10.0 - Development Permit Areas

This section of the Official Community Plan identifies those areas of Electoral Area 'G' where the Regional Board may require a development permit, prior to the commencement of subdivision, development, redevelopment, construction, or land alteration on a property, pursuant to the Local Government Act. The designation of areas of land and water as Development Permit Areas in Electoral Area 'G' is consistent with the strategic goals and actions of the Regional District of Nanaimo 2006-2009 Strategic Plan, the goals and objectives of the Regional Growth Strategy, and the community values of Plan Area residents.

Pursuant to Section 919.1 of the Local Government Act, Development Permit Areas shall be designated in this Official Community Plan for one or more of the following purposes:

1. protection of the natural environment, its ecosystems and biological diversity;
2. protection of development from hazardous conditions;
3. protection of farming;
4. revitalization of an area in which a commercial use is permitted;
5. establishment of objectives for the form and character of intensive residential development; and,
6. establishment of objectives for the form and character of commercial, industrial or multi-residential development.

For those areas designated as Development Permit Areas in the OCP, the Community Plan describes the special conditions or objectives that justify the designation, and specifies the guidelines respecting the manner by which the special conditions or objectives will be addressed.

The landscaping and screening requirements of this Plan may not be consistent with RDN Land Use and Subdivision Bylaw No. 500, 1987. Therefore, the RDN should consider amending Bylaw No. 500 to bring it in to conformity with this Plan. Where there is inconsistency between Bylaw 500 and the Development Permit Areas Guidelines of this Plan with respect to landscaping and screening, this Plan shall prevail and a variance to Bylaw No. 500 may be required.

10.1 Fish Habitat Protection

Purpose:
To protect the natural environment, its ecosystems and biological diversity.

Area:
This Development Permit Area applies to all of the Plan Area including all mapped and unmapped streams as shown on Map No. 10. 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 of land 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 of land 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 (RAR) establishes the Riparian assessment areas as described above.

Justification:
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 the riparian assessment 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.

In accordance with the Riparian Areas Regulation, a local government must not approve or allow a development to proceed until the local government has been notified by the MOE and 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 (HADD) of the natural features, functions, and conditions that support fish life process in a riparian assessment area.

This Development Permit Area applies to all development proposed within the Riparian Assessment Area. A Development Permit is required for the following development activities 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:

a. removal, alteration, disruption, or destruction of vegetation;

b. disturbance of soils;

c. construction or erection of buildings and structures;

d. creation of non-structural impervious or semi-impervious surfaces;

e. flood protection works;

f. construction of roads, trails, docks, wharves, and bridges;
g. provision and maintenance of sewer and water services;

h. development of drainage systems;

i. development of utility corridors;

j. subdivision as defined in section 872 of the *Local Government Act*.

**Exemptions from Requiring Application for a Development Permit**

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

1. Development activities more than 30 metres as measured from the top of the bank or present natural boundary, which ever is greater for the Little Qualicum River, Englishman River, French Creek, and their associated estuaries.

2. Development activities more than 15 metres as measured from the top of the bank or present natural boundary, which ever is greater for all other watercourses, streams, lakes, wetlands, and ponds.

3. A development proposed outside of the Streamside Protection and Enhancement Area (SPEA) where notification of an assessment report prepared in accordance with the *Riparian Areas Regulation Assessment Methods* has been received by the RDN and there are no measures required to protect the SPEA.

4. Renovations, repairs, maintenance, the construction of a second storey addition, excluding cantilevered construction to existing buildings within the same footprint.

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

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

7. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act*;

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

9. 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;

10. The removal of invasive plants or noxious weeds on a small-scale within the Development Permit Area including, but not limited to, giant hogweed, Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife provided such works are
conducted in accordance with a vegetation management plan prepared by a qualified professional 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 "9" above.

Guidelines:

1. A QEP must be retained at the expense of the applicant for the purpose of preparing a report pursuant to 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.

2. A development permit shall not be issued without notification from MOE and DFO that they have been advised 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 approval under the authority the RAR.

3. Where the QEP report finds a Harmful Alteration, Disruption, or Destruction (HADD) to fish habitat or where development is proposed to occur within the SPEA, a development permit shall not be issued unless approval pursuant to the RAR is received from DFO. The Regional Board may consider providing comments to DFO in regards to a proposed approval pursuant to the RAR.

4. The RDN may, when considering comments to DFO on a proposed development that requires approval pursuant to RAR, require additional information from the QEP and other senior levels of government.

5. 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.

6. 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.

7. In addition to implementing the measures contained in the QEP’s 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's assessment report.

8. Permanent fencing and/or other approved means of clearly delineating the SPEA boundary must be installed to the satisfaction of the RDN prior to land alteration and in the case of subdivision prior to the Regional District of Nanaimo notifying the Provincial Subdivision 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.

9. A sign identifying the Streamside Protection and Enhancement Area approved by the RDN must be permanently installed in a clearly visible location on the fence a minimum of every 10 metres and at least one sign must be installed on each proposed lot adjacent to the SPEA.

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

11. In the case of a proposed subdivision within this Development Permit Area, the creation of new lot lines and new parcels within the SPEA should be minimized to protect the integrity of the SPEA.

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

13. Where revegetation and/or enhancement works are required, the Regional District of Nanaimo shall 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 RDN.

14. Drainage generated by 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.

Definitions

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 and 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 on 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 water body 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 width 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.


10.2 Environmentally Sensitive Features

PURPOSE

To protect the natural environment, its ecosystems and biological diversity.

AREA

This Development Permit Area is intended to protect coastal areas, estuaries and estuarine habitat, watercourses and riparian areas, aquifers, nesting trees, and other environmentally sensitive areas identified on Map No. 9 of this Plan and is defined as follows:

1. For all coastal areas – the Development Permit Area shall be 15 metres horizontal distance upland of the present natural boundary and within 15 metres horizontal distance seaward of the present natural boundary.

2. For the Little Qualicum River, the Englishman River, French Creek, and their associated estuaries – the Development Permit Area shall be 30 metres as measured from the top of the bank or present natural boundary, which ever is greater.

3. For lakes, wetlands, and ponds - the Development Permit Area shall be 15 metres horizontal distance measured from the present natural boundary.

4. For all other watercourses and streams - the Development Permit Area shall be 15 metres as measured from the top of the bank or present natural boundary, which ever is greater.

5. For all known aquifers the Development Permit Area shall be those lands identified as Aquifer Protection on Map No. 9.

6. 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 'Riparian Vegetation', 'Wetland', 'Sparsely Vegetated', and 'Older Forest'.

7. For Eagle Nesting Trees - the Development Permit Area shall be a 60-metre radius from the nesting tree.

JUSTIFICATION:

Increasing development pressure and environmental awareness, as well as the Regional Growth Strategy's goal of environmental protection has lead to the need for the protection of the Plan Area's most sensitive environmentally significant features including coastal shoreline, estuaries, estuarine habitat, watercourses, aquifers, eagle and heron nesting trees, and other environmentally sensitive features to ensure their continued survival and enjoyment for generations to come.
APPLICABILITY

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

1. Removal, alteration, disruption or destruction of natural features, including mature and native vegetation;
2. Disturbance of soils, including grubbing, scraping, and 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 as defined in the Land Title Act or the Strata Property Act.

EXEMPTIONS:

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. 9, as determined by a BC Land Surveyor or by the RDN.
2. Minor additions to existing buildings and structures to a maximum of 25 percent of the total floor area of the existing building or structure, as well as renovations, repairs, or maintenance provided that the proposed improvements do not result in the building or structure being situated closer to or further impacting on the environmentally sensitive feature than the existing building or structure.
3. A second storey addition, excluding cantilevered construction, to a legally sited structure or structure protected by Section 911 of the Local Government Act provided the second storey addition is within the existing footprint of the existing structure.
4. Fence building, growing, rearing, producing, and harvesting of agricultural products in accordance with recognized standards of the Farm Practices Protection Act (Right to Farm) on lands upon which the Act applies.
5. 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; and
6. Notwithstanding Policy 5 above, emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property must be reported to the RDN and applicable provincial ministry immediately to secure an exemption under this section.
7. The removal of hazardous trees, in accordance with the recommendations contained in a report prepared by an Arbourist or other qualified professional, that present an immediate danger to the safety of persons or are likely to damage public or private property.

8. A property owner may construct 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. sensitive habitat will not be impacted by the presence of the trail;
   c. the ground must be stable, i.e. erodible stream banks or other erosion prone areas must be avoided;
   d. no motorized vehicles are permitted;
   e. the trail is maximum 1.5 metres in width;
   f. no trees, which are greater than 5 metres in height and 10 centimetres in diameter, are to be removed; limbing, pruning and topping of trees should be done instead; and,
   g. the trail’s surface must be pervious.

9. Wildlife habitat restoration or enhancement works that have obtained the required Provincial and Federal approvals. Any activity within watercourse that has or may have an impact on a stream requires compliance with Provincial and Federal legislation and notification to the Regional District of Nanaimo.

10. 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 Stream Stewardship 1993, and Land Development Guidelines 1992, published by DFO and MOE, and "Develop With Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia", published by MOE, or any subsequent editions.

11. The removal of invasive plants or noxious weeds on a small scale within the Development Permit Area including, but not limited to, giant hogweed, Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife provided such works are conducted in accordance with a vegetation management plan 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 "10" above.

12. Works conducted and/or approved by the RDN, DFO, and/or MOE with respect to trail construction, stream enhancement, and fish and wildlife habitat restoration.

13. Construction within the exterior walls of a principal building or structure.

14. The maintenance of lawn and introduction of landscaping in previously disturbed areas, excluding retaining walls and anything that is considered a structure as defined by the
current zoning bylaw provided that any newly introduced landscaping satisfies the criteria in exemption as stated above.

15. Except with respect to lands within the this Development Permit Area for the purpose of **aquifer protection**, an application for subdivision where the following criteria can be met:

   a) minimum lot 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.

16. With respect to the lands designated within the Environmentally Sensitive Features Development Permit Area for the purpose of aquifer protection, a development permit shall not be required for the following:

   a. construction, renovation, repair, or addition to a single dwelling unit, duplex dwelling unit, or accessory residential buildings and structures;

   b. the construction of a fence;

   c. the subdivision of land where the application is limited to a lot line adjustment and no new parcels are proposed to be created;

   d. the construction of a second dwelling unit on a property; or,

   e. the subdivision of land where a maximum of three parcels, including the remainder (if applicable) are proposed to be created where the subject property does not have a development subclass of 'Heavy' nor a vulnerability class of 'High' or any combination of 'Heavy' or 'High' as identified on Map No. 2 – Environmentally Sensitive Features and Natural Hazard Areas of this Plan.

**GUIDELINES:**

**General Guidelines**

1. The location and characteristics of the environmentally sensitive features identified on Map No. 9 of this Plan are intended for convenience only. Ground truthing may be required to accurately determine the geographical location and characteristics of the features identified.

2. Where the possibility of an impact(s) exists, the RDN shall require the applicant to supply an assessment, prepared by a registered professional biologist or person with similar qualifications, and acting in their area of expertise, which inventories the existing environmentally sensitive feature(s) and assesses the environmental impact of the proposed development and prescribes appropriate recommendations for construction, mitigation, and protection of habitat, to the satisfaction of the RDN.
3. The Regional District of Nanaimo, as a condition of the issuance of a development permit, shall, where feasible, require compliance with any or all conditions recommended in the report prepared by the Registered Professional Biologist.

4. Where the applicant's biologist or qualified professional recommends revegetation and/or enhancement works within the Development Permit Area or elsewhere on the subject property, the RDN shall 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 of Nanaimo.

5. 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;
   d. not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.

6. The applicant will work with the RDN to consider possible variances to the land use and subdivision bylaw to minimize encroachment into the Development Permit Area.

7. 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 environmentally sensitive features within the Development Permit Area. Notwithstanding, this policy, development shall only be supported in areas with environmentally sensitive features if the applicant can provide compelling reasons supported by a qualified professional's recommendation to support the request.

8. Where an applicant is proposing to disturb native vegetation within this Development Permit Area, the RDN shall require the applicant to supply a re-vegetation plan to the satisfaction of the Regional District of Nanaimo.

9. Construction at a time of year and using construction methods that minimize the impacts on the Development Permit Area shall be required.

10. In order to ensure that unnecessary encroachment does not occur within the Development Permit Area at the time of construction, permanent or temporary fencing measures may be required.

11. On parcels where development (including tree and vegetation removal) is proposed for an area with a slope of 30 percent or greater, the RDN may require the applicant to supply a report, prepared by a professional geotechnical engineer, indicating that slope stability will not be jeopardized and soil erosion and site mitigation measures can be implemented, to the satisfaction of the Regional District of Nanaimo.
12. All development proposals are subject to the requirements and procedures of the *Fish Protection Act* and the Riparian Areas Regulation.

13. Development applications shall generally comply with the environmental protection policies contained in Sections 2.1-2.8 of this Plan.

14. All development proposals should be designed in substantial compliance with the guidelines contained in the document: "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" as amended from time to time published in March 2006 by the Ministry of Environment.

15. The Regional District of Nanaimo may require a Section 219 covenant to be prepared at the applicant's expense and to the satisfaction of the RDN, specifying areas that must remain free from development and/or protecting an environmentally sensitive feature.

16. Rain water should be managed on site and no increase or changes to off site rain water flows should be supported.

17. The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other technologies for managing rain water on site should be included in all development proposals considered in this Development Permit Area.

18. The Regional District of Nanaimo shall consider the site-specific natural features, ecological processes that support fish, riparian function, wildlife ecology, and unique ecosystems. These include, but are not limited to:

   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;
   
   g. topography and relative orientation of features on neighbouring properties;
   
   h. wildlife habitat, including but not limited to wildlife breeding areas as well as nesting and perch trees;
   
   i. appropriate timing of construction; and,
   
   j. maintenance of linkages with adjacent sensitive ecosystems to minimize fragmentation.
19. Best practice fire mitigation techniques shall be considered where they minimize impacts on the environmentally sensitive features and ecological function within the Development Permit Area.

**Guidelines specific to Coastal Areas and all Riparian Ecosystems**

20. Where the possibility of an impact(s) exists, the Regional District of Nanaimo may require an applicant to supply a sediment and erosion control and/or rain water management plan, complete with recommendations for implementation, prepared by a registered professional engineer or person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.

21. For applications where a shoreline stabilization device is being proposed, the RDN shall require the applicant to supply a report from a registered professional engineer assessing the risk of erosion on the subject property and the suitability of the subject property for a shoreline stabilization device. The report must also include an analysis of the impacts on adjacent properties as a result of installing or not installing the proposed shoreline stabilization device. Shoreline stabilization devices are not supported on lots that are not subject to active erosion.

22. The use of marine retaining walls and other "hard" surfaces such as seawalls, concrete groynes, headlands, gabions, and rip rap shall only be supported where a qualified professional has determined that "soft" approaches to shoreline stabilization such as vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, anchor trees, and gravel placement are not appropriate given site specific conditions.

23. Shoreline stabilization measures near the natural boundary that obstruct pedestrian access to and along public beaches or foreshore areas shall be opposed by the RDN.

24. Where it is determined by a qualified professional that a retaining wall is required, it should be located upland of the natural boundary and should, where feasible, meet the applicable minimum required zoning setbacks. The placement of retaining walls to reclaim land lost to erosion shall not be supported.

**Guidelines specific to Aquifer Protection**

25. The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.

26. Where the possibility of an impact(s) exists, the RDN shall require the applicant to supply a report from a registered professional which must provide the following:

   i. an assessment of the characteristics of the aquifer and its ability to accommodate the additional groundwater demand proposed by the development which must include the anticipated demand based on the development potential of the subject property(s) based on the current zoning, including potential impacts on adjacent properties;
ii. a statement backed by a professional assessment that the proposed development will not have a negative impact on the aquifer; and,

iii. recommendations on what measures are required to ensure the aquifer is protected.

27. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported;

28. For developments that are proposed to be serviced by a community water system, written confirmation of sufficient quantity and quality of potable water will be required from the water service provider.

29. Where the possibility of an impact(s) exists, the RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that the discharge of any treated effluent and rain water shall not negatively impact water quality. 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 will require the provision for grease, oil, and sedimentation removal facilities and the on-going maintenance of these facilities.

10.3 Hazard Lands

Purpose:

To protect development from hazardous conditions.

To protect the natural environment, its ecosystems, and biological diversity.

Area:

This 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 generally identified on Map No. 9 (Environmentally Sensitive Features and Hazard Lands Development Permit Areas). With respect to steep slopes west of the Little Qualicum River, this Development Permit Area shall apply to lands within 15 metres from the top of the bank where the natural grade of the slope is greater than 30 percent.

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 OCP establishes a Hazard Lands Development Permit Area for protecting life, property and the environment from hazardous conditions.
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 as defined in section 872 of the *Local Government Act*.

Exemptions:

The following activities are exempt from requiring a development permit:

1. Emergency procedures to prevent, control, or reduce flooding, erosion or other immediate threats to life and property including:
   a. emergency flood or erosion protection works;
   b. clearing of an obstruction from a bridge, culvert, or drainage flow;
   c. the planting of native vegetation for the purpose of bank stabilization; or,
   d. repairs to bridges and safety fences.

2. Notwithstanding Policy 1 above, emergency actions for flood protection and clearing of obstructions by anyone other than the RDN or a provincial ministry must be reported to the Regional District of Nanaimo and applicable provincial ministry immediately to secure exemptions under this provision.

3. The removal of hazardous trees, in accordance with the recommendations contained in a report prepared by an Arbourist or other qualified professional, that present an immediate danger to the safety of persons or are likely to damage public or private property.

4. Construction repair and maintenance of works by the RDN or its authorized agents and contractors.

5. On a property where the hazard is not due to a steep slope, a second storey addition, excluding cantilevered construction, to a legally sited structure or structure protected by Section 911 of the *Local Government Act* provided the second storey addition is within the existing footprint of the existing structure.

6. The construction of a fence.

7. In the case of an application to subdivide, a development permit is not required where:
   a. minimum lot areas are met exclusive of the hazard area shown on Map No. 9;
b. no development activities (such as grading, clearing, trenching, installation of pipes, etc.) relating to the creation of lots or provision of services for those lots will occur within the Development Permit Area.

**Guidelines:**

1. The applicant will work with the RDN to consider possible variances to the land use and subdivision bylaw to minimize encroachment into the Development Permit Area.

2. An assessment of the natural hazard by a geotechnical engineer or other qualified professional shall be required to determine if the site is safe for the intended use and to provide recommendations to ensure that the proposed development is protected from the natural hazard and will not result in a detrimental impact on the environment or adjoining properties. The assessment should include proposals for vegetation protection, enhancement or retention, where applicable and must include a statement from the engineer or other qualified professional that says that in their opinion the property is safe for the intended use.

3. Where the placement of fill is proposed within a floodplain, the RDN shall require a report by a Professional Engineer that ensures that 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.

4. The Regional District of Nanaimo may require a Section 219 covenant to register the qualified professional's report and to save the RDN harmless from all losses or damages to life or property as a result of the hazard.

5. Where the possibility of an impact(s) exists, the RDN may require an applicant to supply a drainage, sediment, and/or erosion plan complete with recommendations for implementation prepared by a professional engineer or a person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.

6. Where the possibility of an impact(s) exists, the RDN may require the applicant to supply a re-vegetation plan to the satisfaction of the Regional District of Nanaimo.

7. Where the applicant's qualified professional recommends revegetation and/or enhancement works within the Development Permit Area, the RDN shall 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.

8. Mitigation and restoration measures shall be required as recommended by a qualified professional as a condition of development approval.

9. All development proposals should be designed in substantial compliance with the guidelines contained in the document: "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" published in March 2006 by the Ministry of Environment.

10. Where there is no alternative to use flood prone lands for development, such development is to be located only where there is no risk to life and where measures can be taken to
safeguard buildings from flood or erosion damage as determined by a Qualified Professional.

11. Swamps and wetlands shall be maintained in their natural state to enhance natural flood storage and protect environmentally sensitive ecosystems.

12. 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;
   d. not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.

13. Where development in the Hazard Lands Development Permit Area is deemed necessary, the development will:
   a. be designed to ensure that development can withstand the hazard and that the property is safe for the use intended;
   b. take a form that minimizes the area of encroachment into and impact on the Hazard Lands Development Permit Area;
   c. be located so as to cause the least impact on the environmental values of the Hazard Lands Development Permit Area;
   d. be conducted at a time of year and use construction methods that minimize the impact on the Hazard Lands Development Permit Area;
   e. require works to be constructed to preserve, protect, restore or enhance habitat, natural watercourses or other specified natural features of the environment.

10.4 Farmland Protection

Purpose:
To protect farm land.

Area:
The Farm Land Protection Development Permit Area is designated on Map No. 10 (Development Permit Areas: Form & Character and Farm Protection).

This Development Permit Area is applicable to all land within the Electoral Area 'G' Plan Area that is within 15 metres of land situated within the Provincial Agricultural Land Reserve (ALR).

Justification:
Land located ALR requires protection for long term agricultural use. The development of lands adjoining or reasonably adjacent to farm lands may compromise the agricultural use of the ALR lands. As a result of inappropriately designed developments, land use conflicts may develop between the land uses.

**Application:**

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

1. alteration of land, 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 as defined in the *Land Title Act* or the *Strata Property Act*.

**Exemptions:**

The following are exempt from requiring a development permit:

1. development activities on lands within the Agricultural Land Reserve;
2. an application for the construction of a building or structure which is proposed to be located outside of the 15 metre buffer area;
3. land alteration, disturbance of soils, including grubbing, scraping, and removal of top soils outside of the 15 metre buffer area;
4. the construction of fencing provided the area being disturbed to allow for construction and maintenance is 3.0 metres or less in width, no trees with a diameter of 10 cm or more are being removed, and the subject property has adequate site area to maintain a vegetated buffer of at least 15 metres in width, excluding areas for septic disposal and water well (if applicable, and an adequate building site area;
5. a second storey addition, provided the second storey addition is within the existing footprint of the existing structure; and,
6. an application for subdivision where the parcels, which are proposed to be adjoining or reasonably adjacent to 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 septic disposal system (if applicable) and still provide for the 15 metre vegetated buffer area.

**Guidelines:**

1. Proposed parcels shall be designed in such a manner as to lessen the impact of development upon the adjacent ALR.
2. A minimum 15 metre wide buffer should be maintained and/or established on land to be developed if it is adjoining an ALR boundary. All buffer areas shall generally be landscaped using materials set out in Schedule 'C' of the BC Agricultural Land Commission's publication entitled Landscaped Buffer Specifications published in 1993. The use of existing native vegetation should be incorporated into the landscape plan.

3. No buildings and structures, except for fencing, shall be situated within the 15 metre vegetation buffer area. Where fencing is constructed, it shall generally be in accordance with Schedule 'D' of the BC Agricultural Land Commission's publication entitled Landscaped Buffer Specifications published in 1993.


5. Fencing shall be constructed in accordance with Schedule 'D' of the BC Agricultural Land Commission's publication Landscaped Buffer Specifications published in 1993.

6. A Section 219 covenant for the vegetation buffer area may be required which restricts the removal of vegetation and the construction of any buildings or structures other than fencing within the buffer area.

7. All planning, design and construction of a landscaped buffer shall be to the standard of the BC Society of Landscape Architects/BC Nursery Trades Association (BCNTA) publication entitled BC Landscape Standards.

10.5 Inland Island Highway Corridor

**Purpose:**

To establish objectives and provide guidelines for the visual form and character of industrial, commercial, intensive residential, and multi-residential lands which may be visible from the Inland Island Highway (Highway 19) and the interchanges with Highways 4 and 4A.

**Area:**

This Development Permit Area is applicable to all land within 250 metres from the centre line of the Inland Island Highway and within 500 metres from the centre point of an intersection or interchange of the Inland Island Highway. See Map No. 10 (Development Permit Areas: Form & Character and Farm Protection).

**Application:**

A development permit is required for the following commercial, industrial, intensive residential and multi-residential uses unless specifically exempt:

1. alteration of land, removal of vegetation, 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 as defined in the Land Title Act or the Strata Property Act.

Justification:

The Inland Island Highway Development Permit Area provides guidelines for the form and character of industrial and commercial uses and related activities in order to reduce undesirable visual impact on the Inland Island Highway and the gateway lands surrounding major interchange connections.

Exemptions:

1. All development activities, including subdivision of land that does not include commercial, industrial, intensive residential or multi-residential development or related activities.

Guidelines:

1. Development or redevelopment of commercial, industrial, or multi-residential land within the Inland Island Highway Development Permit Area shall:
   a. reinforce the rural and aesthetic visual image of the Inland Island Highway by maintaining the rural wooded landscape on adjoining lands;
   b. ensure that orderly and aesthetic development or redevelopment of existing industrial zoned lands do not negatively impact the view corridor of the new highway; and,
   c. prohibit direct vehicular access from the Inland Island Highway.

2. All industrial, commercial, or multi-residential subdivisions or individual developments should provide a 30 metre visual integrity buffer, adjacent to the Inland Island Highway, where a natural wooded character will be maintained and no buildings, outdoor storage or signage shall be permitted without the approval of both the MOT and the RDN Board.

3. Buildings, structures, parking, and storage should be designed and sited to be outside of the visual integrity buffer of the Inland Island Highway and complement the rural integrity of the area. Plans shall be submitted illustrating cross sections of the property and proposed buildings. The Plans shall illustrate the view corridor of eastbound and westbound traffic and the visual impact of any proposed structures from the Inland Island Highway. In addition, a photographic survey of the site and development proposal shall be submitted, from adjoining parcels and major roadways, to illustrate visual compatibility with surrounding development.

4. No signage shall be visible from the Inland Island Highway. Signage should be visually unobtrusive and grouped whenever possible, and no third party signs shall be permitted within the Development Permit Area.

5. Wherever possible development should be oriented with the "front" face of buildings away from the Highway and no loading, storage, or other service functions should be located between the building and the highway.
6. Where the introduction of vegetation is required within the Development Permit Area, the RND 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 of Nanaimo.

7. Where irrigation is required to maintain proposed landscaping, it should be designed and installed by an Irrigation Industry Association of British Columbia certified irrigation designer.

10.6 *Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character*

*Purpose:*

To establish objectives and provide guidelines for the form and character of multi residential, intensive residential, industrial, and commercial development; and.

To protect the natural environment, its ecosystems and biological diversity.

In the context of this Development Permit Area, form and character refers to the external façade and architecture of the built environment, landscaping, internal traffic flow including pedestrian and cyclist, site illumination and signage, and site layout.

*Area:*

This Development Permit Area is applicable to all lands shown on Map No. 10 (Development Permit Areas: Form & Character and Farm Protection) identified by this Plan.

*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 as defined in the *Land Title Act* or the *Strata Property Act*.

*Exemptions:*

The following activities are exempt from requiring a development permit:

1. Single residential development and accessory uses, including subdivision, on lands zoned for single residential use.

2. The cutting down of hazardous trees in accordance with the recommendations contained in a report prepared by an Arbourist or other qualified professional. Trees must pose an immediate threat to the safety of persons or existing buildings or structures.
**Justification:**

Increasing development pressure has led to the need to ensure that new developments and redevelopment on lands designated for multi residential, intensive residential, industrial, and commercial are conducted in a manner that is compatible with the servicing standards in the Plan Area, the City of Parksville, and the Town of Qualicum Beach and to ensure that developments are aesthetically pleasing and compatible with the surrounding land uses, and minimize the impact on the environment.

**Guidelines:**

**Servicing:**

1. Prior to any phase of a proposed development, the developer must provide a report prepared by a registered professional engineer that provides the following:
   
   a. detailed plans and specifications showing the proposed sewage connection or disposal system (in unserviced areas) and rain water drainage systems to be constructed to service the proposed development;
   
   b. on lands serviced by community water, proof that the proposed development will be connected to the community water system and that the proposed system is compatible with the adjacent municipality's engineering standards; and,
   
   c. on lands serviced with community sewer, proof that the proposed development will be connected to the community sewer system and that the proposed system is compatible with the adjacent municipalities engineering standards.

**General Design:**

2. The Regional District of Nanaimo shall require an applicant to submit building elevations prepared by an architect or other qualified professional.

3. Commercial development should be ground oriented and in scale with the surrounding uses.

4. The use of non-combustible building materials is encouraged and where feasible locally produced natural building materials should be incorporated in to the design without compromising the building or structures fire resistance. West Coast architecture is strongly encouraged.

5. There shall be no net increase in peak rain water run-off from the land to adjoining lands.

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;
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c. not interfere with groundwater recharge;

d. not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.

7. Benches, ornamental street lights, and public art are encouraged throughout the site. Outdoor patios or amenity areas are encouraged.

8. Street furniture such as benches, lamps and refuse containers shall be incorporated in the landscape design. These shall be required to be consistent, similar, or identical in character to the architectural character of the development and identified by type and source in the application.

9. Public open space and pedestrian walkway linkages to adjacent neighbourhoods and to Wembley Mall which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.

10. The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.

11. Comprehensive development proposals that consider the full life cycle of input materials and process by-products as well as seek to minimize energy and raw materials use, minimize waste, and build sustainable economic, ecological and social relationships (eco-industrial networking) shall be encouraged.

12. Buildings shall be designed so as to avoid presenting an overly massive appearance using roof lines, window treatments, and landscaping to break up their bulk and soften their appearance.

Residential Development Guidelines

13. Residential developments should include a variety of housing sizes and types. These may range from single dwelling units, condominiums, and townhouses. Residential land uses should be arranged to achieve gradual transition from adjacent housing types and surrounding neighbourhoods.

14. Developments should be designed to take advantage of sun exposure to reduce winter heating and summer cooling.

15. Multiple dwelling unit buildings should be designed to utilize sunlight for the health and comfort of residents and for energy conservation purposes.

16. Dwelling units should be designed to allow residents privacy as well as a sense of community such that each unit has at least one private outdoor space with access to or views of adjacent semi-public spaces.

17. Development shall not be a separate "gated community" with walled or fenced enclaves and shall be integrated with and compatible with surrounding neighbourhoods.
18. Where practical, clustering of multi-residential development a minimum of 250 metres away from the centre of the FCPCC should be required in order to maximize vegetation retention buffers to limit periodic odour migration.

Parking and Loading:

19. Parking and loading areas shall generally be located to the rear of buildings, must be screened from view from adjacent properties, and be located outside of the minimum required zoning setback. The screening should consist of landscaping and/or fencing. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.

20. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiiuses are provided for all forms of vehicles intended to use the property.

21. Provision should be made for emergency vehicles, moving vans, and service vehicles.

22. Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

Landscaping and Screening:

23. The Regional District of Nanaimo shall require the applicant to submit a landscaping plan prepared by a Landscape Architect or equivalent professional which meets the British Columbia Landscape Standard and satisfies the following objectives:

   a. to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;

   b. to minimize water consumption through means such as micro-irrigation and xeriscaping;

   c. to provide visual separation from and compatibility with surrounding single residential uses;

   d. to improve the aesthetic appeal of the development;

   e. to assist in the safe movement of pedestrians throughout the site;

   f. to reduce the amount of impervious surfaces on the site;

   g. to compliment the development and surrounding uses;

   h. to preserve the rural experience and to minimize the visual distraction of development on Highways No. 19, 19A, and Highway 4; and,

   i. to establish or enhance habitat values on the development site where appropriate.
24. The landscaping plan must be drawn to scale and show the type, size and location of proposed landscaping and shall be submitted with the development permit application.

25. At minimum the landscape design should provide a continuous landscaped buffer area of at least 2.0 metres in width along the inside of all property lines, excluding access points, adjacent to all roads and highways and adjacent to all residential zoned property and should contribute towards the objectives identified in Policy 24 above.

26. Notwithstanding Policy 24 above, the landscaped buffer adjacent to any watercourse, coastal area, or environmentally sensitive feature shall be determined by a QEP and shall work towards Policy 22(i) above– to establish or enhance habitat values on the development site.

27. To separate parking, service or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 metres in width and 2.0 metres in height, shall be provided along the inside of all affected property lines.

28. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.

29. Vegetation species used in replanting, restoration and enhancement shall be 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 fish and habitat wildlife habitat values as needed.

30. All replanting shall be maintained by the property owner for a minimum of five years from the date of completion of the planting. Unhealthy, dying or dead stock will be replaced at the owner’s expense during the next regular planting season.

31. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:

   a. shrubs – 45 cm;
   b. groundcover and grass – 30 cm;
   c. trees – 30 cm around and below the root ball.

32. Where irrigation is required to maintain proposed landscaping, it shall be designed and installed by an Irrigation Industry Association of British Columbia certified irrigation designer.

33. The Regional District of Nanaimo shall 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 similarly qualified person to the satisfaction of the RDN to be released upon final inspection by a Landscape Architect or other similarly qualified person to the satisfaction of the Regional District of Nanaimo.

34. Garbage and recycling containers shall be screened with landscaping and fencing and gated to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with landscaping and fencing.
35. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged matching the materials used for the principle building.

36. Subject to the approval of the MOT where applicable, the installation of boulevards, street trees, pedestrian pathways, or sidewalks within the public road right of way may be supported. Boulevards must be landscaped, irrigated, and maintained by the subject development.

37. Open spaces acting as sites of public assembly shall incorporate special landscape features such as fountains, landscaping or monuments as focal elements.

Site Illumination and Signage:

38. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.

39. All new, replacement and upgraded exterior lighting in existing and proposed developments shall be Full-Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.

40. The size, location and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.

41. No roof top signs shall be permitted. Multi-tenant buildings shall provide combined tenant signage.

42. Signage should be visually unobtrusive; particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective

Pedestrian and Cyclist Considerations:

43. Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right of ways of the adjacent streets shall be provided.

44. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

45. Bicycle parking facilities should be provided at grade near the primary building entrances.