA. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the existing DPAs proposed to be combined.

For temporary use permits (TUP), little change is proposed for Electoral Area A in the standardization for all areas. The last section of this document outlines the specific changes for TUPs.

SUMMARY OF CHANGES FOR ELECTORAL AREA A OCP AREA

Electoral Area A OCP DPAs	Proposed Changes
1. Environmentally Sensitive Features <ul style="list-style-type: none"> • Known locations of rare and endangered species • Sensitive Ecosystem Inventory (SEI) features: ‘coastal bluff’, ‘terrestrial herbaceous’, ‘riparian vegetation’, ‘wetland’ and ‘older forest’ • Coastal areas • Eagle and heron nesting trees 	Draft Sensitive Ecosystems DPA for rare and endangered species and all SEI features except for ‘riparian vegetation’ and ‘wetland’ Draft Marine Coast DPA Draft Eagle and Heron Nesting Trees DPA ‘Riparian vegetation’ and ‘wetland’ features move to Draft Freshwater and Fish Habitat DPA
2. Watercourse and Fish Habitat Protection	Draft Freshwater and Fish Habitat DPA
3. Nanaimo River Floodplain	Draft Hazard Lands DPA
4. Farm Land Protection	Draft Farmland Protection DPA
5. South Wellington Industrial – Commercial	Draft Aquifers DPA for content related to aquifers
6. Cedar Main Street	Draft Aquifers DPA for content related to aquifers
7. Cassidy	Draft Aquifers DPA for content related to aquifers
8. Cedar	Draft Aquifers DPA for content related to aquifers
9. Yellow Point Aquifer Protection	No change

ENVIRONMENTALLY SENSITIVE FEATURES DPA

The current Environmentally Sensitive Features DPA in the Electoral Area A OCP applies to coastal areas, eagle and heron nesting trees, rare and endangered species, and the Sensitive Ecosystem Inventory (SEI) features of ‘coastal bluff’, ‘terrestrial herbaceous’, ‘older forest’, ‘riparian vegetation’ and ‘wetland’. As shown in the table below, the proposal is to separate this DPA into four different DPAs as part of the standardization project.

Electoral Area A OCP “Environmentally Sensitive Features DPA”	Draft DPA Where the Feature is Addressed
Known locations of rare and endangered species and SEI ‘coastal bluff’, ‘terrestrial herbaceous’, and ‘older forest’	Sensitive Ecosystems DPA
Eagle and heron nesting trees	Eagle and Heron Nesting Trees DPA
Coastal areas	Marine Coast DPA
SEI riparian vegetation and wetland	Freshwater and Fish Habitat DPA

DRAFT SENSITIVE ECOSYSTEMS DPA

The draft Sensitive Ecosystems DPA combines the guidelines related to the SEI features in DPAs from three other OCP areas, and includes known locations of rare and endangered species identified in the Electoral Area A OCP.

EXEMPTIONS

All of the existing exemptions in the Sensitive Ecosystem Protection DPA for Electoral Area A that apply to the SEI features and rare and endangered species are carried forward to the draft Sensitive Ecosystems DPA with some adjustments, and addition of some new exemptions.

SENSITIVE ECOSYSTEMS DPA EXEMPTIONS

Current Electoral Area A OCP Exemption	Draft DPA Exemption
1. Development outside the DPA	This is covered in the “Designation” section of the DPA. A variation of this exemption in new Exemption 1.
2. Farm operations	Exemption 13 – reworded to reflect current best practices
3. Internal renovations and maintenance	Not included, not necessary
4. Minor additions, renovations and repairs	Exemption 2 and 3
5. Additions within the existing footprint	Exemption 4 – reworded to clarify this applies to a second story addition
6. Emergency procedures	Exemption 14
7. Construction of a single trail	Exemption 5 – but without the requirement that ‘sensitive habitat will not be impacted by the presence of the trail’. As this is an exemption, the concept is that if the trail is narrow and there is only one trail through the DPA on that property, the

	impact will be of such a minor nature that a development permit need not be required.
8. There is no exemption #8 (number skipped)	
9. Restoration or enhancement works	Exemption 15
10. Planting of trees, shrubs or groundcover	Exemption 6
11. Removal of invasive plants or noxious weeds	Exemption 8
12. Works conducted and/or approved by RDN, DFO or MoE	Exemption 15 and 16
13. Maintenance in previously disturbed areas	Exemption 7 – updated wording for clarity
14. Cutting vegetation and trees	Not included. Not necessary and may lead to confusion
15. Subdivision where criteria are met	Exemption 11 with addition of requirement for covenant

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.
- Exemption 12 - subdivision involving only lot line consolidation.
- Exemption 17 - forest management activities.

GUIDELINES

The table below lists the guidelines in the current Electoral Area A OCP DPA that apply to the SEI and rare and endangered species, where they are found in the draft DPA, and a description of the rationale for the change.

SENSITIVE ECOSYSTEMS DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guideline
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required	Not carried over at this time – further study required to determine best way to address situation where boundaries of SEI mapped shapes may not be exact
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity
3. Biologist recommendations may be conditions of permit	Not carried over – not required as this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 5 – updated for consistency, and language changed to ‘may’ require to allow flexibility
5. Regarding rainwater management	Guideline 10
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause	Guideline 1 – updated for consistency

the least impact	
8. May require revegetation plan	Guidelines 2 and 5 taken together cover the intent of option to require revegetation plan
9. Timing of construction to have least impact	Guideline 4 – within this guideline combined with other mitigation measures
10. Permanent or temporary fencing	Guideline 7 – within this guideline
11. Geotechnical report may be required for slopes of 30% or greater	Guideline 9
12. Comply with the environmental protection policies in Section 4.0 of this Plan	Guidelines 3 – 4 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
13. Compliance with Develop with Care	Guideline 6
14. May require covenant	Guideline 7
15. Use of rain gardens etc encouraged	Guideline 11
16. Consider natural features, ecological processes, etc	Guidelines 3 - 4
17. Best practice fire mitigation techniques	Not included. Unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques. Best adopted in a DPA for fire hazard.

To adopt best practices for achieving the objectives of the DPA, one additional guideline is included in the draft DPA that is not in the current Electoral Area A DPA.

- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.

DRAFT EAGLE AND HERON NESTING TREES DPA

Eagle and heron nesting trees are currently designated within the Environmentally Sensitive Features DPA for Electoral Area A and apply to a radius of 60 metres around eagle nesting trees and 100 metres around great blue heron nesting trees.

All DPAs except for those in the recently adopted Electoral Area H OCP only apply to nesting trees that are mapped. This mapping can be many years out of date and does not account for newly established nests or those that were missed during the mapping exercise. It also does not account for trees or nests that have fallen and are no longer there. The proposed new DPA will apply to all nesting trees whether or not they are mapped.

Based on research into best practices and advice from Ministry of Environment biologists, the draft DPA reduces the radius around great blue heron nesting trees to 60 metres on lots of 1.0 hectares or smaller. As well, the current DPAs are not clear where the buffer is to be measured from, and the proposed changes will clarify that it is from the dripline of the tree or group of trees, as indicated in Ministry of Environment best practices.

EXEMPTIONS AND GUIDELINES

For Electoral Area A, there are currently no exemptions or guidelines that specifically address nesting trees. In addition to general exemptions and guidelines that are consistent among all current DPAs that include eagle and heron nesting trees, the draft DPA includes the following:

- Exemption 3 - if a nest has been abandoned as confirmed by biologist and a record of five years of no use.
- Exemption 4 - for vegetation management, onsite sewage disposal installation and well drilling outside of nesting season.
- Guideline 2 - requiring biologist assessment outlining required content specific to nesting trees.

DRAFT MARINE COAST DPA

Coastal areas 15 metres upland and 15 metres seaward of the natural boundary are currently designated within the Environmentally Sensitive Features DPA for Electoral Area A. Coastal areas are designated as a DPA in three different electoral areas and the draft Marine Coast DPA combines these three.

EXEMPTIONS AND GUIDELINES

Exemptions for the Marine Coast DPA are the same as those within the draft Sensitive Ecosystems DPA listed earlier in this document. A comparison of guidelines is shown in the table below.

MARINE COAST DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guideline
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required	Not applicable to Marine Coast DPA
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity.
3. Biologist recommendations may be conditions of permit	Not carried over – not required this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 13 – updated for consistency, and language changed to ‘may’ require to allow flexibility
5. Regarding rainwater management	Guideline 11 addresses onsite drainage in relation to the need for shore protection
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause the least impact	Guideline 1 – updated for consistency
8. May require revegetation plan	Guidelines 13 and 18
9. Timing of construction to have least impact	Not specifically mentioned but where machinery is required on the foreshore for installation or repair of shore protection works, Federal approvals require timing outside of fisheries windows

10. Permanent or temporary fencing	Guideline 3.d)
11. Geotechnical report may be required for slopes of 30% or greater	Not applicable
12. Comply with the environmental protection policies in Section 4.0 of this Plan	Guideline 3 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
13. Compliance with Develop with Care	Not included. Guidelines specifically pull out relevant best practices from this document for clarity
14. May require covenant	Guideline 7
15. Use of rain gardens etc encouraged	Not applicable
16. Consider natural features, ecological processes, etc	Guideline 6.b) as applicable to coastal areas
17. Best practice fire mitigation techniques	Not included. Unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques. Best adopted in a DPA for fire hazard
18. Sediment and erosion control plan may be required	Guideline 21
19. Engineer assessment required for shoreline stabilization device	Guidelines 5 and 6
20. Retaining walls or other 'hard' surfaces only supported where 'softer' approaches are not appropriate for site conditions	Guideline 11
21. Shoreline stabilization measures that obstruct pedestrian access are not supported	Guideline 9
22. Retaining wall should be located upland of the natural boundary and where feasible meet zoning setbacks. Retaining walls to reclaim land lost to erosion is not supported	Guidelines 5, 11 and 21

Additional guidelines for the Electoral Area A DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA. Many of these additional guidelines relate to best practices for shore protection works or address potential future development such as boat ramps, marinas and ocean loop geothermal.

- Guideline 4 – new, or additions to, buildings should be located and designed to avoid the need for shore protection works throughout the life of the building.
- Guideline 5 – shore protection works shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw.
- Guideline 7 – geotechnical report may require registration as a covenant.
- Guideline 8 – where protection from erosion is proposed every effort will be made to design in accordance with Green Shores.
- Guideline 10 – restrictions on heavy equipment on the beach.
- Guideline 11 – additional detail for other options that must be considered before hard structural protection will be considered.

- Guideline 12 – for ocean loop geothermal.
- Guideline 15 – subdivision shall be designed so that new lots will not require shore protection for usable building sites considering sea level rise to the year 2100.
- Guideline 16 – development on bluffs must be sufficiently set back based on geotechnical analysis.
- Guideline 17 – new driveways, parking lots, and wastewater disposal should not be located in the DPA.
- Guideline 19 – replanting should use salt and wind tolerant plants.
- Guideline 20 – replanting should be maintained by the property owners for minimum of two years.
- Guideline 22 – fill below the natural boundary may be supported when assisting with shore stability and permission has been granted by the Province.
- Guidelines 23-26 – to address commercial and industrial development.
- Guideline 27 – to address boat launch ramps.

WATERCOURSE AND FISH HABITAT PROTECTION DPA

The Electoral Area A OCP Watercourse and Fish Habitat Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all OCP areas in RDN electoral areas.

AREA OF APPLICATION

The Electoral Area A Watercourse and Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and to mapped streams not subject to the RAR. Also, the mapped ‘wetland’ and ‘riparian vegetation’ designations from the Electoral Area A OCP Sensitive Ecosystem Protection DPA are moved into the draft Freshwater and Fish Habitat DPA to create a single DPA for freshwater features.

EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve clarity. The following exemptions are not carried forward from the Electoral Area A OCP:

- Exemptions 1 and 2 regarding development 30 metres or 15 metres from the top of bank or natural boundary depending on the stream. The purpose of this exemption is to effectively reduce the DPA around a watercourse based on a history of RAR reports showing that the streamside protection and enhancement area is consistently less than the riparian assessment area for streams in this areas. This will be moved to the designation section of this DPA for Electoral Area A only instead of including it in an exemption. This cannot be extended to other electoral areas without a study of the history of RAR assessments. A recent study of the history of RAR assessment for Electoral Area H did not find enough data to reduce the DPA to a distance lesser than the RAR.

- Exemption 5 - cutting of vegetation and trees. Not necessary and may lead to confusion.

The following exemptions are added that apply to all watercourses:

- Exemption 2 – second storey addition.
- Exemption 4 – emergency procedures.
- Exemption 5 – hazardous tree removal.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. For example, there are new exemptions for:

- Exemption 13 - lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings and structures.
- Exemption 16 – construction of a small accessory building in a previously landscaped area.

GUIDELINES

The table below lists the guidelines in the current Electoral Area A Watercourse Protection DPA, where they are found in the draft Freshwater and Fish Habitat Protection DPA and description of the rationale for the change, if any.

WATERCOURSE PROTECTION DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guidelines
A.1. Development should be designed to replicate the function of a naturally vegetated watershed	Guidelines 9 and 10 – wording different to achieve same objective
A.2. Variances may be considered	Guideline 2
A.3. Construction at time of year to minimize impact on rare and sensitive species	Guideline 4
A.4. Comply with environmental protection policies in Section 4.0 of this Plan	Guidelines 3 – 4 and throughout - instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
A.5. Geotechnical report may be required for slopes of 30% or greater	Guideline 11
A.6. All development proposals subject to Fish Protection Act and RAR	Not carried forward as not accurate for streams - not applicable to the RAR and not needed in a guideline
A.7. Rainwater should be managed on site	Guideline 9
A.8. Rain gardens and vegetated swales encouraged	Guideline 9 – different wording but same intent
A.9. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
B.1. Requirement for a QEP report when stream subject to the RAR	Guideline 13
B.2. Development permit not issued without	Guideline 13

notification from MoE that Assessment Report submitted	
B.3. Regarding 'Harmful Alteration, Disruption, or Destruction' of fish habitat	Guideline 12 – updated as legislation has changed
B.4. Regarding comments to DFO	Not applicable, change to legislation
B.5. Explanatory plan of SPEA and covenant may be required	Guideline 14
B.6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
B.7. Encouragement of other ways to protect SPEA	Guideline 14
B.8. Option to require fencing or signage	Guideline 16
B.9. Signage criteria	Guideline 16 – less specific to respond to experience with implementing the Area A guideline
B.10. Minimum parcel sizes should be met exclusive of the SPEA	Guideline 15 – additional clarity of criteria for subdivision design to protect the SPEA
B.11. New parcel lines in the SPEA should be minimized	Guideline 15
B.12. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward - this can be communicated by other means
B.13. Requirement for landscaping and security deposit	Guideline 5
B.14. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7
C.1. DPA is identified on Map No. 9	Not carried forward, not needed as a guideline
C.2. Requirement for biologist report	Guideline 1
C.3. Require compliance with professional recommendations	Guidelines 5 and 7, and this is the purpose of a DPA
C.4. Requirement for landscape and security deposit	Guideline 5
C.5. Development located where it has the least impact	Guideline 2
C.6. If native vegetation is disturbed, re-vegetation plan may be required	Guidelines 3-5
C.7. Permanent or temporary fencing of DPA may be required	Guideline 6 – only for temporary fencing
C.8. Development should be in accordance with best practice document	Not included - guidelines specifically pull out relevant best practices from this document for clarity
C.9. Covenant may be required	Guideline 6
C.10. Site specific natural features and ecological processes will be considered	Guideline 3-4

HAZARD LANDS DPA

The Electoral Area A Nanaimo River Floodplain DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

AREA OF APPLICATION

The Electoral A Nanaimo River Floodplain DPA applies to the floodplain as mapped by the Province in 1984. The draft guidelines address different hazard areas, both steep slope and flooding, in different electoral areas, and for Electoral Area A the DPA remains only applicable to the Nanaimo River Floodplain as designated in the OCP.

EXEMPTIONS

All but one exemption in the Electoral Area A Nanaimo River Floodplain DPA are carried over to the draft Hazard Lands DPA with some rewording for clarity described in the table below.

HAZARD LANDS DPA EXEMPTIONS

Current Electoral Area A OCP Exemption	Draft DPA Exemption
1. Emergency procedures	Exemption 13
2. Requirement to report emergency actions	Exemption 13
3. Cutting trees and vegetation	Not included – not necessary and may lead to confusion
4. Work by the RDN or its agents	Exemption 14 and 16
5. Farm operations	Exemption 12 – reworded to reflect current best practices
6. Construction of buildings and structures in accordance with the Floodplain Bylaw	Exemption 3
7. DP not required prior to issuance of building permit if geotechnical report has been received that satisfies the guidelines and no proposed land alteration outside the building envelope or placement of fill	Exemption 4
8. Second storey addition	Exemption 5
9. Fence construction	Exemption 7
10. Development outside the floodplain and above the designated flood level	Exemptions 1 and 2
11. Subdivision where criteria are met	Exemption 8

GUIDELINES

The table below lists the guidelines in the current Electoral Area A DPA, where they are found in the draft DPA with some minor re-wording for clarity.

HAZARD LANDS DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guidelines
1. May consider variances to minimize encroachment	Guideline 2
2. Assessment by qualified professional required	Guideline 1
3. Engineer report required for placement of fill	Guideline 9

4. Covenant may be required	Guideline 1
5. Drainage, sediment and/or erosion plan may be required	Guideline 10
6. Revegetation plan may be required	Guideline 3
7. Landscaping and security deposit required	Guideline 3
8. Mitigation and restoration shall be required as recommended by professional	Guideline 1
9. Development should be in accordance with best practice document	Guideline 10
10. Where there is no alternative to use flood prone lands, shall be located where no risk to life and damage can be mitigated	Guidelines 1 and 2
11. Wetlands should be maintained in their natural state	Guideline 7
12. Development should be designed to replicate a naturally vegetated watershed	Guideline 6
13. Criteria for design of development	Guidelines 4 and 8

Additional guidelines for the Electoral Area A OCP are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – temporary fencing may be required,
- Guidelines 12 and 13 relate to steep slopes and do not apply to the Electoral Area A OCP area.

FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

AREA OF APPLICATION

In the Electoral Area A OCP this DPA currently applies to lands within 15 metres of the ALR, and where the ALR boundary is on the opposite side of a road right-of-way, the 15 metres is measured from the side of the road most distant to the ALR. The four other Farmland Protection DPAs use slightly different ways of measuring the 15 metres from the ALR. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.

EXEMPTIONS

The Electoral Area A DPA for Farmland Protection has 11 exemptions, and the draft DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

FARMLAND PROTECTION DPA EXEMPTIONS

Current Electoral Area A OCP Exemption	Draft DPA Exemption
1. Development on land within the ALR	Exemptions 1 and 7
2. Agricultural uses	Exemption 5
3. Building or structure outside the 15 metre DPA	Exemption 6 – change in wording as the draft DPA applies to the entire property adjacent to the ALR, but this exemption has the same effect
4. Construction of access driveway	Exemption 10
5. Construction of fence in accordance with best practice document	Exemption 11 – instead of referring to the best practice document the pertinent criteria are included in the exemption
6. Maintenance of buildings and structures	Exemption 8
7. Additions or alterations where not located further within the DPA	Exemption 9
8. Removal of invasive plants or noxious weeds	Exemption 14
9. Subdivision where each parcel has a minimum depth of 50 metres or can provide adequate depth for building site area, accessory buildings and buffer	Exemption 4 – only depth of 50 m is carried over. The rest of this exemption is not carried over - assessing whether or not a subdivision meets these criteria should be done through the development permit process, and ensuring that subdivisions are designed this way is the purpose of the DPA. With the new delegation bylaw for development permits, processing time shortened to weeks instead of the potential for months when these DPAs required Board approval.
10. Reconstruction of building or structure on same footprint or further from the DPA	Exemption 9
11. Development in accordance with buffer conditions previously approved by the ALR	Exemption 2

Further exemptions are added for minor development where there is little to no expected impact, or for clarity where other provincial or federal legislation indicates a development permit cannot be required, in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 3 - lands zoned Industrial, and proposed to be or being used for industrial purposes. This exemption is in the current DPA in the Nanoose Bay OCP, and applies to several industrial-zoned parcel at the Island Highway East by Northwest Bay Logging Road. There are no other industrial zoned parcels in the other applicable OCP areas that are directly adjacent to the ALR. Therefore there is no impact to including this exemption in the draft guidelines. If lands are rezoned to Industrial in the future, this DPAs applicability would be considered at that time and could be addressed through rezoning.

- Exemption 12 – emergency procedures.
- Exemption 13 – hazardous tree removal.
- Exemption 15 – forest management activities.
- Exemption 16 – works conducted by the RDN that satisfy the guidelines.
- Exemption 17 – construction of a small accessory building in a previously landscaped area.

GUIDELINES

The table below lists the guidelines in the current Electoral Area A DPA, where they are found in the draft DPA with some minor re-wording for clarity.

FARMLAND DPA GUIDELINES

Current Electoral Area A OCP Guidelines	Draft DPA Guidelines
1. Vegetated buffer maintained or established designed in accordance with best practices document	Guideline 1 – buffer 15 m
2. Despite guideline 1 buffer of lesser width may be accepted subject to conditions	Guideline 6
3. Buildings and structures should be outside of the buffer	Guideline 5
4. Plan layout and spacing shall be generally in accordance with best practice document	Guideline 3
5. Covenant for vegetated buffer may be required	Guideline 8
6. Landscaped buffer shall be to standard of industry standard document	Not carried forward as another best practice document already referred to
7. Subdivision design criteria	Guideline 9
8. Landscape buffer should be installed prior to commencing construction	Guideline 7
9. Buffer maintenance plan	Guideline 4 – option to require landscape plan and security deposit instead to reflect best practices

Additional guidelines for the Electoral Area A OCP are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – preserving mature trees and existing vegetation in buffer area.
- Guideline 10 – fencing shall be constructed generally in accordance with best practice document.

AQUIFERS DPA

This DPA includes the land above aquifers that have been mapped in Electoral Areas G and H, and within Electoral Area A it includes land within the Cedar and Cassidy Village Centres, Cedar Main Street and the South Wellington Industrial – Commercial area.

The Yellow Point Aquifer Protection DPA in Electoral Area A remains separate as it was created in response to professional reports and community concern about the low-producing aquifer and contains guidelines specific to the characteristics of that aquifer and the development potential of the area.

AREA OF APPLICATION

For Electoral Area A, exemptions and guidelines related to groundwater protection from the DPAs that are primarily about form and character are moved to the draft DPA for aquifers. This will allow for streamlining the application requirements primarily related to hydrogeological reports.

EXEMPTIONS

There are several more exemptions in the Aquifers DPA than in the Electoral Area A DPAs from which the aquifer exemptions and guidelines are moved. By focusing the DPA on aquifers it allows for more tailored exemptions that will help to streamline the development process.

GUIDELINES

The tables below lists the guidelines in the current Electoral Area A DPAs, where they are found in the draft DPA with some minor re-wording for clarity.

AQUIFERS DPA GUIDELINES

Standardizing the groundwater protection guidelines within four Electoral Area A DPAs will provide clarity, result in updated best practices, and streamline the development process.

GUIDELINES FROM SOUTH WELLINGTON INDUSTRIAL – COMMERCIAL DPA

Current Electoral Area A OCP Guideline	Draft DPA Guidelines
1. Use or disposal of contaminants discouraged	Guideline 1
2. Hydrogeological report required	Guideline 2 – updated to reflect best practices
3. Rainwater management plan may be required	Guideline 5
4. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil water separator	Guideline 5
5. Covenant may be required for maintenance plan in relation to guideline 4	Guideline 10
6. Proposals with detrimental impact not supported	Guideline 11
7. Where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw	Guideline 9

Additional guidelines for the Electoral Area A OCP are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies, added for clarity as this Provincial regulation applies whether or not the DPA states this.
- Guideline 6 – development should replicate the function of a naturally vegetated watershed.

- Guideline 8 – where development is within the well-capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are recent provincial requirements so this is new information to draw from.

GUIDELINES FROM CEDAR MAIN STREET VILLAGE PLAN DPA

Current Electoral Area A OCP Guideline	Draft DPA Guidelines
1. Incorporate facilities to manage contaminants	Guideline 5
2. Rainwater management plan may be required	Guideline 5
3. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil water separator	Guideline 5
4. Covenant may be required for maintenance plan in relation to Guideline 3	Guideline 10
5. Proposals with detrimental impact not supported	Guideline 11
6. No net increase in peak rainwater runoff	Guideline 6

Additional guidelines for the Cedar Main Street Village Plan area are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 1 - use or disposal of contaminants discouraged.
- Guideline 2 – hydrogeological report required.
- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well-capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are a recent provincial requirement, so this is new information to draw from.
- Guideline 9 - where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw.

GUIDELINES FROM CASSIDY DPA

Current Electoral Area A OCP Guideline	Draft DPA Guidelines
1. Use or disposal of contaminants discouraged	Guideline 1
2. Hydrogeological report required	Guideline 2 – updated to reflect best practices
3. Rainwater management plan may be required	Guideline 5
4. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil	Guideline 5

water separator	
5. Covenant may be required for maintenance plan in relation to guideline 4	Guideline 10
6. Use of permeable paving encouraged	Guideline 3
7. Proposals with detrimental impact not supported	Guideline 11
8. No net increase in peak rainwater runoff	Guideline 6
9. Development should be designed to replicate the function of a naturally vegetated watershed	Guideline 6

Additional guidelines for the Cassidy Village area are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well- capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are a recent provincial requirement, so this is new information to draw from.
- Guideline 9 - where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw.

GUIDELINES FROM CEDAR DPA

Current Electoral Area A OCP Guideline	Draft DPA Guidelines
1. Use or disposal of contaminants discouraged	Guideline 1
2. Rainwater management plan may be required	Guideline 5
3. Drainage from impervious surface where vehicles and machinery are stored etc must be directed through oil water separator	Guideline 5
4. Covenant may be required for maintenance plan in relation to guideline 3	Guideline 10
5. Proposals with detrimental impact not supported	Guideline 11

Additional guidelines for the Cedar Village Centre are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – hydrogeological report required.
- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 6 – development should replicate the function of a naturally vegetated watershed.

- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are recent provincial requirements so this is new information to draw from.
- Guideline 9 - where solid waste or recycling will be managed must follow RDN Waste Stream Management Licensing Bylaw.

TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area A OCP area.

TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Electoral Area A OCP	Draft TUP designation and conditions
Policy 8.9.1 – The RDN may support TUPs on any parcel to temporarily permit a use not permitted by the zoning bylaw. The following conditions and criteria will be included in consideration of applications:	1.
a) Where land is in the ALR, permission from the Agricultural Land Commission is required	3.
b) RDN may specify conditions of approval and may require posting of a bond or other applicable security	4. and 5.
c) Impact and compatibility with adjacent uses	1.a) - demonstrate how any anticipated impact to surrounding area will be mitigated
d) Impact on local road networks	1.b)
e) Impact on the natural environment	1.c)
f) Environmental management plan submitted by the applicant	Not required overall but may be required for individual applications pursuant to Development Approval Information Bylaw, and monitoring may be a condition

Current Electoral Area A OCP	Draft TUP designation and conditions
	of the permit.
g) Intensity of the proposed use	Not specifically stated but covered through requirement to demonstrate how impacts will be mitigated
h) Inability to conduct the use on land elsewhere in the community	1.d)
i) Submission of decommissioning and reclamation plan	1.e)
j) Addresses visual integrity and buffer of Inland Island Highway	1.f)
k) Any other condition or criteria as determined applicable	1. preamble, and through the Development Approval Information Bylaw
Policy 8.9.2 – TUP may be considered for renewal	Not carried forward – not required in policy as it is in the <i>Local Government Act</i>
Policy 8.9.3 – regarding rezoning for a use permitted through TUP	Not carried forward, this policy will remain in the OCP

In addition, a TUP for the manufacture of asphalt products, soil composting or gravel extraction may only be issued on lands designated Rural, Rural Resource, or Resource in the applicable OCP, and specific conditions are included from other OCPs.

DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

CHANGES PROPOSED – ARROWSMITH BENSON – CRANBERRY BRIGHT OCP

INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the five DPAs in the Arrowsmith Benson – Cranberry Bright (AB-CB) Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the four existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the AB-CB OCP area.

SUMMARY OF CHANGES FOR ARROWSMITH BENSON – CRANBERRY BRIGHT OCP AREA

Arrowsmith Benson – Cranberry Bright OCP DPA / TUP	Proposed Changes
1. Village Centre - Commercial	No change
2. Farmland Protection	Draft Farmland Protection DPA
3. Watercourse Protection	Draft Freshwater and Fish Habitat DPA
4. Sensitive Ecosystems <ul style="list-style-type: none"> • SEI features: terrestrial herbaceous, older forest and sparsely vegetated 	Draft Sensitive Ecosystems DPA for SEI features for all but ‘wetland’ ‘Wetland’ and ‘riparian’ SEI features move to draft Freshwater and Fish Habitat DPA
5. Fish Habitat Protection	Draft Freshwater and Fish Habitat DPA

FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

AREA OF APPLICATION:

In the AB-CB OCP this DPA currently applies to lands adjoining the ALR boundary or which are separated by a road right-of-way. The four other Farmland Protection DPAs use slightly different ways of measuring a 15 metres buffer from the ALR to define the DPA. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, **the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.**

EXEMPTIONS:

The AB-CB DPA for Farmland Protection has five exemptions, and the draft DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

FARMLAND PROTECTION DPA EXEMPTIONS

Current AB-CB OCP Exemptions	Draft DPA Exemption
1. Construction, alteration, or addition to a building or structure	Not carried forward as an exemption. Instead, for clarity and consistency, that this DPA only applies to subdivision is explained through the “applicability” section.
2. Subdivision where proposed parcels do not adjoin the ALR boundary	Not carried forward as an exemption. Instead, for clarity and consistency, that this DPA only applies to lands adjoining the ALR is explained through the “applicability” section.
3. Subdivision where the proposed parcels provide the following: a) a minimum parcel depth of 50 m, or b) adequate parcel depth for satisfactory building site area and 15 m vegetated buffer	3.a) is carried over to exemption 4 in the draft DPA. 3.b) is not carried forward as assessing whether or not a subdivision meets these criteria should be done through the development permit process, and ensuring that subdivisions are designed this way is the purpose of the DPA. A close study of the AB-CB zoning adjacent to the ALR shows no current small-lot zoning so the change to this exemption will have no impact, as meeting the 50 m parcel depth exemption will not be difficult.
4. Subdivision of lands within the Forest Land Reserve	Exemption 17
5. Subdivision of land for: a) industrial uses; b) public utility uses; or c) park uses	Exemptions 3 and 16

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development on lands within the ALR – added for clarity
- Exemption 2 – development in accordance with an existing covenant for landscaped buffer adjacent to the ALR
- Other exemptions related to construction that do not apply in the AB-CB OCP area.

GUIDELINES

The table below lists the current guidelines in the AB-CB OCP DPA for farmland protection, where they are found in the draft DPA, and a description of the rationale for the change, if any.

FARMLAND PROTECTION DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline
1. Subdivision design must minimize potential negative impacts on lands within the ALR	Guideline 9 – expands on best practices of subdivision design to minimize negative impacts
2. Minimum 15 m vegetated buffer must be established parallel to the ALR boundary in accordance with the following criteria:	Guideline 1
a) Materials must follow a 1993 best practice document and existing native vegetation may be incorporated	Guideline 1 – best practice document updated to more recent publication Guideline 2
b) Plant layout and spacing must be in accordance with 1993 best practice document	Guideline 3 - best practice document updated to more recent publication
c) Landscaped buffer shall be to standard of industry standard document	Not carried forward as another best practice document already referred to
d) If adequate fencing does not exist it must be constructed in accordance with best practice document	Guideline 10 – standards for fencing but not required. Review of this best practice document and more recent updates show a very high standard of agricultural fencing that would be onerous and expensive to construct and the rational and value is not understood.
3. Covenant may be required	Guideline 8

Additional guidelines for the AB-CB DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 4 – option to require landscaping plan and security deposit for landscaping.
- Guideline 6 – a buffer of less than 15 may be considered based on criteria.
- Guideline 7 – installation of buffer prior to development to improve likelihood that the vegetated buffer will be successfully established and maintained in the long term.
- Guideline 9 – includes important language to guide the evaluation of a DP application for subdivision based on best practices from the Ministry of Agriculture.
- Other guidelines related to construction that do not apply in the AB-CB OCP area.

FRESHWATER AND FISH HABITAT PROTECTION DPA

The AB-CB OCP Watercourse Protection DPA and Fish Habitat Protection DPA become part of the draft Freshwater and Fish Habitat DPA that applies to all OCPs in RDN electoral areas.

AREA OF APPLICATION

The AB-CB Watercourse Protection and Fish Habitat Protection DPAs apply to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation, and to mapped streams, lakes, marshes and swamps not subject to the RAR respectively. The mapped ‘wetland’ and ‘riparian’ designation from the Sensitive Ecosystems DPA is moved into the Freshwater and Fish Habitat DPA to create a single DPA for freshwater features.

EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added to reduce situations where a DP must be required due to the wording of the DPA, but where there is little to no impact of the development. For example, there are new exemptions for:

- Exemption 1 – development in an area where no stream or watercourse exists as determined by the RDN, BC Land Surveyor or Biologist. This is to account for mapping inaccuracies.
- Exemption 2 – second storey addition.
- Exemption 3 – park uses.
- Exemption 6 – small scale, manual removal of invasive plants or noxious weeds.
- Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings or structures.
- Exemption 16 - Construction of a small accessory building within a previously landscaped area.

GUIDELINES

The table below lists the guidelines in the current AB-CB DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

WATERCOURSE PROTECTION DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. Conditions that must be met and described to justify need to develop within the DPA	Guideline 2 – same intent, different approach for consistency with other DPAs
2. Seek variances to minimize development in DPA	Guideline 2
3. Applicant must provide:	
a) Written rationale for encroachment	Guideline 2

b) Impact Assessment, erosion control plan, habitat restoration plan, timing of construction to minimize impact	Guideline 1, 3, 4, and 9
4. Requirement for Impact Assessment may be waived for minor encroachment into DPA	Not carried forward as a guideline but additional exemptions address this intent
5. Development must be in accordance with Impact Assessment	Covered throughout, and is the essence of the DPA process. Guideline 7 says that biologist may be required to confirm compliance.
6. Encouragement to dedicate the DPA for conservation or register covenant	Guideline 6 further extends encouragement to “may” require
7. All development subject to RAR	Addressed through combining the RAR and non-RAR DPAs

FISH HABITAT PROTECTION DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – with adjustments to respond to experience with implementing this guideline
9. Subdivision within the SPEA should be avoided	Guideline 15
10. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.
11. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7

Additional guidelines for the AB-CB DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – option to require a landscaping plan and security deposit for landscaping.
- Guideline 8 – oil water separator may be required for commercial, industrial, multi-residential and intensive residential development.

- Guideline 10 – In low lying areas flood risk should not be increased and proposal for fill within the floodplain requires report from Professional Engineer.
- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. Steep slopes are often associated with streams, and this enables the RDN to require a geotechnical report. When the RAR applies this is part of the provincial requirement.
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary. This is included in other DPAs and is considered a best practice at achieving the objectives of the DPA.

SENSITIVE ECOSYSTEMS DPA

The current Sensitive Ecosystems DPA in the AB-CB OCP currently applies to the provincial Sensitive Ecosystem Inventory (SEI) features of ‘terrestrial herbaceous’, ‘older forest’, ‘sparsely vegetated’, ‘wetland’ and ‘riparian’. The draft DPA combines DPAs from three other OCP areas and for AB-CB, applies to these SEI features except for wetland and riparian, which move to the Freshwater and Fish Habitat DPA.

AREA OF APPLICATION

In the AB-CB OCP, where an SEI feature is mapped, the parcel on which the feature is found is designated as being within the Sensitive Ecosystem DPA. While some OCPs designate only the mapped features, the approach for the AB-CB OCP remains the same for the applicable SEI features. The DPA designation map is re-drafted to remove those parcels on which only wetland and riparian ecosystems are located, as they are now addressed in a different DPA.

EXEMPTIONS

The table below shows how the existing exemptions in the Sensitive Ecosystems DPA for the AB-CB OCP are carried forward or addressed in other ways. A number of new exemptions are added which are also listed below.

SENSITIVE ECOSYSTEMS DPA EXEMPTIONS

Current AB-CB OCP Exemptions	Draft DPA Exemption
1. Development that can be accommodated without protective measures as determined by Bio-Impact assessment	Additional exemptions address minor development in a more consistent manner and without requiring a professional report
2. Emergency actions	Exemption 14
3. Hazardous tree removal	Exemption 9
4. Lands within Forest Land Reserve	Exemption 17
5. Internal alterations to existing building or structure	Not carried forward, this is covered by “applicability” section
6. Farm operations	Exemption 13
7. Farm fences	Exemption 13
8. Works undertaken by RDN or its agents	Exemption 16

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – where a sensitive ecosystem does not exist (ie due to mapping error or inaccuracy).
- Exemption 2 – minor additions.
- Exemption 3 – repair and maintenance .
- Exemption 4 - second storey addition.
- Exemption 5 – a single trail meeting set of conditions and criteria.
- Exemption 6 – planting to enhance habitat values.
- Exemption 7 – gardening and yard maintenance within existing landscaped area.
- Exemption 8 – small scale manual removal of invasive plants or noxious weeds.
- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.
- Exemption 11 – subdivision where minimum lot size met exclusive of the DPA.
- Exemption 12 - subdivision involving only lot line consolidation.
- Exemption 15 – works conducted by provincial or federal government for trail construction or restoration.
- Exemption 16 - works conducted by the RDN or its agents.
- Exemption 17 - forest management activities.

GUIDELINES

The table below lists the guidelines in the current AB-CB OCP DPA, where they are found in the draft DPA and description of the rationale for the change.

SENSITIVE ECOSYSTEMS DPA GUIDELINES

Current AB-CB OCP Guidelines	Draft DPA Guideline
1. Development must not unnecessarily encroach a sensitive ecosystem and must minimize vegetation removal	Guidelines 1, 3, 4, 10 and 11
2. Variances should be sought to minimize encroachment	Guideline 1
3. Applicant must provide the following:	
a) Written rationale for need to develop in the DPA	Guideline 1
b) Impact Assessment, vegetation and habitat protection and restoration plan, timing of construction	Guidelines 2, 3, and 4
4. Development must be in accordance with Impact Assessment	Covered throughout, and is the essence of the DPA process. Guideline 8 says that biologist may be required to confirm compliance.

Additional guidelines for the AB-CB DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – option to require landscaping plan and security deposit for landscaping.
- Guideline 7 – option to require a covenant and temporary flagging where the biologist identifies areas to remain free from development.
- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.
- Guideline 9 – option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. This is in the Sensitive Ecosystems DPA for two other OCPs and enables the RDN to require this type of report where there is a steep slope in conjunction with the sensitive ecosystem.
- Guideline 10 and 11 – guidelines regarding drainage management to guide development that will help meet the objectives of this DPA.

TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the AB-CB OCP area.

TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current AB-CB OCP	Draft TUP designation and conditions
<i>Rural Policy 2.viii)</i> Temporary uses permitted	2.
<i>Resource Policy 2.viii)</i> Temporary uses permitted	2.
<i>Aggregate and Mineral Resources Policy 6</i> - Rural or Resource designations, TUP may be issued for primary processing of onsite aggregate or mineral resources, portable asphalt manufacturing or soil composting operations on a lot in accordance with the following conditions:	2.
a) the lot is in excess of 8.0 hectares in area;	2.a)
b) sensitive ecosystems, nesting sites, natural hazard areas and surface and groundwater systems are	2.c) without specific reference to OCP section.

Current AB-CB OCP	Draft TUP designation and conditions
protected in accordance with the policies of Goal 4 – Protect the Natural Environment;	
c) Where necessary, the following approvals are obtained: i. Forest Land Commission, ii. Agricultural Land Commission, iii. Ministry of Transportation and Highways for an industrial access permit, or iv. Ministry of Environment, Lands and Parks for the issuance of a Waste Management approval pursuant to the Waste Management Act ;	3. re Agricultural Land Commission 2.c) re Waste Management Act Others will be required as necessary through processing of the TUP application and are not required to be stated in the bylaw.
d) where land is within the Agricultural Land Reserve, gravel removal and primary processing are carried out in accordance with the terms and conditions of a permit under the Soil Conservation Act ;	Not specifically mentioned, will be required if applicable through processing of the TUP application.
e) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained between the operation and any dwelling unit not located on the subject property;	2.d) adjusted to require the buffer to be 100 m but the berm is not required to be that width as it is considered to be excessive.
f) the daily period of operations are limited to minimize noise and traffic impacts on affected lands;	2.g)
g) all aspects of primary processing or composting operations are completed in their entirety within two calendar years of the date of issuance of a temporary use permit;	Not carried forward. This can be included in permit conditions.
h) the final product of the composting operation remains on the lot on which the operation was undertaken; and	Not carried forward, not included in any other OCPs
i) all requirements for the Approval of Work System and Reclamation Permit under the Mines Act including provisions for rehabilitation of the site after completion are satisfied.	1.e regarding reclamation plan. Specific reference to Mines Act not carried forward but will be addressed through the application process where applicable

DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

CHANGES PROPOSED – EAST WELLINGTON – PLEASANT VALLEY OCP

INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the five DPAs in the East Wellington – Pleasant Valley (EW-PV) Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the four existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the EW-PV OCP area.

SUMMARY OF CHANGES FOR EAST WELLINGTON – PLEASANT VALLEY OCP AREA

East Wellington – Pleasant Valley OCP DPA / TUP	Proposed Changes
1. Fish Habitat Protection	Draft Freshwater and Fish Habitat DPA
2. Natural Hazard Areas	Draft Hazard Lands DPA
3. Industrial	No change

FRESHWATER AND FISH HABITAT PROTECTION DPA

The EW-PV OCP Fish Habitat Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all OCPs in RDN electoral areas.

AREA OF APPLICATION

The EW-PV Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and as described in Guideline 13 of the current DPA, also applies to mapped watercourses not applicable to the RAR.

EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development in an area where no stream or watercourse exists as determined by the RDN, BC Land Surveyor or Biologist. This is to account for mapping inaccuracies.
- Exemption 2 – second storey addition.
- Exemption 4 – emergency procedures.
- Exemption 5 – hazardous tree removal.
- Exemption 6 – small scale, manual removal of invasive plants or noxious weeds.
- Exemption 8 – stream enhancement and restoration where provincial and federal approvals have been obtained.
- Exemption 11 – subdivision where minimum lot size is met exclusive of the SPEA.
- Exemption 13 – Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings or structures.
- Exemption 16 – construction of a small accessory building within a previously landscaped area.

GUIDELINES

The table below lists the guidelines in the current EW-PV DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

FISH HABITAT PROTECTION DPA GUIDELINES

Current EW-PV OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 15 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – with adjustments to respond to experience with implementing this guideline
9. Subdivision within the SPEA should be avoided	Guideline 15
10. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.

11. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7
12. Limit soil disturbance or other impacts on surface water and revegetate	Guidelines 9 and 10 – same intent with different wording and added option to require sediment and erosion control plan and/or report from Professional Engineer re flooding
13. Where mapped watercourse is not applicable to the RAR, QEP report generally following the methodology is required	To properly and clearly implement this guideline the DPA is designated for all mapped streams not subject to the RAR (as well as RAR-streams)
14. Development adjacent to streams described in 13 above must be consistent with recommendations in QEP report	As above
15. Criteria for QEP report for mapped streams not subject to the RAR	Guidelines 1, 3 and 4
16. Covenant may be required	Guideline 6

Additional guidelines for the EW-PV DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – development should be located where it will cause the least impact and variance so that development can take up less of the DPA should be considered.
- Guideline 5 – option to require landscaping plan and security deposit for landscaping.
- Guideline 8 – oil water separator may be required for commercial, industrial, multi-residential and intensive residential development.
- Guideline 10 – In low lying areas flood risk should not be increased and proposal for fill within the floodplain requires report from Professional Engineer.
- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. Steep slopes are often associated with streams, and this enables the RDN to require a geotechnical report. When the RAR applies this is part of the provincial requirement.
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary to result in long-term protection of the SPEA.

HAZARD LANDS DPA

The EW-PV Natural Hazard Areas DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

AREA OF APPLICATION

The EW-PV Natural Hazard Areas DPA applies to areas around Brannen Lake and the Millstone River that are susceptible to mass movement or erosion as a result of flooding.

EXEMPTIONS

The table below lists the current exemptions in the EW-PV Natural Hazard Areas DPA and how they are addressed through the standardization process to a single DPA for hazard lands.

HAZARD LANDS DPA EXEMPTIONS

Current Electoral Area A OCP Exemption	Draft DPA Exemption
1. Where a geotechnical report would be required as part of issuance of a building permit provided that implementation of the report’s recommendations will not result in the alteration or disruption of the natural environment. Nonetheless, a development permit relating to environmentally sensitive areas may be required.	Exemption 4. Reworded with different approach for clarity.
2. The Approving officer requires a geotechnical report as part of a subdivision of land, provided that implementation of the report’s recommendations will not result in the alteration or disruption of the natural environment. Nonetheless, a development permit relating to environmentally sensitive areas may be required.	Somewhat covered by exemption 4 but not carried forward exactly. Normal practice today is that the approving officer relies on RDN-designated DPAs to assist in determining if a geotechnical report is required. This exemption is challenging to implement particularly given the “nonetheless” clause.
3. Development to accommodate new principle uses or subdivision proposed beyond a distance of 30 metres from the hazard area	Exemption 1 and the DPA designation map should be used to determine if the location of a proposed development requires a DPA. This exemption is difficult to interpret. Extensive research into the original adoption of this DPA has not revealed a helpful explanation.
4. Construction of buildings or structures on the natural grade of land located above the floodplain	Exemption 3
5. Alterations to an existing building or structure	Exemption 5 second storey addition carries some of this intent

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 2 – where there is no flooding or steep slope hazard, confirmation of which may require a letter from a Professional Engineer.
- Exemption 6 – construction of small accessory building meeting listed criteria.
- Exemption 7 – construction of a fence.
- Exemption 8 – subdivision where minimum parcel sizes are met exclusive of the DPA.
- Exemption 9 – subdivision involving only lot line adjustment or consolidation.
- Exemption 10 – hazardous tree removal.
- Exemption 11 – small scale manual removal of invasive plants or noxious weeds.

- Exemption 12 – farm operations.
- Exemption 13 – emergency procedures.
- Exemption 14 – enhancement or in-stream works conducted by the RDN, DFO or MoE .
- Exemption 15 – forest management activities.
- Exemption 16 – works conducted by the RDN or its agents.

GUIDELINES

The table below lists the guidelines in the current EW-PV DPA, where they are found in the draft DPA with some minor re-wording for clarity.

HAZARD LANDS DPA GUIDELINES

Current EW-PV OCP Guidelines	Draft DPA Guidelines
1. Development proposal shall be prepared by a qualified professional and include the following:	
a) Identify areas susceptible to flooding, mudflows, erosion or other hazards...	Guideline 1
b) Assessment of existing natural vegetation and where alteration may occur as a result of development	Guideline 1
c) Site plan illustrating existing and proposed buildings and structures...	Addressed in Development Application Procedures Bylaw 1432
d) Location of all existing and proposed drainage ditches, ponds, culverts, septic tanks and disposal fields	As above
2. Hazard assessment required	Guideline 1
3. Hazard assessment shall include recommendations on mitigation strategies	Guidelines 1, and 7-9
4. DP will not be issued unless Engineer can assure safety of proposed development and no detrimental impact on environment	Guideline 1.b)

Additional guidelines for the EW-PV DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – rationale for developing in the DPA must be provided.
- Guideline 3 – option to require a landscaping plan and security deposit for landscaping.
- Guideline 5 – temporary fencing may be required.
- Guideline 9 – placement of fill shall not restrict passage of flood waters and option to require drainage, sediment and/or erosion control plan.
- Guidelines 12 and 13 relate to steep slopes and are not applicable to the EW-PV DPA.

TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the EW-PV OCP area.

TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current EW-PV OCP	Draft TUP designation and conditions
<p>Policy 4.1.4 - The Regional District may consider the issuance of temporary use permits for the manufacture of asphalt products or soil composting operations on land within the Resource designation of this Plan provided that such operations are to be located on parcels greater than 8.0 hectares in area and associated impacts will not adversely impact neighbouring land or development or the natural environment. In the case of soil composting, such activities shall be solely for the purpose of reclaiming mined land.</p>	<p>Includes additional conditions specific to manufacture of asphalt products, soil composting or gravel extraction. Requirement that soil composting is only for purpose of reclaiming mined land is not carried forward but other conditions are in place to mitigate impact.</p> <p>TUP may be issued for any use on any parcel subject to performance criteria to ensure the use is compatible with the surrounding area and does not cause undue impact such as noise, dust, odour, etc.</p>

DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

CHANGES PROPOSED - NANOOSE BAY OCP

INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Three of the five DPAs in the Nanoose Bay Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas: Farmland Protection, Watercourse Protection and Sensitive Ecosystem Protection. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the three existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the Nanoose Bay OCP area.

SUMMARY OF CHANGES FOR NANOOSE BAY OCP AREA

Nanoose Bay OCP DPA / TUP	Proposed Changes
1. Form and Character	No Change
2. Farmland Protection	Draft Farmland Protection DPA
3. Watercourse Protection	Draft Freshwater and Fish Habitat DPA
4. Sensitive Ecosystem Protection <ul style="list-style-type: none"> • Buffer around eagle and heron nesting trees • SEI features: woodland, coastal bluff (for lands that are subdividable), terrestrial herbaceous, wetland and sparsely vegetated 	Draft Eagle and Heron Nesting Trees DPA Draft Sensitive Ecosystems DPA for features for all except for 'wetland' 'Wetland' SEI feature moved to Draft Freshwater and Fish Habitat DPA
5. Highway Corridor Protection	No Change

FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that all are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

AREA OF APPLICATION:

In the Nanoose Bay OCP this DPA currently applies to lands adjoining and reasonably adjacent to lands (separated by a dedicated road) from the ALR to a point that is 15 metres from the ALR lands. The four other Farmland Protection DPAs use slightly different ways of measuring the 15 metres from the ALR. In addition, the boundary of the ALR varies: it is either on the ALR side of the road right-of-way, on the non-ALR side, or somewhere in the middle. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, **the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.**

EXEMPTIONS:

The Nanoose Bay DPA for Farmland Protection has three exemptions, and the draft DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

FARMLAND PROTECTION DPA EXEMPTIONS

Current Nanoose Bay OCP Exemptions	Draft DPA Exemption
a) an application for the construction of a building or structure which is proposed to be located outside of the 15 metre buffer area	Exemption 6
b) an application for subdivision where the parcels, which are proposed to be adjoining an ALR boundary, have a minimum parcel depth of 50 metres <u>or can provide adequate parcel depth to provide for a satisfactory building site area including accessory buildings and a septic disposal system (if applicable); and still provide for the 15 metre buffer area; and</u>	Exemption 4 The 50 m parcel depth is a very clear exemption and is carried forward to the new DPA. The second part of the exemption regarding “adequate parcel depth” is not clear and should be determined as part of the development permit process, so the underlined portion is not carried forward. With the new delegation bylaw for development permits, processing time shortened to weeks instead of the potential for months when these DPAs required Board approval.
c) lands zoned industrial, and proposed to be or being used for industrial purposes.	Exemption 3

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development on lands within the ALR – added for clarity.
- Exemption 2 – development in accordance with an existing covenant for landscaped buffer adjacent to the ALR.
- Exemption 5 – where the development is part of a farm operation.
- Exemption 7 – land alteration more than 15 m from the ALR boundary.
- Exemption 8 – maintenance of buildings and structures.
- Exemption 9 – reconstruction or additions or alterations provided the building is not further within the DPA.
- Exemption 10 – Construction of an access driveway provided it is no more than 9.0 metres in width.
- Exemption 11 – The construction of a fence provided the area being disturbed to allow for construction and maintenance is 3.0 metres or less in width, and no trees with a diameter at breast height of 10 centimetres or more are being removed.
- Exemptions 12-16 – standard exemptions added to most draft DPAs including such things as hazard tree removal, emergency actions in the event of flooding, manual removal of invasive species, etc.

GUIDELINES

The table below lists the current guidelines in the Nanoose Bay OCP DPA for farmland protection, where they are found in the draft DPA, and a description of the rationale for the change, if any.

FARMLAND PROTECTION DPA GUIDELINES

Current Nanoose Bay OCP Guidelines	Draft DPA Guideline
1.a) Proposed parcels, which adjoin an ALR boundary shall be designed in such a manner as to lessen the impact of development upon the adjacent ALR lands.	Covered in the overall objectives of the DPA
1.b) A minimum 15-metre wide buffer shall be established on land to be developed if it is adjoining to an ALR boundary, unless otherwise exempt from obtaining a development permit. 2. The retention or enhancement of existing native vegetation is encouraged within the 15-metre buffer area. Landowners are encouraged to consult BC Agricultural Land Commission publication entitled <i>Preserving Our Foodlands</i> (see Appendix No. 3 for web references).	Existing guideline 1.b) and 2 are covered in new guidelines 1-4 with an updated reference to a different publication from the Ministry of Environment to reflect best practices. New guidelines 3-4 provide the tools the Regional District may need ensure that the objectives of the DPA are met. Note that these are all worded to be flexible depending on the nature, scale and context of the development.
1.c) No buildings and structures, except for fencing, shall be situated within the 15-metre buffer area. (first part of this guideline)	Guideline 5

3. Applications to locate buildings and structures within the 15-metre buffer area shall be considered relative to the retention of existing vegetation or enhancement of vegetation and fencing within the buffer area.	Guideline 6 - updated language to assist in evaluating whether a proposal meets the intent of the DPA
4. As part of a rezoning or subdivision application, a section 219 covenant for the buffer area may be required to restrict vegetation and the construction of any buildings or structures other than fencing within the buffer area depending on the extent of proposed development or subdivision.	Guideline 8 - updated language to reflect intent and best practices
1.c) Where fencing is constructed, land owners are encouraged to consult BC Agricultural Land Commission publication entitled <i>Preserving Our Foodlands</i> (see Appendix No. 3 for web references). (second part of this guideline)	Guideline 10 - updated language and reference

Additional guideline are included in the draft DPA as follows:

- Guideline 7 - to improve likelihood that the vegetated buffer will be successfully established and maintained in the long term.
- Guideline 9 - includes important language to guide the evaluation of a DP application for subdivision based on best practices from the Ministry of Agriculture.

WATERCOURSE PROTECTION DPA

The Nanoose Bay OCP Watercourse Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all official community plans in RDN electoral areas.

AREA OF APPLICATION

The Nanoose Bay Watercourse Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation, and to mapped streams not subject to the RAR. The mapped “wetland” designation from the Nanoose Bay OCP Sensitive Ecosystem Protection DPA is moved into the Freshwater and Fish Habitat DPA to create a single DPA for freshwater features.

EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added to reduce situations where a DP must be required due to the wording of the DPA, but where there is little to no impact from the development. For example, there are new exemptions for:

- Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 16 - Construction of a single small accessory building within a previously landscaped area.

GUIDELINES

The table below lists the guidelines in the current Nanoose Bay DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

WATERCOURSE PROTECTION DPA GUIDELINES

Current Nanoose Bay OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
Guideline 1 – objective of the DPA	Guideline 12
Guideline 2 – requirement for report from Qualified Professional	Guideline 1 and 13
Guideline 3 – Requirement that the report is received by Ministry of Environment	Guideline 13
Guideline 4 -5 – regarding serious harm to fish	Guideline 12 – note this reflect changes to the legislation regarding serious harm to fish
Guideline 6 - request for covenant for the SPEA	Guideline 6 which also include additional options for protecting the SPEA
Guideline 7 – implementing measures from the report	Guidelines 5, 7 and 14 – additional options for the RDN to require confirmation from the biologist that recommendations have been implemented, and for the RDN to require a landscape plan and security deposit
Guideline 8 – protecting the SPEA	Guideline 14
Guideline 9 – 10 – subdivision and minimum parcel sizes met exclusive of the SPEA	Guideline 15 – adds some flexibility where minimum parcel size cannot be met exclusive of the SPEA, and how this should be assessed
Guideline 11 – encouragement to exceed the RAR	Not included as this is best communicated by other means
Guideline 12 – confirmation that QEP recommendations followed	Guideline 7 – changes guideline to be more general rather than specifically related to a building permit
Guideline 13 – minimizing encroachment in the DPA	Guideline 2
Guideline 14 – best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
Guideline 15 – encouraging applicants to consult best practice documents	Guidelines 3 and 4 capture the most important focus of these best practices for this DPA. Additionally public education about resources can be done outside of DPA guidelines.
Guideline 16 – for mapped streams not subject to the RAR	Addressed throughout
Guideline 16.f)	Guidelines 8-10 re rainwater management and protection of development from hazardous conditions are addressed by the RAR according to the assessment methodology. For streams not subject to the RAR, there is a more clear focus on rainwater management and the added ability to require a sediment and erosion control plan.

Additional guidelines are included in the draft DPA for consistency with other DPAs as follows:

- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. Steep slopes are often associated with streams, and this enables the RDN to require a geotechnical report. When the RAR applies it is a provincial requirement.
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary. This is included in other DPAs and is considered a best practice at achieving the objectives of the DPA and is consistent with other DPAs.

SENSITIVE ECOSYSTEMS DPA

The current Sensitive Ecosystem Protection DPA in the Nanoose Bay OCP currently applies to a buffer around eagle and heron nesting trees and the provincial Sensitive Ecosystem Inventory (SEI) features woodland, coastal bluff (for lands that are subdividable), terrestrial herbaceous, wetland and sparsely vegetated. The draft DPA combines DPAs from three other OCP areas and for Nanoose Bay applies to these SEI features except for wetland, which moves to the Freshwater and Fish Habitat DPA. The eagle and heron nesting tree buffers become a DPA of their own.

AREA OF APPLICATION

In the Nanoose Bay OCP, where an SEI feature is mapped, the parcel on which the feature is found is designated as being within the Sensitive Ecosystem Protection DPA. While some OCPs designate only the mapped features, the approach for the Nanoose Bay OCP remains the same for the SEI features of woodland, coastal bluff, terrestrial herbaceous and sparsely vegetated. The DPA designation map is re-drafted to remove those parcels on which only wetland and eagle and heron nesting trees are located, as those are now addressed in different DPAs.

EXEMPTIONS

All of the existing exemptions in the Sensitive Ecosystem Protection DPA for the Nanoose Bay OCP remain with some changes, and some new exemptions are added.

SENSITIVE ECOSYSTEM PROTECTION DPA EXEMPTIONS

Current Nanoose Bay OCP Exemptions	Draft DPA Exemption
1. Development or alteration of land proposed to occur outside the designated Development Permit Area as shown on Map No. 6, as determined by a BC Land Surveyor or by the RDN.	This is covered in the “Designation” section of the DPA. A variation of this exemption in new Exemption 1
2. Maintenance of existing landscaping and planting native trees, shrubs, or ground cover and the maintenance or repair of legal or legal nonconforming buildings and structures within the existing footprint. (Building permit may be required)	Exemptions 2, 3, 6 and 7 regarding work in previously landscaped areas and minor building repair are an extension of Exemption 2 in the existing DPA. The additional detail is recommended to ensure clarity
3. The removal of invasive plants or noxious weeds on a small scale within the development permit area including;	Carried over to exemption 8. Reworded to refer to a best practices document

<p>but not limited to: Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife, is permitted provided measures are taken to avoid sediment or debris being discharged into the watercourse or onto the foreshore and the area is replanted with native species.</p>	<p>instead of listing a couple of best practices, and to not refer specifically to species. This will now more generally apply across electoral areas.</p>
<p>4. Minor additions to existing buildings and structures to a maximum of 25% of the total floor area of the existing building or structure, provided that the proposed addition is not situated closer to the environmentally sensitive feature for which the development permit area has been identified, than the existing building or structure.</p>	<p>Exemption 2</p>
<p>5. Construction of a single trail subject to the following:</p> <ul style="list-style-type: none"> a. the trail must be a maximum 1.5 metres in width; b. the trail’s surface must be pervious but may be constructed with materials that limit erosion and bank destabilization (certain structures may require a building permit); c. the trail provides the most direct route of feasible passage through the development permit area; d. sensitive habitat will not be impacted by the presence of the trail; e. the ground must be stable, i.e. erodible banks or other erosion prone areas must be avoided; f. no trees, greater than 5 metres in height and 10 centimeters in diameter, are to be removed. Limbing, pruning and topping of trees must be done however a minimum of 60% of the original crown of any tree should be retained to maintain tree health and vigor; and g. no vehicles are permitted. 	<p>This exemption carries forward to exemption 5 in the draft DPA, without the requirement that “sensitive habitat will not be impacted by the presence of the trail”. As this is an exemption, the concept is that if the trail is narrow and there is only one trail through the DPA on that property, that the impact will be of such a minor nature that a development permit need not be required.</p>
<p>6. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:</p> <ul style="list-style-type: none"> a. emergency actions for flood protection, and erosion protection; b. clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences in accordance with the Federal <i>Fisheries Act</i> and <i>Wildlife Act</i> ; and c. the removal of hazardous trees that present a danger to the safety of persons or are likely to damage public or private property in accordance with the Federal <i>Fisheries Act</i> and <i>Wildlife Act</i>. 	<p>Exemption 14</p>
<p>7. Restoration works to the sensitive ecosystem for which the development permit area has been identified, that complies with Provincial or Federal standards or requirements. Any activity within the sensitive ecosystem for which the development permit area has been</p>	<p>Exemption 15 - Reworded from Exemption 7 in the current Nanoose Bay OCP to reflect best practices.</p>

identified, requires compliance with Provincial and Federal legislation, and notification to the Regional District of Nanaimo.	
8. Subdivision of land where a covenant under section 219 of the <i>Land Title Act</i> is registered against the title to the land and includes provisions which, in the opinion of the Regional District, protect the sensitive ecosystem for which the development permit area has been identified on the lands in a manner that is consistent with the applicable Development Permit Area designation.	Exemption 11 - Nanoose Bay OCP exemption 8 is combined with similar exemptions in other DPAs to add to the criteria for exemption for subdivision. Additional criteria are that the minimum parcel sizes are to be met exclusive of the DPA and no development activities will occur in the DPA.
9. Fence building and other activities associated with a farm operation that are carried out upon lands to which section 2(2) of the <i>Farm Practices Protection (Right to Farm) Act</i> (British Columbia) applies where such activity is carried on in accordance with normal farm practices and the Federal <i>Fisheries Act</i> .	Exemption 13 - Carries the same intent as Exemption 9 in the current Nanoose Bay DPA but is updated to reflect best practices.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 4 - second storey addition.
- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.
- Exemption 12 - subdivision involving only lot line consolidation .
- Exemption 16 - works conducted by the RDN or its agents.
- Exemption 17 - forest management activities .

GUIDELINES

The table below lists the guidelines in the current Nanoose Bay OCP DPA, where they are found in the draft DPA and description of the rationale for the change.

SENSITIVE ECOSYSTEM PROTECTION DPA GUIDELINES

Current Nanoose Bay OCP Guidelines	Draft DPA Guideline
1. A development permit is required for the following activities unless specifically exempt : a) Removal, alteration, disruption or destruction of natural features, including mature and native vegetation; b) Disturbance of soils, including grubbing, scraping, and removal of top soils; c) Construction or erection of buildings and structures; d) Creation of nonstructural impervious or semi-pervious surfaces; and e) Subdivision as defined in the <i>Land Title Act</i> or the <i>Strata Property</i>	Found in the “Applicability” section of the draft DPA. Only variation is to 1a where “mature and native vegetation” is replaced with “trees, plants and shrubs”.

<i>Act.</i>	
<p>2. Where development or the alteration of land is proposed within the Sensitive Ecosystem Protection Development Permit Area, the evaluation of the proposal shall consider the following site-specific natural features, functions, and conditions that support wildlife and unique ecosystems:</p> <ul style="list-style-type: none"> a) maintenance of an effective visual and sound (natural vegetated) buffer around eagle and heron nesting sites or the sensitive ecosystem; b) vegetation, trees, snags, and root systems; c) rare and uncommon species and plant communities; d) soils and soil conditions (moisture, nutrients and permeability); e) bird and other wildlife and their habitats, such as nesting and breeding areas; f) maintenance of linkages with adjacent sensitive ecosystems to minimize fragmentation; and g) topography and relative orientation of features on neighbouring properties. 	Guidelines 3 and 4
<p>3. All proposed development activity must minimize the area of encroachment into the Development Permit Area.</p>	Guideline 1
<p>4. Best practice interface fire mitigation techniques shall be considered where they minimize impacts on the features and function within the Development Permit Areas.</p>	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
<p>5. Applicants are encouraged to consult the following guidelines: <u>Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997 (Volume 2: Conservation Manual</u> published by Canadian Wildlife Service; <u>Stream Stewardship, 1993</u> and <u>Land Development Guidelines, 1992</u> publications by DFO and MELP and the <u>Environmental Requirements and Best Management Practices for the Review of Land Development Proposals</u>, March 2001 publication by MELP, or any subsequent editions (see Appendix No. 3 for web references).</p>	Guideline 6 – updated with current best practice resources

Additional guidelines for the Nanoose Bay OCP DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – requirement for an assessment by a biologist – this requirement is implicit in the current DPA for Nanoose Bay and this change will provide clarity for property owners.
- Guideline 5 – option to require a landscape deposit. This is an important tool that can be used to ensure objectives of the DPA are met.
- Guideline 7 – option to require a covenant and temporary flagging where the biologist identifies areas to remain free from development.

- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.
- Guideline 9 – option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. This is in the Sensitive Ecosystems DPA for two other OCPs and enables the RDN to require this type of report where there is a steep slope in conjunction with the sensitive ecosystem.
- Guideline 10 and 11 – guidelines regarding draining management to guide development that will help meet the objectives of this DPA.

EAGLE AND HERON NESTING TREES DPA

In the current Nanoose Bay OCP, eagle and heron nesting trees are included in the Sensitive Ecosystem Protection DPA. The guidelines for eagle and heron nesting tree protection are combined with those from three other OCPs into a new DPA with language to improve clarity.

The Nanoose Bay OCP does not currently contain any exemptions or guidelines specific to protection of eagle and heron nesting trees which can at times make it unclear what information is required in order to assess if the development permit guidelines are met, and can make it difficult to provide practical exemptions.

The Nanoose Bay OCP currently designates the property where an eagle or heron nest is mapped as being within the DPA, which means that if a tree is close to the property line and the buffer would extend to an adjacent property, the DPA is not properly designated to require a DP on that adjacent property. Conversely, the current DPA would have a large property entirely within the DPA even if there is a single nesting tree in only one part of the property. This will be corrected through revised mapping.

TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Nanoose Bay OCP area.

TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Nanoose Bay OCP	Draft TUP designation and conditions
<i>Resource Lands Policy 14</i> - The issuance of temporary use permits for the manufacture of asphalt products and/or gravel extraction on parcels may be considered provided that:	2.
a) the asphalt is produced in a portable asphalt batch plant;	2.b)
b) parcels are in excess of 8.0 hectares in area;	2.a)
c) any watercourses are protected from the manufacturing or gravel extraction activity;	1.c)
d) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the Waste Management Act;	2.c)
e) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained between the asphalt batch plant operation and any dwelling unit not located on the subject property;	2.d) adjusted to require the buffer to be 100 m but the berm is not required to be that width as it is considered to be excessive.
f) where gravel removal and processing are required in conjunction with the manufacture of asphalt products, all requirements for the Approval of Work System and Reclamation Permit under the Mines Act including provisions for rehabilitation of the site after completion, are satisfied;	1.e regarding reclamation plan. Specific reference to Mines Act not carried forward but will be addressed through the application process where applicable.
g) primary processing is a permitted use on the parcel; and	Not carried forward in order to standardize. Compatibility with surrounding uses required to be considered in 1.a)
h) where land is within the Agricultural Land Reserve, notice has been given to the ALC of the intent to remove gravel or process soil in accordance with the Agricultural Land Commission Act and the ALC has granted approval.	3.
<i>Resource Lands Policy 15</i> - For Resource Lands not within the ALR, the issuance of temporary use permits for soil composting operations on parcels may be considered provided that:	2. extended to allow for issuance of a TUP on Resource lands whether or not they are in the ALR, in order to standardize.
a) parcels are in excess of 8.0 hectares in area;	2.a)
b) surface water is protected from all composting activities;	1.c)
c) ground-water will not be negatively impacted by all composting activities;	1.c)
d) approval is obtained from the ALC where required;	3.
e) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the Waste Management Act;	2.c)
f) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained	2.d) adjusted to require the buffer to be 100 m but the berm is not

Current Nanoose Bay OCP	Draft TUP designation and conditions
between the composting operation and any dwelling not located on the subject parcel;	required to be that width as it is considered to be excessive.
g) the daily period of composting activities is limited to normal daylight hours to minimize noise impacts, including heavy truck traffic, on surrounding lands;	2.g)
h) all aspects of the composting operation must be completed in its entirety within two calendar years of the date of issuance of a temporary use permit;	Not carried forward. This can be included in permit conditions.
i) primary processing is a permitted use on the parcel;	Not carried forward in order to standardize. Compatibility with surrounding uses required to be considered in 1.a)
j) the use does not produce odours detectable from adjacent parcels;	2.h)
k) the uses comply with the provincial Organic Matter Recycling Regulations and any RDN Waste Stream Licensing Bylaw.	2.i)
<i>Urban Containment Boundary Policy 8</i> - Pursuant to the Local Government Act, the issuance of temporary commercial use permits for real estate offices, show homes, signs and/or construction offices may be considered within Urban Containment Boundaries by the RDN Board.	1. – TUP may be issued on any parcel to allow a use not permitted in the zoning bylaw.

DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

CHANGES PROPOSED – ELECTORAL AREA F OCP

INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

The two DPAs in the Electoral Area F Official Community Plan (OCP): Watercourse Protection and Fish Habitat Protection, are proposed for combination with the Freshwater and Fish Habitat Protection DPA that will apply to all electoral areas. The table below outlines the general changes to the structure of the DPAs in Electoral Area F. This summary document outlines the specific changes to each of the two existing DPAs proposed to be combined.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the Electoral Area F OCP area.

SUMMARY OF CHANGES FOR ELECTORAL AREA F OCP AREA

Electoral Area F OCP DPA / TUP	Proposed Changes
1. Watercourse Protection	Draft Freshwater and Fish Habitat Protection DPA
2. Fish Habitat Protection	Draft Freshwater and Fish Habitat Protection DPA
TUP may be issued for aggregate extraction or farmers market in any designation, and for any use within Village Centres and rural separation boundaries.	TUP application may be issued for any use in any zone subject to conditions.

FRESHWATER AND FISH HABITAT PROTECTION DPA

The Electoral Area F OCP Watercourse Protection and Fish Habitat Protection DPAs become part of the draft Freshwater and Fish Habitat DPA that will be standard for all OCPs in RDN electoral areas.

AREA OF APPLICATION

The Electoral Area F Watercourse Protection and Fish Habitat Protection DPAs apply to mapped streams indicated on Map No. 3 and all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation.

EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve their clarity.

For watercourses and wetlands that are not subject to the RAR, further exemptions are added to reduce situations where a DP must be required due to the wording of the DPA, but where there is little to no impact of the development. For example, there are new exemptions for:

- Exemption 2 – repair and maintenance of buildings on existing footprint.
- Exemption 10 – works conducted by the RDN or its agents that satisfy the DPA guidelines.
- Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.
- Exemption 15 – minor additions to buildings or structures.
- Exemption 16 – second storey addition.
- Exemption 17 - construction of a small accessory building within a previously landscaped area.

GUIDELINES

The table below lists the guidelines in the current Electoral Area F DPAs, where they are found in the draft standard DPA and description of the rationale for the change, if any.

WATERCOURSE PROTECTION DPA GUIDELINES

Current Electoral Area F OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. Written rationale and assessment of the potential impacts on aquatic habitat and/or neighbouring land uses that may be affected by the proposed development is required	Guideline 2
2. Criteria in the written rationale shall include the following and be prepared by the applicant’s registered biologist, engineer or professional in another relevant discipline:	Guideline 1
a) The impact of the proposed development on soil stability, natural vegetation and ground cover;	Guidelines 3 & 11
b) The impact of the proposed development on the quality and quantity of groundwater and surface water;	Guidelines 8-9
c) The impact of the proposed development on wildlife and fisheries sensitive areas; and	Guidelines 3 and 11
d) The impact of the development on environmentally sensitive areas on adjacent lands	Guidelines 3 and 10
3. All development proposals are subject to the requirements and procedures of the Fish Protection Act and the Riparian Areas Regulation	Addressed by combining the Watercourse and Fish Habitat Protection DPAs into a single DPA

FISH HABITAT PROTECTION DPA GUIDELINES

Current Electoral Area F OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – additional clarity of criteria for subdivision design to protect the SPEA
9. Subdivision within the SPEA should be avoided	Guideline 15
10. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.
11. Where subject to building permit, confirmation that development in accordance with QEP recommendations prior to final inspection or occupancy	Guideline 7

Additional guidelines are included in the draft DPA as follows:

- Guideline 5 – option to require landscaping plan and security deposit for landscaping.
- Guideline 8 – oil water separator may be required for commercial, industrial, multi-residential and intensive residential development.
- Guideline 10 – In low lying areas flood risk should not be increased and proposal for fill within the floodplain requires report from Professional Engineer.
- Guideline 11 – for streams not subject to the RAR, option to require a geotechnical report where there is a slope greater than 30% over a minimum horizontal distance of 10 metres. This provides more clarity to existing Watercourse DPA guideline 2.a).
- Guideline 16 - requires permanent fencing or other means of clearly delineating the SPEA boundary. This is included in other DPAs and is considered a best practice at achieving the objectives of the DPA.

TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area F OCP area.

TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Electoral Area F OCP	Draft TUP designation and conditions
Aggregates and Mineral Resources Future Impact Policy 2: <i>The issuance of temporary use permits for the extraction of aggregate resources may be considered provided that the proposed use shall have limited impact on other zoned uses</i>	Includes specific conditions for gravel extraction carried forward from other OCPs
Business and Economy Policy 2: <i>All lands within the Village Centres and within the Rural Separation Boundaries shall be identified as being eligible for consideration for the issuance of temporary use permits.</i>	TUP may be issued for any use on any parcel subject to performance criteria to ensure the use is compatible with the surrounding area and does not cause undue impact such as noise, dust, odour, etc

In addition, a TUP for the manufacture of asphalt products, soil composting or gravel extraction may only be issued on lands designated Rural, Rural Resource, or Resource in the applicable OCP, and specific conditions are included from other OCPs.

DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

CHANGES PROPOSED – ELECTORAL AREA G OCP

INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Four of the six DPAs in the Electoral Area G Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. This summary document outlines the specific changes to each of the four existing DPAs proposed to be combined.

For temporary use permits (TUP), minor changes are proposed for Electoral Area G in the standardization for all areas. The last section of this document outlines the specific changes.

SUMMARY OF CHANGES FOR ELECTORAL AREA G OCP AREA

Electoral Area G OCP DPAs	Proposed Change
1. Fish Habitat Protection	Draft Freshwater and Fish Habitat DPA
2. Environmentally Sensitive Features <ul style="list-style-type: none"> • SEI features: ‘riparian vegetation’, ‘wetland’, ‘sparsely vegetated’ and ‘older forest’ • Coastal areas • Eagle and heron nesting trees Little Qualicum River, Englishman River, French Creek and estuaries • Lakes, wetlands and ponds, other watercourses and streams • All known aquifers 	Draft Sensitive Ecosystems DPA for all except for ‘riparian vegetation’ and ‘wetland’ Draft Marine Coast DPA Draft Eagle and Heron Nesting Trees DPA Draft Freshwater and Fish Habitat DPA ‘Riparian vegetation’ and ‘wetland’ features moved to Draft Freshwater and Fish Habitat DPA Draft Aquifers DPA
3. Hazard Lands	Draft Hazard Lands DPA
4. Farm Land Protection	Draft Farmland Protection DPA
5. Inland Island Highway Corridor	No change
6. Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character	No change

FISH HABITAT PROTECTION DPA

The Electoral Area G OCP Fish Habitat Protection DPA becomes part of the draft Freshwater and Fish Habitat DPA that applies to all OCP areas in RDN electoral areas. The freshwater features currently within the Electoral Area G Environmentally Sensitive Features DPA are moved into the draft Freshwater and Fish Habitat DPA.

AREA OF APPLICATION

The Electoral Area G Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and to mapped streams not subject to the RAR. The mapped 'wetland' and 'riparian vegetation' Sensitive Ecosystem Inventory (SEI) designations and the river, creek, lake wetland and pond features from the Electoral Area G OCP Sensitive Ecosystem Protection DPA are moved into the Freshwater and Fish Habitat DPA to create a single DPA for freshwater features. Estuaries are addressed in both the Marine Coast and Freshwater and Fish Habitat DPAs.

EXEMPTIONS

The exemptions for streams subject to the RAR are mostly standard across OCPs as they were originally adopted at the same time in 2007, with the exception of OCPs that have been updated since. Any minor changes to wording of these exemptions that apply to the RAR are updates to improve clarity. The following exemption is not carried forward from the Electoral Area G OCP but is addressed through the designation section:

- Exemptions 1 and 2 regarding development 30 metres or 15 metres from the top of bank or natural boundary depending on the stream. The purpose of this exemption is to effectively reduce the DPA around a watercourse based on a history of RAR reports showing that the streamside protection and enhancement area is consistently less than the riparian assessment area for streams in this area. This will be moved to the designation section of this DPA for Electoral Areas A and G only, where it currently applies, instead of including it in a shared exemption. It cannot be extended to other electoral areas without a study of the history of RAR assessments. A recent study of the history of RAR assessment for Electoral Area H did not find enough data to reduce the DPA to a distance lesser than the RAR.

The following exemptions that apply to all watercourses are added:

- Exemption 1 – where no stream or watercourse exists due to mapping inaccuracy.
- Exemption 2 – repairs and maintenance and second storey addition within existing building footprint.
- Exemption 4 – emergency procedures.
- Exemption 10 – works conducted by the RDN or its agents that satisfy the DPA guidelines.
- Exemption 11 – subdivision where minimum lot size is met exclusive of the SPEA.

Watercourses, lakes, wetlands and ponds that are not subject to the RAR are currently included in the Electoral Area G Environmentally Sensitive Features DPA. Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. There are new exemptions for:

Exemption 13 - Lot consolidation or lot line adjustment subdivision as well as subdivision where the minimum lot size is met exclusive of the sensitive area.

- Exemption 16 – construction of a small accessory building in a previously landscaped area

GUIDELINES

The table below lists the guidelines in the current Electoral Area G Fish Habitat Protection DPA, where they are found in the draft DPA and description of the rationale for the change, if any.

FISH HABITAT PROTECTION DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. QEP must provide report	Guideline 13
2. DP must not be issued before RAR report is submitted to Province	Guideline 13
3. Regarding “Harmful Alteration, Disruption or Destruction”	Guideline 12 – adjusted to reflect changes to legislation
4. RDN may require additional information related to guideline 3 above	Not relevant due to change in legislation
5. Requirement to provide explanatory plan	Guideline 14
6. Owner shall implement all measures and they may be included as conditions of permit	Guideline 14 – intent remains but reworded for clarity
7. Encouragement of other ways to protect the SPEA	Guideline 14
8. Permanent fencing and/or other means of delineating the SPEA must be installed	Guideline 16
9. A sign identifying the SPEA must be permanently installed	Guideline 15
10. For subdivision, minimum parcel size should be met exclusive of the SPEA	Guideline 15 – with adjustments to respond to experience with implementing this guideline
11. Subdivision within the SPEA should be avoided	Guideline 15
12. Developers are encouraged to exceed the minimum standard in the RAR	Not carried forward. This can be communicated by other means.
13. Requirement for landscape and security deposit	Guideline 5 – adjusted to be an option to require
14. Drainage should be designed to replicate the function of a naturally vegetated watershed	Guidelines 9 and 10 – same intent with different wording and added option to require sediment and erosion control plan and/or report from Professional Engineer re flooding

As streams and other freshwater features are also addressed in the current Environmentally Sensitive Features DPA for Electoral Area G, in the process of drafting a standard Freshwater and Fish Habitat DPA, guidelines from two Electoral Area G DPAs have been reviewed. The table below lists the guidelines in the current Electoral Area G Environmentally Sensitive Features DPA, where they are found in the draft Freshwater and Fish Habitat DPA and description of the rationale for the change, if any.

ENVIRONMENTALLY SENSITIVE FEATURES DPA GUIDELINES

This table lists only the relevant guidelines that are not duplicated in the Electoral Area G Fish Habitat Protection DPA, as those are addressed in the table above

Current Electoral Area G OCP Guidelines	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. Mapped locations for convenience only and ground truthing may be required	Exemption 1 – partially addresses. Will also address mapping inaccuracy through associated administrative bylaw updates.
2. Biologist assessment required	Guideline 1
3. Require compliance with conditions in biologist report as conditions of permit	Guideline 7 – this is an integral part of the DP process covered in legislation
6. Applicant to work with RDN to consider possible variances	Guideline 2
7. Developed to be located where it will cause the least impact	Guideline 2
8. Requirement for revegetation plan	Guidelines 4 and 5
9. Timing of construction to minimize impacts	Guideline 4
10. Permanent or temporary fencing may be required	Guideline 6
11. On parcels with a slope of 30% or greater, geotechnical report may be required	Guideline 11
12. All development proposals are subject to the RAR	Addressed by combining the DPAs relating to freshwater into a single DPA
13. Development applications shall generally comply with the environmental protection policies in Sections 2.1-2.8 of this Plan	Guidelines 3 – 4 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines.
14. Compliance with Develop with Care	Not included. Guidelines specifically pull out relevant best practices from this document for clarity.
15. Covenant may be required	Guideline 6
16. Rain water should be managed on site	Guideline 9
17. Use of rainwater management techniques	Guideline 9
18. Consider the site-specific natural features, ecological processes that support fish, riparian function, wildlife ecology and unique ecosystems...	Guidelines 3-4
19. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
20. May require sediment and erosion control plan	Guideline 9

ENVIRONMENTALLY SENSITIVE FEATURES DPA

The current Environmentally Sensitive Features DPA in the Electoral Area G OCP applies to:

- coastal areas;
- Little Qualicum River, Englishman River, French Creek and estuaries;
- lakes, wetlands and ponds, other watercourses and streams;
- all known aquifers; and
- Sensitive Ecosystem Inventory (SEI) features: ‘riparian vegetation’, ‘wetland’, ‘sparsely vegetated’ and ‘older forest’.

As shown in the table below, the proposal is to separate this DPA into five different DPAs as part of the standardization project.

Electoral Area G OCP “Environmentally Sensitive Features DPA”	Draft DPA Where the Feature is Addressed
SEI ‘sparsely vegetated’ and ‘older forest’	Sensitive Ecosystems DPA
Eagle and heron nesting trees	Eagle and Heron Nesting Trees DPA
Coastal areas	Marine Coast DPA
Little Qualicum River, Englishman River, French Creek and estuaries, lakes, wetlands and ponds, other watercourses and streams, and SEI ‘riparian vegetation’ and ‘wetland’	Freshwater and Fish Habitat DPA
All known aquifers	Aquifers DPA

DRAFT SENSITIVE ECOSYSTEMS DPA

For Electoral Area G, the draft DPA applies to the SEI features of sparsely vegetated and older forest.

EXEMPTIONS

All but one of the existing exemptions in the Sensitive Ecosystem Protection DPA for the Electoral Area G OCP remain with some adjustments. Exemption 13 for construction within the exterior walls is not carried forward as it is not necessary.

Exemption 15 regarding subdivision where minimum lot sizes are met exclusive of the DPA and no land alteration is taking place in the DPA is carried forward as Exemption 11 with addition of a requirement to register a covenant to protect the sensitive ecosystem to reflect best practices.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 3 - repair, maintenance, or alteration of existing legal buildings, structures.
- Exemption 9 - hazardous tree removal.
- Exemption 10 - construction of a small accessory building in a previously landscaped area.

- Exemption 12 - subdivision involving only lot line consolidation.
- Exemption 17 - forest management activities.

GUIDELINES

The table below lists the guidelines in the current Electoral Area G OCP DPA, where they are found in the draft combined DPA and description of the rationale for the change.

ENVIRONMENTALLY SENSITIVE FEATURES DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guideline
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required.	Not carried over at this time – further study required to determine best way to address situation where boundaries of SEI mapped shapes may not be exact
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity.
3. Biologist recommendations may be conditions of permit	Not carried over – not required as this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 5 – updated for consistency, and language changed to “may” require to allow flexibility
5. Regarding rainwater management	Guideline 10
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause the least impact	Guideline 1 – updated for consistency
8. May require revegetation plan	Guideline 2 and 5 taken together cover the intent
9. Timing of construction to have least impact	Guideline 4 – within this guideline combined with other mitigation measures
10. Permanent or temporary fencing	Guideline 7 – within this guideline
11. Geotechnical report may be required for slopes of 30% or greater	Guideline 9
12. All development proposals are subject to the RAR	Addressed by combining the DPAs relating to freshwater into a single DPA
13. Comply with the environmental protection policies in Section 4.0 of this Plan	Guidelines 3 – 4 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines.
14. Compliance with Develop with Care	Guideline 6
15. May require covenant	Guideline 7
16. Rain water should be managed on site	Guideline 9
17. Use of rain gardens etc encouraged	Guideline 11
18. Consider natural features, ecological processes, etc	Guidelines 3 - 4

19. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
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One additional guideline is included in the draft DPA to reflect best practices for achieving the objectives of the DPA as follows:

- Guideline 8 – option to require confirmation from the biologist that the property has been developed in accordance with their recommendations.

DRAFT EAGLE AND HERON NESTING TREES DPA

Eagle nesting trees are currently designated within the Environmentally Sensitive Features DPA for Electoral Area G and apply to a radius of 60 metres around eagle nesting trees. Heron nesting trees are not clearly designated as part of the DPA, but it appears that may have been the intent; Guideline 18.a. discusses maintaining a buffer around eagle and heron nesting sites. The draft DPA includes a buffer around both eagle and heron nesting trees for consistency among the four OCP areas to which it applies.

All DPAs except for those in the recently adopted Electoral Area H OCP only apply to nesting trees that are mapped. This mapping can be many years out of date and does not account for newly established nests or those that were missed during the mapping exercise. It also does not account for trees or nests that have fallen and are no longer there. The proposed new DPA will apply to all nesting trees whether or not they are mapped.

Based on research into best practices and advice from Ministry of Environment biologists, the draft DPA reduces the radius around great blue heron nesting trees to 60 metres on lots of 1.0 hectares or smaller. As well, the current DPAs are not clear where the buffer is to be measured from, and the proposed changes will clarify that it is from the dripline of the tree or group of trees, as indicated in Ministry of Environment best practices.

EXEMPTIONS AND GUIDELINES

For Electoral Area G, there are currently no exemptions that specifically address nesting trees, and there is one guideline that addresses maintenance of an “effective visual and sound (naturally vegetated) buffer around eagle and heron nesting sites”. In addition to general exemptions and guidelines that are consistent for all environmentally sensitive areas, the new draft DPA specifically for nesting trees includes the following:

- Exemption 3 - if a nest has been abandoned as confirmed by biologist and a record of 5 years of no use.
- Exemption 4 - for vegetation management, onsite sewage disposal installation and well drilling outside of nesting season.
- Guideline 2 - requiring biologist assessment outlining required content specific to nesting trees.

DRAFT MARINE COAST DPA

Coastal areas 15 metres upland and 15 metres seaward of the natural boundary are currently designated within the Environmentally Sensitive Features DPA for Electoral Area G. Coastal areas are designated as a DPA in three different electoral areas and the draft Marine Coast DPA combines these three.

Exemptions for the draft Marine Coast DPA are consistent with the new Sensitive Ecosystems DPA. A comparison of guidelines specific to coastal areas is shown in the table below.

MARINE COAST DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guideline
1. Mapped location and characteristics of the feature are for convenience only and ground truthing may be required.	Not applicable to coastal areas
2. Biologist assessment may be required	Guideline 2 – updated for consistency and clarity
3. Biologist recommendations may be conditions of permit	Not carried over – not required this is the essence of the DP process
4. Requirement for landscaping and security deposit	Guideline 13 – updated for consistency, and language changed to “may” require to allow flexibility
5. Regarding rainwater management	Guideline 11 addresses onsite drainage in relation to the need for shore protection
6. Variances may be considered to minimize encroachment in DPA	Guideline 1 – slightly different approach with same intent to encourage consideration of variance to avoid the sensitive area
7. Development shall be located where it will cause the least impact	Guideline 1 – updated for consistency
8. May require revegetation plan	Guidelines 13 and 18
9. Timing of construction to have least impact	Not specifically mentioned but where machinery is required on the foreshore for installation or repair of shore protection works, Federal approvals require timing outside of fisheries windows
10. Permanent or temporary fencing	Guideline 3.d)
11. Geotechnical report may be required for slopes of 30% or greater	Not applicable
12. All development proposals are subject to the RAR	Not applicable
13. Comply with the environmental protection policies in Section 4.0 of this Plan	Guideline 3 and throughout. Instead of requirement to refer to this section of the OCP, it was reviewed to ensure the relevant policies are addressed in the DPA guidelines
14. Compliance with Develop with Care	Not included - guidelines specifically pull out relevant best practices from this document for clarity
15. May require covenant	Guideline 7
16. Rain water should be managed on site	Guideline 11
17. Use of rain gardens etc encouraged	Not applicable
18. Consider natural features, ecological processes, etc	Guideline 6.b) as applicable to coastal areas

19. Best practice fire mitigation techniques	Not included - unclear what should be required of the applicant to demonstrate best practice fire mitigation techniques - best adopted in a DPA for fire hazard
20. Sediment and erosion control plan may be required	Guideline 21
21. Engineers assessment required for shoreline stabilization device	Guidelines 5 and 6
22. Retaining walls or other "hard" surfaces only supported where "softer" approaches are not appropriate for site conditions	Guideline 11
23. Shoreline stabilization measures that obstruct pedestrian access are not supported	Guideline 9
24. Retaining wall should be located upland of the natural boundary and where feasible meet zoning setbacks. Retaining walls to reclaim land lost to erosion is not supported	Guidelines 5, 11 and 21

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA. Many of these additional guidelines relate to best practices for shore protection works or address potential future development such as boat ramps, marinas and ocean loop geothermal.

- Guideline 4 – new or additions to buildings should be located and designed to avoid the need for shore protection works throughout the life of the building.
- Guideline 5 – shore protection works shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw.
- Guideline 7 – geotechnical report may require registration as covenant.
- Guideline 8 – where protection from erosion is proposed every effort will be made to design in accordance with Green Shores.
- Guideline 10 – restrictions on heavy equipment on the beach.
- Guideline 11 – additional detail for other options that must be considered before hard structural protection will be considered.
- Guideline 12 – for ocean loop geothermal.
- Guideline 15 – subdivision shall be designed so that new lots will not require shore protection for usable building sites considering sea level rise to the year 2100.
- Guideline 16 – development on bluffs must be sufficiently set back based on geotechnical analysis.
- Guideline 17 – new driveways, parking lots, and wastewater disposal should not be located in the DPA.
- Guideline 18 – replanting may be required.
- Guideline 19 – replanting should use salt and wind tolerant plants.

- Guideline 20 – replanting should be maintained by the property owners for minimum of two years.
- Guideline 22 – fill below the natural boundary may be supported when assisting with shore stability and permission has been granted by the Province.
- Guidelines 23-26 – to address commercial and industrial development.
- Guideline 27 – to address boat launch ramps.

DRAFT AQUIFERS DPA

This draft DPA includes the land above aquifers that have been mapped in Electoral Areas G and H, and in limited parts of Electoral Area A.

AREA OF APPLICATION

For Electoral Area G, exemptions and guidelines related to groundwater protection are currently within the Environmentally Sensitive Features DPA. New aquifer mapping is available from the Province which adjusts the boundaries of known aquifers, and this new mapping is proposed to be adopted as the DPA for Electoral Area G.

EXEMPTIONS

For Electoral Area G, there are several exemptions within the Environmentally Sensitive Features DPA that specifically address aquifer protection. They are all carried forward to the draft DPA, with the addition of the following exemptions for minor development where there is little to no expected impact in order to streamline the development process, or where activities are addressed in provincial or federal legislation and a DP cannot be required:

- Exemption 2 – exemption for construction of a fence is expanded to exempt buildings and structures that do not require a building permit.
- Exemption 3 – installation of onsite wastewater disposal.
- Exemption 7 – subdivision where each lot has an approved connection to a community water system.
- Exemption 8 – farm operations.
- Exemption 9 – forest management activities.
- Exemption 10 – works conducted by the RDN or its agents that satisfy the DPA guidelines.

GUIDELINES

The tables below lists the guidelines in the current Electoral Area G DPAs where they are found in the draft DPA with some minor re-wording for clarity.

AQUIFERS DPA GUIDELINES

Current Electoral Area G OCP Guideline	Draft DPA Guidelines
25. Use or disposal of substances that may be harmful to aquifers shall be discouraged	Guideline 1
26. Professional report required with list of required information and recommendations	Guideline 2 – reworded to reflect best practices
27. Developments that pose detrimental impacts on quality or quantity of groundwater shall not be supported	Guideline 11
28. For developments that are proposed to be serviced by a community water system, written confirmation from the provider is required	Not carried forward as new exemption applies
29. Rainwater management plan may be required	Guidelines 4 and 6

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 3 – use of permeable paving encouraged.
- Guideline 4 – additional requirements for hydrogeological assessment when Contaminated Sites Regulation applies.
- Guideline 6 – development should replicate the function of a naturally vegetated watershed.
- Guideline 7 – relates to area at risk of artesian conditions currently only identified in Electoral Area H.
- Guideline 8 – where development is within the well capture zone of a community water system it must be referred to in the hydrogeological report to mitigate potential risk to the drinking water source. Well protection plans are recent provincial requirements so this is new information to draw from.

HAZARD LANDS DPA

The Electoral Area G Hazard Lands DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

AREA OF APPLICATION

The Electoral G Hazard Lands DPA applies to flood prone land and land with a natural grade greater than 30% as identified in Map No.9.

EXEMPTIONS

All exemptions from the Electoral Area G Hazard Lands DPA are carried forward to the draft DPA as shown in the table below, with some additional exemptions.

HAZARD LANDS DPA EXEMPTIONS

Current Electoral Area G OCP Exemption	Draft DPA Exemption
1. Emergency procedures	Exemption 13
2. Requirement to report emergency actions	Exemption 13
3. Hazardous tree removal	Exemption 10
4. Work by the RDN or its agents	Exemption 14 and 16
5. Second storey addition	Exemption 5
6. Fence construction	Exemption 7
7. Subdivision where criteria are met	Exemption 8

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 1 – development outside the DPA as confirmed by a BC Land Surveyor or the Regional District.
- Exemption 2 – where there is no flooding or steep slope hazard as confirmed by a Professional Engineer.
- Exemption 3 – construction of buildings and structures in accordance with the Floodplain Bylaw where there is no land alteration or placement of fill outside the building footprint.
- Exemption 4 – where a geotechnical report for buildings or structures is registered on Title and there is no land alteration or placement of fill outside the building footprint.
- Exemption 6 – construction of a small accessory building of a maximum size and set back from the crest of a slope or high water mark.
- Exemption 9 – subdivision only involving lot line adjustment or consolidation if meets conditions.
- Exemption 11 – small scale manual removal of invasive plants or noxious weeds.
- Exemption 12 – farm operations.
- Exemption 15 – Forest management activities.

GUIDELINES

The table below lists the guidelines in the current Electoral Area G DPA, where they are found in the draft DPA with some minor re-wording for clarity.

HAZARD LANDS DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guidelines
1. May consider variances to minimize encroachment	Guideline 2
2. Assessment by qualified professional required	Guideline 1
3. Engineer report required for placement of fill	Guideline 9
4. Covenant may be required	Guideline 1
5. Drainage, sediment and/or erosion plan may be required	Guideline 10
6. Revegetation plan may be required	Guideline 3
7. Landscaping and security deposit required	Guideline 3

8. Mitigation and restoration shall be required as recommended by professional	Guideline 7
9. Development should be in accordance with best practice document	Guideline 11
10. Where there is no alternative to use flood prone lands, shall be located where no risk to life and damage can be mitigated	Guidelines 1 and 2
11. Wetlands should be maintained in their natural state	Guideline 7
12. Development should be designed to replicate a naturally vegetated watershed	Guideline 6
13. Criteria for design of development	Guideline 4, 8 and throughout

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 5 – temporary fencing may be required.
- Guidelines 12 and 13 relate to steep slopes and provide additional clarity where the hazard is for steep slopes.

FARMLAND PROTECTION DPA

Five RDN OCPs include DPAs for farmland protection that are similar in their intent to create or maintain a vegetated buffer of 15 metres on land adjacent to the Agricultural Land Reserve (ALR). The objective is to protect farmland by reducing conflicts with adjacent residential use.

AREA OF APPLICATION

In the Electoral Area G OCP this DPA currently applies to lands within 15 metres of the ALR. The four other Farmland Protection DPAs use slightly different ways of measuring the boundary of the DPA. For Electoral Area G, where the ALR boundary is at a road right-of-way, the DPA would apply to a portion of the parcel on the other side of the road. Through experience of working with DPAs for farmland protection, it has been found that when the DPA applies to land on the opposite side of the road from the ALR, the resulting permit and landscaping requirements appear to accomplish little in the way of protecting farmland and often seem overly onerous. As such, **the proposal for the draft DPA for Farmland Protection is to apply to land directly adjacent to the ALR boundary, and not to land across a road right-of-way from the ALR boundary.**

EXEMPTIONS

The Electoral Area G DPA for Farmland Protection has six exemptions, and the DPA proposes several more in order to streamline the development process by removing the requirement of a permit for minor development that is unlikely to impact the protection of farmland.

FARMLAND PROTECTION DPA EXEMPTIONS

Current Electoral Area G OCP Exemption	Draft DPA Exemption
1. Development on land within the ALR	Exemptions 1 and 7
2. Building or structure outside the 15 metre DPA	Exemption 6 – change in wording as the draft DPA applies to the entire property adjacent to the ALR, but this exemption has the same effect.
3. Land alteration outside of the 15 metre buffer area	Exemption 7
4. Construction of fence meeting criteria	Exemption 11 – removes criteria for adequate site area as fence construction can be considered part of a buffer according to best practices.
5. Second storey addition	Exemption 9
6. Subdivision where each parcel has a minimum depth of 50 metres or can provide adequate depth for building site area, accessory buildings and buffer	Exemption 4 – only depth of 50 m is carried over. The rest of this exemption is not as assessing whether or not a subdivision meets these criteria should be done through the development permit process, and ensuring that subdivisions are designed this way is the purpose of the DPA. With the new delegation bylaw for development permits, processing time shortened to weeks instead of the potential for months when these DPAs required Board approval.

Further exemptions are added for minor development where there is little to no expected impact in order to streamline the development process. Additional exemptions in the draft DPA are as follows:

- Exemption 2 – development in accordance with an existing covenant for landscaped buffer adjacent to the ALR.
- Exemption 3 - lands zoned industrial, and proposed to be or being used for industrial purposes: This exemption is in the current DPA in the Nanoose Bay OCP, and applies to several industrial-zoned parcel at the Island Highway East by Northwest Bay Logging Road. There are no other industrial-zoned parcels in the other applicable OCP areas that are directly adjacent to the ALR. Therefore there is no impact to including this exemption in the combined guidelines. If lands are rezoned to Industrial in the future, this DPAs applicability would be considered at that time and could be addressed through rezoning.
- Exemption 5 – where the development is part of a farm operation.
- Exemption 6 - Construction of a building or structure further than 15 metres from the ALR.
- Exemption 8 – maintenance of buildings and structures.
- Exemption 10 – Construction of an access driveway provided it is no more than 9.0 metres in width.
- Exemptions 12-16 – standard exemptions added to most draft DPAs including such things as hazard tree removal, emergency actions in the event of flooding, manual removal of invasive species, etc.

GUIDELINES

The table below lists the guidelines in the current Electoral Area G DPA, where they are found in the draft DPA with some minor re-wording for clarity.

FARMLAND DPA GUIDELINES

Current Electoral Area G OCP Guidelines	Draft DPA Guidelines
1. Design proposed parcels to lessen impact on ALR	Guideline 9
2. Vegetated buffer of 15 m maintained or established designed in accordance with best practices document	Guideline 1 – best practice document reference updated
3. Buildings and structures should be outside of the buffer, except for fencing which shall be constructed according to best practice document	Guideline 5 and 10 – best practice document reference updated
4. Plant layout and spacing shall be generally in accordance with best practice document	Guideline 3
5. Fencing constructed following best practice document	Guideline 10 – best practice document reference updated
6. Covenant for vegetated buffer may be required	Guideline 8
7. Landscaped buffer shall be to standard of industry standard document	Not carried forward as another best practice document already referred to

Additional guidelines for the Electoral Area G DPA are included in the draft DPA as follows to provide clarity to streamline the development process and to reflect best practices for achieving the objectives of the DPA.

- Guideline 2 – preserving mature trees and existing vegetation in buffer area .
- Guideline 4 – buffer maintenance plan and landscape and security deposit may be required.
- Guideline 6 – buffer of less than 15 m may be considered due to site constraints.
- Guideline 7 – buffer should be installed prior to construction commencing or final approval of subdivision.
- Guideline 10 – fencing shall be constructed generally in accordance with best practice document.

TEMPORARY USE PERMITS

The RDN is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an official community plan (OCP) or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area G OCP area.

TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Electoral Area G OCP	Draft TUP designation and conditions
Section 8.7 Temporary Use Permits Policy 1: TUPs may be considered on parcels within the 'Rural' and 'Rural Resource' land use designations on parcels 4 hectares or greater in area for primary resource processing, asphalt batch plant, concrete ready mix plant, yard waste chipping, or commercial composting. The following criteria will be included in the RDN's consideration of such applications.	2
a) For commercial composting, proposal receives favourable recommendation from District Agriculturalist, Ministry of Agriculture and Ministry of Environment and would benefit agriculture b) Approval from ALC required	3 – approval from ALC required
c) Composting activity shall be no closer than 400 m from the UCB	2.e)
d) RDN may specify conditions and may require posting of a bond or other applicable security to ensure compliance with conditions	4 and 5
e) Impact of proposed use on adjacent agriculture, or forestry uses f) Compatibility of the proposed use with adjacent rural residential or rural uses	1.a) - demonstrate how any anticipated impact to surrounding area will be mitigated
g) Impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas.	1.c)
h) An environmental management plan is submitted by the applicant outlining environmental protection and monitoring procedures.	Not required overall but may be required for individual applications pursuant to Development Approval Information Bylaw, and monitoring may be a condition of the permit.
i) Intensity of the proposed use.	Not specifically stated but covered through requirement to demonstrate how impacts will be mitigated.
j) Inability to conduct the proposed use on land elsewhere in the community.	1.d)
k) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the Regional District of Nanaimo until completion of the proposed works.	1.e)
l) Consideration is given to future inclusion of the subject property and surrounding land into the City	2.j)

Current Electoral Area G OCP	Draft TUP designation and conditions
of Parksville or Qualicum Beach and the compatibility of future development with adjoining areas within each municipality.	
m) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.	1.f)
Section 8.7 TUP Policy 2 – Issuance of TUPs throughout the Plan Area for real estate offices, show homes, and construction offices may be considered	1. – TUP may be issued on any parcel to allow a use not permitted in the zoning bylaw.
Section 8.7 TUP Policy 3 – RDN may consider renewal of permit	Not carried forward – not required in policy as it is in the Local Government Act.
Section 8.7 TUP Policies 4-5 regarding rezoning for a use permitted through TUP.	Not carried forward, these policies will remain in the OCP.

DEVELOPMENT PERMIT AREA AND TEMPORARY USE PERMIT AREA STANDARDIZATION PROJECT

CHANGES PROPOSED – ELECTORAL AREA H OCP

INTRODUCTION

The Regional District of Nanaimo (RDN) is reviewing development permit areas (DPAs) in all its electoral areas to standardize and streamline the development approval process. This will result in consistent language, exemptions and requirements, and allow for updates to current best practices throughout electoral areas.

Six of the eight DPAs in the Electoral Area H Official Community Plan (OCP) are proposed for combination with DPAs in other electoral areas. The table below outlines these changes to the structure. The Electoral Area H OCP was recently revised including extensive updates to the DPAs, which have served as a template for this project. However, this project results in some changes to the Electoral Area H DPAs, in order to standardize with other DPAs.

For temporary use permits (TUP), the proposal is to standardize the designation of areas and specific conditions and move them from individual OCPs to the applicable zoning bylaw. The last section of this document outlines the specific changes to TUP areas and conditions for the Electoral Area H OCP area.

SUMMARY OF DPA CHANGES FOR ELECTORAL AREA H OCP AREA

Electoral Area H OCP DPAs	Proposed Changes
1. Freshwater and Fish Habitat Protection	Draft Freshwater and Fish Habitat DPA
2. Eagle and Heron Nesting Trees	Draft Eagle and Heron Nesting Trees DPA
3. Aquifers	Draft Aquifers DPA
4. Marine Coast	Draft Marine Coast DPA
5. Coastal Steep Slope Hazard	Draft Hazard Lands DPA
6. Farmland Protection	Draft Farmland Protection DPA
7. Rural Commercial	No change
8. Qualicum Bay and Dunsmuir Village Centres	No change

FRESHWATER AND FISH HABITAT PROTECTION DPA

The Electoral Area H Freshwater and Fish Habitat Protection DPA was a model for the draft combined DPA.

AREA OF APPLICATION

The Electoral Area H Fish Habitat Protection DPA applies to all mapped and unmapped streams that are subject to the provincial Riparian Areas Regulation (RAR), and to mapped and unmapped streams not subject to the RAR. For consistency with other DPAs this will be adjusted to apply to only mapped streams not subject to the RAR. Using only mapped streams when the RAR does not apply will also result in more certainty for development.

EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions:

- There is no longer a reference to a ‘general exemptions’ section. Instead, all relevant exemptions are in each DPA.
- Exemptions 2 and 4 – re works done with applicable Provincial and Federal approvals. Combined with Exemption 8 in the draft DPA to remove duplication.
- Exemption 5 – re streams subject to the RAR where a simple assessment is completed. Add that there are no measures required outside of the SPEA.
- Exemption 6 – re subdivision where the RAR does not apply. Reworded in Exemption 11.
- Exemption 9 – re second storey addition where the RAR does not apply. This is changed to be an exemption whether or not the RAR applies.

GUIDELINES

A few adjustments are made to the Electoral Area H DPA guidelines in the process of combining them with other existing DPAs. The table below lists and describes these changes.

FRESHWATER AND FISH HABITAT PROTECTION DPA GUIDELINES

Current Electoral Area H OCP Guideline	Draft DPA Guideline <i>Freshwater and Fish Habitat</i>
1. Biologist assessment required	Carried forward as Guideline 1. Guidelines 3 and 4 are added to include further detail and guidance regarding the biologist assessment that is found in other DPAs.
8. Development should not increase flood risk	Guideline 10 – expanded to provide more clarity where a report from a Professional Engineer may be required related to flood risk.
13 and 14. Subdivision design	Guideline 15 – additional clarity of criteria for subdivision design to protect the SPEA

EAGLE AND HERON NESTING TREES DPA

The Electoral Area H Eagle and Heron Nesting Trees DPA was a model for the draft DPA.

AREA OF APPLICATION

The DPA applies 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 drip line 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 dripline of the nesting tree on lots 1.0 hectare or smaller; and
 - ii. a 100 metre radius from the dripline 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 drip line of all nest trees.

The great blue heron radius is adjusted for Electoral Area H. Prior to the 2017 OCP update the radius was 100 metres for heron nesting trees. This was reduced to 60 metres in the recent update, but further advice from the Ministry of Environment is that the reduction to a 60 metre radius should only be for lots 1.0 hectare or smaller.

EXEMPTIONS

There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.

GUIDELINES

Guideline 4 in the draft DPA is added that requires temporary fencing or flagging to avoid encroachment into the sensitive area as identified in the biologist report.

AQUIFERS DPA

The Electoral Area H Aquifers DPA was a model for the draft DPA.

EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- New Exemption 2 – construction or additions to a building or structure that do not require a building permit.

GUIDELINES

The following guidelines are added to the draft combined DPA as they are found in other OCP’s aquifers DPA and serve to further clarify the intent.

- Guideline 1 - proper steps must be taken to dispose of any harmful substances used.

- Guideline 3 – use of permeable paving and other methods to reduce water runoff are encouraged.
- Guideline 5 – rainwater management plan may be required.
- Guideline 6 – development should be designed to replicate the function of a naturally vegetated watershed.
- Guideline 9 – proposal to manage solid waste or recyclables must be in accordance with the RDN Waste Stream Management Licensing Bylaw.

MARINE COAST DPA

The Electoral Area H Marine Coast DPA was a model for the draft DPA.

EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- Exemption 2 for placement of impermanent structures such as benches, tables and garden ornaments is removed as it is considered unnecessary now that the exemptions and guidelines are moved to the zoning bylaw as these things do not fall under the zoning bylaw definition of structure.
- Exemption 10 for mooring buoys is removed as it is not required.
- Exemption 11 for aquaculture operations is removed as it is not required.

GUIDELINES

The following guidelines are revised in the draft DPA to combine with other OCP’s coastal guidelines, and to further clarify the intent.

- Guideline 5 states that shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw. Added to this is also that they shall not be allowed for reclaiming lost land due to erosion.
- Guideline 7 is added that where a geotechnical report is required, a covenant may be required to register the report to the property title.
- Guideline 11 adds a reason to the list where ‘hard’ shoreline protection may be considered: where it is not feasible to instead construct a retaining wall that meets the zoning bylaw setback.

HAZARD LANDS DPA

The Electoral Area H Steep Slope Hazard DPA becomes part of the Hazard Lands DPA that applies to four OCP areas in RDN electoral areas.

AREA OF APPLICATION

The Electoral H Steep Slope Hazard DPA applies to flood prone land and land with a slope angle of 30% or greater.

EXEMPTIONS

The following changes are made to the Electoral Area H DPA exemptions. There are additional exemptions that only apply to flood hazard which is not relevant to the DPA in Electoral Area H:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- Exemption 4 – where a geotechnical report has been completed that satisfies the guidelines of the DPA. This is exemption 2 in the current Electoral Area H DPA, and is revised to combine with other DPAs.
- Exemption 6 – construction of a small accessory building that meets criteria such as distance from the crest of a slope.
- Exemption 7 – construction of a fence.

GUIDELINES

The following guidelines are revised in the draft combined DPA to combine with other OCP’s Hazard Lands DPA guidelines, and to further clarify the intent. Guidelines that apply only to flooding hazard are not mentioned here.

- Guideline 5 states that shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw. Added to this is also that they shall not be allowed for reclaiming lost land due to erosion.

FARMLAND PROTECTION DPA

The Electoral Area H Farmland Protection DPA was a model for the draft DPA.

AREA OF APPLICATION

For Electoral Area H, the Farmland Protection DPA only applies to subdivision. For other electoral areas it also applies to construction of buildings and structures and land alteration. Additional exemptions and guidelines are primarily related to additional development that does not apply in Electoral Area H.

EXEMPTIONS

Several exemptions are added to the Farmland Protection DPA through the process of combining the existing DPAs from different OCPs. The following exemptions in the draft combined OCP modify Electoral Area H DPA exemptions:

- There is no longer a reference to a “general exemptions” section. Instead, all relevant exemptions are in each DPA.
- Exemption 2 - Development in accordance with an existing covenant for maintenance of a landscaped buffer related to adjacency of the ALR.

- Exemption 3 - Lands zoned Industrial, and proposed to be or being used for industrial purposes.
- Exemption 4 - Subdivision where each proposed parcel within the DPA have a minimum parcel depth of 50 metres measured perpendicular from the ALR boundary.
- Other exemptions related to construction that do not apply in Electoral Area H.

GUIDELINES

The following guidelines are revised in the draft combined DPA to combine with other OCP’s Farmland Protection DPA guidelines, and to further clarify the intent. Guidelines that do not apply to subdivision are not mentioned here.

- Guideline 6 - a vegetated buffer of less than 15 metres may be considered where there are site constraints.
- Guideline 7 – vegetated buffer should be installed prior to final subdivision approval.
- Guideline 10 – fencing should be generally in accordance with best practice document.

TEMPORARY USE PERMITS

The Regional District of Nanaimo is seeking to standardize its regulations regarding the issuance of temporary use permits (TUP) for all electoral areas. The *Local Government Act* allows for an OCP or zoning bylaw to designate areas where temporary uses may be allowed and specify general conditions regarding the issue of TUPs in those areas. Currently, all RDN electoral area OCPs designate areas where TUPs may be allowed but there is a wide variation in areas and uses.

To streamline the development process, the proposal is to standardize TUP regulations for all electoral areas and move the designation of areas and specific conditions from the OCPs to the zoning bylaws.

Both of the zoning bylaws that cover RDN electoral areas designate the entire bylaw area as an area within which a TUP may be issued for a farmers market. In addition, each OCP designates areas where other temporary uses may be permitted. The following table lists the proposed changes for TUP designation and conditions for the Electoral Area H OCP area.

TEMPORARY USE PERMIT AREA DESIGNATION AND CONDITIONS

Current Electoral Area H OCP	Draft Combined TUP designation and conditions
OCP Section 5.11 – TUP may be issued for all uses in all areas, based on performance criteria	Uses and areas are carried over to new TUP section.

In addition, a TUP for the manufacture of asphalt products, soil composting or gravel extraction may only be issued on lands designated Rural, Rural Resource, or Resource in the applicable OCP, and specific conditions are included from other OCPs.

TO: Electoral Area Services Committee **MEETING:** June 12, 2018

FROM: Stephen Boogaards
Planner **FILE:** PL2018-055

**SUBJECT: Development Variance Permit Application No. PL2018-055
609 Hawthorne Rise – Electoral Area ‘G’
Lot 10, District Lot 49, Nanoose District, Plan 24289**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-055 to reduce the Other Lot Line setback subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-055.

SUMMARY

The applicant requests a variance to the setback to the Other Lot Line from 5.0 metres to 4.8 metres, as measured to the foundation. Due to a construction error, the building foundation encroaches 0.2 metres into the required 5.0 metre setback from an unconstructed road right of way adjacent to the property. The encroachment into the setback is small and the road right-of-way has not been constructed. Given that the Board Policy has been met and no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 to 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Krystan and Allison Arbanas to permit the construction of an accessory building under construction to be completed in its current location. The subject property is approximately 0.1 of a hectare in area and is zoned Residential 1 Zone (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is on Hawthorne Rise to the west and adjacent to an unconstructed road right-of-way to the north (see Attachment 1 – Subject Property Map). The property contains a dwelling unit, an existing accessory building and the proposed shop, which has been constructed to the foundation stage.

Proposed Development and Variance

The proposed development is a 72.3 m³ accessory building to be used as shop. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback for the accessory building to the Other Lot Line from 5.0 metres to 4.8 metres as measured from the foundation.

Land Use Implications

The applicant has begun construction of a 72.3 m³ accessory building on the property under building permit (PR2017-269). During construction the foundation was located within the setback in error. The applicant has supplied a survey, as per the building permit requirement for a survey prior to the drainage inspection, which shows that the foundation for the shop is 4.8 metres from the property boundary. To continue with the proposed construction the applicant requests a 0.2 metre variance to the required 5.0 metre setback (see Attachment 3 – Survey Plan and Variances).

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. The applicant requests the recognition of the current siting of the foundation through the variance, rather than having the foundation removed and reconstructed 0.2 metres further from the property line. Given that the variance would recognize the existing foundation and no impacts are anticipated for the neighbouring properties or the adjacent unconstructed White Pine Way, the requested variance complies with the intent of Policy B1.5.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure to confirm that the building complies with the setbacks within the *Provincial Public Undertakings Regulations*. The Ministry has confirmed that its required setback is 3.0 metres, given that the White Pine Way unconstructed road right of way provides secondary access to the property. The building from its most exterior portion will comply with the Ministry’s setback (see Attachment 4 – Building Elevations).

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-055 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Variance Permit No. PL2018-055.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2016 – 2018 Board Strategic Plan.



Stephen Boogaards
sboogaards@rdn.bc.ca
May 16, 2018

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Survey Plan and Variances
4. Building Elevations

Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-055:

Bylaw No. 500, 1987 Variance

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

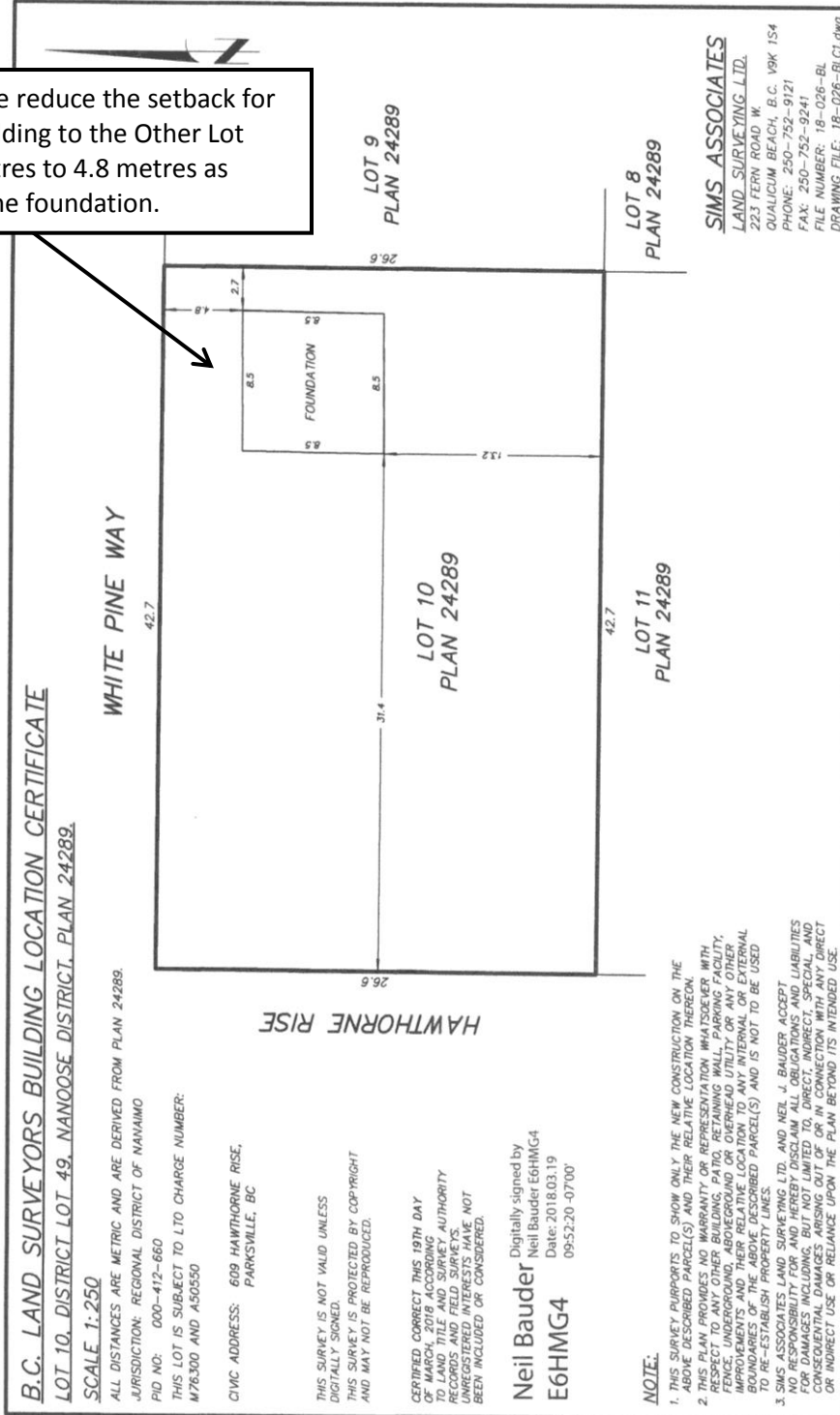
1. **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback for the accessory building to the Other Lot Line from 5.0 metres to 4.8 metres as measured from the foundation.

Conditions of Approval

1. The site is developed in accordance with the survey plan prepared by Sims Associates Land Surveying Ltd., dated March 19, 2018 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Evergreen Home Design, dated July 3, 2017 and attached as Attachment 4.

Attachment 3
Survey Plan and Variances

Proposed variance reduce the setback for the accessory building to the Other Lot Line from 5.0 metres to 4.8 metres as measured from the foundation.



TO: Electoral Area Services Committee **MEETING:** June 12, 2018
FROM: Angela Buick
 Planner **FILE:** PL2018-058
SUBJECT: Development Variance Permit Application No. PL2018-058
796 Mariner Way – Electoral Area ‘G’
Lot 1, District Lot 181, Nanoose District, Plan 21761

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-058 to reduce the Interior Side Lot Line subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-058.

SUMMARY

This development variance permit application has been submitted to recognize the siting of an existing shed by reducing the setback to the Interior Side Lot Line. Given that no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 to 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Aileen Herkel, the property owner, to recognize the siting of a shed that was constructed to replace an old shed in the same location. The subject property is approximately 0.1 of a hectare in area and is zoned Residential 1 Zone (RS1), Subdivision District ‘N’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located south of the Strait of Georgia and is surrounded by residential lots (see Attachment 1 – Subject Property Map).

The subject property contains a dwelling unit and a shed and is serviced by community water and on-site septic system. In 2016, a development permit was issued under application PL2016-092 to address the Hazard Lands Development Permit Area for the construction of an addition to the dwelling unit. Through review of development permit PL2016-092 it was identified that a shed had been reconstructed on the property without a building permit.

The property owner is required to address the non-permitted construction of the shed before the building permit for the addition to the dwelling unit can be issued. The applicant has identified that the shed encroaches into the required 2.0 metre interior lot line setback and requests a variance to address the setback encroachment.

Proposed Development and Variance

The applicants propose to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the interior lot line from 2.0 metres to 0.9 metres for the siting of an existing shed, as measured to the outermost point of the building, as shown on Attachment 3.

Land Use Implications

The existing shed was reconstructed in approximately the same location as an original shed that had existed on the property for approximately 40 years. The reconstructed shed is similar in scale and location to the previous shed. It is not anticipated the variance will have negative land use impacts or view implications to neighbouring properties.

The applicant has requested a variance to legalize the siting of this shed in order to proceed with the building permit for the construction of the dwelling unit addition. In support of the application, the applicant retained a structural engineer and retrofitted the shed to meet the current *BC Building Code* requirements. The shed plans were referred to the RDN Building Inspection department, which advised that there were no concerns with the shed from a building code perspective.

Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, the applicants have made reasonable efforts to address Board Policy B1.5.

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2018-058 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2018-058.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has no implications for the 2016 – 2020 Board Strategic Plan.



Angela Buick
abuick@rdn.bc.ca
May 24, 2018

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances

Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-058:

Bylaw No. 500, 1987 Variance

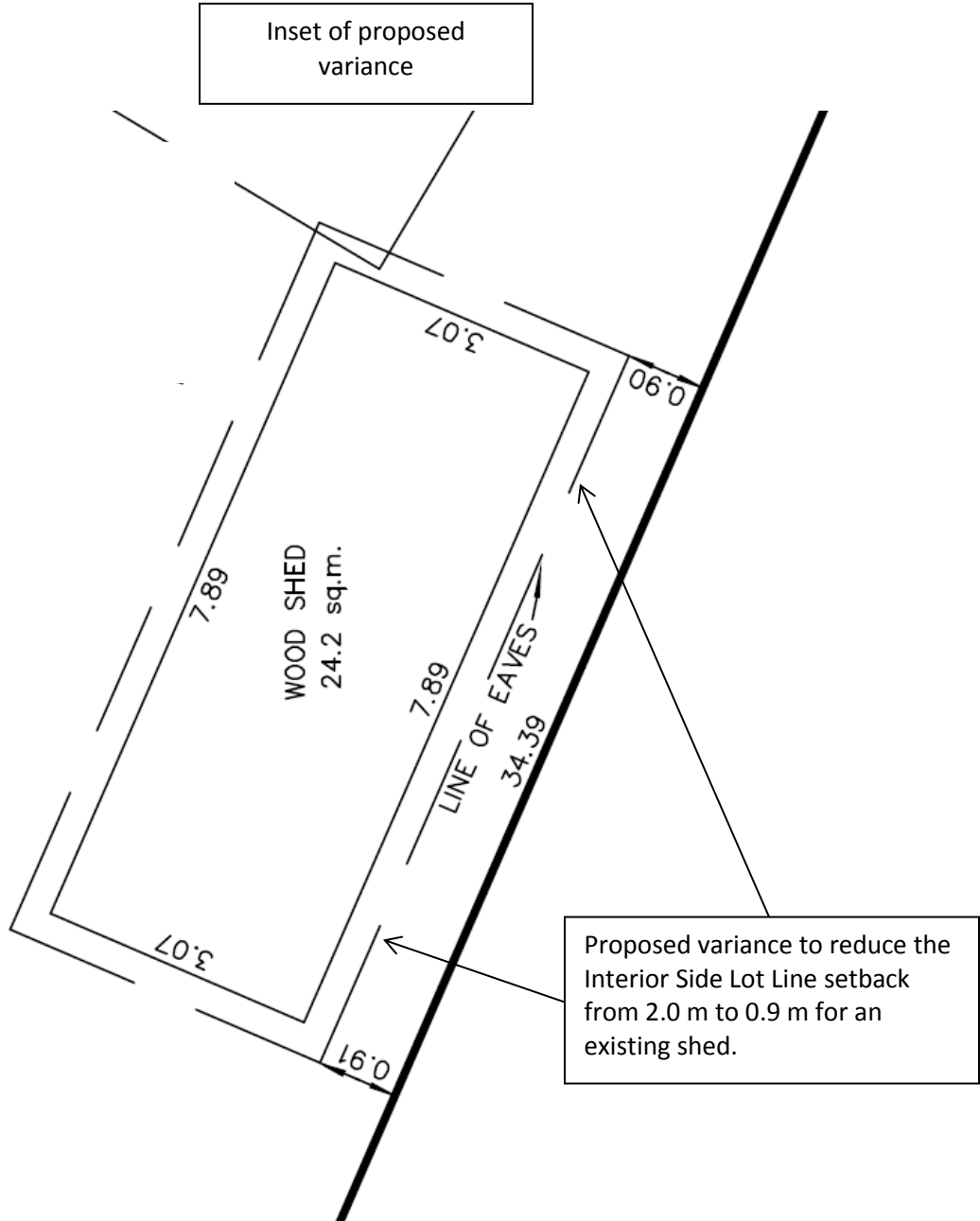
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 3.4.61 - Minimum Setback Requirements** to reduce the setback from the Interior Side Lot Line from 2.0 metres to 0.9 metres as measured to the outermost point of the building.

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by JE Anderson & Associates dated July 6, 2016 and attached as Attachment 3 and 4.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan and Variances
(Page 2 of 2)



TO: Electoral Area Services Committee **MEETING:** June 12, 2018

FROM: Kristy Marks
Planner **FILE:** PL2017-202

**SUBJECT: Zoning Amendment Application No. PL2017-202
Pitt Road – Electoral Area ‘H’
Amendment Bylaw 500.418, 2018 – First and Second Reading
Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076 Except That Part Shown
Outlined In Red On Plan 1104-R And Except That Part Lying North Of The Island Highway
As Said Highway Is Shown On Said Plan**

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on April 9, 2018.
2. That the Board require the applicant to complete the conditions as set out in Attachment 2 as a condition of Amendment Bylaw No. 500.418 being adopted.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.418, 2018”, be introduced and read two times.
4. That the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.418, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

SUMMARY

The applicant proposes to rezone the northern portion of the subject properties from Residential 2 Zone (RS2), Subdivision District ‘M’ to a new Lighthouse Seniors Comprehensive Development Zone 52 (CD52), Subdivision District ‘D’ in order to permit the development of a supportive seniors housing development. A Public Information Meeting was held on April 9, 2018. It is recommended that Amendment Bylaw No. 500.418, 2018 be granted first and second reading.

BACKGROUND

The Regional District of Nanaimo has received an application from the Bowser Seniors Housing Society on behalf of the Province of BC to rezone the northern half of the subject properties in order to permit the development of a 40 unit seniors housing facility. These two parcels of Crown Land, currently held under lease by the RDN, are approximately 4.2 ha total in area and are currently vacant and treed. The RDN lease was granted by the Province of BC (the Province) in 2012 for a term of 20 years for the

purpose of providing a “seniors supportive living complex, sewage treatment facility and waste water management system purposes”. The applicants are currently in the process of separating their lease from that of the RDN. Through the amendment to the existing lease and sponsored crown grant application the Province has advised that it will amend the existing lot line between the two parcels from north/south to east/west to reflect the amended tenure agreements and the uses proposed for each area of the subject properties.

The properties are located within the Bowser Village Centre (BVC) and are surrounded by developed commercial property (Magnolia Court) to the north, undeveloped residential zoned lands to the east, unconstructed road and Crown Land to the south and west and rural zoned lands within the BVC to the northwest (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to rezone the northern half of the subject properties from Residential 2 (RS2) Zone, Subdivision District ‘M’ to a new Lighthouse Villa Comprehensive Development 52 (CD52) Zone, Subdivision District ‘D’ to allow the development of a 40 unit seniors housing facility and related accessory uses. In support of the application, the applicant has submitted a concept site plan and concept building elevations (see Attachment 3 – Concept Site Plan and Attachment 4 – Concept Building Elevations).

The development is proposed to be serviced by community water from the Bowser Waterworks District and by a proposed community sewer service, the Bowser Wastewater Treatment Facility, which is proposed to be located on the same parcels as the seniors housing facility. Access to and from the subject property would be from Pitt Road.

Official Community Plan Implications

The subject property is designated Civic and Cultural pursuant to the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2017” (OCP) and the Bowser Village Centre Plan (BVCP). The OCP recognizes that the subject properties were leased to the RDN in 2012 for the purpose of a seniors supportive living facility and includes advocacy policies that the RDN support the Bowser Seniors Housing Society in their work to establish seniors supportive housing in the BVC. Consistent with this vision, the OCP includes objectives to increase the supply of housing to meet the needs of seniors and to provide 40 units of seniors housing with the BVC. The plan policies encourage seniors housing to be integrated with the rest of the community and located close to shops, services, transit and public amenities. Therefore, the proposed amendment is consistent with the OCP policies.

Land Use Implications

The existing Residential 2 (RS2) zoning of the subject properties allows up to 2 dwelling units on parcels greater than 4000 m² with a community water connection. The proposed Lighthouse Villa Comprehensive Development 52 (CD52) Zone would allow 40 seniors housing units and up to two dwelling units as principal uses. In addition, the CD52 zone would permit a number of accessory uses primarily intended to support the seniors housing residents. The accessory uses include personal service use (limited to a barber shop or beauty salon), medical office, and public assembly (limited to a church or other area within the facility for special events or meetings). The proposed CD52 Zone would require a minimum setback of 8.0 meters from the front lot line and 5.0 metres from all other lots lines and

would allow a maximum building height of 10.0 metres (see Attachment 6 – Proposed Amendment Bylaw 500.418, 2018).

Given that local governments are limited to regulating uses within a zoning bylaw and cannot regulate or stipulate specific users (i.e. seniors) the CD52 zone will require a Housing Agreement to be registered on title prior to the issuance of a building permit in order to permit the seniors housing use. This Housing Agreement would secure the housing for seniors in a manner consistent with any future operators' agreement with BC Housing, should BC Housing provide funding to the proposed development.

The applicant has provided a stormwater management letter prepared by JE Anderson and Associates Ltd. dated April 4, 2018 which outlines potential methods to limit post-development flows to pre-development rates. These methods may include on-site retention/detention via rock pits under parking or landscaped areas, a pond feature, cistern or detention tank, and/or landscaped areas and drainage swales.

Should the Board approve adoption of proposed Amendment Bylaw 500.418, it is recommended that the applicant be required to provide a detailed stormwater management plan confirming that stormwater can be managed onsite and that post-development flows do not exceed pre-development flows. This stormwater management plan must be prepared by a Professional Engineer and include detailed drawings and recommended maintenance provisions and be submitted to the satisfaction of the General Manager of Strategic and Community Development prior to the issuance of a building permit (see Attachment 2 – Conditions of Approval).

Environmental Implications

The applicant has provided an Environmental Impact Assessment prepared by Current Environmental dated May 25, 2017 to assess the potential of environmental impacts from the proposed development as well as recommend mitigation measures for the protection of existing habitat. The report notes that a field survey was completed to provide a comprehensive description of the on-site physical and biological characteristics focusing on terrestrial forest, avian nesting habitat, and aquatic resources. The report also includes recommendations related to timing land clearing outside the nesting window, following Best Management Practices during construction, preserving large conifers where possible, and preservation of any wildlife trees and concludes that development of the site can proceed without negative environmental impacts to sensitive habitat.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI), local fire department, Bowser Waterworks District, and the Qualicum First Nation.

The MOTI have indicated that no storm drainage is to be directed towards the MOTI right-of-way and that all surface drainage/stormwater from the development is to be dealt with onsite.

The Bow Horn Bay Fire Department indicated that a second driveway access should be provided at the opposite end of the parking lot and 90 degree turns should be removed to provide greater access and eliminate the need for larger emergency vehicles to turn around on-site. The Fire Department also requested that two fire hydrants be located on the property near the access roads/driveway

entrance/exit. The Fire Department's comments will be addressed at the development permit and building permit application stages as the development plans for the site evolve in greater detail.

The Bowser Waterworks District (BWD) has confirmed that the proposed development is within the BWD boundaries and that there is currently excess capacity in the system to provide water service to the site, however, capacity is not allocated until the time of request for service. They have also indicated that low pressure and limited fire volumes need to be considered and that a Right-of-Way may be required to ensure distribution may not be impeded by future development. In addition, the BWD noted that service applications must be reviewed by their engineers and that all engineering fees and the cost of all infrastructure required are the responsibility of the developer.

RDN Building Inspection have advised that the proposed seniors housing facility would be classified as a Part 3 building under the British Columbia Building Code and a fire flow calculation will be required by a Professional Engineer as part of the building permit review process. Given that the local fire department has requested two fire hydrants be located onsite and the BWD has indicated that low pressure and limited fire flow should be taken into consideration, an onsite water storage tank may be required for fire protection purposes. It is recommended as a condition of approval that the applicant be required to secure access to, and use of, the water tank(s) and other required firefighting equipment (as recommended by the qualified engineer) including an obligation to maintain such equipment in good working order to the satisfaction of the RDN Fire Services and the General Manager of prior to obtaining a building permit for the proposed development (see Attachment 2 – Conditions of Approval).

Public Consultation Implications

A Public Information Meeting (PIM) was held on April 9, 2018. Seventeen members of the public attended and no written submissions were received prior to the PIM (see Attachment 5 – Summary of Minutes of the Public Information Meeting).

In accordance with Section 464 of *The Local Government Act*, the Board may waive the holding of a Public Hearing if the proposed amendment bylaw is consistent with the Official Community Plan. It is assessed that the proposed development is consistent with the Official Community Plan and there was no opposition to the proposed amendment application at the Public Information Meeting. Therefore, it is recommended that the Board waive the Public Hearing and direct staff to proceed with the notification requirements outlined in Section 467 of the *Local Government Act*.

ALTERNATIVES

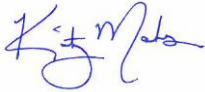
1. To proceed with Zoning Amendment Application No. PL2017-202, consider first and second reading of the Amendment Bylaw and proceed to public hearing.
2. To not proceed with the Amendment Bylaw readings and public hearing.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal will support RDN strategic priorities related to planning for the impact of our aging population by securing housing for seniors as well as recognizing the importance of community mobility and active transportation options. In addition, this application reinforces the Plan's objectives related to focusing on relationships by partnering with the Province and a local non-profit society to support and secure housing for seniors.



Kristy Marks
kmarks@rdn.bc.ca
June 1, 2018

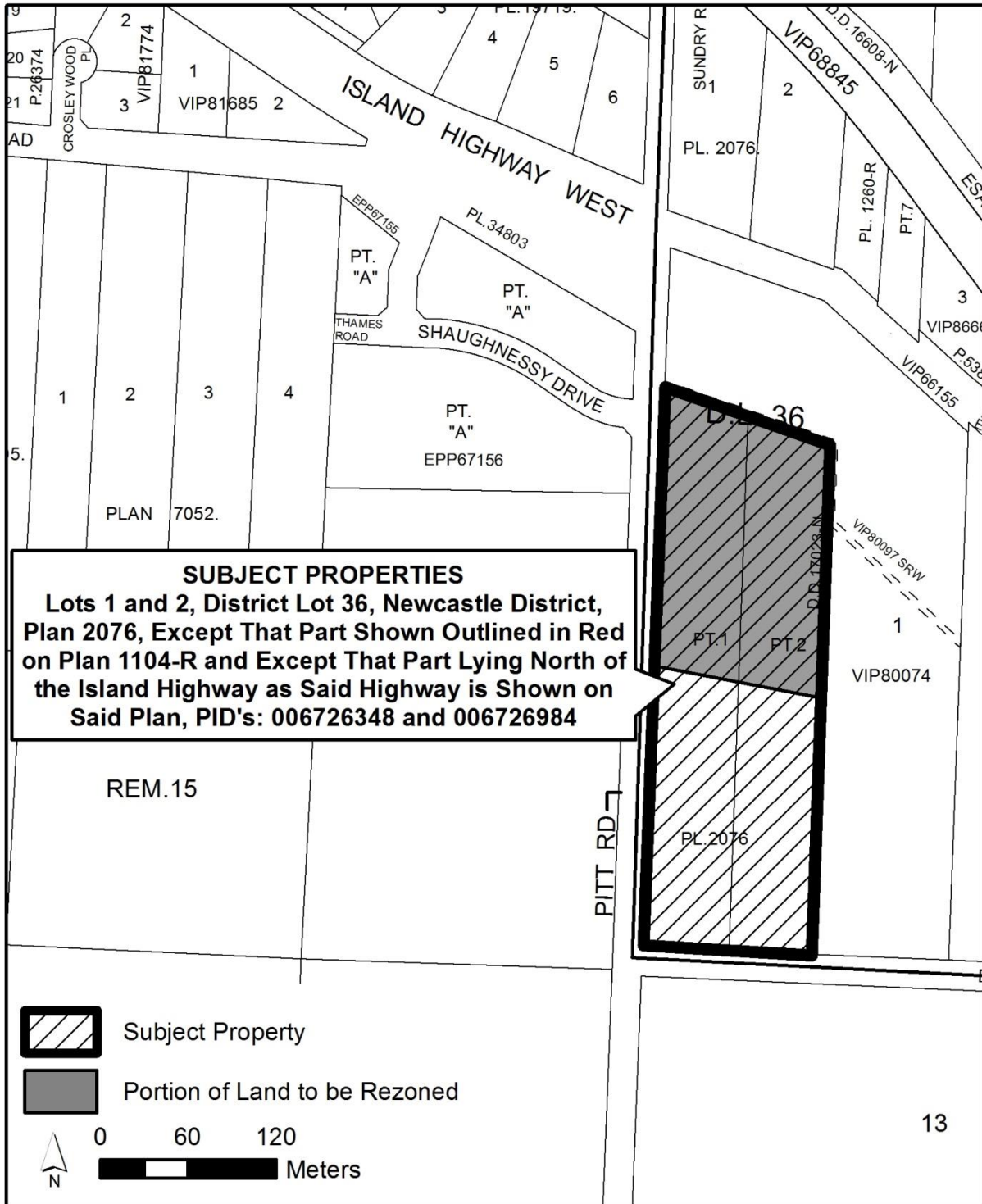
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Approval
3. Concept Site Plan
4. Concept Building Elevations
5. Summary of Minutes of the Public Information Meeting
6. Proposed Amendment Bylaw No. 500.418, 2018

**Attachment 1
 Subject Property Map**



Attachment 2
Conditions of Approval

The following requirements must be addressed by the applicant prior to development of the subject property as a condition of the adoption of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.418, 2018” being considered for adoption:

1. The applicant is required to provide, at the applicant’s expense, a stormwater management plan, including detailed drawings and recommended maintenance provisions, prepared by a qualified Engineer to ensure that post-development flows do not exceed pre-development flows. This plan is to be submitted to the satisfaction of the General Manager of Strategic and Community Development, Regional District of Nanaimo prior to the issuance of a building permit.
2. The applicant is required to secure access to, and use of, water storage tank(s) and other required firefighting equipment (as recommended by the qualified engineer through building permit application) including an obligation to maintain such equipment in good working order to the satisfaction of RDN Fire Services and the General Manager of Strategic and Community Development, Regional District of Nanaimo prior to the issuance of a building permit.

Attachment 4
Concept Elevation Plans
 (Page 1 of 2)



Exterior Materials Schedule

Material	Color	Notes
1. Dark Grey Roofing	Dark Grey	
2. Light Grey Siding	Light Grey	
3. Dark Grey Siding	Dark Grey	
4. Vertical Wood Siding	Light Wood	
5. Horizontal Wood Siding	Light Wood	
6. Dark Grey Siding	Dark Grey	
7. Dark Grey Siding	Dark Grey	
8. Dark Grey Siding	Dark Grey	
9. Dark Grey Siding	Dark Grey	
10. Dark Grey Siding	Dark Grey	
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CS2 ARCHITECTURE CONSULTANTS INC. 1000 GARDINER
 1000 GARDINER STREET, SUITE 100, VANCOUVER, BC V6C 1G7
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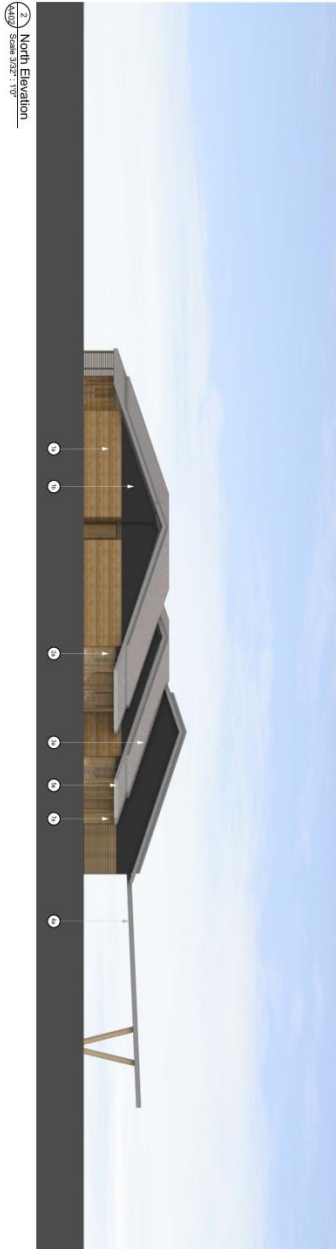
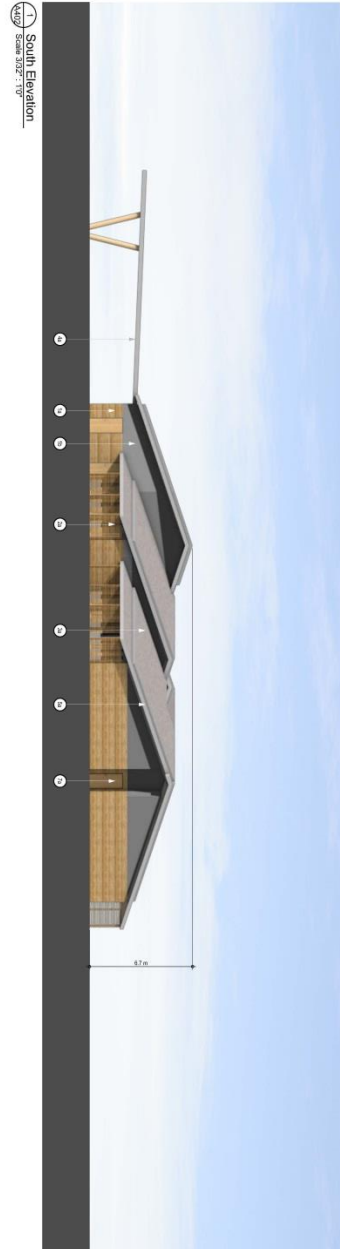
Lighthouse Villa

Project: Lighthouse Villa
 Date: 2018.06.12
 Scale: 1/8" = 1'-0"

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 TEL: 604.681.1111 FAX: 604.681.1112
 WWW.CS2ARCHITECTURE.COM

Professional Engineer License No. 4401

**Attachment 4
 Concept Elevation Plans
 (Page 2 of 2)**



Exterior Materials Schedule

Material	Finish	Colour	Notes
1.1. Skyline - Vertical Slats	-	-	-
2.1. Skyline - Horizontal Slats	-	-	-
3.1. Skyline - Solid Panel	-	-	-
4.1. Solid Panel	-	-	-
4.2. Solid Panel	-	-	-
4.3. Solid Panel	-	-	-
4.4. Solid Panel	-	-	-
4.5. Solid Panel	-	-	-
4.6. Solid Panel	-	-	-
4.7. Solid Panel	-	-	-
4.8. Solid Panel	-	-	-
4.9. Solid Panel	-	-	-
4.10. Solid Panel	-	-	-
4.11. Solid Panel	-	-	-
4.12. Solid Panel	-	-	-
4.13. Solid Panel	-	-	-
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CP CONSULTING CONSULTANTS/DESIGNERS/ENGINEERS
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Attachment 5
Summary of the Minutes of a Public Information Meeting
Held at the Bowser Legion
7035 Island Highway West
Monday, April 9, 2018 at 6:30 pm

Application PL2017-202
Lot 1 and 2, District Lot 36, Newcastle District, Plan 2076

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There were 17 members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Veenhof, Electoral Area 'H' (the Chair)
Jeremy Holm, Manager, Current Planning
Kristy Marks, Planner

Present for the Applicant:

Carol Cannon, Bowser Seniors Housing Society

The Chair opened the meeting at 6:30 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant(s) in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Kristy Marks provided a brief summary of the proposed Zoning Amendment application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Carol Cannon, Bowser Seniors Housing Society presented an overview of the proposal.

Following the presentation, the Chair invited questions and comments from the audience.

Eileen Beadle, noted that they are happy to be working with the RDN on seeing the application go forward.

Mac Asked if there would be a walkable path from the seniors housing development to Magnolia Court.

Carol Cannon replied that they are talking with RDN Parks staff about a potential future trail and noted the existing statutory right of way to the north of the subject property, over the Magnolia Court property for the purposes of a trail.

Mac commented that he arrived to the area 12 years ago and was involved in the Official Community Plan process. He noted that he is grateful to be collaborating with the RDN to make this development possible.

The Chair asked if there were any further questions or comments.

Being none, the Chair thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:43 pm.



Kristy Marks
Recording Secretary

**Attachment 6
Proposed Amendment Bylaw No. 500.418, 2018**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.418**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

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 Land Use and Subdivision Amendment Bylaw No. 500.418, 2018”.

B. “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. Under **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** by adding the following zoning classification and corresponding short title after CD51 Zone:

Lighthouse Villa Comprehensive Development Zone 52

2. By adding Section 3.4.152 (CD52)

as shown on Schedule ‘1’ which is attached to and forms part of this Bylaw.

3. By rezoning a portion of the lands shown on the attached Schedule ‘2’ and legally described as part of

Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076 Except That Part
Shown Outlined In Red On Plan 1104-R And Except That Part Lying North Of
The Island Highway As Said Highway Is Shown On Said Plan;

from Residential 2 (RS2), Subdivision District ‘M’ to Lighthouse Villa Comprehensive
Development Zone 52 (CD52), Subdivision District ‘D’

Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

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

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.418, 2018".

Chairperson

Corporate Officer

Schedule '1'

Section 3.4.152

LIGHTHOUSE VILLA COMPREHENSIVE DEVELOPMENT ZONE 52

CD52

3.4.152.1 Permitted Uses & Minimum Site Area

Permitted Principal Uses

- a) Seniors Housing
- b) Residential use

Permitted Accessory Uses

- a) Accessory Buildings and Structures

Permitted Accessory Uses to Seniors Housing

- a) Medical Office
- b) Personal Service Use
- c) Public Assembly

3.4.152.2 Maximum Number and Size of Buildings and Structures

Seniors housing units	40
Dwelling units/parcel	2
Height	10.0 m
Parcel coverage	25%

3.4.152.3 Minimum Setback Requirements

For all buildings and structures unless otherwise set out in Part 3 Land Use Regulations:

Front lot line	8.0
Interior side lot line	5.0
Rear lot line	5.0
Exterior side lot line	5.0

Except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.

3.4.152.4 Off Street Parking Requirements

Seniors Housing	1 space per 2 employees and 1 space per 2 seniors housing units
Medical Office	1 space per 15 m ² of floor area

For all other uses permitted in this zone, parking shall be provided as set out under Schedule '3B' Off-Street Parking & Loading Spaces

3.4.152.4 Other Regulations

For the purpose of this zone:

- a) Accessory personal service and medical office uses, where provided, shall be contained within the seniors housing facility and shall be accessible from an internal hallway or corridor. The combined total floor area of all accessory personal service and medical office uses shall not exceed 150 m² per seniors housing facility.
- b) Personal service use shall be limited to barber shop or beauty salon.
- c) Public Assembly shall be limited to a church contained within the seniors housing facility and special events or meetings held within the common dining area or social room of the seniors housing facility.

3.4.152.5 Definitions

For the purpose of this zone:

- a) Seniors housing means a residential or institutional facility which provides for seniors housing units with common living facilities, and may provide support services such as one or more meals per day, a linen laundry service and may include a common dining area with a capacity sufficient to accommodate all residents of the facility.
- b) Seniors housing unit means a bedroom and associated living area within a seniors housing facility which is used or intended to be used for sleeping and living purposes and may or may not contain provisions for cooking.
- c) Medical Office means the office, clinic or laboratory of a licensed professional and may include a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician.

3.4.152.6 Condition of Use

- a) A Housing Agreement shall be required for Seniors Housing.
- b) Seniors Housing must be serviced by community water and community sewer.

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.418,2018"

Chairperson

Corporate Officer

Schedule '2'



TO: Electoral Area Services Committee **MEETING:** June 12, 2018

FROM: Kristy Marks
Planner **FILE:** PL2018-013

**SUBJECT: Zoning Amendment Application No. PL2018-013
Pitt Road – Electoral Area ‘H’
Amendment Bylaw 500.420, 2018 – First and Second Reading
Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076 Except That Part Shown
Outlined In Red On Plan 1104-R And Except That Part Lying North Of The Island Highway
As Said Highway Is Shown On Said Plan**

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on May 16, 2018.
2. That the Board require the applicant to complete the conditions as set out in Attachment 2 as a condition of Amendment Bylaw No. 500.420 being adopted.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.420, 2018”, be introduced and read two times.
4. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.420, 2018”, be chaired by Director Veenhof or his alternate.

SUMMARY

The applicant proposes to rezone the southern half of the subject properties from Residential 2 (RS2), Subdivision District ‘M’ to Public 4 (PU4), Subdivision District ‘D’ to permit a wastewater treatment facility. A Public Information Meeting was held on May 16, 2018. It is recommended that Amendment Bylaw No. 500.420, 2018 be granted first and second reading.

BACKGROUND

An application has been received from the Regional District of Nanaimo (RDN) on behalf of the Province of BC to rezone the subject property in order to permit the development of a wastewater treatment facility. These two parcels of Crown Land, currently held under lease by the RDN, are approximately 4.2 hectares in area and are currently vacant. The RDN lease was granted by the Province of BC (the Province) in 2012 for a term of 20 years for “seniors supportive living complex, sewage treatment facility and waste water management system purposes”. The applicant is currently in the process of amending the existing lease to separate it from that of the Bowser Seniors Housing Society. Through the

amendment to the existing lease agreement the Province has advised that it will amend the lot line between the two parcels from a north/south orientation to an east/west orientation to reflect the amended tenure agreements and the uses proposed for each area of the subject properties.

The properties are located within the Bowser Village Centre (BVC) and are surrounded by developed commercial property (Magnolia Court) to the north, undeveloped residential zoned lands to the east, unconstructed road and Crown Land to the south and west and rural zoned lands within the BVC to the northwest (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to rezone the southern half of the subject properties from Residential 2 (RS2), Subdivision District 'M' to a Public 4 (PU4), Subdivision District 'D' to allow the construction of a wastewater treatment facility. In support of the application, the applicant has submitted a proposed site plan and proposed building elevations (see Attachment 3 – Proposed Site Plan and Attachment 4 – Proposed Building Elevations). The wastewater treatment facility is proposed to be located in the southwestern corner of the subject properties and is proposed to include the construction of a single storey building with a floor area of approximately 245 m². The proposed building would house processing equipment and a small office/lab/control room and the entire facility would be fenced. The development is proposed to be serviced by community water from the Bowser Waterworks District. Access to and from the subject properties will be from the currently unconstructed Pitt Road to the west.

Official Community Plan Implications

The subject property is designated Civic and Cultural pursuant to the “Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2017” and the Bowser Village Centre Plan (BVCP). The OCP and BVCP recognize that the subject properties were leased to the RDN in 2012 for the purpose of a wastewater treatment facility and support the development of a community wastewater treatment facility within the BVC. The establishment of a community sewer system will support the development of the BVC as a compact, complete community and allow increased residential density within the BVC. The proposed amendment is consistent with the OCP and BVCP policies.

Land Use Implications

The existing Residential 2 (RS2) zoning of the subject properties allows up to two dwelling units on parcels greater than 4000 m² with a community water connection. The proposed Public 4 (PU4) allows public utility use which includes the use of the land, buildings and structures for the provision of community sewer services as proposed. The PU4 Zone permits a maximum height of 10 metres and requires a minimum setback of 8.0 metres from the front lot line and 5.0 metres from all other lot lines. The proposed wastewater treatment facility will meet the requirements of the PU4 Zone (see Attachment 6 – Proposed Amendment Bylaw 500.420, 2018).

The applicant has also provided a stormwater management letter prepared by Stantec submitted May 11, 2018, which outlines potential concepts to be included in the design of a stormwater management system to limit post-development flows. These methods could include retention of vegetation outside the treatment plant site, ensuring all disturbed soils surrounding the site are mulched and seeded to encourage re-vegetation, and directing stormwater from impervious surfaces toward vegetated areas.

Should the Board approve adoption of proposed Amendment Bylaw 500.420, it is recommended that the applicant be required to provide a detailed stormwater management plan confirming that stormwater can be dealt with onsite and that post-development flows do not exceed pre-development flows. This stormwater management plan must be prepared by a Professional Engineer and include detailed drawings and recommended maintenance provisions and be submitted to the satisfaction of the General Manager of Strategic and Community Development prior to the issuance of a building permit (see Attachment 2 – Conditions of Approval).

Environmental Implications

In support of the application the applicant has submitted a Desktop Environmental Review prepared by Stantec dated May 30, 2016. A Stage II Environmental Impact study for the treatment plant site will be completed as part of the Provincial permitting and approval process. In addition, a Construction Environmental Management Plan will also be required to identify monitoring requirements to measure and protect biological, social and cultural resources, and habitat during construction.

The applicant has indicated that vegetation removal will be limited as much as possible to the proposed treatment plant location and that any replanting that is required will include drought tolerant native species. In addition, the applicant must receive permission from the Crown to undertake works onsite including tree cutting and site clearing.

Intergovernmental Implications

The application was referred to the MOTI, local fire department, Bowser Waterworks District, and the Qualicum First Nation.

The MOTI have confirmed that they have no objection to the rezoning application and have indicated that no storm drainage is to be directed towards the MOTI right-of-way and that all surface drainage/stormwater from the development is to be managed onsite.

The Bow Horn Bay Fire Department requested that a fire hydrant be located near the entrance to the property and that given that the site is fenced, an access key must be provided to the fire department to access the site in the event of an emergency.

The Bowser Waterworks District (BWD) has confirmed that the proposed development is within the BWD boundaries and that there is currently excess capacity in the system to provide water service to the site, however, capacity is not allocated until the time of a request for service. The BWD have also indicated that low pressure and limited fire volumes need to be considered and that a right-of-way may be required to ensure water distribution may not be impeded by future development.

RDN Building Inspection have advised that the proposed wastewater treatment facility would be classified as a Part 3 building under the British Columbia Building Code and a fire flow calculation will be required by a professional engineer as part of the building permit review process. Given that the local fire department has requested that a fire hydrant be located onsite and the BWD has indicated that low pressure and limited fire flow should be taken into consideration, an onsite water storage tank may be required for fire protection purposes. It is recommended as a condition of approval that the applicant be required to secure access to, and use of, the water tank(s) and other required firefighting equipment (as

recommended by a qualified engineer) including an obligation to maintain such equipment in good working order to the satisfaction of the RDN Fire Services prior to obtaining a building permit for the proposed development (see Attachment 2 – Conditions of Approval).

Public Consultation Implications

A Public Information Meeting (PIM) was held on May 16, 2018. Approximately 175 members of the public attended and 93 written submissions were received in relation to the PIM (see Attachment 5 – Summary of Minutes of the Public Information Meeting).

In accordance with Section 464 of the *Local Government Act*, should the Board grant first and second reading to the amendment bylaw, a Public Hearing is required to be held or waived prior to the Board's consideration of third reading. The purpose of the Public Hearing is to provide an opportunity for those who believe that their interest in property is affected by the proposed bylaw to be heard by the RDN Board. In addition, the RDN Board may delegate the Public Hearing by resolution in accordance with Section 469 of the *Local Government Act*. Therefore, it is recommended, that should the Board grant first and second reading to the proposed amendment bylaw, that a Public Hearing be held in accordance with Section 464 of *The Local Government Act* and that the Public Hearing be delegated to Director Veenhof or his alternate.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2018-013, consider first and second reading of the Amendment Bylaw and proceed to public hearing.
2. To not proceed with the Amendment Bylaw readings and public hearing.

FINANCIAL IMPLICATIONS

The proposed land use amendment has no direct implications related to the Board 2018-2022 Financial Plan. The budget for the Bowser wastewater treatment facility has been previously approved and will be paid for through grants, developer contributions and service area property owners.

STRATEGIC PLAN IMPLICATIONS

The proposed wastewater treatment facility will help support the 2016 – 2020 Board Strategic Plans focus to provide service and organizational excellence and economic health by funding infrastructure in support of RDN core services and fostering economic development.



Kristy Marks
kmark@rdn.bc.ca
May 31, 2018

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

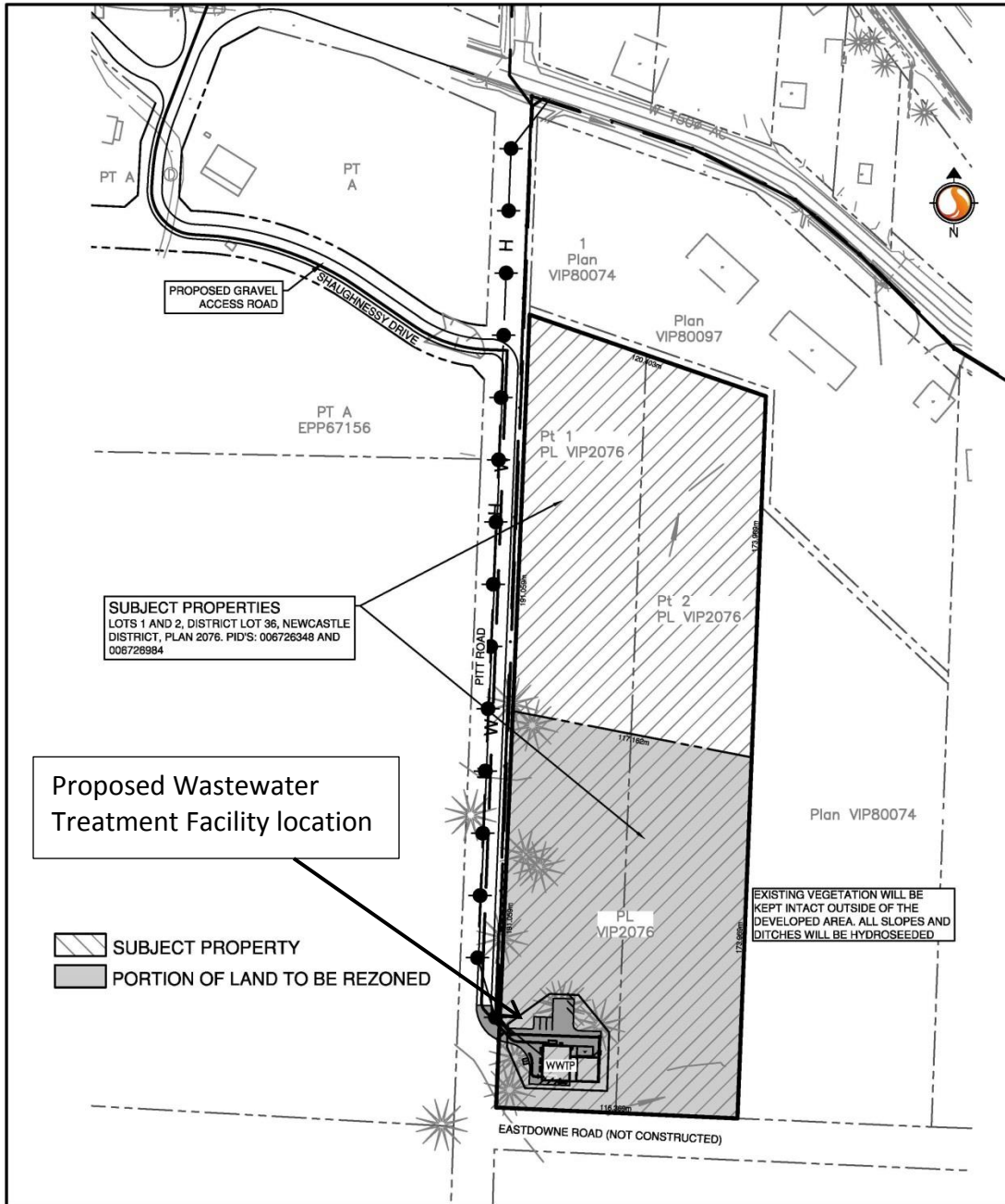
1. Subject Property Map
2. Conditions of Approval
3. Proposed Site Plan
4. Proposed Building Elevations
5. Summary of Minutes of the Public Information Meeting
6. Proposed Amendment Bylaw No. 500.420, 2018


Attachment 2
Conditions of Approval

The following requirements must be addressed by the applicant prior to development of the subject property as a condition of the adoption of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.420, 2018”:

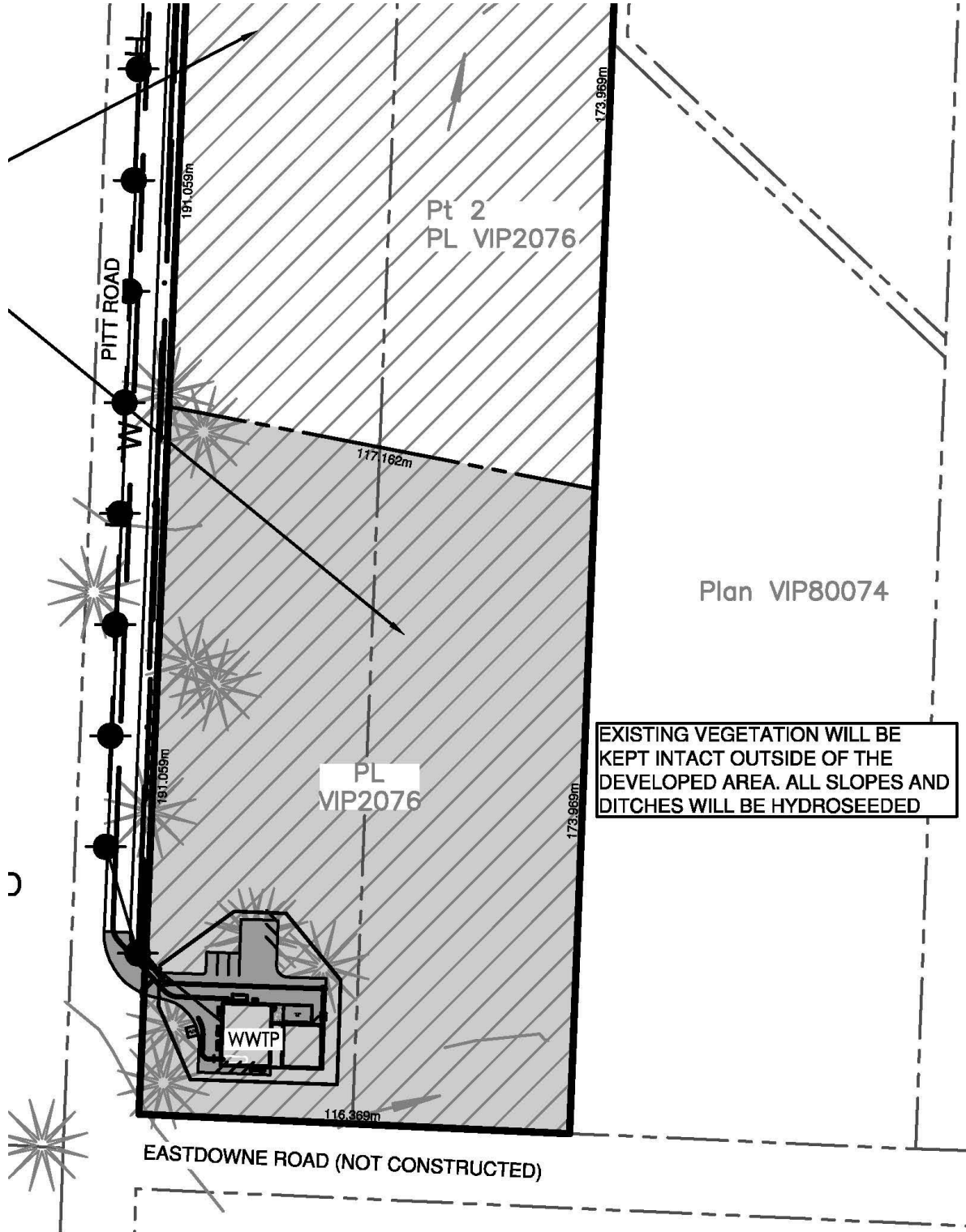
1. The applicant is required to provide, at the applicant’s expense, a stormwater management plan, including detailed drawings and recommended maintenance provisions, prepared by a qualified Engineer to ensure that post-development flows do not exceed pre-development flows. This plan is to be submitted to the satisfaction of the General Manager of Strategic and Community Development, Regional District of Nanaimo prior to the issuance of a building permit.
2. The applicant is required to secure access to, and use of, water storage tank(s) and other required firefighting equipment (as recommended by the qualified engineer through building permit application) including an obligation to maintain such equipment in good working order to the satisfaction of RDN Fire Services and the General Manager of Strategic and Community Development, Regional District of Nanaimo prior to the issuance of a building permit.

Attachment 3
Proposed Site Plan
 (Page 1 of 2)

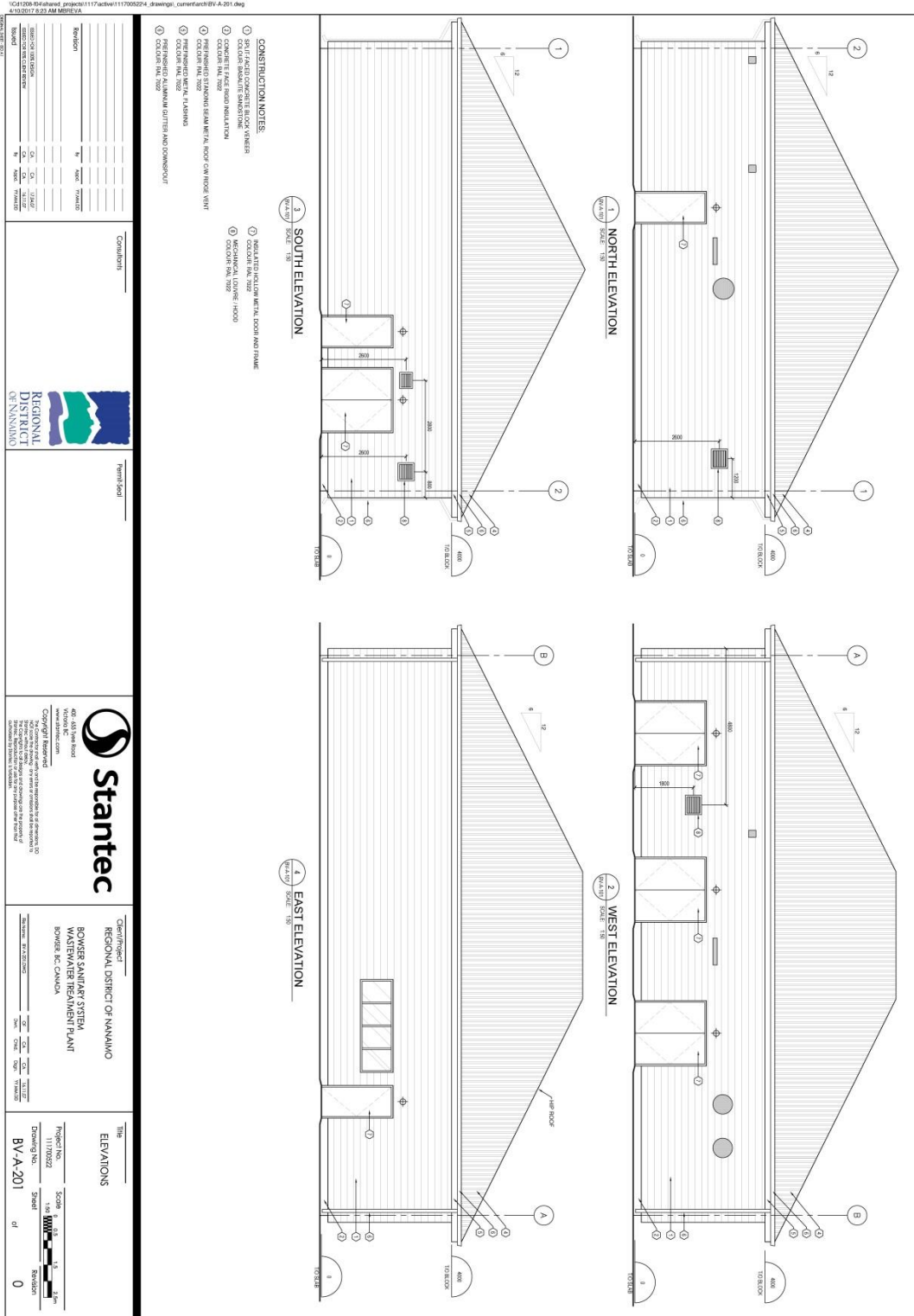


 <p>Stantec Consulting Ltd. 400-655 Tyee Road Victoria BC V9A 4X5 Tel: (250) 388-9161 www.stantec.com</p>	Client/Project REGIONAL DISTRICT OF NANAIMO BOWSER WASTEWATER TREATMENT PLANT	Title WWTP AND ACCESS SITE PLAN
	Project No. 111700522	Revision _____ Date _____ Reference Sheet _____ Figure No. _____

Attachment 3
Proposed Site Plan – Detail
(Page 2 of 2)



Attachment 4
Proposed Building Elevations
 (Page 1 of 2)



Attachment 5
Summary of Minutes of the Public Information Meeting
Held at Lighthouse Community Hall
240 Lions Way, Qualicum Beach
Wednesday, May 16, 2018 at 6:00 pm

Application PL2018-013
Lot 1 and 2, District Lot 36, Newcastle District, Plan 2076

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There were approximately 175 members of the public in attendance at this meeting.

Present for the Regional District of Bowser:

Director Bill Veenhof, Electoral Area 'H' (the Chair)
Geoff Garbutt, General Manager, Strategic and Community Development
Jeremy Holm, Manager, Current Planning
Kristy Marks, Planner
Bernadette Ritter, Administrative Associate

Present for the Applicant:

Randy Alexander, General Manager, Regional and Community Utilities
Sean De Pol, Director, Water and Wastewater Services
Maurice Mauch, Manager, Engineering Services
Deanna McGillivray, Special Projects Coordinator
Al Ghanam, Stantec
Jason Clarke, Great Pacific
Shaun Heffernan, Urban Systems

The Chair opened the meeting at 6:33 pm, outlined the evening's agenda, and introduced the RDN staff and the applicants in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Kristy Marks provided a brief summary of the proposed Zoning Amendment application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Sean De Pol of the RDN presented an overview of the proposal.

Following the presentation, the Chair invited questions and comments from the audience.

Bob Goodwin – 3987 Gladys Rd, Bowser – opposed to sewer treatment plant as planned, would like to see more options on land disposals and more treatment.

Georgina Ingram – 4789 Ocean Trail, Bowser – opposed to zoning and outfall, and not satisfied with the extent of environmental assessment and that there will be insufficient treatment to the output. Feels the community was not listened to.

Colin Thompson – 4739 Maple Guard Dr, Bowser - opposed to the location and design of the treatment plant, and that the outfall is going into ocean.

John Jeffrey – 4790 Ocean Trail, Bowser – questioned whether Bowers Senior site would be a future treatment site. Was concerned that rest of Bowser would have to hook into sewer system and have to pay. Feels septic fields are sufficient.

Brian Field – 3967 Bovanis Rd, Bowser – asked The Chair why not all of Area H was able to vote on treatment plant.

The Chair answered that as per the Local Government Act, regional service areas are set up whereby those that pay get to vote. In this instance Bowser Rural Village Centre petitioned to join the sewer, as such they would get to vote and they would pay for the service.

Brian Field – 3967 Bovanis Rd, Bowser - felt that the majority of the Bowser residents do not want the treatment plant. Asked The Chair what he has done to support the cause of those in opposition to the plant.

The Chair explained the process of how the Electoral Area H Official Community Plan (OCP) came about and the intention for the Bowser Village Centre Plan (which requires a sewer).

Brian Field – 3967 Bovanis Rd, Bowser - felt that the system discussed back at OCP is not as green as what is proposed.

Wayne Pritchard – 2505 Gainsberg Rd, Bowser – spoke in support of the treatment plant and development of the Bowser Village Centre. Shared past experiences of where sewer systems had failed and effected aquaculture. Felt disappointed at the lack of current communication. Would have liked discussion a lot earlier. Felt unsatisfied with land disposal and possible effects on aquifers. Asked what were the alternatives to the ocean outfall?

Sean De Pol answered that land disposal can be safe, but it was not an option in this instance due to the limited availability of suitable land.

Chris Gates – 3973 Bovanis Rd, Bowser - opposed to rezoning and its impact of outfall into the Salish Sea. Felt that the location of the outfall impacts the whole community and they should have been consulted. Felt that The Chair has not listened to the people of Area H.

Bryan Holyk – 6615 Island Hwy West, Bowser – President of Area H Residents’ Association opposed to rezoning and treatment plant. Feels neglected by the RDN. Feels that the ocean ecology is at risk, and that the technology being offered is outdated.

Joyce McLellan – Charlton Drive - opposed to outfall. Asked who gets to vote for the rezoning?

The Chair answered that there is no public voting in rezoning matters.

Bev Allen – Charlton Drive - opposed to the outfall, not opposed to sewer. Is a member of Nile Creek Enhancement Society and volunteer for a local water sampling program. Expressed concern for ocean ecology.

Nicole Daruda – 70 Jamieson Rd, Bowser - felt disappointed that cannot vote. Felt that there needed to be more testing and reporting on the likely contaminants and their impact. Felt that a small group are benefiting financially at the detriment of the community and the environment.

Dianne Eddy – 5058 Longview Drive, Bowser – felt that the RDN pushed a very high density plan in the OCP. Asked why BSI group could have had enough land to develop a land based outfall, but the RDN couldn't. Felt that developers should sacrifice land for this purpose.

Greta Taylor – Bowser - opposed to outfall. Felt that the ocean tides impact outfall effectiveness. Can't understand why the RDN cannot design a treatment plant on the land. Felt that the voting was unfair.

Sandra Finley - Qualicum Beach - is concerned that Bowser does not have a water treatment plant, commenting that most communities that have a sewer system have a water system. To add water treatment would Bowser need another 11 million? Was concerned that the output would contain many components of medications and heavy metals that no sewage treatment plant can remove.

Martin Sails – Qualicum Beach – feels concerned about water contaminants.

Dick Stubbs – 6920 W Island Hwy, Bowser – feels that Bowser has been intentional in planning for future development and that a sewer system was a step in the right direction. Commented on his experience in Courtenay and how septic fields contaminated the oyster beds, but once sewers were implemented the oyster bed was restored. Commented that septic systems put untreated pharmaceuticals into the ground and onward to the sea. Felt that noise and odor was not an issue. Question to Sean De Pol – is the existing system designed for a possible 1500 people (as per OCP) in future buildout.

Sean De Pol answered that the system is designed for a 20 year plan with additional ability to expand.

Dick Stubbs – 6920 W Island Hwy, Bowser - felt that more communication should have occurred between RDN and residents.

Jamie Morgan – 6131 Island Hwy, Qualicum Beach – asked why do developers always win? Would like a win-win where developers give up land.

Helmet – location unknown – felt that all people should have a right to speak and vote. Felt that the OCP was changed and the sewer outfall that was talked about then was different to that now proposed.

Don Bannerman – 70 Jamieson Rd, Bowser – commented on the cost per person of the sewer disposal being \$50, 000 per person. Asked how will the outfall avoid the scallop farm?

Jason Clarke answered that further environmental impact studies will be done and verify measurements to confirm where currents flow and where the outflow would go.

Ian McJanet – 3889 Charlton Drive, Qualicum Beach – felt that because the outfall location affects everyone, everyone should have voted.

Carrie Powell-Davidson – 6351 Island Highway, Qualicum Bay - opposed to outfall. Wanted to communicate to the RDN Board that the Lighthouse Community do not want the outfall treatment centre.

Andy Graaten – 4269 Park Avenue, Bowser - was one of those from the village that voted. Felt concerned about the chemicals going into the ocean. Opposed to ocean outfall.

Barry Kurland – 4858 Island Highway, Qualicum Beach – is a School Trustee for Area H. Wants RDN to be mindful that if we bring in more residents that we have to build new schools and increase taxes. Asked for developers to pay for sewer and schools. Asking RDN to reconsider another type of treatment plant, regardless of cost.

Jim Ham – Island Hwy West, Bowser – not opposed to well planned density, but feels that can't get answers and feels stonewalled. Asked if there is a problem with the current septic fields? Asked what exactly were the chemicals being put into the ocean? Asked why land is not possible?

Sean De Pol answered that approximately 5% of contaminants that enter the treatment centre are not removed. The RDN monitors various output measurements so that they are low, safe amounts.

Dianne – Bowser asked if it will smell like French Creek smells?

Sean De Pol answered that no, it won't smell like French Creek Pollution Control Centre. Different odour filtration technologies are being employed here.

Georgina Ingram – 4789 Ocean Trail, Bowser - questioned the effectiveness of UV treatment.

Jason Clarke answered that the second part of the environmental impact study will consider both bacteria and viruses, what can go wrong in the plant, and any possible variables that affect outputs. There are many naturally occurring viruses from animals and soils, not necessary from sewer.

Georgina Ingram – 4789 Ocean Trail, Bowser - asked what level of policing will occur regarding the output? When will you know that contaminant levels are too high? Is Ministry of Environment required to monitor?

Sean De Pol answered that there will be reporting required, that a third party lab will do and submit to the Ministry.

Georgina Ingram – 4789 Ocean Trail, Bowser - suggested that a discharge measurements error is only found out after it had been discharged.

Unknown speaker - talked about the process of a bylaw.

The Chair confirmed that following second reading of the bylaw there would be a public hearing.

Scott – 95 McColl Rd, Bowser – asked if when Area H expands will existing septic be required to go on sewer?

The Chair explained that there is no requirement for existing residents outside of Bowser Village to go on sewer.

Scott Prad – 95 McColl Rd, Bowser – asked if the RDN will just push through this treatments centre and not listen to the people?

The Chair answered that he does listen, and that there are people who do want the treatment facility.

Unidentified speaker – asked if there was suitable land or if it had to do with expense? Expressed that didn't want outfall and that septic are sufficient.

Sean De Pol answered that there is suitable land, but it is not big enough for the long term plans of the Village Centre.

Dave Viewchart – Longview Dr - talked about tides and impact on outfall.

Val Lambert – Jamieson Rd, Bowser - opposed to ocean outfall. Commented that only just started hearing about the outfall around 6 - 8 months ago. Feels uninformed.

Sandra Finley – Qualicum Beach – spoke about the high cost of full water testing and water analysis.

Jason Clarke answered that there is a high level of regular testing that the RDN will perform, and explained some of those measures.

Kari – Bowser – asked the Chair how he thought the people felt about the outfall.

The Chair answered the people in attendance at this meeting were opposed.

Unidentified speaker – Bovanis Rd, Bowser – who is paying for water and electricity for the plant?

The Chair answered that the RDN will pay for the water and electricity, and that those costs get downloaded to residents of Bowser Village.

Unidentified speaker – about how many households this sewer system has being designed to service?

Sean De Pol answered 600 people.

Unidentified speaker – asked if it be available for other residents to hook up outside the Village Centre?

Sean De Pol answered that no, it is only designated to those in the Village Centre.

Geoff Garbutt explained that any expansion of the service area beyond Bowser Village would be subject to a vote of property owners in the service area.

The Chair asked if there were any further questions or comments.

Being none, the Chair thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 8:20 pm.



Bernadette Ritter
Recording Secretary

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

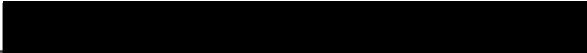
Concerning the Zoning Amendment application affecting the properties located at Pitt Rd. and Shaughnessy Drive in Electoral Area 'H', legally described as Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076, Except That Part Shown Outlined in Red on Plan 1104-R and Except That Part Lying North of the Island Highway as Said Highway is Shown on Said Plan: The applicant proposes to rezone the southern portion of the subject properties from Residential 2 (RS2) Zone, Subdivision District "M" to Public 4 (PU4) zone, Subdivision District "D" under the "Regional District of Nanaimo Land Use and Subdivision Bylaw. 500, 1987", to allow a wastewater treatment plant....

May 16th 2018

Name: Jay Zerbe, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 5015-SEAVIEW DRIVE BOWSER, B.C.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Opposed Kathy Norman 3980 Bouvanis Rd.

TERRENCE KING

Box 140 Bowser B.C. V0R-160.

OPPOSED! YOU ARE STILL PROPOSING
TO DUMP EFFLUENT IN OUR OCEAN!
YES TO SEWER YES TO LAND BASED
TREATMENT!

VAL WEISMILLER


74 JAMIESON RD, BOWSER



" OPPOSED "

We want "land based" disposal
sea disposal is so outdated & backward!
Our oceans are fragile enough! NO MORE!

Vicky Field
3967 Bovannis Rd
Bower B.C.



I am opposed to putting
the sewage or any product
of going into the Ocean.

Stop
Polluting

Our
Ocean ..

MAY 16/18


I am opposed to putting sewage in the
Salish Sea. This is 2018! ~~Rebekah~~ Bartlett

380 McKenzie Rd.

Quadrum Beach.

May 16, 2018

Carol Bird
3995 Gladys Rd
Bowser, B.C. V0R1G0



I am totally opposed and appalled that sewage effluent in the Salish sea seems to be suitable for the area H, Bowser.

We have other choices and I wonder why these have not been considered. In this day and age putting sewage into our waters is not good enough for our town of Bowser. We can do so much better by having this project on land where it will not be harmful to our environment and it will be safe.

600 residents will grow to 900 to 1200 and so on. Then what?

Please listen to us and do the right thing! Sewage outfall₁₀ in our waters is wrong!!
Thank you for your consideration — Carol B. Bird

Name: CARRIE POWELL - DRUMMOND May 16/18

~~L. Drummond~~

6351 Island Hwy. West

Qualicum Bay, B.C.

V9K 2E5

I am opposed to rezoning this site
from residential 2 (R2) to Public 4 (P4)

It's time to stop dumping stuff/crap
into our ocean.

There are other options.

I don't believe they have been explored
and I know we haven't been included
in the process.

Too much cover up & mistruths
causing division of our communities
STOP! No to this rezoning!

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

Concerning the Zoning Amendment application affecting the properties located at Pitt Rd. and Shaughnessy Drive in Electoral Area 'H', legally described as Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076, Except That Part Shown Outlined in Red on Plan 1104-R and Except That Part Lying North of the Island Highway as Said Highway is Shown on Said Plan: The applicant proposes to rezone the southern portion of the subject properties from Residential 2 (RS2) Zone, Subdivision District "M" to Public 4 (PU4) zone, Subdivision District "D" under the "Regional District of Nanaimo Land Use and Subdivision Bylaw. 500, 1987", to allow a wastewater treatment plant....

May 16th 2018

Name: MIKE DAVIDSON, signed
Mike Davidson at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6351 14Y W QUALICUM BAY

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

TOTALLY OPPOSED TO ANY REZONING
TO ALLOW A WASTEWATER TREATMENT
PLANT

Bowser Village Centre Wastewater Project

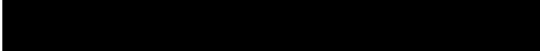
Application No. P12018-013. Pitt Rd. Electoral Area 'H'

Concerning the Zoning Amendment application affecting the properties located at Pitt Rd. and Shaughnessy Drive in Electoral Area 'H', legally described as Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076, Except That Part Shown Outlined in Red on Plan 1104-R and Except That Part Lying North of the Island Highway as Said Highway is Shown on Said Plan: The applicant proposes to rezone the southern portion of the subject properties from Residential 2 (RS2) Zone, Subdivision District "M" to Public 4 (PU4) zone, Subdivision District "D" under the "Regional District of Nanaimo Land Use and Subdivision Bylaw. 500, 1987", to allow a wastewater treatment plant....

May 16th 2018

Name: STEVE YOUNG, signed
Steve Young at Lighthouse Community
Centre Qualicum Bay, B.C. UOR 16a

Address: 36 BUCCANEER BEACH RD. BOWSER

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments: I think it is unconstitutional to have a decision made by so few that can affect so many.

Peter Swam

6131 Island Hwy W.
Q. Bay



I represent swimmers in Q. Bay.
I think Qualicum banding is a good
model. Chlorine kills and it is used.

Peter Swam

Jamie Morgan
6131 Island Hwy
Qualicum Bay

Not opposed to Development.
However, lets get "with it" Advanced
technology is available. Let's move
forward. and fresh. win, win.

JM.

I Am opposed to
reclassifying the subject property
from R52 to P4.

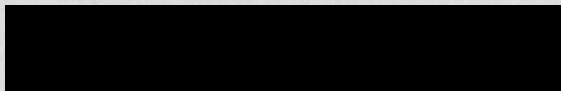
May 16/2018

Brown Hawk

6615 Island Hwy W.

Burns, B.C.

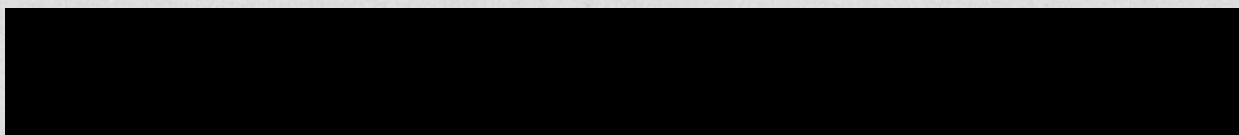
VOR 160



Darvey Lomer

May 16/18

6289 Island Hwy W



I am opposed to rezoning this
site from residential (R2) to Public
(PU4)

Signed @ Lighthouse community centre
Qualicum Bay BC

Comments prefer green solution

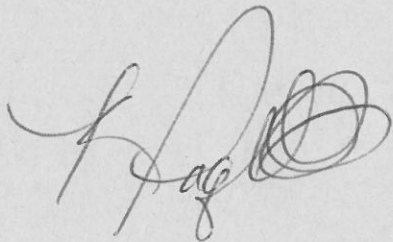
A handwritten signature in black ink, appearing to be 'XTR' followed by a stylized flourish.

Karen Paquette

MAY 16/18

6289 Island Hwy W

I am opposed to rezoning this
site from residential 2 (R2) to Public
(PU4)



Signed @ Lighthouse Community Centre
Qualicum Bay BC.

Comments prefer green solutions

Andy Gratten
4269 Park Avenue
Bowser BC

I am opposed to rezoning this
site from residential 2 (R2)
to Public Use (PU)

No^s to ocean outfall

Rob Neill. *Rob Neill*



I am opposed to the rezoning

May. 16/2018

Rob Neill

Bowser Village Centre Wastewater Project

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May 16th 2018

Name: Ron Roberts, signed
Ron Roberts at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3926 Bowvanis Rd Bowser Be

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Use Land Based Disposal
Secondary Treatment

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Brian Friesen, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 5160 GAINSBURG RD.

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

The whole process is a DISASTER

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: BILL McCLEAN, signed
MAY 16 2018 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 435 REMBAR ROAD

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: KEEP IT RES 2 (R2)
FOR FUTURE GENERATIONS!

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Lori Worthen, signed
May 16/18 at Lighthouse Community
Centre Qualicum Bay, B.C.
Address: Bowser Road

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

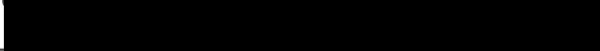
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May 16th 2018

Name: ANNE G. YOUNG, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3889 CHARLTON DRIVE

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

This just isn't right!

Bowser Village Centre Wastewater Project

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May 16th 2018

Name: IAN M JANNET, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3889 CHARLTON DRIVE

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

IF ITS SO CLEAN DUMP IT
IN DEEP BAY

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Z.L. POLACEK, signed
John Paul at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3841 CHARLTON DR.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: WE HAVE TO PROTECT NATURE/OCEAN.
RDN SHOULD THINK IN ADVANCE BEFORE
APPROVE ANY LAND DEVELOPMENT.

Bowser Village Centre Wastewater Project

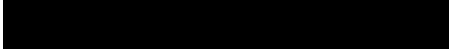
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May 16th 2018

Name: RITA HESLOP, signed
R. Heslop at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4536 THOMPSON CLARK DA LEAST

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: JAMES RICHARDSON, signed
[Signature] at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3795 SALMOND RD.

Phone or contact email: [Redacted]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

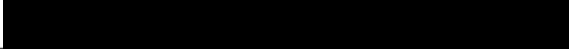
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May 16th 2018

Name: K. Lythe, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3870 CREEKSIDE DR BOWSER, B.C V0R1G0

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

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May 16th 2018

Name: GORDON LIPKO, signed Serdar Likh
3870 MAY 16, 2018 at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3870 CREEKSIDE DRIVE

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

THIS SEA NEEDS TO BE CLEAN
& NOT FOULLED WITH STUFF
THAT WILL HARM THE SEA LIFE

Serdar Likh

Bowser Village Centre Wastewater Project

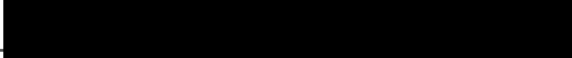
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May 16th 2018

Name: Nancy Karaim, signed
Nancy Karaim at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 435 REMBAR RD QB V9K 2A4

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Joyce McLELLAN, signed

Joyce McLELLAN at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3857 CHARLTON DR

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

*Don't object to progress just
know there is a land
solution to effluent disposal
NOT IN OCEAN!*

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: COLIN THOMPSON, signed
Colin Thompson at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 4737 MAPLE GUARD DR.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Michele Lacey, signed

M Lacey at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 5360 W. Island Hwy Qualicum Beach V9K2E8

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments: Alternative sewage management exists (eg. New Zealand's plants growing in gray water thus purifying it somewhat) It is 2018! The ocean is not a dump site. We and its creatures need clean water for life, food & job (Fisheries^{tourism} etc.) sustainability. How can the RDN take this detrimental action? Formulate a better plan to keep pristine ocean for our grandchildren's grandchildren, and the tourists who come here because it is the best place on earth. The proposed land for wastewater treatment may not be large enough. Do more homework - investigate alternatives. The Government grants will still be there.

MJ

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: LYNNE MURRAY, signed
MAY 16, 2018 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6333 ISLAND HWY. W, QB V9K 2E5

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Nadine K. [Signature] signed
[Signature] at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 37a 5 Charlton rd. Qual. Beach

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

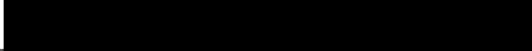
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May 16th 2018

Name: Carolyn Graeme, signed
Carolyn Graeme at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6695 ISLAND HWY BOWSER BC

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: GARETT GRAEME, signed
G. Graeme at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6705 150 HWY BOWSER

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

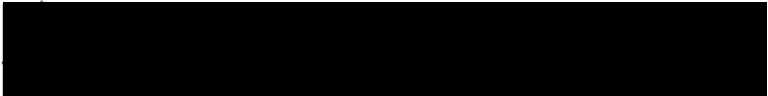
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May 16th 2018

Name: DEAN ROBINSON, signed
Dean Robinson at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4971 THOMPSON CLARKE DR WEST BOWSER

Phone or contact email:



I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

THIS IS SITUATED TOO CLOSE TO HOUSING AND VILLAGES. SMELL & NOISES ARE A CONCERN. WHY IS THIS NOT LOCATED ON OPPOSITE SIDE OF HWY 19 -

Bowser Village Centre Wastewater Project

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May 16th 2018

Name: Maria Bidwell, signed

May 16th 2018 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4214 Wickwood Rd, Bowser BC V0Z 1G0

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: *This will contaminate our waters; and
plain and simple will have a negative effect on
(US) now and more so, for future generations to come.
- We recently moved to the area because of a
more natural way of life (Clear air, clean water).
lets keep some of our world/earth this way.
A. Bidwell*

Bowser Village Centre Wastewater Project

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May 16th 2018

Name: CHRISTINE WRIGHT, signed
Christine at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6266 Island Hwy W. Qualicum Bay BC V9K 2E4

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Other options are available and needed further exploring.

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

Concerning the Zoning Amendment application affecting the properties located at Pitt Rd. and Shaughnessy Drive in Electoral Area 'H', legally described as Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076, Except That Part Shown Outlined in Red on Plan 1104-R and Except That Part Lying North of the Island Highway as Said Highway is Shown on Said Plan: The applicant proposes to rezone the southern portion of the subject properties from Residential 2 (RS2) Zone, Subdivision District "M" to Public 4 (PU4) zone, Subdivision District "D" under the "Regional District of Nanaimo Land Use and Subdivision Bylaw. 500, 1987", to allow a wastewater treatment plant....

May 16th 2018

Name: Rose Murray, signed
[Signature] at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6333 Island Highway West

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: CLARK Plett, signed

MAY 16 2018 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4214 Wickwood rd Bowser BC

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

- impossible to remove all microorganisms from waste
 - chemicals from flushed DRUGS + metabolic waste in sewage, such as estrogen like compounds are impossible to completely remove
 - concern that the system will expand and grow, allowing higher housing density, and increase sewage discharge
- ↓

- ODOR from treatment plant
Like at french creek treatment center
- may decrease my property value
as the plant is near my home
~~and~~
- Close to wildwood park.
- concern for the water quality in
the salish sea, as more waste
is discharged into the ocean
as the population increases.
- feel this is just to benefit
a developer, so they can increase
density in housing. I prefer
that lots ARE kept to 1/2 acre
or a size that is required
for a conventional septic system
- land based sewage treatment is
preferred as no ²⁴⁵ocean discharge.

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: GwILL DRAPER., signed

GwILL DRAPER at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6360 ISL. HWY W QUALICUM BEACH (BAY).

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: TOXIN'S, VIRUS'S, DISEASE IN SHELLFISH
NO SYSTEM CAN TAKE EVERYTHING OUT!

Bowser Village Centre Wastewater Project

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May 16th 2018

Name: R W Emmit, signed
_____ at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3948 BOVANNIS RD BOWSER

Phone or contact email: [REDACTED] _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Nicole Paruda, signed
Nicole Paruda at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 70 Jamieson Road Bowser, BC V0R 1G0

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Now is a time in history when it is crucial
for the environment that we make the
right decisions and dumping our
waste water / sewer water is NOT
the right decision for the ocean and
our island ecology. The wrong
decision is wrong. We know better,

we need to do better. To save a
handful of people money and pollute
our ocean is wrong

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: ALANA BOWSER, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3918 CROOKSIDE DRIVE BOWSER

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: POLLY HENRY, signed
_____ at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3918 CREEKSIDE DRIVE BOWSER

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Fred DesRochers, signed

Fred DesRochers at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3912 Creekside Dr., Bowser, BC V0R1G0

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: HEATHER ARNOLD, signed

_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 137 NOONDAY ROAD

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

MUST BE OTHER OPTIONS.

A

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Barb Nash, signed

May 14/18 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4804 Blue Heron Dr.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

In 2018, when we know how much damage has been done to the oceans, this seems an unbelievable plan!!

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Chris McCallum, signed C McCallum
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3991 Gladys Rd

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: To believe this project will not
degrade the environment is delusional or
dishonest

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Bev Draper, signed
BDraper at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6360 Island Hwy W., Qualicum

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: Terrible idea & totally
unnecessary!

Bowser Village Centre Wastewater Project

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May 16th 2018

Name: Raija Wilde, signed

RAIJA WILDE at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3870 Charlton dr

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Marcus Bidwell, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 4214 Wilwood Rd Bowser B.C.

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Mirriane Jesterocher, signed

Jesterocher at Lighthouse Community

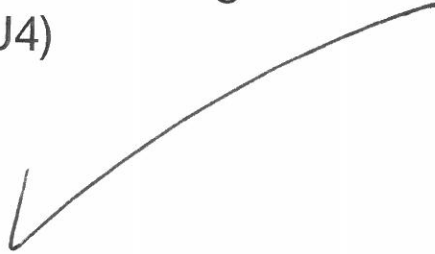
Centre Qualicum Bay, B.C.

Address: 3912 Creekside Dr., Bowser, BC V0R 1G0

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:



Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Doris Mulder signed

_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 5966. ISLAND HWY W

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

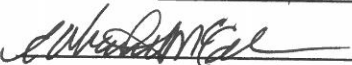
Bowser Village Centre Wastewater Project

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May 16th 2018

Name: ELLEN WRATHEN-MCCALLUM signed

 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3991 GLADYS RD BOWSER BC.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

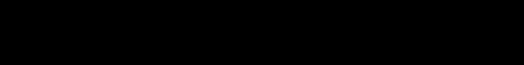
Bowser Village Centre Wastewater Project

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May 16th 2018

Name: Phyllis Ritchot, signed
Phyllis Ritchot at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 5996 W. Island Highway Qualicum Beach B.C.
V9R 2E1.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: Do not approve this appal into the
ocean.

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: JOHN JEFFREY, signed
_____ at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4790 OCEAN TR.

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

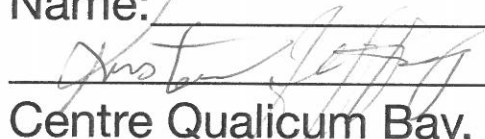
Comments:

Bowser Village Centre Wastewater Project

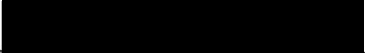
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May 16th 2018

Name: _____, signed
 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4790 OCEAN TRAIL

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Georgina Ingram, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 4789 Ocean Trail Bowser

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)


Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: , signed
Tim Wilkins at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4811 OCEAN TRAIL BOWSER

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Definitely opposed.

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: John Colvin, signed
John Colvin at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 4811 Ocean Trail

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

KS. Ingram

Name: KEN INGRAM, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 4789 OCEAN TRAIL BOWSER BC VOR160

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Noel BRUNEAU, signed Noel BrunEAU
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 4256 Wildwood Rd. Bowser.

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Roy ALLEN, signed

[Signature] at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3881 CHARLTON DR.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

Concerning the Zoning Amendment application affecting the properties located at Pitt Rd. and Shaughnessy Drive in Electoral Area 'H', legally described as Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076, Except That Part Shown Outlined in Red on Plan 1104-R and Except That Part Lying North of the Island Highway as Said Highway is Shown on Said Plan: The applicant proposes to rezone the southern portion of the subject properties from Residential 2 (RS2) Zone, Subdivision District "M" to Public 4 (PU4) zone, Subdivision District "D" under the "Regional District of Nanaimo Land Use and Subdivision Bylaw. 500, 1987", to allow a wastewater treatment plant....

May 16th 2018

Name: Barbara Bodnar, signed

Barbara Bodnar at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4993 W. Thompson Clarke Dr.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Jeanette Paley, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 250 Kenmuir Rd

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Josephine Sodergren, signed [Signature]
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 230 Kenmus Rd Qualicum V9K2G7

Phone or contact email: [Redacted]

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Lynn Gillem / Jack, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 1353 Meadowood Way

Phone or contact email:  _____

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

This is 2018 - Our Politician's know what the outcome is and know better. Please reconsider!

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

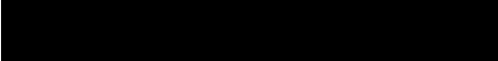
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May 16th 2018

Name: Jont Nedermayer, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 285 Jimmy Rd Qualicum Beach BC

Phone or contact email:  _____

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: Worried about the effects.

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Maggie Little, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 209 Huson Rd, QB. V9K2A2

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:


Wild fish don't eat Sewage!

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Bob Niedermayer, signed

 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 285 Jimmy Rd

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

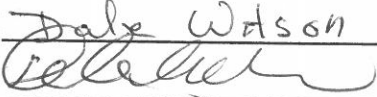
Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Dale Watson, signed
 at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 6266 Island Hwy W. Qual. Bay, Bc

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Brenda Wilson, signed
B. Wilson at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6266 Island Hwy W - Qual. Bay. V9K2E4

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Chris Gates, signed
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3973 Bowen Rd Bowser, BC V0R1G0

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)


Comments: Just don't do it!

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: BEV ALLEN, signed 
MAY 16 2018 at Lighthouse Community

Centre Qualicum Bay, B.C.


Address: 3881 CHARLTON DRIVE Q1B V9K 1Z3

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

pumping effluent into the ocean in this day and age is just wrong! I am opposed to this re-zoning application.



Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: PETER HOLTHE, signed
MAY 16, 2018 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4530 MAPLE GUARD DRIVE. BOWSER

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: IM OPPOSED

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Thomas Bates, signed
Thomas Bates at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3973 Bovaris Road Bowser BC V0R1G0

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

We will need a referendum
on this before RDN
proceeds unilaterally! and/
or a Green Director for Area H.

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Terry Pendleton, signed

Terry Pendleton at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 70 Jameson Rd, Bowser

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Don Bannerman, signed
Don Bannerman at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 70 Jamieson Rd. Bowser

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: *Candice Holgate*, signed
CANDICE HOLGATE at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 6620 ISLAND HWY WEST

Phone or contact email: 

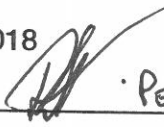
I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name:  PETER HOLGATE, signed

_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 6620 ISLAND HWY WEST BOWSER

Phone or contact email: _____

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: Hilary Robinson, signed

[Signature] at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 4971 Thompson Clark Dr. W., Bowser, V0R 1G0

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

No sewage in the Salish Sea!!!
We have no idea what the repercussions maybe down the road - why even take the chance, when a proper solution can be done on the land, away from this environmentally sensitive area.

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: ROSEMARY LAFACE, signed
MAY 16 2018 at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 3918 BOYANIS RD.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

yes to opposed to rezoning
we want our beach clear
not a toilet

May 16, 2018

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Sir/Madam:


Regarding: Rezoning Proposed Wastewater Treatment Plant Site from Residential 2(RS2) to Public 4(PU4)

We cannot believe the RDN is not listening to the Area H residents on this matter. A petition has been circulated and presented last fall indicating overwhelmingly that Area H residents do not support a wastewater plant with a marine outfall. We cannot continue to pump human waste, chemicals, drugs, metals, hormones and microplastics into the Salish Sea. Area H has an opportunity to stop this now before it starts. We insist the RDN return to a preliminary planning stage and consider green on-land alternatives. The livelihood of many area residents depend on clean water, from the shellfish industry, fishing, and tourism already threatened by recent outbreaks, imagine when it becomes known internationally that a pipe and outfall be discharging more effluent into these waters. Kishi oysters from Baynes Sound will no longer be front and centre at fancy New York restaurants, people will gag when they hear where the oysters were grown!

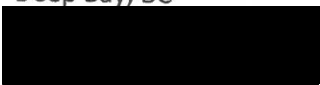
This community supports cleaning the effluent with advanced treatment, keeping it on-land and in Bowser, not exporting it down the road to public beaches and the marine environment. It has been stated no raw sewage will be discharged into the Salish Sea, however repeatedly pumps fail, power goes out, generators break, "rain events" overwhelm the system, and all lead to significant raw sewage discharges. It will happen here too.

We need to look to the future and stop taking the "easy way out". We need innovation and forward thinking in order to leave this planet better for our children and grandchildren. We think the RDN is extremely short-sighted and pushing this system down our throats for some reason known only to them. We have said no and we want you to listen!

Sincerely,



John and Sandy Vanderwel
5115 Shoreline Drive
Deep Bay, BC




Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Cynthia Riglin; signed 
_____ at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 5094 Seaview Dr Bowser Bc

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments: not fair to put the senior's housing beside treatment plant.

Comments re rezoning
application:

This application should
be denied. The WWTP
should not be located in
a residential area particularly
by beside a seniors residence.
Past experience dictates that
all SWT Plants smell to some
extent at some time. The location
in the middle of Bawess could
not be more inappropriate. If
central WWTP plants are the only
way to go & if we must ~~FR?~~
have high density housing then
WWTP must be put in
an appropriate ~~area~~ RDN
proposal is an insult to
any caring community.
Bob Begg

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

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May 16th 2018

Name: Corley Lopez, signed
May 16 2018 at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 3918 BOVANIS RD.

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments: YES AS WELL AS THE
OCEAN OUTFALL

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: SHERRY M. FREAKE, signed
Sherry Freake at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4501 THOMPSON CHARKE DR E

Phone or contact email: 

I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Applicattion No. P12018-013. Pitt Rd. Electoral Area 'H'
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May 16th 2018

Name: LEONID KOZLOV, signed
MAY 16, 2018 at Lighthouse Community

Centre Qualicum Bay, B.C.

Address: 5114 PEARL Rd

Phone or contact email: 


I am opposed to rezoning this site from residential 2 (R2) to Public 4 (PU4)

Comments:

Bowser Village Centre Wastewater Project

Application No. P12018-013. Pitt Rd. Electoral Area 'H'

Concerning the Zoning Amendment application affecting the properties located at Pitt Rd. and Shaughnessy Drive in Electoral Area 'H', legally described as Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076, Except That Part Shown Outlined in Red on Plan 1104-R and Except That Part Lying North of the Island Highway as Said Highway is Shown on Said Plan: The applicant proposes to rezone the southern portion of the subject properties from Residential 2 (RS2) Zone, Subdivision District "M" to Public 4 (PU4) zone, Subdivision District "D" under the "Regional District of Nanaimo Land Use and Subdivision Bylaw. 500, 1987", to allow a wastewater treatment plant....

May 16th 2018

Name: ROBERT DAVIDSON, signed

ROBERT DAVIDSON at Lighthouse Community
Centre Qualicum Bay, B.C.

Address: 4501 THOMPSON CLARKE RD E

Phone or contact email: [REDACTED]

I am opposed to rezoning this site from residential 2 (R2)
to Public 4 (PU4)

Comments:

From: Kagari Ando [REDACTED]
Sent: Tuesday, May 15, 2018 2:59 PM
To: Bowser Wastewater Project; Planning Email
Subject: NO to Bowser Village Centre Wastewater Project

Our ocean is already contaminated and our ecosystem is far too damaged.
Pouring more sewage effluent into the ocean is nothing but just absurd. I strongly oppose to this project. Take sustainable green alternative, instead.

Kagari Ando
3800 Charlton Dr.
Qualicum Beach, BC, V9K 1Z3

--

安藤かがり (Kagari Ando) 3800 Charlton Drive. Qualicum Beach, B.C. Canada V9K 1Z3
Tel: [REDACTED]

**Attachment 6
Proposed Amendment Bylaw No. 500.420, 2018**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.420**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

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 Land Use and Subdivision Amendment Bylaw No. 500.420, 2018”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 - 1. By rezoning a portion of the lands shown on the attached Schedule ‘1’ and legally described as part of

Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076 Except That Part Shown Outlined In Red On Plan 1104-R And Except That Part Lying North Of The Island Highway As Said Highway Is Shown On Said Plan

from Residential 2 (RS2), Subdivision District ‘M’ to Public 4 (PU4), Subdivision District ‘D’

Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

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

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

CHAIR

CORPORATE OFFICER

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.420, 2018".

Chairperson

Corporate Officer

Schedule '1'



TO: Electoral Area Services Committee **DATE:** June 12, 2018
FROM: Stephen Boogaards
Planner **FILE:** PL2018-074
SUBJECT: No. PL2018-074 Liquor Licence Amendment Application -
1548 Grafton Ave – Electoral Area ‘F’
Lot 1, District Lot 139, Nanoose District, Plan 15854

RECOMMENDATIONS

1. That the Board consider submissions or comments from the public regarding Liquor Licence Amendment Application No. PL2018-074.
2. That the Board adopt the resolution pertaining to Liquor Licence Amendment Application No. PL2018-074 attached to this report as Attachment 2.

SUMMARY

An application has been received from the Trails End Restaurant Ltd. to amend their food-primary licence (licence number 307720) to include an entertainment endorsement. The entertainment endorsement would allow for patron participation. The licensee has indicated on their application that their purpose is to provide live music within the restaurant and they would also like to allow patron participation associated with the live music, such as karaoke and dancing.

The amendment requires a resolution from the Board before it can be processed by the Liquor Control and Licensing Branch (LCLB). The Regional District of Nanaimo (RDN) is requested by the LCLB to consider the impact on the community, as well as to consult with neighbouring property owners. Given that the proposed patron participation events are complementary and incidental to the existing restaurant and limited in scale, no negative impacts are anticipated from the proposed entertainment endorsement. It is recommended that the prepared resolution in Attachment 2 be forwarded to the LCLB, pending Board consideration and subject to the outcome of public notification.

BACKGROUND

The LCLB has referred an application to the RDN for the Trails End Restaurant Ltd. for a permanent amendment to their food-primary liquor licence. The amendment is a food-primary entertainment endorsement, which will allow for patron participation entertainment. The LCLB requires the RDN to provide a Board resolution within 90 days of receiving the application, commenting on the permanent

change to the liquor licence prior to approval by the LCLB. The LCLB requests that the local government gather the views of the nearby residents affected by the liquor licence amendment.

The Trails End Restaurant Ltd., which is the licensee, is located within the Errington Village plaza owned by Gas 'N' Go Petroleum (see Attachment 1 – Subject Property Map). The property is zoned Commercial 1 (C-1) with an additional site specific zone of C-1.1 pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”. The property is located within the Errington Rural Village Centre in the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999.” Adjacent properties across Grafton Road and to the south and west are zoned Agriculture 1. Properties across Errington Road are zoned C-1 and Village Residential 3 (R-3) (see Attachment 3 – Current Zoning Map). The property is also the site of other commercial uses, including mini storage.

Proposed Development

The applicant requests an entertainment endorsement for their existing food-primary licence in order to allow for patron participation within the restaurant. The applicant proposes live music for patrons, and requests patron participation to allow for dancing or karaoke associated with the live music. The live music as patron non-participation entertainment is permitted without an application, though patron participation requires an application and a local government resolution. As a food-primary licence, the service must focus on food and the kitchen must remain open.

The hours of operation for the restaurant as per the existing licence are 9:00 am to midnight daily. The applicant is not requesting a change to the hours of liquor service. While liquor service must currently occur within the building, the applicant has also recently applied for a food-primary liquor licence structural change, which, if approved by LCLB, would expand the liquor service area to include the patio.

Liquor Licence Implications

Prior to LCLB consideration of the application, under the *Liquor Control and Licensing Act*, the applicant is required to obtain a resolution from the local government providing input on the proposed liquor licence amendment. The LCLB requires a resolution from the Board that considers the potential for noise for nearby properties, impact on the community, the consistency of the amendment with the purpose of a food-primary licence, and the view of residents including a description of the methods to gather feedback.

The RDN’s Liquor Licence Applications Board Policy B1.6 provides guidance for how the RDN should review and consider liquor licence applications from the LCLB. The policy identifies public consultation required such as a public hearing, public notice sign on the property, mailout notice to adjacent property owners, and advertisements in the newspaper. However, the Policy B1.6 provides that the Board may consider a minor amendment to an existing liquor licence, without the requirement to hold a public hearing, if the proposal will not negatively impact the surrounding community and it complies with the applicable RDN bylaws and policies. All other requirements must be met for public notice, and the LCLB must be satisfied that residents have had an opportunity to provide their view.

Policy also provides guidelines to the Board for consideration of community impact including the location of the establishment, proximity to other social or public buildings, occupant load, and liquor-primary establishments within a reasonable distance, traffic, noise, parking, zoning, and other social or

demographic trends. A draft resolution meeting the general form required by the LCLB has been drafted for the Board's consideration. This resolution may be amended as deemed necessary by the Board and pending the outcome of public notification.

Land Use Implications

The licensee requests an entertainment endorsement for the restaurant to allow for patron participation in conjunction with live music. While musicians and entertainers are permitted within a food-primary liquor licence, the participation of patrons in the entertainment requires an amendment to the licence. Patron participation could include activities such as karaoke or dancing.

The proposed patron participation complements the existing restaurant by allowing guests to participate in live entertainment while maintaining the emphasis on serving food. The plaza is located within the Errington Rural Village Centre in the Official Community Plan which is intended to support a variety of commercial, recreational, community and professional services. In consideration of the OCP designation and permitted uses in zoning, ancillary restaurant uses such as entertainment are appropriate for the property. The zoning permits other complementary commercial uses such as retail store, personal service use and outdoor market. Uses within the plaza and within the Errington general store across Errington Road are commercial, though the property is also surrounded by residential and Agricultural Land Reserve (ALR) properties. Potential impacts to residential or ALR lands within proximity of the food-primary amendment are not anticipated, provided the emphasis is on food preparation and entertainment is incidental to the existing restaurant.

Both LCLB criteria and Board policy require local government consideration of noise impacts on the community. The patron participation entertainment in the existing licenced area is not expected to impact nearby residential or immediately adjacent commercial properties. However, without restrictions by the LCLB, the patron participation endorsement would extend to all licenced areas of the restaurant, including the outdoor patio area if the pending structural change is approved. The maximum occupant load for the patio is 41 and may be open until 12:00 am. Given the potential for noise to affect residential or agriculture lands across Grafton Road or in the general area of the restaurant if patron participation entertainment were to occur in the patio area, it is recommended that the patron participation endorsement be restricted to the area inside the building, which is currently licensed for 103 persons.

The RDN's Liquor Licence Applications Board Policy B1.6 provides guidance for the RDN to consider impacts from traffic and parking related to the licence amendment. Since the entertainment is incidental to the existing restaurant use, traffic and parking demand is not anticipated to change as parking space in zoning is based on the capacity of the restaurant, being one space per three seats. There is no requirement for additional parking as a result of the patron participation endorsement.

Another criteria considered by LCLB and Board policy is if the application to amend a food-primary will result in the service being operated in a manner contrary to its intended purpose. Specifically the concern would be a food-primary licence being operated in a manner similar to a liquor-primary licence, which may have different impacts on the community. One criterion LCLB considers is if the kitchen will remain open and serve food during hours of operation. The application appears to be consistent with a food-primary licence, given that patron participation is incidental to the restaurant.

Patron participation also offers various entertainment options, such as dancing, singing, trivia nights or events such as weddings and birthdays that are not currently being contemplated for the business. Pending the outcome of public notification, the Board may consider recommending other restrictions on the proposed licence amendment where a potential community impact is identified through public consultation.

Intergovernmental Implications

The applicant's proposal has been referred to RDN Building Inspection department, the local RCMP, and the Ministry of Transportation and Infrastructure. The departments and agencies provided no comment or did not express any concern with the application for an entertainment endorsement.

Public Consultation Implications

As part of the required public notification process, pursuant to the RDN Liquor Licence Applications Policy B1.6, the RDN is required to post a notice on the subject parcel advertising that the property is subject to a liquor licence amendment application and is required to advertise the amendment in a local newspaper. A notice was posted on the property on June 6, 2018. Should the Electoral Area Service Committee recommendation the Board consider the liquor licence amendment as presented, a notice of the Board's consideration will be published in the June 19 and 21, 2018 editions of the Parksville Qualicum Beach News. Property owners and tenants located within a 200 metre radius will receive a direct notice of the liquor licence amendment, and will have an opportunity to comment on the proposed amendment prior to the Board's consideration of the application on June 26, 2018.

ALTERNATIVES

1. To approve the attached resolution in support of the application.
2. To provide a resolution that does not support the application.
3. To not provide any resolution and have the Liquor Control and Licencing Branch undertake its own public input process and consider the application without Board input.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed the proposal and there are no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The application has been reviewed and the proposal supports the Board's 2016-2020 Strategic Plan, specifically the Strategic Priority to Focus on Economic Health by supporting business to foster economic development.



Stephen Boogaards
sboogaards@rdn.bc.ca
May 30, 2018

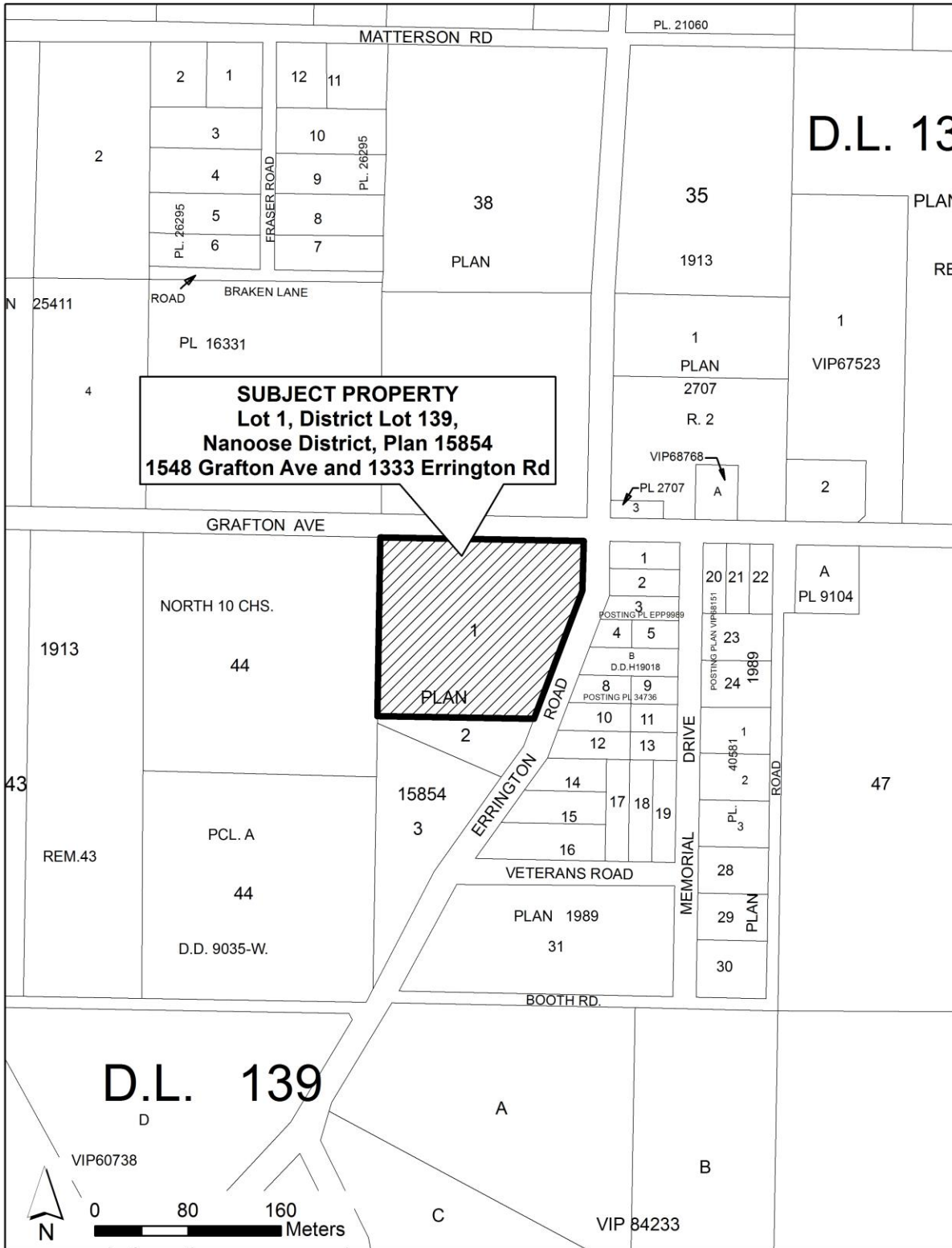
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Subject Property Map
2. Resolution for Trails End Restaurant Ltd. Liquor Licence Amendment
3. Current Zoning Map

Attachment 1
Subject Property Map



Attachment 2
Resolution for Trails End Restaurant Ltd. Liquor Licence Amendment
Liquor Licence Amendment No. PL2018-074

Be it resolved that:

1. The RDN Board has considered the following:
 - a. The location of the establishment
 - b. The person capacity and hours of liquor service
2. RDN Board Recommendation - The Board of the Regional District of Nanaimo recommends the amendment of the liquor licence to allow the food-primary entertainment endorsement, provided the patron participation entertainment occurs internally within the existing licenced building and is incidental to the primary purpose of the restaurant in serving food.
3. The Board's comments on the prescribed considerations are as follows:
 - a. Noise – The patron participation entertainment would generate little noise impact on the surrounding community given that the business is located within an existing commercial area zoned for the purpose of restaurant. It is recommended that the live music or patron participation only occurs within the existing licenced area, as surrounding residences or agricultural properties may be impacted where the activities occur outside the existing restaurant. Given that the live music and patron participation complements the existing restaurant, is internally within the existing licenced area, and is incidental to the food-primary licence, the amendment is not expected to disturb neighbouring properties. The restaurant has also not proposed to change its hours of operation.
 - b. Community Impact – The proposed patron participation complements the nature of the existing restaurant by providing guests with entertainment while maintaining the emphasis on food service. The restaurant is within the Errington Rural Village Centre designated within the Official Community Plan as a mixed use focal point for supporting a variety of commercial, recreational, community and professional services. The restaurant is adjacent to other commercial businesses within the same plaza and across Errington Road. However, properties around the plaza, situated outside of the Rural Village Centre, are within the Agricultural Land Reserve or are residential. Given that the emphasis is on food preparation and entertainment is incidental to the existing restaurant, the amendment would have minimal impact on the community.
 - c. Parking and Traffic – Since the entertainment is incidental to the restaurant use, traffic and parking demand will not likely change due to the endorsement. Parking space calculations in zoning are based on the capacity of the restaurant, being one space per three seats.
 - d. Consistency with Intent of Food Primary Licence – The proposed form of patron participation identified includes dancing or karaoke associated with live music permitted

within a food-primary licence. Given that the patron participation associated with the live music is incidental to the purpose of restaurant and serving of food, the application appears to be consistent with the food-primary licence.

- e. Public Notification – The opinions of residents were solicited and no objections to the application were received. A notice of the Board’s intent to receive public input and consider the resolution with respect to a proposed amendment to the existing liquor licence was delivered to owners and tenants in occupation of land within a distance of 200 metres from the property. The Regional District of Nanaimo also provided notice in the June 19 and 21, 2018 editions of the Parksville Qualicum Beach News. All interested residents were invited to attend the Board meeting and provide comments on the proposal. Prior to considering the resolution, the Board asked for comments from the gallery on this application. A notice was also posted on the property advertising that the property is subject of a liquor licence amendment application and directing inquiries to the Strategic and Community Development department.

TO: Electoral Areas Select Committee **MEETING:** June 12, 2018

FROM: Melissa Tomlinson
Special Projects Coordinator, Emergency
Services **FILE:** 1495-01 EMW

SUBJECT: Emergency Services Website Updates

RECOMMENDATION

That the Emergency Services Website Updates report be received for information.

SUMMARY

The 2017 Board approved Emergency Program Gap Analysis Priority Projects includes the review and update the emergency planning website. In conjunction with the Regional District of Nanaimo (RDN) Website updates in fall 2017, the Emergency Services webpages were refreshed for easier navigation and the content was updated to reflect current information and program changes.

BACKGROUND

The Board directed that reviewing and updating the Emergency Planning Website was a priority project for 2017. The design of the entire RDN website was updated in fall 2017 and at this time the Emergency Services section was reviewed and revised to remove outdated content to make navigation easier. The Emergency Services content has been refreshed and includes information about the RDN Emergency Notification System, local hazard risks, an updated regional emergency preparedness handbook and a public outreach calendar. There is also now a clear link from the RDN home page so residents can find the information more easily. Further updates to the website content will continue to be updated as required.

Emergency Services, along with the City of Parksville and Town of Qualicum Beach (Emergency Management Oceanside) have also been researching best practices to increase public awareness in all stages of an emergency. The Central Okanagan Regional District (CORD) Emergency Operations website is an excellent example of a professional, regional website where residents can access emergency program information from the CORD, Westbank First Nation, District of Peachland, District of Lake Country, City of West Kelowna, and the City of Kelowna in one place. The RDN is looking into options with our regional partners to create a regional emergency management website similar to the CORD.

ALTERNATIVES

1. That the Emergency Services Website Updates report be received for information.
2. That alternate direction be provided.

FINANCIAL IMPLICATIONS

There is no additional cost to update the webpages on the current RDN Emergency Services website, since it was in conjunction with the full RDN website upgrade. If a regional website was created, there would be an initial higher start-up cost, and then annual maintenance would be less. There is \$2,000 in the 2018 Emergency Services budget to start up a regional website, this would be shared with the City of Parksville and Town of Qualicum Beach (Emergency Management Oceanside) with a total of \$6,000.

STRATEGIC PLAN IMPLICATIONS

The updated look and content to the Emergency Services website will allow RDN residents easier access to current, updated emergency program and preparedness information. This aligns with the 2016-2020 Strategic Plan to focus on service and organizational excellence as well as continuing to develop and encourage meaningful relationships with our communities.



Melissa Tomlinson
mtomlinson@rdn.bc.ca
May 24, 2018

Reviewed by:

- D. Pearce, Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

TO: Electoral Area Services Committee **MEETING:** June 12, 2018

FROM: Daniel Pearce **FILE:** 0810-03-DAFD
Director of Transportation and
Emergency Services

SUBJECT: Standardization of Fire Halls

RECOMMENDATION

That the Standardization of Fire Halls Project be endorsed.

SUMMARY

The Regional District of Nanaimo (RDN) has issued a Request for Proposal to hire a consultant to provide a conceptual fire hall design for the Dashwood Fire Department for eventual replacement of their main fire hall located at 230 Hobbs Road near Qualicum Beach in Electoral Area 'G'. This design project is an approved budgeted item within the 2018 RDN Financial Plan. This process provides an opportunity to develop a functional and cost efficient fire hall built to post-disaster requirements. The plans for which can be re-used in other fire protection areas as new halls are built in years to come. The Dashwood Fire Department and the other RDN fire departments support the project, through the goals of reducing design costs for future halls and improving construction cost estimates for more accurate budget preparation, which will benefit resident taxpayers by lowering overall costs to build future halls.

BACKGROUND

Over the next 5 to 10 years, the Regional District of Nanaimo (RDN) may build as many as 6 new fire halls in fire protection areas including Dashwood, Coombs Hilliers, Errington, Bow Horne Bay, and Extension. Of these new fire halls, some will be smaller satellite halls consisting of 2 drive-thru truck bays for up to 4 trucks and adjacent rooms for firefighters turn-out gear, while other halls will replace main fire halls which are larger and include administration offices, training rooms, food preparation areas, public use space, etc.

In the past, when designing and building a fire hall, the RDN has traditionally hired consulting firms to create a building design and plans, the cost of which usually equates to about 10% of the overall construction cost. The overall cost can also vary greatly, depending on building materials used, design standards used (such as building to post-disaster requirements) and other features of the building. One of the most affordable material options is pre-fabricated engineered steel construction. The fire halls are critical infrastructure during emergencies or disaster and most new halls are built to post-disaster requirements which increase the cost of construction but provide a greater likelihood of the structure surviving an earthquake. The estimated cost for pre-fabricated steel construction of a satellite fire hall is around \$1.5 million, while a larger main hall would be \$2.5 million or greater. The architectural design

and engineering costs at 10% of construction costs will range between \$150,000 to \$250,000 or more for each fire hall if designed individually. The use of a consistent design and set of plans is expected to reduce those architectural and engineering costs by at least 50% per project.

The concept of standardized fire halls design has been discussed with local fire chiefs during regional fire chief meetings and all chiefs indicated interest and support for the project. With a shared design for fire halls and as many as 6 new buildings to build in the next 5 – 10 years, the design costs may well exceed \$500,000. A design with cost effective pre-engineered steel construction will provide substantial additional savings through lowering overall construction and material costs as well.

The RDN is able to initiate the standardization of fire halls project this year because the Dashwood Fire Department has begun planning the eventual replacement of the main fire hall. To determine construction costs and to develop a business case for public consideration, Dashwood budgeted \$100,000 for conceptual design and drawings in 2018. With their support, the RDN is working with Dashwood to use this conceptual planning process to create the template for a standard design of fire halls.

The structure will have a modular layout to enable growth of the building over time within the space available upon the lands. This growth could be adding additional apparatus bays or additional administrative, meeting or training space. The proposed building materials are likely to be steel frame construction with metal cladding as a more cost effective solution, but the exterior cladding can be modified to reflect the budget and aesthetic desire of the community and fire department.

The conceptual plans and drawings are anticipated to be completed by September 2018. At completion, the design and engineered plans will remain the property of the RDN and can be used for future fire hall projects. As other new halls are built with the RDN owned plans, a contribution can be provided from the particular fire protection service area back to Dashwood in order for Dashwood to recoup its costs incurred in developing the plans.

ALTERNATIVES

1. That the Standardization of Fire Halls Project be endorsed.
2. That alternate direction be provided.

FINANCIAL IMPLICATIONS

The estimated costs to develop conceptual plans are \$100,000 and are budgeted within the approved 2018 RDN Financial Plan, and specifically within the Dashwood Fire Protection Service area budget. These costs do not include eventual engineering / construction monitoring costs which will be incurred when and if a fire hall is built.

Design and engineering costs for new fire halls are estimated to be 10% of overall construction costs and may range between \$150,000 to \$250,000 or more depending on the type and size of fire hall being built. By using a standard design for future fire halls based on the plans developed out of this project, it is expected that each fire protection service area using the RDN's standard design plans will save approximately \$75,000 to \$125,000 by not having to incur individual design costs.

STRATEGIC PLAN IMPLICATIONS

The Standard Design for Fire Halls project supports the RDN strategic priority of “Focus on Economic Health” by working on long term solutions to reduce costs of constructing new fire halls that can benefit all fire protection areas in the region. The project also supports “Service and Organizational Excellence” by delivering efficient, effective and economically viable services, as cost efficiently as possible, while maintaining functionality for the current and future needs of the fire department.



Daniel Pearce

dpearce@rdn.bc.ca

May 30, 2018

Reviewed by:

- P. Carlyle, Chief Administrative Officer