

## **AGENDA**

REGULAR MEETING OF THE ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY  
SERVICE AND RESOURCE CENTRE BOARD ROOM, 411 DUNSMUIR STREET  
WEDNESDAY, 2014-FEB-12, COMMENCING AT 4:30 P.M.

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CHAIR: COUNCILLOR DIANE BRENNAN

1. **CALL THE REGULAR MEETING TO ORDER:**

2. **INTRODUCTION OF LATE ITEMS:**

3. **ADOPTION OF AGENDA:**

*(Motion required to adopt the agenda)*

4. **ADOPTION OF MINUTES:**

Minutes of the Regular Advisory Committee on Environmental Sustainability Meeting held Wednesday, 2013-DEC-11 at 4:37 p.m., in the Service and Resource Centre Board Room.

*Pg. 3-5*

*(Motion required to adopt minutes)*

5. **PRESENTATIONS:**

- (a) Regional District of Nanaimo presenting on the Waste to Energy Systems and the Regional Solid Waste Plan.
- (b) Richard Harding, Director, Parks, Recreation and Environment, and Rob Lawrance, Environmental Planner, providing an update on the organizational changes.

6. **CHAIR'S REPORT:**

7. **REPORTS OF ADVISORY BODIES:**

- (a) **Nanaimo River Watershed Roundtable:** Rob Lawrance to report on the meetings held since 2013-DEC-11.

8. **STAFF REPORTS:**

- (a) **Riparian Area Setback Variance Policy Review**  
**R. Lawrance, Environmental Planner**

*Pg. 6-27*

*Purpose: To review the final draft changes to the Development Permit Process Guide and Development Permit Areas 1 (Watercourses) and 2*

*(Environmentally Sensitive Areas), including their Development Approval Information Areas, before they are presented to Council with a recommendation to amend the OFFICIAL COMMUNITY PLAN BYLAW 2008, No. 6500.*

Staff Recommendation: That the Advisory Committee on Environmental Sustainability endorse the revisions and guidelines as developed through the Riparian Area Setback Policy Review as presented in Appendices A, B, and C.

*(Motion required to adopt recommendation)*

- (b) **ACES 2014 Work Plan**  
**R. Lawrance, Environmental Planner**
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*Pg. 28-31*

*Purpose: To obtain ACES's and Council's approval on the 2014 Work Plan.*

Staff Recommendation: That the Advisory Committee on Environmental Sustainability recommend that Council approve the Committee's 2014 Work Plan.

*(Motion required to adopt recommendation)*

9. **CORRESPONDENCE:**

- (a) Nanaimo Carshare AGM, Wednesday, 2014-FEB-26, 7pm to 9pm, Service and Resource Centre Board Room.
- (b) RDN Community Watershed Monitoring Network results session, Thursday, 2014-FEB-13, 4pm to 7pm, Parksville Community Conference Centre, Red Cedar Room.

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10. **NOTICE OF MOTION:**

11. **OTHER BUSINESS:**

*(Motion required to review other business)*

12. **QUESTION PERIOD:** *(Agenda Items Only)*

13. **ADJOURNMENT:**



**MINUTES**

**ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY (ACES)**  
**MEETING HELD ON WEDNESDAY, 2013-DEC-11 AT 4:30 PM**  
**BOARD ROOM, SERVICE AND RESOURCE CENTRE (411 DUNSMUIR STREET)**

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<b>Members Present:</b>	Diane Brennan, Chair Anne Kerr Calvin Tant Ted Perry	Sheri DeBoer Suzanne Andre Glenda Hunter (alternate for Michele Patterson) Shelley Serebrin (alternate for Chad Dalrymple)
<b>Members Absent:</b>	Michele Patterson Jan Hastings	Chad Dalrymple Wally Wells
<b>Public Present:</b>	Tim McGrath	
<b>Staff Present:</b>	Rob Lawrance, Environmental Planner Rebecca Tubbs, Recording Secretary	

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**1. Call to Order**

Chair D. Brennan called the meeting to order at 4:37 pm.

**2. Approval of Agenda & Late Items**

The agenda was approved with the addition of the following late item:

- a) ViaVelo Courier  
For information. Nanaimo's first human powered courier is ready to deliver. More information is available at [www.viavelocourier.com](http://www.viavelocourier.com).

It was suggested that the following item be moved to the top of the agenda:

- b) Corporate Reorganization (T. Swabey, City Manager)  
T. Swabey, City Manager, attended the meeting to discuss the recent corporate restructuring. He introduced himself and began by explaining the purpose of the reorganization 1) to improve communications 2) to reduce city costs and 3) to align budget with strategic plan goals. The changes were discussed.

S. Serebrin arrived at 4:39 pm.

The information was received as presented. D. Brennan thanked T. Swabey for attending the meeting, before he left the room at 5:12 pm.

**3. Adoption of Minutes (2013-NOV-13)**

A. Kerr requested that the following amendments be made:

Item 7A) Riparian Area Setback Variance Policy Review – Receive Comments on Draft DPA Guidelines

- .....to discuss **redesign of the development concept prior to discussing relaxing other development restrictions and relaxing other development restrictions** before varying the watercourse setback area.
- Strengthen the language, using terms such as "will, shall, must". It was suggested that the heading "Guidelines" in OCP 7.4 be changed to "Requirements and Procedures" to be consistent with OCP 7.6 (watercourse development approval information area) and to reflect the existing language used such as "will, shall, must".**

.....Council needs to have an independent review completed by **staff or a QEP hired by the City. an unbiased QEP. One or two could be persuaded.**

- Make note that the Development Process Review Committee (DPRC) stated the importance of having a clear process that lays out how a variance can be applied for.
- Make note that the City can meet or beat provincial standards.

It was moved and seconded that the 2013-NOV-13 Minutes be adopted with the above noted amendments. The motion was carried.

#### 4. Items Arising from Minutes

None.

#### 5. Delegations

None.

#### 6. Correspondence, Handouts, Notices

a) Letter to Mayor & Council re Burning Plastic

For information. Mayor & Council received a letter from a resident complaining about the burning of plastic in residential woodstoves.

It was suggested that this year may be a good time to step up the education aspect of the Burn It Smart program. It was suggested that the item of wood burning be added to the 2014 work plan for more discussion.

The Committee made note of the importance of public education, especially when it comes to plastic recycling. G. Hunter volunteered to research and prepare information on this topic for discussion at a future meeting.

C. Tant arrived at 5:35 pm. G. Hebert left the meeting at 5:36 pm.

D. Brennan suggested having both a Regional District of Nanaimo (RDN) and Nanaimo Recycling Exchange (NRE) staff person attend a future meeting to discuss the future of plastics recycling. Staff will arrange this.

It was moved and seconded that the letter be received as presented, and that staff from the Regional District of Nanaimo (RDN) and Nanaimo Recycling Exchange (NRE) be invited to attend a future meeting. The motion was carried.

#### 7. Ongoing Business

a) Riparian Area Setback Variance Policy Review – Update on Meeting with ACES Members and QEPs on Draft DPA Guidelines

For information. Staff would like to continue to meet with the QEP and ACES subcommittee group (a short meeting next week) to prepare a draft report. The draft report will be provided to ACES members at the January 2014 meeting for review and comment before continuing forward to the Development Process Review Committee (DPRC) and Council.

b) Proposed Revisions to the Integrated Pest Management Act

For information. A link to the proposed revisions was provided to members via email prior to the meeting. It was noted that the proposed revisions are expected to be included in the Act in 2014, which may affect the City's pesticide bylaw. Schedule 2 (a list of provincially exempt pesticides) is included in the City's bylaw as per provincial requirements. This has changed with the creation of Schedule 5 (a list of provincially exempt pesticides that are more benign). The City's bylaw can be amended to include Schedule 5 instead of Schedule 2 once the province has formally approved the changes. It was suggested that this be added to the work plan.

## 8. New Business

### a) 2013 Work Plan Review & Opportunity to Discuss Initial Ideas for 2014 Work Plan

Staff reviewed each of the 2013 work plan items, noting the progress made to date on and their current status. In preparation for a 2014 work plan, the Committee was asked to brainstorm issues and topics that they would like added:

- **Education & Promotional Programs:** Determine a way to measure success of the promotion of environmental programs. Are we being effective? Expand what we currently offer in terms of environmental program promotion (suggestion was to hold an annual environmental forum, possibly during earth week?).
- **Response to Fisheries Act Changes:** A few months ago, we had discussed putting a resolution forward to AVICC. The deadline for resolutions is 2014-JAN-14. R. Lawrance suggested that we talk to other communities to collaborate on a common resolution. D. Brennan suggested that the discussion take place at AVICC during a roundtable discussion. R. Lawrance agreed and suggested that a DFO rep attend as well.
- **Incinerator:** One member mentioned the issue of the incinerator, asking whether or not this was ACES area to comment? D. Brennan suggested that staff contact the City manager to ask if / what role ACES should play in this topic.
- **Erosion & Sediment Control Bylaw:** Would like to have more discussion around the management, education and enforcement of erosion and sediment control. S. DeBoer volunteered to pull together information on Chilliwack's Bylaw and provide it to members as information.
- **Lack of tree buffers:** S. Andre is concerned with the visual appeal of Hammond Bay Road with all of the new development. The streetscapes are not "green". Huge retaining walls with no trees. R. Lawrance suggested that maybe the Committee consider an update or review of the Urban Forest Management Strategy in tandem with the City's Urban Forester.

Staff will use the above noted suggestions to create a draft work plan for review at the next meeting.

## 9. Council Update

None.

## 10. Next Meeting

The next regularly scheduled meeting is 2014-JAN-08 at 4:30 pm in the Board Room of the Service and Resource Centre (411 Dunsmuir Street).

## 11. Adjournment

The meeting adjourned at 6:45 pm

APPROVED:

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Chair

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Date

**City of Nanaimo**

**REPORT TO THE**  
**ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY**

DATE OF MEETING: 2014-FEB-12

AUTHORED BY: ROB LAWRENCE, ENVIRONMENTAL PLANNER  
PARKS, RECREATION AND ENVIRONMENT

RE: RIPARIAN AREA SETBACK VARIANCE POLICY REVIEW –  
DEVELOPMENT PERMIT AREAS FOR WATERCOURSES  
AND ENVIRONMENTALLY SENSITIVE AREAS

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STAFF RECOMMENDATION:

That the Advisory Committee on Environmental Sustainability endorse the revisions and guidelines as developed through the Riparian Area Setback Policy Review as presented in Appendices A, B, and C.

PURPOSE:

To review the final draft changes to the Development Permit Process Guide and Development Permit Areas 1 (Watercourses) and 2 (Environmentally Sensitive Areas), including their Development Approval Information Areas, before they are presented to Council with a recommendation to amend the OFFICIAL COMMUNITY PLAN BYLAW 2008, No. 6500.

SUMMARY:

To implement the following recommendations from the Riparian Setback Variance Policy Review:

- Review and update policy and guidelines for DPA 1 (Watercourses) and DPA 2 (Environmentally Sensitive Areas) and include Development Approval Information Areas (DAIAs) for both.
- Develop a revised watercourse setback variance process for Staff and applicants to use before and during a watercourse development permit.

BACKGROUND:

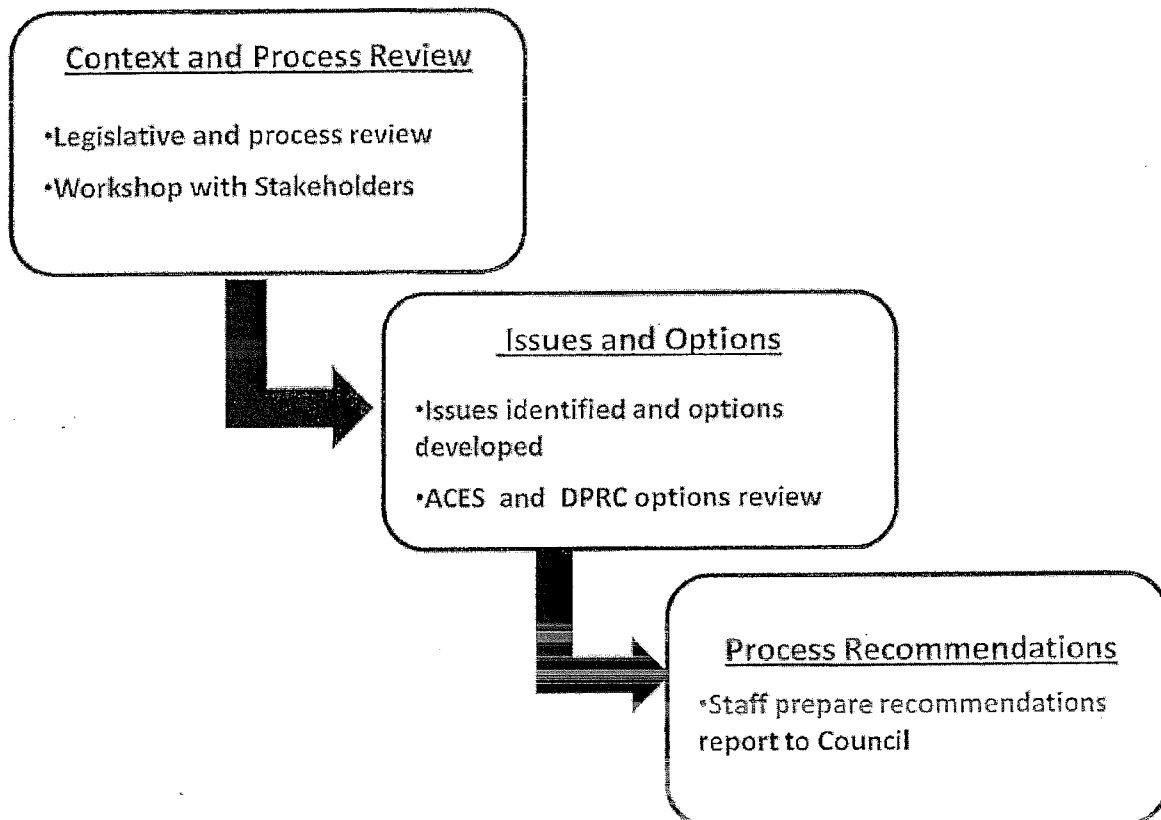
A riparian setback variance policy review was initiated when Council made the following motion on 2012-DEC-17:

*“That Council request that the Planning Department review the riparian setback variation policy, in consultation with the Advisory Committee on Environmental Sustainability (ACES), the Development Process Review Committee (DPRC) and the development community, and forward any resulting recommendations for change for Council’s consideration.”*

The City of Nanaimo currently identifies watercourses and riparian areas in the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500,” within Development Permit Area 1 (DPA1) Watercourses, and in the “ZONING BYLAW 2011 NO. 4500” under ‘Schedule C’ (Watercourses).

The riparian setback variance policy review process (See Figure 1) began with a context and process review by staff.

Broad consultation with stakeholder groups was incorporated into the review, including members of Council, ACES, DPRC, invited development and environment community representatives, qualified environmental professionals (QEP), representatives from Federal Department of Fisheries and Oceans (DFO), the Provincial Ministry of Environment (MoE), and City Staff.



**Figure 1: Watercourse Setback Review Process**

A key part of the process review was the stakeholder’s workshop, held on 2013-MAR-20. During the workshop, all stakeholders were provided with background on the issues and then asked to provide comment and input in small break-out groups.

A review of the comments and concerns raised during the workshop identified three key issues:

1. **SCOPE:** Protection of watercourse habitat values needs to look beyond fish protection.
2. **PROCESS:** Protecting the City's watercourses can be accomplished at the time of subdivision and through a more robust development permit process.
3. **EDUCATION / COMMUNICATION:** The City has a larger role to play in improving the public's awareness of our riparian and aquatic ecosystems and the work to improve this habitat.

An interim report on the overall riparian setback policy review process was prepared and presented to Council 2013-JUN-24. The report provided background on the overall process and the results of the public and Staff consultation, which helped develop the list of options for recommendation.

## DISCUSSION:

### **Revised Development Permit Area Guidelines**

The Development Permit Area guidelines for Watercourses (DPA 1) and for Environmentally Sensitive Areas (DPA 2) have been revised to incorporate the recommendations of the Riparian Setback Policy Review (Appendix A). The review recommended changes to the existing DPA 1 guidelines to minimize the need to vary existing watercourse setbacks and to clarify the variance process for Council, Staff and development applicants. Highlights of the changes to the guidelines include the following:

- Definitions in both DPA 1 & DPA 2 have been revised to conform to provincial requirements and to provide consistency.
- Non-RAR applicable watercourses (i.e. marine foreshore, estuaries, streams providing indirect flow into fish-bearing streams, etc.) are now to be included as part of DPA 2.
- Clarification of the steps needed to vary existing watercourse setbacks is provided.
- Consideration to ensure a 'no net loss' of riparian and watercourse habitat that include:
  - City Staff and the applicant holding a pre-application meeting and adjusting other development restrictions as much as reasonably possible before proceeding with a variance application into DPA 1.
  - Confirmation from the QEP no reduction in the quality of fish and wildlife habitat has occurred within the setback or that terrain stability has not been compromised.
- Clearer guidance that a QEP is expected to be available during construction / post-construction phases to ensure the variance mitigation recommendations are implemented and that environmental impact on the watercourse is minimized.

### **Development Approval Information Areas**

The *Local Government Act* allows for local governments to create areas where development approval information can be required. Development approval information includes information on the anticipated impact of a proposed activity or development. These provisions give local government the ability to require, at the applicant's expense, impact assessment studies relating to the proposed activity or development. For DPA 1, a development approval information area is being proposed, in order to meet the requirements of both the Provincial *Riparian Areas*



*Regulation* and to identify significant wildlife habitat features, beyond what is necessary to protect fish habitat. The existing development approval information area for DPA 2 is being revised to include environmental impact assessment studies focussing on identifying and protecting environmentally sensitive areas, including marine foreshore areas and isolated wetlands and watercourses, with no connectivity to freshwater fish habitat. Both can be found in Appendix B.

### **Revised Development Permit Process**

The development permit process has been revised to include a pre-application stage where a developer will need to meet with City Staff and review their project concept along with technical professionals, including a QEP, if a watercourse is on the property where the project is being proposed. These meetings are intended to review the technical requirements, costs, and development permit process steps necessary to proceed with the project and confirm if a watercourse setback variance is necessary. The intention is to save time and costs for both the applicant and Staff as the project proceeds through the development permit process. A Riparian Setback Variance Guide has been drafted which will be used in a brochure for Staff and applicants and can be viewed in Appendix C.

In order to provide better understanding for Council and City Staff of the conclusions of the RAR detailed assessments, an executive summary will be required from the QEP.

These executive summaries will provide:

- An impact statement to identify if the proposed project is likely to negatively impact the watercourse or its riparian area.
- If the variance requires additional agency review or approval (i.e. DFO).
- A brief description of the habitat compensation or restoration work proposed on the site, or on an alternate site if the site is too constrained, and how it improves the ecological value of the site for fish AND other significant riparian species.
- Confirmation that the principle of a no net loss of habitat has been satisfied.

### **Next Steps in the Review Implementation**

Over the coming months, Staff will implement the review recommendations and focus next on the following actions:

- Review and update the City's Online Watercourse and Environmentally Sensitive Area (ESA) mapping. Update the City Habitat Atlas (<http://enviro.nanaimo.ca/>) as an environmental resource and reference for the community.
- A review and update of the *Guidelines for Municipal Works and Services within Environmentally Sensitive Areas*, which is referred to within DPA 1 in order to improve City Staff procedures and policies when working around watercourses and other environmentally significant features.
- Review the subdivision process with Staff and identify opportunities to minimize watercourse setback adjustments at the time of subdivision and improve erosion and sediment control procedures.

STRATEGIC PLAN CONSIDERATIONS:

Council's resolution instructing Staff to undertake a review of the City's approach to implementing the Provincial RAR, is supported by the Environmental Responsibility Sustainability Pillar of the Strategic Plan.

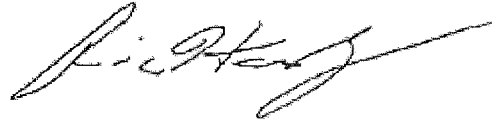
Respectfully submitted,



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Rob Lawrance  
ENVIRONMENTAL PLANNER  
PARKS, RECREATION AND ENVIRONMENT

Concurrence by:



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Richard Harding  
DIRECTOR  
PARKS, RECREATION AND ENVIRONMENT

DRAFTED: 2014-FEB-04  
File: A2-4 / (topic file codes)  
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# APPENDIX A

## PROPOSED AMENDMENTS AND REVISIONS TO DPA 1 (WATERCOURSES) AND DPA 2 (ENVIRONMENTALLY SENSITIVE AREAS)

### AREA 1 – WATERCOURSES (DPA 1)

#### Category

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

#### Justification

Watercourses 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 water born 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 by offering opportunities to interact with nature within an urban setting.

Development can contribute to changes in the riparian area through loss of trees and vegetation and the alteration of natural processes. These changes may greatly diminish the features, functions and conditions necessary to support fish life processes ability. DPA 1 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

The objectives of this development permit area are to:

- Protect watercourses, their adjacent riparian areas, and the adjacent upland areas that exert an influence on the watercourse from development; and
- Direct the restoration and enhancement of our watercourses and adjacent riparian areas so they can provide biologically diverse wildlife corridors for wildlife movement and the natural features, functions and conditions that support fish life processes.

### **Guidelines**

Development permits issued in any part of this 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 (Development Permit and Heritage Conservation Areas) and in Zoning Bylaw No. 4500, 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 recommended by Qualified Environmental Professional (QEP) acting in accordance with Section 4 (2) of the *Riparian Areas Regulation* of the *Fish Protection Act* and Development Approval Information listed under Section 7.6
3. Where a SPEA is determined in accordance with 2 (b) above, its boundary will also be established with consideration of the following:
  - (a) City Staff and the applicant have held a pre-application meeting and have revised development restrictions 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 SPEA.
  - (c) Terrain stability is not compromised.
  - (d) The principle of 'No Net Loss' is followed and any variance will minimize any loss that will occur to watercourse habitat productivity and biodiversity.
  - (e) Any new areas added to the SPEA to replace those removed are contiguous with the original SPEA and located as close to the watercourse as possible.
  - (f) A QEP will be retained to ensure measures recommended through a RAR detailed assessment and/or any additional Development Approval Information requirements are implemented as recommended.
4. An applicant for a development permit within DPA 1 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 DPA 1. Therefore, DPA 1 is designated a Development Approval Information Area. See section 7.6 of the OCP for further information.
5. Fencing and signage will be installed to prevent encroachment into the SPEA during and after construction.
6. The removal of culverts for watercourse day lighting 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* (March 31, 2005).
2. Emergency procedures to prevent, control or reduce flooding, erosion or other immediate threats to life or property do not require a development permit, 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 Tree Management and Protection 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 SPEA 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 metre 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 Ministry of Forest Lands and Resource Operations (FLNRO) 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 DPA 1 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.

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**

**Development** means any activity referred to in Section 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 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 Habitat** means that the watercourse is either fish-bearing, or is connected by surface flow to a watercourse that is fish-bearing.

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

**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;
- mammalian den and bird nesting sites;
- 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.

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

- The surrounding terrestrial environment that links aquatic to upland terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the watercourse.
- Where both fish and non-fish bearing habitat exists, the riparian areas are recognized as leave strips.
- The size and location of which are defined in the City of Nanaimo Zoning Bylaw 4500 Schedule G, and OCP Map 3, and within section 7.4.

**Streamside Protection and Enhancement Area (SPEA):** A Streamside Protection and Enhancement Area (SPEA) is established by a Qualified Environmental Professional after a detailed assessment 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 guidelines.

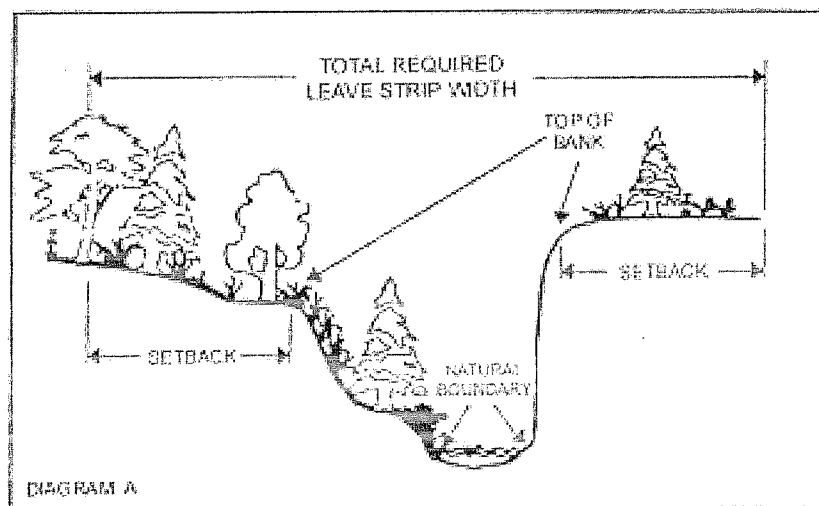
**Qualified Environmental Professional (QEP)** means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:

- the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting 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 Area 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%).

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

**Top of Bank** as defined in Zoning Bylaw No. 4500: 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, as seen on Diagram A



**Watercourse** includes any of the following that provide fish and non-fish bearing habitat:

- a pond, lake, river, stream, creek, or brook;
- any of the above, whether it contains water or not; and / or,

- a spring or wetland that is connected by surface flow (including portions that may be within a conduit or culvert) to something referred to above.

**Wetland Boundary** as defined in Zoning Bylaw No. 4500 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.”

## **AREA 2 - ENVIRONMENTALLY SENSITIVE AREAS (DPA2)**

### **Category**

Section 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 (Development Permit and Heritage Conservation Areas) of the Official Community Plan.

ESAs also provide protection for the habitat of 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.

Rare and endangered plant and animal species, and ecological communities are vulnerable due to their limited range. 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 under the City of Nanaimo Bylaw for the 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 on Schedule C of Zoning Bylaw No. 4500.

The marine foreshore is a critical environment that supports many rare 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 on Schedule C of Zoning Bylaw No. 4500.

### **Objectives**

The objectives of this Development Permit Area are to:

- Protect areas of high environmental sensitivity and biodiversity within the City of Nanaimo.
- Minimize disturbance of ESAs during development.
- Direct the restoration and enhancement of these ecosystems during development.



### **Guidelines**

Development permits issued in any part of this DPA will be in accordance with the following:

1. Generally, ESAs are identified on Map 3 (Development Permit Areas and Heritage Conservation Areas) 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. Isolated wetlands, marine foreshore areas and non fish-bearing watercourses, not covered under DPA 1, are included as identified on Map 3 of the OCP and on Schedule C of Zoning Bylaw 4500.
2. Prior to any alteration of land within DPA 2, an environmental assessment by a Qualified Environmental Professional shall be conducted to clearly identify ESAs and determine appropriate buffers to maintain them. The assessment should include mitigation measures to achieve the least amount of impact to any ESAs identified. For details on requirements for the environmental assessment, please refer to Section 7.6 for Development Approval Information.
3. 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.
4. Within the buffer of an ESA, development activity should minimize negative impacts by avoiding:
  - removal / modification of native vegetation;
  - introduction of non-native invasive vegetation;
  - impacts to the protected root zones of trees within the ESA;
  - use of fill;
  - disturbance of native soil;
  - blasting;
  - changes to hydrology; and,
  - run-off of sediments and construction related contaminants into the ESA.
5. The following measures shall be followed to prevent and mitigate any damage to the ESA:
  - (a) permanent fencing with a continuous barrier, sufficient to protect the ESA and its buffer from construction and development activity, determined on a case by case basis by a QEP. The fencing must have signage that identifies the area as environmentally sensitive;
  - (b) environmental monitoring 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.
6. An applicant for a development permit within DPA 2 must provide development approval information on the anticipated impact of all proposed development or activity in relation to

the natural environment for the lands within an ES-DPA. Therefore, DPA 2 is designated a Development Approval Information Area. See section 7.6 of the OCP for further information.

7. Re-vegetation 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 1 – LIST OF INVASIVE VEGETATION]**

Common Names(s)	Scientific Name
Sweet vernal grass, large sweet vernal grass	<i>Anthoxanthum odoratum</i>
Japanese Knotweed, Bohemian Knotweed	<i>Fallopia sp.</i>
English Hawthorn, Common Hawthorn	<i>Crataegus monogyna</i>
Scotch Broom, English Broom	<i>Cytisus scorpius</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>Halcus lanatus</i>
Gorse, Furze, Thorn Broom	<i>Ulex europaeus</i>
Himalayan Blackberry	<i>Rubus armeniacus</i> )(discolour)
Giant Hogweed	<i>Herculeum 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 non-aquatic 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 Tree Management and Protection 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, 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)*.

### **Definitions**

**Agricultural use** means a “farm operation” conducted in a manner consistent with “normal farm practice” as defined in the *Farm 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 any ESA sites on the property within the ESDPA.

**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 Section 920(1) of the *Local Government Act* and includes the following:

- removal, alteration, disruption or destruction of vegetation;
- removal, deposit or disruption 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;
- 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.

## **APPENDIX B**

### **PROPOSED SECTION 7.6 DEVELOPMENT APPROVAL INFORMATION AREA (WATERCOURSES) AND (ENVIRONMENTALLY SENSITIVE AREAS)**

#### **7.6 Development Approval Information Areas**

This section outlines the development approval information requirements and procedures for **Watercourses – DPA 1**.

##### **Category**

Section 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 demarcation of the boundaries of Riparian Leave Strips, Streamside Protection and Enhancement Areas and the formulation of conditions for development permits referred to in DPA 1 – 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 its natural state.

##### **Requirements and Procedures**

1. For an application for a development permit designated by Council, the Director of Community Development is delegated the power, duty and function to require development approval information.
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.

**[Table 2 - Watercourses]**

<b>Types of Information</b>	<b>Consulting Professional</b>
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, Streamside Protection and Enhancement Area (SPEA) widths, the width of any zones of sensitivity, and measures to maintain the integrity of the SPEAs. 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. Any species and ecosystems at risk including data collected by the consulting biologist shall be provided to the Conservation Data Centre, Province of British Columbia. Examples of significant values could include:
  - observed species and ecosystems at risk;
  - wildlife den sites;
  - seasonal wetlands; and
  - amphibian species (native and invasive).
- 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 identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development.
- e. For a stream, as defined under the *Riparian Areas Regulation*: **a description of all measures that will be taken to maintain and protect the SPEA** from development, including, where appropriate, assessment and treatment of danger trees, windthrow,

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.
  - h. For a stream, as defined under the *Riparian Areas Regulation*, **professional certification** by the Qualified Environmental Professional(s) preparing the report that he or she is 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 life processes in the riparian assessment area; 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. Development approval information is not required for the exemptions listed in DPA 1 – Watercourses.
  6. 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.
  7. All spatial data requirements will be provided at the time of application.

## 7.6 Development Approval Information Areas – Continued

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

### Category

Section 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 demarcation of the boundaries of non-disturbance areas, buffer areas and the formulation of conditions for development permits referred to in DPA2 - Environmentally Sensitive Areas.

### Objectives

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

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

### Requirements and Procedures

1. For an application for a development permit designated by Council, the Director of Community Development is delegated the power, duty and function to require development approval information.
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.

**[Table 3–Environmentally Sensitive Areas]**

<b>Types of Information</b>	<b>Consulting Professional</b>
Riparian Areas (Not under Riparian Area Regulation)	Registered Professional Biologist (R.P.Bio) with direct expertise in fish habitat and stream / wetland ecology  Geotechnical/hydrological considerations: Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)
Marine shoreline (i.e. Coastal bluff, Sparsely vegetated, Terrestrial herbaceous)	Geotechnical/hydrological and marine considerations: Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)  Biological / environmental considerations: Registered Professional Biologist (R.P. Bio.)
Tree and Natural Vegetation Protection (i.e. Woodland, Terrestrial herbaceous, Older Second Growth)	Registered Professional Biologist (R.P. Bio.) or Registered Professional Forester (RPF), Registered Biology Technologist (RBTech), Professional Agrologist (P. Ag.), Landscape Architect (BCSLA) with direct expertise in wildlife and forest ecology
Species and Ecosystems at Risk	Consulting Professional Biologist with direct expertise in wildlife, terrestrial ecology and species at risk

Steep Slopes (i.e. <i>Terrestrial herbaceous, Woodland, Older Second Growth</i> )	Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)
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4. The report shall contain 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.
- 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 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 mitigate and manage the impacts** of the proposed development on terrestrial or aquatic 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 functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
- 5. Development approval information is not required for the exemptions listed in DPA2 – Environmentally Sensitive Areas.
- 6. 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.
- 7. All spatial data requirements will be provided at the time of application.

# APPENDIX C

## PROPOSED CITY OF NANAIMO RIPARIAN SETBACK VARIANCE GUIDE

This guide is intended to help in preparing an application for a watercourse development permit (DP). It is a supplement to the Planning & Design Section's "**Development Permit Application Checklist**". It is important to use the following information in conjunction with the checklist when a watercourse is known to be on your property.

### What is a Watercourse Development Permit Area?

Watercourses 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. A riparian "leave strip" is the land and vegetation adjacent to watercourses that needs to remain in an undisturbed state in order to maintain healthy watercourse environments.

When in a natural state, riparian areas have dense and structurally complex vegetation that:

- Have high biodiversity and supports a significant number of wildlife species.
- 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;
  - the maintenance of water quality through the filtering of water born sediments and the uptake of nutrients and toxic materials by the vegetation and soil microorganisms.
- Riparian areas also help to protect private property from flooding and potential loss of land due to channel erosion and instability.

Therefore, it is in the public interest to regulate activities in watercourses and their riparian "leave strip" areas for the purposes of habitat protection, flood prevention and erosion control.

Development can contribute to changes in the riparian area through loss of trees and vegetation and the alteration of natural processes. These changes may greatly diminish the ability of the riparian area to function as described.

The Watercourse Development Permit Area is intended to minimize the impacts of new development along watercourses and to maintain or restore important riparian functions and ecosystems.

### Submitting an Application

If your property has a watercourse on it (See Map 3 of the Official Community Plan and Schedule C of the City Zoning Bylaw), the following steps will be followed:

#### Before a Development Permit Application Process Begins

- An initial meeting between you (the applicant) and City Staff will be arranged to review the costs and requirements of your potential project. This will require an initial site visit to discuss how your project can proceed in a way that avoids encroaching into any riparian leave strips on the property. It is highly recommended you consult with qualified professionals at this point when preparing your proposal. This includes a Qualified Environmental Professional (like a Biologist). You should be prepared to modify your project proposal to meet City and Provincial requirements.

Under certain circumstances, some requirements can be relaxed in order to avoid encroaching into a riparian leave strip. These include:

- varying building setbacks;

- reducing parking requirements;
  - looking at ways to reorient the building form; and,
  - reducing the development footprint.
- If after consideration of relaxing these development requirements as much as reasonably possible the property still cannot be developed under the current zoning and existing riparian leave strip, then a watercourse setback variance can be applied for.

### **Applying for a Watercourse Setback Variance**

- If you are proceeding with a watercourse setback variance, you will need to hire a Qualified Environmental Professional (QEP) to complete a riparian area assessment in order to establish a Streamside Protection and Enhancement Area (SPEA), as required under the provincial Riparian Areas Regulation (RAR).

In addition to the area assessment within the Watercourse Development Permit Area, the biologist will need to consider the broader ecological features and functions other than what are required for fish protection under the RAR. These broader ecological features and functions include, but are not limited to:

- wildlife migration corridors;
  - den sites;
  - bird nesting sites;
  - wildlife trees;
  - seasonal wetlands; and
  - amphibian species (native and invasive).
- The QEP will be required to prepare a RAR assessment report; in addition to the report the QEP is to provide a clearly written executive summary of the RAR report, for use by City Staff and Council. The executive summary should include:
    - an impact statement that states if the proposed project is likely to negatively impact the watercourse or its riparian area;
    - confirmation if the variance requires additional agency review or approval (i.e. DFO);
    - a brief description of the habitat compensation or restoration work proposed on the site, or on an alternate site if the site is too constrained and how it improves the ecological value of the site for fish AND other significant riparian species; and
    - confirmation that the principle of a no net loss of habitat has been satisfied.

### **Post- Development Permit Application Follow-up**

During the construction and post construction phase, a Qualified Environmental Professional will be required to monitor and later inspect the site to ensure all RAR assessment report recommendations are implemented. Sufficient bonding may be held to cover costs.

**City of Nanaimo**

**REPORT TO THE**

**ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY**

DATE OF MEETING: 2014-FEB-12

AUTHORED BY: ROB LAWRENCE, ENVIRONMENTAL PLANNER  
PARKS, RECREATION AND ENVIRONMENT

RE: ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY 2014 WORK PLAN

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STAFF RECOMMENDATION:

That the Advisory Committee on Environmental Sustainability recommend that Council approve the Committee's 2014 Work Plan.

PURPOSE:

To obtain ACES's and Council's approval on the 2014 Work Plan.

BACKGROUND:

The Advisory Committee on Environmental Sustainability (ACES) was created as an advisory committee to Council to examine the impacts of existing policies and practices regarding land use and development on our natural environment. The Committee makes recommendations to Council on how the City of Nanaimo can improve its stewardship of the environment for the future.

<b>2013 Work Plan</b>			
<b>Project / Issue</b>	<b>Purpose / Definition</b>	<b>Outcomes</b>	<b>Priority</b>
<b>Watercourse / Riparian Health</b>	Watercourses and riparian areas are protected within the City of Nanaimo under Development Permit, the City's Zoning Bylaw and through provincial legislation ( <i>Riparian Areas Regulation</i> ). To complement this protection, more can be done to improve public awareness of the importance and values of our watercourses and riparian areas.	<ul style="list-style-type: none"><li>• Provide advice as part of Council's motion from the 2012-DEC-17 meeting: <i>"that Council request that the Planning Department review the riparian setback variation policy, in consultation with the Advisory Committee on Environmental Sustainability (ACES), the Development Process Review Committee (DPRC) and the development community, and forward any resulting recommendations for change for Council's consideration."</i></li></ul> <b>IN PROGRESS</b>	<b>High</b>

<b>Invasive Plant Management Strategy</b>	A variety of plant and animal species are considered invasive to Vancouver Island. If these species are allowed to establish, they can greatly reduce local biodiversity, and can cause personal injury and damage property.	<ul style="list-style-type: none"> <li>• Complete an invasive plant management strategy and seek Council endorsement.</li> </ul> <p><b>IN PROGRESS</b></p>	<b>High</b>
<b>Green Nanaimo Awards</b>	Every two years, the Green Nanaimo Awards recognize the achievements and activities of members of the community to enhance, preserve and protect the environment of Nanaimo	<ul style="list-style-type: none"> <li>• Coordinate the City's 2013 Green Nanaimo Awards.</li> <li>• Coordinate with other committees of Council to hold awards ceremony in May 2013.</li> </ul> <p><b>COMPLETE</b></p>	<b>High</b>
<b>Climate Action / Sustainability Action Plan</b>	The Community Sustainability Action Plan (CSAP) was adopted by Council in December 2012. The City's Official Community Plan (planNanaimo) has identified sustainability as its guiding principle. The goals that make up the OCP reflect the sustainable approach the community wishes to strive toward.	<ul style="list-style-type: none"> <li>• Coordinate and facilitate the implementation of the Community Sustainability Action Plan as needed.</li> </ul> <p><b>ONGOING</b></p>	<b>Ongoing</b>
<b>Implementation and Promotion of Environmental Programs / Policies</b>	<p>Promote City environmental programs and policies during community events and provide an opportunity for the public to meet City staff and Committee members to discuss environmental issues.</p> <p>Programs/policies to be promoted:</p> <ul style="list-style-type: none"> <li>• Community Sustainability Action Plan</li> <li>• City Green Building Policy</li> <li>• Pesticide Use Bylaw</li> <li>• ESAs and Habitat Protection</li> <li>• Woodstove Change-out</li> <li>• Water Conservation</li> </ul>	<ul style="list-style-type: none"> <li>• Coordinate with Staff assigned to develop an urban agriculture and food security strategy and offer support and input as needed.</li> <li>• Staff /Committee members will participate in the following events: <ul style="list-style-type: none"> <li>- 8<sup>th</sup> Annual Green Solutions Trade Show (March)</li> <li>- Earth Hour (March)</li> <li>- Earth Day (April)</li> <li>- Bike to Work Week and Clean Air Day Event (June)</li> <li>- River's Day (September)</li> </ul> </li> </ul> <p><b>COMPLETE FOR 2013</b></p>	<b>Ongoing</b>

<b>2014 Work Plan</b>			
<b>Project / Issue</b>	<b>Purpose / Definition</b>	<b>Outcomes</b>	<b>Priority</b>
<b>Watercourse / Riparian Health</b>	Watercourses and riparian areas are protected within the City of Nanaimo under Development Permit, the City's Zoning Bylaw and through provincial legislation ( <i>Riparian Areas Regulation</i> ). To complement this protection, more can be done to improve public awareness of the importance and values of our watercourses and riparian areas.	<ul style="list-style-type: none"> <li>• Provide advice in developing an education and public awareness program on watercourses and riparian areas in the City.</li> <li>• Explore the feasibility of establishing a watercourse habitat compensation bank for Nanaimo</li> <li>• Explore ways to incent developers to implement environmental stewardship opportunities</li> <li>• Provide input into establishing a performance measure for watercourses and riparian areas in the City under the "Balanced Scorecard"</li> </ul>	<b>High</b>
<b>Woodstoves / Burn it Smart Program</b>	Local residents with older wood stoves that produce an excessive amount of residential wood smoke are negatively contributing to the local environment, air quality and can impact local residents' health. An incentive to encourage homeowners to purchase more efficient woodstoves and "change-out" older models has been supported by the Province in the past, but future provincial funding is currently under review.	<ul style="list-style-type: none"> <li>• Continue to work with the Province on funding the Woodstove Change-out Program for the fall of 2014</li> <li>• Review the regulatory options for managing smoke from woodstove appliances and report back to council with recommendations.</li> </ul>	<b>High</b>
<b>Climate Action / Sustainability Action Plan</b>	The Community Sustainability Action Plan (CSAP) was adopted by Council in December 2012. The City's Official Community Plan (planNanaimo) has identified sustainability as its guiding principle. The goals that make up the OCP reflect the sustainable approach the community wishes to strive toward.	<ul style="list-style-type: none"> <li>• Provide input and advice on the Realtor Energy Efficiency Program (REEP).</li> <li>• Coordinate and facilitate the implementation of the Community Sustainability Action Plan as opportunities arise.</li> </ul>	<b>Ongoing</b>
<b>Erosion and Sediment Control</b>	Development can create increased soil erosion in the course of construction and site manipulation. Erosion is often a long-term effect of a developed site as well. Soil exposed during clearing, grading and stockpiling can be easily transported onto nearby roads and watercourses. After development, the areas ability to absorb and retain surface runoff may be greatly reduced, increasing the erosion potential both on-site and downstream.	<ul style="list-style-type: none"> <li>• Review the City's current policies, education, and training for staff and development applicants around erosion and sediment control</li> <li>• Report back to council on any recommended changes</li> </ul>	<b>Medium</b>

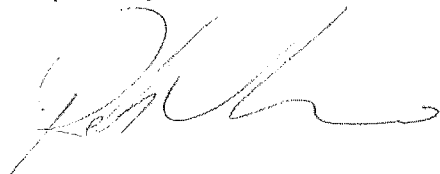
<b>Pesticide Use Bylaw Update</b>	Following up on the adoption of the City's Pesticide Use Bylaw (No.7102), the committee continues to build on public awareness of gardening practices that avoids the use of cosmetic pesticides on lawns and gardens.	<ul style="list-style-type: none"> <li>When the revisions to the <i>Integrated Pest Management Act</i> comes into force, review the City's Pesticide Use Bylaw and consider if revisions to the bylaw are needed.</li> </ul>	<b>Medium</b>
<b>Implementation and Promotion of Environmental Programs / Policies</b>	<p>Promote City environmental programs and policies during community events and provide an opportunity for the public to meet City staff and Committee members to discuss environmental issues.</p> <p>Programs/policies to be promoted:</p> <ul style="list-style-type: none"> <li>Watercourse and Riparian Area values</li> <li>Invasive Plant Management</li> <li>Community Sustainability Action Plan</li> <li>City Green Building Policy</li> <li>Pesticide Use Bylaw</li> <li>ESAs and Habitat Protection</li> <li>Burn it Smart Program</li> <li>Water Conservation</li> </ul>	<ul style="list-style-type: none"> <li>Staff /Committee members will participate in the following events: <ul style="list-style-type: none"> <li>- <i>Earth Hour (March)</i></li> <li>- <i>Earth Day (April)</i></li> <li>- <i>Environment Forum (June)</i></li> <li>- <i>Bike to Work Week and Clean Air Day Event (June)</i></li> <li>- <i>River's Day (September)</i></li> </ul> </li> <li>Invasive Species Awareness Dates to be announced.</li> </ul>	<b>Ongoing</b>

In addition, the Committee recognizes that in addition to this work plan, additional topics that fall under the Committee's mandate may come up that require Council's attention or may be referred by Council for the Committee to consider.

#### STRATEGIC PLAN CONSIDERATIONS:

Community Building Partnerships: The ACES Work Plan builds on the ongoing commitment toward sustainability (under Environmental Responsibility) and the strategic priority of Community Building Partnerships.

Respectfully submitted,



Rob Lawrance  
ENVIRONMENTAL PLANNER  
PARKS, RECREATION AND ENVIRONMENT

Concurrence by:



Richard Harding  
DIRECTOR  
PARKS, RECREATION AND ENVIRONMENT

**working together.**

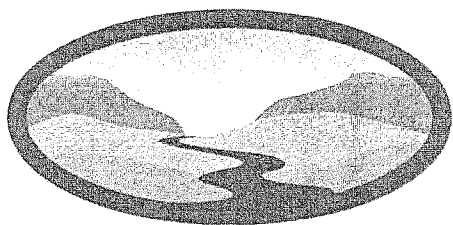


## Everyone is welcome

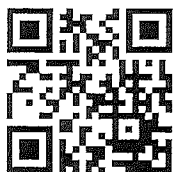
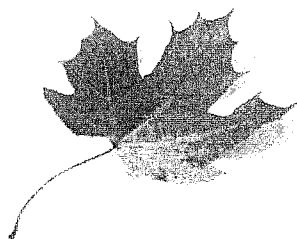
at the **Community Watershed Monitoring Network results session**. This session will cover the 2013 monitoring results, a first look at the three year trends observed by this project and provide a forum to meet and interact with environmental stewardship groups in your community.

**Thursday, February 13th, 2014**  
**Parksville Community Conference Centre**  
**Red Cedar room, 4:00 — 7:00 pm**

*Refreshments and light snacks provided.*



**DRINKING WATER  
WATERSHED  
PROTECTION**



If you have any questions or would like to learn more, please contact the RDN Drinking Water & Watershed Protection program or visit the website:

**[www.DWWP.ca](http://www.DWWP.ca)**

Nanaimo Area: 250-390-6560

Parksville/Qualicum Beach Area: 250-954-3792

Toll Free in BC: 1-877-607-4111

Email: [watersmart@rdn.bc.ca](mailto:watersmart@rdn.bc.ca)

