APPENDIX A
DEVELOPMENT PERMIT AREAS

This section of the Official Community Plan identifies those areas of Arrowsmith Benson – Cranberry Bright where the issuance of a development permit is required prior to the commencement of development. For those areas designated as development permit areas, the special conditions or objectives that justify the designation are described, and the guidelines respecting the manner by which the special conditions or objectives must be addressed are provided. Categories of development which are excluded from development permit requirements are also specified.

Pursuant to the Local Government Act, development permit areas may be designated for one or more of the following purposes:

- To protect the natural environment, its ecosystems, and biological diversity;
- To protect development from hazardous conditions;
- To protect farm land;
- To revitalize an area where commercial use is permitted; or
- To establish objectives and provide guidelines for the form and character of commercial, industrial, or multiple family residential development.

The following development permit areas are designated in the Plan:

- Village Centre – Commercial, Development Permit Area (form and character)
- Farm Land Protection, Development Permit Area (protect farm land)
- Watercourse Protection, Development Permit Areas (protect natural environment)
- Sensitive Ecosystems, Development Permit Areas (protect natural environment)
- Fish Habitat Protection, Development Permit Area (protect natural environment)

Where land is subject to more than one development permit designation, a single development permit will be required; and the application will be subject to the requirements of all the applicable development permit designations.

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1 Bylaw No. 1148.04, adopted January 23, 2007
VILLAGE CENTRE – COMMERCIAL DEVELOPMENT PERMIT AREA

Purpose:
- To establish objectives and provide guidelines for the form and character of commercial development.

Area:
The Village Centre – Commercial, Development Permit Area is as shown on Map No. 7, Development Permit Areas, Sheet 1 of 5.

Justification:
This Development Permit Area is applicable to commercial development on lands designated Village Centre.

Commercial development often represents a more intensive use of land than surrounding land uses. Furthermore, because of their intensive use and typically high profile location, commercial development often sets the tone for future development within an area. Consequently, it is important that commercial development is undertaken in a manner compatible with surrounding land uses and consistent with the desired community character.

The objectives of the Village Centre – Commercial, Development Permit Area are as follows:
- To encourage the integration of commercial development with the historic form and character of development.
- To ensure appropriate facilities are provided for pedestrians, cyclists and vehicles.

Application:
Prior to commencing the construction of, addition to, or alteration of a building or structure the owner must obtain a development permit in accordance with the Village Centre – Commercial, Development Permit Area Guidelines.

Exemptions:
A development permit is not required for the following:
1. construction, alteration or addition to a building or structure utilized for non-commercial purposes including home based businesses, public utility uses or park uses;
2. internal alterations to an existing building or structure;
3. excluding signs and awnings, building additions or alterations which do not affect more than 20 percent of the area of a building face or increase gross floor area by more than 20 percent;
4. canvas awnings provided no portion exceeds 4.0 metres in height as measured from finished grade and the vertical or horizontal extent of the awning does not exceed 1.5 metres;
5. unlit or front lit, suspended, projecting signs provided the sign face does not exceed one (1) square metre and the distance between the sign faces does not exceed 0.1 metre;

6. unlit or front lit signs consisting solely of physically separate letters or symbols attached directly to a building exterior or awning and occupying a rectangular area of not more than one (1) square metre; or
Guidelines:

1. All new buildings must be massed to give the impression of small blocks.
2. The architectural design and scale of new buildings must integrate with and enhance the residential character of surrounding buildings.
3. An addition to an existing building must integrate with the overall architectural design and scale of the building.
4. Building elevations, which are visible from the street, must be treated as front elevations for the purpose of ensuring that buildings do not turn their backs on the street. The treatment of these elevations need not be as extensive as the actual front elevation but should promote visual harmony especially in regards to streetscapes.
5. The main pedestrian entrance of a building must face the street, and have direct and continuous pedestrian access to the street.
6. Developments must incorporate pedestrian traffic routes along public road frontages and should provide covered walkways to shelter pedestrian movements.
7. On-site pedestrian walkways and public pedestrian traffic routes must be hard surfaced.
8. Where possible, off-street parking areas must be located behind the building so that the building screens the parking area from the road.
9. Vehicle accesses should be consolidated where possible.
10. Buildings and structures should be sited in a manner that minimizes the disturbance of existing natural vegetation.
11. Landscaping must be comprised primarily of native species, which enhance the architectural characteristics of the development.
12. Signs must be unobtrusive, grouped whenever possible and designed in such a manner as to be complementary to the architectural design and scale of surrounding development.
13. Site lighting must not utilize high-intensity lights and must be ornamental and in scale with a pedestrian environment. The use of metal halide lighting is encouraged.
14. Garbage containers, loading, unloading and storage areas must be screened from public view.
FARM LAND PROTECTION
DEVELOPMENT PERMIT AREA

Purpose:
To protect farm land.

Area:
The Farm Land Protection, Development Permit Area is as shown on Map No. 7, Development Permit Areas, Sheet 2 of 5.

Justification:
This Development Permit Area is applicable to all lands adjoining the Agricultural Land Reserve (ALR), or separated by a right-of-way, a statutory right-of-way or a dedicated road.

Lands located within the ALR require protection for long term agricultural use. Land use conflicts may develop between lands within the ALR and lands adjoining or reasonably adjacent to the ALR. These conflicts may compromise the agricultural use of the ALR lands. The incorporation of 15 metre wide buffers between new subdivisions and ALR lands will protect the agricultural use of ALR lands.

Application:
Prior to commencing a subdivision on lands adjoining the ALR boundary or which are separated by a right-of-way, a statutory right-of-way or a dedicated road, the owner must obtain a development permit in accordance with the Farm Land Protection, Development Permit Area Guidelines.

Exemptions:
A development permit is not required for the following:
1. construction, alteration or addition to a building or structure;
2. subdivision where the proposed parcels do not adjoin the ALR boundary or are not separated by a right-of-way, a statutory right-of-way or a dedicated road;
3. subdivision where the proposed parcels provide the following:
   a) a minimum parcel depth of 50 metres, or
   b) adequate parcel depth for a satisfactory building site area (including accessory buildings and if applicable, septic disposal system) and a 15 metre vegetated buffer area as described in Farm Land Protection, Development Permit Area, Guideline 2;
4. subdivision of lands within the Forest Land Reserve; or
5. subdivision of lands for the following purposes:
   a) industrial uses;
   b) public utility uses; or
   c) park uses.
Guidelines:

1. Subdivision design must minimize the potential negative impacts on lands within the ALR.
2. A minimum 15 metre wide vegetation buffer must be established parallel to the ALR Boundary in accordance with the following criteria:
   a) All buffer areas must be landscaped using materials set out in Schedule ‘C’ of the March 1993, BC Agricultural Land Commission publication entitled *Landscape Buffer Specifications*. However, the use of existing native vegetation may be incorporated into the landscape plan;
   b) Plant layout, spacing and support must be in accordance with Schedule ‘B’ of the March 1993, BC Agricultural Land Commission publication entitled *Landscape Buffer Specifications*;
   c) The design and construction of the landscaped buffer must be to the standard of the BC Society of Landscape Architects/BC Nursery Trades Association (BCNTA) publication entitled *BC Landscape Standards*, 1997 edition;
   d) If adequate fencing does not currently exist, fencing must be constructed where a subdivision adjoins the ALR boundary. Fencing must be constructed in accordance with Schedule ‘D’ of the March 1993, BC Agricultural Land Commission publication *Landscape Buffer Specifications*.
3. A Section 219 Covenant for the vegetation buffer area specified in Farm Land Protection, Development Permit Area, Guideline 2 must be registered on title which prohibits the removal of vegetation and the construction of, or addition to, any buildings or structures other than fencing in accordance with Schedule ‘D’ of the March 1993, BC Agricultural Land Commission publication entitled *Landscape Buffer Specifications*. 
WATERCOURSE PROTECTION DEVELOPMENT PERMIT AREAS

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

Area:
The Watercourse Protection, Development Permit Areas are applicable to all known rivers, streams, lakes, marshes and swamps, and adjacent lands as shown on Map No. 7, Development Permit Areas, Sheets 3 and 4 of 5.

The natural boundary is defined as the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

A bank is defined as land with a vertical incline of 0.3 metres or more measured over a horizontal distance of 1.0 metres with no significant and regular break of 15 metres or more, measured horizontally.

To determine whether a proposed development close to a watercourse is inside a Watercourse Protection Development Permit Area, the following is required:
1. locate the watercourse relative to the property lines;
2. locate the natural boundary and where applicable top of the bank;
3. for rivers, streams, lakes, marshes and swamps except the Nanaimo River, Englishman Rivers and Haslam Creek, all lands between the river, stream, lake, marsh or swamp and the following locations are within a Watercourse Protection Development Permit Area:
   a) 15 metres of the natural boundary; and
   b) where there is a bank within 15 metres of the natural boundary, 15 metres from the top of a bank.
4. for the Nanaimo River, Englishman Rivers and Haslam Creek, all lands between the river or creek and the following locations are within a Watercourse Protection Development Permit Area:
   a) 30 metres of the natural boundary; and
   b) where there is a bank within 30 metres of the natural boundary, 30 metres from the top of the bank.

Unless all development activity will be clearly outside the Watercourse Protection Development Permit Area, the proposed location of development relative to the Development Permit Area boundary is required to be determined by a BC Land Surveyor (BCLS) and incorporated into a BCLS certified site plan.

Justification:
These Development Permit Areas are applicable to known watercourses and adjacent lands.

Watercourses and adjacent lands provide essential habitat and corridors for fish, birds and other wildlife. They also act as a natural water storage, drainage and purifying system. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a
healthy watercourse environment. The maintenance of adjacent lands in an undisturbed state also helps to protect private property from flooding or land loss due to stream erosion.

Application:

Prior to commencing the alteration of land, a subdivision, or the construction of, addition to, or alteration of a building or structure, the owner must obtain a development permit in accordance with the Watercourse Protection, Development Permit Area Guidelines. The Regional District may require development approval information within Watercourse Protection, Development Permit Areas. The special objectives that justify this requirement for development approval information within Watercourse Protection, Development Permit Areas are to protect essential habitat and corridors for fish, birds and other wildlife and to protect the natural water storage, drainage and purifying system of watercourses and adjacent lands.

Exemptions:

A development permit is not required for the following:

1. emergency actions 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; or
   c) repairs to bridges or safety fences.
   Emergency actions by anyone other than the Regional District or a provincial ministry must be reported to the Regional District and applicable provincial ministry immediately to secure exemptions under this provision;

2. cutting down of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property;

3. lands within the Forest Land Reserve;

4. application for subdivision which meets the following criteria:
   a) minimum lot areas are met exclusive of the Watercourse Protection Development Permit Area; and
   b) no development activities (such as grading, clearing, trenching, installation of pipes, etc.) relating to the creation of lots or the provision of services for those lots will occur within the Watercourse Protection, Development Permit Area, nor will any upland activities adversely impact the Watercourse Protection Development Permit Area;

5. internal alterations to an existing building or structure;

6. clearing for agricultural food production within the Agricultural Land Reserve (ALR). However, upon the establishment of Farm Stream Stewardship Guidelines by the Ministry of Agriculture and Food in consultation with BC Fisheries, BC Environment, Federal Fisheries and the BC Agricultural Council, any clearing of land for agricultural food production within the ALR must be in accordance with the Ministry guidelines to be exempt from development permit requirements;

7. farm fences;

8. construction, repair, or maintenance of works by the Regional District or its authorized agents or contractors; or

9. the construction of a trail to access a watercourse provided the following conditions are met:
   a) only one trail is built on a lot;
   b) the trail is for personal, non-vehicular use only;
   c) no trees are removed;
   d) the trail is less than one metre in width;

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2 Bylaw No. 1148.04, adopted January 23, 2007
e) the trail’s surface is permeable (i.e. allows water to filter through, e.g. soil or gravel); and
f) the movement of soil, fill, or aggregates occurs within a corridor less than 2 metres in width.

The trail should be designed to:

- where environmentally appropriate, provide the most direct route to the watercourse or viewing rea;
- avoid areas with high soil compaction;
- prevent physical intrusion to wet areas such as ground water seepage areas, small ephemeral wetlands or side channels and floodplains; and
- avoid erodable stream banks or other erosion prone areas or be elevated above them.


**Guidelines:**

1. The alteration of land or the construction, alteration, or addition to a building or structure within a Watercourse Protection, Development Permit Area will only be permitted where the following conditions exist:
   a) the historical subdivision or construction of structures has occurred prior to the designation of the Watercourse Protection, Development Permit Area;
   b) all opportunities to relax other development requirements (such as the minimum setback requirements from lot lines) for the existing lot have been exhausted; and
   c) the applicant can demonstrate that one or more of the following conditions exist:
      i) the Watercourse Protection, Development Permit Area takes up so much of the existing lot that it makes the lot undevelopable under existing zoning regulations;
      ii) due to topographic, natural hazard, or other environmental constraints on the existing lot, there is no feasible building site outside the Watercourse Protection, Development Permit Area; or
      iii) for an addition or alteration to an existing structure, there is no feasible building site outside the Watercourse Protection, Development Permit Area.

2. The applicant and Regional District will seek to vary other land use requirements under the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, to minimize the encroachment into the Watercourse Protection, Development Permit Area.

3. An applicant must provide the following:
   a) a written rationale for why the encroachment into the Watercourse Protection, Development Permit Area is necessary (e.g. topography, hazards, environmental constraints or lack of developable land); and
   b) an assessment of the potential impacts on wildlife habitat. The Impact Assessment must be completed by a registered professional biologist or a person with similar qualifications who has been deemed qualified by the Regional District. The Assessment must specify the necessary actions to ensure the following:
      i) no degradation in fish habitat;
      ii) minimization of the area of encroachment into the Watercourse Protection, Development Permit Area; and
      iii) minimization of changes to the flow regimes of watercourses and negative impacts on wildlife habitat through mitigation and restoration measures. Such measures must include the following:
         (1) an erosion control plan;

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3 Bylaw No. 1148.04, adopted January 23, 2007
(2) minimization of vegetation removal;
(3) a map identifying those features of the existing habitat which will be altered;
(4) a habitat restoration plan; and
(5) the use of construction methods and the limitation of construction to times of the year that minimize potential impacts on fish and wildlife habitat.

4. The requirement for an Impact Assessment may be waived for minor encroachments where the Ministry of Environment, Lands and Parks and the Regional District agree on the acceptable level of encroachment.

5. The alteration of land or the construction, alteration, or addition to a building or structure within a Watercourse Protection, Development Permit Area must be in accordance with the Impact Assessment, including any works or protective measures, specified in Watercourse Protection Development Permit Areas, Guideline 3.

6. Owners of land adjacent to watercourses will be encouraged to dedicate the Watercourse Protection, Development Permit Area for conservation to the Regional District, the Crown or a non-government conservation organization; or to enter into a Conservation Covenant with the Regional District, the Province or a non-government organization registered to hold such covenants.

7. All development proposals are subject to the requirements and procedures of the Fish Protection Act and the Riparian Areas Regulation.ª

ª Bylaw No. 1148.04, adopted January 23, 2007
SENSITIVE ECOSYSTEMS
DEVELOPMENT PERMIT AREAS

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

Area:
The Sensitive Ecosystems, Development Permit Areas are as shown on Map No. 7, Development Permit Areas, Sheet 5 of 5.

Justification:
These Development Permit Areas are applicable to lands, which contain sensitive ecosystems as identified by Environment Canada and the BC Ministry of Environment, Lands and Parks.
A Sensitive Ecosystems Inventory for east Vancouver Island and the Gulf Islands has been completed by Environment Canada and the BC Ministry of Environment, Lands and Parks. The Inventory identified ecosystems within the eastern segment of Arrowsmith Benson - Cranberry Bright, which are endangered or sensitive to disturbance.

Application:
Prior to commencing the alteration of land, a subdivision or the construction of, addition to or alteration of a building or structure, the owner must obtain a development permit in accordance with the Sensitive Ecosystems, Development Permit Area Guidelines.

The Regional District may require development approval information within Sensitive Ecosystems, Development Permit Areas. The special objective that justifies this requirement for development approval information within Sensitive Ecosystems, Development Permit Areas is to protect ecosystems, which are endangered or sensitive to disturbance.

Unless all development activity will be clearly outside a Sensitive Ecosystem, as shown on Map 3, Inventory of Natural / Environmental Features, Sheet 1 of 1, the proposed location of development relative to the Sensitive Ecosystem is required to be determined by a BC Land Surveyor (BCLS) and incorporated into a BCLS certified site plan.

Exemptions:
A development permit is not required for the following:
1. alteration of land, subdivision or construction, alteration or addition to a building or structure which can be accommodated without protective measures as determined by a Bio-Impact Assessment, prepared by a registered professional biologist or person with similar qualifications who has been deemed qualified by the Regional District;
2. emergency actions 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; or
   c) repairs to bridges or safety fences.
Emergency actions by anyone other than the Regional District or a provincial ministry must be reported to the Regional District and applicable provincial ministry immediately to secure exemptions under this provision;

3. cutting down of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property;
4. lands within the Forest Land Reserve;
5. internal alterations to an existing building or structure;
6. clearing for agricultural food production within the Agricultural Land Reserve (ALR). However, upon the establishment of Farm Stream Stewardship Guidelines by the Ministry of Agriculture and Food in consultation with BC Fisheries, BC Environment, Federal Fisheries and the BC Agricultural Council, any clearing of land for agricultural food production within the ALR must be in accordance with the Ministry guidelines to be exempt from development permit requirements;
7. farm fences;
8. construction, repair, or maintenance of works by the Regional District or its authorized agents or contractors.

Guidelines:

1. The alteration of land, subdivision or construction, alteration or addition to a building or structure must not unnecessarily encroach into a Sensitive Ecosystem and must minimize vegetation removal to limit degradation to fish habitat and changes to flow regimes.
2. The applicant should seek to vary other land use requirements under the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, to minimize the encroachment into a Sensitive Ecosystem.
3. An applicant must provide the following:
   a) a written rationale demonstrating why encroachment into a Sensitive Ecosystem is necessary (e.g. topography, hazards or lack of developable land); and
   b) a Bio-Impact Assessment, prepared by a registered professional biologist or person with similar qualifications who has been deemed qualified by the Regional District. The Assessment must specify the necessary actions to provide for the minimization of negative impacts on the Sensitive Ecosystem through mitigation and restoration measures including the following:
      i) an erosion control plan,
      ii) a vegetation and habitat protection and restoration plan including the identification of those features of the vegetation or habitat which will be altered, and
      iii) the use of construction methods and the limitation of construction to times of the year that minimize potential negative impacts.
4. The alteration of land, subdivision or construction, alteration or addition to a building or structure within a Sensitive Ecosystems, Development Permit Area must be in accordance with the Impact Assessment, including any works or protective measures, specified in Sensitive Ecosystems Development Permit Areas, Guideline 3.
FISH HABITAT PROTECTION DEVELOPMENT PERMIT AREA

Purpose

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

Area:

This Development Permit Area applies to all of the Plan Area including all mapped and unmapped watercourses as shown on Map No. 8.

Justification

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

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

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

Application

This Development Permit Area applies to all of the Plan Area including all mapped and unmapped streams as shown on Map No. 8. This development permit area consists of the following Riparian Assessment Areas within and adjacent to all streams, which by definition includes wetlands and lakes:

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

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

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

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5 Bylaw No. 1148.04, adopted January 23, 2007
where such activities involve the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt:

(a) removal, alteration, disruption, or destruction of vegetation;
(b) disturbance of soils;
(c) construction or erection of buildings and structures;
(d) creation of non-structural impervious or semi-impervious surfaces;
(e) flood protection works;
(f) construction of roads, trails, docks, wharves, and bridges;
(g) provision and maintenance of sewer and water services;
(h) development of drainage systems;
(i) development of utility corridors;
(j) subdivision as defined in section 872 of the Local Government Act.

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

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

b) A development proposed outside of the Streamside Protection and Enhancement Area (SPEA) where notification of an assessment report prepared in accordance with Section 4(2)(a)(i)(ii) of the Riparian Areas Regulation Assessment Methods has been received by the Regional District of Nanaimo, and there are no measures required to protect the SPEA;

c) Renovations, repairs, or maintenance to existing buildings within the same footprint that are protected by Section 911 of the Local Government Act;

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

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

f) All development on lands subject to the Forest Act or Private Managed Forest Land Act;

g) All park or park land ancillary uses not containing commercial, residential, or industrial activities;

h) 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;

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

Guidelines

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

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

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

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

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

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

7. In addition to implementing the measures contained in the QEP report to ensure future encroachment into the SPEA is reduced, the RDN, in consultation with the land owner, may consider the following:

   (a) dedicating back to the Crown Provincial or RDN all or part of the SPEA;
   (b) gifting to a nature preservation organization (tax receipts may be issued) all or part of the SPEA;
   (c) registering restrictive covenant(s) or conservation covenant(s) securing the measures prescribed in the QEP assessment report.

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

9. In the case of a proposed subdivision within this Development Permit Area, subdivision within the SPEA should be avoided.
10. Developers are encouraged to exceed the minimum standards set out in the RAR.

11. 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.

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, which is certified for the purpose of the Riparian Areas Regulation by a qualified environmental professional.

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

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

**Qualified Environmental Professional (QEP)** means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:
- a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association;
- b) the individual’s area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- c) the individual is acting within that individual’s area of expertise.

**Riparian Area** means a streamside protection and enhancement area as defined in the Riparian Areas Regulation.

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

**Stream** includes all watercourses, whether mapped or unmapped, that provide fish habitat or flows to a waterbody that provides fish habitat and includes any of the following:
- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek, or brook;
- c) a ditch, spring, or wetland that is connected by surface flow to something referred to in (a) or (b) above.