

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 500**

**PART 5**

**DEVELOPMENT PERMIT AREAS**

**PART 5 – DEVELOPMENT PERMIT AREAS**

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**5.1 Development Permit Area Organization**

For the area covered by this bylaw, the relevant official community plan designates development permit areas and describes the special conditions or objectives that justify the designations. The applicability, exemption and guidelines for the development permit areas are contained within this bylaw as within Part 5.

### 5.1.1 Freshwater and Fish Habitat Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

#### APPLICABILITY

Terms used in this Development Permit Area that are defined in the provincial *Riparian Areas Regulation* (RAR), of the *Riparian Areas Protection Act*, are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time. This Regulation and Act may be obtained from the Provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development or from the BC Laws website.

A development permit is required for the following activities wherever they occur within this Development Permit Area, unless specifically exempted:

1. removal, alteration, disruption, or destruction of vegetation;
2. disturbance of soils; including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-impervious surfaces;
5. flood protection works;
6. construction of roads, trails, docks, wharves, and bridges; and
7. subdivision of land.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit.

##### ***Exemptions Applicable to all Watercourses***

1. Development in an area where no stream or watercourse exists, or where the proposed development is clearly outside the development permit area, as determined by the Regional District, a BC Land Surveyor, or a Registered Professional Biologist. This exemption does not apply if the stream or watercourse ecosystem was previously filled or realigned without a development permit.
2. Renovations, repairs, maintenance, the construction of a second storey addition, excluding cantilevered construction to existing buildings within the same footprint (a building permit may still be required).
3. All park or parkland ancillary uses not containing commercial, residential, or industrial activities.
4. 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;

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- c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

5. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest are exempt only if a permit under the *Wildlife Act* has been obtained.
6. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
7. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
8. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.
9. Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
12. Subdivision where the minimum lot size is met exclusive of the development permit area, and no works are proposed within the development permit area.

**Exemptions Applicable to Streams under the RAR only**

13. Subdivision where the minimum lot size is met exclusive of the Streamside Protection and Enhancement Area (SPEA), and no works are proposed within the Riparian Assessment Area.
14. Within Electoral Area A, development activities more than 30 metres from the Nanaimo River or Haslam Creek, measured from the top of bank or present natural boundary, whichever is greater, where:

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- a. a RAR assessment report has been completed by a Qualified Environmental Professional in accordance with the RAR Assessment Methods and submitted to the province; and
  - b. notification of the assessment report has been received by the provincial ministry responsible and the Regional District.
15. For streams subject to the RAR, in the case where a simple assessment is submitted which assigns a SPEA, a development proposed outside of the SPEA where:
- a) the assessment report has been completed by a Qualified Environmental Professional (QEP) in accordance with the RAR Assessment Methods; and
  - b) notification of the assessment report has been received by the provincial ministry responsible and the Regional District, and there are no measures outside of the SPEA required to protect the SPEA.

***Exemptions Applicable to this development permit area where the RAR does not apply***

16. Subdivision involving only lot line adjustment. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.
17. A property owner may construct a single trail within this development permit area in accordance with the principles and standards of 'Access Near Aquatic Areas' of the Stewardship Series published by the provincial and federal governments, and subject to the following conditions:
- a) the trail provides the most direct route or feasible passage through the development permit area while minimizing the extent of vegetation removal or disturbance and minimizing excavation and removal of native soils;
  - b) the ground is stable, ie. erodible stream banks or other erosion prone areas shall be avoided;
  - c) no motorized vehicles are permitted on the trail;
  - d) the trail is not to exceed a maximum width of 1.5 metres;
  - e) no trees, which are greater than 5.0 metres in height and 10.0 centimetres in diameter, are to be removed; instead limbing and pruning of trees shall be done, where necessary, to facilitate the construction of the single trail;
  - f) the trail's surface shall only be composed of pervious materials.
18. Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, if the addition is located on the side or part of the building or structure most distant from the waterbody or stream.
19. The construction of a small accessory building or structure if all the following apply:
- a) the building or structure is located within an existing landscaped area;
  - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
  - c) there is no permanent foundation;
  - d) the building or structure is located a minimum of 10 metres from the high water mark or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and

- e) the total area of the accessory building or structure is less than 10 square metres.

## **GUIDELINES**

Development permits shall be issued in accordance with the following:

### ***Guidelines applicable to all watercourses***

1. An assessment must be prepared by a Registered Professional Biologist (a QEP for streams applicable to the RAR) for the purpose of identifying sensitive biophysical features on or near the development permit area and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list each guideline with an explanation of how the development is consistent with the guideline, or an explanation as to how the guideline is not applicable. The site plan should indicate the areas for yard and driveway and areas to remain free from development. See Guideline 13 for additional requirements of this report for streams applicable to the RAR.
2. If development or alteration of land is proposed within the development permit area, it shall be located so as to minimize the impact on the stream or waterbody. The assessment report shall include an explanation as to how locating development entirely outside of the development permit area has been considered, and the reason that it is not being proposed. Variances to the zoning bylaw regulations to minimize development in the development permit area should be considered.
3. Sensitive biophysical features to be assessed in this development permit area include but are not limited to:
  - a) forest cover and ecological communities;
  - b) surface drainage patterns;
  - c) site topography and channel morphology;
  - d) aquatic and riparian habitat values, condition and function;
  - e) rare and uncommon species and plant communities; and
  - f) an overall assessment of the ecological importance of the watercourse.
4. Mitigation measures that should be considered in the biological assessment include but are not limited to:
  - a) minimization of vegetation removal;
  - b) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors;
  - c) sediment and erosion control;
  - d) protection of sensitive areas through fencing or other permanent demarcation; and
  - e) timing of construction to minimize potential impacts.
5. Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan

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and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.

6. For the SPEA or where the applicant's biologist or other qualified professional recommends other specific areas that must remain free from development:
  - a) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
  - b) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
7. The applicant's biologist or QEP may be required to provide confirmation to the Regional District that the property has been developed in accordance with the QEPs recommendations.

**Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions**

8. On any development where there is potential for silt, petroleum or any other contaminants to enter a watercourse either directly or indirectly through infiltration, provision of oil, grease and sediment removal facilities and the ongoing maintenance of these features will be required.
9. Directing drainage of rainwater from development sites into the SPEA and other watercourses and water bodies shall be avoided. Instead, rainwater is to be managed onsite with an emphasis on infiltration approaches to management. If impacts cannot be avoided through onsite infiltration, a sediment and erosion control plan may be required, and grading plan may be required where fill is placed near the freshwater feature.
10. In low-lying areas subject to flooding, development should not increase the flood risk on the subject property or on adjacent or nearby properties. Where the placement of fill is proposed within a floodplain as defined by the RDN Floodplain Management Bylaw, it shall be designed by a Professional Engineer to ensure that the placement of the proposed fill will not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, result in higher flood flows or result in higher flood potential elsewhere in the floodplain.
11. Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 metres, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

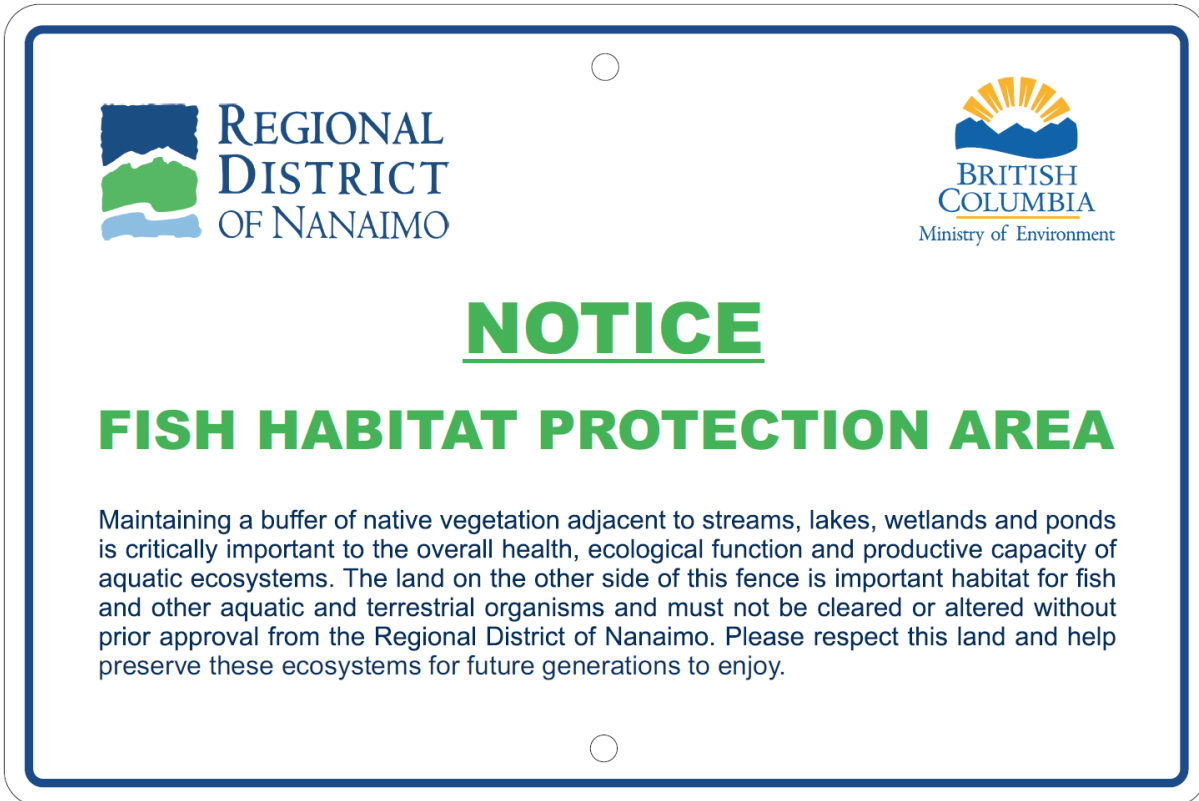
**Additional Guidelines Applicable to Streams Subject to the RAR only**

12. No development shall take place within any SPEA except where:
  - a) a QEP has determined that no serious harm is likely to occur or that it can be mitigated by following prescribed measures; or
  - b) the owner has obtained an authorization under subsection 35(2) [serious harm to fish] of the *Fisheries Act* or Section 11 [changes in and about a stream] of the *Water Sustainability Act*.



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13. The Regional District shall require the applicant to retain a QEP, at the expense of the applicant, for the purpose of preparing an assessment report, pursuant to Section 4(2) of the RAR and the RAR Assessment Methodology Guidebook, and the assessment report must be electronically submitted to the provincial ministry responsible, via the Riparian Area Regulations Notification System, and a copy must be provided to the Regional District.
14. In addition to implementing the measures in the assessment report, to ensure the integrity of the SPEA the Regional District and landowner may consider the following:
  - a) gift to a nature preservation organization all or part of the SPEA; or
  - b) register a restrictive covenant or conservation covenant on title securing the measures prescribed in the assessment report.
15. For the purpose of subdivision design, proposed lot configuration shall consider the protection of the SPEA and minimize new lot lines in the SPEA. The proposed lot configuration should demonstrate that enough developable land is available on each lot to establish a development envelope that includes a reasonable yard area outside of the SPEA to accommodate wastewater disposal field, driveway, accessory buildings and yard.
16. Permanent fencing and/or other means of clearly delineating the SPEA boundary such as signage must be designed to follow the standard established by the Regional District and Ministry of Environment shown below. Signage should be installed to the satisfaction of the Regional District prior to land alteration and in the case of subdivision prior to the Regional District notifying the Approving Officer that the conditions of the development permit have been met. Fencing must be maintained in good order.



Aluminum or Dibond 12"x18" Radius corners  
Inline border .14"  
RDN logo: 2"x5.17"  
Ministry of Environment logo: 2.5"x2.92"  
Notice: Arial black type .90"  
Fish Habitat Protection Area: Arial black type .60"  
All other text: Arial bold type .27"

## 5.1.2 Sensitive Ecosystems Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

### APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils, including grubbing, scraping and the 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 of land as defined in the *Land Title Act* or *Strata Property Act*.

### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development in an area where the sensitive ecosystem does not exist due to mapping inaccuracy, upon written confirmation from a Registered Professional Biologist. For clarity, if the sensitive ecosystem was previously disturbed without a development permit this exemption does not apply.
2. Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, provided that the addition is not situated closer to the environmentally sensitive feature for which the development permit area has been identified, than the existing building or structure.
3. Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required).
4. A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
5. 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) the location is chosen to require a minimum amount of vegetation removal or disturbance, where no rare plants will be disturbed or otherwise impacted, and where there is limited excavation and removal of native soils;
  - c) the ground is stable, i.e erodible stream banks or other erosion prone areas must be avoided;
  - d) no motorized vehicles are permitted;

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- e) the trail is a maximum of 1.5 metres in width;
  - f) no trees, which are greater than 5.0 metres in height and no trees with a diameter at breast height of 10.0 centimetres or more are being removed; limbing, pruning and topping of trees should be done instead; and,
  - g) the trail's surface is pervious but may be constructed with materials that limit erosion and bank destabilization (certain structures may require a building permit).
6. 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 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia', published by Ministry of Environment, or any subsequent editions.
  7. Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land. For clarity, this exemption does not apply to retaining walls and anything that is considered a structure as defined by the current zoning bylaw.
  8. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
  9. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
  10. The construction of a small accessory building or structure if all the following apply:
    - a) the building or structure is located within an existing landscaped area;
    - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
    - c) there is no permanent foundation;
    - d) the building or structure is located a minimum of 10 metres from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
    - e) the total area of the small accessory building or structure is less than 10 square metres.
  11. Subdivision where the following criteria is met:
    - a) minimum lot sizes will be met exclusive of the sensitive ecosystem;
    - b) no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of all lots will occur within the sensitive ecosystem; and
    - c) where a covenant is registered to protect the sensitive ecosystem or ecosystems in a manner that is consistent with the applicable development permit area guidelines.
  12. Subdivision involving only lot line adjustment. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.

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13. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as ‘farm’ under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
14. 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;
  - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.
15. Works conducted and/or approved by the Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
16. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
17. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as ‘forest lands’ on the property assessment.

**GUIDELINES**

1. 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 sensitive ecosystem. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
2. An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not

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applicable) and should indicate on a site plan the areas for yard and driveway and areas to remain free from development.

3. Existing native vegetation should be retained wherever possible to minimize disruption to habitat and maintain ecological processes that support ecosystem function, wildlife ecology, and unique ecosystems. These include, but are not limited to:
  - a) vegetation, trees, snags and root systems;
  - b) rare and uncommon species and plant communities;
  - c) soils and soil conditions (moisture, nutrients and permeability);
  - d) bird and other wildlife and their habitats, such as nesting and breeding areas;
  - e) wildlife habitat, including but not limited to wildlife breeding areas as well as nesting and perch trees; and
  - f) topography and relative orientation of features on neighbouring properties.
4. Mitigation measures that should be considered in the biological assessment include but are not limited to:
  - a) maintenance of an effective visual and sound (natural vegetated) buffer around nesting trees;
  - b) minimization of vegetation removal;
  - c) maintenance of linkages with adjacent sensitive ecosystems to minimize habitat fragmentation and maintain wildlife corridors; and
  - d) timing of construction to minimize potential impacts.
5. Where the applicant's biologist recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping plan and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional.
6. Where the applicant's biologist recommends specific areas that must remain free from development:
  - a) the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
  - b) prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the areas to be protected through to the completion of the development.
7. The applicant's biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with the biologist's recommendations.

**Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions**

8. Where there is a slope greater than 30 percent over a minimum horizontal distance of 10 metres, an assessment report prepared by a Professional Engineer with experience in geotechnical

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engineering may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

9. Development or subdivision of land should be designed to:
  - a) replicate the function of a naturally vegetated watershed;
  - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
  - c) not interfere with groundwater recharge; and
  - d) not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
10. The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other methods for managing rainwater on site should be included in all development proposals considered in this DPA.

### 5.1.3 Eagle and Heron Nesting Trees Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

#### APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of natural features, including plants, trees and shrubs;
2. disturbance of soils, including grubbing, scraping and the 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 of land as defined in the *Land Title Act* or *Strata Property Act*.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor, Registered Professional Biologist, or by the Regional District.
2. The landowner has offered and entered into a restrictive covenant to maintain an acceptable no disturbance buffer as determined by a registered professional biologist.
3. A Registered Professional Biologist with relevant experience has confirmed in writing that no Bald Eagle or no Great Blue Heron has established a nest and is present during the breeding and nesting season of the past five years. In general terms, this is from January to September for Great Blue Herons; and January to September for Bald Eagles.
4. Removal, trimming or alteration of vegetation other than the nest tree; onsite sewage disposal system installations and well drilling within the nest tree development permit area is permitted without a development permit where:
  - a) the activity is conducted entirely outside of the nesting season which is from January 15 to September 15 for Pacific Great Blue Herons and January 1 to September 1 for Bald Eagles, or
  - b) a Registered Professional Biologist with relevant experience has confirmed in writing that the activity will not negatively impact the nest tree, or its associated Great Blue Herons or Bald Eagles.
5. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.



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6. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
7. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
8. 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;
  - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

9. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*, and where they have been made aware of the eagle or heron nest.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

## GUIDELINES

Development permits shall be issued in accordance with the following:

1. Development shall be located where it will cause the least impact to the nesting activity of eagles or herons. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided.
  - a) An assessment must be prepared by a Registered Professional Biologist with relevant experience to assess the potential impact of the proposed development on the function of the nest tree and development or land alteration within the development permit area on the subject property. The report should include, but is not limited to, the following:
  - b) definition of the study area and the proposed activities in relation to the nesting tree, including a map to identify the location including geographic coordinates of nesting tree or trees, the development permit area, and proposed or existing buildings and structures;

5.1.3 Eagle and Heron Nesting Trees Development Permit Area

- c) identification of the breeding season;
  - d) assessment of the impacts of the proposed activities in relation to the resident birds (Bald Eagle or Great Blue Heron) and prescribe appropriate measures to preserve, protect, restore or enhance the function of the nesting tree area and any alteration of the development permit area on the subject property;
  - e) recommendations on how to mitigate negative impacts during and after construction, if permitted under the *Wildlife Act*, to protect the long term integrity of the nesting habitat; and
  - f) reference to ‘Guidelines for Ecosystem and Species Protection’ and/or ‘Guidelines for Raptor Conservation during Urban and Rural Land Development in BC’ found in ‘Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia’ published by the Province of BC, or any subsequent editions.
2. The recommendations within the assessment report will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant’s expense, to the satisfaction of the Regional District.
  3. To avoid encroachment within the area to be protected as identified in the Assessment Report, prior to construction commencing and through to the completion of the development, installation of temporary fencing or flagged stakes is required at a distance from the nesting tree as prescribed in the Assessment Report.
  4. The applicant’s biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with their recommendations.

### 5.1.4 Aquifers Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

#### APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. alteration of land, disturbance of soils, including grubbing, scraping and the removal of top soils;
2. construction, alteration, or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces;
4. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*; and
5. excavation or sub-surface disturbance in the sub-area defined as ‘risk of artesian conditions’.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Construction, renovation, repair or addition to a single dwelling unit, duplex dwelling unit, secondary suite, building or structure accessory to residential use including a driveway and except for excavation of a depth greater than 1.5 metres in an area with ‘risk of artesian conditions’.
2. Construction of or additions to a building or structure that do not require a building permit.
3. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.
4. Onsite wastewater disposal system installation meeting the requirements of the *Sewerage System Regulation of the Public Health Act*.
5. Subdivision of land within Cedar Village Centre and South Wellington Light Industrial & Commercial Area as designated in the Electoral Area A Official Community Plan, except for intensive residential within the Cedar Main Street Village Plan area (intensive residential is defined in that plan).
6. Subdivision of land where a maximum of three lots are proposed, including the remainder, and where the subject property:
  - a) in Electoral Area H has a ‘low’ vulnerability as identified in the Official Community Plan or;
  - b) in Electoral Area G does not have a development subclass of ‘heavy’ nor a vulnerability class of ‘high’ or a combination of ‘heavy’ or ‘high’ as identified in the Official Community Plan.

5.1.4 Aquifers Development Permit Area

7. Subdivision of land where the application is limited to lot line adjustment and no additional lots are created.
8. Subdivision of land where each lot has an approved connection to a community water system, except for within Cassidy Village Centre.
9. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as ‘farm’ under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than 5 years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
10. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as ‘Forest Lands’ on the property assessment.
11. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area Guidelines as determined by the Regional District.

**GUIDELINES**

Development permits shall be issued in accordance with the following:

1. The use or disposal of substances or contaminants that may be harmful to area aquifers is discouraged and steps must be taken to ensure the proper disposal of such contaminants.
2. A report must be prepared by a Professional Engineer or Geoscientist with experience in hydrogeology. The report should follow any applicable checklist of the Regional District for preparation of hydrogeological assessment reports and should also include, but is not limited, to the following:
  - a) definition of the study area and the relationship of the proposed development to the protected aquifer and known recharge areas, including map(s) indicating community water well locations;
  - b) capture zone analysis for existing and proposed new wells;
  - c) an assessment of the ability of the aquifer to accommodate additional groundwater demand proposed by the development, which shall include the anticipated water demand of the proposed uses based on the development potential of the subject property based on the current zoning;
  - d) identification of potential impacts on adjacent properties and land uses; and
  - e) recommendations for measures required to ensure the quality and quantity of water in the aquifer is protected.
3. The use of permeable paving and other methods to reduce rainwater runoff are encouraged.

5.1.4 Aquifers Development Permit Area

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4. Where a proposed development will include any of the purposes or activities listed in Schedule 2 of the Contaminated Sites Regulation, (B.C. Reg. 375/96), the report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology (as described in Guideline 2) shall be required to confirm the protection of the aquifer in relation to the intended uses. In this case, the professional report should additionally include the following:
  - a) as part of the map(s) described in Guideline 2a., also indicate: site location of activities listed in abovementioned regulation, all well locations (abandoned or operational, proposed or existing above ground or underground fuel storage tanks, and underground utilities, such as water, sanitary, and storm water drainage or natural gas lines;
  - b) assess the potential for contamination and the expected results should a spill occur;
  - c) identify appropriate site-specific groundwater protection measures;
  - d) address site design, and best management practices for site drainage, sewage disposal and hazardous material use, handling, storage, disposal and spill response; and
  - e) provide recommendations, a conclusion and a reference site layout plan.
5. A rainwater management plan prepared by a Professional Engineer may be required to ensure that the discharge of any treated effluent and rainwater does not negatively affect groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater.
  - a) Treated effluent and diverted rainwater collection and discharge systems on commercial, industrial, multi-residential, and other developments where there is potential for silt and petroleum-based contaminants to enter a watercourse or infiltrate into the ground must be directed through an appropriately sized and engineered sediment, oil, water and grease separator or other engineered solution. Examples of uses to which this guideline applies includes uses such as vehicle and machinery storage, cleaning and maintenance, and public parking areas.
  - b) The engineer must provide an appropriate maintenance schedule.
6. Development or subdivision of land should be designed to:
  - a) replicate the function of a naturally vegetated watershed;
  - b) not interfere with groundwater recharge;
  - c) maintain the hydraulic regime of surface and groundwater and pre-development flow rates which includes no net increase in peak rainwater run-off from the land to adjoining lands.
7. Where a proposed development is within a sub-area “risk of artesian conditions” as identified in the applicable official community plan:
  - a) the professional report shall determine the depth of the overlying till aquitard, and provide recommendations for its protection during excavation, well drilling, and construction; and
  - b) wells must be drilled by a registered well driller who is qualified to control artesian flow.
8. Where a proposed development is within the well protection area or well capture zone of a community water system, the professional report must refer to the relevant well protection plan

*5.1.4 Aquifers Development Permit Area*

and provide recommendations for the development to ensure mitigation of any potential risk to the community water source.

9. All development that proposes a site, facility, or premise where municipal solid waste or recyclable materials will be managed must be conducted in accordance with RDN Waste Stream Management Licensing Bylaw No. 1386, 2004 as amended or replaced from time to time.
10. Recommendations within the professional report(s) will form part of the development permit terms and conditions, and may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District. Where a maintenance schedule for a sediment, oil, water and grease separator is recommended, a commitment to the maintenance schedule may be included in the covenant.
11. Developments that are found to pose detrimental impact(s) on either the quality or quantity of groundwater which cannot be adequately mitigated shall not be supported by the Regional District.

### 5.1.5 Marine Coast Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

#### APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils, including grubbing, scraping and the 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 of land as defined in the *Land Title Act* or *Strata Property Act*.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
2. Repair, maintenance, or alteration of existing legal buildings, structures or utilities except for shoreline protection structures, provided the footprint of the building is not expanded (a building permit may still be required). For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as riprap and stacked rocks, requires a development permit whether or not they meet the definition of 'structure' in other bylaws of the Regional District.
3. Minor additions to existing buildings or structures to a cumulative maximum of 25 percent of the original ground floor area, provided that the addition is located on the side or part of the building or structure most distant from the foreshore.
4. A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
5. Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.
6. Construction of a fence so long as no native trees with a diameter at breast height of 20 centimetres or greater are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence.
7. Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
8. The construction of a small accessory building or structure such as a pump house, gazebo, deck, patio, garden shed or play house if all the following apply;

5.1.5 Marine Coast Development Permit Area

- a) the building or structure is located within an existing landscaped area;
  - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
  - c) there is no permanent foundation
  - d) the building or structure is located a minimum of 10 metres from the natural boundary of the sea or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and
  - e) the total area of the small accessory building or structure is less than 10 square metres.
9. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
  10. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
  11. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
  12. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
  13. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Registered Professional Biologist, and there are no works proposed within the development permit area.

## **GUIDELINES**

### ***General Guidelines***

1. Development within the development permit area should be limited and not negatively impact the ecological health of the immediate area, disrupt coastal sediment transport processes, or impede public access along the shore. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
2. An assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list the guidelines in this development permit area with an explanation of how the proposed development is consistent with them (or an explanation of how a guideline is not applicable) and should indicate on a site plan areas for yard and driveway and areas to remain free from development.



3. Existing native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion:
  - a) Dune grass is particularly sensitive to foot traffic and often keeping foot traffic away through fencing or signage can result in regeneration in short time periods. Replanting of dune grass and associated plants where it has been previously disturbed may be a condition of a development permit.
  - b) Coniferous trees provide important perches for eagles, and older trees may be used by eagles for nests. It is important that some trees are retained or replanted within and close to the development permit area when properties are developed, even if the trees are young.
  - c) Trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading, storage of fill or building materials, and other development activities.
  - d) Temporary fencing at a prescribed distance from the natural boundary or top of bank should be required to protect the shoreline vegetation.
4. New, or additions to, upland buildings and structures should be located and designed to avoid the need for shore protection works throughout the life of the building or structure. Only if all options to locate and design without the need for shore protection measures are exhausted should such works be considered.
5. Shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw or for reclaiming land lost due to erosion.
6. Where shoreline protection works are proposed they shall be designed by a Professional Engineer and:
  - a) be limited to that necessary to prevent damage to existing structures or established uses on adjacent upland;
  - b) be the ‘softest’ possible shore protection measure that will still provide satisfactory protection;
  - c) not be expected to cause erosion or other physical damage to adjacent or down-current properties;
  - d) address compatibility with any adjacent shore protection works; and
  - e) be in compliance with the Regional District’s Marine Retaining Wall Policy B1-09.
7. Where a geotechnical report is required, it will form part of the development permit terms and conditions, which may include registration of a Section 219 covenant, prepared at the applicant’s expense and to the satisfaction of the Regional District.
8. Where protection from erosion is proposed as either new works or replacement, every effort will be made to design shoreline protection in accordance with the *Green Shores* programs of the Stewardship Centre of BC. These programs provide resources for, and examples of, shoreline erosion protection involving creation or maintenance of low-angle slopes allowing for dissipation of wave energy, retaining native plants and habitat, and providing a natural appearance. Some *Green Shores* approaches rely on use of the beach below the natural boundary, which requires permission from the Province.

5.1.5 Marine Coast Development Permit Area

9. Where erosion protection works are proposed below the natural boundary, they should not obstruct public access along the foreshore or beach, and must be authorized by the Provincial Crown as owner of that land.
10. Heavy equipment shall not be permitted on the beach unless existing conditions do not permit upland access and, if required, mitigation methods acceptable to the Regional District shall be identified as part of the application. Procedures shall be in compliance with the Regional District's Marine Retaining Wall Policy B1-09, as amended or replaced from time to time. For commercial and multi-family developments, the *Green Shores for Coastal Developments* program of the Stewardship Centre of BC should be reviewed and referenced, and every effort made to design the development in accordance with its recommendations and best practices.
11. Entirely 'hard' structural shore protection measures such as concrete walls, lock block, or stacked rock (riprap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
  - a) the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage associated with upland development;
  - b) all possible on site drainage solutions by directing drainage away from the shoreline edge have been exhausted;
  - c) Green Shores non-structural or structural measures are not feasible or not sufficient to address the stabilization issues;
  - d) it is not feasible to instead construct a retaining wall that meets the zoning bylaw setback;
  - e) the shore protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
  - f) all shore protection structures are installed upland of the present natural boundary of the sea.
12. Where the installation of a hydrothermal and geoexchange unit is proposed, the Regional District will require the applicant to provide a report by a Registered Professional Biologist with experience in marine ecology, to assess the potential impact of the proposed installation on the marine environment, public users of the foreshore, the anchoring of vessels, and First Nation shellfish harvesting, and provide recommendations to restore or enhance those areas impacted by the proposed development.
13. Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional.
14. The applicant may be required to provide confirmation to the Regional District that the property has been developed in accordance with the recommendations of the biologist or engineer, as applicable.

***Guidelines Applicable to Subdivisions and New Development***

15. Subdivisions should be designed so that the new lots will not require shore protection measures in order for useable, safe building sites to be created above the year 2100 flood construction level when considering sea level rise.

5.1.5 Marine Coast Development Permit Area

16. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
17. New driveways, parking lots, and wastewater disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the design and construction of the road, parking lot or wastewater disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met. These works may be required to be completed prior to final approval of the subdivision.

**Guidelines Applicable to Vegetation Management, Restoration and Enhancement**

18. If the area has been previously cleared of native vegetation or where clearing is proposed, replanting should be required in accordance with these guidelines and according to the recommendations of a Registered Professional Biologist. Where it is not practical to replace all vegetation that is or has been removed, replanting should be focused on the areas of highest ecological value such as foreshore dune grass ecosystems, trees suitable for eagle perching, or other areas identified in the biophysical assessment.
19. Vegetation species used in replanting, restoration or enhancement should be salt and wind tolerant, and 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 wildlife habitat values as needed. A minor amount of suitably adapted, non-invasive, non-native vegetation may also be considered acceptable subject to supportive recommendations in a biophysical report.
20. All replanting should be maintained by the property owner for a minimum of two years from the date of completion of the planting. This may require removal of invasive, non-native weeds (e.g., Himalayan Blackberry, Scotch Broom, English Ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense within that time in the next regular planting season.

**Guidelines Applicable to Beach Nourishment and Upland Fill**

21. Fill on land above the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and the Regional District may require a sediment and erosion plan prepared by a qualified professional.
22. Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. This would also require permission from the Province.

**Guidelines Applicable to Commercial and Industrial Development**

23. New boating facilities that provide moorage shall not be constructed unless access is available to adequate and convenient facilities for pump-out of holding tanks.
24. New boat maintenance and repair facilities shall be designed, located and operated in a way that ensures there will be no discharge of toxic materials from boats (fuels, oils, maintenance by-products, etc.)

*5.1.5 Marine Coast Development Permit Area*

25. In order to minimize the impact on aquatic life, lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cutoff angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.
26. Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.

***Guidelines Applicable to Boat Launch Facilities or Ramps***

27. Boat launch ramps are the least desirable of all water access structures and may only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes. The ramp width should be minimized, and paved strips versus a full concrete pad is preferable. Development Permit applications must demonstrate all applicable provincial and federal guidelines have been followed and approvals are in place.

## 5.1.6 Hazard Lands Development Permit Area (River Flood & Slope Hazard for Electoral Area A)

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

### APPLICABILITY

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 of land.

### EXEMPTIONS

The following activities are exempt from requiring a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
2. Where there is no flooding or steep slope hazard, confirmation of which may require a letter from a Professional Engineer.
3. The construction of buildings and structures in accordance with the RDN Floodplain Management Bylaw No. 1469, 2006 or a subsequent Floodplain Bylaw, where there is no proposed land alteration, placement of fill, or modification to land within the floodplain outside of the building footprint beyond minor soil disturbance resulting from normal construction practices.
4. Where a geotechnical report for a proposed building or structure is provided to the building inspector and a s.219 covenant regarding building on the land is registered on the title to the land, in circumstances where there is no proposed alteration of land, including placement of fill, other than minor soil and vegetation disturbance of a type and to an extent that is usual in normal construction practices.
5. On a lot where the hazard is not due to a steep slope, a second storey addition to an existing structure provided the building footprint remains the same.
6. The construction of a small accessory building or structure if all the following apply:
  - a) the building is located within an existing landscaped area;
  - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
  - c) is moveable by being not directly affixed to the ground;
  - d) the building is located a minimum of 10 metres from the high water mark of a watercourse or waterbody or, where a slope greater than 3:1, 10 metres from the top of the slope; and

5.1.6 Hazard Lands Development Permit Area

- e) the total area of the small accessory building is less than 10 metres square.
- 7. The construction of a fence.
- 8. In the case of an application to subdivide, a development permit is not required where:
  - a) minimum lot areas are met exclusive of the development permit area; and
  - 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.
- 9. Subdivision involving only lot line adjustment or lot consolidation. For lot line adjustment to be exempt there must be sufficient developable area outside the development permit area as confirmed by the Regional District, BC Land Surveyor, or Professional Engineer, and there are no works proposed within the development permit area.
- 10. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
- 11. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plan Council of BC's 'Grow Me Instead' publication.
- 12. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
- 13. 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;
  - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

- 14. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer.

5.1.6 Hazard Lands Development Permit Area

15. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 11 of the *Water Sustainability Act*.
16. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
17. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

**GUIDELINES**

***General Guidelines***

1. An assessment report prepared by a Professional Engineer or Geoscientist with experience in geotechnical engineering, geohazard assessment or river hydrology, as applicable, shall be required to assist in determining what conditions or requirements shall be included in the development permit so that the proposed development is protected from the hazard, and no increase in hazard is posed to existing development on or near the subject property.
  - a) The assessment report should include a site plan identifying areas susceptible to the flooding, erosion or steep slope hazard, location of watercourses, existing natural vegetation, on site topography, and the location of the proposed development.
  - b) The assessment report must include a statement from the Professional Engineer that states in their opinion that the property is safe for the intended use.
  - c) The assessment report will form part of the development permit terms and conditions, and which may include registration of a Section 219 covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
2. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided. It should be demonstrated that variances to minimize development in the development permit area have been obtained or considered.
3. Where the assessment report recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified professional to the satisfaction of the Regional District.
4. Development should:
  - a) be designed to ensure that development can withstand the hazard;
  - b) take a form that minimizes the development with any hazardous areas and minimizes impact on the natural features including vegetation, that help to mitigate flood and/or erosion risk; and
  - c) be conducted at a time of year, and use construction methods, that minimize the impact on the development permit area.

5.1.6 Hazard Lands Development Permit Area

5. Prior to construction commencing, the installation of temporary fencing or flagged stakes marking any areas to be avoided due to either hazardous conditions or to avoid disturbance to a sensitive vegetation that plays a role in mitigating the hazard, is required.

**Guidelines related to flood hazard**

6. Development or subdivision of land should be designed to:
  - a) replicate the function of a naturally vegetated watershed;
  - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates; and
  - c) not interfere with groundwater recharge.
7. Wetlands and other natural water features should be maintained in their natural state to enhance natural flood storage and protect environmentally sensitive ecosystems. Restoration of previously impacted natural freshwater systems should be considered in this development permit area to improve flood hazard mitigation.
8. Site development shall preserve natural vegetation where it contributes to flood protection and mitigation.
9. Where the placement of fill is proposed within a floodplain, the fill must 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. The Regional District may require a report by a Professional Engineer that ensures 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.

**Guidelines related to steep slopes**

10. No unnecessary disturbance of the steep slope shall be permitted. Site development shall preserve natural vegetation on steep slopes and retain the natural terrain, topography of the site, and minimize cutting into the slopes.
11. Development at the top and toe of a steep slope should be designed to prevent negative impacts to slope stability and protect development from the hazard. The assessment report should include recommendations for development such as drainage management, landscaping, and proximity of buildings and structures to the slope.



### 5.1.7 Farmland Protection Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

#### APPLICABILITY

A development permit is required for the following activities wherever they occur within the Development Permit Area, unless specifically exempted:

1. Subdivision of land as defined in the *Land Title Act* or bare land strata under the *Strata Property Act*.
2. For Electoral Areas A, E and G only where the lot is greater than 5000 m<sup>2</sup>:
  - a) alteration of land, disturbance of soils, including grubbing scraping and removal of top soils;
  - b) construction or erection of buildings and structures; and
  - c) creation of non-structural impervious or semi-pervious surfaces.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development on lands within the ALR.
2. Development in accordance with an existing covenant for maintenance of a landscaped buffer related to adjacency of the ALR.
3. Lands zoned industrial, and proposed to be or being used for industrial purposes.
4. Subdivision where each proposed lot within the DPA have a minimum lot depth of 50 metres measured perpendicular from the ALR boundary.
5. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*; is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*; and the lands are assessed as 'farm' under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than five years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
6. Construction of a building or structure located further than 15 metres from the boundary of the ALR.
7. Land alteration, disturbance of soils, including grubbing, scraping and removal of top soils greater than 15 metres from the boundary of the ALR.
8. Maintenance of existing buildings and structures.
9. Reconstruction of, redevelopment of, additions (including second storey), or alterations to an existing dwelling unit or other building or structure within the development permit area provided

5.1.8 Farmland Protection Development Permit Area

the changes do not result in the buildings or structures being located further within the DPA than the existing buildings or structure.

10. Construction of one access driveway provided it is no more than 9.0 metres in width.
11. The construction of a fence provided the area being disturbed to allow for construction and maintenance is 3.0 metres or less in width, and no trees with a diameter at breast height of 10 centimetres or more are being removed.
12. 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;
  - c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.
  - d) notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.
13. Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest is exempt only if a permit under the *Wildlife Act* has been obtained.
14. The small-scale, manual removal of non-native invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with best practices such as the Invasive Plant Council of BC's 'Grow Me Instead' publication.
15. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as 'Forest Lands' on the property assessment.
16. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.
17. The construction of a small accessory building or structure if all the following apply:
  - a) the building or structure is located within an existing landscaped area;
  - b) no native trees with a diameter at breast height of 20 centimetres or greater are removed;
  - c) there is no permanent foundation;
  - d) the building or structure meets setbacks in the zoning bylaw; and
  - e) the total area of the small accessory building or structure is less than 10 square metres.

**GUIDELINES**

1. A 15 metre wide vegetated buffer should be retained or established and maintained on land adjacent to an ALR boundary. The buffer shall generally be designed and landscaped using

5.1.8 Farmland Protection Development Permit Area

materials set out in *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions.

2. Within the vegetated buffer area mature trees and existing native vegetation shall be preserved and where possible integrated with the new landscaping. The planting of trees is strongly encouraged.
3. Plant layout, spacing and support shall generally be in accordance with *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions. The planting material should include non-invasive, low maintenance, native vegetation that can thrive with little or no fertilizer.
4. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
5. New buildings and structures, except for fencing, should not be situated within the 15 metre vegetated buffer area.
6. Despite the above guidelines, a vegetated buffer of less than 15 metres may be considered in cases where 15 metres is not possible due to existing lot size or other natural or human-made constraint, and buildings or structures may be located within the 15 metres area where it is shown there are no other practical options. Where the buffer area is proposed to be less than 15 metres, as much existing buffering vegetation as possible should be retained or enhancement of vegetation and/or construction of fencing should be undertaken.
7. The vegetated buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval.
8. A Section 219 covenant as per the *Land Title Act* may be required to restrict the removal of vegetation and the construction of any buildings or structures other than fencing within the buffer area, and notify any future property owner that the lot is adjacent to the ALR where normal farm practices may produce noise, odour, dust or other impacts.
9. Subdivision design must minimize the impacts that may occur between farm and non-farm uses on adjacent ALR lands including but not limited to the following:
  - a) Site design to allow the clustering of lots, buildings or structures away from ALR lands.
  - b) Avoid road endings or stubs which point directly into the ALR, and half roads along the ALR boundary, except where required for access by farm vehicles.
  - c) Where a parkland dedication is required, the dedication should be located next to the ALR boundary and include the required vegetated buffer.
10. Fencing should be constructed generally in accordance with *Guide to Edge Planning: Appendix C – Fencing Specifications*, published by the BC Ministry of Agriculture, or any subsequent editions.

### 5.1.8 Yellow Point Aquifer Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.*

#### APPLICABILITY

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

1. Subdivision of land as defined in the Land Title Act or the Strata Property Act; and,
2. Construction, alteration, or erection of a dwelling unit(s).

#### EXEMPTIONS

The following activities are exempt from requiring a development permit:

1. Subdivision of land which results in three or fewer lots and the parcel proposed to be subdivided has not been subdivided within the past five years.
2. Land alteration.
3. Construction of a dwelling unit or subdivision of land on lands serviced by a community water system.
4. Construction and/or alteration of accessory buildings, agricultural buildings, structures and fencing.
5. Construction or renovation to commercial, institutional, recreational, and industrial buildings.
6. All additions or alterations to an existing dwelling unit.
7. The replacement or reconstruction of an existing dwelling unit with another dwelling unit within the same basic footprint.
8. Construction of a secondary suite.
9. Construction of a dwelling unit where the applicant demonstrates that there is:
  - a) A well that existed prior to July 26, 2011 which produces a minimum of 3.5 m<sup>3</sup> per day year round that will be connected to the proposed dwelling unit;
  - b) an existing (prior to July 26, 2011) water license with capacity to satisfy at least 30% of total household water use for a 90 day period; or
  - c) a valid approved source of water which is not groundwater that is currently in use and has adequate capacity to satisfy at least 30% of total household water use for a 90 day period.
10. Construction of a dwelling unit where the dwelling unit:
  - a) Is not to be connected to a groundwater source; and,
  - b) Is entirely serviced with water through stored and treated rainwater which meets or exceeds Canadian Drinking Water Standards.

Note: for exemption 10 above, prior to the issuance of a building permit, a report from an Engineer or other qualified professional may be required to satisfy the Regional District that the proposed rainwater

system has adequate capacity to meet the year round water demands of the dwelling unit being proposed and that the water will be stored and treated to Canadian drinking water standards.

## **GUIDELINES**

### **A. For subdivision, the following guidelines apply:**

1. Where property is proposed to be subdivided and more than three parcels, including the remainder (if applicable) are proposed, the Regional District shall require the applicant to supply a report prepared by a professional Hydrogeologist or engineer registered in the province of British Columbia and experienced in hydrogeological investigations which includes the following:
  - a) An assessment of the characteristics and behavior of the aquifer at its most stressed time of the year which includes two cross sections which define the groundwater body and determine where the water comes from. The assessment must also examine the location of proposed wells and their interaction with the Yellow Point Aquifer;
  - b) The results and professional interpretation of a minimum 72 hour pumping test to occur in at least one location within the lands being subdivided or a greater number as recommended by a professional hydrogeologist or engineer based on the scale of development and aquifer characteristics;
  - c) An assessment of seasonal water table fluctuations and the ability of the Yellow Point aquifer to provide a sustainable water supply which satisfies the additional groundwater demand without impacting adjacent rural properties or restricting or limiting the availability of water supply for agricultural irrigation;
  - d) An assessment of the potential for salt water intrusion as a result of the proposed water extraction which is required to service the proposed development; and,
  - e) Identification of key recharge points located on the subject property and recommended measures to protect them.
  - f) Recommendations to address the impacts on groundwater quality and quantity identified through the assessments outlined in sections 1.i – v.

The Regional District shall require the applicant to implement the report's recommendations in the proposed development and the recommendations shall become conditions of the development permit.

2. The Regional District may require, at the applicant's expense, and to the satisfaction of the Regional District, a Section 219 covenant registering the Hydrogeologist's and/or engineer's report on the title of the subject property.
3. The Regional District may require the applicant to install a groundwater monitoring device in at least one well within the proposed subdivision. The Regional District may require an agreement be registered on title to allow the Regional District to access the property to collect data from the device
4. Where rainwater management is recommended by the report identified in Guideline 1 above, rainwater must be retained on site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.

**B. For the construction of a dwelling unit the following guidelines apply:**

***Siting of Buildings and Structures***

1. Dwelling units must be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which captures the majority of the rainwater flows.
2. Water storage tanks should be sited in the least obtrusive way possible from the neighboring properties.
3. A site plan should be provided illustrating the location of the proposed water storage tank(s) in relation to the proposed dwelling unit and adjacent property lines. The site plan should illustrate the rainwater harvesting system components and may be prepared by the applicant provided it is drawn to scale and is legible.

***Form and exterior design***

4. Dwelling units should be designed to optimize opportunities for rainwater capture for the intended use and corresponding cistern volume.
5. Roof surface materials should be selected to accommodate the type of rainwater harvesting system being proposed.

***Specific features in the development***

6. Impervious surfaces should be minimized. The use of impervious paved driveways is discouraged.

***Machinery, equipment, and systems external to buildings and other structures***

7. The Regional District shall require that all new dwelling units include a rainwater harvesting system which is designed to satisfy a minimum of 30% of the total household water use (indoor and outdoor) for a minimum of 90 consecutive precipitation free days.

8. Rainwater harvesting systems should target a minimum rainwater storage tank volume of 18, 181 litres (4,000 Imperial Gallons). Larger tank sizes are also supported. This figure was derived based on the following information and calculation:

- Average total household water use the RDN is 704 litres per day
- 30% of the total household water use is for outdoor non-potable use
- Storage must satisfy 100% of outdoor watering needs for a 90 day period

Minimum tank volume is calculated as follows:

Average household use per day  $\times$  0.3  $\times$  90 days = minimum water storage tank volume

$$704 \text{ litres} \times \frac{30}{100} \times 90 \text{ days} = 19,008 \text{ litres}$$

9. Notwithstanding Guideline 8 above, a water storage tank with a lesser volume may be supported where an assessment of total household water use (indoor and outdoor) prepared by a registered plumber, accredited rainwater harvesting professional, or Engineer is provided, and the applicant is proposing to satisfy a minimum of 30% of total household use for a minimum of 90 consecutive precipitation free days with a rainwater harvesting system.
10. Rainwater harvesting systems may, at the applicant's discretion, be designed for non-potable outdoor use, non-potable indoor use, or potable drinking water use. The design of such systems must reflect their intended use.



11. The rainwater harvesting system design must, at minimum, consider and include the following components:
- a) Roofing materials that are appropriate for the type of rainwater harvesting system being proposed.
  - b) Gutters, downspouts, and transport piping to move the rainwater collected on the roof towards the water storage tank and beyond to its end use.
  - c) Debris removal, filters, and first flush diverter sized and designed to accommodate the proposed rainwater harvesting system.
  - d) Provisions for tank overflow.

5.1.8 Yellow Point Aquifer Protection Development Permit Area

- e) A water storage tank(s) rated for potable use while it is strongly recommended that all other components be rated for potable use.
  - f) A pumping system to move the rainwater and distribution system.
  - g) Rainwater filtration, purification, and disinfection (in the case of potable systems).
12. Rainwater harvesting systems should be designed to facilitate additional storage volume and future connection to the dwelling unit.
13. All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with “*Non-Potable Water Do Not Drink*” as shown in Diagram 2 at right.
14. Although not a requirement of these Development Permit Area Guidelines, where non-potable rainwater harvesting equipment is required, the Regional District shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses. The Regional District shall assist the applicant in obtaining the necessary building permit approvals.

**DEFINITIONS**

**Total household water use** means the sum total of all water use in a household during a typical hot dry summer day including gardens and lawns, baths and showers, kitchen (dishwasher, etc.), toilet flushing, laundry, car washing, drinking, property maintenance, and other outdoor uses.



### 5.1.9 South Wellington Industrial – Commercial Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.*

#### 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, alteration, or erection of buildings and structures; and,
3. Creation of non-structural impervious or semi-pervious surfaces;

#### 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.
3. A development permit shall not be required for alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

#### GUIDELINES

##### General Design

1. The Regional District shall require building elevations prepared by an architect or other qualified designer.
2. 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.
3. There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
4. 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.
5. Public open space and pedestrian walkway linkages to adjacent neighbourhoods which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
6. The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.

5.1.9 South Wellington Industrial – Commercial Development Permit Area

7. The use of rainwater catchment and reuse as well as other water conservation devices and strategies shall be encouraged.
8. 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**

9. 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. 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.
10. 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.
11. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
12. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

**Landscaping and Screening**

13. The applicant may be required to submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the current edition of the British Columbia Landscape Standard and satisfies the following objectives:
  - a) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - b) To minimize water consumption through means such as micro-irrigation and xeriscaping;
  - c) To provide visual separation from the Tran Canada Highway and compatibility with surrounding single residential uses;
  - d) To improve the aesthetic appeal of the development;
  - e) To assist in the safe movement of pedestrians throughout the site;
  - f) To reduce the amount of impervious surfaces on the site;
  - g) To complement the development and surrounding uses;
  - h) To establish or enhance habitat values on the development site where appropriate; and/or,
  - i) To shade the development from the summer sun.
14. 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.

15. At minimum, and in addition to the requirements specified in Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 as amended or replaced from time to time, the landscape design should provide:
  - a) 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;
  - b) Where landscaping is for the purpose of visual separation, a minimum height of 5.0 metres once mature; and,
  - c) A landscape buffer of at least 5.0 metres in width to create spatial separation between non-residential and residential zoned properties and should contribute towards the objectives identified in Policy 20 above.
16. Notwithstanding Policy 20 above, the landscaped buffer width and enhancement works adjacent to any watercourse shall be determined by a Qualified Environmental professional and shall work towards Policy 20(h) above– to establish or enhance habitat values on the development site.
17. Development should be sited in a manner that minimizes the disturbance of existing native vegetation.
18. Vegetation species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
19. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
  - a) Shrubs – 45 cm;
  - b) Groundcover and grass – 30 cm; and,
  - c) Trees – 30 cm around and below the root ball.
20. 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 Regional District.
21. The Regional District 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 Regional District to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.
22. 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.
23. 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:**

24. 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.
25. 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.
26. 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.
27. 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.
28. Where there is a conflict between these DPA guidelines and the [RDN Sign Bylaw No. 993, 1995](#), these guidelines shall prevail. However, a variance to the sign bylaw may be required.

**Pedestrian and Cyclist Considerations:**

29. 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.
30. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.
31. Bicycle parking facilities should be considered at grade near primary building entrances.

### 5.1.10 Cedar Main Street Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Cedar Main Street Village Plan.*

#### APPLICATION

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

1. Alteration of land or disturbance of soils such as grubbing, scraping, and removal of top soils;
2. Construction, alteration, or erection of buildings and structures; and,
3. Creation of non-structural impervious or semi-pervious surfaces.
4. Subdivision of land(s).

#### EXEMPTIONS

A Development Permit shall not be required for the following:

1. Construction, renovation, or addition to a single or duplex dwelling unit or accessory residential building on a lot.
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. Subdivision of land, except in the case of subdivision for intensive residential<sup>1</sup>.
4. Renovations or alterations within a building.
5. Alterations or additions to a building which do not require a building permit, except where new signage requires a development permit.
6. Development activities that are not visible from Cedar Road or other public spaces.
7. Invasive species removal on lands located outside of the 30 metre Riparian Assessment Area or the Streamside Protection and Enhancement Area as established by a Qualified Environmental Professional.
8. Construction of unattended public utilities.
9. Construction of an attended public utility and related accessory buildings and structures (excluding government office) such as a water treatment facility, shall be exempt from DPA guidelines in the following categories: General Guidelines, Building Massing, Site Planning and Pedestrian Design, Façade Design and Architectural Detailing.

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<sup>1</sup> For the purpose of this DPA, intensive residential shall mean any residential development with an average minimum parcel size less than 2000 m<sup>2</sup> or density greater than 5 dwelling units per ha whether fee simple or strata.

### **VARIANCES TO BYLAW NO. 500**

The requirements of this Plan may not be consistent with the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. Where there is inconsistency between Bylaw No. 500 and these DPA Guidelines, a variance to Bylaw No. 500 may be required to meet the intent of this Plan.

### **PERMIT SECURITY**

1. The Regional District may require applicants for any development permits within the Cedar Main Street Development Permit Area to provide security in the form of cash or an unconditional, irrevocable and automatically renewing letter of credit in cases where:
  - The Regional District considers that damage to the natural environment (including ground and surface water) could result as a consequence of a contravention of a condition in a development permit issued;
  - The permit holder is required to retain, restore or replace vegetation;
  - The permit holder is required to provide landscaping; and/or,
  - The permit holder is required to provide onsite rainwater management.

The amount of these securities shall be determined by a qualified person and shall be sufficient to cover the cost of materials and labour.

### **GUIDELINES**

The Cedar Main Street Development Permit Area Guidelines are organized into the following ten categories.

- |                                        |                            |
|----------------------------------------|----------------------------|
| 1. General Guidelines                  | 6. Architectural Detailing |
| 2. Building Massing                    | 7. Landscape Design        |
| 3. Site Planning and Pedestrian Design | 8. Signage                 |
| 4. Green Building                      | 9. Lighting                |
| 5. Façade Design                       | 10. Parking and Loading    |

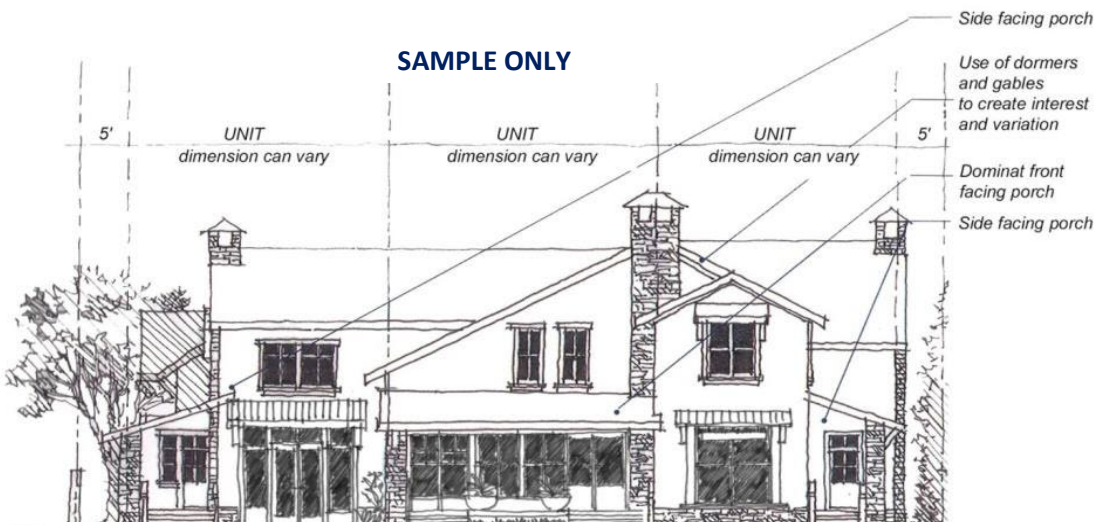
Development applications must generally satisfy all applicable Development Permit Area Guidelines in order for staff to recommend approval of a Development Permit application.

#### ***General Guidelines***

1. Development is encouraged to incorporate design elements and reflect the general intent of the Design Ideas included in Sections 3 and 4 of the Cedar Main Street Village Plan.
2. Where new or alterations to buildings and structures are proposed, the Regional District may require building elevations prepared by an architect or other qualified designer.
3. In the case of subdivision for intensive residential development, each dwelling unit shall be designed in a way which is consistent with the direction provided in this Development Permit Area. Building elevations showing how the proposed buildings comply may be required and may be secured at the time of subdivision through the use of a Section 219 covenant.

**BUILDING MASSING**

- 4. A variety of architectural styles shall be used that create visual interest, complement adjacent buildings, and reflect local culture and history. Applicants are encouraged to refer to the Visual Preference Exercise results contained in the Final Charrette Report dated June 2012 for inspiration.
- 5. Larger buildings (>12 metres in width) shall be designed in such a way as to avoid large flat building expanses which are visible from Cedar Road. Large expanses shall include trim, design features (such as windows, gables, projections, and porches), varied façade materials, and architectural design.



**Sample** of how a larger building could be designed to avoid large flat building expanses.

- 6. Larger buildings should be consistent with the height and emerging character of other buildings on the street.

- 7. Smaller buildings ( $\leq 12$  metres in width) should include one or more of the following design features:

- a) Design which maintains a residential scale and simplicity in façade and roof design;
- b) Generous first floor heights;
- c) Front porches or patios;
- d) A vertical orientation not in a rancher style;
- e) Gable ends of the roof facing Cedar Road. (exceptions can be made for flat roofed buildings and buildings utilizing passive solar and requiring certain roof orientations; and,



**SAMPLE:** Building with vertical orientation



5.1.10 Cedar Main Street Development Permit Area

- f) Architectural design which compliments adjacent buildings through contrasting roof orientations and shapes. Roof design that provides usable space through dormers and gables is strongly encouraged.
8. Multi-tenant/Multi-use buildings should include independent entrances and visual separation between uses. Visual separation could include both colour, façade, and/or other design elements.
9. New buildings should appear to be two storeys as viewed from Cedar Road.
10. A third floor can be included where:
- a) It is fully contained within the roof and the building.
  - b) It maintains a two storey appearance from Cedar Road.
  - c) The building meets the fire protection and rescue requirements of the North Cedar Fire Department.<sup>2</sup>
11. Buildings should emphasize a 'small town' or 'rural' scale and should utilize a variety of heights, varied building faces, and artistic design features to add interest to the streetscape.



Example of third floor space built into the roofscape.

SAMPLE ONLY



Example of how topography could be used to support of third storey within the roof on the downslope side of a parcel.

<sup>2</sup> Applicants may be required to submit correspondence from the North Cedar Fire Department regarding both fire protection and rescue.



**SITE PLANNING AND PEDESTRIAN DESIGN**

- 12. Travel ways which straddle lot lines to accommodate shared access and/or parking facilities are preferred. Travel ways should be avoided between every building.
- 13. Mixed use and commercial buildings shall be located in close proximity to the sidewalks and the pedestrian space.
- 14. Design, siting, and construction of sidewalks shall be determined

**SAMPLE ONLY**



- Third floor space where bonused shall be built into the roofscape through hand framed rafters.
- Travel ways which straddle the lot line are preferred.
- Parking shall not be placed in front of buildings.
- Storefront entrances should be covered from the elements.
- Provide bicycle racks
- Where on-street parking is possible it shall be used in the overall parking counts.

Illustration of desirable design elements such as mixed on and off street parking and shared travel ways between developments.

through discussions with the owner/developer and MOTI where applicable.

- 15. Where mixed use or commercial buildings are proposed, avoid large spaces between buildings.
- 16. Maximize opportunities for the creation of accessible public space such as patios, plazas, and courtyards.
- 17. The use of drive-through shall not be part of building or site design.
- 18. For commercial and mixed-use developments continuous weather protection for pedestrians should be provided on the exterior of the building. This can be accomplished in a number of ways including:



Example of a covered walkway

**SAMPLE ONLY**

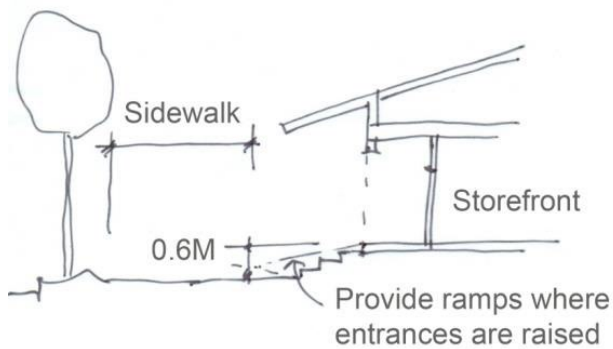


Illustration of commercial building storefront located in close proximity to the sidewalk.

5.1.10 Cedar Main Street Development Permit Area

- a) Maintaining covered porch areas adjacent to building entrances;
- b) Providing canopies above storefront doors constructed of wood or other quality, durable materials which are colour-fast and resistant to deterioration caused by dampness; and,
- c) Extending roof elements at least 1.8 metres past the building envelope provided the roof above is no more than 5.5 metres in average above the storefront threshold.

19. Safe, convenient pedestrian routes for all units should be provided from the unit to an abutting street. All pedestrian access points and routes should be designed for universal access to accommodate persons with disabilities.



20. Where the possibility for view exists, the protection and creation of view corridors towards York Lake or the Nanaimo River should be incorporated in a site's design.

21. Where a building is adjacent to Cedar Road, its principal elevation should be oriented towards Cedar Road and designed in such a manner as to promote a lively energetic, pedestrian-oriented, streetscape. Residential developments proposed to be screened from Cedar Road are exempt from this guideline.

22. Buildings located on corner lots should be oriented towards both streets and building design should add significant prominence to the corner.

23. Outdoor seating areas should be provided.

SAMPLE ONLY



Example of an outdoor seating area on a corner

**GREEN BUILDING**

5.1.10 Cedar Main Street Development Permit Area

24. The use of rainwater harvesting for landscape irrigation and other indoor and outdoor non-potable uses should be used. The use of potable rainwater harvesting systems for potable is encouraged<sup>3</sup> where supported by a report from a Professional Engineer or other qualified person that the system<sup>4</sup> produces water that meets or exceeds Canadian Drinking Water Standards in a quantity sufficient for the proposed use.
25. Sites should be evaluated for passive solar gain opportunities. On sites with substantial solar exposure, buildings should be sited, designed, and landscaped to take advantage of passive solar gain in winter and reduce sun exposure in summer.
26. Electric vehicle charging stations are encouraged.
27. All new commercial, mixed use, and multi-unit residential buildings within the Development Permit Area should strive to achieve a third party certification such as built green gold or Leadership in Energy and Environmental Design (LEED). The Regional District may provide assistance in the Planning and Design Process and may offer grants and incentives in accordance with current offers and rebate programs.
28. The use of solar panels, geothermal heating and other efficient or renewable energy use alternatives are encouraged in building and site design.

**FAÇADE DESIGN**

29. Visually appealing quality siding materials shall be used.
30. Building design shall avoid large expanses of any one type or style of cladding.
31. The use of vinyl siding should be minimized.
32. To create visual interest the following design strategies shall be used:
  - a) Create different textures by using both horizontal and vertical façade elements;
  - b) Break up large building expanses;
  - c) Separate uses with trim and exterior design features; and,
  - d) Use a variety of complementary types of siding material, trim, colour, etc.
33. A variety of complementary colours shall be used. The use of at least three different colours on the building exterior is encouraged.
34. Materials must be high quality, practical, durable, and hard wearing and must be appropriate for a west coast environment. Materials that integrate well within the natural environment should be included in the design.

**ARCHITECTURAL DETAILING**

35. Buildings should utilize a variety of high quality complimentary architectural styles rather than a unified design theme.

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<sup>3</sup> May require approval from outside jurisdiction such as Vancouver Island Health Authority or North Cedar Improvement District.

<sup>4</sup> System includes roofing material, collection, treatment, and all other components.



5.1.10 Cedar Main Street Development Permit Area

36. Exposed structural elements such as exposed rafter tails, timber brackets, posts, and beams are encouraged.

SAMPLE ONLY



Example of different architectural types that are supported.

37. At gable ends, encourage the use of frieze boards, details, and other trim.

SAMPLE ONLY



Care should be taken in detailing the façade. Use trim in appropriate dimensions and locations.

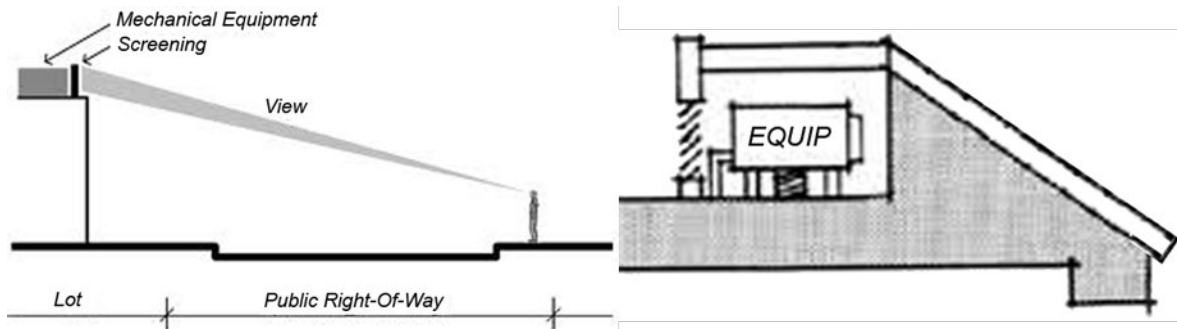
38. Larger buildings shall utilize accent design features/ strategies to break up large expanses of siding.

SAMPLE ONLY



Illustration showing the use of frieze boards and other trim

39. Rooftop mechanical units shall be screened from view with design elements that are incorporated within the architectural massing. Consideration should be given to impacts on adjacent properties.



Examples of rooftop screening

## LANDSCAPE DESIGN

40. Where landscaping is required as part of the development permit, the applicant shall submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
- To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - To protect, enhance, or retain existing mature healthy vegetation;
  - To minimize water consumption through means such as micro-irrigation and xeriscaping;
  - To promote compatibility with surrounding uses;
  - To improve the aesthetic appeal of the development and adjacent streetscape;
  - To assist in the safe movement of pedestrians throughout the site;
  - To reduce the amount of impervious surfaces on the site;
  - To shade the proposed development from the summer sun;
  - To complement the development and surrounding uses; and/or,
  - To establish or enhance habitat values on the development site where appropriate.
41. Notwithstanding Guideline 40 above, edible landscapes (food producing plants, shrubs, and trees) are encouraged and may be considered part of the landscape design where suitable arrangements have been made for ongoing care and maintenance as well as produce harvesting to the satisfaction of the Regional District. Community gleaning is strongly encouraged.
42. 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.
43. To provide separation between residential and non-residential uses (excluding mixed use buildings and developments and shared parking and laneways), a landscaped screen of at least 2.0 metres in width along the shared property lines, excluding access points, between all commercial and residential zoned properties should be provided.

5.1.10 Cedar Main Street Development Permit Area

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44. Landscaping should be provided adjacent to all roadways to improve aesthetic appeal, minimize impervious surfaces, and provide a visual screen for all outdoor storage, refuse, parking, loading, and unloading facilities and must also work towards the objectives identified in Guideline 6.8.8(1) above.
45. Landscaping of boulevards should be provided, including the provision of street trees in accordance with the following:
  - a) All landscaping and works within the public road right-of-way require MOTI approval with a maintenance agreement arranged between the property owner/developer, MOTI, and the Regional District.
  - b) Where the opportunity exists, street trees should generally be provided as follows:
    - i. One high branched tree, of at least 5 centimetre caliper at breast height at time of planting, for every 6.0 metres of street property line with a maximum distance between trees of 12.0 metres, where the type and spacing of trees is to form a sidewalk canopy. Existing native vegetation may be considered provided it satisfies the general intent of this guideline;
    - ii. Tree species should be compatible with the local growing conditions and character of the area; and,
    - iii. A minimum of 3 cubic metres of appropriate soil and growing space is provided for each tree.
46. Garbage and recycling containers shall be screened with landscaping and/or gated fencing to a minimum height of 2.0 metres. Chain link fence may only be used in accordance with Guideline 52 below. Similarly, utilities, service kiosks, metres, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with fencing, landscaping, or a combination of the two.
47. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
48. A principle of 'no net loss' of significant native vegetation in any development should be considered. Where it is necessary to remove significant vegetation in order to develop a property, replacement plantings should be provided of a sufficient number, size, type, and maturity to offset its removal.
49. Plant species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
50. Unless otherwise noted above, all landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
  - a) Shrubs – 45 cm;
  - b) Groundcover and grass – 30 cm; and,
  - c) Trees – 30 cm around and below the root ball.
51. 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 Regional District.

5.1.10 Cedar Main Street Development Permit Area

52. The Regional District 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 Regional District. The security shall be released following the completion of all approved landscaping and/or site improvements as specified in the Development Permit to the satisfaction of the Regional District. Notwithstanding the above, the Regional District shall withhold 25% of the security for one year to ensure proper maintenance.
53. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged which complement the materials used for the principle building.

**SIGNAGE**

54. Signs should be hand crafted and provide individuality to each establishment.
55. Materials chosen for signage should be durable enough to last for several years of continuous use, except for the special cases of temporary signage or banners.
56. The following types of signs are not considered acceptable:
- a) reader board;
  - b) neon;
  - c) flashing;
  - d) animated;
  - e) rotating,
  - f) backlit; and,
  - g) signs which are illuminated in a way which projects light beyond the sign's surface or results in light being directed beyond the sign's surface or towards the sky.

SAMPLE ONLY



Example of a hand crafted sign



Example of a consolidated free standing sign



5.1.10 Cedar Main Street Development Permit Area

57. Signs should be designed to cater to the pedestrian (limit height, size, and placement) and be in scale with the building and be related to a use or a business within.

58. Free standing signage should be consolidated where possible with other businesses or uses as illustrated.

SAMPLE ONLY



Example of a fascia sign that is complementary to the design of the building and graphically communicates a message.

59. Creativity in how signs are designed (i.e. different shapes, colours, materials, and fonts) is supported.

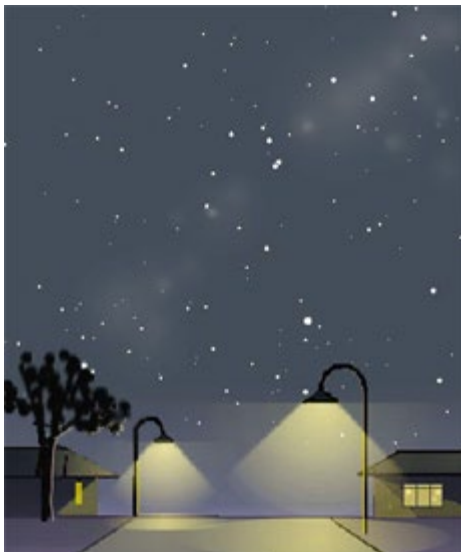
60. The size, location, and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be complementary to the design of the building.

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

62. Signs should graphically communicate a message.

Development Permit Area guidelines and the [RDN 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.

SAMPLE ONLY



Full cut off light fixtures direct light below the horizontal plane reducing light pollution and protecting the night sky.

**LIGHTING**

64. The use of solar lighting is encouraged.

65. Lighting should be designed for security and safety in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

66. Site illumination must not result in glare directed towards neighbouring properties, adjacent roads, or light directed towards the sky.

67. Building façades may be discreetly illuminated through the use of strategically placed lighting which shines down from the buildings surface.



5.1.10 Cedar Main Street Development Permit Area

68. 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.
69. Decorative street lights which are compatible with existing decorative street lighting and are in scale with their surroundings are encouraged.

**PARKING AND LOADING**

70. If on street parking is proposed, it must be designed by a Professional Engineer and approved by the Ministry of Transportation and Infrastructure.
71. On site parking and loading areas should generally be located to the rear or side of buildings, should be screened from view from the adjacent road, and be located outside of the minimum required building setback. The screening should consist of landscaping, fencing, or a combination of landscaping and fencing.
72. 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 radii are provided for all forms of vehicles intended to use the property.
73. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
74. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.
75. Parking areas should be designed to be aesthetically pleasing and should include smaller groupings of parking spaces separated by landscaping and shade trees. Large expanses of open parking area should be avoided.
76. The use of permeable paving materials is encouraged in parking areas where it can be demonstrated that oil, water, and other potential contaminants will not enter the aquifer, river, lake, or wetland.
77. Bicycle parking facilities should be provided for each use in accordance with the following:
  - a) Office use: 0.5 - 1 space per 100 m<sup>2</sup> of gross floor area;
  - b) Institutional: 0.5 – 0.8 spaces per 100 m<sup>2</sup> of gross floor area;
  - c) Commercial: 1 space per 750 m<sup>2</sup> of gross floor area with a minimum of four spaces per establishment; or,
  - d) Multi-unit residential: 0.2 spaces per dwelling unit.

Where calculation results in a fractional number, the nearest whole number above the calculation shall be taken.

### 5.1.11 Cassidy Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.*

#### APPLICATION

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

1. Alteration of land and disturbance of soils;
2. Construction, alteration, 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;

#### EXEMPTIONS

1. A development permit shall not be required for the construction, renovation, or addition to one single or duplex dwelling unit or accessory residential building on one single lot.
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 alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

#### GUIDELINES

##### General Design

1. For commercial, multi residential, The Regional District shall require an applicant to submit building elevations prepared by an architect or other qualified designer.
2. 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.
3. 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.
4. The use high quality building materials such as Hardiplank, stone, wood, brick, and other exterior natural building materials shall be encouraged.
5. 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.
6. The architectural design of buildings and structures should be varied, aesthetically pleasing and visually pleasing.

5.1.10 Cassidy Development Permit Area

7. 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.
8. 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:
  - a) passive solar gain;
  - b) district heat and hot water;
  - c) solar voltaic cells;
  - d) solar hot water;
  - e) micro wind; and
  - f) geothermal.

**Parking and Loading**

9. Parking areas should be located to rear or side of buildings and should include landscaped boulevards and other aesthetically pleasing landscaping features.
10. 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.
11. Loading areas should be located to the side or rear of buildings and should not be visible from the adjacent road.
12. 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.
13. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
14. Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.

**Landscaping and Screening**

15. The Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or qualified designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
  - a) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - b) To minimize water consumption through means such as micro-irrigation and xeriscaping;
  - c) To improve the aesthetic appeal of the development;
  - d) To screen the development from the Trans Canada Highway and adjacent established neighbourhoods;

5.1.10 Cassidy Development Permit Area

- e) To maintain rural character;
  - f) To shade the proposed development from the summer sun;
  - g) To assist in the safe movement of pedestrians throughout the site;
  - h) To reduce the amount of impervious surfaces on the site;
  - i) To complement the development and surrounding uses; and,
  - j) To establish or enhance habitat values on the development site where appropriate.
16. 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.
17. 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 provide 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 signage and access and egress points.
18. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
- a) Shrubs – 45 cm;
  - b) Groundcover and grass – 30 cm; and,
  - c) Trees – 30 cm around and below the root ball.
19. 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 Regional District.
20. The Regional District 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 Regional District to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.
21. 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.
22. Decorative fences are encouraged which complement the materials used for the principle building.

### **Site Illumination and Signage**

23. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads, or the sky.
24. 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.
25. 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.
26. The installation of fascia or projecting signs that are handcrafted, hand painted, and individually designed are strongly encouraged.
27. Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.
28. If there is a conflict between these DPA guidelines and the [RDN 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**

29. Pedestrian sidewalks or defined pathways to encourage pedestrian movement throughout the site should be provided.
30. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.
31. Bicycle parking facilities should be provided at grade near primary building entrances.

### 5.1.12 Cedar Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area A Official Community Plan.*

#### APPLICATION

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

1. Alteration of land and disturbance of soils;
2. Construction, alteration, or erection of buildings and structures; and,
3. Creation of non-structural impervious or semi-pervious surfaces;

#### EXEMPTIONS

1. A development permit shall not be required for the construction, renovation, or addition to one single or duplex dwelling unit or accessory residential building on one single lot.
2. The replacement or repair of an existing signs 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.
4. A development permit shall not be required for alterations or additions to a building which do not require a building permit. This exemption excludes new signage which shall require a development permit.

#### GUIDELINES

##### General Design

1. The Regional District shall require building elevations prepared by an architect or other qualified designer.
2. Commercial development should be ground-oriented and in scale with the surrounding uses.
3. 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.
4. There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
5. 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.

5.1.10 Cedar Development Permit Area

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

**Parking and Loading**

8. Parking and loading areas should 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.
9. 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.
10. Provision should be made for public transit, emergency vehicles, delivery and service vehicles.
11. Safe and effectively designed and located internal roadways, entrance points, parking areas, pedestrian paths and open spaces shall be provided.

**Landscaping and Screening**

12. The Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or equivalent designer which meets the British Columbia Landscape Standard and satisfies the following objectives:
  - a) To use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - b) To minimize water consumption through means such as micro-irrigation and xeriscaping;
  - c) To promote compatibility with surrounding residential uses;
  - d) To improve the aesthetic appeal of the development;
  - e) To assist in the safe movement of pedestrians throughout the site;
  - f) To reduce the amount of impervious surfaces on the site;
  - g) To shade the proposed development from the summer sun;
  - h) To complement the development and surrounding uses; and/or,
  - i) To establish or enhance habitat values on the development site where appropriate.
13. 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.

5.1.10 Cedar Development Permit Area

14. To provide separation between residential and non-residential uses, 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 residential zoned property should be provided.
15. Landscaping should be provided adjacent to all roadways to improve aesthetic appeal, minimize impervious surfaces, and provide a visual screen for all outdoor storage, refuse, parking, loading, and unloading facilities and must also work towards the objectives identified in Guideline 12 above.
16. Garbage and recycling containers shall be screened with landscaping and/or 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.
17. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
18. Vegetation species used in replanting, restoration, and enhancement shall be selected to suit the local soils; light conditions, and groundwater regime of the site and should be native to the area, and where applicable, selected for erosion control and/or fish and wildlife habitat values.
19. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
  - a) Shrubs – 45 cm;
  - b) Groundcover and grass – 30 cm; and,
  - c) Trees – 30 cm around and below the root ball.
20. 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 Regional District.
21. The Regional District 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

- Average total household water use the RDN is 704 litres per day
- 30% of the total household water use is for outdoor non-potable use
- Storage must satisfy 100% of outdoor watering needs for a 90 day period

Minimum tank volume is calculated as follows:

Average household use per day  $\times$  0.3  $\times$  90 days = minimum water storage tank volume

$$704 \text{ litres} \times \frac{30}{100} \times 90 \text{ days} = 19,008 \text{ litres}$$



5.1.10 Cedar Development Permit Area

other similarly qualified person to the satisfaction of the Regional District, to be released upon final inspection by a landscape architect or other similarly qualified person to the satisfaction of the Regional District.

22. 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**

23. 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.
24. 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.
25. 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.
26. Signage should be visually unobtrusive and particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective.
27. If there is a conflict between these DPA guidelines and the [RDN 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**

28. 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.
29. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface material such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
30. Bicycle parking facilities should be considered at grade near primary building entrances

### 5.1.13 Extension Village Centre – Commercial Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Arrowsmith Benson – Cranberry Bright Official Community Plan.*

#### APPLICABILITY

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
7. subdivision of land.

#### 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.

*5.1.13 Extension Village Centre – Commercial Development Permit Area*

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.

### 5.1.14 East Wellington – Pleasant Valley Industrial Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the East Wellington – Pleasant Valley Official Community Plan.*

#### GUIDELINES

1. A Development Proposal shall be submitted with the Development Permit application. The proposal should generally provide the following information, in the form of plans and/or written documents:
  - a) detailed site plan illustrating existing and proposed buildings and structures, topographical features and existing natural vegetation;
  - b) detailed plans of proposed buildings and structures;
  - c) detailed storm water management plans; and
  - d) detailed landscaping plan indicating the location, number and type of proposed plantings.
2. Off-street parking should be located to the rear or sides of buildings and structures wherever possible. Off-street parking proposed to be located to the front of buildings and structures should be suitably screened with a landscape screen.
3. Outside storage and manufacturing areas should be located to the rear of the buildings and structures and be suitably landscaped with a landscape screen.
4. Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive.
5. Signage should be visually unobtrusive and grouped wherever possible. Particular emphasis should be given to signage, which is aesthetically pleasing and has a minimal amount of lighting and specifically excludes neon lighting.
6. Where land use activities involve the handling, storage or manufacture of potential contaminants, provision shall be made that will prevent seepage of such contaminants into the subsurface. All provisions shall be approved by the appropriate provincial agency prior to issuance of a development permit. All parking facilities shall be equipped with oil/water separators.
7. Any new development shall not negatively impact storm water quality or quantity.
8. Facilities for the proposed storage and distribution of propane from tanks or vessels over an aggregate volume of 19,000 litres shall be required to meet the following:
  - a) have located on site one approved fire extinguisher having a minimum capacity of 8.0 kilograms of dry chemical with a BC rating;
  - b) meet all requirements of the *Gas Safety Act* and regulations adopted thereto;
  - c) additional fire protection measures may be required in compliance with the NFPA Standard for the Storage and Handling of Liquefied Petroleum Gases; and
  - d) plans shall be forwarded to the Fire Chief of the local fire protection department for review and comment.

### 5.1.15 Nanoose Bay Form and Character Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Nanoose Bay Official Community Plan.*

#### EXEMPTIONS

1. A development permit shall not be required to construct, renovate or alter a single dwelling unit or building or structure accessory to a single dwelling unit.
2. A development permit shall not be required to construct an accessory building to a multiple dwelling unit development where the proposed accessory building is 10 m<sup>2</sup> or less in size and 3 m in height.
3. A development permit shall not be required for interior alterations or repairs.
4. A development permit shall not be required for the subdivision of land.

#### GUIDELINES

1. The character of commercial development will generally:
  - a) Be designed and situated to maximize views wherever possible;
  - b) integrate with and enhance the character of existing development;
  - c) incorporate natural materials into the design of the buildings;
  - d) be designed to maximize the use of the existing topography and natural landscaping; and
  - e) incorporate crime prevention and public safety features.
2. The character of multi-unit residential development will generally:
  - a) be in keeping with the character of the village centre and surrounding rural and residential lands;
  - b) provide a range of housing types and options;
  - c) be developed to a height that maintains ‘human scale’ (generally less than three storey);
  - d) be ground oriented;
  - e) be designed to maximize the use of the existing topography and natural landscaping;
  - f) incorporate natural building materials into the design of the buildings; and
  - g) be designed and situated to maximize views wherever possible.
3. Safe pedestrian and cycling routes shall be provided through and to commercial or multi-unit residential developments and shall link to existing neighborhoods, parks and the waterfront.
4. Introduced landscaping shall use native plantings, drought tolerant species, and xeriscaping standards, where possible.
5. Off-street parking areas shall primarily be located to the rear or side of buildings and include landscape areas or screening.

*5.1.15 Nanoose Bay Development Permit Area*

6. Any outside storage or manufacturing areas shall be located to the rear of buildings unless adequately screened with landscaping.
7. Where appropriate, pedestrian facilities shall be provided to separate pedestrian and traffic circulation on a site and minimize vehicle/pedestrian conflicts.
8. Building and site design should include "public gathering places" (e.g. outdoor plazas) and encourage pedestrian uses. The use of small seating areas, entry areas, plazas, and other meeting places in conjunction with pedestrian areas is encouraged.
9. Where appropriate, cycling facilities should be provided through safe circulation paths with sheltered locations for bicycle security.
10. Signage shall complement the design of buildings and structures and be grouped on multiple development sites. The use of natural materials is encouraged.
11. The use of indirect lighting on signage is encouraged.
12. Walls, fences, shrubs, grade changes or other site features should not obscure vehicle driver vision of pedestrian or bicycle routes or provide for concealment.
13. Applications to rezone land within a village or neighbourhood centre shall be evaluated, at a minimum, on how the following elements are proposed to be incorporated into the development and shown to be compatible with the centre:
  - a) a mix of uses;
  - b) building and landscape architectural themes;
  - c) concept design of public space;
  - d) public park land requirements;
  - e) road standards;
  - f) pedestrian facilities;
  - g) treatment of utilities (i.e., street lighting, hydro, etc);
  - h) methods of integrating existing and new developments; and
  - i) where a Village Centre Plan has been prepared for the Red Gap Village Centre, how the development proposal responds to the elements of the Village Centre Plan.

### 5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area H Official Community Plan.*

#### APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 meters in height.
2. Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
3. Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
4. Addition to an existing building or structure that is not visible from a public roadway or other public spaces.
5. Subdivision of land except for intensive residential which for the purpose of this exemption, means any residential development with an average minimum parcel size less than 2,000 m<sup>2</sup> or density greater than five dwellings per hectare whether fee simple or strata.
6. Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
7. Construction of unpaved driveways and walkways not exceeding 4 meters in width.

#### GUIDELINES

1. For Qualicum Bay Village Centre, tourist and business frontage for the Village shall be encouraged to 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 No. 19A and institutional uses including the Lighthouse Community Hall, seniors housing and park land.
2. For Dunsmuir Village Centre, the tourist and business frontage for the Village shall be encouraged to be oriented toward Horne Lake Road and existing commercial areas along the Island Highway No. 19A. New development shall provide pedestrian and vehicle linkages with the existing residential areas and currently vacant lands adjacent to Horne Lake Road.
3. The character of commercial development will generally:

5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

- a) be integrated with and enhance the character of the existing development,
  - b) be designed with a mix of commercial building styles, and constructed as small scale, low-rise structures that are clustered together,
  - c) be oriented toward adjacent streets where possible, and
  - d) be designed to have separate buildings or buildings that appear as small, individual buildings rather than a single large building.
4. The character of multi-family development will generally:
- a) be in keeping with the village character and surrounding residential or rural areas,
  - b) provide a range of housing types,
  - c) be clustered in small groups,
  - d) provide pedestrian linkages to areas beyond the development,
  - e) be ground oriented wherever possible; and
  - f) incorporate landscaping to separate residential clusters.
5. Incorporating natural materials to create a “west coast” style into the design is encouraged.
6. Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s Community Parks and Trails Strategy, Regional Parks and Trails Plan, or Active Transportation Plan, and any subsequent editions.
7. Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
8. Development shall not be separated or ‘gated’ with walled or fenced enclaves.
9. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas.
10. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
11. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
12. Sites and buildings must be designed to use best practices for integrated rainwater management and water conservation techniques, including appropriate source controls such porous and permeable surfaces, bioswales, absorbent landscaping, infiltration facilities, re-use systems and other techniques. Water quality should be maintained by ensuring that no deleterious substances enter ground or surface water. Rainwater should be managed onsite wherever possible, and management approaches should be aligned with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of



5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area

*Environment*, or any subsequent editions. The Regional District may require a rainwater management plan prepared by a professional engineer or other qualified professional.

13. Applicants are encouraged to refer to the most recent edition of the British Columbia Landscape Standards published by the BC Society of Landscape Architects when creating their plan. Landscaping should be used in site design to achieve the following list of objectives:
  - a) retain existing healthy, mature trees to provide shading and enhance the streetscape;
  - b) new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions;
  - c) utilize a variety of native plants that are drought tolerant suitable to local growing conditions;
  - d) enhance the pedestrian experience (e.g., aesthetics, weather conditions, safe movement throughout site and visual separation from and between uses) and compliment the development and surrounding area;
  - e) add texture and three dimensional components to the site (e.g., ground level planting, raised beds, shrubs, tree canopy) and avoid creating areas that are predominately bark mulch, gravel or other similar materials;
  - f) minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping;
  - g) respect required sightlines from roadways and enhance public views;
  - h) help screen parking areas, electrical and mechanical features, and refuse and recycling facilities; and
  - i) contribute to a sense of personal safety and security.
14. The design and layout of open spaces that can accommodate buildings and areas for edible landscapes and food production are encouraged (e.g., planter boxes, green house, compost facility, private and/ or community gardens, arbours and associated planting, bee hives.)
15. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan 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.
16. Exterior lighting shall be low intensity, pedestrian-oriented with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lighting is encouraged.
17. All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.
18. Signs should be visually unobtrusive, grouped wherever possible and primarily pedestrian-oriented, designed at a pedestrian scale. Handcrafted signs of a professional quality, designed to be effective with minimal lighting and integrated into the overall design of the building and landscape are preferred.

*5.1.16 Qualicum Bay and Dunsmuir Village Centres Development Permit Area*

19. For land to be developed where a commercial property abuts residential zoned property(s), a landscaped buffer area should be provided between the commercial property and the residential property(s) to provide a visual screen.
20. For land to be developed that is adjacent to or adjoining an Agricultural Land Reserve boundary a buffer area containing vegetation or fencing or a combination of both shall be retained, or established and maintained. All buffer areas shall generally be designed and landscaped using materials set out in Guide to Edge Planning: Appendix B, published by the BC Ministry of Agriculture, or any subsequent editions.

### 5.1.17 Bowser Village Centre Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Bowser Village Centre Plan.*

#### APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. alteration of land, placement of fill, disturbance of soils, including grubbing, scraping and the removal of top soils;
2. construction of, addition to, or alteration of a building or structure;
3. creation of non-structural impervious or semi-pervious surfaces; and
4. subdivision of land as defined in the Land Title Act or Strata Property Act.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Construction, renovation, or addition to a single dwelling unit, detached secondary suite or duplex dwelling unit.
2. Addition to an existing building or structure that is not visible from a public road way or other public spaces.
3. The replacement or repair of an existing sign providing the sign is not enlarged or moved and is replaced with the same type of sign (i.e., fascia, freestanding, etc).
4. Subdivision of land as defined in the *Land Title Act* or *Strata Property Act*, except for intensive residential<sup>5</sup>.
5. Maintenance and minor modifications to existing landscaping, existing roads, parking areas, paths and trails.
6. Construction of unpaved driveways and walkways not exceeding 4 meters in width.
7. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area guidelines as determined by the Regional District.

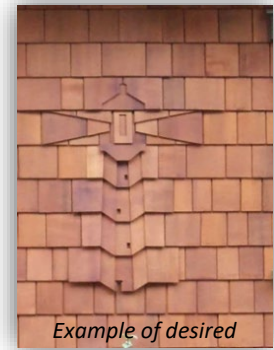
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<sup>5</sup> For the purpose of this DPA, intensive residential shall mean any residential development with an average minimum parcel size less than 2000 m<sup>2</sup> or density greater than 5 dwelling units per hectare, whether fee simple or strata.

**GUIDELINES**

**Context and Regional Expression**

1. Incorporate form and images that relate to the natural and cultural landscape of Bowser by integrating one or more of the following themes:
  - a) Lighthouse Country
  - b) First Nations History
  - c) Post 1900’s historical themes such as logging, fishing and shellfish aquaculture
  - d) Connect to water such as Thames Creek, Strait of Georgia, surface water and aquifers
  - e) West coast influenced design incorporating BC wood products
2. Through building design and placement, address sunlight penetration, natural ventilation, and protection from different weather elements to improve the pedestrian experience in commercial areas (e.g., covered walkways, awnings, canopies, overhangs, pergolas and shade trees).
3. Protect and enhance public views of landmarks, buildings, open spaces, natural features and the ocean through careful building siting, height and form.



*Example of desired design detail.*

**Human Scale**

4. Design from human scale and visual interest in all building elevations. This can be achieved by placing an emphasis on street facing building entrances, windows and landscaping relative to walls and building structure.
5. Mixed use and commercial buildings shall be located in close proximity to the sidewalks and pedestrian spaces.
6. Where mixed use or commercial buildings are proposed, avoid large spaces between buildings.
7. The use of drive-through shall not be a part of building or site design.
8. Design, siting and construction of sidewalks or paths in the road right-of-way shall be consistent with the Active Transportation Plan for Electoral Area H, 2017 or provide rationale for taking a different approach as presented in that Plan. Note that approval from the Ministry of Transportation and Infrastructure is required for works in the road right-of-way.



*Example of mixed-used building, orientated to the street with covered walkway.*

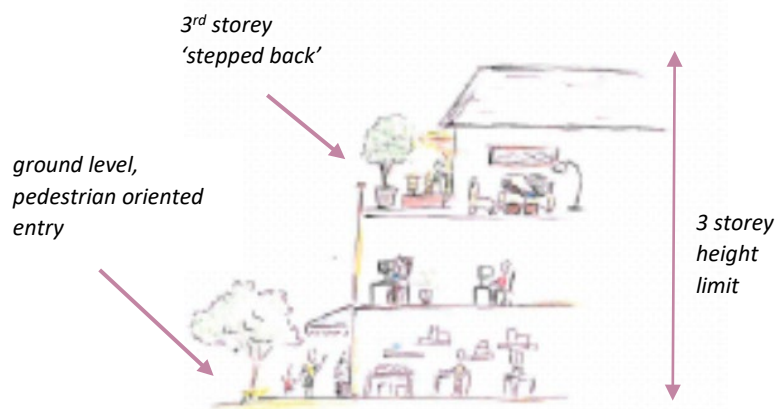


*Rooflines & exterior architectural design detail.*

**Building Massing, Height and Form**

5.1.17 Bowser Village Centre Development Permit Area

9. Larger buildings (e.g., > 12meters in width) shall be designed to avoid large, flat building expanses by creating multiple, separate buildings such that individual buildings appear as many small buildings that are compatible in shape, mass, and exterior finishes. Consider using building articulation, visually-interesting rooflines (e.g., variations in cornice lines and roof slopes); architectural elements (e.g., balconies, bay windows, cupolas, dormers), and other detailing that creates rhythm along the lines of the building.
10. Utilize landscaping treatments to further soften the mass of building form (e.g., strategic location of trees, hedge borders, trellis and surface materials such as pavers).
11. On slopes, building design should step with the natural topography. Building form should depict a series of buildings nested into the hillside, rather than a single, uniform building form.



12. Building height is limited to a maximum of 12 meters (i.e., 3 storeys) unless otherwise specified.
13. Where building height is 12 meters (i.e., 3 storeys), incorporate step back and/or terrace above the second floor to reduce visual impact and to strengthen the pedestrian-scale of the building.
14. Development shall not be separated or 'gated' with walled or fenced enclaves.

**Building Style & Exterior Materials**

15. High quality, functional exterior finishes suited to a west coast climate should be used to ensure the integrity of the building envelope and to present an attractive appearance.
16. Natural, local non-combustible materials should be used to the greatest extent possible, with an emphasis on British Columbia wood products.
17. Use exterior colours that are found in or complement the area's natural and cultural landscape.
18. Use materials in combination to create contrast, enhance human scale and reduce massing of a building.



*Example of different materials and colours used in combination to create contrast and to reduce massing of a prominent building in the Qualicum Beach village center.*

**Signs, Canopies & Lighting**

19. Signs should be visually unobtrusive, grouped wherever possible and primarily pedestrian-oriented, designed at a pedestrian scale. Handcrafted signs of a professional quality, designed to be effective with minimal lighting and integrated into the overall design of the building and landscape are preferred.

20. The following types of signage shall be encouraged:

- a) projecting two dimensional signs suspended from canopies, awnings or overhangs,
- b) externally, front lit signs especially with LED lighting,
- c) fascia signs integrated into the design of the building,
- d) letter signs mounted on storefronts, and
- e) carved wooden signs.

21. The following types of signage shall be avoided:

- a) awnings as signs or large signage on awnings (letter heights over 30 cm/12 inches),
- b) internally lit, plastic face, aluminum box style signage,
- c) animated, flashing, oscillating or moving signs,
- d) pylon (stand alone) signs, and
- e) roof top signs.

22. Continuous weather protection for pedestrian’s comfort should be provided in commercial areas (e.g., awnings, canopies, overhangs, pergolas and shade trees). All design elements should complement the overall building and public realm.

23. Exterior lighting shall be low intensity, pedestrian-orientated with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lighting is encouraged.

24. All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.



Examples of desired signage that is attractive and informative for both pedestrians and the travelling public.

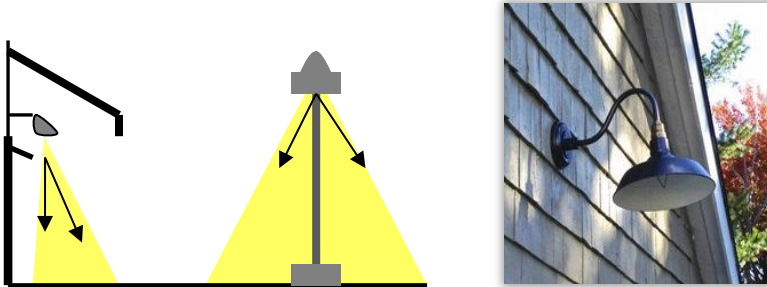


Example of undesirable signage within the Bowser Village Center.



5.1.17 Bowser Village Centre Development Permit Area

25. Light fixtures should be concealed, unless they are decorative and then the style shall be consistent with the design and character of the building.



*Examples of Full-Cut Off Lighting and decorative exterior lighting.*

**Outdoor Public Open Spaces**

26. Outdoor patios and dining areas should be designed to create a compatible and complementary relationship with the adjacent streetscape, building architecture, and uses. These spaces should be well defined by landscaping, decorative fencing or other vertical barriers while being generally open and visible from public areas.
27. Public art or features should be considered for public plazas and courtyards.
28. All play areas for children should have adequate shade and seating for adults.
29. The retention of natural features (like trees, rock or other landscape features) in open spaces shall be encouraged.
30. Street furniture to enhance the pedestrian experience, such as benches, decorative street lamps, bicycle racks and refuse containers shall be incorporated in the landscape design. These shall be required to be consistent, similar, or identical in character to the architectural character of the development and identified by type and source in the application.



*Examples of decorative street furniture with complementary landscaping to define public outdoor spaces.*

**Accessibility & Connectivity**

31. Universal design principals shall be employed to ensure meaningful access for people of all ages, stages and abilities, including children, parents, older adults and seniors. Meaningful, access is determined by the users' complete experience of a building, connecting pathways, sidewalks, entrances, doors and hallways. Features include things such as accessible, barrier-free travel routes to the main building entry, smooth, ground-level entrances without stairs, and wide

interior doors and hallways. Consider those using such equipment as wheelchairs, other walking-aids, strollers and bicycles.

32. Accessible travel routes shall be provided that incorporate transitions between public walkways, together with private walkways, parking areas, retail shops and services, and roads to provide seamless and interesting access for all users, including those of different ages and abilities.



*Example of accessible, laneways that connect commercial areas to public/social spaces.*

### **Crime Prevention**

33. Best practices for “Crime Prevention through Environmental Design” should be incorporated into building design, such as:

- a) Natural surveillance, ‘eyes on the street’: visibility, light and openness should maximize the ability to see throughout the site through placement of windows that access all areas, appropriate lighting to avoid darken spaces and walkways, entrances and site features should be designed to avoid areas for hiding.
- b) Define spaces: creating a clear definition between public and private space that express ownership and boundaries, particularly for multi-residential and mixed-use developments.
- c) Active Spaces: Encourage legitimate activity in public spaces by locating uses in complementary arrangements. Avoid spaces that appear confined, isolated, or unconnected, or appear without a clear purpose or function.

### **Green & Healthy Buildings**

34. Evaluate site design for passive solar gain and cooling opportunities (e.g., passive solar water heating, solar mass wall, passive solar heating of intake air). On sites with substantial solar exposure, buildings should be sited, designed, and landscaped to take advantage of passive solar gain in winter and reduce sun expose in summer.
35. Minimize exposure to noise and pollution through site and building design, especially for those developments located along busy roads (e.g., triple-pane glazing, orient courtyards, playgrounds, open spaces, and building air intakes away from the road).



5.1.17 Bowser Village Centre Development Permit Area

36. Utilize sustainable construction methods and materials, including the reuse, rehabilitation, restoration, and recycling of buildings and/or building elements.

37. All new commercial, mixed-use, and multi-unit residential buildings within the development permit area are encouraged to be efficient and healthy, and are encouraged to seek third party certification, such as Built Green Gold or Leadership in Energy and Environmental Design (LEED). The Regional District may be able to provide assistance in the planning process and may offer financial assistance in accordance with Regional District’s environmental rebate and grant programs.



Example of a passive solar gain designed house.

38. The design and layout of open spaces that can accommodate buildings and areas for edible landscapes and food production are encouraged (e.g., planter boxes, green house, compost facility, private and/ or community gardens, arbours and associated planting, bee hives).

39. The installation of electric vehicle charging stations are encouraged. The Regional District may be able to provide assistance in the planning process and may be able to identify applicable rebate and grant programs.

**Relationship to the Street**

40. Orient residential and commercial buildings to face the street.

41. Commercial and mixed-use buildings should be sited within close proximity to sidewalks and the pedestrian space to enhance the pedestrian experience, unless where a setback may be considered to provide transition to adjacent building or pedestrian-friendly features such as a patio, courtyard or plaza.



Example of an animated, mixed-use streetscape that provides a buffer between pedestrians and road traffic.

42. Building setbacks from lot lines should:

- a) be designed to create an intimate, pedestrian friendly streetscape;
- b) be between 0.0 m and 3.0 m (RDN in collaboration with MOTI will determine minimum building setbacks from lot lines);
- c) consider relationship and transition to adjacent buildings;
- d) corner sites are encouraged to feature landmark design or alternatively to provide a semi-public or public open space; and

- e) include “corner cuts” or similar treatment to expand sidewalks adjacent to intersections.



Example of site plan demonstrating a “corner cut”.



Example of site plan demonstrating a ‘woonerf’ style streetscape.

- 43. Pedestrian sidewalks or defined walkways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.
- 44. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- 45. In residential areas, side street should consider ‘woonerf’ style streets that integrate needs of multiple users such as walking, cycling, playing, gardening and socializing.
- 46. Pedestrian sidewalks or defined walkways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.

***Pedestrian Access, Provisions for Cyclists Circulation, Vehicles and Loading***

- 47. Clearly defined, safe pedestrian access shall be provided through sites and parking areas to maintain a pattern of active transportation that is integrated with building entrances, walkways, sidewalks, trails and adjacent streets.
- 48. Locate parking areas to the rear of buildings, internal to the building, or below grade.
- 49. Avoid large expanses of parking. Provide paved surfaces with visual interest and landscaped areas to create safe pedestrian walkways and visual breaks between clusters of parking stalls (approximately every seven stalls).

5.1.17 Bowser Village Centre Development Permit Area

50. Bicycle and scooter parking facilities should be provided at grade near primary building entrances.

51. Where side road access is not feasible,



Example of BC Transit bus shelter stop with wet-weather shelter and parking areas that integrate active transportation.

shared driveways to access business and residential properties from Highway No. 19A shall be encouraged for new development.

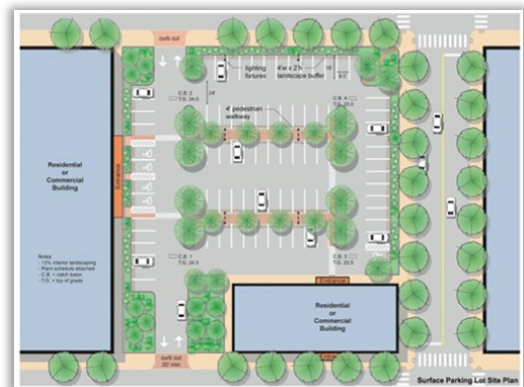
52. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.

53. All loading and storage areas shall be complementary to the development, screened with landscaping and/or gated fencing to a minimum 2.0 meters as appropriate and wherever possible be located to the rear of the building in unobtrusive areas.

54. Provision should be made for promoting easy access to public transit, emergency vehicle, delivery and service vehicles and may include construction of a bus shelter or pad.

**Landscaping & Screening**

55. Where landscaping is required within the development permit area, the Regional District may require the applicant to submit a landscaping plan prepared by a landscape architect or other qualified professional 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.



Example of parking plan with safe pedestrian access and landscaping features.

56. Applicants are encouraged to refer to the most recent edition of the British Columbia Landscape Standards published by the BC Society of Landscape Architects when creating their plan. Landscaping should be used in site design to achieve the following list of objectives:

5.1.17 Bowser Village Centre Development Permit Area

- a) retain existing healthy, mature trees and new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions;
- b) utilize a variety of native plants that are drought tolerant suitable to local growing conditions;
- c) enhance the pedestrian experience (e.g., aesthetics, weather conditions, safe movement throughout site and visual separation from and between uses) and compliment the development and surrounding area;
- d) add texture and three dimensional components to the site (e.g., ground level planting, raised beds, shrubs, tree canopy) and avoid creating areas that are predominately bark mulch, gravel or other similar materials;
- e) minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping;
- f) respect required sightlines from roadways and enhance public views;
- g) help screen parking areas, electrical and mechanical features, and refuse and recycling facilities;
- h) contribute to a sense of personal safety and security;



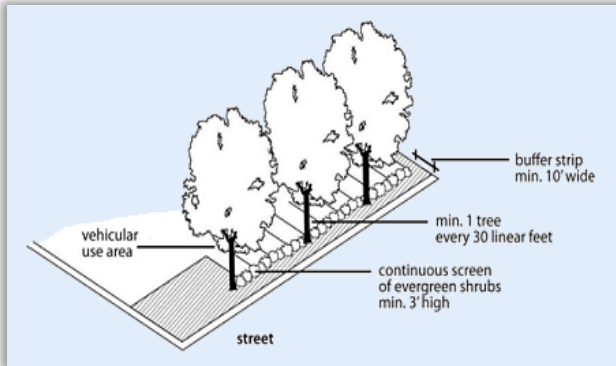
Example of a vertical green wall system.

57. Mitigate undesirable architectural elements (e.g., blank walls can be covered with trellis and vines).
58. Minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping. Landscaping is to meet the minimum depth of topsoil or amended organic soil on all landscaped areas of a property:
- a) Shrubs – 45 cm,
  - b) Groundcover and grass – 30 cm, and
  - c) Trees – 30 cm around and below the root ball.
59. Landscape plans must be drawn to scale and show type, size and location of proposed landscaping works and planting materials and shall be submitted with the development permit application.



5.1.17 Bowser Village Centre Development Permit Area

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



Example of landscaped buffer from street or between residential properties.

Example of decorative fencing and landscaped screening.

61. Where a commercial property abuts residential zoned property, landscaped buffer area should be provided between the commercial property and the residential property(s).

62. High-efficiency, water saving, automatic irrigation systems are encouraged.

63. All refuse and recycling facilities shall be screened with landscaping and/or gated fencing to a minimum 2.0 meters. Similarly, utilities, electrical and mechanical features shall be screened with fencing, landscaping or a combination of the two.

64. Decorative fences are encouraged. Where chain link fencing used, it shall be screened with landscaping.

**Rainwater Management**

65. Design sites and buildings to use best practices for integrated rainwater management and water conservation techniques, including appropriate source controls such porous and permeable surfaces, bioswales, absorbent landscaping, infiltration facilities, and re-use systems and other techniques aligned with Develop with Care: Environmental Guidelines for Urban and Rural Land

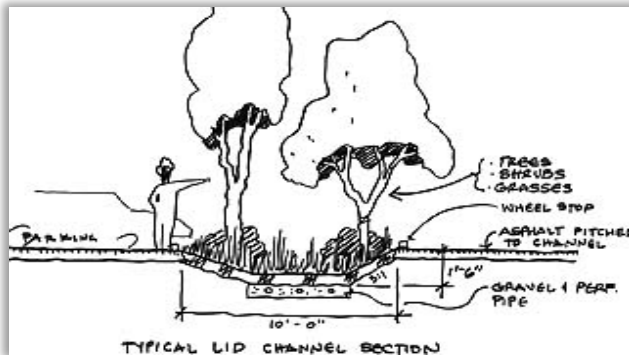


Examples of a rain garden and rainwater harvesting system.

5.1.17 Bowser Village Centre Development Permit Area

Development in British Columbia, 2014, published by the B.C. Ministry of Environment, or any subsequent editions.

66. Water quality should be maintained by ensuring that no deleterious substances enter ground or surface water.
67. The Regional District may require a rainwater management plan prepared by a Professional Engineer or other qualified professional.
68. New buildings are encouraged to include non-potable water harvesting in the form of rainwater catchment or green roofs.



Examples of bioswales, permeable surfaces and absorbent landscaping.

**Multi-Residential and Intensive Residential Development Guidelines**

69. Residential units should be clustered to make the most efficient use of land and preserve as much land as possible for open space.
70. Residential land uses should be arranged to achieve gradual transition and minimize conflicts with adjacent housing types and surrounding neighbourhoods.
71. Residential units shall be designed to allow residents privacy as well as a sense of community such that each unit has at least one private outdoor space with access to or views of adjacent semi-public spaces.
72. Use landscaping and design to clearly distinguish and provide transitions between public and private spaces especially where residential uses are mixed with commercial uses.

5.1.17 Bowser Village Centre Development Permit Area

- 73. Children’s play areas should be located to facilitate ‘natural surveillance’ with high visibility from residential units.

**Additional Commercial Mixed-Use Development Guidelines**

- 74. The maximum floor area for individual retail and commercial units should be 300 m<sup>2</sup> with the exception of grocery stores where a maximum 1,500 m<sup>2</sup> of retail space will be allowed.
- 75. Building size for institutional and commercial service/light industrial uses shall be a maximum 1,000 m<sup>2</sup>.



Example of mixed-use building with third floor roof scape.

**Additional Service Commercial/Light Industrial Development Guidelines**

- 76. Retail and office uses in commercial service development should be ground oriented, located adjacent to the street with non-retail functions located to the rear of the property.
- 77. Residential ‘live-work’ units shall be located above street level over top of commercial service uses.
- 78. Where possible residential ‘live-work’ units should be oriented to overlook public streets.
- 79. Residential ‘live-work’ units shall have at least one private outdoor space with access to or views of adjacent semi-public spaces.

### **5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area**

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area G Official Community Plan.*

#### **APPLICATION**

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

1. alteration of land, placement of fill, disturbance of soils, including grubbing, scraping, and removal of top soils;
2. construction or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces; and
4. subdivision as defined in the *Land Title Act* or the *Strata Property Act*.

#### **EXEMPTIONS**

The following activities are exempt from requiring a development permit:

1. Single residential development and accessory uses, including subdivision, on lands zoned for single residential use.
2. The cutting down of hazardous trees in accordance with the recommendations contained in a report prepared by an Arbourist or other qualified professional. Trees must pose an immediate threat to the safety of persons or existing buildings or structures.

#### **GUIDELINES**

##### ***Servicing***

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



**General Design**

2. The Regional District of Nanaimo shall require an applicant to submit building elevations prepared by an architect or other qualified professional.
3. Commercial development should be ground oriented and in scale with the surrounding uses.
4. The use of non-combustible building materials is encouraged and where feasible locally produced natural building materials should be incorporated in to the design without compromising the building or structures fire resistance. West Coast architecture is strongly encouraged.
5. There shall be no net increase in peak rainwater run-off from the land to adjoining lands.
6. Development or subdivision of land should be designed to:
  - a) replicate the function of a naturally vegetated watershed;
  - b) maintain the hydraulic regime of surface and groundwater and pre-development flow rates;
  - c) not interfere with groundwater recharge;
  - d) not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.
7. Benches, ornamental street lights, and public art are encouraged throughout the site. Outdoor patios or amenity areas are encouraged.
8. Street furniture such as benches, lamps and refuse containers shall be incorporated in the landscape design. These shall be required to be consistent, similar, or identical in character to the architectural character of the development and identified by type and source in the application.
9. Public open space and pedestrian walkway linkages to adjacent neighbourhoods and to Wembley Mall which complement existing parks and recreation opportunities and reduce automobile dependence shall be encouraged.
10. The use of energy efficient building materials, techniques, and practices that reduce the amount of energy consumption shall be encouraged.
11. Comprehensive development proposals that consider the full life cycle of input materials and process by-products as well as seek to minimize energy and raw materials use, minimize waste, and build sustainable economic, ecological and social relationships (eco-industrial networking) shall be encouraged.
12. Buildings shall be designed so as to avoid presenting an overly massive appearance using roof lines, window treatments, and landscaping to break up their bulk and soften their appearance.

**Residential Development Guidelines**

13. Residential developments should include a variety of housing sizes and types. These may range from single dwelling units, condominiums, and townhouses. Residential land uses should be arranged to achieve gradual transition from adjacent housing types and surrounding neighbourhoods.
14. Developments should be designed to take advantage of sun exposure to reduce winter heating and summer cooling.

*5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area*

15. Multiple dwelling unit buildings should be designed to utilize sunlight for the health and comfort of residents and for energy conservation purposes.
16. Dwelling units should be designed to allow residents privacy as well as a sense of community such that each unit has at least one private outdoor space with access to or views of adjacent semi-public spaces.
17. Development shall not be a separate "gated community" with walled or fenced enclaves and shall be integrated with and compatible with surrounding neighbourhoods.
18. Where practical, clustering of multi-residential development a minimum of 250 metres away from the centre of the FCPC should be required in order to maximize vegetation retention buffers to limit periodic odour migration.

***Parking and Loading***

19. Parking and loading areas shall generally be located to the rear of buildings, must be screened from view from adjacent properties, and be located outside of the minimum required zoning setback. The screening should consist of landscaping and/or fencing. Parking areas shall include landscaped areas, defined by concrete curbs, to provide visual breaks between clusters of approximately ten stalls.
20. Vehicular and truck movement patterns must be illustrated on the site plan submitted by the applicant to ensure adequate circulation. A professional engineer may be required to ensure that adequate lane widths and turning radiuses are provided for all forms of vehicles intended to use the property.
21. Provision should be made for emergency vehicles, moving vans, and service vehicles.
22. Safe, efficient, and effectively designed and located roadways, entrance points, parking areas, pedestrian paths, and open spaces shall be provided.

***Landscaping and Screening***

23. The Regional District shall require the applicant to submit a landscaping plan prepared by a Landscape Architect or equivalent professional which meets the British Columbia Landscape Standard and satisfies the following objectives:
  - a) to use a variety of drought tolerant deciduous and evergreen native plant species that are best suited to the site specific growing conditions;
  - b) to minimize water consumption through means such as micro-irrigation and xeriscaping;
  - c) to provide visual separation from and compatibility with surrounding single residential uses;
  - d) to improve the aesthetic appeal of the development;
  - e) to assist in the safe movement of pedestrians throughout the site;
  - f) to reduce the amount of impervious surfaces on the site;
  - g) to compliment the development and surrounding uses;
  - h) to preserve the rural experience and to minimize the visual distraction of development on Highways No. 19, 19A, and Highway 4; and,

*5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area*

- i) to establish or enhance habitat values on the development site where appropriate.
24. The landscaping plan must be drawn to scale and show the type, size and location of proposed landscaping and shall be submitted with the development permit application.
  25. At minimum the landscape design should provide a continuous landscaped buffer area of at least 2.0 metres in width along the inside of all property lines, excluding access points, adjacent to all roads and highways and adjacent to all residential zoned property and should contribute towards the objectives identified in Guideline 24.
  26. Notwithstanding Guideline 24, the landscaped buffer adjacent to any watercourse, coastal area, or environmentally sensitive feature shall be determined by a QEP and shall work towards Guideline 23(i) – to establish or enhance habitat values on the development site.
  27. To separate parking, service or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 metres in width and 2.0 metres in height, shall be provided along the inside of all affected property lines.
  28. Buildings and structures should be sited in a manner that minimizes the disturbance of existing native vegetation.
  29. Vegetation species used in replanting, restoration and enhancement shall be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and habitat wildlife habitat values as needed.
  30. All replanting shall be maintained by the property owner for a minimum of five years from the date of completion of the planting. Unhealthy, dying or dead stock will be replaced at the owner's expense during the next regular planting season.
  31. All landscaping shall require the following minimum depth of topsoil or amended organic soils on all landscaped areas of a property:
    - a) shrubs – 45 cm;
    - b) groundcover and grass – 30 cm;
    - c) trees – 30 cm around and below the root ball.
  32. Where irrigation is required to maintain proposed landscaping, it shall be designed and installed by an Irrigation Industry Association of British Columbia certified irrigation designer.
  33. The Regional District of Nanaimo shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other similarly qualified person to the satisfaction of the Regional District to be released upon final inspection by a Landscape Architect or other similarly qualified person to the satisfaction of the Regional District of Nanaimo.
  34. Garbage and recycling containers shall be screened with landscaping and fencing and gated to a minimum height of 2.0 metres. Similarly, utilities, service kiosks, meters, elevator housing, exhaust elements, satellite dishes, etc. shall be screened with landscaping and fencing.
  35. Chain link fencing shall be used only when screened by landscaping. Decorative fences are encouraged matching the materials used for the principle building.

*5.1.18 Multi Residential, Intensive Residential, Industrial and Commercial Form and Character Development Permit Area*

36. Subject to the approval of the MOT where applicable, the installation of boulevards, street trees, pedestrian pathways, or sidewalks within the public road right of way may be supported. Boulevards must be landscaped, irrigated, and maintained by the subject development.
37. Open spaces acting as sites of public assembly shall incorporate special landscape features such as fountains, landscaping or monuments as focal elements.

***Site Illumination and Signage:***

38. Lighting should be designated for security and safety. However, there should not be glare on neighbouring properties, adjacent roads or the sky.
39. All new, replacement and upgraded exterior lighting in existing and proposed developments shall be Full-Cut Off/Flat Lens (FCO/FL) luminaries to light roads, parking, loading and pedestrian areas. Exterior building lighting will also be required to have FCO lighting fixtures.
40. The size, location and design of freestanding signage shall be architecturally integrated with the overall design of the buildings and landscaping. The design of fascia signs containing individual business signage shall be integrated into the design of the building.
41. No roof top signs shall be permitted. Multi-tenant buildings shall provide combined tenant signage.
42. Signage should be visually unobtrusive; particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting or boldness to be effective

***Pedestrian and Cyclist Considerations:***

43. Pedestrian sidewalks or defined pathways connecting building entrances to and through parking areas and sidewalks or road right-of-ways of the adjacent streets shall be provided.
44. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of a clearly delineated pathway or durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
45. Bicycle parking facilities should be provided at grade near the primary building entrances.

### 5.1.19 Rural Commercial Development Permit Area

**Information Note:** the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area H Official Community Plan.

#### APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 meter in height.
2. Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

#### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
3. Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
4. Construction of a building or structure with a total floor area of 10 square meters or less which is not visible from a public roadway.
5. Addition to an existing building or structure that is screened from view from a public roadway or other public space by the existing building or structure.
6. Subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.
7. Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
8. Construction of unpaved driveways and walkways not exceeding 4 meters in width.

#### GUIDELINES

1. The character of the development will generally:
  - a) be designed to utilize the existing topography and vegetation in a manner that is visually unobtrusive and blends into the surrounding landscape,
  - b) be designed to mimic the natural water balance by maximizing infiltration of uncontaminated rainwater,
  - c) integrated with and enhance the character of existing development to avoid mass and character that would be overwhelming to adjacent non-commercial properties, and
  - d) include gathering places such as seating areas, patios, garden entry areas that are visible and accessible and encourage pedestrian uses, where possible.

5.1.19 Rural Commercial Development Permit Area

2. Incorporating natural materials to create a “west coast” style into the design is encouraged.
3. Where buildings present an aspect to the highway or to highly visible areas, continuous blank wall surfaces (longer than 5 meters) shall be avoided. Consider using building articulation, visually-interesting rooflines (e.g., variations in cornice lines and roof slopes); architectural elements (e.g., balconies, bay windows, cupolas, dormers), and other detailing that creates rhythm along the lines of the building.
4. Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s *Community Parks and Trails Strategy, Regional Parks and Trails Plan, or Active Transportation Plan*, and any subsequent editions.
5. Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
6. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas.
7. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
8. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
9. For land to be developed where it abuts a residential zoned property(s), a landscaped buffer shall be retained or planted to provide a visual screen.
10. Porous and permeable surfaces should be used where practical and techniques such as rain gardens and vegetative swales to assist in the treatment of rainwater runoff from a site are encouraged in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of Environment, or any subsequent editions. The Regional District may require a rainwater management plan prepared by a Professional Engineer or other qualified professional.
11. Mature trees shall be preserved and, where possible, integrated with new landscaping. The planting of trees is strongly encouraged.
12. Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions.
13. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified professional to the satisfaction of the Regional District.
14. Exterior lighting shall be low intensity, pedestrian-orientated with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lightening is encouraged.
15. All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.

*5.1.19 Rural Commercial Development Permit Area*

16. Signage should be visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage that is complementary to the scenic qualities of the area and requires a minimal amount of lighting to be effective. Animated, flashing, oscillating or moving signs and roof top signs shall be avoided to retain a rural appearance and not be distracting to drivers.

### 5.1.20 Highway Corridor Protection Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Nanoose Bay Official Community Plan.*

#### EXEMPTIONS

The following are exempt from obtaining a development permit:

1. The construction, renovation, or addition to a single dwelling unit, duplex dwelling unit, or accessory residential buildings; and/or
2. The subdivision of land within the ALR.

#### GUIDELINES

1. Landscaping, screening and the retention of natural vegetation shall be encouraged to enhance the appearance of properties adjacent to the highway in accordance with land use bylaws.
2. Off street parking, loading areas, refuse containers and outdoor storage/manufacturing areas shall, where achievable, be located to the rear of buildings and/or adequately screened from residential and rural lands by a combination of landscape buffering and fencing.
3. Signage on properties bordering the highway should be grouped whenever possible, complementary with the natural character of the area, and employ the use of a minimal amount of direct or indirect lighting to be effective.
4. The Ministry of Transportation and Infrastructure is supported in their initiatives to consolidate access points to major roadways and to provide access through 'slip' roads.



### 5.1.21 Inland Island Highway Corridor Development Permit Area

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the Electoral Area G Official Community Plan.*

#### APPLICATION

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

1. alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping, and removal of top soils;
2. construction or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces; and
4. Subdivision as defined in the *Land Title Act* or the *Strata Property Act*.

#### EXEMPTIONS

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

#### GUIDELINES

1. Development or redevelopment of commercial, industrial, or multi-residential land within the Inland Island Highway Development Permit Area shall:
  - a) reinforce the rural and aesthetic visual image of the Inland Island Highway by maintaining the rural wooded landscape on adjoining lands;
  - b) ensure that orderly and aesthetic development or redevelopment of existing industrial zoned lands do not negatively impact the view corridor of the new highway; and,
  - c) prohibit direct vehicular access from the Inland Island Highway.
2. All industrial, commercial, or multi-residential subdivisions or individual developments should provide a 30 metre visual integrity buffer, adjacent to the Inland Island Highway, where a natural wooded character will be maintained and no buildings, outdoor storage or signage shall be permitted without the approval of both the MOTI and the Regional District Board.
3. Buildings, structures, parking, and storage should be designed and sited to be outside of the visual integrity buffer of the Inland Island Highway and complement the rural integrity of the area. Plans shall be submitted illustrating cross sections of the property and proposed buildings. The Plans shall illustrate the view corridor of eastbound and westbound traffic and the visual impact of any proposed structures from the Inland Island Highway. In addition, a photographic survey of the site and development proposal shall be submitted, from adjoining parcels and major roadways, to illustrate visual compatibility with surrounding development.
4. No signage shall be visible from the Inland Island Highway. Signage should be visually unobtrusive and grouped whenever possible, and no third party signs shall be permitted within the Development Permit Area.

*5.1.21 Inland Island Highway Corridor Development Permit Area*

5. Wherever possible development should be oriented with the "front" face of buildings away from the Highway and no loading, storage, or other service functions should be located between the building and the highway.
6. Where the introduction of vegetation is required within the Development Permit Area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
7. Where irrigation is required to maintain proposed landscaping, it should be designed and installed an Irrigation Industry Association of British Columbia certified irrigation designer.

## 5.1.22 Coastal Flood Hazard Development Permit Area<sup>6</sup>

*Information Note: the designation of this development permit area and description of the special conditions or objectives that justify the designation are located in the applicable official community plans.*

### APPLICATION

Unless otherwise exempt from this bylaw, a development permit is required for any development occurring on land within the Coastal Flood Hazard Development Permit Area that may be classified as one of the following activities, as per section 489 of the *Local Government Act*:

1. subdivision of land;
2. construction of, addition to, or alteration of a building or structure; and
3. land alteration directly related to the construction of a building or structure, including without limitation, disturbance of soils including grubbing, scraping, removal of topsoil and the creation of non-structural impervious or semi-pervious surfaces.

### EXEMPTIONS

A Coastal Flood Hazard Development Permit is not required for the following activities:

1. Those activities identified as exempt in the Regional District of Nanaimo Flood Hazard and Mitigation Bylaw No.1872, 2023.
2. Subdivision involving only lot line adjustment or lot consolidation. To be exempt, there must not be any net increase in permitted density and no new building construction or related land alterations proposed within the development permit area.
3. Subdivision where the following criteria is met:
  - a. the required minimum lot size is achieved exclusive of the development permit area, as confirmed in writing by a Qualified Professional or a BC Land Surveyor on the survey plan;
  - b. no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of any lots will occur within the area encompassing the development permit area; and
  - c. where a section 219 covenant is registered to prevent development on those portions of lands deemed subject to flood hazards in a manner consistent with the development permit area guidelines.

### GUIDELINES

#### *General*

1. Timing of development and construction methods should consider and aim to avoid times of the year more prone to flood events.
2. Impervious surfaces should be limited, which may involve reducing the overall building footprint, roof size, and area of paved surfaces.

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<sup>6</sup> Bylaw No. 500.445, adopted October 8, 2024

5.1.22 Coastal Flood Hazard Development Permit Area

3. When retaining walls or structures are necessary due to site constraints, the height and width should be minimized wherever possible and where required designed by a Qualified Professional.

*Flood Hazard/Risk Assessment*

New construction of a building or structure within the Coastal Flood Hazard Development Permit Area must address the risk of flooding and erosion from the sea. Where risk of river and coastal flooding co-exist, the combined effect shall be accounted for. Requirements include the following:

4. All applicants must submit:
  - a. a completed copy of the Regional District of Nanaimo’s Sustainable Site Plan Checklist provided in the Sustainable Site Planning Guide;
  - b. a geotechnical evaluation (flood report) prepared by a Qualified Professional that:
    - i. includes a site plan identifying flood hazard, including areas susceptible to flooding, location of the sea, existing and proposed development, roads, trails, buildings, grading, on site topography and any areas that are to remain free from development;
    - ii. clearly states any conditions or recommendations to reduce flood hazards including without limitation recommendations for safe use of a habitable area, and to ensure the proposed development does not increase flood hazards to existing development on or near the subject property, and the rationale for conditions or recommendations provided;
    - iii. if applicable, outlines areas on the site that are more at risk of flood hazards and areas with a reduced risk to guide the location of future development on the site;
    - iv. calculates the flood construction level using the Canadian Geodetic Vertical Datum of 2013 as the baseline, where the flood construction level is determined as the sum of:
      - 1) 1:200 (0.5%) Annual Exceedance Probability total water level of tides and storm surge;
      - 2) allowances for future sea level rise to 1.0 metres by year 2100 or sooner;
      - 3) allowances for regional uplift, or subsidence;
      - 4) estimated wave effects associated with a designated storm with a 0.5% Annual Exceedance Probability; and
      - 5) a minimum freeboard of 0.6 metres;
    - v. cites the following when calculating the flood construction level:
      - 1) the Regional District of Nanaimo Electoral Area Regulatory Coastal Floodplain Maps dated April 25, 2022; and
      - 2) background information on the flood hazards, including without limitation, storm surges, erosion, wave effects, high tides, sewers, groundwater, reservoirs, road runoff and other natural and artificial water sources; and
    - vi. sets out any conditions to enable safe use of the land for the intended purpose. Any assumptions regarding future watershed and/or coastal conditions as they relate to the hazard assessments are to be clearly stated;

5.1.22 Coastal Flood Hazard Development Permit Area

- vii. certify the “subject land may be used safely for the use intended; and
  - viii. provides a flood assurance statement that confirms that an appropriate assessment has been conducted and that the Qualified Professional has taken responsibility for the work in the form prescribed in the Engineer and Geoscientists of British Columbia’s Flood Assessment Guidelines.
5. Recommendations within the flood report will form part of the development permit terms and conditions and the applicant may be required to register a section 219 covenant incorporating the flood hazard assessment at the applicant’s expense and to the satisfaction of the Regional District of Nanaimo.
  6. A Plan that demonstrates no habitable area below the flood construction level.

*Setbacks*

7. All development should be located in the least hazardous location on the property, as specified by the Qualified Professional.
8. Any proposed structural support or landfill used to achieve flood construction level must be:
  - a. setback a minimum of 15 metres from the natural boundary of the sea estimated for 1.0 metres of sea level rise; and
  - b. where the development site is at the top of a bluff that is 30 degrees or more from horizontal and where the toe of the bluff is subject to erosion and is less than 15 metres from a natural boundary of the sea, the minimum setback from the top of bluff must be equal to 3 times the height of the bluff as measured from the toe of the bluff to the elevation of the building foundation at its lowest point.

*Crawlspace*

9. A crawlspace proposed to be constructed below the flood construction level must meet the following requirements:
  - a. the building must be designed and anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
  - b. the height of the crawlspace, measured from the interior grade of the crawlspace to the underside of the floor system above must not exceed 1.2 metres at any point.

*Landfill*

10. Where landfill is used to raise the natural ground elevation, a **Drainage Plan** prepared by a Qualified Professional is required to establish run-off from the site, including from impervious and filled areas, will not be directed to adjacent properties. The drainage plan must indicate:
  - a. existing and proposed grades of the subject property;
  - b. existing grades of adjoining properties measured 3.0 metres from the common property line; and
  - c. proposed drainage treatments including any use of detention systems or permeable materials to limit or control runoff to adjacent properties.

*5.1.22 Coastal Flood Hazard Development Permit Area*

11. The placement of landfill must be supervised by a Qualified Professional to ensure it will not increase flood hazards for adjacent properties or weaken the overall hydraulic conditions of the floodplain area.

*Subdivision*

12. The permitted building envelope for every proposed lot in a subdivision must:
  - a. have a viable building site on natural grade that is above the Flood Construction Level for sea level rise as set out in the Coastal Flood Hazard Development Permit Area in the applicable official community plan and zoning bylaw; and
  - b. complies with the setback from the sea as established in the “Regional District of Nanaimo Flood Hazard Mitigation Bylaw No. 1872, 2023”.

## **5.2 Enforcement<sup>7</sup>**

**5.2.1** If a development permit is required under section 5.1.1 to 5.1.21, inclusive, of this bylaw, no person shall commence, authorize or permit the commencement of an activity for which a development permit is required without first obtaining a development permit for that activity.

**5.2.2** Any person who contravenes section 5.2 of this bylaw commits an offence and is liable on summary conviction to a fine not more than \$10,000, imprisonment for up to six months, or both.

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<sup>7</sup> Bylaw No. 500.426, adopted July 23, 2019