Section IX

DEVELOPMENT PERMIT AREAS

In addition to the objectives and policies stated in the OCP this Plan designates certain lands as Development Permit Areas pursuant to the Local Government Act.

The purpose of a Development Permit Area designation on a parcel of land is to permit a higher-level review of a development proposal for lands that are considered to have ‘special conditions’ in accordance with one or more of the following categories:

A. to protect the natural environment; its ecosystems and biological diversity;
B. to protect development from hazardous conditions;
C. to protect farm land;
D. to revitalize an area where commercial use is permitted; or
E. to establish objectives and provide guidelines for the form and character of commercial, industrial, or multiple unit residential development.

For those areas designated as development permit areas, special conditions or objectives that justify the designation are described. Guidelines respecting the manner by which the special conditions or objectives will be addressed are also included, as well as exemption provisions for development proposals or uses that do not require a Development Permit.

The Lands shown on Map No. 6 and Map No. 7 are designated as part of the following development permit areas.

DPA I Form and Character
DPA II Farmland Protection
DPA III Watercourse Protection
DPA IV Sensitive Ecosystems Protection
DPA V Highway Corridor Protection

8.1 DEVELOPMENT PERMIT AREA GENERAL POLICIES

1. Owners are required to obtain a development permit prior to: the subdivision of land; the construction of, addition to or alteration of a building or structure on the land; or the alteration of land within a designated development permit area, except where exemption provisions apply.

2. Where land is subject to more than one Development Permit Area designation, a single Development Permit is required. However, the application will be subject to the requirements of all applicable Development Permit Areas guidelines.

3. The RDN will consider requests to vary its bylaws regulating the size, shape, and siting of buildings and structures in order to meet the Development Permit Area guidelines.
DPA I

FORM AND CHARACTER

DPA I - PURPOSE

The Form and Character Development Permit Area is designated pursuant to section 919.1 (1)(d) and (f) of the Local Government Act (to establish objectives and provide guidelines for the form and character of commercial, industrial, and multi-unit residential development and to revitalize an area where commercial use is permitted).

DPA I - AREA

The areas designated as Development Permit Area I (Form and Character Development Permit Area) are illustrated on Map No. 6 (Development Permit Areas). This DPA also applies to the proposed expansion of the Red Gap Centre as illustrated on Map No. 6 inset.

DPA I - JUSTIFICATION

For areas that are within Development Permit Area I (Form and Character), the Development Permit Area is intended to include all lands located within the Urban Containment Boundaries (including Village and Neighbourhood Centres) as well as those lands designated as Tourist Commercial lands and Industrial lands. This is where existing and future commercial, multi-unit and/or industrial development will occur in Electoral Area ‘E’.

It is important that new development be integrated in a pedestrian orientated village setting that is of high quality and is able to serve the needs of the community in the future. In addition, because the development within urban containment boundaries is more intensive than surrounding land uses, it is important to ensure that new development is compatible with the surrounding rural and residential lands.

This DPA is established to achieve the following objectives.

- To ensure residential, commercial and industrial uses are properly integrated with their surroundings.
- To improve the character of commercial, industrial and multiple unit developments.
- To encourage a high level of design and quality for commercial, industrial and multiple unit developments.
- To ensure appropriate facilities are provided for pedestrians, cyclists, and vehicles.

DPA I - GUIDELINES

1. The character of commercial development will generally:
   a) Be designed and situated to maximize views wherever possible;
   b) integrate with and enhance the character of existing development;
   c) incorporate natural materials into the design of the buildings;
d) be designed to maximize the use of the existing topography and natural landscaping; and

e) incorporate crime prevention and public safety features.

2. The character of multi-unit residential development will generally:

a) be in keeping with the character of the village centre and surrounding rural and residential lands;

b) provide a range of housing types and options;

c) be developed to a height that maintains 'human scale' (generally less than three storey);

d) be ground oriented;

e) be designed to maximize the use of the existing topography and natural landscaping;

f) incorporate natural building materials into the design of the buildings; and

g) be designed and situated to maximize views wherever possible.

3. Safe pedestrian and cycling routes shall be provided through and to commercial or multi-unit residential developments and shall link to existing neighborhoods, parks and the waterfront.

4. Introduced landscaping shall use native plantings, drought tolerant species, and xeriscaping standards, where possible.

5. Off-street parking areas shall primarily be located to the rear or side of buildings and include landscape areas or screening.

6. Any outside storage or manufacturing areas shall be located to the rear of buildings unless adequately screened with landscaping.

7. Where appropriate, pedestrian facilities shall be provided to separate pedestrian and traffic circulation on a site and minimize vehicle/pedestrian conflicts.

8. Building and site design should include "public gathering places" (e.g. outdoor plazas) and encourage pedestrian uses. The use of small seating areas, entry areas, plazas, and other meeting places in conjunction with pedestrian areas is encouraged.

9. Where appropriate, cycling facilities should be provided through safe circulation paths with sheltered locations for bicycle security.

10. Signage shall complement the design of buildings and structures and be grouped on multiple development sites. The use of natural materials is encouraged.

11. The use of indirect lighting on signage is encouraged.

12. Walls, fences, shrubs, grade changes or other site features should not obscure vehicle driver vision of pedestrian or bicycle routes or provide for concealment.

13. Applications to rezone land within a village or neighbourhood centre shall be evaluated, at a minimum, on how the following elements are proposed to be incorporated into the development and shown to be compatible with the centre:

a) a mix of uses;

b) building and landscape architectural themes;

c) concept design of public space;

d) public park land requirements;

e) road standards;

f) pedestrian facilities;

g) treatment of utilities (i.e. street lighting, hydro, etc);

h) methods of integrating existing and new developments; and
i) where a Village Centre Plan has been prepared for the Red Gap Village Centre, how the development proposal responds to the elements of the Village Centre Plan.

**DPA I - EXEMPTIONS**

1. A development permit shall not be required to construct, renovate or alter a single dwelling unit or building or structure accessory to a single dwelling unit.

2. A development permit shall not be required to construct an accessory building to a multiple dwelling unit development where the proposed accessory building is 10 m² or less in size and 3 m in height.

3. A development permit shall not be required for interior alterations or repairs.

4. A development permit shall not be required for the subdivision of land.
DPA II

FARMLAND PROTECTION

DPA II - PURPOSE

The Farmland Protection Development Permit Area is designated pursuant to section 919.1(1)(c) of the Local Government Act (to establish objectives and provide guidelines for the protection of farmland).

DPA II - AREA

The areas designated as Development Permit Area II (Farmland Protection Development Permit Area) are illustrated on Map No. 6 (Development Permit Areas).

DPA II - JUSTIFICATION

For areas that are within Development Permit Area II (Farmland Protection), the Development Permit Area is intended to include all lands adjoining and reasonably adjacent to lands (separated by a dedicated road) located in the Agricultural Land Reserve (ALR) to a point that is 15 metres from the ALR lands to any lands proposed to be developed.

The BC Agricultural Land Commission has acknowledged that the development of lands adjoining or reasonably adjacent to farmlands may compromise the agricultural use of the ALR lands. These 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 15 metre wide buffers between developed lands and agricultural lands will promote greater compatibility between the uses while protecting the agricultural uses from urban impacts.

DPA II - GUIDELINES

1. Prior to commencing a subdivision, development, alteration of lands or construction on lands adjoining ALR designated farm lands, the owner shall obtain a development permit which conforms to the following guidelines:
   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.
   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.
   c) No buildings and structures, except for fencing, shall be situated within the 15-metre buffer area. Where fencing is constructed, land owners are encouraged to consult BC Agricultural Land Commission publication entitled Preserving Our Foodlands (see Appendix No. 3 for web references).

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 *Preserving Our Foodlands* (see Appendix No. 3 for web references).

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.

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.

**DPA II - EXEMPTIONS**

1. The following are exempt from obtaining a development permit:
   a) an application for the construction of a building or structure which is proposed to be located outside of the 15 metre buffer area
   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 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
   c) lands zoned industrial, and proposed to be or being used for industrial purposes.
DPA III

WATERCOURSE PROTECTION

DPA III - PURPOSE

Development Permit Area III is designated under section 919.1(1)(a) of the Local Government Act (Establishment of Objectives and the Provision of Guidelines for the Protection of the Natural Environment, its Ecosystems, and Biological Diversity).

DPA III - AREA

This Development Permit Area applies to all of the Plan Area including all mapped and unmapped streams as shown on Map No. 7. This development permit area consists of the following Riparian Assessment Areas within and adjacent to all streams, which by definition includes wetlands and lakes:

1. for a stream, a 30 metre strip on both sides of the stream measured from the natural boundary;
2. 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,
3. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the natural boundary to a point that is 10 metres beyond the top of the ravine bank.

The Riparian Areas Regulation establishes the Riparian Assessment Areas as described above.

A development permit is required for the following development activities located within a Riparian Assessment Area where such activities involve the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt:

1. removal, alteration, disruption, or destruction of vegetation;
2. disturbance of 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;
7. provision and maintenance of sewer and water services;
8. development of drainage systems;
9. development of utility corridors;
10. subdivision as defined in section 872 of the Local Government Act.
DPA III - JUSTIFICATION: WATERCOURSES AREAS

Riparian areas cover only a small portion of the land in a watershed, but because they are often more diverse and productive than upland areas, these habitats are critical to wildlife and fish. Approximately 60 percent of British Columbia’s land based species at risk use riparian areas for all or part of their habitat needs. Undisturbed riparian areas can protect private property from the impacts of flooding and potential loss of land due to erosion and slope instability.

Riparian areas also protect the physical and ecological integrity of the watercourse ecosystem and provide valuable groundwater recharge.

According to Federal Fisheries and Oceans Canada (DFO) Fisheries Act the riparian area is considered ‘fish habitat’. It is a violation of the Fisheries Act to cause a harmful alteration, disruption, or destruction of fish habitat (HADD), therefore any land alteration within the riparian area must be undertaken with due diligence.

The province of British Columbia’s Riparian Areas Regulation (RAR), under the Fish Protection Act, aims to protect riparian areas for the protection of fish habitat. This regulation requires all residential, commercial, or industrial development in a Riparian Assessment Area to be subject to an assessment by a Qualified Environmental Professional (QEP).

The purpose of this environmental review is to ensure the protection of the natural environment in accordance with the Fish Protection Act by protecting the features, functions, and conditions critical to support fish processes and ensuring appropriate measures are in place for the protection of the natural environment.

A Local Government must not approve or allow a development to proceed until the local government has been notified by the Ministry of Environment that the Ministry of Environment and Fisheries and Oceans Canada have been notified of the development proposal and have been provided with a copy of the assessment report prepared by a QEP or that the Minister of Fisheries and Oceans Canada has authorized the harmful alteration, disruption, or destruction of the natural features, functions, and conditions that support fish life process (HADD) in a riparian assessment area.

Guidelines For The Watercourse Protection Development Permit Area:

1. All development within the Development Permit Area must be consistent with the Riparian Areas Regulation.

2. A qualified environmental professional (QEP) must be retained at the expense of the applicant for the purpose of preparing a report pursuant to Section 4(2) of the Riparian Areas Regulation (RAR) and the RAR Assessment Methodology Guidebook. The report must be electronically submitted to the Ministry of Environment (MOE), Fisheries and Oceans Canada (DFO), and a hard copy must be provided to the RDN.

3. A Development Permit shall not be issued without notification from the MOE and the DFO that they have been notified of the proposed development and provided with an acceptable copy of
the QEP assessment report or having received evidence of the Minister of Fisheries and Oceans Canada approval under the authority of Section 4(3) of the RAR.

4. Where the QEP report proposes a Harmful Alteration, Disruption, or Destruction (HADD) to fish habitat pursuant to Section 35(2) of the Canada Fisheries Act, the development permit shall not be issued unless approval under the authority of Section 4(3) of the RAR is received from the DFO. The Regional Board may consider providing comments to the DFO in regards to a proposed approval under the authority of Section 4(3) of the RAR.

5. The RDN may, when considering comments to the DFO on a proposed approval under Section 4(3) of the RAR, require additional information from the QEP and other senior levels of government.

6. The applicant shall be requested to provide an explanatory plan of the SPEA including the registration of a covenant prohibiting development and use in the SPEA.

7. The owner shall implement all measures necessary to maintain the integrity of the SPEA as specified in the QEP's report, and such measures may be included as conditions of the development permit.

8. In addition to implementing the measures contained in the QEP report, to ensure future encroachment into the SPEA is reduced, the RDN in consultation with the land owner may consider the following:
   a. dedicating back to the Crown Provincial or RDN all or part of the SPEA;
   b. gifting to a nature preservation organization (tax receipts may be issued) all or part of the SPEA;
   c. registering restrictive covenant(s) or conservation covenant(s) securing the measures prescribed in the QEP assessment report.

9. In the case of a proposed subdivision within this Development Permit Area, minimum parcel sizes should be met exclusive of the SPEA.

10. In the case of a proposed subdivision within this Development Permit Area, subdivision within the SPEA should be avoided.

11. Developers are encouraged to exceed the minimum standards set out in the RAR.

12. Where a proposed development is subject to a building permit, the QEP shall be required to provide confirmation to the RDN's Planning Department that the development has been developed in accordance with the QEP's recommendations prior to final inspection or occupancy as applicable.

13. All proposed development activity must minimize the area of encroachment into the Development Permit Area.

14. Best practices interface fire mitigation shall be considered if it minimizes impacts on the features and functions within the Development Permit Area.

15. Applicants are encouraged to consult the following guidelines: Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands 1993-1997 (Volume 2: Conservation Manual published by Canadian Wildlife Service; Stream Stewardship, 1993 and Land Development Guidelines, 1992 publications by the DFO and MELP and
Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia or any subsequent editions (see Appendix No. 3 for web references).

16. Where a specifically mapped watercourse as shown on Map No. 7 is found not to be subject to the RAR, a report prepared by a QEP, generally following the RAR methodology shall be required to be submitted to the Regional District of Nanaimo.

i. All development within the Development Permit Area adjacent to those watercourses not subject to the RAR as shown on Map No. 6 must be consistent with the recommendations contained in the QEP’s report.

ii. Where development or the alteration of land is proposed within the Watercourse Protection Development Permit Area adjacent to a mapped watercourse as shown on Map No. 6 not subject to the RAR, the evaluation of the proposal shall consider the following site-specific natural features, functions, and conditions that support fish life history processes, wildlife, and unique ecosystems:

a) large organic debris that falls into the stream or on the forest floor, such as logs, snags, and root wads;

b) areas for channel migration, including active floodplains;

c) side channels, intermittent streams, seasonally wetted continuous areas, and floodplains;

d) the multi-canopied and ground forest cover that:

i. moderates air and water temperature;

ii. provides a source of food, nutrients, and organic matter to the stream and forest floors;

iii. establishes root matrices that stabilize soils and stream banks thereby minimizing erosion; or

iv. buffers streams from sedimentation and pollution in surface runoff;

e) natural sources of stream bed substrates;

f) permeable surfaces that permit infiltration to moderate water volume, timing and velocity, and maintain sustained water flows in streams, especially during low flow periods; and

g) topography and relative orientation of features on neighbouring properties.

Exemptions For The Watercourse Protection Development Permit Areas:

The following activities are exempt from the Fish Habitat Protection Development Permit Area requirements:

1. A development located outside of the Riparian Assessment Area as determined by a British Columbia Land Surveyor or other qualified person;

2. A development proposed outside of the Streamside Protection and Enhancement Area (SPEA) where notification of an assessment report prepared in accordance with Section 4(2)(a)(i)(ii) of the Riparian Areas Regulation Assessment Methods has been received by the Regional District of Nanaimo and there are no measures required to protect the SPEA;
3. Renovations, repairs, or maintenance to existing buildings within the same footprint that are protected by Section 911 of the Local Government Act;

4. Removal of trees deemed hazardous by a qualified arborist that threaten the immediate safety of life and buildings;

5. All development on lands proposed to be used for 'farm operation' as defined by the Farm Practices Protection Act;

6. All development on lands subject to the Forest Act or Private Managed Forest Land Act;

7. All park or park land ancillary uses not containing commercial, residential, or industrial activities;

8. Stream Enhancement and Fish and Wildlife habitat restoration works that have obtained the required Provincial and Federal approvals. Any activity within the stream channel that has or may have an impact on a stream requires compliance with Provincial and Federal legislation and notification to the RDN;

9. The removal of invasive plants or noxious weeds on a small scale within the Development Permit Area including, but not limited to, Scotch Broom, Himalayan Blackberry, Morning Glory, and Purple Loostrife provided such works are conducted in accordance with vegetation management plan prepared by a certified Arborist or other Qualified person and measures are taken to avoid sediment or debris being discharged into the watercourse or onto the foreshore and the area is replanted immediately in accordance with "8" above.

10. Despite the exemption provisions, according to provincial legislation owners must satisfy themselves that they satisfy the requirements of the Riparian Area Regulation.

Definitions for The Watercourse Protection Development Permit Area:

Assessment Report means a report prepared in accordance with the Riparian Areas Regulation assessment methods to assess the potential impact of a proposed development in a riparian assessment area, which is certified for the purpose of the Riparian Areas Regulation by a qualified environmental professional.

Fish means all stages of:
   a) salmonids;
   b) game fish; and
   c) regionally significant fish.

Fish Habitat means the areas in or about a stream such as, spawning grounds and nursery, rearing, food supply and migration areas, which fish depend directly or indirectly in order to carry out their life processes.

Qualified Environmental Professional (QEP) means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:

a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association;

b) the individual’s area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and,

c) the individual is acting within that individual’s area of expertise.
Riparian Area means a streamside protection and enhancement area as defined in the Riparian Areas Regulation.

Riparian Areas Regulation (RAR) means the Riparian Areas Regulation, and amendments thereto enacted pursuant to Section 12, 13(1), and 37(2) of the Fish Protection Act.

Stream includes all watercourses, whether mapped or unmapped that provide fish habitat or flows to a waterbody that provides fish habitat and includes any of the following:

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 (a) or (b) above.

Streamside Protection and Enhancement Area (SPEA) means an area:

a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream; and,

b) the size is determined according to the Riparian Areas Regulation on the basis of a report provided by a qualified environmental professional in respect of a development proposal.

Top of 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.
DPA IV

SENSITIVE ECOSYSTEM PROTECTION

DPA IV - PURPOSE

Development Permit Area IV is designated under section 919.1(1)(a) of the Local Government Act (Establishment of Objectives and the Provision of Guidelines for the Protection of the Natural Environment, Its Ecosystems, and Biological Diversity).

DPA IV - AREA

The areas designated as Development Permit Area IV (Sensitive Ecosystem Protection Development Permit Area) are illustrated on Map No. 6.

For lands that are within Development Permit Area IV, the development permit area is intended to include all lands as follows:

1. All lands that have been identified in the Sensitive Ecosystem Inventory: East Vancouver Island and Gulf Islands 1993-1997 and any subsequent editions as being endangered or sensitive to disturbance including Woodland, Coastal Bluff (for lands that are subdividable), Terrestrial Herbaceous, Wetland, and Sparsely Vegetated ecosystems.

2. All lands within a 60-metre radius or a radius of 1.5 times the tree height from the identified Eagle nesting tree, whichever is greater.

3. All lands within a 100-metre radius from the identified Heron nesting trees.

DPA IV - JUSTIFICATION:

SENSITIVE ECOSYSTEM

The Sensitive Ecosystem Protection Development Permit Area is comprised of lands that have been identified in the Sensitive Ecosystem Inventory: 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 Sensitive Ecosystem Protection Development Permit Area is also comprised of eagle and heron nest trees and buffers around the nest trees. The Wildlife Act protects eagle and heron nests as well as other identified birds. The Act also protects these bird’s nests, eggs, and their young while the nest is occupied. Great Blue Herons are currently blue-listed (threatened) and Bald eagles are currently yellow listed (regionally significant). Both
species are extremely sensitive to disturbance around their nest sites.

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.

3. All proposed development activity must minimize the area of encroachment into the Development Permit Area.

4. Best practice interface fire mitigation techniques shall be considered where they minimize impacts on the features and function within the Development Permit Areas.


DPA IV - EXEMPTIONS FOR THE SENSITIVE ECOSYSTEM DEVELOPMENT PERMIT AREAS

Where an owner is proposing to alter the land, commence a subdivision, construct or alter a building or structure within this development permit area, the following activities are exempt from requiring a development permit:

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.

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)

3. The removal of invasive plants or noxious weeds on a small scale within the development permit area including; 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.

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.

5. Construction of a single trail subject to the following:
   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.

6. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
   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 Fisheries Act and Wildlife Act; 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 Fisheries Act and Wildlife Act.

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 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 Land Title Act 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.
9. Fence building and other activities associated with a farm operation that are carried out upon lands to which section 2(2) of the *Farm Practices Protection (Right to Farm) Act* (British Columbia) applies where such activity is carried on in accordance with normal farm practices and the Federal *Fisheries Act*. 
DPA V

HIGHWAY CORRIDOR PROTECTION

DPA V - PURPOSE

Development Permit Area V is designated under section 919.1(1)(f) of the Local Government Act (Establishment of Objectives and the Provision of Guidelines for the Form and Character of commercial, industrial, or multi-family residential development).

DPA V - AREA

The areas designated as Development Permit V (Highway Corridor Protection Development Permit Area) are illustrated on Map No. 6 (Development Permit Areas).

DPA V - JUSTIFICATION

For areas that are within Development Permit Area V, the Development Permit Area is intended to include all lands within 30 metres of either side of the land dedicated as highway and forming part of the Inland Island Highway No. 19.

Residents in Nanoose Bay have expressed a desire to limit the commercial, industrial and multi-unit development adjacent to Highway No. 19.

DPA V - GUIDELINES

1. Landscaping, screening and the retention of natural vegetation shall be encouraged to enhance the appearance of properties adjacent to the highway in accordance with land use bylaws.

2. Off street parking, loading areas, refuse containers and outdoor storage/manufacturing areas shall, where achievable, be located to the rear of buildings and/or adequately screened from residential and rural lands by a combination of landscape buffering and fencing.

3. Signage on properties bordering the highway should be grouped whenever possible, complementary with the natural character of the area, and employ the use of a minimal amount of direct or indirect lighting to be effective.

4. The Ministry of Transportation is supported in their initiatives to consolidate access points to major roadways and to provide access through ‘slip’ roads.

DPA V - EXEMPTIONS

1. The following are exempt from obtaining a development permit:
   a) The construction, renovation, or addition to a single dwelling unit, duplex dwelling unit, or accessory residential buildings; and/or
   a) The subdivision of land within the ALR.