

AGENDA

AGENDA FOR THE SPECIAL MEETING OF
THE COUNCIL OF THE CITY OF NANAIMO,
TO BE HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON THURSDAY, 2014-JUN-05, COMMENCING AT 7:00 P.M.

CHAIR: MAYOR RUTTAN

ACTING MAYOR: COUNCILLOR PATTJE (2014-APR-28 TO 2014-JUN-08)

1. **CALL TO ORDER THE SPECIAL MEETING OF COUNCIL:**
2. **ADOPTION OF AGENDA: (Pattje/Greves)**
3. **CALL TO ORDER THE PUBLIC HEARING:**
4. **PUBLIC HEARING AGENDA:**

Mr. Bruce Anderson, Manager, Planning & Design Section to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*.

- (a) **Bylaw No. 4500.064** – RA330 – 2875 Departure Bay Road – to be introduced by Mr. Dave Stewart, Planner, Planning & Design Section. Pg. 3

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject property in order to permit a site specific liquor retail store within the Neighbourhood Centre (CC2) zone.

- (b) **Bylaw No. 4500.065** – RA328 – 5220 Hammond Bay Road – to be introduced by Ms. Sheila Herrera, Planner, Planning & Design Section. Pg. 4

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject property from Single Dwelling Residential (R1) to Townhouse Residential (R6) in order to allow for a multiple family residential development.

- (c) **Bylaw No. 6500.026** – OCP79 – Various Locations – to be introduced by Ms. Deborah Jensen, Community Development Planner, Planning & Design Section. Pg. 5

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of watercourse protection policy and guidelines contained within "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500".

5. **ADJOURNMENT OF THE PUBLIC HEARING:**

6. BYLAWS:

- (a) That ZONING AMENDMENT BYLAW 2014 NO. 4500.064” (RA330 - to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject property to permit a site specific liquor retail store within the Neighbourhood Centre (CC2) zone) pass third reading. *Pg. 6*
- (b) That ZONING AMENDMENT BYLAW 2014 NO. 4500.065” (RA328 - to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject property from Single Dwelling Residential (R1) to Townhouse Residential (R6) in order to allow for a multiple family residential development) pass third reading. *Pg. 7-8*
- (c) That OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2014 NO. 6500.026” (OCP79 - to amend “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500” by including text amendments and updating mapping layers in order to increase the effectiveness of watercourse protection policy and guidelines) pass third reading. *Pg. 9-29*
- (d) That OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2014 NO. 6500.026” (OCP79 - to amend “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500” by including text amendments and updating mapping layers in order to increase the effectiveness of watercourse protection policy and guidelines) be adopted. *Pg. 9-29*

7. ADJOURNMENT OF THE SPECIAL COUNCIL MEETING:

NOTICE OF PUBLIC HEARING

June 5th 2014 at 7:00 pm



There will be a Public Hearing on Thursday, June 5th 2014, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider a proposed amendment to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.064 at the Public Hearing.

BYLAW NO. 4500.064

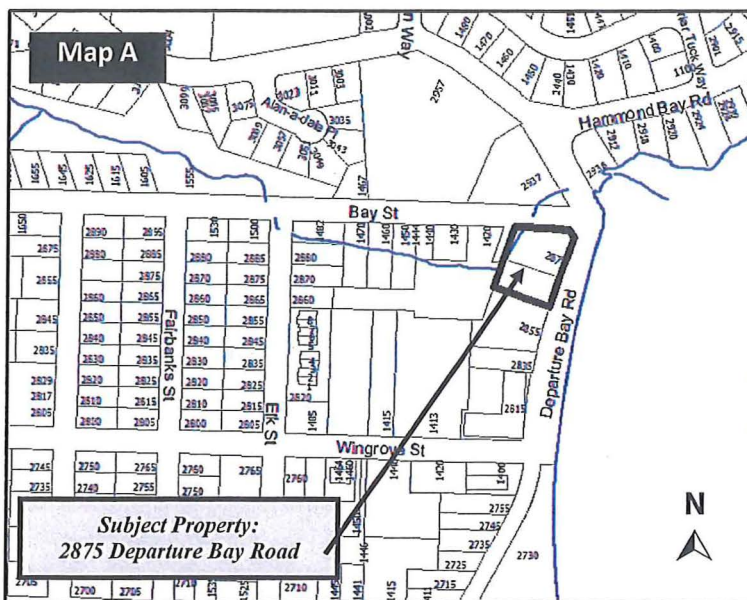
Purpose: To permit a site specific liquor retail store

Location(s): 2875 Departure Bay Road, shown on Map A

File No.: Rezoning Application - RA000330

This bylaw, if adopted, will rezone the subject property in order to permit a site specific liquor retail store within the Neighbourhood Centre (CC2) zone.

The subject property is legally described as LOT 1, SECTION 1, WELLINGTON DISTRICT, PLAN 16034 EXCEPT THAT PART IN PLAN VIP83027 AND LOT 2, SECTION 1, WELLINGTON DISTRICT, PLAN 16034, and are shown on Map A.



WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from May 23rd 2014 to June 5th 2014, from 8:00am to 4:30pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

WEBSITE: Application information can be accessed on the City's webpage:

What's Building In My Neighbourhood?
www.nanaimo.ca/whatsbuilding

QR CODE: Use this QR code on your mobile device to go directly to the online information.



Please be advised that additional bylaws are scheduled for the Public Hearing. The complete list of public hearing items is available on the City's website and published in local newspapers.

WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, June 5th 2014, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

IN PERSON: Drop off at the Service and Resource Centre, located at 411 Dunsmuir Street.

EMAIL: Email should be sent to public.hearing@nanaimo.ca

WEBSITE: Submit comments directly through the City's website at www.nanaimo.ca/publichearing

MAIL: City of Nanaimo, Community Development Department, 455 Wallace Street, Nanaimo, BC, V9R 5J6.

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

City of Nanaimo www.nanaimo.ca

Community Development Department

Location: Service and Resource Centre, 411 Dunsmuir Street

Phone: (250) 755-4429 Fax: (250) 755-4439

If you would like more information about Public Hearings please go to the City website at www.nanaimo.ca and use the search function to find the 'Public Hearing Information Sheet', which contains many frequently asked questions.

This Notice is published in accordance with Section 892 of the Local Government Act. Notice given by the Corporate Officer.

NOTICE OF PUBLIC HEARING

May 5th 2014 at 7:00 pm



There will be a Public Hearing on Thursday, June 5th 2014, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider a proposed amendment to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.065 at the Public Hearing.

BYLAW NO. 4500.065

Purpose: To permit the use of land for a multiple family residential development

Location(s): 5220 Hammond Bay Road, shown on Map A

File No.: Rezoning Application - RA000328

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Townhouse Residential (R6) in order to allow for a multiple family residential development.

The subject property is legally described as LOT 1, DISTRICT LOT 42, WELLINGTON DISTRICT, PLAN 32535 and is shown on Map A.

WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from May 23rd 2014 to June 5th 2014, from 8:00am to 4:30pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

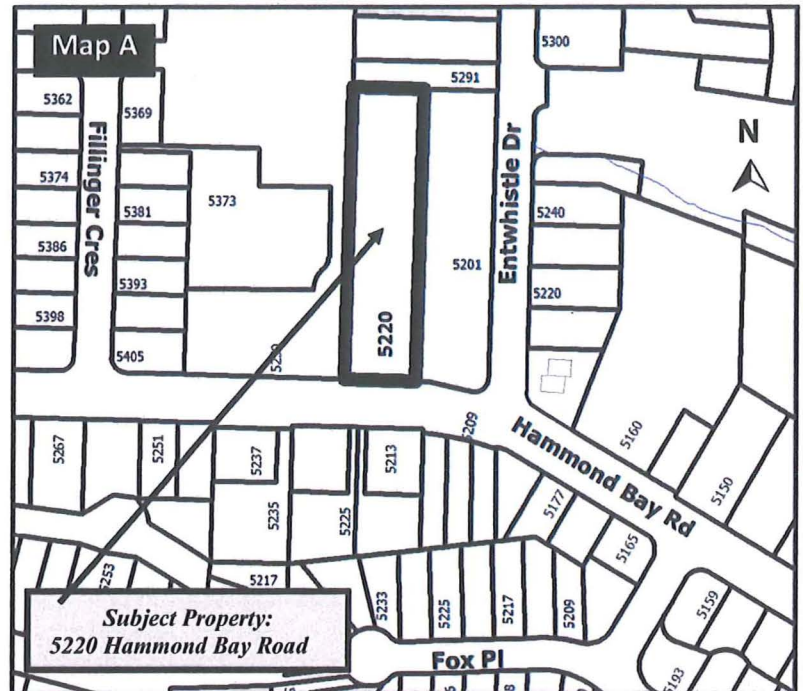
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NOTICE OF PUBLIC HEARING

June 5th 2014 at 7:00 pm



There will be a Public Hearing on Thursday, June 5th 2014, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 6500.026 at the Public Hearing.

BYLAW NO. 6500.026

Purpose: To update Official Community Plan development permit guidelines and information requirements to allow for a more comprehensive approach to watercourse and riparian setback area protection.

Location(s): Various

File No.: OCP00079

A review of riparian setback policy has resulted in proposed amendments to update watercourse protection policy, and provide a more thorough review during a development permit process. This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of watercourse protection policy and guidelines contained within "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500." Amendments include:

- a) replacing Development Permit Areas 1 (Watercourses) and 2 (Environmentally Sensitive Areas) to include new justification and guidelines for assessing development permit applications;
- b) amending section 7.6 Development Approval Information Areas to include a new Development Approval Information Area for Watercourses (DPA1) and update existing requirements and procedures for Environmentally Sensitive Areas (DPA2); each of these specify the information required to be submitted as part of a development permit application; and
- c) amending the Official Community Plan Glossary and Map 3 (Development Permit and Heritage Conservation Areas) Legend to reflect the updated Development Permit Areas 1 and 2.

WANT TO FIND OUT MORE INFORMATION?

IN PERSON: A copy of the above-noted bylaw and related documents may be inspected from May 23rd 2014 to June 5th 2014, from 8:00 am to 4:30 pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

WEBSITE: Information associated with this bylaw can be found in the April 28th 2014 and May 12th 2014 Council Agenda. From the City's home page (www.nanaimo.ca) use the link titled *Council Agenda/Minutes/Video*.

Please be advised that additional bylaws are scheduled for the Public Hearing.

The complete list of public hearing items is available on the City's website and published in local newspapers.

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

If you would like more information about Public Hearings please go to the City website at www.nanaimo.ca and use the search function to find the '**Public Hearing Information Sheet**', which contains many frequently asked questions.

WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00 pm, June 5th 2014, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

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www.nanaimo.ca

CITY OF NANAIMO

BYLAW NO. 4500.064

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "ZONING AMENDMENT BYLAW 2014 NO. 4500.064".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
 - (1) By amending Section 10.2.4 by adding 'Liquor Store' as a site specific use as follows:

Use	Permitted Location Address	Legal Description of Permitted Location
Liquor Store	2875 Departure Bay Road	LOT 1, SECTION 1, WELLINGTON DISTRICT, PLAN 16034 EXCEPT THAT PART IN PLAN VIP83027; and LOT 2, SECTION 1, WELLINGTON DISTRICT, PLAN 16034.

PASSED FIRST READING 2014-APR-28
PASSED SECOND READING 2014-APR-28
PASSED SECOND READING AS AMENDED 2014-MAY-26
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000330
Address: 2875 Departure Bay Road

CITY OF NANAIMO

BYLAW NO. 4500.065

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2014 NO. 4500.065".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, DISTRICT LOT 42, WELLINGTON DISTRICT, PLAN 32535 (5220 Hammond Bay Road) from Single Dwelling Residential (R1) to Townhouse Residential (R6) as shown on Schedule A.

PASSED FIRST READING 2014-MAY-12

PASSED SECOND READING 2014-MAY-12

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

COVENANT REGISTERED _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000328
Address: 5220 Hammond Bay Road

Schedule A



REZONING APPLICATION NO. RA000328

LOCATION PLAN

Civic: 5220 Hammond Bay Road



Subject Property

CITY OF NANAIMO

BYLAW NO. 6500.026

A BYLAW TO AMEND THE CITY OF NANAIMO
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2014 NO. 6500.026".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedules A to E to this Bylaw.

PASSED FIRST READING 2014-MAY-12
PASSED SECOND READING 2014-MAY-12
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: OCP00079
Riparian Policy

SCHEDULE A

1. Part C, Section 7.4 Development Permit Areas, Area 1 – Watercourses (DPA1) is deleted in its entirety and replaced with the following:

Area 1 – Watercourses (DPA1)

Category

s. 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

Justification

Watercourses with connectivity to freshwater fish habitat and their adjacent riparian areas provide habitat and travel corridors for fish and other wildlife. They also act as natural water storage, drainage and purifying systems. Riparian Leave Strips are the areas of land and vegetation adjacent to watercourses that need to remain in a largely undisturbed state in order to maintain healthy watercourse environments.

When in a natural state, riparian areas have dense and structurally complex vegetation that has high biodiversity and supports a significant number of wildlife species; and contributes to the ecological health of the adjacent watercourse and its fish habitat through:

- shading;
- the provision of food, nutrients and organic matter;
- the provision of large woody debris;
- stream bank stabilization; and
- the maintenance of water quality through the filtering of waterborne sediments and the uptake of nutrients and toxic materials by the vegetation and soil microorganisms.

Riparian areas also protect private property from flooding and potential loss of land from channel erosion and instability. Therefore, it is in the public interest to regulate activities in watercourses and their riparian areas for the purposes of habitat protection, flood prevention and erosion control.

Watercourses and their riparian leave strips offer residents health and wellness opportunities to interact with nature in an urban setting.

Development can contribute to changes in the riparian area through loss of trees, vegetation, and wildlife. These changes may also greatly diminish the watercourse's natural features, functions and conditions necessary to support fish life processes. DPA1 is intended to minimize the impacts of new development along watercourses and to maintain or restore important riparian functions that support both fish and wildlife habitat within the city.

Objectives

Protect watercourses with connectivity to freshwater fish habitat, their adjacent riparian areas, and upland areas that exert an influence on the watercourse from development.

Direct the restoration and enhancement of our watercourses and riparian areas so they can provide biologically diverse corridors for wildlife movement and for the protection of natural features, functions and conditions that support fish and wildlife processes.

Guidelines

Development permits issued in any part of the Development Permit Area (DPA) will be in accordance with the following:

- 1 No development shall occur within a DPA except for the following:
 - a Works and activities that comply with the laws, regulations and best management practices of the Federal *Fisheries Act* (Canada); and
 - b Works and activities that comply with the laws, regulations and best management practices of the Provincial *Water Act*, for example bank repairs, stormwater outfalls, road crossings, footbridges and pipeline crossings.
- 2 The width of the Riparian Leave Strip will be determined in one of the following ways:
 - a As specified on Map 3 of the Official Community Plan (OCP) and in Zoning Bylaw No. 4500, the width is measured horizontally from, and at right angles to, the Top of Bank of the watercourse, except where the watercourse is located in a ravine; in which case the Riparian Leave Strip extends beyond the Top of Bank for the distance specified on Map 3 and includes the area between the Top of Bank and the natural boundary; or
 - b As approved by Council and recommended by a Qualified Environmental Professional (QEP), acting in accordance with s. 4(2) of the *Riparian Areas Regulation* (RAR) of the *Fish Protection Act* and through Development Approval Information listed in section 7.6 of the OCP.
- 3 Where a Riparian Leave Strip is determined in accordance with 2(b) above, its boundary will also be established with consideration for the following:
 - a City staff and the applicant have held a pre-application meeting and have reviewed and revised the development proposal as much as reasonably possible to avoid encroaching into the Riparian Leave Strip on the property;
 - b There is no reduction in the quality of the fish and wildlife habitat provided by the Riparian Leave Strip;
 - c Terrain stability is not compromised;
 - d The principle of 'No Net Loss' will be followed;
 - e Any new areas added to the Riparian Leave Strip to replace those removed are contiguous with the original Riparian Leave Strip and located as close to the watercourse as possible; and
 - f The developer shall retain a QEP to ensure measures recommended through a RAR detailed assessment and any additional development approval information requirements are implemented as recommended.

- 4 An applicant for a development permit within DPA1 will be required to provide development approval information on the anticipated impact of all proposed development activity in relation to the natural environment for the lands within DPA1. Therefore, DPA1 is designated a Development Approval Information Area. See section 7.6 of the OCP for further information.
- 5 Permanent fencing and signage will be installed prior to construction to prevent encroachment into the Riparian Leave Strip.
- 6 The removal of culverts for watercourse daylighting projects is supported by the City and should be considered, as approved by a qualified engineer.

Exemptions

The following development activities are allowed to occur in this Development Permit Area without a development permit.

- 1 Gardening and yard maintenance activities within an existing landscaped area, such as mowing lawns, minor pruning of trees and shrubs, planting vegetation, and minor soil disturbance that does not alter the general contours of the land if the landscaped area was pre-existing to the *Riparian Areas Regulation* (2005-MAR-31).
- 2 Emergency procedures to prevent, control or reduce flooding, erosion or other immediate threats to life or property, including:
 - Emergency flood, erosion or forest fire control protection works;
 - Protection, repair or replacement of public utilities;
 - Clearing of an obstruction from a bridge, culvert or drainage flow; and
 - Repairs to bridges or safety fences.

Emergency actions for flood protection and clearing of obstructions by anyone other than the City of Nanaimo must be reported to the Public Works Department immediately.

- 3 Hazardous tree cutting or modifications completed by a certified arborist and approved through a permit issued by the City of Nanaimo under its Management and Protection of Trees Bylaw No. 7126, when effort is made to first mitigate potential hazards and utilize the tree for wildlife habitat values.
- 4 Trail construction. A development permit is not required for constructing a trail across a Riparian Leave Strip to access water if the following conditions are met:
 - Only one trail is built;
 - The trail is for personal, non-vehicular use only;
 - The trail is less than 1.5 metres in width;
 - No native trees will be removed;
 - The trail's surface will be pervious (allows water to filter through; for example, soil, gravel, mulch);
 - The overall slope of the trail is less than 10%; where portions are greater than 10%, the trail is designed to prevent erosion; and
 - Movement of soil, fill or aggregates occurs within a corridor less than two metres in width.

- 5 Public Works and Services. For works in and about a stream, both the Federal *Fisheries Act* and the Provincial *Water Act* continue to apply. A development permit is not required for construction, repair and maintenance of works undertaken by the City or its authorized agents and contractors, or by utilities with which the City has signed a memorandum of understanding provided these agencies comply with the *Guidelines for Municipal Works and Services within Environmentally Sensitive Areas (ESAs)*.
- 6 A development permit is not required for construction, repair and maintenance of works undertaken by the Department of Fisheries and Oceans and the Ministry of Forests, Lands and Natural Resource Operations for the enhancement and protection of fish habitat.
- 7 Subdivision. A development permit is not required for subdivision of lands containing a leave strip where:
 - Minimum lot areas are met exclusive of the DPA1 Riparian Leave Strip, as required under the Zoning Bylaw;
 - 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 in the Development Permit Area; and
 - All requirements made under the Subdivision Control Bylaw for identifying and marking watercourses, natural boundary, Top of Bank and other watercourse related features are met.
- 8 Restoration or enhancement of the riparian area, particularly where the riparian area may have already been impacted by previous development activities, may be a condition of subdivision approval.

Definitions

Certified Arborist means a person certified under the International Society of Arboriculture (ISA) with specific training as a Certified Tree Risk Assessor and / or a Wildlife / Danger Tree Assessor.

Development means any activity referred to in s. 920(1) of the *Local Government Act*, and includes:

- Removal, alteration, disruption or destruction of vegetation;
- Removal, deposit or distribution of soils;
- Construction or erection of buildings and structures;
- Creation of non-structural impervious or semi-impervious surfaces;
- Construction of roads, trails, docks, wharves and bridges;
- Development of utility corridors;
- Expansion of existing landscaping;
- Provision and maintenance of sewer and water services; and
- Subdivision as defined in section 872 of the *Local Government Act*.

Fill means soil, sand, gravel, rock or other material that can be used to alter the contours of land.

Fish means all life stages of salmonids, game fish and regionally significant fish.

Fish Bearing means the aquatic environment and the immediately surrounding terrestrial environment that are combined and afford the necessary biological and physical support systems required by fish species during various life history stages.

Fish Habitat means that the watercourse is either fish bearing, or is connected by surface flow to a watercourse that is fish bearing.

Natural Boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of water are so common and usual, and so long continued in all ordinary years as to leave a mark on the soil of the stream banks, above which there is a change in the character of the soil and vegetation. The high water mark is the edge of the active flood plain.

Natural Features, Functions and Conditions that Support Fish Life Processes include but are not limited to:

- Streams and their active floodplains;
- The multi-canopied forest and groundcover adjacent to streams that acts as wildlife migration corridors;
- Moderates water temperatures;
- Provides a source of food, nutrients and organic matter to streams;
- Establishes root matrices that stabilize soils and stream banks, thereby minimizing erosion;
- Buffers streams from sedimentation and pollution in surface runoff;
- Large organic debris that falls into the stream or streamside area, including logs, snags and root wads;
- Natural sources of stream bed substrates; and
- Permeable surfaces that permit infiltration to moderate water volume, timing and velocity, and maintain sustained water flows in streams, especially during low flow periods.

No Net Loss is a guiding principle that is made up of the following concepts:

- The existing condition of watercourse and riparian ecological form and function should not deteriorate due to permitted development.
- Adverse impacts from any planned development should be avoided, When this is not possible, impacts should be minimized through mitigation.
- If mitigation for development projects alone cannot prevent all cumulative adverse impacts, then restoration shall be required.

Qualified Environmental Professional (QEP) means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:

- The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, operating under that association's code of ethics and subject to disciplinary action by that association;

- The individual's area of expertise is recognized in the Provincial *Riparian Areas Regulation* assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and
- The individual is acting within that individual's area of expertise.

Ravine means a steep sided valley with slope grades greater than 3:1 (33%).

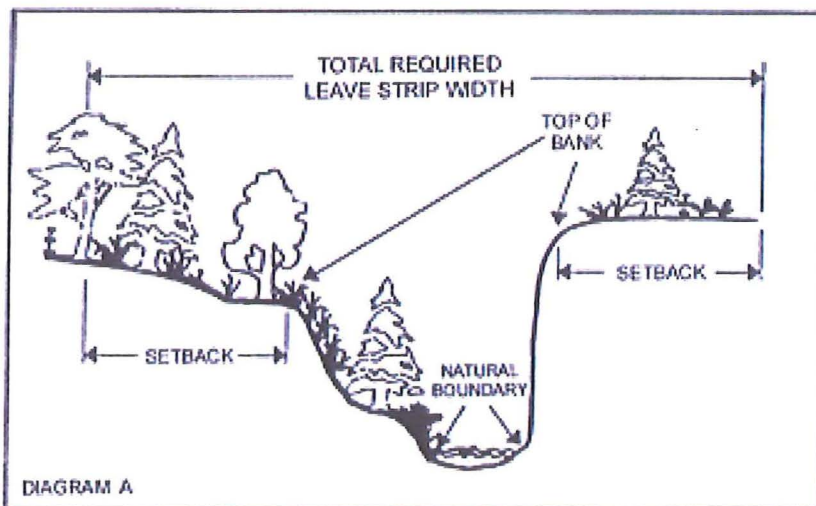
Riparian Leave Strip (also known as Leave Strip) means:

- The land and vegetation next to a watercourse with or without connectivity to freshwater fish habitat as defined under the OCP and Zoning Bylaw, and which is to be left in an undisturbed state.
- Where habitat for both fish and other significant wildlife has been defined by a QEP as part of a development permit, and which can include a Streamside Protection and Enhancement Area.
- Where wildlife habitat not critical to fish has been identified by a QEP, including:
 - o observed species and ecosystems at risk;
 - o wildlife den sites; and
 - o seasonal wetlands.
- The size and location of which are defined in Zoning Bylaw No. 4500 Schedule G, and in section 7.4 and Map 3 of the OCP.

Soil means the soil, sand, gravel, rock or other substances of which land is composed.

Streamside Protection and Enhancement Area (SPEA) means the area established by a QEP after a detailed assessment under the *Riparian Areas Regulation*, and is the existing and potential riparian area vegetation and the existing and potential adjacent upland vegetation that exerts an influence on a stream, the size of which is determined in section 2 of the DPA1 Guidelines. Assessments to determine a SPEA are incorporated within the City's development approval information.

Top of Bank as defined in Zoning Bylaw No. 4500, where it means the points closest to the natural boundary of a watercourse where a break in the slope of the land occurs such that the natural slope beyond the break is flatter than 3:1 (33%) for the required leave strip distance. (see Diagram A)



Watercourse means any drainage course or source of water in a channel with defined continuous banks, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, the sea, or source of groundwater and includes portions that may be within a conduit or culvert.

Wetland Boundary as defined in Zoning Bylaw No. 4500, where it means the high water mark or water level in wetlands, ponds, and lakes that is reached during annual winter flood events, as indicated by the presence of soil subject to regular inundation and / or vegetation that is typically adapted for life in submerged, semi-submerged or saturated soil conditions.

SCHEDULE B

2. Part C, Section 7.4 Development Permit Areas, Area 2 – Environmentally Sensitive Areas (DPA2) is deleted in its entirety and replaced with the following:

Area 2 – Environmentally Sensitive Areas (DPA2)

Category

s. 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

Justification

Environmentally Sensitive Areas (ESAs) are fragile remnants of unique ecosystems with high biodiversity. They include coastal bluffs, terrestrial herbaceous areas, older forest, sparsely vegetated areas, wetlands, riparian areas, and woodlands. They are identified on Map 3 of the Official Community Plan (OCP).

ESAs also provide protection for the habitat of rare and endangered species and, in combination with other greenway features (such as the city's watercourses and Parkway corridor), provide a network of wildlife habitat nodes and corridors within the city.

Native, rare and endangered plant and animal species, and ecological communities that are vulnerable due to their limited range need special consideration. Rare and endangered species and ecosystems are identified using the Red and Blue lists produced by the Conservation Data Centre of British Columbia. Red listed species are considered extirpated (locally extinct), endangered or threatened with total extinction. Blue listed species are considered at risk or of special concern.

Wildlife trees play an important role in forest ecosystems by contributing and maintaining habitat and biological diversity. Although wildlife trees are protected under the *Wildlife Act* and the City of Nanaimo Management and Protection of Trees Bylaw No. 7126, they should be identified for protection as part of an ESA.

Isolated wetlands and watercourses, with no connectivity to freshwater fish habitat, are not protected from development under the *Riparian Areas Regulation*. These ESAs, while not supporting fish and fish habitat, have high biodiversity and maintain natural hydrology. These features have leave strips that are identified in Zoning Bylaw No. 4500 Schedule C.

The marine foreshore is a critical environment that supports many native, rare and endangered species that rely on the specialized habitats found on the coast. Native vegetation promotes stable and biologically diverse areas that extend ecological support into the marine environment. These ecosystems also help in maintaining shoreline stability and minimizing erosion. This feature has a leave strip that is identified in Zoning Bylaw No. 4500 Schedule C.

Objectives

Protect areas of high environmental sensitivity and biodiversity within the city.

Minimize disturbance of ESAs during development.

Direct the restoration and enhancement of these ecosystems during development.

Guidelines

Development permits issued in any part of the Development Permit Area (DPA) will be in accordance with the following:

- 1 Generally, ESAs are identified on Map 3 of the OCP as DPA2. The identification of ESAs is based on the Sensitive Ecosystem Inventory (SEI) for East Vancouver Island and the Gulf Islands, supplemented by local knowledge. New ESAs may be identified, and the location and boundaries of ESAs shown on Map 3 will be refined as site specific information becomes available. The riparian leave strip for isolated wetlands, marine foreshore areas, and non fish bearing watercourses, are included as identified on Map 3, and in Zoning Bylaw No. 4500 Schedule C.
- 2 The width of the Riparian Leave Strip for isolated wetlands, watercourses and marine foreshore areas will be determined in one of the following ways:
 - a As specified on Map 3 of the OCP and in Zoning Bylaw No. 4500, measured horizontally from, and at right angles to, the Top of Bank, except where the watercourse is located in a ravine in which case the Riparian Leave Strip extends beyond the Top of Bank for the distance specified on Map 3 and includes the area between the Top of Bank and the natural boundary; or
 - b As recommended by a Qualified Environmental Professional (QEP), following the requirements and procedures listed in the OCP, section 7.6 Development Approval Information Area 2 (Environmentally Sensitive Areas).
- 3 No development shall occur within a Riparian Leave Strip for isolated wetlands, watercourses and marine foreshore areas except for works and activities that comply with the laws, regulations and best management practices of the Federal *Fisheries Act* (Canada) and the Provincial *Water Act* (British Columbia).
- 4 For isolated non fish bearing watercourses, no development shall occur unless they comply with the laws, regulations, and best management practices of the Provincial *Water Act*, for example, bank repairs, stormwater outfalls, road crossings, footbridges, and pipeline crossings.
- 5 Prior to any alteration of land within DPA2, an environmental assessment by a QEP shall be conducted to clearly identify ESAs and determine appropriate buffers or riparian leave strips to maintain them. The assessment should include mitigation measures to avoid impact to any ESAs identified. For details on requirements for the environmental assessment, please refer to the OCP, section 7.6 for development approval information.

- 6 Within an ESA:
 - a Trees and vegetation must not be cut, pruned, altered, removed or damaged in any way;
 - b Neighbouring development must not increase nor decrease surface flow or groundwater into the ESA;
 - c Gravel, sand, soils and peat must not be removed, and soil or other fill must not be deposited; and
 - d Vegetation that is not native to the Coastal Douglas Fir Biogeoclimatic Zone must not be planted.
- 7 Within the buffer of an ESA, development activity should minimize negative impacts by avoiding:
 - a Removal / modification of native vegetation;
 - b Introduction of non-native invasive vegetation;
 - c Impacts to the protected root zones of trees within the ESA;
 - d Use of fill;
 - e Disturbance of native soil;
 - f Blasting;
 - g Changes to hydrology; and
 - h Run off of sediments and construction related contaminants into the ESA.
- 8 The following measures shall be taken to prevent and mitigate any damage to the ESA:
 - a Permanent fencing shall be installed prior to construction to sufficiently protect the ESA and its buffer from construction and development activity; the fencing must have signage that identifies the area as environmentally sensitive;
 - b The developer will retain a QEP to monitor the site during construction;
 - c Demarcation of wildlife corridors, wildlife trees and significant trees;
 - d Restricting development activity during sensitive life cycle times; and
 - e Registration of a restrictive covenant determined on a case by case basis.
- 9 An applicant for a development permit within DPA2 will be required to provide development approval information on the anticipated impact of all proposed development activity in relation to the natural environment for the lands within DPA2. Therefore, DPA2 is designated a Development Approval Information Area. See section 7.6 of the OCP for further information.
- 10 Revegetation and restoration may be required as mitigation regardless of when the damage or degradation occurred. Invasive vegetation listed in the following table, and as presented on the Coastal Invasive Plant Committee Priority Listing, must not be planted.

Table 4 List of Invasive Vegetation

Common Name (s)	Scientific Name
Sweet vernal grass, large sweet vernal grass	<i>Anthoxanthum odoratum</i>
Japanese knotweed, bohemian knotweed	<i>Fallopia</i> sp.
English hawthorn, common hawthorn	<i>Crataegus monogyna</i>
Scotch broom, english broom	<i>Cytisus scoparius</i>
Orchard grass, cock's foot	<i>Dactylis glomerata</i>
Daphne, daphne-laurel	<i>Daphne laureola</i>
English ivy	<i>Hedera helix</i>
Common velvet grass, mesquite grass	<i>Holcus lanatus</i>
Gorse, furze, thorn broom	<i>Ulex europaeus</i>
Himalayan blackberry	<i>Rubus armeniacus</i> (discolour)
Giant hogweed	<i>Heracleum mantegazzianum</i>

Exemptions

A development permit is not required for:

- 1 Construction and / or alteration of a building or alteration of land where no part of the lot is within the ESA and buffer area.
- 2 Construction of one single family dwelling on a lot if the dwelling is built outside the ESA and its buffer area.
- 3 Agricultural use in the Agricultural Land Reserve.
- 4 Hazardous tree cutting or modifications, completed by a certified arborist and approved through a permit issued by the City of Nanaimo, under its Management and Protection of Trees Bylaw No. 7126, when effort is made to first mitigate potential hazards and utilize the tree for wildlife habitat values.
- 5 Emergency procedures as required by the Provincial Emergency Program or the City of Nanaimo to prevent or control forest fire, flooding, or erosion emergencies.
- 6 Public Works and Services. For works in and about a watercourse, both the Federal *Fisheries Act* and the Provincial *Water Act* continue to apply. A development permit is not required for construction or repair and maintenance of works by the City or its authorized agents and contractors; or by utilities with whom the City has signed a memorandum of understanding, provided they follow the City of Nanaimo *Guidelines for Municipal Works and Services within Environmentally Sensitive Areas (ESAs)*.
- 7 Subdivision. A development permit is not required for subdivision of lands containing an isolated non fish bearing watercourse where:
 - Minimum lot areas are met exclusive of the Riparian Leave Strip, as required under the Zoning Bylaw; and
 - 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 watercourse leave strips.

Definitions

Agricultural Use means a “farm operation” conducted in a manner consistent with “normal farm practice” as defined in the Provincial *Farm Practices Protection (Right to Farm) Act*.

Buffer means an area of land that surrounds and protects an environmentally sensitive area (ESA) from the adverse effects of activities on, or encroachment from, adjacent land. The buffer protects an ESA site on a property within DPA2. The width of a buffer is determined by a QEP as part of the development approval information requirements.

Certified Arborist means a person certified under the International Society of Arboriculture (ISA) with specific training as a Certified Tree Risk Assessor and / or a Wildlife / Danger Tree Assessor.

Development means any activity referred to in s. 920(1) of the *Local Government Act*, and including:

- Removal, alteration, disruption or destruction of vegetation;
- Removal, deposit or distribution of soils;
- Construction or erection of buildings and structures;
- Creation of non-structural impervious or semi-impervious surfaces;
- Construction of roads, trails, docks, wharves and bridges;
- Development of utility corridors;
- Expansion of existing landscaping;
- Provision and maintenance of sewer and water services; and
- Subdivision of land where there is the potential to create conditions for impacts to an ESA.

Riparian Leave Strip (also known as Leave Strip) means:

- The land and vegetation next to a watercourse with or without connectivity to freshwater fish habitat as defined under the OCP and Zoning Bylaw, and which is to be left in an undisturbed state.
- Where habitat for both fish and other significant wildlife has been defined by a QEP as part of a development permit, and which can include a Streamside Protection and Enhancement Area.
- Where wildlife habitat not critical to fish has been identified by a QEP, including:
 - o observed species and ecosystems at risk;
 - o wildlife den sites; and
 - o seasonal wetlands.
- The size and location of which are defined in Zoning Bylaw No. 4500 Schedule G, and in section 7.4 and Map 3 of the OCP.

Watercourse means any drainage course or source of water in a channel with defined continuous banks, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, the sea, or source of groundwater and includes portions that may be within a conduit or culvert.

SCHEDULE C

3. Part C, Section 7.6 Development Approval Information Areas is deleted in its entirety and replaced with the following:

DEVELOPMENT APPROVAL INFORMATION AREA 1

This section outlines the development approval information requirements and procedures for Watercourses – DPA1.

Category

s. 920.01(1) of the *Local Government Act*.

For the purposes of section 920.1, an Official Community Plan may do one or more of the following:

- Specify circumstances in which development approval information may be required under that section;
- Designate areas for which development approval information may be required under that section;
- Designate areas for which, in specified circumstances, development approval information may be required under that section.

Justification

The collection of specific development approval information is necessary while considering development of these lands to ensure the City of Nanaimo is provided with complete information to properly assess and mitigate conditions caused by that development, and its impact on the natural environment, rare and endangered vegetation, and sensitive habitat within the city.

Development approval information is required to determine the precise conditions for a development permit and the demarcation of the boundaries of Riparian Leave Strips, which incorporate Streamside Protection and Enhancement Areas (SPEA) and significant wildlife habitat features not critical to fish, referred to in DPA1 – Watercourses.

Objectives

To identify, protect and minimize the disturbance of riparian areas and watercourses within the city.

To preserve native, rare and endangered vegetation or wildlife in their natural state.

To support the objectives of DPA1 – Watercourses.

Requirements and Procedures

- 1 The Director of Community Development is delegated the power, duty and function to require development approval information for development permit applications as designated by Council.

- 2 The Director of Community Development shall determine whether, and to what extent, development approval information will be required.
- 3 Where development approval information is required, the information shall be provided by the applicant, at the applicant's cost, in the form of a report to the City prepared by the appropriate professional as set out in the following table.

Watercourses

Types of Information	Consulting Professional
Riparian Areas	Qualified Environmental Professional with direct expertise in fish habitat and stream / wetland ecology.
Species and Ecosystems at Risk	Consulting Professional Biologist with direct expertise in wildlife, terrestrial ecology and species at risk.
Steep Slopes	Geotechnical Engineer (P Eng) Hydrological Engineer (P Eng) Professional Geoscientist (P Geo)

- 4 The report shall provide the following information:

a A site plan

- professionally prepared at an appropriate scale;
- based on a legal survey, delineating the proposed development and associated features;
- the development permit area boundary;
- existing buildings and structures;
- roads and driveways;
- topographic features;
- the locations of the top of bank, high water mark, Riparian Leave Strip widths, the width of any zones of sensitivity, and measures to maintain the integrity of the Riparian Leave Strip.

Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.

b A site background analysis that includes the following:

In addition to the requirements of the *Riparian Areas Regulation*, a site inventory providing a description and evaluation of ecological and wildlife values, including those not necessarily critical to fish habitat, should be completed. Examples of significant values could include:

- observed species and ecosystems at risk
- wildlife den sites;
- seasonal wetlands; and
- amphibian species (native and invasive).

Any information on species and ecosystems at risk collected by the consulting biologist shall be provided to the Conservation Data Centre, Province of British Columbia.

- c **A description of the proposed development** detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the watercourse, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
- d **An assessment of the nature and extent of the impact of the proposed development.** For a stream, as defined under the *Riparian Areas Regulation*, the results of the riparian assessment, using a detailed assessment method to establish the SPEA width for the subject parcel. The assessment should include any significant wildlife features and habitat not critical to fish habitat, but found within the development permit area. The assessment should also identify impacts stemming from the construction phase, the intended long term use of the site, and any cumulative impacts of development.
- e **A description of all measures that will be taken to maintain and protect the SPEA and any significant wildlife features and habitat not critical to fish habitat** from development, including, where appropriate, assessment and treatment of danger trees, wind throw, slope stability, tree protection during construction, encroachment and sediment / erosion control.
- f Any **recommended monitoring requirements** identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
- g **Recommended actions to restore or enhance ecosystem form and function** that has been degraded prior to development or that would be impacted by the proposed development.

and

- h For a stream, as defined under the *Riparian Areas Regulation*, **professional confirmation** by the Qualified Environmental Professional(s) preparing the report that they are qualified to carry out the assessment; that the assessment methods have been followed; and providing his or her professional opinion that:
 - if the development is implemented as proposed, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish and wildlife processes in the Riparian Leave Strip; or
 - if the streamside protection and enhancement areas identified in the report are protected from the development, and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.
- 5 If the report includes maps, the maps are to be drawn at a scale of 1:2000, or at another scale as directed by City staff.
- 6 All spatial data requirements will be provided at the time of application.

DEVELOPMENT APPROVAL INFORMATION AREA 2

This section outlines the development approval information requirements and procedures for Environmentally Sensitive Areas (ESAs) – DPA2.

Category

s. 920.01(1) of the *Local Government Act*.

For the purposes of section 920.1, an Official Community Plan may do one or more of the following:

- specify circumstances in which development approval information may be required under that section;
- designate areas for which development approval information may be required under that section;
- designate areas for which, in specified circumstances, development approval information may be required under that section.

Justification

The collection of specific development approval information is necessary while considering development of these lands to ensure the City is provided with complete information to properly assess and mitigate conditions caused by that development, and its impact on the natural environment, rare and endangered vegetation, and sensitive habitat within the city.

Development approval information is required to determine the precise conditions for a development permit and the demarcation of the boundaries of non-disturbance areas and buffer areas in DPA2 – Environmentally Sensitive Areas.

Objectives

To identify, protect and minimize the disturbance of Environmentally Sensitive Areas (ESAs) within the city.

To preserve native, rare and endangered vegetation or wildlife in their natural state.

To support the objectives of DPA2 – Environmentally Sensitive Areas.

Requirements and Procedures

- 1 The Director of Community Development is delegated the power, duty and function to require development approval information for development permit applications as designated by Council.
- 2 The Director of Community Development shall determine whether, and to what extent, development approval information will be required.
- 3 Where development approval information is required, the information shall be provided by the applicant, at the applicant's cost, in the form of a report to the City prepared by the appropriate professional as set out in the following table.

Environmentally Sensitive Areas

Types of Information	Consulting Professional
Riparian Areas (not under <i>Riparian Areas Regulation</i>)	Registered Professional Biologist (RP Bio) with direct expertise in stream / wetland ecology Geotechnical / hydrological considerations: Geotechnical Engineer (P Eng) or Professional Geoscientist (P Geo)
Marine Foreshore (ie. coastal bluff, sparsely vegetated, terrestrial herbaceous, etc.)	Geotechnical / hydrological and marine considerations: Geotechnical Engineer (P Eng) or Professional Geoscientist (P Geo) Biological / environmental considerations: Registered Professional Biologist (RP Bio) with direct expertise in wildlife, terrestrial ecology and species at risk.
Tree and Natural Vegetation Protection (ie. woodland, terrestrial herbaceous, older second growth)	Registered Professional Biologist (RP Bio) or Registered Professional Forester (RPF), Registered Biology Technologist (RB Tech), Professional Agrologist (P Ag), Landscape Architect (BCSLA) with direct expertise in wildlife and forest ecology
Species and Ecosystems at Risk	Consulting Professional Biologist (RP Bio) with direct expertise in wildlife, terrestrial ecology and species at risk.
Steep Slopes (ie. terrestrial herbaceous, woodland, older second growth)	Geotechnical Engineer (P Eng) or Professional Geoscientist (P Geo)

4 The report shall provide the following information:

a A site plan

- professionally prepared at an appropriate scale;
- based on a legal survey, delineating the proposed development and associated features;
- the development permit area boundary;
- existing buildings and structures;
- roads and driveways; and
- topographic features.

Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included. For the marine foreshore and isolated, non fish bearing watercourses, include Top of Bank and the high water mark.

- b A **site inventory**, commenting on the ecosystem classification, and based on current best practices such as the Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field, providing information on the

existing plant communities; aquatic and terrestrial habitats; sensitive ecosystems; nesting trees; the presence of rare species and rare plant communities; wildlife den sites; amphibian population presence (native and invasive); current on site and adjacent land uses; slope stability; erosion processes; hydrology and topography. This baseline assessment may require the involvement of several suitably qualified professionals.

- c A **site background analysis** that includes a description of the context of the site including the use of adjacent lands and the proximity to other ESAs offsite and possible wildlife corridors to these other ESAs.
- d A **description of the proposed development** detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
- e An **assessment of the nature and extent of the impact** of the proposed development. In particular, anticipated impacts on identified site conditions within the ESAs are identified, including but not limited to, marine and / or terrestrial habitat, site hydrology, and public access to and along the foreshore.

The assessment should identify impacts stemming from the construction phase, the intended long term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.

- f Recommended **measures to limit mitigation and manage the impacts** of the proposed development on terrestrial, aquatic or marine habitats, as well as geomorphic, hydrological and coastal processes that are relevant to the site.

The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features. Recommendations on the width of buffers around ESAs should also be included as part of the measures.

- g Any **recommended monitoring requirements** identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
 - h **Recommended actions to restore or enhance ecosystem form and function** that have been degraded prior to development or that would be impacted by the proposed development.
- 5 If the report includes maps, the maps are to be drawn at a scale of 1:2000, or at another scale as directed by City staff.
- 6 All spatial data requirements will be provided at the time of application.

SCHEDULE D

4. The Glossary of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended by:

- a) Deleting the definition of 'Leave Strip' in its entirety.
- b) Deleting the definition of 'Riparian Area' in its entirety.
- c) Adding the definition of 'Riparian Leave Strip' as:

Riparian Leave Strip (also known as Leave Strip) means:

- The land and vegetation next to a watercourse with or without connectivity to freshwater fish habitat as defined under the OCP and Zoning Bylaw, and which is to be left in an undisturbed state;
- Where habitat for both fish and other significant wildlife has been defined by a Qualified Environmental Professional (QEP) as part of a development permit, and which can include a Streamside Protection and Enhancement Area;
- Where wildlife habitat not critical to fish has been identified by a QEP, including:
 - o observed species and ecosystems at risk;
 - o wildlife den sites; and
 - o seasonal wetlands.
- The size and location of which are defined in Zoning Bylaw No. 4500 Schedule G, and in section 7.4 and Map 3 of the OCP.

- d) Amending the definition of 'Streamside Protection and Enhancement Area (SPEA)' from

The area adjacent to a watercourse that links aquatic to terrestrial ecosystems, and includes both the riparian area and the adjacent upland area that exerts an influence on the watercourse, the width of which is determined in the Watercourse DPA1 (see Guidelines for Municipal Works and Services Within Environmentally Sensitive Areas (ESAs)).

to

Means the area established by a Qualified Environmental Professional (QEP) after a detailed assessment under the *Riparian Areas Regulation*, and is the existing and potential riparian area vegetation and the existing and potential adjacent upland vegetation that exerts an influence on a stream, the size of which is determined in section 2 of the DPA1 Guidelines. Assessments to determine a SPEA are incorporated within the City's development approval information.

SCHEDULE E

1. Map 3 (Development Permit & Heritage Conservation Areas) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:
 - a) Amend DPA1 to remove the ocean; and
 - b) Amend DPA2 to include the ocean

