

# Electoral Area H Official Community Plan Review



Working Group Meeting #1 – March 1, 2016

## Natural Environment

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### Pre-Reading Materials

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## 1. Introduction

Engagement with the community so far shows an interest in protecting marine waters and shorelines, watersheds, aquifers and ecosystems in general. There is a related interest in improving emergency preparedness and response to natural hazards such as extreme storm events causing flooding, slope hazards, and wildfire hazard.

The purpose of this document is to help Working Group members prepare for the meeting, and to be a reference for discussion during the meeting. This document provides a brief background on the role of an official community plan (OCP) in environmental protection and natural hazard planning, summarizes what the community said at the Community Meeting on February 3, 2016 and lists what the OCP currently say on the topics.

### Background on the current Official Community Plan

An OCP describes a long-term vision for the future of a community and a course of action to achieve it. The course of action is described in objectives and policies to guide land use, servicing, and physical, social and economic changes in the community over the long term.

An OCP has legal status which requires that all development and use of land is consistent with the policies of the Plan. Implementing the vision of the OCP occurs through zoning and other detailed development-related tools.

The current Electoral Area 'H' OCP was adopted in 2004, and in 2010 the Bowser Village Centre Plan (BVP) was adopted as part of the OCP. The BVP is technically a part of the overall OCP, but the two are often referred to as separate documents for ease of discussion.

Both the OCP and BVP begin with overall principles for growth and development. In the OCP this is called the Community Values Statement, and in the BVP it is the Sustainability Principles. In both documents, objectives are organized into different topics, and policies are more specific statements of how objectives are intended to be met. In the BVP there is an additional level called related actions that are more specific than policies, and state who is responsible for implementing them and within what timeline.

**OCP**  
*An **official community plan** describes a long-term vision for the future of a community and a course of action to achieve it.*

## 2. The Landscape of Environmental Protection in British Columbia

As a local government, the Regional District of Nanaimo (RDN) is just one of other levels of government, stakeholders and First Nations who have an interest or responsibility for environmental protection. For local governments, the OCP is a key document for achieving environmental protection and protection of development from hazardous conditions, and development permit areas are an important tool within the OCP.



The *Local Government Act* requires that an OCP include statements and map designations respecting restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development.

## Who is Involved in Environmental Protection?

With respect to environmental protection, individual property owners, non-profit conservation organizations, local governments, provincial government, First Nations, and the federal government all have a role to play. The following provides an overview of each of these stakeholders' role.

### **Individual Property Owners**

Property owners have an important role to play in environmental protection at the site level, especially in mitigating the cumulative impacts of development and human activity. Property owners can have a major impact on the environment by the actions they choose to take. Simple actions such as minimizing or eliminating the use of herbicide and pesticides, controlling invasive species, minimizing disturbance to riparian and aquatic habitat, and conserving water and energy can make a big difference.

### **Non-profit conservation organizations**

Conservation organizations provide many important services such as providing information and public education on sensitive ecosystems and how to protect them. Conservation organizations also fundraise and purchase or otherwise acquire and manage lands with an environmentally sensitive ecosystem or significant feature on behalf of the community.

### **Local Government**

Local government plays a key role in environmental protection as they are the body who is given the authority to regulate the use of land. Local governments can adopt environmental protection policies and development permit areas in their OCPs as well as bylaws such as a zoning or waste stream management.

Local governments can adopt environmental protection **policies** and **development permit areas** in their OCPs

### **Provincial Government**

A number of provincial government ministries are involved in environmental protection. The ministry most involved in environmental protection during an official community plan review is the Ministry of Environment. In general, the Ministry of Environment sets the direction for how the environment should be protected through a number of different initiatives such as new legislation, enforcement, conservations programs, water management, and policy.

A major shift in the role of the Ministry of Environment has occurred over the last few years. In lieu of being actively involved in the development referral and community planning process, the Ministry has published a document titled 'Develop With Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia'. The purpose of the document is to provide province-wide guidance to people who are involved in planning, implementing, reviewing and/or approving land developments in British Columbia's urban and rural areas to minimize disturbance to sensitive ecosystems.



### **First Nations**

First Nations are engaged during the OCP review process. First Nations are not only members of the wider community, but also have a particular interest in ensuring that their traditional territories, cultural sites, and sites of historical significance are preserved.

### **Federal Government**

With respect to the OCP review, the federal department most involved in the process is Fisheries and Oceans Canada. Their role primarily involves salmon-bearing waters, or water that flows into salmon habitat.

## **The role of an Official Community Plan in Environmental Protection**

Part 14 of the [Local Government Act](#) grants local governments the authority to include policies and development permit areas in OCPs that restriction the use of lands that are considered environmentally sensitive.

An OCP can play a significant role in environmental protection. As a policy document, the OCP can contain goals, objectives, and policies that state the community's desires and preferences with respect to a number of environmental objectives such as:

- how lakes, wetlands, streams, and ponds are protected;
- what types of features are protected;
- how groundwater is protected; and,
- how sensitive ecosystems are identified and protected.

An OCP also provides the Regional Board with guidance on the community's expectations for how development should be conducted.

An OCP can protect the environment in two distinct ways, through policies and through development permit areas. OCP policies do not impact the current use of land but apply to a change in land use such as rezoning. For example, there is no way to force compliance with an OCP policy on a property owner who is not rezoning, subdividing, or making other development applications. OCP policies are typically used to provide guidance to the community, to developers, and the RDN in considering applications to rezone land, subdivide, relax a provision of the zoning bylaw, or make an application to the Agricultural Land Commission.

Unlike policies, development permit areas apply to certain uses of land within a designated area. Development permit areas are the only practical way to ensure that development is undertaken in a way that minimizes impact to identified environmental features. If the community strongly supports environmental protection, development permit areas are the most effect tool available to local governments.



## What is a Development Permit Area?

A development permit area (DPA) is a set of objectives and guidelines that apply to a specific area and for the purpose of achieving identified objectives. The authority for local governments to establish DPAs is set out in the [Local Government Act](#), Sections 488 - 491. A DPA is perhaps the most important tool used by local governments to ensure that the potential impacts of development are identified and addressed.

Development applications within DPAs are reviewed to ensure that the proposal is consistent with the DPA guidelines. In some cases, a report from a biologist, engineer, or other professional may be required to assist staff in evaluating an application. The OCP specifies the information required in order to submit a development permit application.

A common misconception about DPAs is that they are setbacks or areas where no development is allowed. This is incorrect, and in fact they are more flexible than setbacks, as development is allowed to occur if the guidelines are met. Guidelines are like a set of conditions. In addition, certain types of development activities may be permitted within a DPA without a development permit. The OCP lists exemptions, or the types of development that can occur without a development permit. These typically include activities that will have no effect on the environmentally sensitive conditions the DPA is aimed at protecting, in the case of a DPA for environmental protection, such as minor additions to existing buildings, internal renovations, habitat restoration and enhancement, work required to address an immediate threat to life or property, and second storey additions to existing buildings.

**DPA**  
A **development permit area** is perhaps the most important tool used by local governments to ensure that the potential impacts of development are identified and addressed.

In accordance with the [Local Government Act](#), DPAs may be designated for the purpose of:

- protecting development from hazardous conditions;
- protecting agricultural land;
- protecting the natural environment, its ecosystems and biological diversity;
- revitalizing an area in which a commercial use is permitted;
- establishing objectives for the form and character of intensive residential development, and/or to establish objectives for the form and character of commercial, industrial or multi-family residential development.
- establishing objectives to promote energy conservation, water conservation, and reduce greenhouse emissions

## Official Community Plans and Natural Hazards

The *Local Government Act* requires that an OCP include statements and map designations respecting restrictions on the use of land that is subject to hazardous conditions. In this area, this includes natural hazards such as flooding, landslide, and wildfire. The OCP must identify them and include measures to protect development from the hazards. Protection of development from natural hazards can include



avoiding the hazard all together, or requiring that proposed development be subject to particular requirements and review of appropriate professionals through a development permit area.

Emergency preparedness and response are not typically addressed in an OCP, except through objectives and policies to express the community's broad direction, and the current OCP includes some such statements.

### 3. What the Community Said about the Natural Environment

This section reviews what the current OCP says about the natural environment at a high level, then presents what the community said at the February 3, 2016 Community Meeting. On each of the specific topics, there are references to objectives and policies in the OCP and BVP where they are addressed.

Some topics the community identified may be addressed well in the current OCP, and others are not, which is a reflection of changing times and changing priorities within the province, the RDN, and the Electoral Area 'H' community.

Through the OCP Review process, the Community Working Group will assist in identifying what needs to be changed, and what can stay the same in the OCP.

### Community Values Statement and Sustainability Principles

The following Community Values from the OCP and Sustainability Principles from the BVP relate to the topic of the natural environment. These are the higher level values and principles that lead to more specific objective and policies.

#### Community Values Statement:

2. *Identify and protect watersheds and aquifers from degradation, inappropriate development and pollution to ensure a continued safe water supply;*
3. *Recognition that the sustainable development of the area must be linked to groundwater quality and quantity for all residents;*
4. *Protection and promotion of natural, environmental and geographic features;*
5. *Support for development regulations to protect environmentally sensitive areas, natural hazard lands, the marine/freshwater foreshores, and aquifer recharge areas;*
6. *Recognition that a comprehensive approach to managing sewage/septage is required;*
15. *Support for environmentally responsible shellfish aquaculture, recreational and commercial fishery, and salmon enhancement;*

#### Sustainability Principles

##### *Principle 1 – Build Smarter, Safer, Healthier Communities*

- *Public Health and Safety is our first priority and as such requires consideration be given to: land stability, safe supply of water, appropriate waste management, and emergency response infrastructure capabilities.*



- *The quantity and quality of water in our Aquifer is a central thought for all planning.*

*Principle 2 – Design with Nature in Mind*

- *Recognize that everything that we do in our community, whether it relates to our social, cultural or economic needs, affects our natural environment, positively or negatively.*
- *Recognize that conservation of natural resources provides long term environmental and economic benefits.*

*Principle 3 – Protect and promote a healthy environment as it is the foundation of a resilient society, culture and economy*

- *Consider how our environmental, social, cultural and economic needs are interconnected*
- *Recognize that a healthy environment is the foundation of a resilient and thriving society, culture and economy.*

## Marine and Shoreline Environment

### What the Community said:

- Shoreline **erosion** and proliferation of **sea walls**, as well as **sea level rise** and **extreme storm** events are concerns.
- **Dumping** on the beach is a concern.
- **Failing septic systems** along the foreshore are a problem, and there is an interest in sewer along the coast to mitigate this.
- **Derelict vessels** in Deep Bay are a problem.
- Overharvesting of beach cast **seaweed** is a concern.

### What the OCP says:

Section 2.4 *Coastal Zone Management* is the primary section of the OCP that addresses the marine and shoreline environment. Section 2.1 addresses environmentally sensitive areas in general, and Section 2.2 addresses natural hazard lands, which include coastal bluffs at risk of erosion and low lying coastal lands subject to flooding.

### On shoreline erosion and sea walls:

- OCP Section 2.4, Objective 3: *Discourage development, which would alienate the foreshore from public access or impact on the natural environment.*
- BVP Policy 1.3.5: *The RDN strongly supports integrated coastal zone management to protect the marine ecosystem and restore coastal processes affected by development in the Bowser Village Centre.*
- BVP Policy 1.3.6: *The use of marine retaining walls and other “hard” surfaces such as seawalls, concrete groynes, gabions, and rip rap shall only be supported where a qualified professional has determined that “soft” approaches to shoreline stabilization such as vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, anchor trees, and gravel placement are not appropriate given site specific conditions. In addition, the construction of shoreline stabilization measures including marine retaining walls should be in*



*compliance with the Regional District of Nanaimo Marine Retaining Wall Policy, as amended from time to time.*

- BVP Policy 6.2.3: *The use of shoreline stabilization measures on Crown Foreshore, in a manner that obstructs pedestrian access to and along public beaches or foreshore areas, shall not be supported.*

#### **On sea level rise and extreme storm events:**

- The OCP is silent on sea level rise, but mentions flooding hazard in Section 2.2.
- BVP Policy 1.3.4 *The RDN will consider the potential impacts of sea level rise in reviewing development proposals along the coast of Bowser Village Centre.*
- BVP Objective 2.4.4: *To ensure that sea level rise is taken into account when reviewing coastal development.*
- BVP Policy 2.4.2: *The RDN will provide information about the anticipated impacts of climate change upon:*
  - *Individuals and their homes*
  - *The built environment and infrastructure*
  - *The natural environment including physical processes (e.g. coastal and riparian erosion).*
- BVP Policy 2.4.3: *The RDN will ensure that it considers sea level rise and coastal erosion in the review of subdivisions and rezoning.*

#### **On failing septic systems along the foreshore**

- The OCP is silent on the topic of failing septic systems, however the Community Values Statement recognizes that a comprehensive approach to managing sewage/septage is required.
- BVP Objective 1.4.2: *To establish a septic inspection/maintenance program to identify and address failing on-site systems.*
- BVP Objective 1.4.3: *To establish servicing for properties with failing onsite systems to alleviate threats to human health and the environment.*

#### **On dumping on the beach and derelict vessels**

These topics are not currently addressed in the OCP, and cannot be regulated by local government.

#### **On seaweed harvest**

Seaweed harvest is not currently addressed in the OCP, and cannot be regulated by local government.





## Watersheds and Aquifers

### What the Community said:

- Drought, aquifer capacity, watershed protection and deforestation causing erosion are concerns, and there is an interest in better understanding aquifer capacity.
- There is support for the work of Nile Creek Salmon Enhancement Society.

### What the OCP says:

OCP Section 2.3 Freshwater Resource (Surface and Aquifer) and Section 2.1 Environmentally Sensitive Areas are the primary sections of the OCP that addresses this topic.

### On Aquifers and Watersheds:

- Development Permit Area A.4 *Environmentally Sensitive Features* is intended to protect coastal areas, lakes, streams and riparian areas, nesting trees, floodplain areas, and other environmentally sensitive areas.
- BVP Goal 1.2 *Water Conservation and Protection* includes relevant objectives and policies.

### On fish habitat, fishery and salmon enhancement:

- OCP Section 2.5 Policy 3: *The habitat protection initiatives of BC Environment and the Federal Department of Fisheries, along rivers, streams, and wetland areas shall be strongly supported and complemented with Regional District park land and greenway protection initiatives.*
- OCP Section 2.5 Policy 4: *The Regional District shall support and encourage the restoration and enhancement of streams and their riparian corridors wherever possible by community groups, corporate bodies or land owners.*
- Development Permit Area A.7 *Fish Habitat Protection* applies to areas around streams, lakes and wetlands, to protect fish habitat from impacts of development.

## Emergency Planning and Response

### What the community said:

There is concern about fire hazard, flooding, coastal erosion of both steep slopes and low bank, and extreme storm and tsunami events.

### What the OCP says:

Section 2.2 *Natural Hazard Areas* is the primary section that addresses this topic.

- Section 2.2, Objective 1: "Protect area residents from loss of property and personal injury".
- Section 2.2, Objective 2: "Identify, conserve and protect natural hazard areas and adjacent lands from damage due to development, subdivision or alteration of land".



- Development Permit Area A.5 *Hazard Lands* applies to steep slope areas identified in OCP Map 7, to protect development from hazardous conditions and to protect steep slope ecosystems.
- BVP Goal 2.2 *Disaster Resilience – General* includes relevant objectives and policies.
- BVP Goal 2.3 *Wildland Interface Fire* includes relevant objectives and policies.

## Ecosystems

### What the Community said:

Invasive species are a concern, Scotch broom in particular.

### What the OCP says

Section 2.1 Environmentally Sensitive Areas is the primary section of the OCP that addresses this topic.

- Development Permit Area A.4 *Environmentally Sensitive Features* is intended to protect coastal areas, lakes, streams and riparian areas, nesting trees, floodplain areas, and other environmentally sensitive areas.
- BVP Goal 1.3 *Enhancing Biodiversity* includes relevant objectives and policies.
- BVP Objective 1.3.1: *The RDN will collaborate with MOE, and local environmental groups to develop programs to enhance biodiversity on public and private property by encouraging the preservation and use of native plants and removal of invasive species.*



## Questions to think about

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On the topic of the natural environment:

1. Are the values, objectives and policies in the existing OCP reflective of how the community today would like to grow and develop into the future?
2. What is missing from the current OCP?
  - a. For example, new slope hazard and coastal flood hazard mapping would help more accurately identify the high risk areas, and could result in removing areas from the current DPA that are not at risk.
3. What should be removed or changed in the current OCP?
  - a. For example, the development permit areas were created before building permits were required in Electoral Area 'H'. Now that building permits are required, the development permit areas should be reviewed to simplify them where things will be addressed through a building permit.
4. Is there anything in the BVP that should apply to all of the Electoral Area 'H' OCP and not just the Bowser Village Centre?
  - a. For example, the BVP includes objectives and policies for sea level rise and for construction of marine retaining walls, but the OCP that applies to the rest of Electoral Area 'H' does not.
5. Is there anything specific that has not been addressed yet and should be discussed?