

SECTION 8 – DEVELOPMENT PERMIT AREAS

In addition to the objectives and policies stated in the Plan, the Regional District may designate an area or areas as a Development Permit Area pursuant to the *Municipal Act*. The general purpose of the development permit is to require the review of development applications and establish development criteria. Properties identified as a Development Permit Area in the Community Plan may require a Development Permit before construction of buildings or structures, subdivision or alteration of land can commence on the property. A Development Permit Area may be designated for one of more of the following categories:

- A. Protection of the natural environment.
- B. Protection of Development from hazardous conditions.
- C. Protection of farm land.
- D. Revitalization of an area where commercial use is permitted.
- E. Establishment of objectives and guidelines for the form or character of commercial, industrial or multi-family residential development.

The Regional District shall describe the special conditions or objectives that justify the Development Permit Area designation and specify guidelines respecting the manner by which these conditions will be alleviated, revitalization will occur and the objectives achieved.

The Regional District may, through the issuance of a development permit, make limited alterations or variations to the subdivision and zoning bylaws to achieve the objectives of the Development Permit Area.

In recognition of the projected development patterns and existing conditions, residents have stated both their preference and concern regarding the following objectives: protection of the natural environment, providing guidance to the character and form of new development within village centers including multiple family housing, commercial, and residential-commercial mix and reorientation and revitalization of the form and character of existing commercial sites in village centers. These objectives may be achieved through development permit area provisions.

Eight areas have been designated as Development Permit Areas in Shaw Hill – Deep Bay. These areas are identified on Map Nos. 2 and 6. The Plan describes the Development Permit Areas, justifies their designation and provides guidelines for development within the area.⁸

⁸ Bylaw No. 1007.05 adopted January 23, 2007

The Development Permit Areas are:

- Bowser Village Development Permit Area
- Qualicum Bay Village Development Permit Area
- Dunsmuir Village Development Permit Area
- Island Highway Corridor Development Permit Area
- Inland Island Highway Corridor Development Permit Area
- Environmentally Sensitive Areas Development Permit Area
- Natural Hazard Development Permit Area
- Fish Habitat Protection

It should be noted that a Development Permit may not be the only requirement for development approval. In addition, approval for particular types of development may be required by senior levels of government.

DEVELOPMENT PERMIT

GUIDELINES

Regional District of Nanaimo
SHAW HILL – DEEP BAY OFFICIAL COMMUNITY PLAN – BYLAW 1007

8.1 BOWSER VILLAGE DEVELOPMENT PERMIT AREA

Category:	'D' – Revitalization of an area where commercial use is permitted. 'E' – Establishment of objectives and guidelines for form and character of commercial or multi family residential development.
Location:	Bowser Village Comprehensive Development Permit Area comprises the exiting "main street" in Bowser including commercial and institutional uses. The Village Centre includes the existing commercial area and limited area which may be suitable for Village expansion within District Lot 36, Newcastle District.
Purpose and Justification:	The Bowser Village Development Permit Area is designated for comprehensive development including commercial – residential mix, multi family residential and institutional land uses. It is the objective of this designation to ensure that Bowser is developed with a resort service and commercial theme while maintaining the rural characteristics of the surrounding community. The development of a village centre with suitable character and form, well defined public spaces and pedestrian mobility opportunities will draw residents and visitors to the centre. Existing commercial land uses along the highway will require reorientation and revitalization to fit in with and eventually benefit from, the comprehensive development of the Village.
Guidelines:	<p>Prior to commencing any subdivision or construction on lands within the Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines:</p> <ol style="list-style-type: none"> 1. A Comprehensive Village Development Proposal shall be submitted with the Development Permit application, which shall at the minimum, provide the following information: <ul style="list-style-type: none"> • design all buildings and structures including proposed roof and exterior finishes and conceptual visual character of the development. • vehicular access and parking areas. • pedestrian linkages to adjacent neighbourhoods. • blending of existing uses into new development. • details on outdoor illumination design, signage, landscaping, and open spaces.

8.1 BOWSER VILLAGE DEVELOPMENT PERMIT AREA *continued*

Guidelines:	<p>2. In consultation with the Village Design Panel, development proposals may be evaluated by the Regional District to address the following Village design guidelines:</p> <ul style="list-style-type: none">• The Village shall be developed with a "resort service and commercial center" theme.• The Village will include a commercial and a residential core oriented toward the central portion of District Lot 36, Newcastle District and shall foster the revitalization, linkage of "main street" commercial uses along Highway No. 19.• The development shall provide adequate public open space and pedestrian walkways that connect and integrate residential, commercial, institutional uses, complement existing parks and recreation opportunities in the surrounding areas and reduce automobile dependence.• Buildings shall avoid massive building components in favour of smaller clustered designs of human scale.• Courtyards or "boutique" like clustering of commercial premises with associated street furniture scaled toward pedestrian traffic are desirable.• The development shall incorporate compact form, rectilinear streets, reduced frontages and a comprehensive approval for exterior finishing, design of buildings and lighting.• The development shall include a range of housing types and an appropriate mix of commercial building styles.• Off-street parking and loading areas should be located to the rear or sides of buildings. Smaller clustered parking facilities are preferable to large blacktopped areas.• Construction of or an addition to a dwelling unit or residential accessory buildings permitted through existing zoning regulations shall be exempt from the development permit requirement.
Exemptions:	

8.2 QUALICUM BAY VILLAGE DEVELOPMENT PERMIT AREA

Category:	<p>'D' – Revitalization of an area where commercial use is permitted.</p> <p>'E' – Establishment of objectives and guidelines for form and character of commercial, industrial or multi family residential development.</p>
Location:	<p>Qualicum Bay Village Development Permit Area comprises the Qualicum Bay Village Centre. This Centre includes an existing resort commercial and institutional core and large vacant land holdings with development potential. A small portion of the Development Permit Area has been developed with rural residential parcels. The Village Centre is located to the east of an area in the Agricultural Land Reserve.</p>
Purpose and Justification:	<p>The Qualicum Bay Village Centre is designated for comprehensive development including commercial – residential mix, multi family residential and institutional land uses. It is the objective of this designation to ensure that Qualicum Bay is developed with a "Coastal Resort Village" theme. The Plan Area requires a reorientation from highway commercial strip development to a commercial and a residential village core development. The development of a Village Centre with suitable character and form, well defined public spaces, and pedestrian mobility opportunities will draw residents and visitors to the center. Existing commercial land uses along the Island Highway in the Village will require a reorientation and revitalization to fit in with, and eventually benefit from, the comprehensive development of the Village Centre.</p>
Guidelines:	<p>Prior to commencing any subdivision or construction on lands within the Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines.</p> <ol style="list-style-type: none"> 1. A Comprehensive Village Development Proposal shall be submitted with the Development Permit application which shall at the minimum provide the following information: <ul style="list-style-type: none"> • design of all buildings and structures including proposed roof and exterior finishes and conceptual visual character of the development. • vehicular access and parking areas. • pedestrian linkages to adjacent neighbourhoods. • blending of existing uses into new development. • details on outdoor illumination design, signage, landscaping, and open spaces.

8.2 QUALICUM BAY VILLAGE DEVELOPMENT PERMIT AREA...continued

Guidelines:	<p>2. In consultation with the Village Design Panel, development proposals may be evaluated by the Regional District to address the following Village design guidelines:</p> <ul style="list-style-type: none">• The Village shall be developed with a "coastal resort village" theme.• The tourist and business frontage for the Village will be oriented toward the central portion of District Lot 20, Newcastle District and shall provide linkage and integration with the existing commercial lands along the Island Highway (which will be revitalized within the Village theme) and institutional uses including the Lighthouse Community Hall, seniors housing and parkland.• The development shall provide adequate public open space and pedestrian walkways that connect and integrate residential, commercial, institutional uses, complement existing parks and recreation opportunities in the village center and reduce automobile dependence.• Buildings shall avoid massive building components in favour of smaller clustered designs of human scale.• Courtyards or "boutique" like clustering of commercial premises with associated street furniture scaled toward pedestrian traffic are desirable.• The development shall incorporate villagescape elements including but not limited to, compact form, rectilinear streets, reduced frontages and a comprehensive approach for exterior finishing, design of buildings and lighting.• The development shall include a range of housing types and an appropriate mix of commercial building styles.• Provision of buffering and transition of Village Centre development with adjoining lands within the Agricultural Land Reserve or which is licensed for aquaculture under the Fisheries Act.• Developments shall not separate themselves from the rest of the community as walled or fenced enclaves with centralized and/or controlled access points.• Streets should be designed with sidewalks and boulevard trees.
Exemptions:	<ul style="list-style-type: none">• Construction of or an addition to a dwelling unit or residential accessory buildings permitted through existing zoning regulations shall be exempt from this development permit requirement.

8.3 DUNSMUIR VILLAGE DEVELOPMENT PERMIT AREA

Category:	'C' – Protection of Farmland
Location:	'E' – Establishment of objectives and guidelines for form and character of commercial, industrial and multi family residential development.
Purpose and Justification:	<p>Dunsmuir Village Development Permit Area comprises the Dunsmuir Village. This village is located on a major road connector to the New Island Highway. The Village Centre includes large vacant land holdings with development potential. Parts of the village have been developed with rural residential development.</p> <p>The Dunsmuir Village Centre is designated for comprehensive development including commercial – residential mix, multi family residential and institutional land uses. The Village will serve as a "gateway" to the coastal resort, scenic and recreational opportunities within the Plan Area. Horne Lake Road, running through the Village, provides a major network road connection between Highway No. 19 and the Inland Island Highway. The objective of this designation is to ensure that Dunsmuir is comprehensively developed as a service commercial center with a residential-commercial mix in the core area, and to create a gateway to Shaw Hill – Deep Bay. A well-planned and developed Village Centre will draw residents and visitors to the center.</p> <p>The Dunsmuir Village Centre is to the west of an area which is in the Agricultural Land Reserve and is adjoining a major fish hatchery and other aquacultural operations. The Development Permit Area will include guidelines that support the protection of adjoining farming areas and areas licensed for aquaculture.</p> <p>Prior to commencing any subdivision or construction on lands within the Development Permit Area, the owner shall obtain a Development Permit, which conforms to the following guidelines:</p>
Guidelines:	<ol style="list-style-type: none"> 1. A Comprehensive Village Centre Development Proposal shall be submitted with the Development Permit application. This proposal shall provide, at a minimum, the following information: <ul style="list-style-type: none"> • design of all buildings and structures including proposal roof exterior finishes and conceptual visual character of the development. • vehicular access and parking areas. • pedestrian linkages to adjacent neighbourhoods. • blending of existing uses into new development. • details on outdoor illumination, design, signage, landscaping and open spaces.

8.3 DUNSMUIR VILLAGE DEVELOPMENT PERMIT AREA...continued

Guidelines:	2. In consultation with the Village Design Panel, development proposals may
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	<p>be evaluated by the Regional District to address the following Village design guidelines:</p> <ul style="list-style-type: none"> • The Commercial focus of Dunsmuir Village shall be oriented with a "Gateway Commercial Service Village" theme. • A Service Commercial Centre within the Village will be centrally located in the Village Centre and shall be compatible with the scale, form and character of existing rural residential neighbourhoods and comprehensive development on adjoining lands. • The development shall provide adequate public open space and pedestrian walkways that connect and integrate residential, commercial and institutional uses. This integration shall complement existing parks and recreation opportunities, and reduce automobile dependence within the village center. • Buildings shall avoid massive building components in favour of smaller clustered designs of human scale. • Courtyards or "boutique" like clustering of commercial premises with associated street furniture scaled toward pedestrian traffic are desirable. • The development shall incorporate villagescape elements including, but not limited to, compact form, rectilinear streets, reduced frontages and a comprehensive approach for exterior finishing, design of buildings and lighting. • Development shall include a range of housing types and an appropriate mix of commercial building styles. • Off-street parking and loading areas shall be located to the rear of buildings and structures wherever possible and screened to enhance views. Smaller clustered parking facilities are preferable to large blacktopped areas. • Provision of buffering and transition of Village Centre development with adjoining lands within the Agricultural Land Reserve or which is licensed for aquaculture under the Fisheries Act. • Developments shall not separate themselves from the rest of the community as walled or fenced enclaves with centralized and/or controlled access points. • Streets should be designed with sidewalks and boulevard trees. <p>Exemptions:</p> <ul style="list-style-type: none"> • Construction of or an addition to a dwelling unit or residential accessory buildings permitted through existing zoning regulations shall be exempt from this development permit requirement on an existing residential parcel.
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8.4 ISLAND HIGHWAY (HIGHWAY NO. 19) CORRIDOR DEVELOPMENT PERMIT AREA

Category:	'D' – Revitalization of an area where commercial use is permitted. 'E' – Establishment of objectives and guidelines for form and character of
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	commercial, industrial or multi family residential development.
Location:	The Island Highway Corridor Development Permit Area shall apply to all commercial or industrial properties, which may have frontage on the Island Highway (Highway No. 19).
Purpose and Justification:	<p>Shaw Hill – Deep Bay residents have expressed a desire for improved safety and visual appearance along Highway No. 19. There is a recognition that the scenic importance of the Highway is critical to improved tourism appeal. This is accentuated by the development of the new Inland Island Highway where a large portion of through traffic will be redirected thereby freeing the existing highway portion to concentrate on local and tourist traffic. Opportunities for enhanced tourist related economic activities parallel the need to ensure visual appeal along the highway.</p> <p>The visual appearance of future commercial and industrial development or redevelopment along the Island Highway should support the scenic qualities and coastal viewscape along the Highway.</p>
Guidelines:	<p>Prior to commencing any new construction or subdivision on lands within the Development Permit Area, the owner shall obtain a development permit which conforms to the following guidelines:</p> <ol style="list-style-type: none"> 1. A Development Proposal shall be submitted with the Development Permit application. The proposal shall provide the following information: <ul style="list-style-type: none"> • location of all existing and proposed property boundaries. • location of all existing and proposed buildings and structures. • design of all buildings and structures including proposed roof and exterior finishes and conceptual visual character of development and impact on the viewscape of the Island Highway. • vehicular access, parking and loading areas. • outdoor storage or manufacturing areas (where applicable). • pedestrian linkages to adjacent neighbourhoods. • blending of existing uses into new development. • details on outdoor illumination design, signage, landscaping, and open spaces.

8.4 ISLAND HIGHWAY (HIGHWAY NO. 19) CORRIDOR DEVELOPMENT PERMIT AREA...continued

Guidelines:	2. Development or redevelopment proposals may be evaluated by the Regional District of address the following Highway Corridor design guidelines:
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	<ul style="list-style-type: none">• Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive from the Island Highway. Particular emphasis should be given to landscaping, screening, and the retention of natural vegetation to enhance views from the Island Highway and adjoining properties.• Outside parking, loading, storage and manufacturing areas (where applicable) should be located at the rear of buildings and adequately screened from adjoining properties and should be compatible with the scale, form and character of existing rural residential neighbourhoods and comprehensive development on adjoining lands.• Signage should be visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage that is aesthetically pleasing, complementary to the scenic qualities of the area and requires a minimal amount of lighting to be effective.• The siting, shape and massing of buildings and structures should be compatible with, and complementary to, the scenic qualities and unique topographical features of the area. Particular emphasis should be given to building design that: minimizes visual impact on the viewscape along the Island Highway; is in keeping with surrounding land use patterns; and provides view corridors and a sense of open space.
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8.5 ENVIRONMENTALLY SENSITIVE AREAS DEVELOPMENT PERMIT AREA

Category:	'A' – Protection of the natural environment.
Location:	All lands and watercourses designated Environmentally Sensitive Area in Map No. 1 attached to this Plan.
Purpose and Justification:	<p>The residents of Shaw Hill – Deep Bay have requested that the Official Community Plan establish guidelines for protecting areas which are environmentally sensitive to development. Environmentally Sensitive Areas include areas of unstable soil, water and native flora or fauna that is subject to degradation.</p> <p>Section 2 of this Plan provides further background and justification for protecting environmentally sensitive areas.</p>
Guidelines:	<p>Prior to commencing any new subdivision, construction or alteration of lands (including the removal of any vegetation) on any property within the Development Permit Area, the owner shall obtain a development permit, which conforms to the following guidelines:</p> <ol style="list-style-type: none"> 1. A Development Proposal shall be submitted with the Development Permit application which shall at the minimum provide the following information: <ul style="list-style-type: none"> • location of all watercourses, wetlands and significant areas of native flora and fauna. • importance of watercourses as existing and potential fish habitat. • siting of existing and proposed buildings and structures including distances to the top of a bank along a watercourse and distance to the natural boundary of a watercourse or water body. • location of all existing and proposed property lines. • location of all existing and proposed drainage ditches, culverts, septic tanks and disposal fields. • identification of areas where tree removal or alteration of land would result through development. • identification of areas of land that are located above the natural boundary of streams, rivers, lakes or the ocean that will remain free of development. • methods of preserving or dedicating watercourses and protecting fisheries. • all development proposals are subject to the requirements and procedures of the Fish Protection Act and the Riparian Areas Regulation.⁹

⁹ Bylaw No. 1007.05 adopted January 23, 2007

8.5 ENVIRONMENTALLY SENSITIVE AREAS DEVELOPMENT PERMIT AREA
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Guidelines:	<p>2. Development Permit Proposals may be evaluated by the Regional District to address the following environmental protection guidelines:</p> <ul style="list-style-type: none">• Buildings and structures on land, which adjoins or is crossed by a watercourse should be sited in conformance with the Land Development Guidelines for the Protection of Aquatic Habitat (BC Environment and Department of Fisheries and Oceans 1992).• Development permit applications should include a vegetation management plan. This plan should indicate the extent of proposed tree removal and areas where trees are proposed to be cleared. No removal of trees or undergrowth from the site of alteration of the land is permitted without prior approval from BC Environment.• The development should designate areas, which may include unstable soils or water, which is i) subject to degradation; ii) where no septic tank, drainage and deposit fields, or irrigation or water systems should be constructed.• Natural watercourses should be preserved or dedicated through natural state covenants, return to Crown or parkland designation where appropriate.• Development should be carried out under the guidance of BC Environment and Federal Fisheries Department in a manner, which minimized the risk of bank erosion of the contamination of water by effluent or runoff.• Subdivision, construction or alteration of land beyond a distance of 15 metres from the top of the bank of a watercourse shall not require a development permit.• Agricultural activities and farm buildings located closer than 15 metres from the bank of a watercourse may be exempt from the development permit requirement provided that the Regional District receives commitment that buildings and structures are not used for storage of livestock or manure in an environmentally sensitive wetland area.• Vegetation management or clean up activities along the banks of a watercourse to enhance fish habitat or the natural environment shall be exempt if authorized or supervised by the Ministry of Environment.
Exemptions:	<ul style="list-style-type: none">• Subdivision, construction or alteration of land beyond a distance of 15 metres from the top of a bank of a watercourse shall not require a development permit.• Agricultural activities and farm buildings located closer than 15 metres from the bank of a watercourse may be exempt from the development permit requirement provided that the Regional District received commitment that buildings and structures are not used for storage of livestock or manure in an environmentally sensitive wetland area.• Vegetation management or clean up activities along the banks of a watercourse to enhance fish habitat or the natural environmental shall be exempt if authorized or supervised by the Ministry of Environment.

8.6 HAZARD LANDS DEVELOPMENT PERMIT AREA

Category:	'A' – Protect the environment. 'E' – Protect development from hazardous conditions.
Location:	This Development Permit Area is applicable to all lands designated Natural Hazard Area in Map No. 1. Natural Hazard Areas include steep, unstable slopes along watercourses and along the coastal shorezone. Hazard lands are also environmentally sensitive.
Purpose and Justification:	<p>Landslides have occurred in some locations along the shorezone bluffs in the Plan Area. Residential construction close to the top of the banks has created risks to the property owners. Vegetation removal along steep slopes may destabilize hazardous slopes and create potential danger to lives and property as well as environmental damage. The residents of Shaw Hill – Deep Bay have requested that the Official Community Plan establish guidelines for protecting existing and future development from hazardous slope conditions.</p> <p>Hazard lands can also be considered environmentally sensitive as vegetation removal can cause both physical and environmental damage to property. The overlap between Environmentally Sensitive Areas and hazard lands justifies the inclusion of provisions to protect the environment as well as development from hazard conditions.</p> <p>Section 2 of this Plan provides further background and justification for protecting the environment and development from hazardous slope conditions.</p>
Guidelines:	<p>Prior to commencing any new subdivision, construction or alteration of lands (including the removal of any vegetation) on properties in the Development Permit Area, the owner shall obtain a Development Permit which conforms to the following guidelines:</p> <ol style="list-style-type: none"> 1. A Development Proposal shall be submitted with the Development Permit application. The proposal shall provide the following information: <ul style="list-style-type: none"> • identify any site specific information including maps and background related to the potential for flooding, mud flows, erosion, land slip, rock falls, or other hazards and areas that will remain free of development. • location of all watercourses, wetlands and detail on the topography including areas which may be subject to erosion or bank failure. • significant areas of flora and fauna. • importance of watercourses as existing and potential fish habitat. • site plan illustrating existing and proposed buildings and structures including distances to the top of a bank along a watercourse and distance to the natural boundary of a watercourse or waterbody. • location of all existing and proposed property lines. • location of all existing and proposed drainage ditches, ponds, culverts, septic tanks and disposal fields. • identify areas where tree removal or alteration of land may result through development.

Guidelines:	<ul style="list-style-type: none">• specify areas of land that are located above the natural boundary of streams, rivers, lakes or the ocean that will remain free of development.• methods of preserving or dedicating watercourses and protecting fisheries. <p>2. Development Permit proposals may be evaluated by the Regional District to address the following environmental protection guidelines:</p> <ul style="list-style-type: none">• Prior to approval of a subdivision, construction or alteration of land (including tree removal) in areas designated Natural Hazard Area, the Development Permit shall require an assessment by a geotechnical engineer, of the slope conditions on the proposed development site and recommendations on the suitability and stability of the soil for the proposed development. The assessment should include proposals for vegetation protection, enhancement or retention where applicable.• A Development Permit shall not be issued without confirmation of the engineer's opinion regarding the safety of proposed development and assurances that the development will not have detrimental impact on the environment or adjoining properties.• No development or alteration of land shall occur where the geotechnical engineering report indicates that a hazardous condition may result.• All new development shall be flood proofed to BC Environment Standards.• Buildings and structures on land, which adjoins or is crossed by a watercourse or is located above the bank of a hazardous slope area should be sited in conformance with the Land Development Guidelines for the Protection of Aquatic Habitat (BC Environment and Department of Fisheries and Oceans 1992).• Development permit applications should include a vegetation management plan indicating the extent of proposed tree removal and areas where trees are proposed to be cleared. No removal of trees or undergrowth from the site or alteration of the land is permitted without prior approval from BC Environment.• The development should designate areas, which may include unstable soils or water which is subject to degradation, and areas where septic tanks, drainage and deposit fields, or irrigation or water systems should be constructed.• Natural watercourses, including adjoining unstable banks, should be preserved or dedicated through natural-state covenants, return to Crown or parkland designation where appropriate.• Development should be carried out under the guidance of BC Environment and the Federal Fisheries Department in a manner that minimizes the risk of bank erosion or the contamination of water by effluent or runoff.
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8.6 HAZARD LANDS DEVELOPMENT PERMIT AREA...continued

Exemptions:	<ul style="list-style-type: none">Where a geotechnical report would be required as part of the issuance of a building permit pursuant to Section 734 of the Municipal Act, the Regional District may waive the Development Permit requirements as it relates to hazard lands. Nonetheless the applicant must still satisfy guidelines related to environmentally sensitive areas prior to issuance of a Development Permit.Where the Approving Officer requires a geotechnical assessment as part of a subdivision of land, the Regional District may waive the Development Permit guidelines as it relates to hazard lands. Nonetheless, the applicant must still satisfy the guidelines related to environmentally sensitive areas prior to issuance of a Development Permit.A residential or accessory building may be constructed on a parcel which has hazardous land designation with a development permit if evidence or a site survey map showing detailed contour intervals and siting of the proposed structure or other evidence is accepted and confirmed by the Regional District which shows that the proposed structure is more than 15 metres beyond the top of the bank of a watercourse and does not include hazardous slopes or floodplain.
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8.7 FISH HABITAT PROTECTION DEVELOPMENT PERMIT AREA¹⁰

Category:	'A' – Protection of the natural environment, its ecosystems and biological diversity
Location:	<p>This Development Permit Area applies to all of the Plan Area including all mapped and unmapped streams as shown on Map No. 6. This development permit area consists of the following Riparian Assessment Areas within and adjacent to all streams, which by definition includes wetlands and lakes:</p> <ol style="list-style-type: none"> 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. <p>The <i>Riparian Areas Regulation</i> establishes the Riparian Assessment Areas as described above.</p>
	<p>A development permit is required for the following development activities located within the Riparian Assessment Area where such activities involve the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt:</p> <ol style="list-style-type: none"> (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 <i>Local Government Act</i>.
Purpose and Justification	The province of British Columbia's Riparian Areas Regulation (RAR), under the <i>Fish Protection Act</i> , 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

¹⁰ Bylaw No. 1007.05 adopted January 23, 2007

	<p>a Qualified Environmental Professional (QEP).</p> <p>The purpose of this environmental review is to ensure the protection of the natural environment in accordance with the <i>Fish Protection Act</i> 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.</p> <p>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 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.</p>
Guidelines	<ol style="list-style-type: none"> 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 MOE and 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 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 <i>Canada Fisheries Act</i>, the development permit shall not be issued unless approval under the authority of Section 4(3) of the RAR is received from DFO. The Regional Board may consider providing comments to 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 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

	<p>consultation with the land owner may consider the following:</p> <ul style="list-style-type: none"> (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. <ol style="list-style-type: none"> 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.
Exemptions:	<p>The following activities are exempt from the Fish Habitat Protection Development Permit Area requirements:</p> <ul style="list-style-type: none"> 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 <i>Local Government Act</i>; 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 <i>Farm Practices Protection Act</i>; f) All development on lands subject to the <i>Forest Act</i> or <i>Private Managed Forest Land Act</i>; 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

	<p>the Development Permit Area including, but not limited to, Scotch Broom, Himalayan Blackberry, Morning Glory, and Purple Loosetrife 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.</p>
Definitions:	<p>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 <i>Riparian Areas Regulation</i> by a qualified environmental professional.</p> <p>Fish means all stages of:</p> <ul style="list-style-type: none"> a) salmonids; b) game fish; and c) regionally significant fish. <p>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.</p> <p>Qualified Environmental Professional (QEP) means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:</p> <ul style="list-style-type: none"> 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. <p>Riparian Area means a streamside protection and enhancement area as defined in the <i>Riparian Areas Regulation</i>.</p> <p>Riparian Areas Regulation (RAR) means the Riparian Areas Regulation, and amendments thereto enacted pursuant to Section 12, 13(1), and 37(2) of the <i>Fish Protection Act</i>.</p> <p>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:</p> <ul style="list-style-type: none"> a) a watercourse, whether it usually contains water or not;

	<ul style="list-style-type: none">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.
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Streamside Protection and Enhancement Area (SPEA) means an area:

- a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream; and,
- b) the size is determined according to the *Riparian Areas Regulation* on the basis of a report provided by a qualified environmental professional in respect of a development proposal.

Top of Ravine Bank means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.