

AGENDA

Regional District of Nanaimo
Electoral Area 'A' Official Community Plan Review Citizen's Committee

Monday January 25, 2010 @ 6:30 pm
(*North Cedar Improvement District Fire Hall - 2100 Yellow Point Road*)

1. **Minutes**
Adoption of the January 11, 2010 meeting notes - Page 2
2. **Draft Official Community Plan Discussion**
Sections 11-14
4. **Other**

**Regional District of Nanaimo
Summary of the Electoral Area 'A' Official Community Plan Review
Citizen's Committee Meeting Held on Monday, January 11, 2010 at 6:30pm
At the North Cedar Improvement District Hall
2100 Yellow Point Road**

Joe Burnett	Chairperson
Mike Hooper	Committee Member
Jill Maibach	Committee Member
Lynnia Clark	Committee Member
Devon Wyatt	Committee Member
Gary Laird	Committee Member
Brian Collen	Committee Member
Jack Anderson	Committee Member
Bert Vermaskari	Committee Member
Anne Fiddick	Committee Member
Joanne McLeod	Committee Member
Donna Sweeney	Committee Member
Greg Keller	Senior Planner
Stephen Boogaards	Recording Secretary

CALL TO ORDER

The meeting was called to order at 6:30 pm by the Chair. There were approximately 22 people in attendance.

MINUTES

The Chair asked the Committee for a motion to adopt the summary of the December 14, 2009 meeting.

MOVED Gary Laird, SECONDED Devon Wyatt, that the summary of the Area 'A' Citizen's Committee meeting held on December 14, 2009 be adopted.

CARRIED

DRAFT OFFICIAL COMMUNITY PLAN DISCUSSION

Sections 8-10

The committee and guests reviewed sections 8 to 10 of the draft and there were questions, discussion, and comments provided on the draft. The comments and suggestions were recorded within the document using track changes in Microsoft Word.

ADJOURNMENT

The meeting was adjourned at 8:52pm.

Certified correct by:

Director Joe Burnett, Committee Chairperson

11.0 Development Permit Areas

A Development Permit Area (DPA) is a set of development guidelines pertaining to a specific area as specified by the Official Community Plan. The authority for local governments to establish DPAs is set out in the [Local Government Act](#), Sections 919.1 and 920. A DPA is perhaps the most important tool used by Local Governments to ensure that the potential impacts of development are identified and addressed. This OCP relies on the use of Development Permit Areas as the primary tool which will assist the community in working towards achieving its vision and ensuring that future development is consistent with the sustainability principles, goals, objectives, and policies of this plan.

In addition, DPAs ensure that development within a specified area is conducted in a responsible manner. This is especially important in areas that are environmentally sensitive and/or subject to hazardous conditions.

Development applications within DPAs are reviewed to ensure that the proposal is consistent with the DPA Guidelines. In some cases, a report from a professional biologist, engineer, or other professional may be required to assist staff in evaluating an application. The OCP specifies the information required in order to submit a Development Permit application.

A common misconception about DPAs is that they are setbacks or “no-go” buffer zones. ***This is incorrect.*** Development may occur within a DPA provided the proposal satisfies the DPA Guidelines. In addition, certain types of development activities may be permitted within a DPA without a Development Permit. The DPA guidelines specify the types of development that can occur **without** a Development Permit which typically include activities such as minor additions to existing buildings, internal renovations, habitat restoration and enhancement, work required to address an immediate threat to life or property, and second storey additions to existing buildings.

This section of the Official Community Plan identifies those areas of Electoral Area 'A' where a development permit may be required, 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 'A' is consistent with the strategic goals and actions of the Regional District of Nanaimo 2009-2012 Strategic Plan, the goals and objectives of the Regional Growth Strategy, and is required to achieve the community vision.

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;
6. establishment of objectives for the form and character of commercial, industrial or multi-residential development;
7. establishment of objectives to promote energy and water conservation; and,

8. establishment of objectives to promote the reduction of greenhouse gases.

For those areas designated as Development Permit Areas in the OCP, the 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. If inconsistency is found 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.

DRAFT



11.1 Environmentally Sensitive Features Development Permit Area

PURPOSE

This Development Permit Area has been designated pursuant to Section 919.1(a) of the *Local Government Act: protection of the natural environment, its ecosystems and biological diversity.*

AREA

This Development Permit Area is intended to minimize the impacts of developments on a number of environmentally sensitive features including coastal areas, nesting trees, rare species, and other environmentally sensitive areas identified on Map No. 9 of this Plan and are 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. 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 'Coastal Bluff', 'Terrestrial Herbaceous', 'Riparian Vegetation', 'Wetland', and 'Older Forest' as shown on Map No. 9.
3. For Eagle Nesting Trees - the Development Permit Area shall be a 60-metre radius measured from the base of the nesting tree.
4. For Heron Nesting Trees – the Development Permit Area shall be a 100-metre radius measured from the base of the nesting tree.
5. For known locations of sensitive species those locations shown on Map No. 9 of this Plan.

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 components of the Coastal Douglas Fir Ecosystem, coastal shoreline, watercourses, aquifer's, eagle and heron nesting trees, rare species, 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 Registered Professional Biologist and surveyed by a BC Land Surveyor or as determined by the RDN.
2. 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.
3. Internal renovations and maintenance to existing buildings and structures within the existing building footprint.
4. 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.
5. Additions, excluding cantilevered construction, to a legally sited structure within the existing footprint of the existing structure.
6. 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
7. 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.
8. 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.
9. Where the *Riparian Areas Regulation* does not apply, 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.
10. 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.
 11. 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.
 12. 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 loostrife 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.
 13. 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.
 14. The maintenance 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 11 as stated above.
 15. 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.

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 by a British

- Columbia Land Surveyor or Registered Professional Biologist to accurately determine the geographical location and characteristics of the features identified.
2. The RDN may 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, may require compliance with any or all conditions recommended in the report prepared by the Registered Professional Biologist or other qualified professional.
 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. Variances may be considered in order 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 may 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 rare and sensitive species within 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. Development applications shall generally comply with the environmental protection policies contained in Section 3.0 of this Plan.
 13. 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.
 14. 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, registering professional reports on title, specifying areas that must remain free from development and/or protecting an environmentally sensitive feature.
 15. The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other methods for managing rain water on site should be included in all development proposals considered in this Development Permit Area.
 16. The Regional District of Nanaimo shall consider the site-specific natural features, ecological processes that support ecosystem function, natural geological processes, 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. natural movement and deposition of shoreline materials;
 - i. wildlife habitat, including but not limited to wildlife breeding areas as well as nesting and perch trees;
 - j. appropriate timing of construction; and,
 - k. maintenance of linkages with adjacent sensitive ecosystems to minimize fragmentation.
 17. 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

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

11.2 Watercourse and Fish Habitat Protection Development Permit Area

PURPOSE

This Development Permit Area has been designated pursuant to Section 919.1(a) of the *Local Government Act*: protection of the natural environment, its ecosystems and biological diversity.

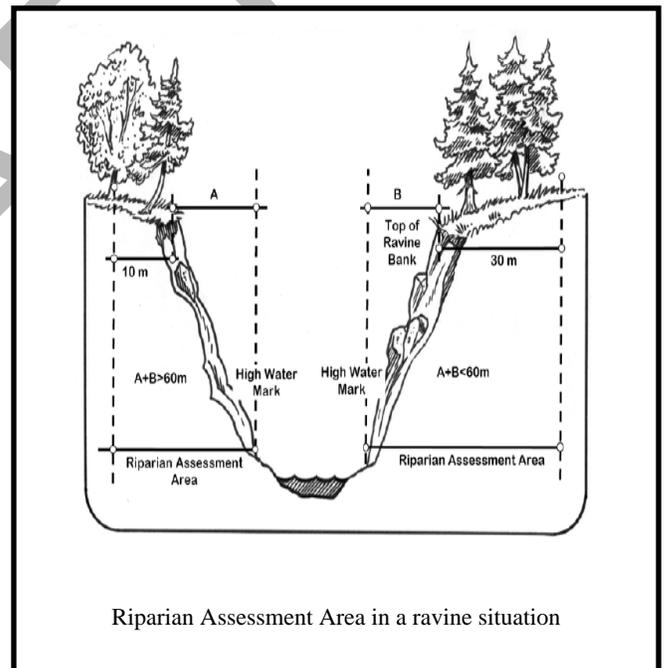
Area:

This Development Permit Area applies to all streams subject to the provincial *Riparian Areas Regulation* (RAR) as well as lakes, wetlands, ponds, and other watercourses which are not subject to the RAR are valued to support local plant and animal communities and are important for maintaining and enhancing vital ecosystem function and biodiversity.

This Development Permit Area is defined as follows:

A. For all mapped and unmapped streams **which are subject to the RAR** in the area identified on Inset No. 1 on Map No. 9, this Development Permit Area consists of the following Riparian Assessment Areas within and adjacent to all streams"

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 RAR establishes the Riparian Assessment Areas as described above.

B. For lakes, wetlands, and ponds, shown on Map No. 9 **which are not subject to the RAR**, this Development Permit Area includes the following:

1. For lakes, wetlands, and ponds as shown on Map No. 9, the Development Permit Area shall be 15 metres as measured from the natural boundary.
2. For all other watercourses as shown on Map No. 9, the Development Permit Area shall be 15 metres as measured from the top of the bank.

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). This Development Permit Area has been designated to protect streams in accordance with the RAR.

In addition, aquatic and riparian ecosystems are biodiversity hotspots which play a vital role in the lifecycle processes of not only fish, but many other plant and animal communities. In addition to protecting the components which are required to support fish, this Development Permit Area is also intended to address other important values associated with aquatic and riparian ecosystems such as the occurrence of rare plant and animal communities, the maintenance of the natural hydraulic regime, and the role that aquatic and riparian ecosystems play in supporting plant and animal species.

APPLICABILITY

This Development Permit Area applies to all development proposed within the Development Permit Area described in (A) and (B) above. 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 of land.

Exemptions from Requiring Application for a Development Permit

The following activities are exempt from the Watercourse and Fish Habitat Protection Development Permit Area requirements: **(Please note, a Riparian Assessment which satisfies the provincial requirements set out in the RAR Guidelines must be submitted to the Provincial Ministry of Environment for all development within the RAA regardless of whether a Development Permit is required from the Regional District of Nanaimo).**

1. Development activities more than 30 metres as measured from the top of the bank or present natural boundary, whichever is greater, for the Nanaimo River and Haslam Creek.
2. Development activities more than 15 metres as measured from the top of the bank or present natural boundary, whichever is greater, for all other watercourses, streams, lakes, wetlands, and ponds.
3. For streams subject to the RAR, in the case where a simple assessment is submitted, 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.

4. Renovations, repairs, maintenance, additions, 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 loostrife 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.
11. Subdivision where a Qualified Environmental Professional has determined there to be no streams or RAA subject to the RAR on the subject property or where no new lot lines or amendments to existing lot lines are being proposed within the RAA.
12. In the case where a lake, wetland, watercourse, or pond is not subject to the RAR the construction of a single trail 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 is stable, i.e. erodible stream banks or other erosion prone areas must be avoided;
 - d. no motorized vehicles are permitted;
 - e. the trail is 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;
 - g. the trail's surface is pervious, and

Guidelines:

A. General Guidelines

The following guidelines apply to all development activities within this Development Permit Area:

1. Development or subdivision of land should be designed to:

- e. replicate the function of a naturally vegetated watershed;
 - f. maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
 - g. not interfere with groundwater recharge; and,
 - h. not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
2. Variances may be considered in order to minimize encroachment into the Development Permit Area.
 3. Construction at a time of year and using construction methods that minimize the impacts on rare and sensitive species within the Development Permit Area shall be required.
 4. Development applications shall generally comply with the environmental protection policies contained in Section 3.0 of this Plan.
 5. 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.
 6. All development proposals are subject to the requirements and procedures of the *Fish Protection Act* and the *Riparian Areas Regulation*.
 7. Rain water should be managed on site and no increase or changes to off site rain water flows should be supported.
 8. The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other methods for managing rain water on site should be included in all development proposals considered in this Development Permit Area.
 9. 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.

B. Guidelines applicable to all streams subject to the RAR:

1. Unless otherwise exempt from the requirements of this Development Permit Area, for all development within the RAA of all streams subject to the RAR, a QEP must be retained at the expense of the applicant for the purpose of preparing a report pursuant to the provincial *Riparian Areas Regulation* (RAR) and the RAR Assessment Methodology Guidebook. The report must be electronically submitted using the prescribed form and method 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. Please note, a variance to the minimum required setbacks from a watercourse pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 may be required and a Development Permit shall not be issued unless the Regional Board concurrently approves the required variance.
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 RDN may require the applicant to provide an explanatory plan of the SPEA including the registration of a covenant prohibiting development in the SPEA and securing the measures required to protect it.
 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, signage, and/or other approved means of clearly delineating the SPEA boundary may be required 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. Where signage is required, it must clearly identify the Streamside Protection and Enhancement Area, must be in a form approved by the Regional District of Nanaimo, it must be permanently installed in a clearly visible location on a fence or other permanent structure a minimum of every 10 metres, and in the case of subdivision there must be at least one sign installed on each proposed lot including and/or 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. 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.

A. Guidelines applicable to lakes, wetlands, ponds, and other watercourses not subject to the RAR:

1. The location of lakes, wetlands, ponds, and other watercourses identified on Map No. 9 of this Plan are intended for convenience only. Ground truthing may be required to accurately determine their geographical location.
2. The applicant may be required 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), including but not limited to, rare or endangered plant and animal species and assesses the environmental impact of the proposed development and prescribes appropriate recommendations for construction, mitigation, and protection of habitat, which minimizes the impacts of development and preserves and/or restores the natural ecosystem components and processes which are important to maintain ecosystem function and health.
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 or other qualified professional.
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. 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 guideline, 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 or there are no alternate building locations.
6. Where an applicant is proposing to disturb native vegetation within this Development Permit Area, the RDN may require the applicant to supply a re-vegetation plan to the satisfaction of the Regional District of Nanaimo.
7. In order to ensure that unnecessary encroachment does not occur into the Development Permit Area at the time of construction, permanent or temporary fencing measures may be required.
8. 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.

9. 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, registering professional reports on title, specifying areas that must remain free from development and/or protecting an environmentally sensitive feature.
10. 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.

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.

11.3 Nanaimo River Floodplain Development Permit Area

Purpose:

This Development Permit Area has been designated pursuant to the following Sections of the ***Local Government Act***:

919.1(a): protection of the natural environment, its ecosystems and biological diversity

919.1(b): protection of development from hazardous conditions

Area:

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

Justification:

The Nanaimo River floodplain (including portions of Haslam Creek) is designated by the province as a 'high risk' floodplain area. The Development Permit Area designation is intended to protect private property from flooding and potential loss of land due to erosion and instability.

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. 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.
6. The construction of buildings and structures which are in accordance with the Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006, as amended or replaced from time to time, provided there is no land alteration, placement of fill, or modification to land within the flood plain. This exemption does not apply to all areas outside of the Regional District of Nanaimo building inspection area because Bylaw No. 1469 does not apply.
7. An addition to a legally sited structure provided addition is within the existing footprint of the existing structure.
8. The construction of a fence.
9. 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. 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. 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. be constructed in a way which helps preserve, protect, restore or enhance habitat, natural watercourses or other specified natural features of the environment.

11.4 Farm Land Protection Development Permit Area

Purpose:

This Development Permit Area has been designated pursuant to Section 919.1 (c) of the *Local Government Act*: *protection of farming*.

Area:

The Farm Land Protection Development Permit Area is designated on Map No. 10.

This Development Permit Area is applicable to all land within the Electoral Area 'A' OCP that is within 15 metres of land situated within the Provincial Agricultural Land Reserve (ALR), excluding public road right of ways.

Justification:

Land located ALR requires protection for long term agricultural use. The development of non-farm uses on 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. farm uses;
3. an application for the construction of a building or structure which is proposed to be located outside of the 15 metre buffer area;
4. land alteration, disturbance of soils, including grubbing, scraping, and removal of top soils outside of the 15 metre buffer area;
5. construction of an access or driveway provided it is no more than 9.0 metres in width;
6. 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;

7. Maintenance to existing buildings and structures;
8. The construction of a second storey addition, provided the second storey addition is within the existing footprint of the existing structure; and,
9. 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, should 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.
4. Plant layout, spacing and support shall generally be in accordance with Schedule 'B' of the BC Agricultural Land Commission's publication entitled Landscaped Buffer Specifications published in 1993.
5. 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.
6. 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.

11.5 South Wellington Industrial – Commercial Development Permit Area

Purpose:

This Development Permit Area has been designated pursuant to the following Sections of the ***Local Government Act***:

919.1(a): protection of the natural environment, its ecosystems and biological diversity

919.1(f): establishment of objectives for the form and character of commercial, industrial, or multi-family residential development

919.1(h): establishment of objectives to promote energy conservation

919.1(i): establishment of objectives to promote water conservation

Area:

This Development Permit Area primarily includes those commercial and industrial activities designated South Wellington Light Industrial Commercial Area concentrated along the Trans Canada Highway bordering the south boundary of the City of Nanaimo as shown on Map No. 10.

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; and,
3. creation of non-structural impervious or semi-pervious surfaces;

Justification:

This development permit area includes land adjacent to or with visibility to the Trans Canada Highway. The Area is surrounded by residentially designated lands. South Wellington residents rely on ground water for domestic use and wish to ensure that its quantity and quality is protected.

The proximity of this area to the Trans Canada Highway, the City of Nanaimo, and the surrounding residential neighbourhood impacts on the visual sensitivity of the area. It is important to ensure that development is compatible with surrounding land uses.

Exemptions:

1. A development permit shall not be required for the construction, renovation, or addition to single or duplex dwelling units or accessory residential buildings.
2. A development permit shall not be required for the subdivision of land.

Guidelines:

Servicing:

1. The Regional District of Nanaimo may require a report prepared by a registered professional engineer assessing the suitability of local soil conditions for septic disposal including detailed plans and specifications showing the proposed sewage disposal system and certifying that it meets or exceeds provincial standards and is capable of accommodating the proposed sewage volumes.

Groundwater Protection

2. 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.
3. The RDN may require the applicant to supply a report from a registered professional which includes an assessment of the characteristics of the aquifer and its ability to accommodate the additional groundwater demand proposed by the development which must include:
 - i. the anticipated water demand 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.
4. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings, and impervious surfaces does not negatively impact ground water quality. The Plan must include recommendations on how to minimize the risk of deleterious substances entering the ground water. The Regional District of Nanaimo should require the applicant to implement the report's recommendations in the proposed development and the recommendations may become conditions of the Development Permit.
5. The Regional District of Nanaimo shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, dismantled, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water, and grease separator and/or other engineered containment system approved by the RDN. The engineer must provide an appropriate maintenance schedule.
6. The Regional District of Nanaimo may require the applicant to enter into a Section 219 covenant registering the maintenance schedule and a commitment to maintain the sedimentation, oil, water, and grease separator or other containment system as per the engineer's recommendations.
7. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported;
8. All development which proposes a site, facility, or premise where municipal solid waste or recyclable materials will be managed must be conducted in accordance with "*Regional District of Nanaimo Waste Stream Management Licensing Bylaw No. 1386, 2004*" as amended or replaced from time to time

General Design:

9. The Regional District of Nanaimo shall require building elevations prepared by an architect or other qualified professional.

10. Commercial development should be ground oriented and in scale with the surrounding uses.
11. 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 structure's fire resistance.
12. There shall be no net increase in peak rain water run-off from the land to adjoining lands.
13. Development 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.
14. Public open space and pedestrian walkway linkages to adjacent neighbourhoods which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
15. The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.
16. Buildings and structures, located on parcels adjacent to the Tran Canada Highway, South Wellington Road, or Schoolhouse Road, shall generally be sited and shaped in a visually unobtrusive manner.

Parking and Loading:

17. Parking and loading areas shall generally be located to the rear of buildings, should be screened from view from the Trans Canada Highway and adjacent residential uses, and be located outside of the minimum required zoning setback, unless a variance is being considered. The screening should consist of landscaping, fencing, or a combination of landscaping and fencing. Parking areas should include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.
18. 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 radiuses are provided for all forms of vehicles intended to use the property.
19. Provision should be made for public transit, emergency vehicles, moving vans, and service vehicles.
20. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

Landscaping and Screening:

21. The applicant may be required to submit a landscaping plan prepared by a Landscape Architect or equivalent professional which meets the current edition of the British Columbia Landscape Standard and satisfies the following objectives:
 - i. to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - ii. to minimize water consumption through means such as micro-irrigation and xeriscaping;
 - iii. to provide visual separation from the Tran Canada Highway and compatibility with surrounding single residential uses;
 - iv. to improve the aesthetic appeal of the development;
 - v. to assist in the safe movement of pedestrians throughout the site;
 - vi. to reduce the amount of impervious surfaces on the site;
 - vii. to compliment the development and surrounding uses;
 - viii. to establish or enhance habitat values on the development site where appropriate.
 - ix. to shade the development from the summer sun.
22. 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.
23. At minimum the landscape design should provide"
 - i. a continuous landscaped screen area of at least 2.0 metres in width along the inside of all property lines, excluding access points, and adjacent to all roads and highways;
 - ii. a landscape buffer of at least 5.0 metres in width should be provided to create spatial separation between non-residential and residential zoned properties and should contribute towards the objectives identified in Policy 12 above.
24. Notwithstanding Policy 21 above, the landscaped buffer adjacent to any watercourse shall be determined by a QEP and shall work towards Policy 21(viii) above– to establish or enhance habitat values on the development site.
25. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
26. Vegetation 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.
27. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
 - i. shrubs – 45 cm;
 - ii. groundcover and grass – 30 cm; and,
 - iii. trees – 30 cm around and below the root ball.
28. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an irrigation industry association of British Columbia irrigation contractor or other equivalent to the satisfaction of the RDN.

29. 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.
30. Garbage and recycling containers shall be screened with landscaping and solid gated fencing to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping or a combination of the two.
31. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

Site Illumination and Signage:

32. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or light directed towards the sky.
33. 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.
34. 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.
35. 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. No video, reader board, neon, or LED signs will be supported.
36. Where there is a conflict between these Development Permit Area guidelines and the Regional District of Nanaimo Sign Bylaw No. 993, 1995, these guidelines shall prevail. However, a variance to the sign bylaw may be required.

Pedestrian and Cyclist Considerations:

37. Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right of ways of the adjacent streets should be provided.
38. 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.
39. Bicycle parking facilities should be considered at grade near the primary building entrances.

11.6 Cedar Main Street Development Permit Area

Purpose:

This Development Permit Area has been designated pursuant to the following Sections of the *Local Government Act*:

919.1(a): *protection of the natural environment, its ecosystems and biological diversity*

919.1(f): *establishment of objectives for the form and character of commercial, industrial, or multi-family residential development*

919.1(h): *establishment of objectives to promote energy conservation*

919.1(i): *establishment of objectives to promote water conservation*

919.1(j): *establishment of objectives to promote the reduction of greenhouse gas emissions*

Area:

This Development Permit Area includes the properties within the Cedar Main Street Land Use designation as shown as Map No. 10.

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; and,
3. creation of non-structural impervious or semi-pervious surfaces;

Justification:

The Cedar Main Street Development Permit Area has been designated by this Plan in recognition of the community's desire to support diversity, create and preserve community identity, develop a sense of place, and provide opportunities for local employment, services and a range of housing types and sizes. In doing so the coordination of development within this Development Permit Area is paramount to ensure consistent standards which will help work towards achieving the community's goals.

The Cedar Main Street Land Use designation is a mixed use commercial residential corridor which is intended to create a vibrant place for local residents to shop, access services, socialize, work, and play. In accordance with the community's vision of becoming a more sustainable community, it is important for development within this Development Permit Area to be designed to ensure that ground water resources are protected and to incorporate features and construction standards and make more efficient use of energy and water. In addition, the Cedar Main Street designation is intended to reduce greenhouse gas emissions by encouraging more efficient building forms and pedestrian and cyclist use.

Exemptions:

1. A development permit shall not be required for the construction, renovation, or addition to single or duplex dwelling units or accessory residential buildings;
2. The replacement or repair of an existing sign provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.); and,

3. A development permit shall not be required for the subdivision of land.

Guidelines

Ground Water Protection

1. 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.
2. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings, and impervious surfaces does not negatively impact ground water quality. The Plan must include recommendations on how to minimize the risk of deleterious substances entering the ground water. The Regional District of Nanaimo may require the applicant to implement the report's recommendations in the proposed development.
3. Drainage from all impervious surfaces and areas where vehicles are parked must be directed through an appropriately sized and engineered sedimentation, oil, water, and grease separator or other engineered solution. The engineer must provide an appropriate maintenance schedule.
4. The Regional District of Nanaimo may require the applicant to enter into a Section 219 covenant registering the maintenance schedule and a commitment to maintain the sedimentation, oil, water, and grease separator as per the engineer's recommendations.
5. The use of permeable paving and other methods to reduce rain water runoff shall be encouraged.
6. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.
7. There shall be no net increase in peak rain water run-off from the land to adjoining lands.
8. Development 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.

General Design

9. The applicant must submit building elevations prepared by an architect or other qualified professional.
10. Buildings must be oriented towards Cedar Road with main entrance points accessed off of the face of the building closest to Cedar Road to encourage a pedestrian-friendly streetscape.

11. Buildings should be near the lot line adjacent to Cedar Road with a pedestrian walkway and landscaping between the building and Cedar Road.
12. Buildings should be designed to reflect the fact that they are located within a pedestrian environment and should be of human scale at street level and should aim to provide functional civic space.
13. The siting of buildings shall be integrated with other uses within the Cedar Main Street land use designation to promote safe pedestrian linkages and encourage consolidated vehicle access.
14. The use of high quality stone, wood, brick, and other exterior natural building materials shall be encouraged.
15. The architectural design of buildings and structures should be varied and aesthetically pleasing.
16. Buildings clad entirely in vinyl siding will be strongly discouraged. Where vinyl is used, it should be used sparingly and in combination with other materials.
17. Development shall be encouraged to include public art, murals, and other features that attract visitors and create an appealing local outdoor experience.
18. The use of energy efficient building materials, techniques, technologies, and practices that produce local energy and/or reduce energy consumption shall be strongly encouraged.

Parking and Loading

19. Parking areas should be located to rear or side of buildings. On-street parking may also be supported where it is proposed to be separated from pedestrian walkways by a vegetated boulevard, sidewalk, or a combination thereof.
20. Loading areas should be located to the side or rear of buildings and should not be visible from Cedar Road.
21. 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 radiuses are provided for all forms of vehicles intended to use the property.
22. Provision should be made for public transit, emergency vehicles, moving vans, and service vehicles.
23. Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

Landscaping and Screening

24. The Regional District of Nanaimo may 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:

- i. to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - ii. to minimize water consumption through means such as micro-irrigation and xeriscaping;
 - iii. to promote aesthetic appeal at a pedestrian scale between the proposed development and Cedar Road;
 - iv. to assist in the safe movement of pedestrians throughout the site;
 - v. to reduce the amount of impervious surfaces on the site;
 - vi. to compliment the development and surrounding uses; and
 - vii. to establish or enhance habitat values on the development site where appropriate.
 - viii. to shade the development from the summer sun.
25. 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.
26. Landscape design should generally provide an aesthetically pleasing vegetated area between the road right-of-way and the proposed building excluding areas used for pedestrian movement. The Regional District of Nanaimo shall work with the Ministry of Transportation and Infrastructure to consider pedestrian and landscaping improvements within the public road right of way.
27. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an irrigation industry association of British Columbia irrigation contractor or other equivalent to the satisfaction of the RDN.
28. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
- i. shrubs – 45 cm;
 - ii. groundcover and grass – 30 cm; and,
 - iii. trees – 30 cm around and below the root ball.
29. The Regional District of Nanaimo shall require the applicant to submit a landscaping 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.
30. Garbage and recycling containers shall be located to the rear of buildings and screened with landscaping and solid gated fencing 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, fencing, or a combination of the two.
31. Decorative fences are encouraged which complement the materials used for the principle building.

Site Illumination and Signage

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

33. 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.
34. 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.
35. The installation of fascia or projecting signs that are handcrafted, hand painted and individually designed are strongly encouraged.
36. 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. No video, reader board, neon, or LED signs shall be supported.
37. If there is a conflict between these Development Permit Area guidelines and the Regional District of Nanaimo Sign Bylaw No. 993, 1995 as amended or replaced from time to time, these guidelines shall prevail. However, a variance to the sign bylaw may be required.

Pedestrian and Cyclist Considerations

38. Pedestrian sidewalks or defined pathways between the building and Cedar Road should be provided.
39. 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.
40. Storefronts must include some form of rain protection for the pedestrian area immediately adjacent to the building. The protection must be continuous along the front face of the building and may take any form (awning, overhang, or canopy) compatible with the design of the facade but must be constructed of durable materials that are impervious to water, heat, and fading.
41. Bicycle parking facilities should be provided at grade near the primary building entrances.

11.7 Cassidy Development Permit Area

Purpose:

This Development Permit Area has been designated pursuant to the following Sections of the *Local Government Act*:

919.1(a): *protection of the natural environment, its ecosystems and biological diversity*

919.1(f): *establishment of objectives for the form and character of commercial, industrial, or multi-family residential development*

919.1(h): *establishment of objectives to promote energy conservation*

919.1(i): *establishment of objectives to promote water conservation*

919.1(j): *establishment of objectives to promote the reduction of greenhouse gas emissions*

Area:

This Development Permit Area includes the properties within the Cassidy Rural Village Land Use designation as shown as Map No. 10.

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. subdivision as defined in the *Land Title Act* or the *Strata Property Act*; and,
4. creation of non-structural impervious or semi-pervious surfaces;

Justification:

The Cassidy Rural Village Development Permit Area has been designated by this Plan in recognition of the community's desire to create a more compact complete community in Cassidy where residents can go to access local services, employment, and recreational opportunities.

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

Cassidy Residents also have concerns over the preservation of the community's rural characteristics and aesthetic values which this Development Permit Area is intended to address.

This Development Permit Area will ensure that development is conducted in a way which respects the environment and helps to maintain the rural characteristics of the community, encourages pedestrian and cyclist use, promotes energy and water conservation, and reduces greenhouse gas emissions.

Exemptions:

1. A development permit shall not be required for the construction, renovation, or addition to single or duplex dwelling units or accessory residential buildings.
2. The replacement or repair of an existing sign provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).

Guidelines

Ground Water Protection

1. 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.
2. The RDN may 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.
3. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings, and impervious surfaces does not negatively impact ground water quality. The Plan must include recommendations on how to minimize the risk of deleterious substances entering the ground water. The Regional District of Nanaimo should require the applicant to implement the report's recommendations in the proposed development.
4. The Regional District of Nanaimo shall require that drainage from all impervious surfaces and areas where vehicles are parked be directed through an appropriately sized and engineered sedimentation, oil, water, and grease separator or other engineered solution. The engineer must provide an appropriate maintenance schedule.
5. The Regional District of Nanaimo may require the applicant to enter into a Section 219 covenant registering the maintenance schedule and a commitment to maintain the sedimentation, oil, water, and grease separator as per the engineer's recommendations.
6. The use of permeable paving and other methods to reduce rain water runoff shall be encouraged.
7. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.
8. There shall be no net increase in peak rain water run-off from the land to adjoining lands.
9. Development of land should be designed to:

- i. replicate the function of a naturally vegetated watershed;
- ii. maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
- iii. not interfere with groundwater recharge;
- iv. not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.

General Design

10. The Regional District of Nanaimo shall require an applicant to submit building elevations prepared by an architect or other qualified professional.
11. Commercial and mixed use buildings should be designed to reflect the fact that they are located within a pedestrian environment and should be of human scale at street level and should aim to provide functional civic space.
12. The siting of buildings shall be integrated with other existing uses within the Cassidy Rural Village land use designation to promote safe pedestrian linkages and encourage consolidated vehicle access.
13. The use high quality stone, wood, brick and other exterior natural building materials shall be encouraged.
14. Development should generally not be visible from the Trans Canada Highway with the exception of those properties north of Timberlands Road which are designated commercial by this Plan.
15. The architectural design of buildings and structures should be varied, aesthetically pleasing, and visually interesting.
16. Buildings clad entirely in vinyl siding will be strongly discouraged. Where vinyl is used, it should be used sparingly and in combination with other materials.
17. The use of energy efficient building materials, techniques, technologies, and practices that produce local energy and/or reduce the amount of energy consumption shall be strongly encouraged which include, but are not limited to:
 - i. passive solar gain;
 - ii. district heat and hot water;
 - iii. solar voltaic cells;
 - iv. solar hot water;
 - v. micro wind; and,
 - vi. geothermal.

Parking and Loading

18. Parking areas should be located to rear or side of buildings and should include landscaped boulevards and other aesthetically pleasing landscaping features.
19. In cases where parking is not practical to the rear or side of buildings, it may be supported in front of a building provided all parking areas are adequately screened by solid fencing, landscaping, or a combination of the two.

20. Loading areas should be located to the side or rear of buildings and should not be visible from the adjacent road.
21. 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 radiuses are provided for all forms of vehicles intended to use the property.
22. Provision should be made for public transit, emergency vehicles, moving vans, and service vehicles.
23. Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

Landscaping and Screening

24. The Regional District of Nanaimo may 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:
 - i. to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - ii. to minimize water consumption through means such as micro-irrigation and xeriscaping;
 - iii. to improve the aesthetic appeal of the development;
 - iv. to screen the development from the Trans Canada Highway and adjacent established neighbourhoods
 - v. to maintain rural character;
 - vi. to shade the proposed development from the summer sun;
 - vii. to assist in the safe movement of pedestrians throughout the site;
 - viii. to reduce the amount of impervious surfaces on the site;
 - ix. to compliment the development and surrounding uses; and
 - x. to establish or enhance habitat values on the development site where appropriate.
25. 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.
26. Where development is proposed adjacent to Timberlands Road, Hallberg Road, or the Trans Canada Highway, the landscape design should provide a landscaped buffer consisting of native vegetation either maintained, enhanced, or established of sufficient height, width, and density to spatial separation and screen the proposed development from view from Timberlands Road, Hallberg Road, and the Trans Canada Highway with the exception of strategically placed and consolidated access and egress points.
27. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
 - i. shrubs – 45 cm;
 - ii. groundcover and grass – 30 cm; and,
 - iii. trees – 30 cm around and below the root ball.
28. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed

- by an irrigation industry association of British Columbia irrigation contractor or other equivalent to the satisfaction of the RDN.
29. The Regional District of Nanaimo shall require the applicant to submit a landscaping 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.
 30. Garbage and recycling containers shall be screened with landscaping and solid gated fencing 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, fencing, or a combination of the two.
 31. Decorative fences are encouraged which complement the materials used for the principle building.

Site Illumination and Signage

32. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads, or the sky.
33. 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.
34. 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. No video, neon, reader board, or LED signs will be supported.
35. The installation of fascia or projecting signs that are handcrafted, hand painted and individually designed are strongly encouraged.
36. 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
37. If there is a conflict between these Development Permit Area guidelines and the Regional District of Nanaimo Sign Bylaw No. 993, 1995 as amended or replaced from time to time, these guidelines shall prevail. However, a variance to the sign bylaw may be required.

Pedestrian and Cyclist Considerations

38. Pedestrian sidewalks or defined pathways to encourage pedestrian movement throughout the site should be provided.
39. 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.
40. Bicycle parking facilities should be provided at grade near the primary building entrances.

11.8 Cedar Estates and Cedar Commercial – Industrial Development Permit Area

Purpose:

This Development Permit Area has been designated pursuant to the following Sections of the *Local Government Act*:

919.1(a): protection of the natural environment, its ecosystems and biological diversity

919.1(f): establishment of objectives for the form and character of commercial, industrial, or multi-family residential development

919.1(h): establishment of objectives to promote energy conservation

919.1(i): establishment of objectives to promote water conservation

919.1(j): establishment of objectives to promote the reduction of greenhouse gas emissions

Area

This Development Permit Area includes a small number of multi-residential, commercial, and industrial zoned properties generally located along Cedar Road and throughout the Cedar Urban Containment Boundary area as shown as Map No. 10.

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; and,
3. creation of non-structural impervious or semi-pervious surfaces;

Justification:

This Development Permit Area has been designated in recognition of the properties existing commercial and industrial zoning to ensure that future development of these sites is compatible with surrounding residential uses.

Exemptions:

1. A development permit shall not be required for the construction, renovation, or addition to single or duplex dwelling units or accessory residential buildings.
2. The replacement or repair of an existing sign provided that the sign is not enlarged or moved and is replaced with the same type of sign (i.e. fascia, freestanding, canopy, etc.).
3. A development permit shall not be required for the subdivision of land.

Guidelines:

Servicing:

1. Where properties are not serviced by community sewer, the Regional District of Nanaimo may require a report prepared by a registered professional engineer assessing the suitability of local

soil conditions for septic disposal including detailed plans and specifications showing the proposed sewage disposal system and certifying that it meets or exceeds provincial standards and is capable of accommodating the proposed sewage volumes.

Groundwater Protection

2. 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.
3. Where properties are not serviced by community water, the RDN may require the applicant to supply a report from a registered professional which is an assessment of the characteristics of the aquifer and its ability to accommodate the additional groundwater demand proposed by the development which must include:
 - i. the anticipated water demand 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.
4. The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings, and impervious surfaces does not negatively impact ground water quality. The Plan must include recommendations on how to minimize the risk of deleterious substances entering the ground water. The Regional District of Nanaimo should require the applicant to implement the report's recommendations in the proposed development.
5. The Regional District of Nanaimo shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water, and grease separator or other engineered solution to the satisfaction of the RDN. The engineer must provide an appropriate maintenance schedule.
6. The Regional District of Nanaimo may require the applicant to enter into a Section 219 covenant registering the maintenance schedule and a commitment to maintain the sedimentation, oil, water, and grease separator as per the engineer's recommendations.
7. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported;

General Design:

8. The Regional District of Nanaimo shall building elevations prepared by an architect or other qualified professional.
9. Commercial development should be ground oriented and in scale with the surrounding uses.
10. 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 structure's fire resistance.
11. There shall be no net increase in peak rain water run-off from the land to adjoining lands.

12. Development 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. Public open space and pedestrian walkway linkages to adjacent neighbourhoods which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
14. The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.

Parking and Loading:

15. Parking and loading areas shall generally be located to the rear of buildings, should be screened from view from the adjacent road, and be located outside of the minimum required zoning setback, unless a variance is being considered. The screening should consist of landscaping, fencing, or a combination of landscaping and fencing.
16. 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 radiuses are provided for all forms of vehicles intended to use the property.
17. Provision should be made for public transit, emergency vehicles, moving vans, and service vehicles.
18. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

Landscaping and Screening:

19. The Regional District of Nanaimo may 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:
 - i. to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
 - ii. to minimize water consumption through means such as micro-irrigation and xeriscaping;
 - iii. to promote compatibility with surrounding residential uses;
 - iv. to improve the aesthetic appeal of the development;
 - v. to assist in the safe movement of pedestrians throughout the site;
 - vi. to reduce the amount of impervious surfaces on the site;
 - vii. to shade the proposed development from the summer sun;
 - viii. to compliment the development and surrounding uses;
 - ix. to establish or enhance habitat values on the development site where appropriate.

20. 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.
21. 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 adjacent to all residential zoned property and should contribute towards the objectives identified in Policy 19 above.
22. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
23. 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.
24. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
 - i. shrubs – 45 cm;
 - ii. groundcover and grass – 30 cm; and,
 - iii. trees – 30 cm around and below the root ball.
25. Where irrigation is required to maintain proposed landscaping, it should be designed by an Irrigation Industry Association of British Columbia certified irrigation designer and be installed by an irrigation industry association of British Columbia irrigation contractor or other equivalent to the satisfaction of the RDN.
26. 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.
27. Garbage and recycling containers shall be screened with landscaping and solid gated fencing to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping or a combination of the two.
28. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

Site Illumination and Signage:

29. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or light directed towards the sky.
30. 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.

31. 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.
32. 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.
33. If there is a conflict between these Development Permit Area guidelines and the Regional District of Nanaimo Sign Bylaw No. 993, 1995 as amended or replaced from time to time, these guidelines shall prevail. However, a variance to the sign bylaw may be required.

Pedestrian and Cyclist Considerations:

34. Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right of ways of the adjacent streets should be provided.
35. 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.
36. Bicycle parking facilities should be considered at grade near the primary building entrances.

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12.0 Cooperation Among Jurisdictions

The community recognizes the need for cooperation with other agencies and governments to address issues which span jurisdictions. In response the Electoral Area 'A' Official Community Plan identifies potential issues with interjurisdictional ramifications within and outside the Plan Area and establishes a policy framework designed to facilitate the resolution of these issues, as well as other issues which have not yet been identified, through cooperation and consultation.

Section 12.0	Policy/Objective
Objective 12.1	Identify and recognize land use issues with potential jurisdictional implications.
Policy 12.1	The RDN shall support the transfer of the Subdivision Approving Authority to the Regional District.
Policy 12.2	The Regional District of Nanaimo supports a feasibility study of the incorporation of Cedar into its own municipality.
Policy 12.3	The Regional District of Nanaimo shall work with the Nanaimo Regional Airport in developing and implementing an accord in accordance with Section 7.9 of this Plan.
Policy 12.4	The development of compatible standards within all jurisdictions of the Regional District of Nanaimo with respect to the provision of roads, sewer, rain water management, water systems, and environmental regulations and protection, shall be supported.

Section 12.0	Policy/Objective
Objective 12.2	Promote communication among all jurisdictions on issues that span jurisdictions.
Policy 12.5	The RDN will encourage other jurisdictions to give due consideration to responses and referrals provided by the RDN.
Policy 12.6	The RDN will give due consideration to comments received from other jurisdictions with respect to applications to use, subdivide, or develop land within the Plan Area.
Policy 12.7	The Regional District of Nanaimo shall act upon and implement the provisions of the protocol agreement between the Regional District of Nanaimo and Snuneymuxw First Nation on an ongoing basis.
Policy 12.8	The Regional District of Nanaimo should coordinate land use and environmental management with adjacent jurisdictions including the Cowichan Valley Regional District, City of Nanaimo, Snuneymuxw First Nation, and the Nanaimo Airport.
Policy 12.9	The RDN shall continue to work with the Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans Canada through a Memorandum of Understanding, which is a framework to guide service delivery in the areas of environmental permitting and protection.
Policy 12.10	In that the Cassidy aquifer and the Nanaimo River are inter-jurisdictional, a policy of joint consultation will be pursued to ensure protection of these freshwater resources.

13.0 Definitions

The following general definitions are provided to assist in interpretation of the Electoral Area 'A' Official Community Plan.

"ALR" refers to the Agricultural Land Reserve as defined by British Columbia Agricultural Land Commission Act.

"Community Sewer System" means a system of sewers and sewerage works including sewage treatment facilities owned, operated and maintained by or on behalf of the Regional District of Nanaimo or a municipality.

"Community Vision" means a statement in the Official Community Plan which portrays an image of what the community would like to become in the future.

"Community Water System" means a system of waterworks owned, operated and maintained by or on behalf of the Regional District, a municipality or an improvement district or which is operated by a person required to hold a certificate of public convenience and necessity under the Water Utility Act.

"Existing" means at the time of the adoption of this Official Community Plan Bylaw, unless the context indicates otherwise.

"Fish Habitat" means 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 and may include upland riparian areas as defined by a Qualified Environmental Professional.

"Goal" means a statement that indicates a desire for something that the community would like to achieve in the future. A goal is generally broad in scope and works towards the desired outcome articulated by the community's vision and principles.

"Immediate" means with respect to Implementation Actions, to occur directly following the adoption of this Official Community Plan.

"Implementation Actions" means the actions, programmes, agreements, bylaws, and decisions which are required to satisfy the direction provided by the policies contained in the Official Community Plan.

"Landscape Buffer" means an area of preserved natural vegetation, introduced vegetation, or a planted berm or any combination thereof which meets the standards of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 as amended or replaced from time to time.

"Landscape Screen" means an area of trees, fences, evergreen vegetation or planted berm or any combination thereof, intended to block or mask from view certain uses which meet the standards of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 as amended or replaced from time to time .

"Long Term" means with respect to Implementation Actions, within a range of 5-15 years which may extend beyond the life of this Official Community Plan.

"May" means a course of action that could be followed provided specified criteria are met.



"Objectives" are specific aims to be reached in the achievement of the desired community form and type.

"Ongoing" means with respect to Implementation Actions, continuous without termination or interruption when opportunities arise within the scope of the Regional District of Nanaimo's jurisdiction.

"Parcel Coverage" means the sum total horizontal area as measured from the outermost perimeter of all buildings or part thereof on the parcel expressed as a percentage of the total parcel area.

"Plan Area" means the Electoral Area 'A' Official Community Plan of the Regional District of Nanaimo as described in Section 1 of this Bylaw

"Policy" a statement that provides high level direction and guidance that work towards attaining courses of action to be undertaken in achieving the objectives of the Plan.

"Principle" means an open ended broad statement that forms the framework for making effective decisions. Principles also provide guidance in the formation of goals.

"Province" means the Province of British Columbia.

"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.

"Qualified Professional" means an applied scientist, engineer, or technologist acting alone or together with another qualified 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; and,
- b. the individual is acting within that individual's area of expertise.

"Regional Board or Board" means the Board of the Regional District of Nanaimo.

"Regulation" means a statement which prescribes the rules for development. A regulation is one means of implementing one or more policies. Land use regulations are typically included in a zoning and/or subdivision servicing bylaw.

"School" means privately funded, parochial and public schools.

"Shall" means an imperative course of action which is within the scope of the Regional District's powers to provide, enact, regulate or enforce.



"Short Term" means with respect to Implementation Actions, within the range of 1 to 5 years.

"Should" means a desirable course of action to be taken by the Regional District or another body or persons.

"Top of 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.



14.0 Development Amenities

To facilitate the acquisition and development of amenities of value to the residents of Electoral Area 'A'; this section of the Plan provides a framework for negotiating amenities in consideration of changes to the Land Use and Subdivision Bylaw for increased development potential. The basic premise of development amenities is that the increased value, often conveyed with the approval of a new zoning designation, should be shared between the community and the developer. Negotiating public amenities as a part of an application to develop land can be a "win-win" arrangement, in which both the community benefits from acquiring these amenities while the developer benefits from the increased value associated with having those amenities on or nearby the site.

Section 14.0	Policy/Objective
Objective 14.1	Acquire and develop public amenities of value to Plan Area residents in conjunction with development.
Policy 14.1	In recognition of the impact that development may have on Plan Area residents and the increased value usually conferred on land in the course of rezoning, and in recognition of the need for new development to contribute to the amenities and services from which they will also benefit, development proposals that propose rezoning, will generally be requested to include some public amenity as a part of the completed project.
Policy 14.2	The Regional District of Nanaimo should consider the implementation of amenity zoning in accordance with Section 904 of the <i>Local Government Act</i> in order to specify the number, kind, and extent of amenities to be provided in conjunction with new development being considered for a rezoning and/or Official Community Plan amendment.
Policy 14.3	In determining the appropriate amenities, the provisions of this section, as well as any applicable design guidelines will provide guidance.
Policy 14.4	In determining the appropriate amenities, the provisions of this section, as well as any applicable design guidelines will provide guidance.
Policy 14.5	<p>Amenities to be considered include, but are not limited to (not in order of priority):</p> <ul style="list-style-type: none"> a. extra road dedication for major roads and road construction; b. sidewalk and trail improvements; c. park land (in the case of subdivision, in excess of 5% required under the <i>Local Government Act</i>); d. other natural areas, greenbelt, or open spaces; e. land for public utilities such as fire halls and water storage sites; f. covenants to protect environmentally sensitive features; g. recreational space or facilities; h. multi-use recycling, re-use, education centres; i. community activity centre or other facilities (i.e. daycare, culture, library facilities) or land for such facilities; j. transit pull-outs, bus stop shelters; k. affordable housing; l. cash-in-lieu of any of the amenities listed in this section; m. achieving LEED gold or platinum certification or other equivalent (as part of a community amenity package in association with other amenities listed in this Section);



Section 14.0	Policy/Objective
	<ul style="list-style-type: none"> n. providing on-site cogeneration and/or district heating; o. use of efficient renewable energy sources such as solar, micro-hydro, geothermal; p. demonstration projects on development sites that propose to use alternative technologies that can reduce water demand, protect water resources, or reduce development or maintenance costs such as: <ul style="list-style-type: none"> i. graywater and/or rain water collection and treatment; ii. graywater reuse and/or rain water use for garden watering or within the residence for toilet flushing; iii. laundry (including related dual plumbing); iv. rain water use for domestic/drinking water; v. pervious surfaces for driveways, walkways, etc.; vi. other methods for promoting rain water infiltration (rain leader disconnects, rain gardens, swales, etc.) –i.e., the model “low footprint” design; or, vii. xeriscaping or low-impact landscaping.
Policy 14.6	<p>Site specific features and characteristics of a proposal will help determine if amenities should be considered as part of a project. Criteria for determining priority among possible amenities may include:</p> <ul style="list-style-type: none"> a. site characteristics (natural features that are environmentally, historically, or archaeologically sensitive and needing protection, viewscales, outdoor recreational opportunities); b. needs of the surrounding neighbourhood; c. size of the proposed development; or d. the projected population on site.
Policy 14.7	<p>The RDN should establish a standard formula for determining the value of community amenities to be considered as part of a rezoning application.</p>

