

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, JANUARY 27, 2004
6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3-5 Minutes of the Electoral Area Planning Committee meeting held Tuesday, December 9, 2003.

BUSINESS ARISING FROM THE MINUTES

PLANNING

AMENDMENT APPLICATIONS

- 6-18 Zoning Amendment Application No. ZA0313 – Slocombe - Parker Way & Ted's Road – Area F.

DEVELOPMENT PERMIT APPLICATIONS

- 19-25 DP No. 60358 Smith & Tomci/Timberlake Jones – Clayton Crescent – Area F.
- 26-35 DP No. 60359 – Horne Lake Strata Corp. – Finholm – Strata Lot 313 Horne Lake – 2498 Shady Lane – Area H.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 36-40 DVP No. 90304 Revision – Melvyn - Seaview Drive – Area H.
- 41-48 DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.
- 49-57 DVP No. 90325 – Green – Martindale Road – Area G.
- 58-62 DVP No. 90326 & Request for Minimum 10% Frontage Requirement – RK Brown & Associates on behalf of Wayne Roine - Farrar, Yellow Point & McQuarrie Roads Area A.
- 63-69 DVP No. 90401 – Sertic Simmons (Jorgensen) – 3525 Shetland Place – Area E.

OTHER

- 70-95 Aquaculture – Official Community Plan & Zoning Amendment Issues & Public Consultation Strategy.

96-99 Intergovernmental Advisory Committee.

100-114 Nanoose Bay Official Community Plan – Terms of Reference – Area E.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, DECEMBER 9, 2003, AT 6:00 PM
IN THE RDN BOARD CHAMBERS

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director Joe Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
P. Shaw	Manager of Community Planning
M. Pearse	Manager of Administrative Services

DELEGATION

MOVED Director Stanhope, SECONDED Director Haime, that Mr. Moore be permitted to speak as a late delegation.

CARRIED

John Moore, re DP No. 60354 – French Creek Estates Ltd. – Columbia Drive – Area G.

Mr. Moore reviewed his Development Permit Application and requested the Committee to approve the proposal.

MINUTES

MOVED Director Bartram, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held November 25, 2003 be adopted, as amended.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60354 – French Creek Estates Ltd. – Columbia Drive – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Permit Application No. 60354, submitted by W.R. Colclough, Agent, on behalf of French Creek Estates, to relax the minimum setback requirement for three corner lots within a Residential 5 (RS5) zone as set out in Schedule No. 3 of this staff report, for the property legally described as Lots 1 and 2, District Lot 28, Nanoose District, Plan VIP62528, be denied.

CARRIED

DP Application No. 60355 – Balogh – 5363 Deep Bay Drive – Area H.

MOVED Director Bartram, SECONDED Director Bibby, that Development Permit Application No. 60355, submitted by Raymond and Catherine Balogh to permit the construction of a dwelling unit and deck within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas on the subject property legally described as Lot 15, District Lot 1, Newcastle District, Plan 20442 be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP No. 90320 & Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – R. Colelough & Associates Ltd. on Behalf of Land & Water BC – Trans Canada Highway & Kipp Road – Area A.

MOVED Director Kreiberg, SECONDED Director Stanhope, that Development Variance Permit Application No. 90320, submitted by RG Colelough & Associates Ltd. on behalf of Land & Water BC, to allow the creation of a non-contiguous lot and to allow the relaxation of the minimum 10% perimeter frontage requirement in conjunction with the proposed subdivision be approved subject to Land & Water BC securing transfer of Thelma Griffith Park to the RDN in cooperation with BCBC if necessary prior to approval and subject to the conditions outlined in Schedules No. 1 and 2 of the staff report and notification requirements pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Frontage Requirement – Glencar Consultants Inc. on Behalf of Comox Timber Ltd. – Marshland Road – Area H.

MOVED Director Bartram, SECONDED Director Stanhope, that the request, submitted by Glencar Consultants Ltd., on behalf of Comox Timber Ltd. to relax the minimum 10% frontage requirement for proposed Remainder of Block 184, as shown on the proposed plan of subdivision of Block 184, Newcastle and Alberni District Except Part in Plan 34682, be approved subject to Schedule No. 1 of the staff report.

CARRIED

OTHER

Electoral Area 'H' Draft Official Community Plan Bylaw No. 1335.

MOVED Director Bartram, SECONDED Director Haime, that the draft Electoral Area 'H' Official Community Plan be received.

CARRIED

Director Bartram provided an overview of the Electoral Area 'H' Official Community Plan.

MOVED Director Bartram, SECONDED Director Bibby,:

That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be given 1st and 2nd reading.

That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" has been considered in conjunction with the Regional District of Nanaimo's Capital Expenditure Plan and Liquid Waste Management Plan and Growth Management Plan to ensure consistency between them.

That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" proceed to Public Hearing.

That the Public Hearing on "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be delegated to Director Bartram or his alternate.

CARRIED

ADJOURNMENT

MOVED Director Stanhope, SECONDED Director Haime, that this meeting terminate.

CARRIED

TIME: 6:50 PM

CHAIRPERSON



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMS	
		EHP	✓

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 20, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3360 20 0313

SUBJECT: Zoning Amendment Application No. ZA0313 – Slocombe
Electoral Area 'E' – Parker Way and Ted's Road

PURPOSE

To consider an application to discharge a land use covenant and rezone the subject property from Residential 3 Subdivision District 'N' (RS3N) to Residential 1 Subdivision District 'Z' (RS1Z) in order to facilitate a 4-lot subdivision with a maximum density of 1 dwelling unit per parcel.

BACKGROUND

The Regional District has received an application requesting to discharge a land use covenant and rezone the property located at Parker Way and Ted's Road within Electoral Area 'E' and legally described as Lot 9, District Lot 78, Nanoose District, Plan VIP56437 (see Attachment No. 1 for location of subject property).

The subject property, which is 6.52 ha in size, is currently zoned Residential 3 (RS3) and is within Subdivision District 'N' (minimum 1.0 ha parcel size where there are no community services available) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Under the provisions of the RS3 zone, a maximum of 6 dwelling units may be constructed on the subject property.

In addition to the zoning, the subject parcel has a land use covenant registered on title, which restricts further subdivision of the parcel. This covenant was originally placed on title at the time of development of the adjacent subdivision to allow for the creation of parcels below the required minimum parcel size without community services. It is noted that, despite the context of this covenant, a non-phased building strata development could be registered directly at Land Title Office, bypassing the local subdivision approving authority, as this type of tenure is not considered a form of subdivision.

Other documents registered on title include an archaeological covenant, a no building or removal of vegetation or placement of fill covenant, a no land clearing or other disturbance covenant for land within 15 metres of the natural boundary of Nanoose Bay, an eagle nest tree covenant, and a private easement for access to the beach. It is also noted that cash in-lieu-of park land was given in conjunction with the previous subdivision application to the Electoral Area 'E' park acquisition fund. In addition, it is noted that an eagle perch tree has been identified within the subject property.

Pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan: Bylaw No. 1118, 1998" (OCP), the subject property is designated within the Rural Residential Lands Designation. The OCP policies for this designation recommend a 1.0 ha parcel size. In the case of this application, while 2 of the 4 proposed parcels are less than 1.0 ha in size, the parcel averaging provisions would average the parcels sizes to 1.6 ha, which is greater than the recommended 1.0 ha provision. It is noted that the OCP does not take into account the historical density averaging on this property, but instead recommends future density provisions only.

Bylaw No. 1118 also designates the subject property within the following development permit areas:

1. Watercourse Development Permit Area – for the protection of the 15-metre buffer area adjacent to the Nanoose Bay coastline;
2. Farm Land Protection Development Permit Area – for the protection of the adjacent ALR lands located in the north west corner of the subject property; and
3. Sensitive Ecosystem Development Permit Area – for the protection of the eagle nest tree located within the subject property.

Surrounding uses include residential zoned parcels to the north, south, and west; rural zoned properties to the northwest; and Nanoose Bay to the east.

The subject property is currently vacant. There are no community water or community sewer services within the area nor are services anticipated in the future.

The applicant is proposing to discharge the land use covenant, which prohibits fee-simple and bare land strata subdivision in order to facilitate the proposed 4-lot subdivision. The applicant is also proposing that Bylaw No. 500, 1987 be amended from Residential 3 Subdivision District 'N' (RS3N) (1.0 ha minimum parcel size without community services) to Residential 1 Subdivision District 'Z' (no further subdivision) (RS1Z) which would restrict the number of dwelling units to 1 per parcel (for a total of 4 dwelling units) and no further subdivision of the parent parcel. Therefore, in order to proceed with the applicant's proposal for a 4-lot subdivision, both the existing land use covenant would have to be discharged and the current zoning, as set out in Bylaw No. 500, amended.

Public Information Meeting

A public information meeting was held on January 14, 2004 at the Nanoose Place Multi Purpose Room 1. Notification of the meeting was advertised in The News newspaper and the RDN web site, along with a direct mail out to all property owners within 100 metres of the subject property. Signage was also posted on the subject property. Approximately 33 people attended the information meeting and provided comments and suggestions with respect to the proposal (*see Attachment No. 3 'Proceedings of the Public Information Meeting'*). Issues raised at the public information meeting included the following:

- Possibility of eventual failing of septic disposal systems resulting in pollution of the environment
- Concerns for protection of existing water wells
- Potential site for park land
- Possibility of Blue Herons using the site for perching
- Improvements to existing road surfaces
- Access to the proposed parcels

ALTERNATIVES

1. To approve the request for discharge of the land use covenant and the amendment application as submitted for 1st and 2nd reading and proceed to public hearing.

2. To approve the request for discharge of the land use covenant and the application in consideration of the applicant offering to undertake the conditions outlined in Schedule No. 'F' of this report for 1st and 2nd reading and proceed to public hearing.
3. To not approve the amendment application.

PUBLIC CONSULTATION IMPLICATIONS

Issues raised by the public, along with applicant and staff comments, are outlined below:

Septic disposal

Some residents are concerned with the possibility of failing of septic systems on the subject property and contamination of the nearby foreshore, which supports the shellfish industry. The Vancouver Island Health Authority (VIHA) has recommended septic disposal approval for a 4-lot subdivision of the subject property. Staff recommends that to help ensure proper operation of the future septic disposal systems, a covenant be registered on title requiring future owners to arrange for the inspection and maintenance of the individual systems a minimum of every 3 years. The applicant is in concurrence with this covenant, which is outlined in *Schedule No. 1 (Conditions of Approval)*.

Protection of existing wells

Some residents have expressed concerns with protection of existing wells in terms of quality and quantity. As a result of this concern, staff recommends that the applicant supply a hydrological assessment prepared by a Professional Engineer with expertise in hydrology, to provide reasonable proof that sufficient potable water is available for the proposed subdivision and that future wells will not adversely affect neighbouring existing wells in terms of quantity and quality. The applicant is in concurrence with this requirement (see *Schedule No. 1*).

Park land

Some residents felt that an area of park land is needed for the neighbourhood, specifically in the portion of the subject property adjacent to Richard Place (proposed Lot B). Staff notes that the area suggested by the neighbours is approximately 0.8 ha in size and includes the identified eagle perch tree along the west side of this portion of the parent parcel. The west side of proposed Lot B also includes an informal trail and is vegetated. The applicant has offered to transfer the westerly portion of this area (0.4 ha) to the Regional District for the purposes of park land. As this is the portion of proposed Lot B that contains the eagle perch tree, an informal trail, and is vegetated, and this offer will still allow the applicant the ability to create a new parcel within the area of the parent parcel, staff supports this offer.

Hérons using the site for roosting

Some residents noted that Blue Herons use the site for perching. Staff contacted the Ministry of Water, Land, and Air Protection who commented that they were not aware of any Blue Heron nest trees on the subject property. It is noted that the coastal area of the property is currently protected by covenants and in addition, there is a 15-metre development permit area adjacent to the coastline, all which provides some buffering for foraging areas for Blue Heron and other shore birds.

Improvements to the existing road rights-of-way

Some residents commented that the construction of the existing roadway does not match Richard Place. Ministry of Transportation staff indicated that they would not be requiring an excessive upgrading of the roads adjacent to the subject property.

Access locations to future parcels

Some residents are concerned with the location of accesses to the future parcels, particularly the two parcels located adjacent to Richard Place. Ministry of Transportation no longer issues access permits for Residential 1 zoned properties. Staff notes that the portion of Ted's Road adjacent to Nanoose Bay and to proposed Lot A is currently treed and therefore future access to this proposed lot off Richard Place would be more logical. With respect to Proposed Lot B, which fronts both Ted's Road and Richard Place, limiting access from the southern portion would be more desirable from the neighbours' point of view in terms of road congestion. Therefore, staff recommend that, as the Ministry of Transportation no longer requires access permit, the applicant be required to register a covenant restricting the location of accesses to proposed Lots A for the purposes of preserving the character of the public road access to the adjacent beach area and proposed Lot B for the purposes of reducing traffic in the cul-de-sac portion of Richard Place. In keeping with preserving the character of the beach access, staff also recommended the access to proposed Lot C be restricted to being located to the west of Richard Place. The applicant is in concurrence with this requirement.

DEVELOPMENT / LEGAL IMPLICATIONS

Despite the land use covenant restricting subdivision, the covenant does not restrict non-phased building strata development and, as a result, the subject property may be developed with 6 building strata units. With the proposed zoning change to Residential 1 and a maximum of 4 parcels with 1 dwelling unit per parcel, the overall density would be reduced by 2 dwelling units and would also eliminate the possibility that the site may be developed with a multiple dwelling unit development, which would not in keeping with the character of the neighbourhood.

MINISTRY OF TRANSPORTATION IMPLICATIONS

Ministry of Transportation staff has indicated that they have no objection to this proposed zoning amendment application. It is noted that if the amendment application proceeds, the applicant will be required to apply to the Ministry for subdivision approval.

ENVIRONMENTALLY SENSITIVE AREAS IMPLICATIONS

The applicant is in concurrence with the condition to enter into a development permit as outlined in Schedule No. 1 and will submit an application for a development permit, if the zoning amendment proceeds. The development permit would run concurrently with the amendment application.

Specifically, with respect to the Sensitive Ecosystem Development Permit Area (in this case, for the protection of an eagle nest tree), the applicant is in concurrence to provide a 45-metre radius covenant for protection of the existing eagle nest tree on the site as recommended by the Ministry of Water, Land, and Air Protection.

With respect to the protection of this eagle perch tree, as this tree is proposed to be situated within the proposed park land area, it will be protected.

With respect to the coastal area adjacent to Nanoose Bay, there is an existing covenant, which prohibits land clearing or other disturbances within the 15.0 metres of the natural boundary, which coincides with the Watercourse Development Permit Area. There is also a covenant restricting removal of vegetation, as set out by survey plan, which varies from no protection to over 27 metres as measured from the coastline. The development permit will include no removal of vegetation for the entire frontage.

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation - Ministry staff has indicated that the Ministry has no objections to this application.

Vancouver Island Health Authority (VIHA) - the applicant has provided information indicating that the Health Authority is in support of the proposal as submitted. However, this approval will have to be confirmed with the inclusion of proposed park land over a portion of proposed Lot B. A verbal discussion with the Health Authority staff has indicated approval will be supported.

Archaeology Branch - the Archeology Branch has indicated that it will not be requiring further study of the archaeological site located within the subject property; however, an additional area needs to be included within the existing covenant area to include the entire archaeological site.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

This is a request to discharge a land use covenant and to amend Bylaw No. 500, 1987 to facilitate a 4-lot subdivision proposal at the property located at Parker Way and Ted's Road in Electoral Area 'E'. A public information meeting was held on January 14, 2004 and a number of issues were raised by residents at this meeting. Concerns raised at a Public Information Meeting included possibility of failing septic disposal fields, proof of potable water and protection of surrounding wells, provision of park land, possibility of Blue Herons using the site for perching, improvements to existing road surfaces, and driveway access to some of the proposed parcels. As a result of the issues raised, the applicant is in concurrence to register covenants for the maintenance of the septic disposal systems and to restrict the location of driveway accesses, provide a hydrological assessment for proof of potable water, and transfer 0.4 ha for park land purposes.

Ministry of Transportation staff has indicated they have no issues with the proposed subdivision. The Vancouver Island Health Authority has indicated that it will support the 4-lot subdivision proposal. However, it will need to be confirmed with the inclusion of the proposed park land over part of proposed Lot B.

The subject property is designated within the Watercourse Protection Development Permit Area, the Sensitive Ecosystem Development Permit Area, and the Farm Land Protection Development Permit Area and is therefore, subject to the consideration of a development permit. The applicant is in concurrence to enter in a development permit to be considered concurrently with the proposed amendment bylaw if it proceeds. The development permit will include requirements for protection of the eagle nest tree, watercourse protection for the lands adjacent to the coastal area, and the establishment of a buffer area for the portion of the subject parcel adjacent to the Agricultural Land Reserve.

Given that the applicant is in concurrence to provide covenants in response to some of the issues raised at the public information meeting, transfer 0.4 ha of land as park land, enter into a development permit as part of the amendment process which includes the provision of a 45-metre covenant area for the existing eagle nest tree, and as the proposal is more in keeping with the single dwelling character of neighbourhood, staff support Alternative No. 2, to approve the amendment application subject to the conditions set out in Schedule No. 1, for 1st and 2nd reading and to proceed to public hearing.

RECOMMENDATIONS

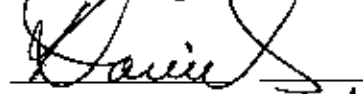
1. That the minutes of the Public Information Meeting held on January 14, 2004 be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be delegated to Director Bibby or her alternate.



Report Writer



General Manager Concurrence



CAO Concurrence

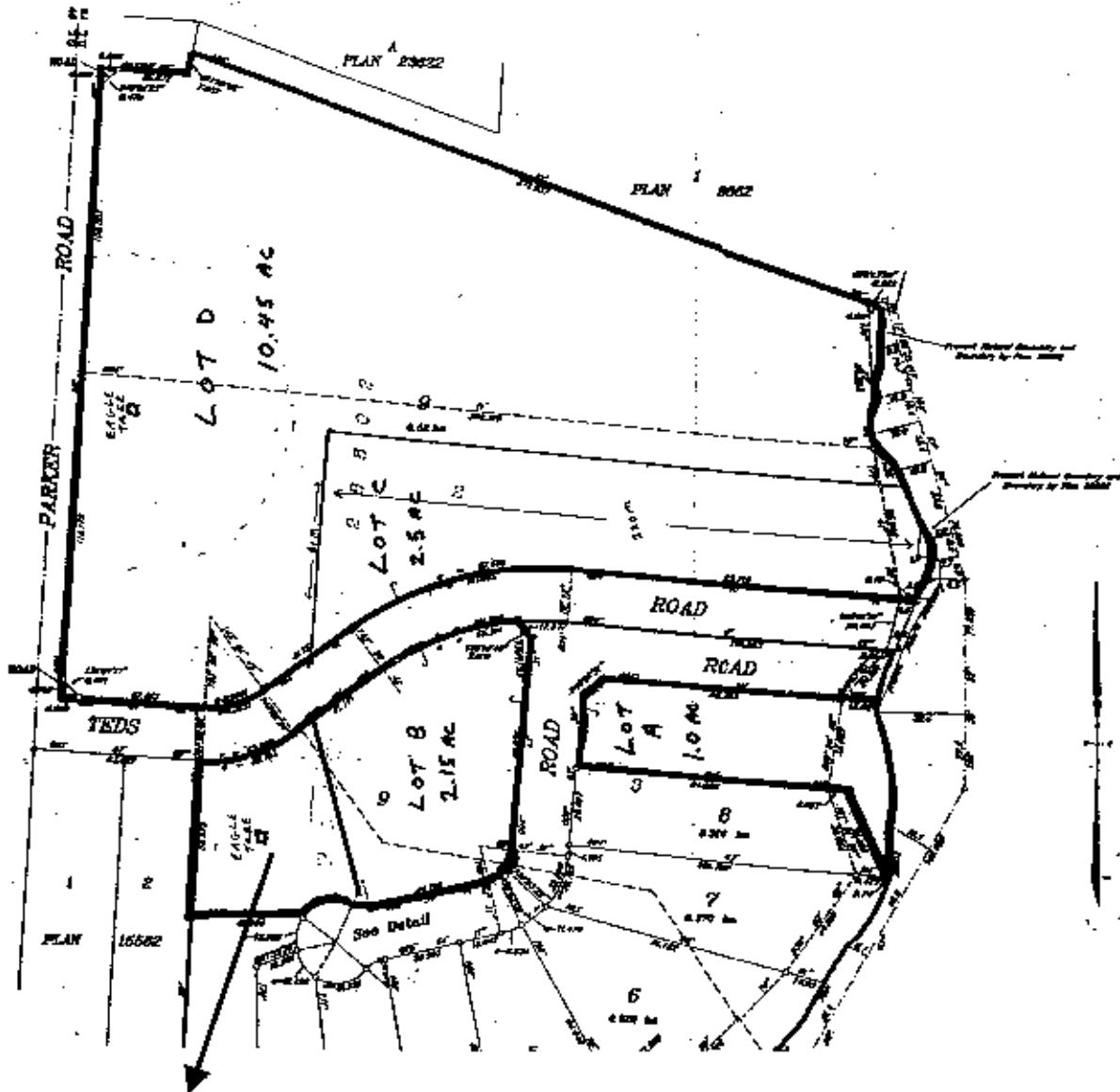
COMMENTS:

deuss/reports/2004/ZA3360 30 0313 Stornie ja 1st and 2nd

SCHEDULE NO. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0313

1. The applicant is to provide the following documentation prior to the amendment application proceeding to public hearing:
 - a. A professional engineer's report with expertise in hydrology proving the availability of potable water for the proposed subdivision as follows:
 - i. Water quantity as specified in Bylaw No. 500, 1987
 - ii. assurance that surrounding wells will not be adversely affected by new wells.
 - b. Confirmation from the Vancouver Island Health Authority with respect to septic disposal approval for proposed Lot B.
 - c. Submission of revised proposed plan of subdivision.
2. The applicant is to provide the following documentation prior to the amendment application being considered for 4th reading:
 - a. The registration of a section 219 covenant agreeing that the subject property will not be subdivided unless the following required covenants are registered in conjunction with the proposed subdivision. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.
 - i. A covenant restricting access to proposed Lot A to be restricted to Richard Place only with no access constructed onto Ted's Road.
 - ii. A covenant restricting access to proposed Lot B to be restricted to Ted's Road or that portion of Richard Place opposite proposed Lot A.
 - iii. A covenant restricting access to proposed Lot C to be restricted to that portion of Ted's Road west of its intersection with Richard Place.
 - iv. A covenant protecting the existing eagle nest tree within a 45-metre radius.
 - v. A covenant requiring the registered owner of the parcel to have their septic system inspected by a professional engineer or other qualified professional acceptable to the Health Authority, at least every 3 years, and must provide to the Regional District, certification by the professional engineer or other qualified professional that the septic system has been inspected and found to be functioning according to the specifications of the septic system design and that the treatment of domestic sewage effluent within that septic system effluent is in accordance with the standards for approving sewage disposal systems as published by the Central Vancouver Island Health Unit of the Vancouver Island Regional Health Authority, at his or her cost, and;
In the event that the registered owner fails to provide certification or otherwise fails to upgrade the septic disposal system such owner shall cause any domestic sewage effluent produced on that parcel to be pumped and hauled to an approved sewage disposal facility.
 - vi. Retention of the existing easement covenant for access to the coast for owners of adjacent Lots 1 to 8 inclusive.
 - vii. The transfer of 0.4 ha of land in the location as shown on Schedule No. 2 to the Regional District to be used as park land.
 - b. The applicant is to enter into a development permit concurrently with the zoning amendment application.

SCHEDULE No. 2
Proposed Plan of Development
(as submitted by applicant)
(reduced for convenience)



Approximate park land location (0.4 ha in size) to be located on the westerly side of proposed Lot B and to be accessible from Ted's Road and Richard Place.

ATTACHMENT NO. 2
Summary of the Minutes of the Public Information Meeting

Report of the Public Information Meeting
Held at Nanoose Place Multi-Use Room 1
2925 Northwest Bay Road, Nanoose Bay, BC
January 14, 2004 at 7:00 pm

Summary of the Minutes on Proposed Land Use Covenant Amendment Application and Zoning Amendment Application for Lot 9, District Lot 78, Nanoose District Plan, VDP56437

Note: this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 33 persons in attendance.

Present for the Regional District:

Director Pauline Bibby, Electoral Area 'E', Chairperson
Susan Cormie, Senior Planner

Present for the Applicant:

Mr. Gareth Slocombe, Owner

Chairperson Bibby opened the meeting at 7:03 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chairperson then introduced Mr. Gareth Slocombe, owner of the subject property. The Senior Planner gave a brief overview of the proposal and the application process.

The Chairperson then invited Mr. Slocombe to give a presentation of the proposed land use covenant amendment.

Mr. Slocombe gave an overview of his proposal for a 4-lot subdivision with a maximum of 1 dwelling per parcel, which proposes a reduction in the overall residential density from 6 to 4 units. Mr. Slocombe noted that he will provide protective covenants for the eagle nest tree and the eagle perching tree located with the property and will enter into a development permit for the protection of these trees as well as the coastline watercourse area and the adjacent farm land. Mr. Slocombe also stated that he has received septic approval and while he has not provided water well information yet, he notes that there are adjacent wells with sufficient water. Mr. Slocombe stated that he is proposing a similar building scheme for the proposed parcels that is currently in place on Richard Place. Mr. Slocombe concluded that stating that this proposal will restrict future development and bring certainty to the area.

Chairperson Bibby thanked the applicant and then opened the floor for questions and comments.

Penny Spence, 2494 Parker Way asked the applicant if the property could be rezoned?

Mr. Slocombe indicated that under the present zoning, 6 strata units can be built on the property and that his proposal is for 4 dwelling units.

Peter McLellan, 2503 Parker Way, commented that originally there was a proposal for many lots (approximately 50) and it was turned down because they could not get adequate percolation for septic

disposal and that his only concern is the non-percable issue. Mr. McLellan noted that there is a million dollar shellfish business, which could be negatively affected if septic fields fail.

Mr. Slocombe indicated that the septic issue previously was probably due to the proposed density and that there is enough percolation for 4 dwelling units.

Mr. McLellan stated that there is a lot of water on the subject property and his issue is the pollution of the environment from septic disposal fields.

Mr. Slocombe stated that engineered septic systems may be required, but he has received approval from the Ministry of Health.

Roy Drew, 2763 Parker Way, asked about the proposed zoning of the property.

The Senior Planner explained that proposed zoning is to allow 1 dwelling per parcel only with no additional subdivision potential.

Gabriel Cartledge, 2443 Garry Oak Drive, commented that the owner is correct about the eagle trees and confirmed that the nest tree is being used. Ms. Cartledge commented that the owner made no mention of Blue Herons in the area and that the Herons use some of the trees for perching, but she does not know if they are nest on the site. Ms. Cartledge also asked if the subdivision of the land would affect the beach access in that adjacent owners would take over the access areas.

The Senior Planner noted that access road is public road and encroachment into the right-of-way is not supported.

Ken Collingwood, 2516 Richard Place, stated that he has lived there 9 years and the property has remained as 1 large piece and that the mid size parcel would be a potential site for park land, but now he understands that money was given for park land instead. Mr. Collingwood stated that he felt the existing adjacent smaller lots were off set by the larger parcel. Mr. Collingwood stated that he has a concern with more wells in the area and asked who will indemnify the current owners if their well water is affected by the new wells. Mr. Collingwood asked if the road will be paved the same as his road? In summary, Mr. Collingwood stated he had issues with additional wells, septic disposal, and road improvements and suggested that the smaller portions of Lot 9 are left as is and the subdivision be restricted to the larger portion of Lot 9.

Mr. Slocombe commented that water still needs to be proven, but well logs in the area indicate there is lots of water. Mr. Slocombe commented that the 4 proposed lots on the larger portion of Lot 9 were not desirable or economically possible.

Cheryl Kruper, 2492 Richard Place, stated that she had copies of the disclosure statements issued by the original developer and she thought that there would be park land on Lot 9.

Deb Collingwood, 2516 Richard Place, proposed that the Regional District buy a piece of the property for park land and for environmental protection and the owner build on the larger portion of Lot 9 instead. Ms. Collingwood also stated that they were told that only 1 house could go on Lot 9.

Mr. Slocombe stated that the covenants on title are confusing and actually 6 dwelling units are permitted. Mr. Slocombe also stated he would support the purchase of park land by the RDN.

Stan Spence, 2494 Parker Way, stated that he has concern with the number of wells in the area.

The Senior Planner explained that staff would probably recommend that the applicant provide evidence of water prior to the application proceeding to public hearing and this recommendation would be subject to the consideration of the Electoral Area Planning Committee and Regional Board.

Louise Roy, Coast Realty Group, stated that she does not oppose the proposal and supports single dwellings in the area.

Bob Stevens, 2480 Richard Place, stated that he is primarily concerned with water issues and that testing should not be done until August. Mr. Stevens states that he would want assurances that the existing wells in the area would be protected.

Ken Collingwood asked what would happen to the larger lot if someone wants to further subdivide it?

The Senior Planner explained that the proposal is for no further subdivision and if someone in the future wanted to subdivide the parcel, they would have to go through a full amendment process.

Bob Stevens, 2480 Richard Place, asked the applicant what motivates him to do this proposal?

Mr. Slocombe stated that he wants protection from his home and that he loves the area.

Alison Slocombe, 2818 Parker Road, stated that it is an economic reality that someone will develop this parcel with 6 dwellings.

Sheryl Kruper asked about the proposed covenant for the perching tree.

The Senior Planner explained that the Ministry of Water, Land & Air Protection staff has recommended a 10-metre covenant area.

Peter McLellan, 2503 Parker Way, asked what was the reason for the original proposal being turned down?

The Senior Planner explained that it was probably for septic disposal reasons due to the proposed density, but did not know for sure.

Bob Stevens, 2480 Richard Place, asked when the minutes would be available?

The Chairperson explained that the minutes would be available in the agenda package of the next Electoral Area Planning Committee meeting and could be found on the RJDN web site.

Stan Spence, 2494 Parker Way, asked the applicant if it was possible to give an indication where the houses and accesses would go?

Mr. Slocombe pointed out some areas where he felt these would be logical locations, but as he is not building the houses, he could not say for certain.

Bob Stevens, 2480 Richard Place, asked what is the easement next to the road?

The Senior Planner explained that it is publicly dedicated road, which is currently vegetated.

The Chairperson invited questions and comments from the audience.

There were no questions or comments from the audience.

The Chairperson asked again if there were any questions or comments.

There were no questions or comments from the audience.

The Chairperson asked a third time if there were any questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 7:51 pm.

Susan Cormie

Susan Cormie
Recording Secretary



REGIONAL DISTRICT OF NANAIMO		
JAN 20 2004		
CHAIR	GMCrS	
CAO	GMDS	
COMS	GMES	
	EAP	✓

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 16, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60358

SUBJECT: Development Permit Application No. 60358 – Smith & Tomci/Timberlake Jones
Electoral Area 'E' – Clayton Cres.

PURPOSE

To consider a development permit to facilitate the creation of a 7-lot subdivision comprising of 6 bare land strata lots and 1 fee simple lot on a parcel within a Sensitive Ecosystem Development Permit Area.

BACKGROUND

The subject property, legally described as Lot 3, District Lot 52, Nanoose District, Plan VIP67511 is located at Clayton Crescent in the Dorcas Point area in Electoral Area 'E' (see Attachment 1 for location).

The subject property is zoned 'Rural 5' (RU5) and is within the 'E' Subdivision District pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", which permits a minimum parcel size of 1.0 ha with or without community services. The subject property is approximately 13 ha in size with sloping, rocky and well-vegetated terrain. It is bound by residences to the south, east, and west, and by Crab Road (not built) to the north.

The 6 bare land strata lots, all greater than the required 1.0 ha in size, are proposed to be served by community water and the common septic disposal field as shown on the proposed plan of subdivision (see Schedule No. 3 for proposed subdivision layout). It is noted that once these 6 proposed lots are connected to the common septic field, the provisions under the waste management permit will be maximized and no other parcels may be served by this septic disposal field.

The Remainder Lot, which is proposed to be 4.62 ha in size, is to served by private well and septic disposal.

Park land in the amount of 1.17 ha was dedicated under a previous subdivision of the parent parcel and therefore no additional park land or cash in-lieu-of park land is required.

The subject property includes a statutory right-of-way for community water facilities, which are owned and operated by the Regional District.

Pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998", the subject property is designated within the Sensitive Ecosystem Development Permit Area. The Sensitive Ecosystem Development Permit Area was established to protect the natural environment.

specifically in this case, to protect an eagle nest tree within proposed Strata Lot 4. Two perch trees are also located within close proximity to the existing eagle nest tree.

As the subject property is located within the Sensitive Ecosystem Development Permit Area, development on the property must be preceded by an application for a development permit. Therefore, the applicant is requesting consideration of a development permit to facilitate the creation of a 7-lot subdivision comprising of 6 bare land strata lots with the remainder lot as a fee simple parcel.

ALTERNATIVES

1. To approve the requested development permit subject to the conditions outlined on Schedule Nos. 1, 2 and 3.
2. To deny the requested development permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property includes Regional District community water well and associated fixtures including water mains. The existing access to the water well is not located within the boundaries of the statutory right-of-way and as a result, the boundary of the right-of-way needs to be amended to include the road access. The applicant's agent has indicated that the applicant is in concurrence to amend the right-of-way plan to include the access road within the statutory right-of-way.

With respect to future community services, statutory rights-of-way will be required through the proposed subdivision for the purposes of looping the water mains and providing utility corridors for future water and sewer services. These are set out in Schedule No. 1.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The application is consistent with the Nanoose Bay Official Community Plan guidelines for the Sensitive Ecosystem Development Permit Area such that the applicants are in agreement to secure a covenant to protect the eagle nest tree and two eagle perch trees. A covenant was originally registered on the title to protect the eagle nest tree only.

ENVIRONMENTAL IMPLICATIONS

Under a previous subdivision application, a covenant was registered for the eagle nest tree; however, the covenant area is relatively small (900 m²) and does not include the nearby perch trees. A site visit with Ministry of Water Land and Air Protection staff concluded in that the covenant area should be enlarged to include the perch trees, thus increasing the covenant area to 1,195 m². The shape of the proposed covenant area takes into account the proposed accesses to the adjacent strata lots. The applicants are in concurrence to secure this larger covenant area.

VOTING

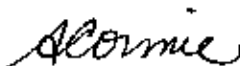
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a development permit application for the protection of an eagle nest tree as part of a subdivision application for a parcel located off Clayton Crescent in the Dorcas Point Estates area of Electoral Area 'E'. Ministry of Water Land and Air Protection staff supports the expansion of the existing eagle tree covenant to include 2 nearby perch trees. As part of the development of the subdivision, a number of statutory rights-of-way for existing and future services will be required. In addition, a nuisance easement is being requested to be registered on proposed Strata Lot 3 in conjunction with the maintenance and operation of the existing RDN water well located within a statutory right-of-way on the proposed parcel. In conclusion, as the development permit is consistent with the applicable guidelines for the Sensitive Ecosystem Development Permit Area and the applicants are in concurrence to enlarge the existing covenant area to include 2 nearby perch trees, staff supports Alternative No. 1 to approve the development permit subject to the conditions set out in Schedule Nos. 1, 2, and 3 of the staff report.

RECOMMENDATION

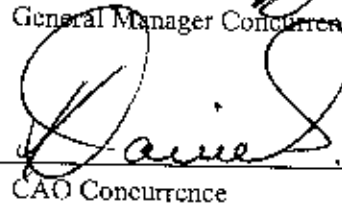
That Development Permit No. 60358, submitted by Timberlake Jones Engineering on behalf of T. Smith & N. Tomei, for the protection of an eagle nest tree designated within the Sensitive Ecosystem Development Permit Area, in conjunction with the proposed subdivision of the parcel legally described as Lot 3, District Lot 52, Nanoose District, Plan VIP67511, be approved, subject to the requirements outlined in Schedule Nos. 1, 2 and 3.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2004/dp ja 3060 30 60358 Smith Tomei/Timberlake Jones

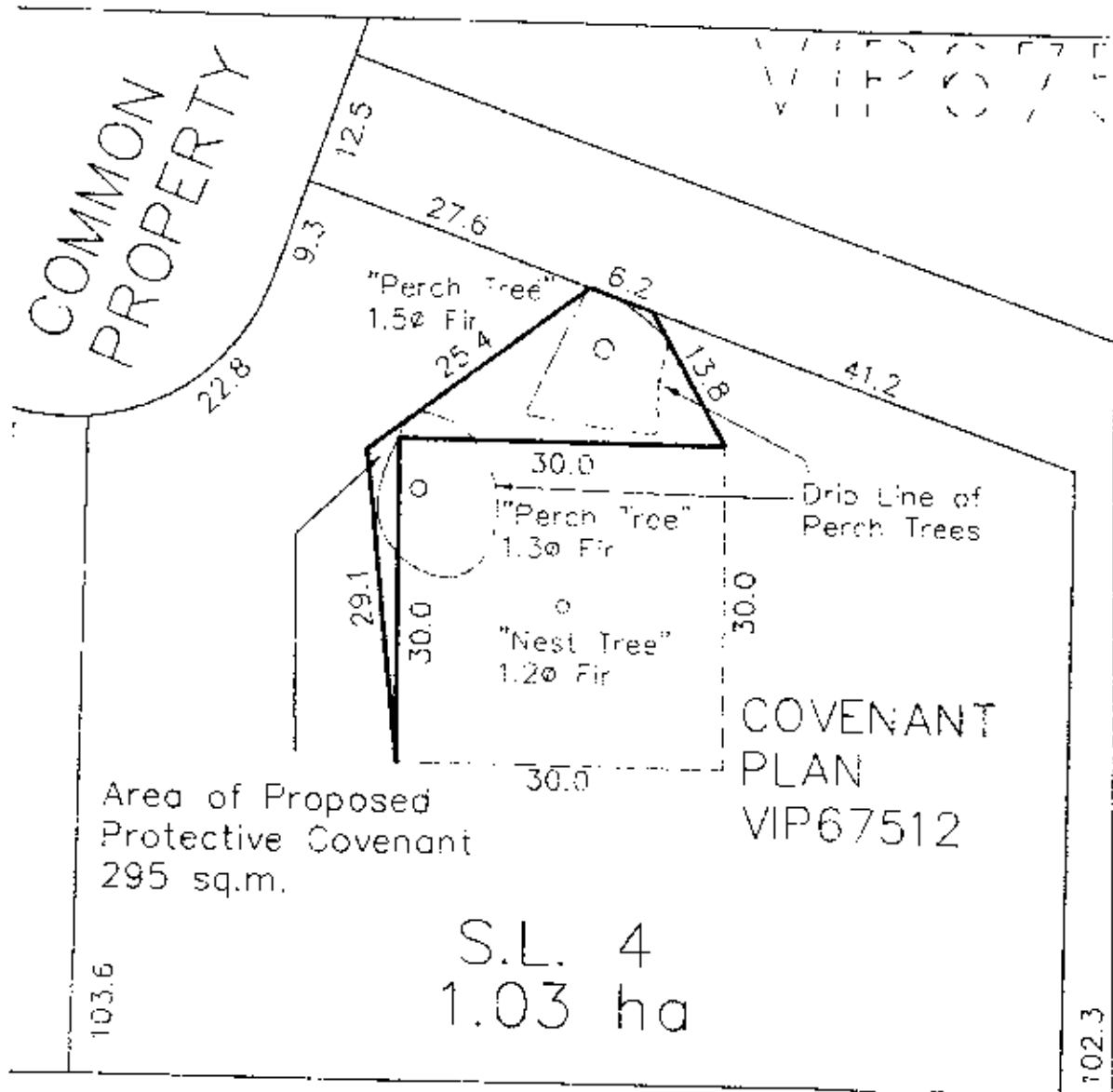
**Schedule No. 1
Conditions of Approval
Development Permit No. 60358**

The following sets out the conditions of approval:

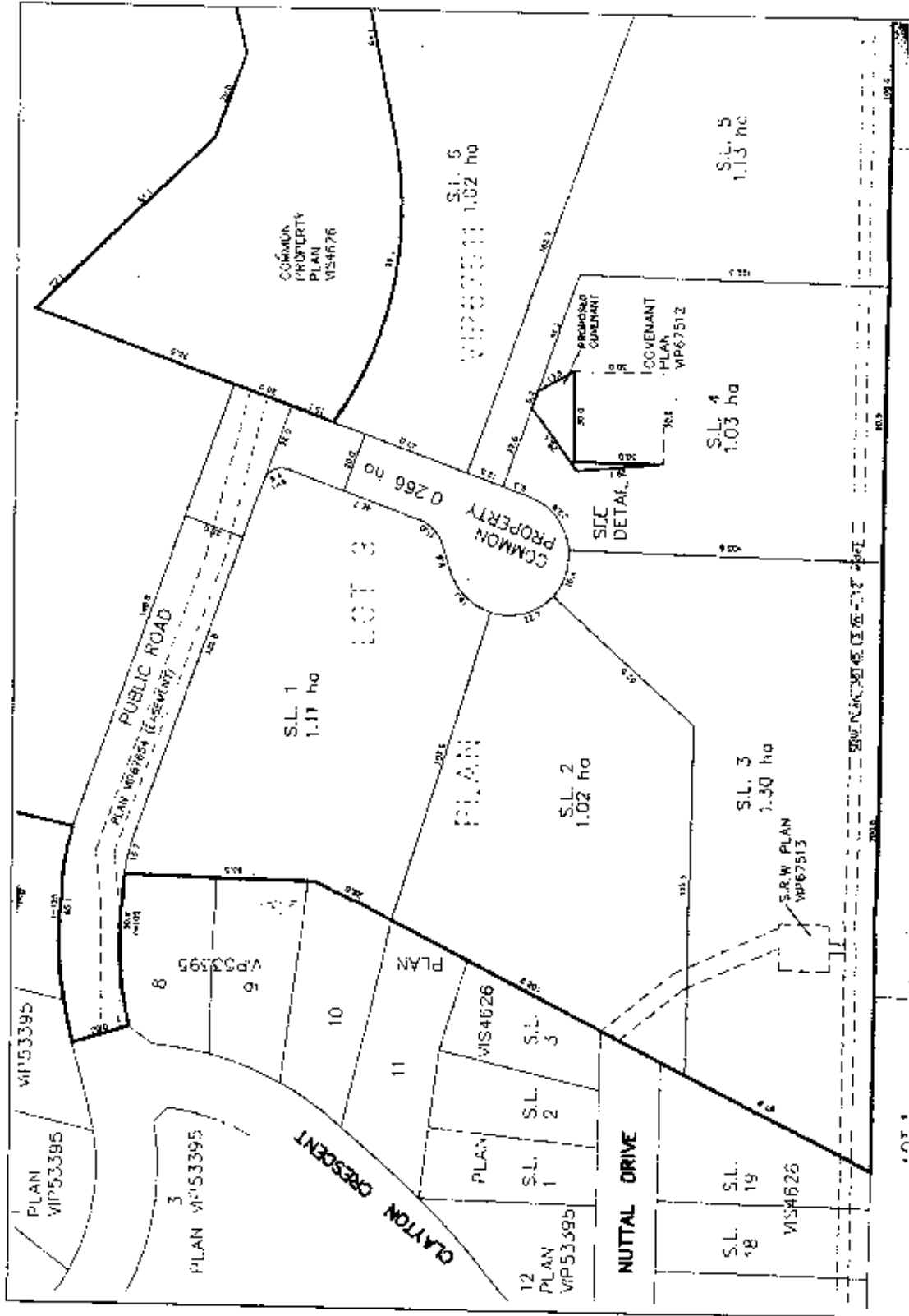
1. Applicant to prepare and register a section 219 covenant with respect to the eagle nest tree and perch trees as shown in the location and area on Schedule No. 2 to the satisfaction of the Regional District with all costs borne by the applicant.
2. Applicant to amend the existing statutory right-of-way registered under Plan VTP67513 to realign the plan boundaries to include the existing access route to the well to the satisfaction of the Regional District with all costs borne by the applicant.
3. Applicant to register a statutory right-of-way in favour of the Regional District for the purposes of looping the future water service main from the end of the common access property to the SRW Plan 36145 with all costs borne by the applicant.
4. Applicant to register a blanket statutory right-of-way crossing the Common Property registered under Plan VIS4626 and the proposed Common Access Property or future extension of community water and sewer services to the satisfaction of the Regional District with all costs borne by the applicant.
5. Applicant to register a nuisance easement on proposed Strata Lot 3 in conjunction with the operation and maintenance of the community water well located within the proposed parcel to the satisfaction of the Regional District with all costs borne by the applicant.

Schedule No. 2
Proposed Covenant Area for Eagle Nest Tree and Perch Trees
(as submitted by applicant)

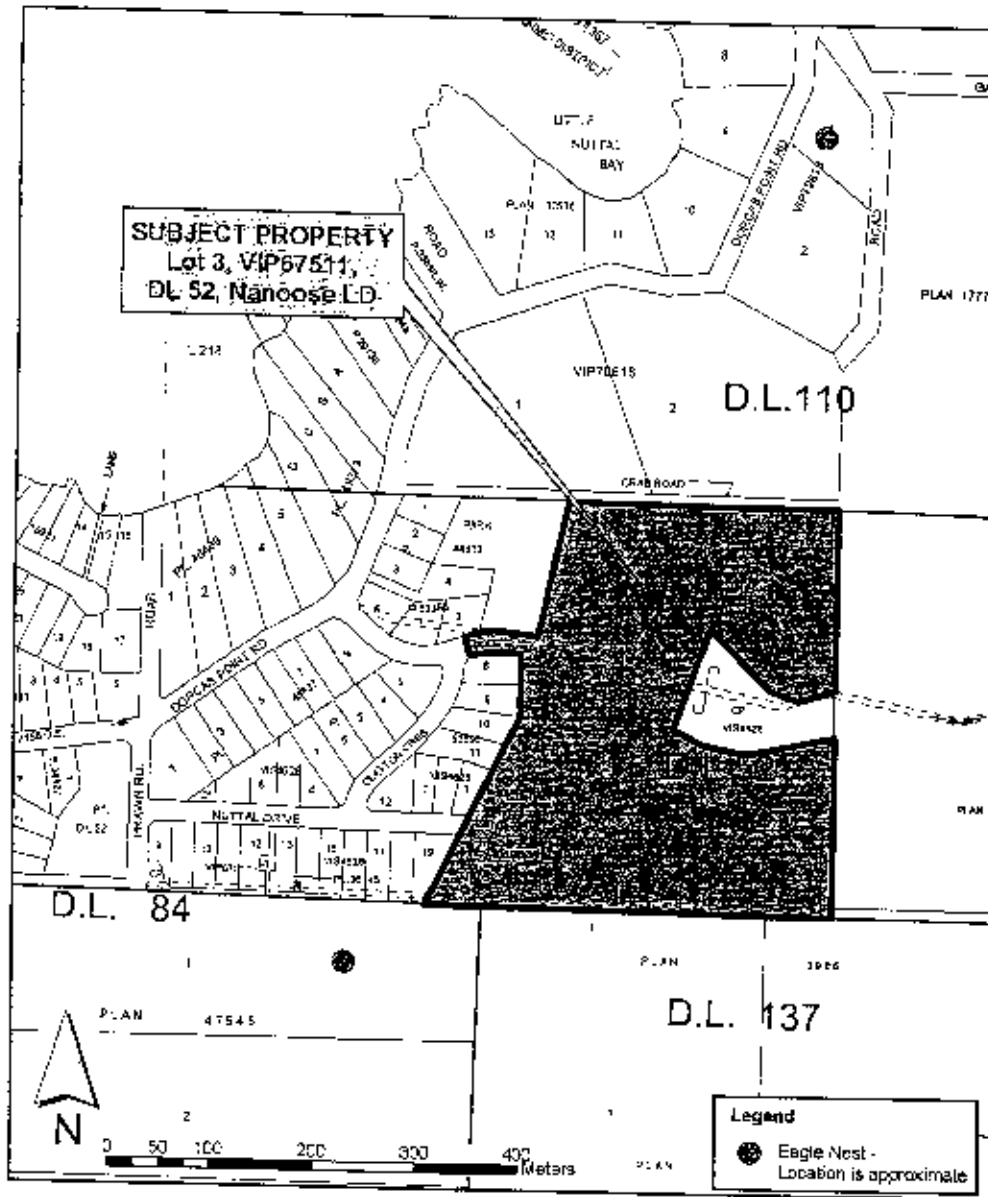
DETAIL
Scale = 1:500



Schedule No. 3
Proposed Subdivision Layout
(as submitted by applicant)



Attachment No. 1
Subject Property
Development Permit No. 60358



BOGS Map Sheet No. 92F.048.1



REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>EAP</i>			
		DATE:	
		FILE:	

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

FROM: Blaine Russell
Planner

SUBJECT: Development Permit Application No. 60359 - Horne Lake Strata Corp. - Finholm Electoral Area 'H' - Strata Lot 313 Horne Lake - 2498 Shady Lane

January 19, 2004

FILE: 3060 30 60359

PURPOSE

To consider an application to vary the minimum setback requirements from a watercourse to facilitate the construction of a recreational residence with deck and porch, and an accessory building, and other site improvements within the Environmentally Sensitive Areas Development Permit Area pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1986".

BACKGROUND

The subject property, legally described as: Strata Lot 313, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V and located at 2498 Shady Lane in the Horne Lake Strata Properties area of Electoral Area 'H' (see Attachment No. 1). The subject property is bordered by two other recreational residence properties with existing cabins to the east and west, by Horne Lake to the north, and by common property (in this case the internal road named Shady Lane) to the south. In addition, there is a creek that meanders between the subject property and the recreational residential property to the west.

Pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996" (OCP), the subject property is designated within the Environmentally Sensitive Areas Development Permit Area (DPA), which was established for the protection of the natural environment. In this case, the development permit area includes both the protection of Horne Lake and an adjacent stream, which crosses a portion of the property. Therefore, as the applicant is proposing works within the development permit area adjacent to Horne Lake and the stream, the issuance of a development permit is required.

The subject property is zoned Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". There is currently an active development permit for all the Horne Lake strata properties (Development Permit No. 0120), which provides general and detailed information pertaining to environmental protection when developing sites.

The recreational residence is proposed to meet or exceed Flood Elevation requirements of 121.7 metres Geodetic Survey of Canada Datum (GSC) as required within the CD9 zone. The applicant will be required have established an authorized connection to pump and haul service by December 31, 2004 or prior to occupancy, whatever comes first.

Requested Variance

The applicant is requesting a relaxation of the minimum setback requirement from 15.0 metres from the top of bank of the adjacent stream located to the west of the property to 5.0 metres, to facilitate the construction of a recreational residence with deck and porch, and an accessory building, and other site improvements (See *Schedule No. 2*). Therefore, a variance to Bylaw No. 500, 1987 is required.

ALTERNATIVES

1. To approve Development Permit No. 60359 subject to the conditions outlined in Schedules No. 1, 2 and 3.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

Recreational Residence

The proposed recreational residence is to be sited 12.0 metres, as measured from the deck, approximately 14.5 metres, as measured from the face of the cabin to title boundary of Home Lake and is proposed to be at least 5.0 metres from the adjacent watercourse. The recreational residence will be required to meet flood elevation of 121.7 metres GSC.

When siting new recreational residences at Home Lake the main objective has to have it located as far from Home Lake and other watercourses as is reasonably possible given the conditions on the individual property. There has also been an attempt to lineup the lake facing side of these new structures with existing adjacent cabins whenever possible. Lining-up is intended to mitigate the impact of the new structure on the views of adjacent property owners. At the same time, the situation on individual properties must be taken into account. There are often unique constraints on a given property that make it extremely challenging to completely fulfill the above-mentioned goal; however, in the case of this permit every reasonable attempt is made to achieve this to goal.

Setback clarification

Section 3.4.107.4 of the Home Lake Comprehensive Development Zone 9 (CD9) defines the setback to Home Lake as being 8.0 metres from the natural boundary as shown on the survey plan prepared by Bruce Lewis, BCLS and dated March 15, 2000. Unfortunately, physical changes on the subject property make it no longer possible for Bruce Lewis to determine, with certainty, the natural boundary as indicated on the survey prepared March 15, 2000. Therefore, the relaxation request is proposed to 12.0 metres from the titled boundary of strata plan V155160, that was deposited and registered in the Land Titles Office at Victoria, BC January 23, 2002 and as indicated on the survey that is included as Schedule No. 2. It should also be noted that the survey, which was submitted as part of this application, is to the foundation for the cabin and porch and is to the outermost part of the structure for the deck.

Topography and Other Site Constraints

The adjacent watercourse, in this case, a ditch, posed a challenge on the subject property. The whole property is within the 15.0 metre setback from top of bank as required within the CD9 zone and the property is also completely within the development permit area. Therefore, any development on the property will require a variance. In addition, due the watercourse there will always be a need to locate structures as far to the east as is possible and practical. It should be noted that the property is at its narrowest towards Shady Lane, at 12.73 metres wide and that the watercourse setback requirement is the most challenging at this point. There is also a change in grade near the roadway as the lot drops down.

This grade change further limits development on the property. Ultimately, in order to develop the lot there is a need for structures to be further forward; however, moving things farther forward is constrained by Home Lake and the potential impact that such a location may potentially have on the viewscape of adjacent properties.

Viewscape

Based on the siting of the proposed recreational residence, accessory building and parking spaces on the subject property in relation to the location and orientation of existing cabins on the adjacent properties, the potential impact on views of Home Lake can be estimated. It is estimated that the view from the cabin on Strata Lot 314 would not be affected at all by this proposal. Regarding the view from the cabin on Strata Lot 313 (subject property), it will be marginally affected. From the face of the cabin on Strata Lot 313, from that part which is closest to lot 314, to the face of the proposed cabin the view angle is approximately 20 degrees (a reduction of approximately 11% of assuming an 180 degree view). From the face of the cabin on Strata Lot 313, from that part which is closest to strata lot 314, to the deck of the proposed cabin the view angle is approximately 30 degrees (a reduction of approximately 16% of assuming an 180 degree view). From the deck of the cabin on Strata Lot 313, from that part which is closest to strata lot 314, to the deck of the proposed cabin the view angle is approximately 10 degrees (a reduction of approximately 5% of 180 degree view)

The agent is not proposing to enclose that deck and as a condition of this permit enclosing the deck will be prohibited. It should be noted that this Development Permit contains a variance and is subject to notification; therefore, adjacent property owners will be provided with an opportunity to comment on the proposal. It should also be noted that the request for a relaxation is to the watercourse to the west and not to Home Lake.

Accessory Building

The agent is proposing to site and construct one accessory building on the subject property. It should be noted that the CD9 zone allows for two accessory buildings but due to site constraints on the subject property and the need to provide for parking, this is not possible.

Pump and Haul Tank

The agent is proposing to install a pump and haul tank system on the subject property. The proposed location is as far away from Home Lake and the adjacent watercourse as is possible on the lot. As a condition of this permit, the installation of a pump and haul holding tank will be required. Thus pump and haul tank must be authorized for Regional District of Nanaimo pump and haul service by December 31, 2004 or prior to occupancy, whichever comes first.

Culvert

The agent is proposing to install an 8.0 metre culvert extension to a stream crossing culvert affecting an unnamed tributary of Home Lake, in this case a ditch, in order to allow for access and parking on the subject property. The agent has notified the Ministry of Water Land and Air Protection of their intent to install the culvert. The Ministry has indicated that the work may proceed provided it is done in compliance with the *Water Act*, Section 9 and Regulation 204/88, Part 7 and is completed within the year 2004 timing window. The agent will be required to be in contact with the Department of Fisheries and Oceans (DFO) prior to proceeding with the work as a condition of this permit.

Adjacent Watercourse

The watercourse that flows between Strata Lot 313 and 314 is over 0.6 metres deep and has a slope gradient of greater than 20%. Although this watercourse is often dry, it has enough flow to be considered

a watercourse and where it immediately meets that lake it has been subject to erosion from time to time. The bed of the watercourse is comprised primarily with jagged rocks. There is no indication that this watercourse acts as fish habitat, its flows are too irregular and it is too steep. Basically this watercourse functions as a drainage ditch. As it is a watercourse nonetheless, a vegetated 2.0 metres vegetative buffer shall be provided to ensure bank stability

Vegetation Buffer Planting and Removal - Protection of Horne Lake

Vegetation removal, within the Development Permit Area, shall consist of that which is required to locate a recreational residence with deck and porch, accessory building, pump and haul tank, parking spaces, driveway access and shall be consistent with the Vegetation Management and Landscaping Guidelines of Development Permit No. 0120. In addition, vegetation removal may also include that vegetation which indicated on Schedule No.2 for removal, provided that the conditions indicated on Schedules No. 2 are complied with.

VOTING

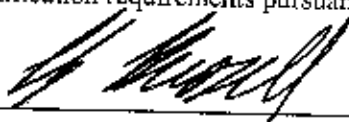
Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS


This is an application for a development permit to facilitate the construction of a recreational residence with deck and porch, and an accessory building, and other site improvements with variances within the Environmentally Sensitive Areas Development Permit Area pursuant to the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1986". Staff have reviewed site constraints, apparent impacts on views and environmental protection objectives and guidelines for the protection of Horne Lake and recommend that the application be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION


That Development Permit Application No. 60359, submitted by the agent, Keith Finholm, on behalf of Horne Lake Land Corporation, for the property legally described as Strata Lot 313, District Lot 251, Alberni District, Strata Plan V155160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V requesting to relax the minimum setback requirements for all watercourses except Horne Lake from 15.0 metres from the top of bank to 5.0 metres in order to accommodate the siting of a recreational residence with deck and porch, and an accessory building, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1 (1 of 3)
Conditions of Approval
Development Permit No. 60359

Development Permit No. 0120

1. Subject property to be developed in accordance with Development Permit No. 0120, excluding section "Construction" subsection 1 through 4, except where altered by this permit;

Building Site

2. The recreational residence with deck and porch, and an accessory building is to be generally sited as shown on Schedule No. 2;
3. That the recreational residence must meet all setback requirements except where varied by this permit;
4. The recreational residence as measured from the outermost portion of the structure, in this case the deck the deck shall be at least 12.0 metres from the title boundary for Horne Lake as shown on Schedule No. 2;
5. The lake side face of the cabin portion of the structure, in this case the habitable space, shall be at least 14.0 metres from the title boundary of Horne Lake as shown on Schedule No. 2;
6. All structures shall be 5.0 metres from the top of bank of the watercourse that runs along the west property west interior side lot line as shown on Schedule No. 2;

Maximum Height

7. The height of all structures shall be in compliance with Horne Lake Comprehensive Development Zone 9 (CD9) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987";

Dimensions

8. The main floor of recreational residence shall have a floor area that does not exceed 70 m²;
9. The loft of the recreational residence shall have a floor area that does not exceed 50% of the main floor area;
10. All structural decks and porches shall not have a combined floor area that does not exceed 40 m²;
11. The accessory building shall have a floor area that does not exceed 10 m²;
12. The deck on the Horne Lake side of the recreational residence shall not be enclosed, except that a railing which meets the British Columbia Building Code that shall be required.

**Schedule No. 1 (2 of 3)
Conditions of Approval
Development Permit No. 60359**

Site Survey

13. A legal site survey completed by a BCLS confirming the siting of all buildings and structures on the lot must be submitted to the Regional District of Nanaimo prior to occupancy of the recreational residence. In addition, this survey shall include the elevation of the recreational residence as measured to the bottom of the floor joists to Geodetic Survey of Canada Datum. This survey shall also include conformation of height of all structures. This survey must be prepared to the satisfaction of the Regional District of Nanaimo;

Flood Construction Level

14. Certification of Flood Construction Level must be submitted to the Regional District of Nanaimo prior to occupancy of the recreational residence;
15. The Flood Construction Level may be achieved by structural elevation, provided however that for any building or structure within fifteen (15) metres from the natural boundary of Home Lake, the Flood Construction Level may not be achieved by means of fill unless the property owner first secures the written approval of the RDN acting in accordance with a Memorandum of Understanding between DFO, the Province and the RDN, and, in either case, DFO may, in its discretion, withhold its approval. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary of Home Lake than fifteen (15) metres unless permitted by the RDN pursuant to written approvals given pursuant to this paragraph 4. The face of the landfill slope shall be adequately protected against erosion and flood flows;
16. In no event shall the area below the required elevation be used for human occupancy, commercial sales, business or storage of goods, the installation of furnaces or other fixed equipment damageable by floodwater or erosion, or the storage or use of contaminants;

Vegetation Removal and Maintenance

17. Vegetation removal, within the Development Permit Area, shall consist of that which is required to locate a recreational residence with deck and porch, accessory building, pump and haul tank, parking spaces, driveway access and shall be consistent with the Vegetation Management and Landscaping Guidelines of Development Permit No. 0120. In addition, vegetation removal may also include that vegetation which indicated on Schedule No.2 for removal, provided that the conditions indicated on Schedules No. 2 are complied with;
18. Replanting of shall be undertaken in the late fall or spring when plants are best able to establish roots and temperatures are not extreme;
19. Replanting shall consist of trees, shrubs or groundcover native to the area and selected to suit soil, light and moisture conditions of the site;

Schedule No. 1 (3 of 3)
Conditions of Approval
Development Permit No. 60359

Sediment and Erosion Control Measures

20. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works, and to stabilize the site after construction is complete. These measures must include:
 - a) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be on site;
 - b) Direct run off flows away from the marine environment using swales or low berms;
 - c) Exposed soils must be seeded immediately after disturbance;
 - d) Cover temporary fills or soil stock piled with polyethylene or tarps;
21. All drainage systems must incorporate measures that prevent the loss of upland soils into the marine environment and generally direct drainage away from the marine foreshore when not impractical;
22. All excavated material must be placed such that there is no potential for introduction onto the foreshore;
23. Replant vegetation within disturbed part of the development permit area. Preferred plantings to be trees, shrubs and ground cover native to the area;

Culvert Extension

24. The extension or replacement of the culvert may proceed provided it is done as directed by the Ministry of Water, Land, and Air Protection and is in compliance with the Water Act, Section 9 and Regulation 204/88, Part 7 and is completed within the year 2004 timing window;
25. That prior the commencement of works to extend or replace the culvert the applicant be in contact with the Department of Fisheries and Oceans (DFO) and the directives of DFO are adhered to.
26. Should portions of the culvert extension or replacement need to be sited or works done on either the adjacent strata lot or on common property that permission is obtained in writing prior to commencement.

Pump & Haul Sewage Collection Service

27. A condition of the issuance of this permit is a completed pump and haul holding tank and authorized connection be established by December 31, 2004 or prior to occupancy, what ever comes first, and that said pump and haul connection be established pursuant to "Horne Lake Service Area Sewage Disposal Regulation Bylaw No. 1218, 2001";
28. The co-location of the pump and haul tank and accessory building shall follow the guidelines and recommendations of the Vancouver Island Health Unit;
29. Access to the pump and haul tank hatch shall not be obstructed;

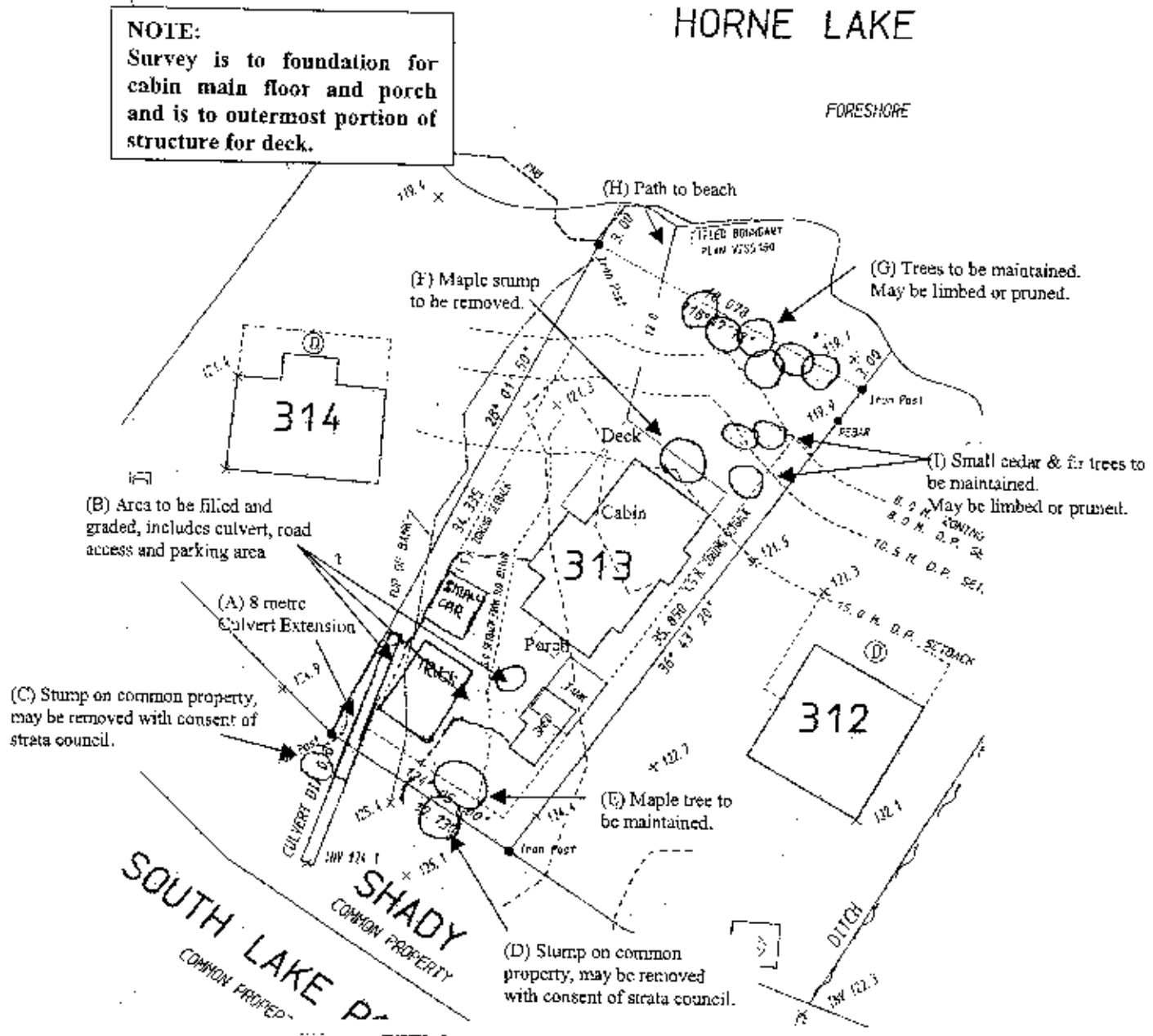
Schedule No. 2
Site Plan
Development Permit No. 60359

(As Submitted by Applicant / Modified to Fit This Page and to Include Conditions)

NOTE:
Survey is to foundation for cabin main floor and porch and is to outermost portion of structure for deck.

HORNE LAKE

FORESHORE

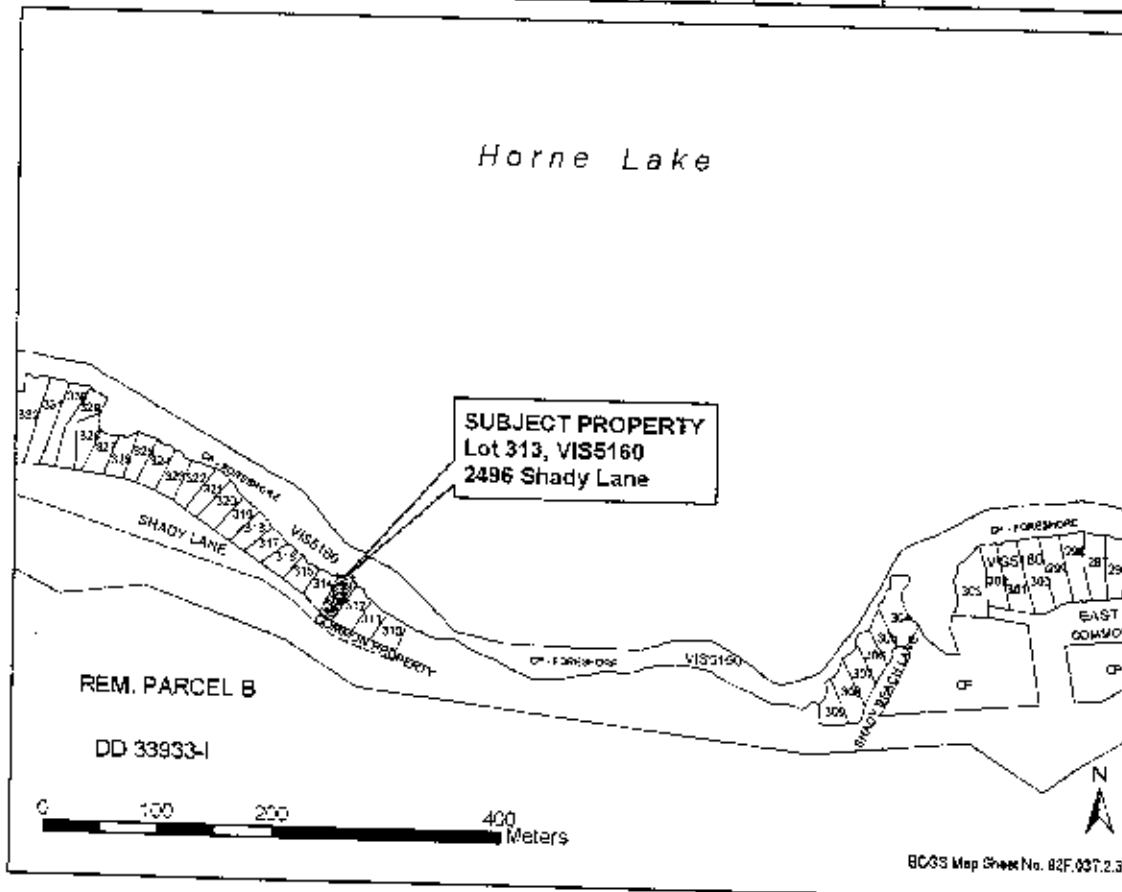
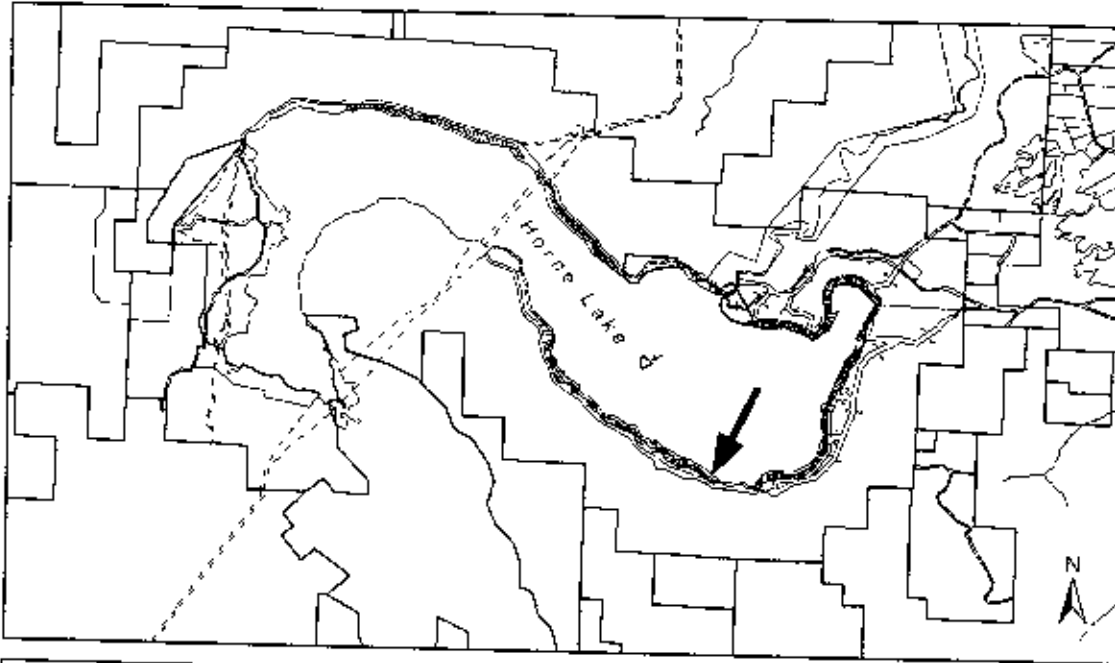


Schedule No. 3
Requested Variances
Development Permit No. 60359

Development Permit No. 60359 is proposed to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

1. By relaxing **Section 3.4.107.4 - Minimum Setback Requirement - All Watercourses, Except Horne Lake** - the minimum setback requirements for all watercourses except Horne Lake of 15.0 metres from the top of bank to 5.0 metres in order to accommodate the siting of a recreational residence with deck and porch, and an accessory building.
2. By relaxing **Section 3.4.107.4 - Minimum Setback Requirement - Horne Lake** - the minimum setback requirements for Horne Lake of 8.0 metres from the natural boundary as shown on the survey plan prepared by Bruce Lewis, BCLS and dated March 15, 2000 to 12.0 metres from the titled boundary of strata plan VIS5160 that was deposited and registered in the Land Titles Office at Victoria, BC January 23, 2002 and as indicated on the survey that is included as Schedule No. 2.

Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 16, 2004

FROM: Deborah Jensen
Planner

FILE: 3090 20 0304

SUBJECT: Revision to Development Variance Permit No. 0304 - Melvyn Electoral Area 'H' - Seaview Drive

PURPOSE

To consider an amendment to a Development Variance Permit to facilitate the construction of a single dwelling unit on Seaview Drive in Electoral Area 'H'.

BACKGROUND

Development Variance Permit No. 0304 was approved by the Regional Board at its regular meeting held May 13, 2003. This permit legalized the construction of a retaining wall along a steep bank, and approved the construction of a single dwelling unit subject to the completion of specified conditions.

One of the conditions of the Development Variance Permit was submission of an approved health permit for a septic system, as issued by the Ministry of Health. The applicant did make an application for a sewage disposal system on the subject property, but was refused by the Ministry of Health on July 14, 2003 due to lack of minimum native soil depth. Subsequent to this refusal, the applicant made application to the Regional District of Nanaimo for a holding tank sewage disposal permit. This application is currently before the Board and has been deferred pending a resolution for this amendment.

As the required issuance of a health permit cannot be met, the approved Development Variance Permit is invalidated and the approval to legalize the retaining wall and allow for construction of a single dwelling unit becomes null and void. Therefore, the applicant is requesting the approved development variance permit be amended to allow for a pump and haul sewage disposal system in place of a septic disposal field as approved by the Ministry of Health.

ALTERNATIVES

1. To approve the amendment to Development Variance Permit No. 0304 subject to the amended conditions outlined in Schedule No. 1.
2. To deny the requested amendment to the permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The proposed siting of the single dwelling unit, as shown on Schedule No. 2, was designed to meet the required setback from the front lot line and interior side lot line, provide adequate site area for placement of a septic field, and allow for the required five-metre "no build" buffer along a steep bank, as established through a geotechnical report completed by Lewkowich Geotechnical Engineering Ltd., dated

November 27, 2002. As siting for the septic field is no longer required, the proposed location of the single dwelling unit could be shifted; however, it would still require a variance to the watercourse and to maximum dwelling unit height. Therefore, staff would recommend that the amendment to the Development Variance Permit be approved as submitted.

PUBLIC CONSULTATION IMPLICATIONS

Subsequent to the initial staff report, notification was sent to property owners within a 50-metre radius. Due to concerns raised by community residents, the Board directed staff to further review this application, which also entailed an additional 50-metre radius notification. Due to an amendment to the conditions, should this application proceed, further notification will be provided as per the previous notification area.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

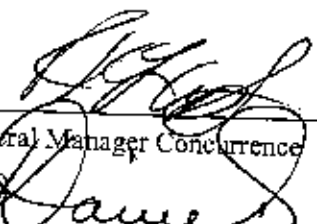
Development Variance Permit No. 0304 was approved by the Regional Board at its regular meeting held May 13, 2003. This permit legalized the construction of a retaining wall along a steep bank, and approved the construction of a single dwelling unit. Due to the inability to obtain a health permit from the Ministry of Health, the applicant was unable to comply with the conditions as set out in this permit. Given that the applicant would still require variances to legalize the existing retaining wall, and to construct a single dwelling unit due to maximum dwelling unit height and proximity to a watercourse, staff recommends that the Permit be amended to allow for pump and haul sewage disposal, subject to the notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION

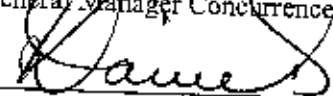
That Development Variance Permit No. 0304, submitted by Fern Road Consulting, Agent, on behalf of Anthony Melvyn, be amended to allow for siting of a single dwelling unit and retaining wall subject to notification procedures pursuant to the *Local Government Act* and subject to the amended conditions outlined in Schedule No. 1 of this staff report.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

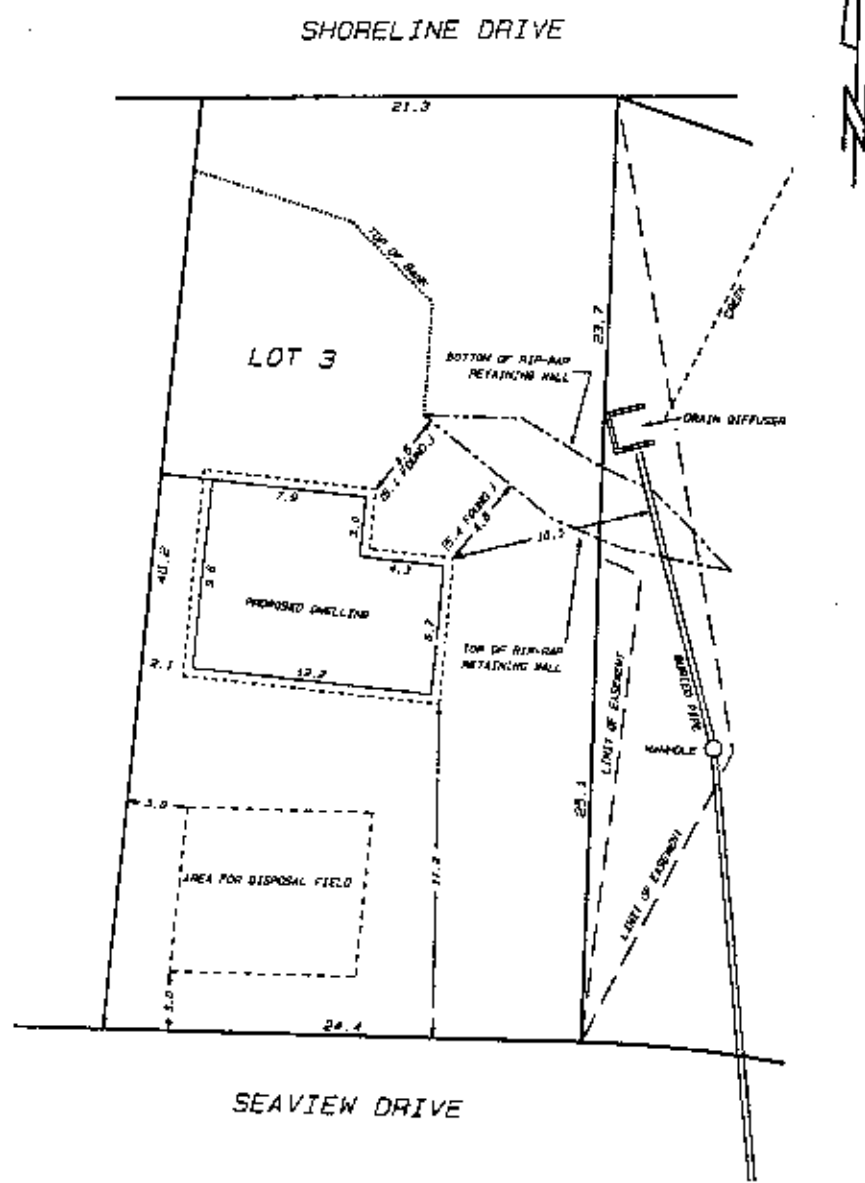
Schedule No. 1
Conditions of Approval
Development Variance Permit No. 0304

The following conditions are to be completed as part of Development Variance Permit No. 0304:

1. Registration of a Section 219 covenant pertaining to the geotechnical report, as prepared by Lewkowich Geotechnical Engineering Ltd., dated November 27, 2002. The covenant shall stipulate that any development must meet the required 5.0 metre "no-build" setback from top of bank, as indicated in this report, that no vegetation is to be removed from the bank and that the Regional District shall be saved harmless from any action that may result from land slip, slope failure or any other occurrence that might result on the subject lands.
2. Construction of a single story dwelling unit no more than 15 feet in height as measured from the existing grade on the subject property.
3. *An approved pump and haul service, as approved by the Regional District of Nanaimo under Regional District of Nanaimo Bylaw No. 975.*

Schedule No. 2
 Site Plan
 Development Variance Permit No. 0304

PLAN OF LOT 3, PLAN 22249,
DISTRICT LOT 28, NEWCASTLE DISTRICT,
TO ACCOMPANY DEVELOPMENT PERMIT APPLICATION.
 SCALE 1:250
 ALL DISTANCES ARE IN METERS

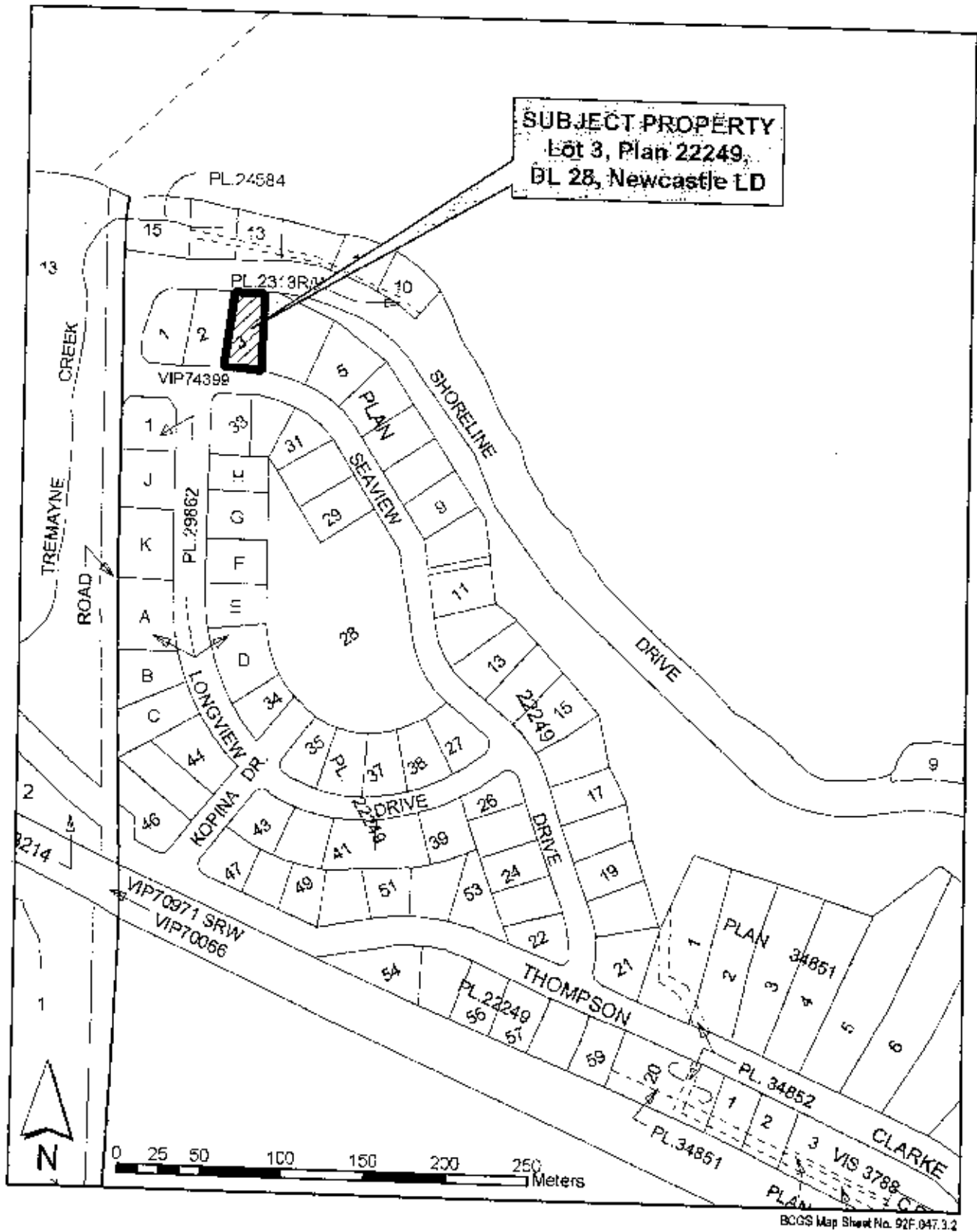


INSPECTED THIS DAY OF JANUARY, 2003.

MICHAEL A. SIMS, B.C.L.S.

SIMS ASSOCIATES
 LAND SURVEYING
 2222 EPPEN ROAD WEST
 BURNABY, BRITISH COLUMBIA, V5C 2E7
 PHONE: 778-5121 FAX: 778-5121
 CORE: 52-511-812
 FILE: 02-017-02
 DATE: 2003/01/15

Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
G&CmS		GMES	
EAP ✓			
TO:		DATE:	
FROM:		FILE:	
SUBJECT:			

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 16, 2004

FROM: Deborah Jensen
Planner

FILE: 3090 30 90324

SUBJECT: Development Variance Permit Application No. 90324 - Eddy
Electoral Area 'H' - 5058 Longview Drive

PURPOSE

To consider an application for a Development Variance Permit to legalize the construction of accessory buildings and structures on a property located along Longview Drive in Electoral Area 'H'. This application includes variances to setbacks from lot lines and watercourses.

BACKGROUND

This is an application for a development variance permit to legalize the construction of two accessory buildings and an accessory patio structure attached to the single dwelling unit, and to legalize the siting of a non-conforming single dwelling unit located on a residential property in the Bowser area of Electoral Area 'H', for the property legally described as Lot 43, District Lot 28, Newcastle District, Plan 22249 (see Attachment No. 1). Setback variances requested in this application include the interior side and other lot lines, and setbacks to a watercourse that transects the subject property.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the rear lot line and interior side lot lines; 5.0 metres from other lot lines; and 18.0 metres horizontal distance from the stream centerline of a watercourse. Although a watercourse traverses the subject property, this parcel is not contained within an environmentally sensitive or hazard lands development permit area pursuant to the "Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996." Therefore, there are no development permit requirements for setbacks in addition to the aforementioned zoning bylaw requirements. It is also noted that the subject property is not located within a building inspection area.

Subsequent to purchase of the parcel, the applicants proceeded to enhance the subject property through landscaping, building maintenance, and construction of several accessory buildings and structures on a site with numerous physical constraints. A storage building was constructed along Kopina Drive, a pottery studio was constructed in the southeast corner of the property, and a patio roof overhang was attached to the eastern portion of the non-conforming dwelling unit (see Schedule No. 2). In addition, a small footbridge was constructed across the watercourse in order to provide easy access to the southwest portion of the property. However, as this footbridge is not considered a structure under Bylaw No. 500, it is not subject to the required setbacks.

As a result of bylaw enforcement action initiated on the subject property in 2003 the applicant is proposing to legalize the uses on the site through this application for a development variance permit. Specifically, the applicants are requesting the following variances:

- Relaxation of the west other lot line along Kopina Drive from 5.0 metres to 0.9 metres to legalize the construction of an accessory building.
- Relaxation of the south interior side lot line from 2.0 metres to 1.2 metres to legalize the construction of an accessory building (pottery studio).
- Relaxation of the east interior side lot line from 2.0 metres to 1.0 metre to legalize the construction of an accessory building (pottery studio).
- Relaxation of the east interior side lot line from 2.0 metres to 1.0 metre to legalize the construction of an accessory structure (patio overhang).
- Relaxation of the minimum setback to a watercourse from 18.0 metres horizontal distance from the stream centerline to 3.7 metres horizontal distance from the stream centerline to legalize the construction of an accessory building.
- Relaxation of the minimum setback to a watercourse from 18.0 metres horizontal distance from the stream centerline to 13.3 metres horizontal distance from the stream centerline to legalize the construction of an accessory building (pottery studio).
- Relaxation of the minimum setback to a watercourse from 18.0 metres horizontal distance from the stream centerline to 1.9 metres horizontal distance from the stream centerline to legalize the siting of the dwelling unit.

Legal Notations

A notation for a restrictive covenant, indicating the presence of a building scheme, is registered to the title of the subject property, but is not pertinent to the content of this application. It should be noted that the RDN is not required to enforce building scheme covenants and it is the responsibility of the property owner to ensure any development meets the requirements of this building scheme. An additional covenant is also registered to the title of the subject property; however, a copy of this covenant cannot be located.

ALTERNATIVES

1. To approve Development Variance Permit No. 90324 subject to the conditions outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is a corner lot bordered by Kopina Drive, Longview Drive, and three residential parcels. Development of the subject property is restricted due to physical layout of the parcel. The watercourse, which runs through the west portion of the property, serves to separate approximately 20% of the property from the remaining parcel, rendering that portion of the parcel unsuitable for development without variances to Bylaw No. 500. A further portion of the property along Longview Drive contains the septic field, located a maximum distance from the watercourse, and is unsuitable for further construction. In addition, the siting along two roadways serves to increase the minimum permitted setbacks along these portions of the property, further restricting development.

From staff's assessment of this application, the potential impact due to setback variances from lot lines is reduced due to the layout of road rights-of-way and current pattern of development on adjacent parcels. The potential visual impact of these buildings and structures is also reduced due to the presence of fencing and mature vegetation.

INTERGOVERNMENTAL IMPLICATIONS

The accessory building constructed along Kopina Drive is located within the setback allowance established by the Ministry of Transportation. However, the Ministry has indicated it would have no objection to a relaxation of this setback. Should the Board approve the requested variances, it will be incumbent upon the property owner to obtain written approval from the Ministry of Transportation for this setback relaxation.

A small footbridge was also constructed across the watercourse in order to provide easy access to the southwest portion of the property. This bridge was constructed without the necessary approvals from the Ministry of Water, Land and Air Protection; however, the Water Act does not provide for any mechanism to regulate construction after the fact. While other penalties can be imposed to remedy the non-compliance, the Ministry has indicated no further action will be taken, as this footbridge is not considered to have any major implication. In addition, the bridge is not considered a structure under Bylaw No. 500, and is not required to meet setbacks.

ENVIRONMENTAL IMPLICATIONS

The subject property is not located in an environmentally sensitive or natural hazardous area pursuant to the "Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996," and the Environmentally Sensitive Areas Atlas does not indicate the presence of any environmentally sensitive features.

The subject property is a flat to gently sloping site, with a small watercourse traversing the western portion of the site. Due to the topography of the site, the potential for impact on this watercourse from development, including runoff from buildings, is considered to be minimal. Extensive vegetation serves to further protect the watercourse and filter any runoff into the creek.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to legalize the construction of two accessory buildings and an accessory patio structure attached to the single dwelling unit, and to legalize the non-conforming single dwelling unit located on the subject property. The application includes requests to vary the minimum permitted setbacks for lot lines and a watercourse within a Residential 2 zone for placement of buildings and structures, as shown on Schedule No. 2.


This report recognizes that a footbridge has been installed without the required approvals from the Ministry of Water, Land and Air Protection; however, the Ministry has indicated they do not believe the bridge to have any major implications and will not proceed with any further action. As well, should the


Board approve the requested variances, the applicant must obtain approval from the Ministry of Transportation for a building setback relaxation for the accessory building located along Kopina Drive.

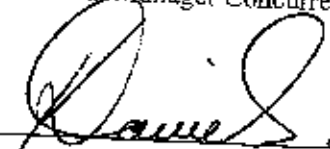
The parcel is not located within a designated environmentally sensitive or natural hazardous area, and given that the accessory buildings do not appear to have a significant impact on adjacent properties, staff recommends this application be approved subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

That Development Variance Permit Application No. 90324, submitted by Diane Eddy and Nelson Eddy, to legalize the existing accessory buildings and structures within a Residential 2 (RS2) zone by varying the minimum permitted setbacks for lot lines and for a watercourse, as shown in Schedule No. 3 of this staff report, for the property legally described as Lot 43, District Lot 28, Newcastle District, Plan 22249, be approved subject to the conditions outlined in Schedules No. 1 and subject to the notification procedures pursuant to the *Local Government Act*.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

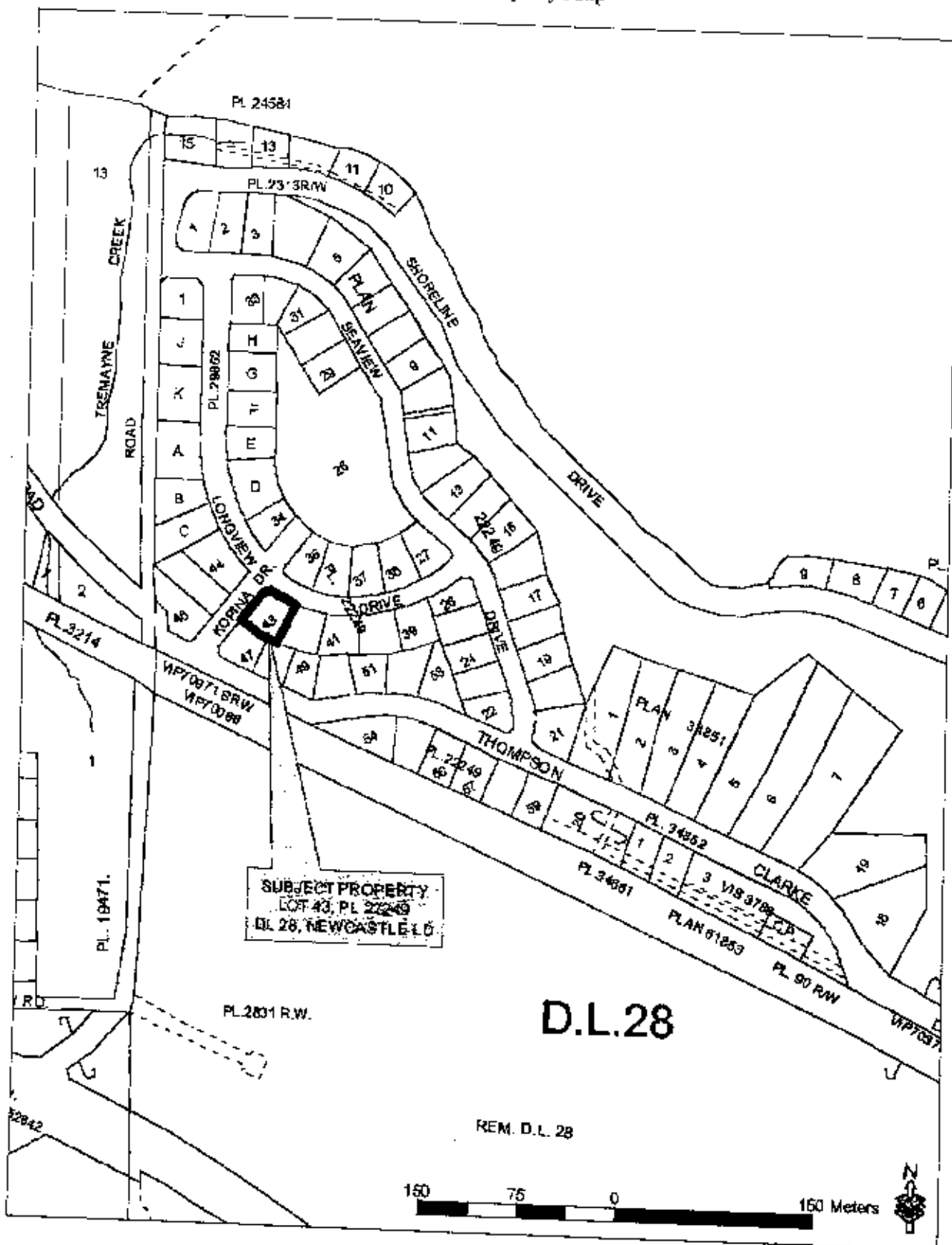
Schedule No. 1
Conditions of Approval
Development Variance Permit No. 90324

1. An approved building setback relaxation for the accessory building located along Kopina Drive, as issued by the Ministry of Transportation.

Schedule No. 3
Variances to Development Variance Permit No. 90324

1. Relaxation of the west other lot line along Kopina Drive from 5.0 metres to 0.9 metres to legalize the construction of an accessory building.
2. Relaxation of the south interior side lot line from 2.0 metres to 1.2 metres to legalize the construction of an accessory building (pottery studio).
3. Relaxation of the east interior side lot line from 2.0 metres to 1.0 metre to legalize the construction of an accessory building (pottery studio).
4. Relaxation of the east interior side lot line from 2.0 metres to 1.0 metre to legalize the construction of an accessory structure (patio overhang).
5. Relaxation of the minimum setback to a watercourse from 18.0 metres horizontal distance from the stream centerline to 3.7 metres horizontal distance from the stream centerline to legalize the construction of an accessory building.
6. Relaxation of the minimum setback to a watercourse from 18.0 metres horizontal distance from the stream centerline to 13.3 metres horizontal distance from the stream centerline to legalize the construction of an accessory building (pottery studio).
7. Relaxation of the minimum setback to a watercourse from 18.0 metres horizontal distance from the stream centerline to 1.9 metres horizontal distance from the stream centerline to legalize the siting of the dwelling unit.

Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMES	
EAP ✓			
		DATE:	January 16, 2004
		FILE:	3090 30 90325

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

FROM: Deborah Jensen
Planner

SUBJECT: Development Variance Permit Application No. 90325 - Green
Electoral Area 'G' - Martindale Road

PURPOSE

To consider an application for a Development Variance Permit to facilitate the construction of a single dwelling unit on Martindale Road in Electoral Area 'G.' This application includes a variance to the minimum setback requirement for a lot line.

BACKGROUND

This is an application to facilitate the development of a single dwelling unit on a rural property located along the Englishman River (see Attachment No. 1). The subject property, legally described as Lot 9, District Lot 128, Nanoose District, Plan 20938, is a 0.49-hectare parcel sited along Martindale Road.

Zoning and Proposed Variances

The subject property is zoned Rural 1 (RU1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone is: 8.0 metres from all lot lines, or 30.0 metres for buildings and structures used for housing livestock or storing manure; and 30.0 metres from the natural boundary of the Englishman River. The maximum height within this zone is 9.0 metres. The property is also located within a building inspection area; therefore, the "Floodplain Management Bylaw" (RDN Bylaw No. 843) applies to this property. In this instance, the floodplain setback from the Englishman River is 30.0 metres. Staff notes that the proposed construction is located more than 30.0 metres from Englishman River, therefore meeting the requirements of Bylaw No. 843.

Although the property is located along a watercourse, this parcel is not contained within a development permit area pursuant to the "Englishman River Official Community Plan Bylaw No. 814, 1990." Therefore, there are no development permit requirements for setbacks in addition to the aforementioned zoning bylaw requirements.

The siting and dimensions of the single dwelling unit are shown on Schedules No. 2 and 3. An agricultural building has been constructed on the site through issuance of Development Variance Permit No. 0104, and the applicants are now proposing to construct a single dwelling unit, thereby replacing an older dwelling unit already removed from the site. A septic system is already located along Martindale Road to maximize the distance between the septic field and the Englishman River. Due to architectural design and the designated flood level for the Englishman River at this location, it does not appear the applicant will require a variance to the dwelling unit height. However, due to the required setback from

the Englishman River and placement of the septic field and agricultural building, the applicants are requesting a proposed variance to the minimum setback requirement for the south lot line from 8.0 metres to 4.0 metres.

Legal Notations

A restrictive covenant is registered to the title of the subject property restricting the use of the agricultural building by not permitting the housing of livestock or storing of manure. This covenant was registered in conjunction with the approval of Development Variance Permit No. 0104, which permitted the construction of the agricultural building with a variance to the north lot line. The property is also subject to the Wills Variation Act and a crown grant; however, these have no impact on the request for a variance contained within this application.

ALTERNATIVES

1. To approve Development Variance Permit No. 90325 subject to the proposed amendments to conditions outlined in Schedule No. 1.
2. To deny the requested permit.

LAND USE IMPLICATIONS

Approval of the requested permit would allow the construction of a single dwelling unit. This proposed structure will be visible from neighbouring properties, but retains the same large-lot residential land use pattern as noted in the surrounding area. Staff also notes that residential use of the site was in existence prior to removal of an older single dwelling unit, and evidence of this prior use is visible through placement of a septic field, well house, fencing and landscaped areas. However, the potential visual impact of the requested variance to the property immediately adjacent to the south should be reduced through retention of existing vegetation.

The property is subject to additional setback requirements due to setbacks from a watercourse, in this case, 30 metres from the natural boundary of the Englishman River. As the parcel is located within the RDN Building Inspection area, the "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" also applies, and construction must meet the same 30 metre setback. As a result of these setbacks and existing structures and uses, it is difficult to accommodate the proposed dwelling unit without a variance to minimum setback requirements.

ENVIRONMENTAL IMPLICATIONS

The subject property is relatively flat, with the greatest slope occurring on the eastern portion of the property. This area, which slopes downward toward the Englishman River, contains native mature vegetation and understory. The remainder of the property is well developed, with fencing surrounding the property and the bulk of the area grass seeded and planted with other vegetation.

The proposed location for the dwelling unit is located more than 30.0 metres from the natural boundary of the Englishman River. However, the property is located in a Hazard Lands area pursuant to the "Regional District of Nanaimo Englishman River Official Community Plan, Bylaw No. 814, 1990." As

the subject property is located within the floodplain of the river, staff recommends that a geotechnical report be required as a condition of approval. This report should include statements outlining mitigation strategies with respect to the natural hazard and vegetation protection, and retention measures. As well, the report should address any requirements for sediment and erosion control measures, including perimeter drainage, detention ponds, and/or rock pits.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

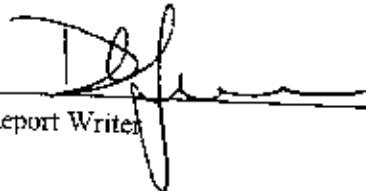
SUMMARY/CONCLUSIONS

This is an application for a development variance permit to facilitate the development of a single dwelling unit. The application includes a request to vary the minimum permitted setbacks for a south lot line from 8.0 metres to 4.0 metres. Due to placement of existing buildings and infrastructure, and to the required setbacks from lot lines and from the Englishman River, there is little opportunity for placement of a single dwelling unit without requiring a variance.

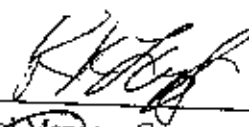
Therefore, based on site constraints and the minimal impact of construction on adjacent properties, staff recommends the requested Development Variance Permit be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 of this report and subject to notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION

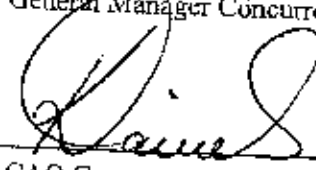
That Development Variance Permit No. 90325, submitted by Dale Green and Peggy Green, to facilitate the development of a single dwelling unit within a Rural 1 (RU1) zone by varying the minimum permitted setback to the south lot line from 8.0 metres to 4.0 metres, for the property legally described as Lot 9, District Lot 128, Nanoose District, Plan 20938, be approved as amended, subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval
Development Variance Permit No. 90325

The following conditions are to be completed as part of Development Variance Permit No. 90325:

Construction

1. Submission of an approved health permit, as issued by the Ministry of Health, indicating that the existing septic system is adequate for the proposed construction.
2. The subject property is to be developed in accordance with Schedules No. 1, 2 and 3 of this staff report.
3. A geotechnical report outlining mitigation strategies with respect to the natural hazard and vegetation protection and retention measures is required to be registered on title prior to the RDN Building Inspection Department issuing an occupancy permit. The geotechnical report should also address any requirements for sediment and erosion control measures, including perimeter drainage, detention ponds, and/or rock pits.

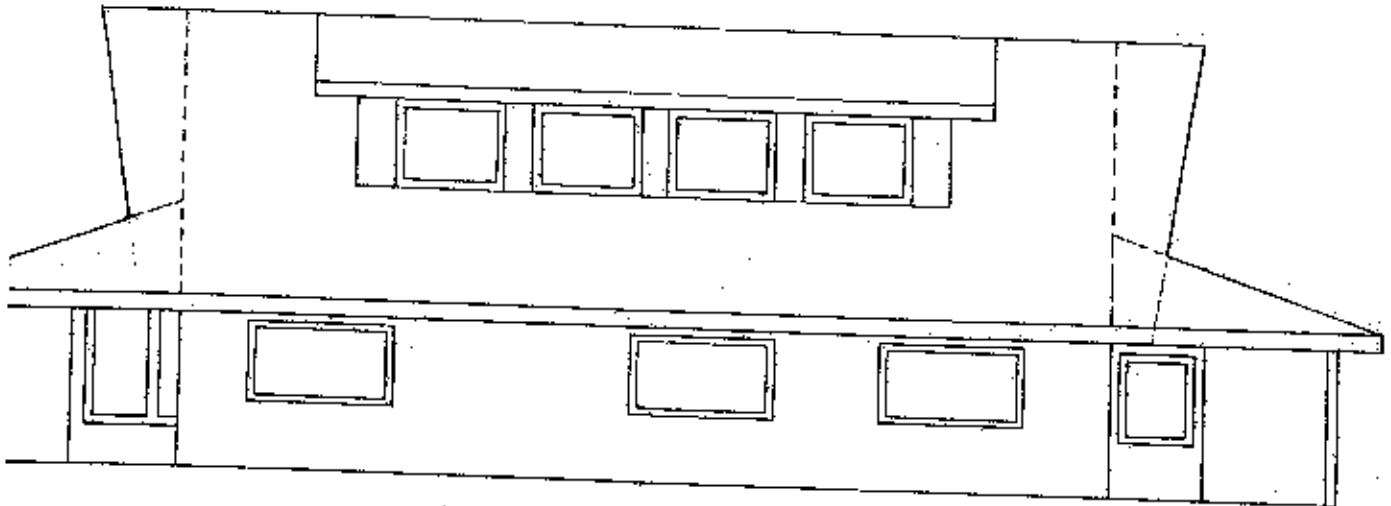
Vegetation

4. The subject property shall be replanted with vegetation consisting of native species within disturbed areas.
5. No removal of vegetation shall occur along the north and south lot lines where vegetation creates a buffer between the subject property and adjacent properties.
6. No vegetation removal shall occur within 30 metres of the natural boundary of the Englishman River without written permission from the RDN.

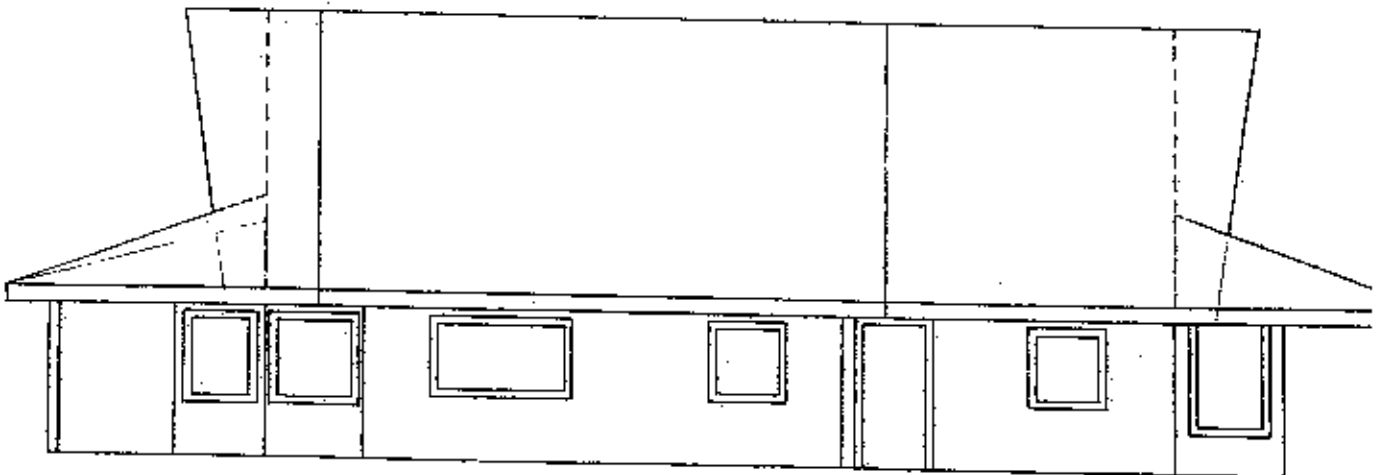
Sediment and Erosion Control

7. Sediment and erosion control measures must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include:
 - a) Exposed soils must be seeded as soon as possible to reduce erosion during rain events;
 - b) Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during the works; and
 - c) Cover temporary fill or soil stockpiles with polyethylene or tarps.

Schedule No. 3
Building Plan
Development Variance Permit No. 90325
(Page 1 of 2)

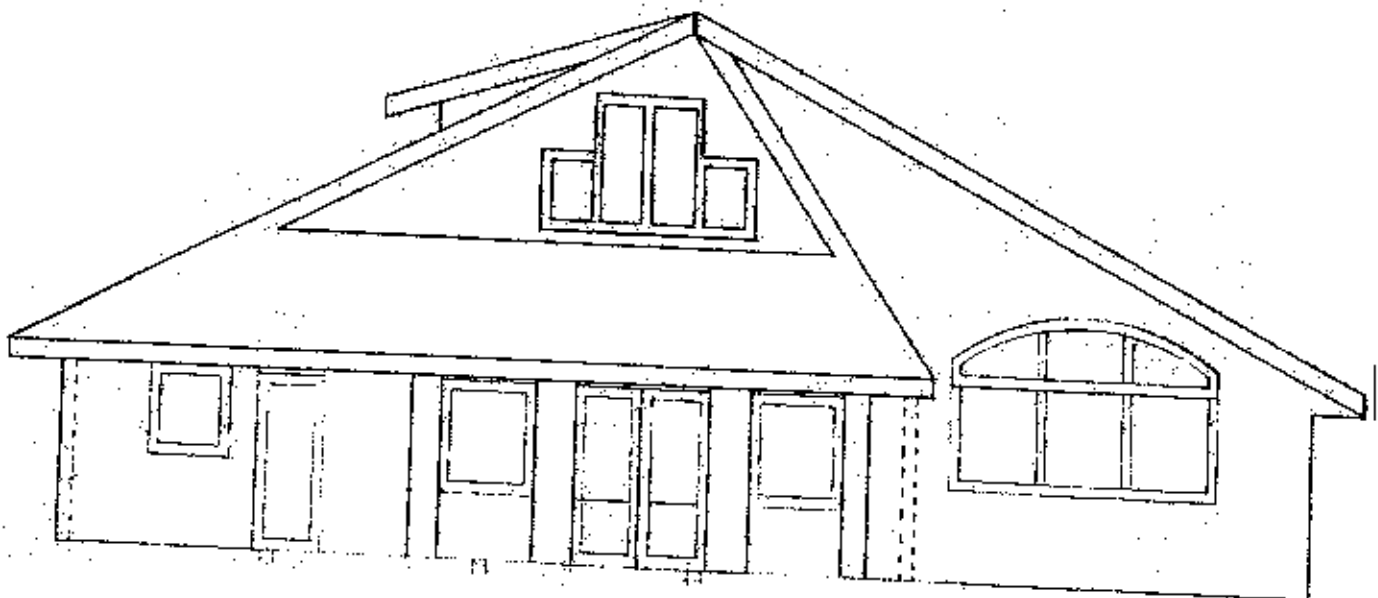
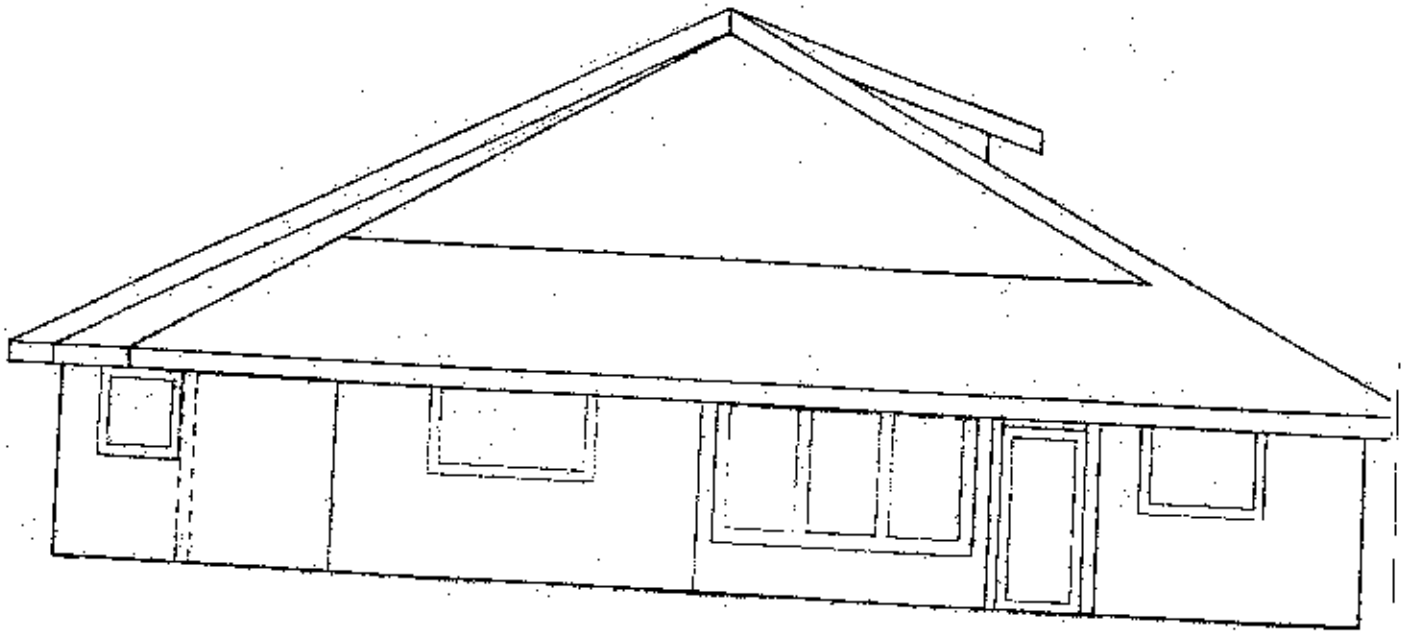


SOUTH VIEW



LEVIAS ROAD SIDE NORTH VIEW

Schedule No. 3
Building Plan
Development Variance Permit No. 90325
(Page 2 of 2)

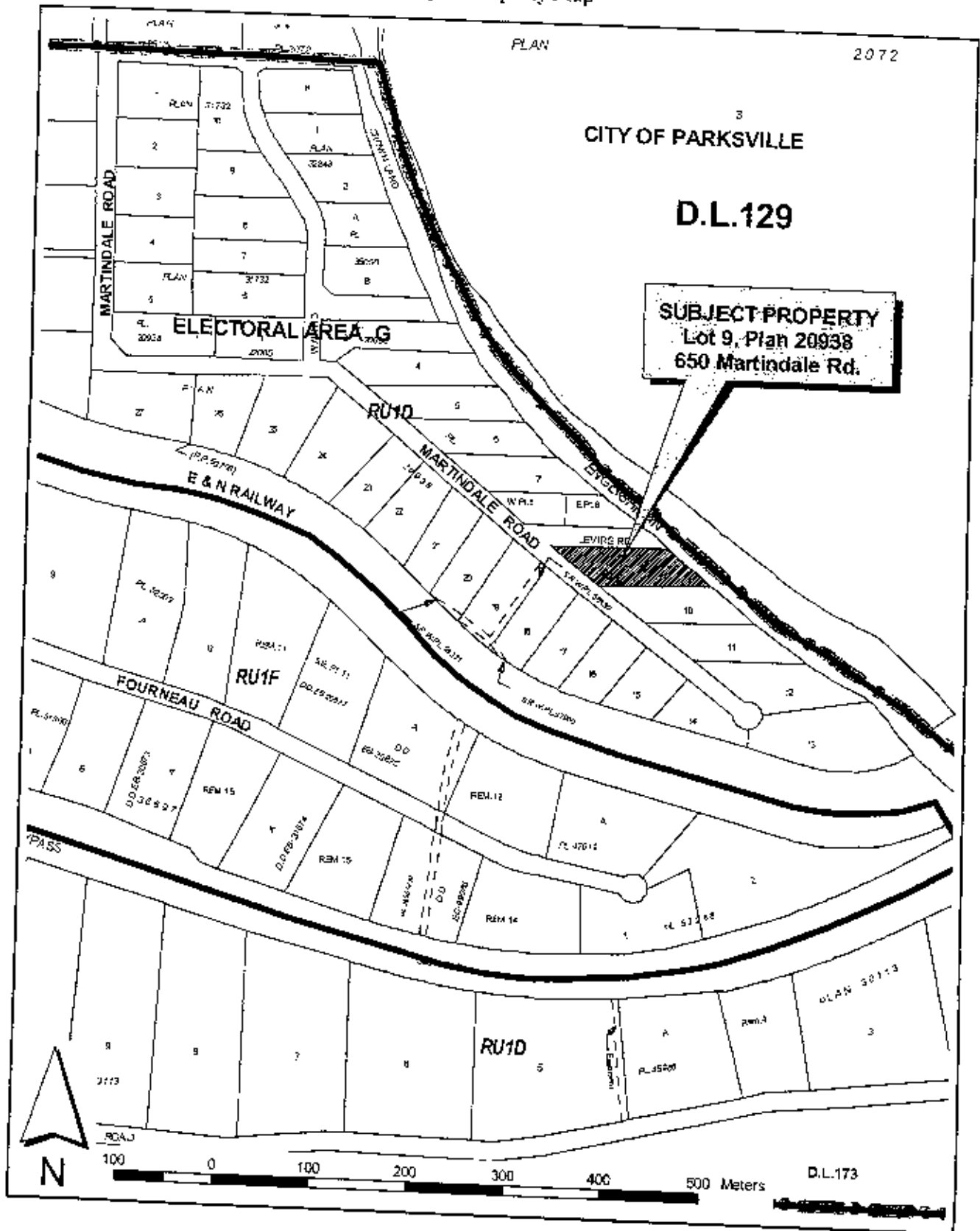


Schedule No. 4
Variance to Development Variance Permit No. 90325

With respect to the Lands, Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 is varied as follows:

- a) relaxation of south lot line from 8.0 metres to 4.0 metres to accommodate the construction of a dwelling unit.

Attachment No. 1
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		EAT	✓

MEMORANDUM

TO: Robert Lapharr, General Manager, Development Services DATE: January 16, 2004

FROM: Susan Cornie, Senior Planner FILE: 3090 30 90326
3320 20 25039

SUBJECT: Development Variance Permit Application No. 90326 & Request for Minimum 10% Frontage Requirement
Applicant: RK Brown & Associates, on behalf of Wayne Roine
Electoral Area 'A' - Farrar, Yellow Point, and McQuarrie Roads

PURPOSE

To consider an application for a development variance permit to create a non-contiguous parcel and to consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a 3-lot subdivision proposal.

BACKGROUND

The applicant's agent has applied for a development variance permit requesting approval for the creation of a non-contiguous parcel as part of 3-lot subdivision proposal. The applicant's agent has also requested that the minimum 10% perimeter frontage requirement be relaxed for 1 of the proposed parcels as part of a 3-lot subdivision proposal for the property legally described as The East 20 Chains of Section 5, Range 5, Cedar District, Except Parcel C (DD 2340N) and Except That Part in Plan 8608, and located adjacent to Farrar, Yellow Point, and McQuarrie Roads within Electoral Area 'A' (see Attachment No. 1 for location).

The subject property is currently zoned Rural 4 (RU4) and is within Subdivision District 'D' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The applicant is proposing to subdivide the parent parcel into 3 parcels, which will be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement (see Schedule No. 1 for proposed revised plan of subdivision). The parcels are proposed to be served by individual private septic disposal systems and private water wells.

The Committee may recall that the applicant previously applied for a development variance permit for a setback relaxation from a proposed lot line and 10% frontage relaxation for a 4-lot subdivision of the same parent parcel. The applicant has now revised the original 4-lot subdivision application to a 3-lot subdivision configuration. With the proposed reconfiguration of the subdivision, the applicant is proposing the creation of a non-contiguous parcel for proposed Lot 1, which is not permitted under section 4.5.4 of Bylaw No. 500, 1987. Therefore, a development variance permit is required.

In addition, Lot 1 is also proposed to have a frontage of 123.3 metres or 8.4%, therefore not meeting the minimum 10% perimeter frontage requirement pursuant to section 944 of the Local Government Act. Therefore, a relaxation of this provision is required.

The "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" (OCP) designates portions of the subject property within the Streams, Nest Trees, and Floodplain Development Permit Area No. 5. However, as the requirements of this development permit area came into effect on December 11, 2003, the subdivision application is considered to have in-stream application under the provisions of the *Local Government Act*. Therefore, this application is not subject to a development permit provided the subdivision is approved by the Regional Approving Officer prior to December 11, 2004.

ALTERNATIVES

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lot 1 and approve the development variance permit application as submitted, subject to notification procedure.
2. To deny relaxation of the minimum 10% frontage requirement and the development variance permit application.

DEVELOPMENT IMPLICATIONS

The proposed non-contiguous parcel has provision for access to both portions of the lot and in fact the east portion has been granted a minimum 10% frontage relaxation. Ministry of Transportation staff has indicated that the Ministry has no issue with the proposed 10% relaxation request.

OFFICIAL COMMUNITY PLAN / ENVIRONMENTAL IMPLICATIONS

At the time of the previous consideration of the 4-lot subdivision proposal, the applicant was in concurrence to provide protective covenants for the ponds and watercourses, which cross or are adjacent to the parent parcel. The requirement for the registration of these covenants was secured under Development Variance Permit No. 90317. The applicant is still in concurrence to register these protective covenants that will restrict the removal of vegetation and the placement of buildings or structures within the 15.0-metre areas for the ponds (as measured from the natural boundary), the marsh area, and the stream (as measured 15.0 metres from the top of the bank). The extent of the protective areas is in keeping with the relevant development permit guidelines.

While the Ministry of Land, Water and Air Protection has not recommended that the Approving Authority require floodplain elevation covenants as a condition of subdivision, it is noted that the requirements of the RDN Floodplain Management Bylaw are applicable at the time of building permit application. The applicant's agent is aware of this requirement.

VOTING

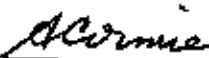
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

This is a request to relax the minimum 10% perimeter frontage requirement for 1 proposed parcel as part of a revised 3-lot subdivision proposal as shown on Schedule No. 1. This is also a request for a development variance permit to allow the creation of a non-contiguous parcel. The parent parcel contains a number of environmentally sensitive features, but is exempt from the requirements of the corresponding development permit requirements of the Electoral Area 'A' OCP at this time. Apart from this, under DVP90317, the applicant will register protective covenants of these environmentally sensitive features concurrently with the subdivision plan. The Ministry of Transportation staff has indicated that they have no objection to the request for the proposed minimum 10% perimeter frontage relaxation. As the Ministry of Transportation staff has no objection to this request and the applicant is still in concurrence to register the covenants as set out in the previously issued Development Variance Permit No. 90317, staff recommends Alternative No. 1, to approve relaxation of the minimum 10% perimeter frontage for proposed Lot 1 and to approve the development variance permit to allow the creation of a non-contiguous parcel, subject to notification procedures.

RECOMMENDATION

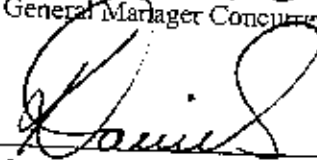
That the request, submitted by RK Brown, on behalf of Wayne Roine to relax the minimum 10% frontage requirement for the Proposed Lot 1, as shown on the revised plan of subdivision of The East 20 Chains of Section 5, Range 5, Cedar District, Except Parcel C (DD2340N) and Except That Part in Plan 8609 and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence

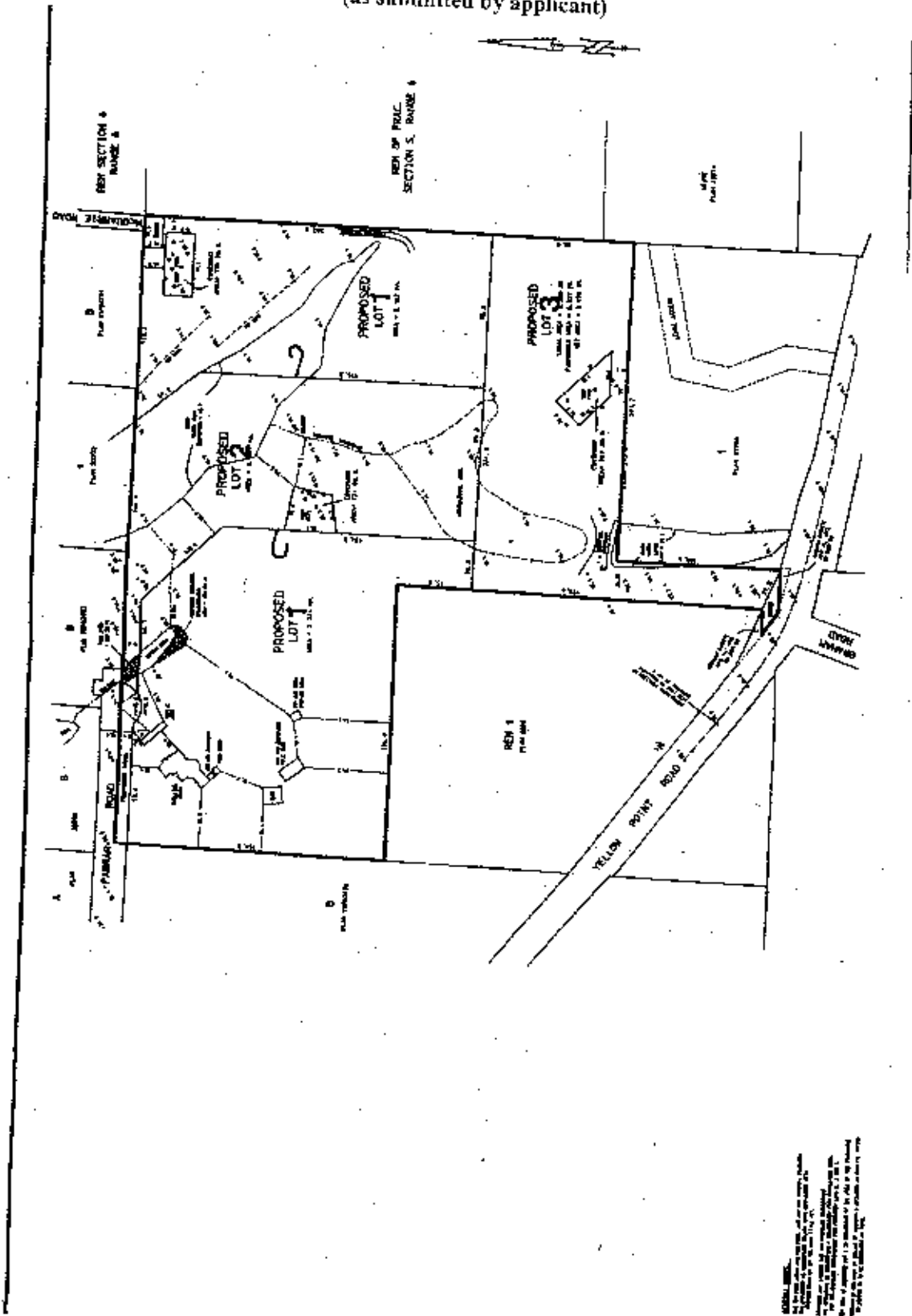


CAO Concurrence

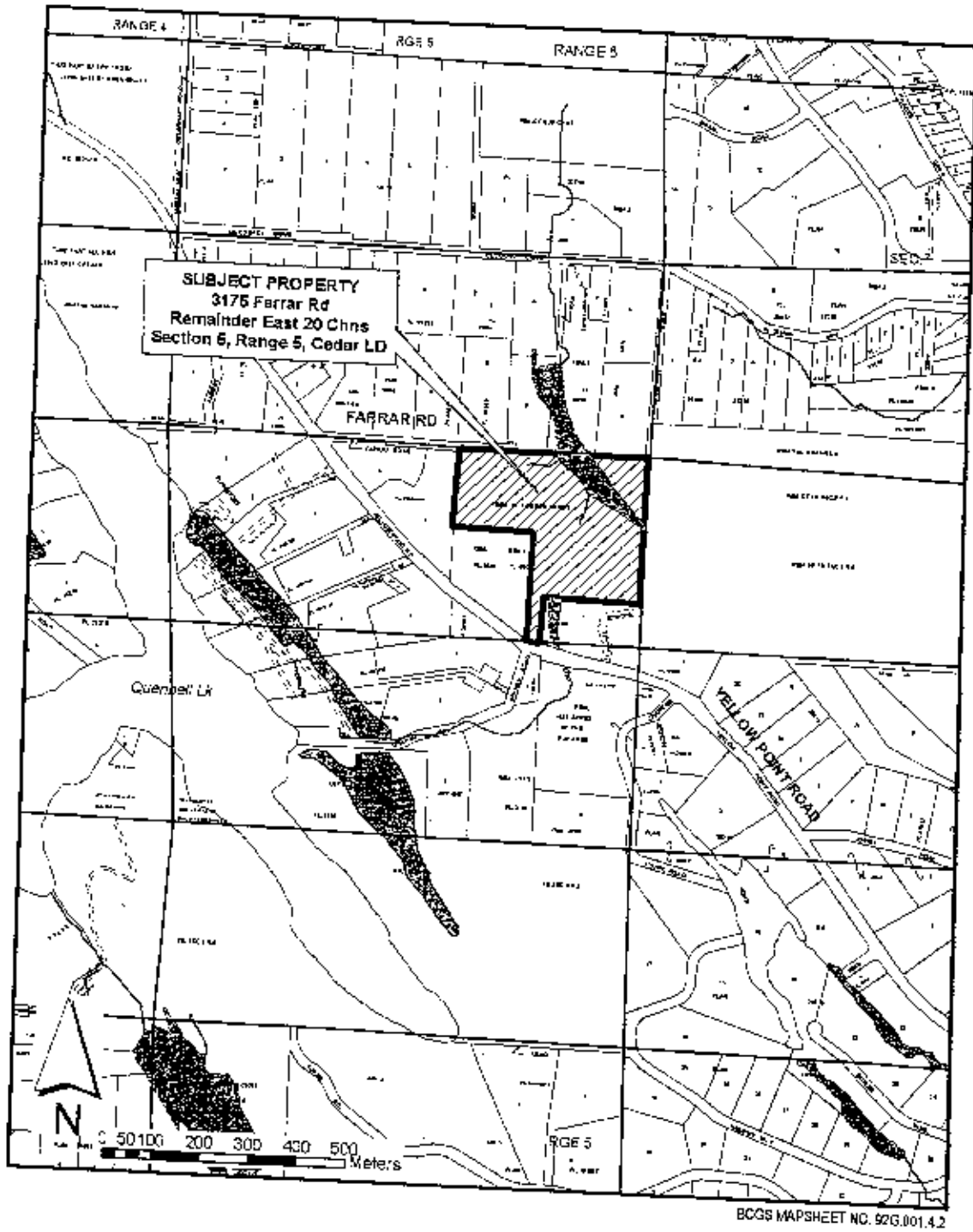
COMMENTS:

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SCHEDULE NO. 1
PROPOSED REVISED PLAN OF SUBDIVISION
 (as submitted by applicant)



ATTACHMENT NO. 1
SUBJECT PROPERTY LOCATION





REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
GmCms		GMES	
EAP ✓			
			DATE:

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

FROM: Blaine Russell
Planner

SUBJECT: Development Variance Permit Application No. 90401 —Sertic Simmons (Jorgensen)
Electoral Area 'E' – 3525 Shetland Place

DATE: January 16, 2004

FILE: 3090 30 90401

PURPOSE

To consider an application for a Development Variance Permit to facilitate the construction of a riprap retaining wall with variances for the purpose of enabling a driveway and to allow for a level grade on the rest of the property.

BACKGROUND

The subject property, legally described as: Strata Lot 48, District Lot 78, Nanoose District, Strata Plan VIS3393 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, and has a civic address of 3525 Shetland Place in the Fairwinds area of Electoral Area 'E' (see Attachment No. 1).

The subject property is zoned Residential 1 (RS1) subdivision district 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property is bordered by other residential zone properties to the north, east and west and to the south is adjacent to a common property right of way named Shetland Place. Across Shetland Place are additional residential properties. It should be noted that most of the adjacent residential properties are not presently developed.

A portion of the riprap retaining wall is proposed to have a general height of 2.0 metres and thus would be considered a structure under Bylaw No. 500, 1987. This section of the retaining wall would require a relaxation to setbacks from 8.0 metres to 2.85 metres from the front lot line and would require a relaxation to setbacks to the west interior side lot lines from 2.0 metres to 0.0 metres to be sited as proposed. The proposed general siting and dimensions of the retaining wall are shown on Schedule 2.

In addition, it should be noted that most of the riprap retaining wall is proposed to be less than 1.0 metre in height and thus is exempt from setbacks. This portion of the wall is proposed to continue along the west interior side lot line to the rear lot line and then extend along a portion of the rear lot line.

It should also be noted that the applicant is proposing to build a dwelling unit and swimming pool on the subject property.

The property is located within a building inspection service area; therefore building permits will be required.

ALTERNATIVES

1. To approve Development Variance Permit No. 90401 subject to the conditions outlined in Schedules No. 1, 2 and 3.
2. To deny the requested permit.

DEVELOPMENT IMPLICATIONS

The terrain of the subject property initially rises from the road approximately 3.3 metres in height over 7.5 metres horizontally. This rapid rise in terrain forms a steep bank adjacent the right of way. In addition, the property rises gradually from east to west. The proposed driveway, due to the terrain, is proposed to have a 9% maximum grade. The subject property is comprised primarily of bedrock.

A portion of the riprap retaining wall is proposed to be located 2.85 metres from Shetland Place and 0.0 metres from the west interior side lot line, hence the request for variance (*Please refer to schedule No. 2 for general location*). With respect to the height of the riprap retaining wall, the applicant has indicated that the wall is not anticipated to exceed 2.0 metres in height (as limited by the conditions outlined in Schedule No. 1) for that portion of the retaining wall where variances have been requested. It should be noted that base of the riprap retaining wall, for that portion where variances are being requested, will be approximately 1.8 to 3.3 metres above the grade of the road. The remainder of the retaining wall, that is adjacent the rest of the west interior side line and a portion of the rear lot line, is proposed to be less than 1.0 metres in height, thus not subject to setback requirements.

The proposed retaining wall is to enable a driveway to reach the garage of the dwelling unit by making the grade passable by automobile for that portion where the variance has been requested. In addition the retaining wall will allow for a level grade on the rest of the property. The agent has been advised that the proposed dwelling unit and swimming pool will require a building permit and are required to meet all setback and height requirements pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". It should be noted that the subject property is within a strata development and may be subject to strata council bylaws once the strata council, pursuant to the *Strata Property Act*, is established. It should also be noted that there is a restrictive covenant registered on title that restricts land alteration, extraction, fill, vegetation removal and restricts any construction of building permits unless approval has been granted by the covenant holder, in this case the subdivision developer. The agent has indicated that they have the approval of the subdivision developer, in this case Fairwinds Development Corporation, for the proposed riprap retaining wall. The agent has been asked to provide this approval in writing prior to this application proceeding to the Board of the Regional District.

The road adjacent the subject property, in this case Shetland Place, is common property of the strata development and not subject to Ministry of Transportation setback requirements. The retaining wall is proposed to be located on the bank and as such will not limit road visibility.

The natural elevation of the property is above that of surrounding properties to the south and west by approximately 3.3 metres or more and would already block any views from these directions naturally.

The proposed riprap retaining wall, that is intended to allow for the leveling of grade on the subject property, will not likely change this situation.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

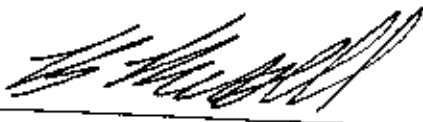
This is an application for a development variance permit to allow for the construction of a riprap retaining wall to permit access to a newly proposed dwelling unit. The proposed siting of the wall does not appear to impact adjacent properties, views or road visibility in the area therefore staff recommend approval subject to the conditions outlined in Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATIONS


That Development Variance Permit Application No. 90401, submitted by the agent, Peter Jorgensen, on behalf of Marijan Sertic and Renate Dawn Simmons, for the property legally described as Strata Lot 48, District Lot 78, Nanoose District, Strata Plan VIS3393 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 to:

- a) Relax the minimum setback requirements for the front lot line from 8.0 metres to 2.85;
- b) Relax the minimum setback requirements for the west interior side lot line from 2.0 metres to 0.0 metres;

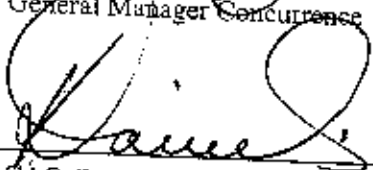
in order to accommodate the siting of a riprap retaining wall be approved subject to the conditions outlined in Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Conditions of Approval
Development Variance Permit No. 90401

Siting

1. The riprap retaining wall shall be generally sited as shown on Schedule No. 2 provided that the retaining wall is located at least 2.85 metres or more from the front lot line and is located at least 0.0 metres from the west interior side lot line and is wholly contained on the subject property;

Maximum Height

2. The riprap retaining wall shall not exceed 2.5 metres in height as measured from the natural grade for that portion of the wall as indicated on Schedule No. 2, and the remainder of the riprap retaining wall shall be less than 1.0 metre in height as measured from the natural grade, both pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987";

Construction

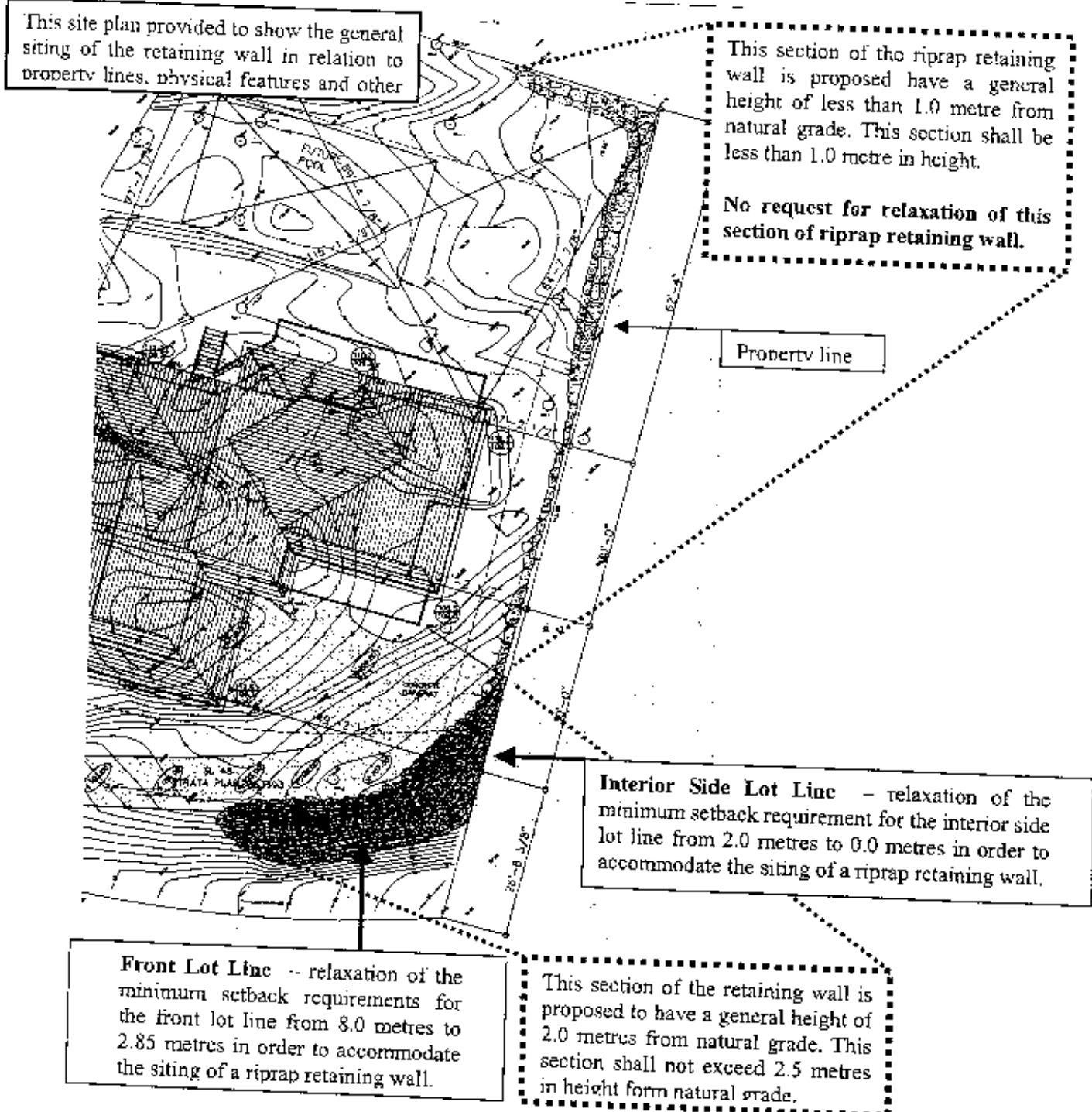
3. Any earth, rock, riprap, concrete, brick or any other material, with the exception of vegetation, that is placed on or adjacent to the riprap retaining wall shall be considered part of the retaining wall for the purposes of determining setbacks and height;
4. Upon completion of the riprap retaining wall, a survey will be required to confirm its siting and height;

Engineering

5. The riprap retaining wall may require certification by a professional geotechnical engineer and /or a professional structural engineer to the satisfaction of the Regional District of Nanaimo Building Inspection Department if, deemed necessary by the Chief Building Inspector.
6. A letter of authorization for the proposed works must be obtained from Fairwinds Development Corporation prior to this permit proceeding to the Board of the Regional District.

Schedule No. 2
Site Plan
Development Variance Permit No. 90401

(As Submitted by Applicant / Modified to Fit This Page)



Schedule No. 3
Requested Variances
Development Variance Permit No. 90401

Development Variance Permit No. 90401 is proposed to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

1. By relaxing **Section 3.4.61 - Minimum Setback Requirement - Front Lot Line** -- the minimum setback requirements for the front lot line from 8.0 metres to 2.85 metres in order to accommodate the siting of a riprap retaining wall.
2. By relaxing **Section 3.4.61 - Minimum Setback Requirement - Interior Side Lot Line** -- the minimum setback requirement for the interior side lot line (in this case west interior side lot line adjacent lot 47) from 2.0 metres to 0.0 metres in order to accommodate the siting of a riprap retaining wall.

REGIONAL DISTRICT OF NANAIMO			
JAN 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
CC/Cms		GMES	
DATE:		U	
FILE:			

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

January 16, 2004

FROM: Keeva Kehler
Planner

3360-30-TXT0301

SUBJECT: Aquaculture - Official Community Plan and Zoning Amendments Issues
& Public Consultation Strategy

PURPOSE

To provide an overview of the comments received during the Public Consultation Strategy and to identify the planning approach with respect to potential land use amendments to the RDN's zoning bylaws (Bylaw No. 500, 1987 and Bylaw No. 1285, 2002) and further, to identify potential policy amendments in all Official Community Plans (except Electoral Area 'B').

BACKGROUND

At its Regular Board meeting held on June 10, 2003 the Regional Board passed a resolution directing staff to proceed with the Public Consultation Strategy with respect to aquaculture land use issues in the RDN. As a result of this resolution, RDN staff organized a series of three Public Information Meetings throughout the region (north, central and south) to gather comments on existing aquaculture regulations and to identify areas where changes were desired. Notices of the Public Information Meetings were placed in 3 local papers (The News, Lantzville Log, Nanaimo News Bulletin) and mailed directly to residents' associations, provincial and federal government agencies with jurisdiction over aquaculture and fisheries, First Nations and shellfish growers. The meetings were held on October 1, 2 and 6, 2003. Approximately 75 people attended the Public Information Meetings (See Attachments No. 1, 2 and 3). A number of written comments were also submitted after the meetings (see Attachment No.4).

A staff report was prepared for the October 28, 2003 Electoral Area Planning Committee however was referred back to staff for further review of the proposed approach to regulate aquaculture use in consultation with Ministry staff and to bring forward more detail in relation to proposed policies, land use zones and definitions.

This report outlines the proposed direction with respect to possible amendments to the land use bylaws (RDN Subdivision and Land Use Bylaw No. 500, 1987 and RDN Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002) and policies for aquaculture in the RDN. Should the Board approve this approach, a public information meeting will be held to obtain comments on the proposed regulatory changes.

ALTERNATIVES

1. Receive the staff report for information and provide direction to staff to proceed with the proposed planning approach and public consultation on the proposed amendments.
2. Provide further direction to staff.

OFFICIAL COMMUNITY PLAN (OCP) IMPLICATIONS

In a previous report to the Board, staff recommended that a standard policy with respect to shellfish aquaculture development across the RDN be established and added to each OCP to provide guidance to citizens and industry. Throughout the Public Consultation Strategy, support was generally expressed for aquaculture development on the land

throughout the region. Many of the OCPs currently contain policies for mitigating land use conflicts between rural residential areas and intensively used agricultural or resource areas. Comments received during the Public Consultation Strategy indicate that the public feels aquaculture operations conducted on the land, especially finfish operations, are often more environmentally sound than those operated in the marine environment.

Changes to the Agricultural Land Commission Act that became effective on November 1, 2002 prevent the RDN from prohibiting aquaculture development on ALR properties. Therefore, in keeping with the Provincial regulations and the comments received during the Public Consultation Strategy, it is recommended that aquaculture be supported on lands within the ALR in all Electoral Areas (except Electoral Area 'B' which falls under the jurisdiction of the Islands Trust). Provincial agricultural waste control regulations will apply to aquaculture operations within the ALR and the provisions of the *Farm Protection Practices (Right to Farm) Act* will continue to protect 'normal' aquaculture practices from local government nuisance bylaws, such as noise bylaws.

As mentioned in previous staff reports, the Board may wish to consider including siting criteria or guidelines in the OCP policies for considering zoning amendments to facilitate more intensive aquaculture development including seafood processing and zoning amendment applications for new aquaculture sites outside identified areas. As part of a rezoning process it may be useful to require applicants to submit a minimum standard of information before considering the proposal. For example, applicants may be required to provide a professional report evaluating the environmental, tourism and recreation values of a potential shellfish site; details on the proximity of the site to wild nursery spots and potential issues that may arise; potential impacts on existing upland uses; potential issues with respect to commercial fisheries and recreational boating; potential environmental impacts or benefits; economic implications.

ZONING IMPLICATIONS

Section 903 of the *Local Government Act* grants the Regional District of Nanaimo authority to make zoning bylaws for land and the surface of water within the Electoral Areas. Pursuant to the *Act*, the RDN can regulate the use of land, buildings and structures; the density of the use of land, buildings and structures; the siting, size and dimensions of buildings and structures. The power to regulate zones includes the power to prohibit any use in a zone. The RDN must obtain approval from the Minister of Agriculture, Food and Fisheries (MAFF) prior to prohibiting or restricting the use of land for a farm business in a farming area. A 'farming area' is currently defined as land within the Agricultural Land Reserve or land affected by a valid and subsisting licence for Aquaculture under the *Fisheries Act*. Non-ALR Rural and Resource Management zones are not considered 'farming areas' pursuant to this definition, and therefore, the RDN can prohibit aquaculture uses in these zones without approval from the Minister.

Aquaculture Activities on Land Within the RDN

Recognizing that terrestrial aquaculture facilities constitute an intensive use of land, it is proposed that the RDN remove Aquaculture as a permitted use from non-ALR Rural and Resource Management (except RM6) zones, directing new aquaculture development to the Agricultural Land Reserve. This course of action will enhance the value of ALR properties in the RDN as a working agricultural land base and will assist in reducing the potential for land use conflicts between non-ALR rural residential areas and more intensely farmed agricultural areas. The existing definition of Aquaculture pursuant to RDN Subdivision and Land Use Bylaw No. 500, 1987 is adequate for addressing aquaculture uses in the ALR (*See Schedule No. 1*). It is recommended that this definition for Aquaculture be included in the RDN Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002. The public was supportive of all types of aquaculture, including finfish development, on the land in the RDN. Previous staff reports referred to the Comprehensive Development (CD10) zone. There is only one property affected by the CD10 zone and it is located within the ALR. Therefore the RDN cannot prohibit aquaculture uses on this particular property.

In Electoral Area 'F' aquaculture will not be permitted as a farm business in the FR-1 (Forestry) zone, unless the property is located within the ALR. Properties with A-1 (Agriculture-1) zoning are located within the ALR and aquaculture will continue to be permitted as a farm use in this zone.

It is recommended that aquaculture remain as a permitted use for those non-ALR properties containing an existing aquaculture facility on the land in the RDN. It is recommended that a site-specific Rural zone be created for these properties. To date one property owner in the Cedar area has requested that the existing aquaculture use remain as a permitted use for the property. Staff recently obtained a list of aquaculture operations in the RDN from a MAFF representative and it is proposed that those landowners operating aquaculture facilities on non-ALR properties be contacted directly for comment. Another option for these landowners would be to apply to include their land in the Provincial ALR.

Aquaculture Activities in the Marine Environment

It is proposed that Aquaculture be removed from the Water 1 (WA1) zone and that those areas with a valid shellfish lease and specific coastal sites that exhibit high capability and suitability characteristics for shellfish development be zoned to permit Shellfish Aquaculture as an outright use (see *Schedule No. 1, Water 5 zone*). It is proposed that this new land use zone prohibit seafood processing and limit buildings and structures on the lease to floating accessory buildings with a total combined floor area not exceeding 100 square metres in area and 5.0 metres in height. Pursuant to the *Local Government Act*, the RDN has the authority to regulate the size and dimensions of accessory structures. Due to the *Farm Protection Practices (Right to Farm) Act (FPPA)*, machinery and equipment required for normal aquaculture operations such as rafts will not be regulated under this new land use zone and upland owners can expect to see similar types of technology in the shellfish lease areas.

In the proposed Water 5 land use zone, the recommended floor area maximum for accessory structures is 100 square metres. Although, this may seem overly permissive, staff has consulted with the Ministry of Sustainable Resource Management (MSRM) and the Ministry of Agriculture, Food and Fisheries (MAFF) with respect to the proposed zoning regulations including accessory building requirements. During these discussions, the Provincial representatives indicated that allowing sufficient floor area for accessory buildings would reduce potential noise and visual impacts by containing shellfish aquaculture activity within a building. The accessory buildings are usually insulated to retain heat and reduce noise. Conducting the activities, inside a building, results in less people and less activity being evident over the lease area. If the RDN does not allow for usable accessory buildings, the aquaculture operators will likely conduct their activities in vessels, which cannot be regulated by zoning. In an effort to reduce the noise and visual impacts for upland owners, it may be beneficial to encourage shellfish growers to conduct their operations in a building rather than on vessels or outside on decks on the lease area. In addition, permitting accessory buildings on a shellfish lease will provide a safer environment for employees. Should a shellfish grower require a larger floor area for accessory buildings due to intensity of operations, a zoning amendment application can be submitted to the RDN Board for its consideration.

Currently, the shellfish industry along the RDN coastline is not highly industrialized and most of the impacts on upland owners are related to visual and noise impacts. However, should technology for aquaculture change significantly in the coming years, making other areas along the coastline suitable for aquaculture uses, public consultation and zoning amendments would be currently be required before aquaculture could develop in these coastal areas. It is not clear how Bill 48 may affect the ability of local governments to regulate land use in their regions.

Despite concerns expressed from the Union of British Columbia Municipalities and various non-governmental organisations, the Provincial government granted Royal Assent to Bill 48 on October 23, 2003. Bill 48 provides legislative amendments that enable the Province to designate marine waters and Crown land as farming areas, which could potentially lead to cabinet overriding local government land use bylaws. Farming areas designated by the Province are then offered protection under the FPPA. Staff has had discussions with the Province with respect to the implications of Bill 48 and have received verbal indications that it is very unlikely that the Province would utilize this power if the RDN adopts this planning approach and designates certain areas for shellfish farming. However, it is recognised that there is some uncertainty about the exact implications that Bill 48 may have for local government land use planning in the future.

LEGAL IMPLICATIONS

Pursuant to the *Local Government Act*, if a proposal alters the permitted use or density of an area, the local government must notify the public of the proposed amendment and hold a public hearing on the issue. In this case, the

RDN will proceed to a public information meeting and refer the proposed bylaws to the public, government agencies and industry after the Board has reviewed and approved the proposed amendments.

PROVINCIAL IMPLICATIONS

MAFF and MSRM have a clear provincial mandate to protect the right of farm businesses to conduct their operations on land and in the waters within the Province. The Province favours a planning approach to aquaculture and would not support a blanket removal of aquaculture in all zones throughout the RDN. However, if the Board decides to approve the recommended approach to pro-actively zone certain areas for shellfish aquaculture development, the Province has offered its assistance in identifying these areas and providing comments on the proposed zoning amendments. Provincial representatives were verbally very positive during meetings and supported the RDN's efforts to develop a plan for aquaculture in the region.

RDN staff discussed the removal of aquaculture from non-ALR properties with the Province. It was recognised that the RDN has the authority to remove aquaculture from non-ALR properties, but the Provincial representatives felt that this action may unfairly penalize small-scale aquaculture operators looking to locate in rural areas. Staff proposes that aquaculture remain as a permitted use on non-ALR properties where existing facilities are in operation. The Province pointed out that some hatcheries need to locate in areas where there are suitable groundwater resources and these areas may not coincide with the ALR boundaries. However, once the RDN permits an agricultural use through the zoning, the use is afforded protection under the FPPA, which may lead to potential land use conflicts between aquaculture operators and rural residential landowners. Operators who wish to pursue aquaculture uses on the land would have three options; locate in the ALR, apply to include land with aquaculture capabilities into the ALR, or pursue a rezoning application to allow the public in a rural residential, non-ALR neighbourhood to provide comments on the proposal. ALR inclusion applications are submitted to the RDN and the Board can decide if it wishes to comment on inclusion applications or simply forward them to the Commission with a copy of the proposed policy stating that public consultation should precede any inclusion approval.

PUBLIC CONSULTATION IMPLICATIONS

As mentioned in the previous staff report, there are specific coastal locations where aquaculture development and expansion are more likely to occur based on site suitability and physical capability for shellfish aquaculture. Comments received during the Public Consultation Strategy generally indicated support for shellfish aquaculture development in these areas. However, significant concerns were expressed with respect to the current public consultation process at the provincial level. Many comments were received during the Public Consultation Strategy indicating that members of the public, specifically upland owners, are not satisfied with the Province's handling of noise, visual impacts and pollution concerns resulting from shellfish aquaculture operations. Further, many landowners stated that they have not been consulted at all prior to the issuing of new shellfish tenures and licences or prior to changes in management plans resulting in new or different uses. It was clear from the Public Information Meetings, that the public is now looking to the RDN to address these issues through land use zoning. During the Public Consultation Phase, the RDN also received many comments indicating strong opposition to any aquatic finfish aquaculture in the coastal areas.

A number of additional comments were received including the following:

- Concerns with respect to maintaining public access to beaches for all users
- Economic benefits of shellfish aquaculture to the RDN residents and the local economy
- Shellfish aquaculture can provide benefits to an ecosystem
- Wildlife impacts from predator netting used in some shellfish operations
- Access to and assessments for water tenures compared to land based activities
- Recreational impacts on wild shellfish stocks
- Inequitable taxation and tourism impacts resulting from shellfish tenures
- Unlimited expansion of existing tenures affecting upland owners

In response to the comments and concerns expressed by the public, staff has contacted Land and Water, BC Inc. (LWBC) to determine the legislative requirements to notify the RDN prior to issuing a tenure for aquaculture. While there are no legislative requirements for LWBC to provide a referral on proposed aquaculture leases to the RDN, staff has received assurance from a LWBC representative that all proposed tenure applications would be referred to the RDN in the future.

FINANCIAL IMPLICATIONS

As outlined in previous reports, the financial costs associated with the public consultation process are primarily attributable to the public meetings. Three meetings have been held to date in the region, one in the north portion of the RDN, one in the central area and one in the southern portion. An additional public information meeting will be held to present draft bylaws to the public and interested parties. There will also be costs associated with the required newspaper advertisements, and costs associated with compiling specialized mapping projects for the proposed amendments. These costs will be paid from the electoral area planning operating budget contained within the 2003 Budget for the Development Services Department.

VOTING

Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/ CONCLUSIONS

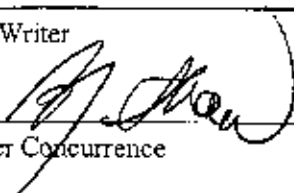
This report provides an overview of the potential amendments to the RDN's zoning bylaws (Bylaw No. 500, 1987 and Bylaw No. 1285, 2002) and further, identifies potential policy amendments to all Official Community Plans. It is recommended that the Board direct staff to arrange a public information meeting to present the proposed zoning bylaw and OCP amendments to the public, government agencies and industry. Further, it is recommended that staff contact the landowners operating aquaculture facilities on non-ALR properties directly for comments.

RECOMMENDATIONS

1. That the staff report on Aquaculture containing the minutes of the Public Consultation Strategy be received.
2. That staff arrange a public information meeting to present the draft zoning bylaws and OCP policy amendments to the public, government agencies and the shellfish industry.
3. That staff prepare official referrals for the proposed amendments and forward them to the agencies listed in the Public Consultation Framework.
4. That staff contact those landowners on the list supplied by MAFF that have an existing aquaculture facility on non-ALR land for comments on the proposed site specific zoning amendment for these properties.



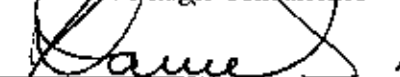
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

**Schedule No. 1 (Page 2 of 4)
Proposed Zoning Bylaw Amendments**

Section 3.4.95

Water 5

WA5

Permitted Uses

- a) Shellfish Aquaculture
 - b) Navigational Aids
 - c) Boat Ramp
-

Maximum Number and Size of Buildings and Structures

Boat ramp height	1.0 metre above the surface of water as measured from the natural boundary
Floating accessory buildings	combined floor area 100m ²
Floating accessory building height	5.0 metres above surface of water
Floating Mechanical Devices/ Equipment	6.0 metres above surface of water

Minimum Setback Requirements

Mechanical Devices	3.0 metres from deep water lease boundaries or water lot lines
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Fuel may only be stored on the surface of the water within a sealable, water-tight containment tank approved by applicable Provincial and Federal legislation.

Note: the permitted uses in this zone are not intended to infringe on an individual's ability to fish or harvest aquatic organisms as licensed or approved by federal and provincial authorities.

**Schedule No. 1 (Page 3 of 4)
 Proposed Zoning Bylaw Amendments**

FR-1 – Forestry/ Resource 1	Section 4.2
------------------------------------	--------------------

4.2.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use
- c) Log Storage and Sorting Yard
- d) Primary Mineral Processing
- e) Silviculture
- f) Wood Processing

4.2.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures
- b) Farm Business
- c) Home Based Business

Notwithstanding the Permitted Principal Uses listed above, aquaculture is not permitted in the FR-1 zone where the property is not located within the Agricultural Land Reserve.

4.2.3 Regulations Table

Category	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	50 ha
c) Minimum Lot Frontage	4000 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from	
i) Front and Exterior Side Lot Lines	4.5 metres
ii) All Other Lot Lines	2 metres
g) Minimum Setback of all buildings or structures housing livestock or storing manure, and for primary mineral processing from all watercourses	30 metres
h) General Land Use Regulations	Refer to Section 2 – General Regulations

Schedule No. 1 (Page 4 of 4)
Proposed Zoning Bylaw Amendments

It is proposed that the following statement be added to the Permitted uses and Minimum Site Area section of the Rural (RU) Zones and Resource Management (RM) Zones (Except RM6):

"Notwithstanding the Permitted Uses listed above, Aquaculture is permitted ONLY where the land is located within the Provincial Agricultural Land Reserve."

Definitions

Aquaculture means the cultivation, rearing and harvesting of aquatic organisms on land or in the water (excluding the ocean), but specifically excludes seafood processing.

Height means the elevation of a point directly below:

- a) That part of the building or structure being measured above land (or the surface of the water at high water), and:
- b) On a line connecting the two intersections of the natural grade and the outermost exterior building walls or supports as indicated on a plan showing any complete vertical section of that part of the building or structure being measured;
But specifically excludes chimney, mast aerial, church spire, flag pole, water tank, observation and transmission tower, mechanical devices necessary for the operation of a building, and agricultural buildings or structures on land where permitted in the applicable zone.

Foreshore means the area located between the highest high water mark and the lowest low water mark in a marine environment.

Mechanical Device means devices, other than a permanently affixed structure, that is necessary for the operation of a normal shellfish aquaculture business, such as cranes, winches, FLUPSY's, trays and rafts.

Seafood Processing means the storage, drying, cooking, packing, preparation and manufacture of any aquatic organism.

Shellfish Aquaculture means the controlled cultivation, rearing and harvesting of crustaceans, molluscs and marine organisms in a specific location in the sea or on the foreshore where there is no application of artificial feed or chemicals.

Shellfish Gathering means the digging of clams and harvesting of other molluscs, crustaceans and marine organisms that naturally occur in the marine environment for recreational or commercial purposes, subject to licensing as required, but specifically excludes the seeding or cultivation of these organisms.

Water Lot means an aquatic lease area tenured and approved by the Provincial Government for the purpose of shellfish aquaculture.

Schedule No. 2
Proposed OCP Policies on Aquaculture Development

It is proposed that the following policy statements be added to all OCP documents:

- **Coastal Aquaculture**
The RDN supports the location of shellfish aquaculture along the coast in designated areas that have been identified in consultation with the Province, industry and the citizens of the Regional District. Due to the sensitive nature of the marine zone and the foreshore areas, the RDN will only support the siting of new marine shellfish aquaculture leases outside these designated areas where there has been an RDN approved public consultation process. Finfish aquaculture is not supported in the coastal waters of the RDN. Shellfish gathering is also supported subject to appropriate management and licensing requirements by Federal and Provincial agencies.

- **Aquaculture on Land**
The RDN supports the location of aquaculture operations on land within the Provincial Agricultural Land Reserve where the potential for land use conflicts should be considered by adjacent landowners or as part of future development approvals. The RDN also recognizes aquaculture operations on the land where permitted by the zoning regulations. The RDN does not support the inclusion of land into the ALR for the purpose of conducting an aquaculture operation without public consultation.

- **New Aquaculture Development**
The RDN will consider proposals for the location of new aquaculture operations outside the current aquaculture land use zones where the following minimum information is provided and public consultation indicates support for the proposed operation; a professional report evaluating the environmental, tourism and recreation values of a potential shellfish site; details on the proximity of the site to wild nursery spots and potential issues that may arise; potential impacts on existing upland uses; potential issues with respect to commercial fisheries and recreational boating; potential environmental impacts or benefits; economic implications.

It is proposed that the aquaculture policies be added to the following sections of the OCPs:

Electoral Area 'A' OCP – Section 2 – Protecting Rural Integrity

Electoral Area 'C' Arrowsmith Benson – Cranberry Bright OCP – Goal 3 – Protecting Rural Integrity

Electoral Area 'D' East Wellington – Pleasant Valley OCP – Section 3.1 Agriculture Policies

Electoral Area 'D' Lantzville OCP – Section 3 – Natural Resource Management

Electoral Area 'E' Nanoose Bay OCP – Section 4.3 Coastal Zone and Section 6.4 Agriculture Policy

Electoral Area 'F' OCP – Section 3 – Natural Resources

Electoral Area 'G' Englishman River OCP – Section 3.1 Agriculture Policies and Section 4.2 Rural Policies

Electoral Area 'G' French Creek OCP – Section 7.3 Agriculture Policies

Electoral Area 'G' Shaw Hill – Deep Bay OCP – Section 2.5.1 Objectives Coastal Zone Management and Section 3 – Natural Resource Management

Electoral Area 'H' – Section 5.1 – Resource Lands – Development Standards

Attachment No. 1
Report of the Public Information Meeting
Held at Nanoose Place
2925 Northwest Bay Road, BC
October 1, 2003 at 7:00 pm

Summary of the Minutes on Proposed OCP & Zoning Amendment Application for Aquaculture

Note: this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 45 persons in attendance.

Present for the Regional District:

Chairperson Joe Stanhope, Electoral Area 'G'
Director Pauline Bibby, Electoral Area 'E'
Director Dave Bartram, Electoral Area 'H'
Pamela Shaw, Manager of Community Planning
Keeva Kehler, Planner

Director Joe Stanhope opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chair then stated the purpose of the public information meeting and requested the planner to provide background information concerning the official community plan and zoning amendment process. The planner gave a brief outline of the project to review the aquaculture land use bylaws and policies.

The Chairperson then invited questions and comments from the audience.

Ross Peterson, Nanoose Bay stated that he had concerns with the Ministry of Agriculture, Food and Fisheries (MAFF) assessment process for issuing aquaculture licenses. Mr. Peterson stated that private property considerations are limited to riparian rights but issues such as views, noise and impacts from aquaculture activities are not given much weight. Mr. Peterson wanted to know what is the RDN's role in articulating the voice of the residents in Nanoose Bay.

Chairperson Stanhope stated that the RDN made a motion at the recent UBCM conference regarding aquaculture and local government input. The local governments across the province supported the motion.

Eric Smith, 2420 Nanoose Road asked about the jurisdiction of Federal, Provincial and RDN with respect to aquaculture issues.

Keeva Kehler, Planner responded that the Federal Department of Fisheries and Oceans is concerned mainly with wild stocks and habitat for these stocks, the Province regulates aquaculture through MAFF, who issue the license and through LWBC Inc. who issue the tenure or lease. The RDN currently permits aquaculture in the Water 1 zone.

Director Bartram clarified the RDN jurisdiction covers the surface of the water above the natural boundary.

Howard Paish, 1448 Reef Road stated that he was happy to see the RDN getting involved in the aquaculture issues. Mr. Paish stated that there are implications for wild stocks and habitat. At the federal level there are economic considerations and aquaculture is viewed as a means to increase economic opportunities for coastal areas. The majority of aquaculture occurs in a zone of fuzzy jurisdiction, the intertidal zone. Mr. Paish suggested that the Oceans Act addresses some of the issues. Mr. Paish stated that offshore leases impact the public's access to traditional harvesting

areas by excluding the public from these areas altogether. Mr. Paish stated that traditional harvesting areas in Nanoose Bay are an asset to the community and they need to be protected for the public's use. Mr. Paish further commented that in the region there is a facility that farms finfish on land in tanks and that we should recognize this as being a favourable way to raise finfish.

Ron Khune, Dolphin Drive stated that he is involved with water quality studies for Environment Canada. Mr. Khune wanted to see improved access to natural areas and increased awareness about pollution.

Dick Tyndall, Seacrest Drive stated that there are many public accesses in Nanoose Bay, but they are hidden and difficult to find. He wanted to see improved access to the beaches for everyone.

Lantz Krimp, Haida Way asked what prompted the meeting.

Chairperson Stanhope responded that a delegation to the Board from an upland resident prompted the proposal to review the aquaculture regulations.

Dianna Prestige, Nanoose Road stated that she had been prevented from walking along the beach at the end of Nanoose Creek and wanted to know why there were nets on the beach.

Keeva Kehler stated that shellfish aquaculture operators often use predator netting to protect the seed or clams in the substrate from predation by shore birds or other marine mammals and that this may be what is evident on the beach.

Dave Mitchell, Fanny Bay Oyster Company stated that shellfish is an old and well established industry in Nanoose Bay. The first oyster seed was planted in the Bay in 1903. Baynes Sound was first developed for aquaculture about 70 years ago. There has been limited expansion of shellfish lease areas in recent years. The main type of expansion is out towards the ocean in order to regain nursery areas that have been moved, there is very little sideways expansion. The shellfish areas are leased from the Province and there are clear parameters and guidelines including minimum and maximum production levels. He wanted the public to understand that there are controls on the use of the lease. Shellfish growers have the right to protect their crops, just like other farmers put up fences. Shellfish are filter feeders. There is no supplementary feed provided. Shellfish are environmentally beneficial and create artificial reef conditions that promote diversity of fauna in an area. Fanny Bay Oysters had an open house recently that was well attended with over 100 people. Mr. Mitchell invited anyone who is interested to contact him for a tour of the facility in Nanoose Bay or the plant in Fanny Bay. Fanny Bay Oysters employs over 100 people. Mr. Mitchell spotted at least 5 people in the room at the meeting who make their living from shellfish aquaculture.

Cornell Sawchuk, 1352 Garry Oak Drive asked a number of questions. Firstly, Mr. Sawchuk wanted to know if the RDN has jurisdiction over areas where licenses have been issued. Second, Mr. Sawchuk asked about the RDN's role in determining whether an aquaculture operation goes on land or in the water and lastly Mr. Sawchuk asked what the zoning is for the Fanny Bay Oyster Company in Nanoose Bay.

Pamela Shaw, Manager of Community Planning explained that the RDN has development permit areas and zoning to regulate land use in the RDN. Pollution and environmental issues can be addressed through DPAs. As for locating a shellfish operation on land, it is difficult to address this without knowing whether it is scientifically possible to locate some aquaculture operations on land rather than in the water. The zoning for the water part of the Fanny Bay Oyster operation is zoned Water 1 and aquaculture is permitted, we will have to check the zoning for the land based portion.

Bob Rogers, Arbutus Lane stated that he did not want to see zoning changes that precluded aquaculture development on the land if it is deemed that the land based operations are better for the environment. Mr. Rogers stated that he would not be supportive of blanket zoning changes that restricted uses for the future.

Mike Gray, 1375 Madrona wanted to know if the RDN has control over a lease area if the Province has issued a water lease.

Pamela Shaw explained that the Province can issue a lease in the Water 1 zone and aquaculture is a permitted use in that zone. The RDN does not always receive a referral when a lease is issued for aquaculture.

Cornell Sawchuk stated that there are two very different kinds of aquaculture, shellfish and finfish. Mr. Sawchuk stated that he is supportive of shellfish aquaculture and definitely not supportive of finfish and he wants the RDN to make the distinction between the two types.

Pam Parker, Beachcomber, BC Shellfish Growers Association stated that all new licenses require extensive consultation including advertising in the paper and posting on the site. Expansions require the same consultation and changes to management plans must be advertised. The process for finfish is more rigorous and extensive consultation would be required before any operation would locate in this area. The shellfish growers have to do an environmental and a marine assessment. Shellfish aquaculture cannot handle wave action in deep water. Growers pay for the lease area. They have to post a bond for waste management purposes to ensure that the environment is protected. There is no pollution where shellfish farms exist. Shellfish purifies the water in beach areas improving the quality for the public's use. Shellfish aquaculture provides year round employment and pays above minimum wage. 78 cents of every dollar generated by aquaculture stays in the local area.

Gabriel Cartledge, 2443 Garry Oak Drive stated that she supports the distinction between finfish and shellfish. She is not supportive of finfish operations at all. She felt that what Pamela Parker says about consultation is what should happen, but Ms. Cartledge stated that it does not always actually happen. Ms. Cartledge was not informed when the management at Fanny Bay Oyster Company changed, nor were they consulted when the lease was first granted. She felt that the provincial notification process is not adequate. Ms. Cartledge stated that shellfish aquaculture is not a bad neighbour, but finfish aquaculture has many serious negative impacts.

Hans Borker, 842 Mariner Way stated that there is an environmental management area in Parksville/ Qualicum that needs protection. Mr. Borker stated that enforcement of bylaws is an important issue.

Dave Mitchell, Fanny Bay Oyster Company stated that the frequency of expansion is very low. There are 5 shellfish farms in Nanoose Bay and there was one expansion 12 years ago that he is aware of. Shellfish aquaculture occupies a small area of the RDN coastline and there is limited opportunity for development in the region. The Province reviews all other uses in a lease area before granting tenure for a shellfish operation. Shellfish leases are refused often due to conflict with other uses. In District 69, there are many more areas closed to shellfish due to leaking septic tanks than are occupied by shellfish aquaculture.

Name not given, a gentleman asked if shellfish aquaculture operations need shore based accessory buildings.

Susan Davies, Nanoose Oysters responded that shellfish leases do exist without any accessory buildings on the shore.

Howard Paish, 1448 Reef Road stated that he is positively in favour of shellfish aquaculture in Nanoose Bay and is happy to see products being raised and exported all over the world from the area. Mr. Paish stated that the difference between aquaculture and land based agriculture is that aquaculture occurs on leased land that is nationally owned rather than on fee simple land that is improved by the landowner. Mr. Paish added that water is a dynamic force and despite the fact that aquaculture occurs in small limited areas along the coast, water moves around and can bring impacts to other areas.

Ross Peterson stated that he came to the meeting worried about his ocean view, but now he is also worried about the impacts of the predator netting on shore birds. Mr. Peterson wanted to know how the public comments are used in the Provincial process. Although it is difficult to measure the importance of a view, it is still very important.

Keeva Kehler stated that there is research on the effects of predator netting on Scoter habits and population numbers being conducted in the Baynes Sound area. The contact information for the researchers can be provided to Mr. Peterson if he contacts the planning office.

Pamela Parker stated that only 0.5 % of the 2500 ha of shellfish leases are covered by predator netting.

Eric Smith asked if the problem involved Scoters feeding on wild clams or seeded clams placed in Nanoose Bay.

Susan Davies, Nanoose Oysters stated that last year in Nanoose Bay, they seeded 7 million baby clams.

Bob Rogers, Arbutus Lane stated that he cannot see how zoning can control aquaculture development. Mr. Rogers stated that access to the beaches for industry and for the public has to be maintained. Mr. Rogers stated that shellfish aquaculture is a green industry and is only suited to certain areas. Mr. Rogers felt that we should do more to encourage green industries.

Gabriel Cartledge stated that finfish has lots of different implications. With finfish there is a requirement to bring in feed, the feed brings storage, traffic and rats. Shellfish feed themselves.

Susan Davies, Nanoose Oysters, stated that they have been in Nanoose Bay for 30 years and it is vital to keep the water clean. Oysters cannot be taken to a depuration plant and cleaned. Protecting the environment is very important for shellfish growers. The seed has to be maintained like any other agricultural operation.

The Chairperson asked if there were any other questions or comments.

Being none, **the Chairperson** thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 8.30 pm.

Keeva Kehler

Keeva Kehler
Recording Secretary

Attachment No. 2
Report of the Public Information Meeting
Held at Woodbank Elementary School
1984 Woodbank Road, Cedar, BC
October 6, 2003 at 7:00 pm

Summary of the Minutes on Proposed OCP & Zoning Amendment
Application for Aquaculture

Note: this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were 2 persons in attendance.

Present for the Regional District:

Chairperson Joe Stanhope, Electoral Area 'G'
Pamela Shaw, Manager of Community Planning
Keeva Kehler, Planner

Pamela Shaw discussed the proposal with the 2 attendees and reviewed the aerial photos and handouts.

Attachment No. 3
Report of the Public Information Meeting
Held at Lighthouse Community Hall
240 Lions Way, Qualicum Bay, BC
October 6, 2003 at 7:00 pm

**Summary of the Minutes on Proposed OCP & Zoning Amendment
Application for Aquaculture**

Note: this summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were approximately 18 persons in attendance.

Present for the Regional District:

Chairperson Joe Stanhope, Electoral Area 'G'
Director Dave Bartram, Electoral Area 'H'
Director Lou Biggemann, Electoral Area 'F'
Pamela Shaw, Manager of Community Planning
Keeva Kehler, Planner

Director Joe Stanhope opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chair then stated the purpose of the public information meeting and requested the planner to provide background information concerning the official community plan and zoning amendment process. The planner gave a brief outline of the project to review the aquaculture land use bylaws and policies.

The Chairperson then invited questions and comments from the audience.

Dianne Eddy, Deep Bay asked about upland owners protecting the foreshore by applying to LWBC for a lease for a boat ramp or dock. Ms. Eddy asked about setbacks from ramps.

Keeva Kehler, Planner stated that LWBC issues tenures for ramps but it may be difficult to acquire tenure across a private property simply to prevent aquaculture from occurring because LWBC has criteria to ensure efficient use of the lease area. Someone could not acquire an aquaculture lease and leave the area fallow to prevent an operation from developing in front of their home. The current Water 1 zoning does not establish setbacks from ramps for aquaculture.

The Chairperson asked about the jurisdiction for aquaculture operations.

Pamela Shaw, Manager of Community Planning outlined the *Local Government Act* (LGA) and the authority of the RDN to regulate the use of the land and water in the region. Development Permit Areas and zoning regulate the use of land in the RDN. Each Electoral Area currently has specific policies related to aquaculture development.

Keeva Kehler, Planner outlined the role of the Provincial Government in issuing licences and tenures and monitoring management of aquaculture operations. The Federal Government has 17 agencies involved with aquaculture.

Keith Reid, Deep Bay Shellfish Grower added that Environment Canada is involved in water quality monitoring.

George Tinghe, Deep Bay asked about the implications of Right to Farm and aquaculture.

Keeva Kehler, Planner stated that the Right to Farm Act gives protection to agricultural operations, including aquaculture, that operate in accordance with normal farm practices where the use is permitted under the local government zoning.

Anne Copas, Deep Bay asked about the divided responsibility between provincial and federal agencies and how the RDN fits in to the process of issuing licenses.

Pamela Shaw, Manager of Community Planning stated that the RDN is not considering issuing licenses. The LGA gives the RDN authority over land uses.

Dave Mitchell, Fanny Bay Oyster Company explained the process of obtaining a licence from the Ministry of Agriculture, Food and Fisheries. A shellfish grower must apply to the Province with a management plan including information on what species they propose to grow, how they propose to grow them and minimum and maximum production levels. The licence is issued with certain criteria attached. If a shellfish grower does not adhere to the conditions and criteria, the licence may be revoked.

Keith Reid, Deep Bay stated that there is a Memorandum of Understanding (MOU) between the Federal and Provincial government signed in 1988 that grants the authority to issue licenses and tenure land to the Province.

Dave Mitchell gave a brief overview of the shellfish industry. Species grown include oysters, clams, mussels, scallops. There are no food supplements provided to the shellfish. They feed on naturally occurring phytoplankton. The carrying capacity of a site is naturally controlled by the availability of food. Increased residential densities lead to an increase in nutrients in the ocean resulting in algae blooms. The shellfish filter the marine water and bring the ecosystem into balance. They are beneficial organisms.

Keith Reid added that in the United States the government has tried to bring oysters into polluted bays to clean up the water.

George Tingbe stated that shellfish in the water can clean up the pollutants, but shellfish on beaches can have different impacts. Farmers seed one crop and the result is a beach that is devoid of life. There should be lots of room left natural in between beach culture sites to allow natural marine life to grow.

Dave Mitchell stated that the opposite is true. Oysters on the beach actually provide habitat for other species such as crabs, worms and shrimp. The oyster feces enhances eel grass growth and herring spawning areas. The press in BC has directed some unfair and inaccurate comments on shellfish. It is difficult for the industry to counter this idea. Shellfish gets placed in the same category as finfish.

Len Ralph, Quaticum Bay Bed and Breakfast, asked if there is any process before a shellfish operation is granted a licence or could he see one pop up over night in the Bay.

Keeva Kehler explained that LWBC is required to notify upland owners and place advertisements in the paper prior to issuing new licenses. There are riparian rights afforded to upland owners. Some projects require an Environmental Assessment from the Federal Government prior to a license being issued. There are 3 things that trigger an EA: Alteration of habitat including structures on the foreshore, impediment to navigable waters and federal funds being spent on the project.

Dianne Eddy asked if LWBC was required by law to notify the local government prior to issuing tenures.

Pamela Shaw stated that she was not aware of a requirement to notify the local government directly and we usually do not see referrals. Ms. Shaw added that she would investigate this further to clarify the requirements.

Anne Copas asked if there is federal input in to the license issuing.

George Tingbe stated that the political aspect of aquaculture is a bad thing. He stated that the code of practice for shellfish operations are not always followed. Shellfish aquaculture is an industrial use and should not be located where

residential areas are present. There can be noise 24 hours a day. Shellfish aquaculture impacts birds and wildlife and can remove beaches from public use. Tourism and recreation may be affected by aquaculture.

Keith Reid stated that the development in Baynes Sound dates back 70 years. There is a historic aquaculture business in the area. Only 5% of the beaches are covered with nets. It is not true that birds are impacted due to loss of food sources due to netting. Some farms have no netting at all.

Pat McLaughlin, Denman Island responded to the netting issue. She is an upland owner and believes that 90% of the tenured area along Denman is covered with predator netting. The operations also have fencing, rebar and trucks crossing the beach. Shellfish aquaculture is an industrial use and shouldn't be near residential areas.

Keith Reid stated that Baynes Sound is mostly out of the RDN's jurisdiction.

Eric Gant, Manatee Holdings Ltd., stated that they harvest gourmet food from the sea, such as geoduck, horse clam and sea cucumber. Fisheries are virtually impossible to manage at a sustainable level. Aquaculture replaces some of the species harvested from the ocean in a sustainable manner. Aquaculture is increasing in value. New technology is being developed. Manatee holdings develops invisible technology or technology that is aesthetically pleasing. Dive fisheries are being mined out and aquaculture allows us to replace some of the products we remove.

Barb Bunting, Island Scallops asked how much of BC is used for aquaculture and agriculture. She believed that the percentage of the coastline in BC that was used for aquaculture was minimal. She asked what type of input adjacent landowners have into agricultural development on land as compared to the input and regulations on aquaculture development.

Pamela Shaw responded that there is limited community input where agriculture is a permitted use.

Nelson Eddy, Deep Bay stated that specific areas are at issue. He felt that the federal and provincial governments were not making people happy and that the RDN should help in this regard. Mr. Eddy stated that shellfish aquaculture is not an issue when it is done properly. Mr. Eddy felt that there should be a balance and zoning should be developed giving both sides a proper say. Upland owners' rights should not be trampled on, but the complaints of the upland owners should not be given so much weight either.

Dianne Eddy asked about plans to extend the lease area along the shoreline in Deep Bay. There are important beaches in the area that have to be protected.

Keith Reid stated that oysters will not grow in many of the areas along the coastline. Deep water sites must be carefully chosen. Most of the coastline is too exposed and aquaculture development is not likely. There is a small area of Deep Bay that is suitable for aquaculture and it almost all tenured already. The process for acquiring tenures is very rigorous.

Director Bartram asked the audience if they had any comments on the existing definition of aquaculture. Currently the definition is very broad and does not distinguish between different types of aquaculture.

Dianne Eddy stated that land based operations have more stringent controls than water based aquaculture. Land based facilities have to be cleaner because the pollution is more visible.

Mr. Eddy stated that he is a volunteer with the Fanny Bay Salmonid Enhancement Society. There is an Omega nursery in the area. Pollution used to be directed into a lagoon where it settled and was filtered before being released into the ocean. When residents moved in to the area, they complained about the smell of the lagoon. Now the water is released directly in to the ocean. Although the smell no longer exists, the ocean is now more polluted than before.

Barron Carswell, Aquaculture Manager, MAFF stated that the Agricultural Waste Management Regulations control pollution on land and in the water. The regulations are more complicated for finfish operations in net cages.

Dave Mitchell asked about the OCP policy to create a vibrant and sustainable economy. Mr. Mitchell asked what weight would be given to views versus economic development.

Pamela Shaw explained that the planning department presents a rounded complete picture addressing all the potential impacts of a proposal to the Board.

The Chairperson stated that as an elected voting member he would weigh all the facts including views expressed by the public on the proposal. Chairperson Stankope stated that he is supportive of economic development provided the environmental capital is protected.

Director Bartram added that there is a balance between social, environmental and economic issues and he would review applications with this balance in mind. A vibrant and sustainable economy is important to maintain the community.

Dave Mitchell stated that he believes there is an imbalance in the process. Mr. Mitchell does not see a groundswell of public opposition to shellfish farming. Mr. Mitchell believes that this is a top down process. Mr. Mitchell added that he hopes the shellfish growers will listen to the concerns expressed by the public during the consultation phase.

Eric Gant, Manatee Holdings Ltd. spoke about the suitability of the RDN coastline for geoduck culture.

Dianne Eddy stated that she was concerned about the method of harvesting geoducks. Ms. Eddy is concerned about the spit. Since geoducks live 3 metres below the surface harvesting requires disturbing the bed.

Pamela Shaw discussed the proposed development permit area in the draft Area 'H' OCP which is proposed to extend 30 metres each direction from the natural boundary of the ocean, both toward the land and toward the sea.

Eric Gant stated that geoduck culture must be beyond the eel grass beds. There is a stretch of eel grass beds along the spit essentially protecting it from any geoduck harvesting impacts. Geoduck diving usually occurs in 30 to 60 feet of water. Many areas of geoduck fisheries are not properly managed.

George Tinghe stated that people in the shellfish industry may feel attacked. People are not wholly against shellfish but they do want some input into the development of aquaculture. Removing aquaculture from the Water 1 zone does not mean precluding it altogether, it just allows for community input through a rezoning process.

Barron Carswell asked about the fee for rezoning applications.

Keeva Kehler stated that there is an \$800 base fee plus a \$1000 advertising deposit for a zoning amendment. If an amendment to an OCP is required the fee is \$1500 plus an advertising deposit.

Dianne Eddy asked about taxation implications for shellfish. Ms. Eddy asked that the RDN examine the inequity in tax values paid by shellfish operators and residential land owners.

Pamela Shaw stated that the RDN is not a taxing authority and the Provincial Treasurer receives the taxes paid by property owners.

Dianne Eddy asked if the RDN will be complaining to the Province about the inequity of tax assessments for aquaculture.

Pamela Shaw stated that the RDN would investigate the matter further

Keith Reid asked about the process for zoning amendments.

Pamela Shaw outlined the procedure for a rezoning under the LGA including notification and public consultation matters.

Keith Reid discussed the VIEDA study that puts aquaculture development as a priority due to the economic benefits to the communities on Vancouver Island. 78 cents of every dollar stays in the local community.

Anne Copas asked about the changes to the Right to Farm Act.

Keeva Kehler explained that Bill 48 received 1st reading in the Provincial government on May 12 but has not progressed beyond this stage yet. Bill 48 proposes to include certain areas of Crown land under the Right to Farm Act to afford aquaculture operations protection from local government nuisance regulations for normal farm practices.

Pamela Shaw added that some crown land in the RDN is currently zoned and the RDN maintains that the *Local Government Act* gives the RDN authority to regulate land use on crown land.

Barron Carswell asked if formal referrals of draft bylaws will be sent to agencies involved with aquaculture.

Dianne Eddy asked why the option to remove aquaculture from non-ALR lands was being considered.

Keeva Kehler explained that the RDN could not prohibit aquaculture on ALR lands, but can restrict or prohibit aquaculture from non-ALR rural and resource management lands. Removing the use from non-ALR rural residential lands will ensure aquaculture development is directed to resource lands in the ALR.

Keith Reid asked about removing aquaculture as a permitted use from the Water 1 zone and the implications for shellfish growers who wanted to expand. Mr. Reid wanted to know how the Right to Farm legislation would affect the zoning amendment proposal.

Keeva Kehler stated that the Right to Farm legislation only applies to properties where the agricultural use is permitted under the zoning. The Province's response to the zoning amendment would depend on the course the RDN decides to take.

The Chairperson asked if there were any other questions or comments. The Chairperson added that comments could be submitted to the RDN staff prior to October 15, 2003.

Director Bartram stated that he would bring any comments received prior to October 28, 2003 to the Board meeting.

Barron Carswell asked if the RDN has the authority to regulate intensity of farm use on ALR lands.

Pamela Shaw stated that the RDN can regulate siting and density of structures which regulates intensity.

The Chairperson asked if there were any other questions or comments.

Being none, **the Chairperson** thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 8.40 pm.

Keeva Kehler

Keeva Kehler
Recording Secretary

Attachment No. 4 (Page 1 of 6)
Comments provided

Consolidated Summary of 'Request for Comments' Submission Forms
Aquaculture Issues in the Regional District of Nanaimo

Lighthouse Community Centre – October 6, 2003

1. Please provide your comments on the existing and potential definitions of aquaculture.

Shellfish and fin fish definitions of aquaculture need to be better defined if not a separate operation.

Aquaculture is the propagation of life plant or animals in the water or on tidal areas.
2. Please provide your comments on the existing and potential aquaculture land use regulations.

Proliferation of the aquaculture industry is not a panacea to Van Island economic woes – it must be monitored and environmentally sound.

The high phytoplankton in our waters plus a current to disperse waste makes our waters very suitable for aquaculture.
3. Please provide comments on the proposal to review the existing land use regulations for aquaculture.

To be discussed in our OCP. Aquaculture sites not rezoned to AIR!! Sites should be monitored and reported by aerial inspection. Site management should be clearly defined – e.g. business transaction, owned? leased – rental – acquired.

The same regulation for farming should apply to land based aquaculture.
4. Additional comments?

Aquaculture buildings should not be tied to yellow breakwater or moored in the vicinity of harbour during the tourist season. Some of them are quite an eyesore.

Upland owners must be allowed to veto lease applications in front of their property.

The removal of aquaculture from water zoning will give neighbouring property the possibility to give their opinion upon an application of rezoning.

Consolidated Summary of 'Request for Comments' Submission Forms

Aquaculture Issues in the Regional District of Nanaimo

Nanoose Place Community Hall – October 1, 2003

1. Please provide your comments on the existing and potential definitions of aquaculture.

To be land based only (fin based).

2. Please provide your comments on the existing and potential aquaculture land use regulations.

If shellfish leases are granted, then they should only be granted in fairly remote areas with minimal impact for the people who live there.

3. Please provide comments on the proposal to review the existing land use regulations for aquaculture.

Water 1 zoning is just too all encompassing; some distinctions have to be made.

4. Additional comments?

I would prefer no zoning of aquaculture.

There are many bays and coves in Nanoose that are ringed by homes and subdivisions where the only access to the beaches is by public access... there must be some kind of zoning to avoid any commercial activity in areas like this. PS. as the beaches and water are for everyone's enjoyment and many public access walkways are overgrown and not well marked, improving this would benefit the entire community. It sounds pretentious, but our beaches and oceans are precious.

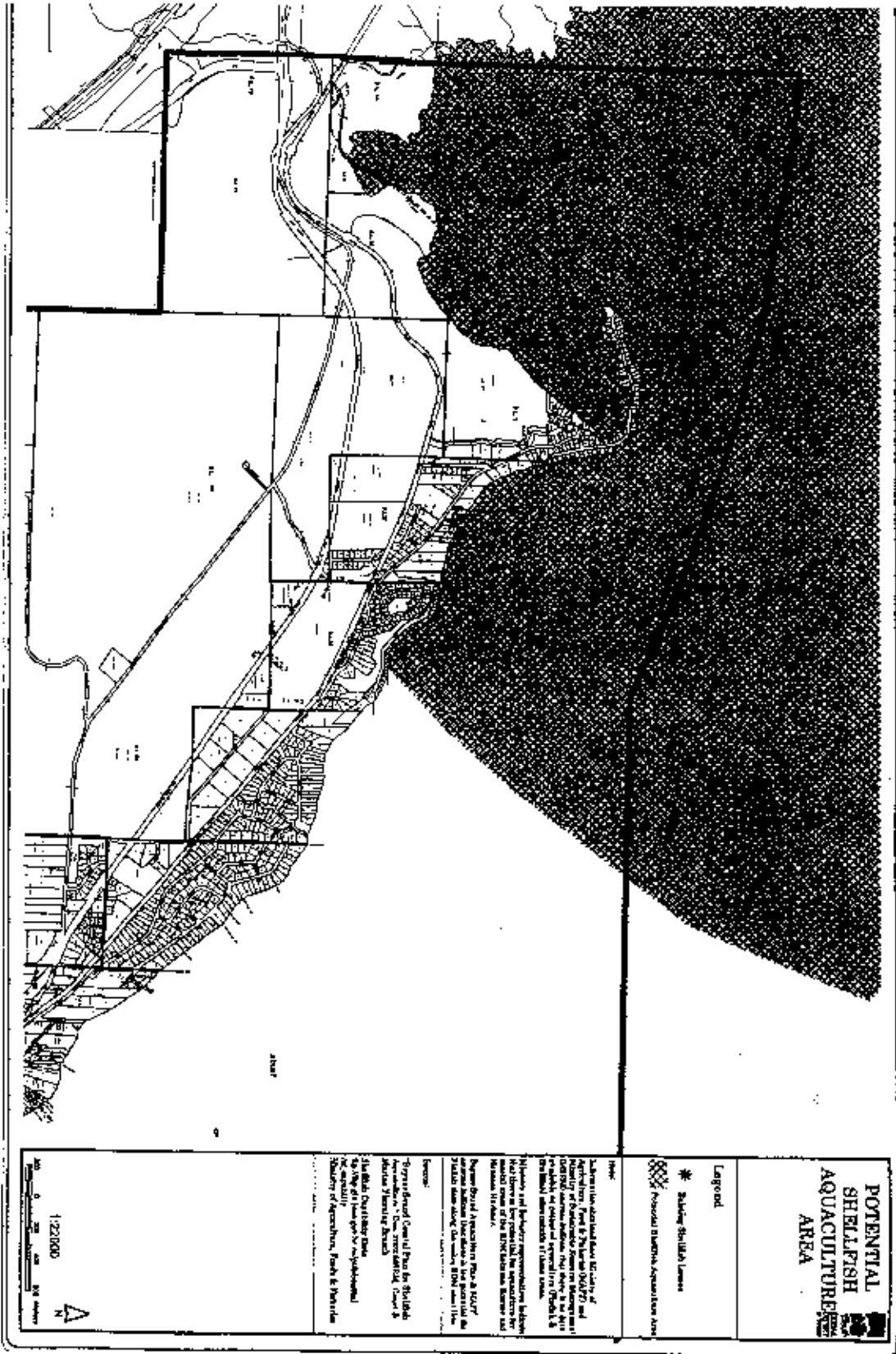
Consolidated Summary of 'Request for Comments' Submission Forms

Aquaculture Issues in the Regional District of Nanaimo

Woodbank Elementary School – October 2, 2003

1. Please provide your comments on the existing and potential definitions of aquaculture.
2. Please provide your comments on the existing and potential aquaculture land use regulations.
3. Please provide comments on the proposal to review the existing land use regulations for aquaculture.
4. Additional comments?

Attachment No. 7
 Electoral Area 'H' Potential and Existing Shellfish Tenures





REGIONAL DISTRICT OF NANAIMO	
JAN 20 2004	
CHAIR	GMCrs
CAO	GMDS
GACms	GMES
LAPHAM ✓	

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: January 19, 2004

FROM: Robert Lapham
General Manager, Development Services

FILE: 6780-20-IAC

SUBJECT: INTERGOVERNMENTAL ADVISORY COMMITTEE

PURPOSE

The purpose of this report is to provide information about the Intergovernmental Advisory Committee (IAC) as it pertains to the electoral areas.

BACKGROUND

Some electoral area directors have recently expressed an interest in the work of the IAC as it pertains to the electoral areas.

The IAC is an intergovernmental staff committee established pursuant to the Local Government Act for the purposes of:

- advising the RDN on the development and implementation of the Regional Growth Strategy; and
- facilitating coordination of provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy.

As the General Manager of Development Services is responsible for the electoral area planning program I provide input to the IAC regarding electoral area land use issues, much like staff representatives for each municipality provide input to the IAC regarding land uses issues in their respective jurisdictions. The Terms of Reference for the IAC are provided for information (see Attachment No. 1) and a verbal presentation about the IAC will be provided at the Electoral Area Planning Committee January 27, 2004 meeting.

The IAC was first established by the RDN Board on August 13, 1996. The IAC has met approximately 50 times, or approximately six times per year, since the adoption of the Regional Growth Strategy in January of 1997. It has provided a forum for the discussion and resolution of a wide variety of issues related to the management of population growth and development in the region. The IAC is not a decision-making body. Pursuant to the Urban Containment and Fringe Area Management Implementation Agreement the IAC may make recommendations to the Board regarding changes to the Urban Containment Boundary. Minutes for IAC meetings are provided to the Board for receipt, and the Board makes decisions regarding how to respond to the issues addressed by the IAC.

ALTERNATIVES

1. Receive the report and verbal presentation for information.
2. Receive the report and verbal presentation for information and request additional information about specific identified topics.

FINANCIAL IMPLICATIONS

Receipt of this report has no financial implications.

VOTING


Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

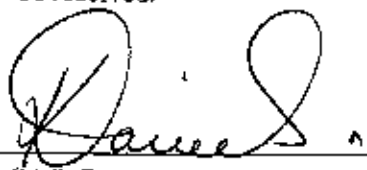
Information is provided about the Intergovernmental Advisory Committee (IAC) in response to electoral area director interest in IAC work.

RECOMMENDATION

That the report "Intergovernmental Advisory Committee" be received.



Report Writer



CAO Concurrence

ATTACHMENT NO. 1
INTERGOVERNMENTAL ADVISORY COMMITTEE – TERMS OF REFERENCE



Intergovernmental Advisory Committee (IAC)
Terms of Reference
Update 2003

Purpose

Pursuant to the *Local Government Act*, the purposes of the Intergovernmental Advisory Committee (IAC) are:

- to advise the RDN on the development and implementation of the Regional Growth Strategy; and
- to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy.

Background

The *Local Government Act* requires regional districts to establish an IAC when a Regional Growth Strategy is initiated. The *Act* specifies that the role of the IAC is to (1) advise applicable local governments on the development and implementation of the Regional Growth Strategy; and (2) to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the Regional Growth Strategy. The *Act* also specifies that the membership of the IAC is to include the following: (1) the planning director for the regional district, or another official appointed by the Board; (2) the planning director, or another official appointed by the applicable council, of each municipality, all or part of which is covered by the Regional Growth Strategy; (3) senior representatives of the Provincial government and Provincial government agencies and corporations, determined by the Minister in consultation with the Board; and (4) representatives of other authorities and organizations if invited to participate by the Board.

The RDN first adopted its Regional Growth Strategy in January of 1997. Since that time the IAC has provided valuable advice and assistance to a variety of Regional Growth Strategy related initiatives.

In June of 2003 the RDN adopted an updated Regional Growth Strategy. Around the same time, the RDN Board also confirmed "Growth Management" as Strategic Priority #2 pursuant to its strategic plan, "Strategic Directions 2003-2005". Correspondingly, over the next few years RDN staff will be coordinating a wide range of initiatives to enhance regional growth management. Initiatives planned or anticipated include:

- the review of the Urban Containment and Fringe Area Management Implementation Agreement to address issues regarding the level and type of development that warrants consideration as an urban development on land inside the Urban Containment Boundary and to better coordinate between jurisdictions urban land use and development inside the UCB;
- the development of an implementation agreement to address issues regarding development on rural land and to better coordinate between jurisdictions rural land use and development outside the Urban Containment Boundary;
- the development of a common format and level of detail for regional context statements which are to be included in all municipal and electoral area official community plans in the region;
- the development of criteria regarding what constitutes an "environmental or public health hazard" that warrants the provision of community sewer and community water services to land designated as Resource Lands and Open Space, Rural Residential or Industrial by the Regional Growth Strategy;
- discussion regarding the Vancouver Island Highway Implementation Agreement, to identify issues and to develop solutions for the identified issues;
- the State of Sustainability Project, to assess the region's progress towards sustainability, to make residents aware of the region's progress towards sustainability, and to provide more and better opportunities to involve residents of the region in the assessment;

Approved October 14, 2003

- drinking water protection, to consider what role the RDN should have in ensuring that there is an adequate supply of safe drinking water in the region.

Other regional growth management issues may also be forwarded to the IAC for discussion as a result of Board direction.

The IAC is also required to provide recommendations regarding any municipal or electoral area requests to move the Urban Containment Boundary in between reviews of the Regional Growth Strategy, and to provide advice and comments regarding Regional Context Statement amendments that may be proposed.

Membership Composition

1. The IAC shall be comprised of a 'resource group' and a 'core group'.
2. The 'core group' of the IAC shall include the following:
 - a. RDN: senior staff responsible for electoral area planning, regional planning, and public works and services;
 - b. RDN member municipalities: the planning director or equivalent, or another official appointed by the applicable council;
 - c. Members of the 'resource group' relevant to the specific work plan items to be discussed at an IAC meeting, as identified by the Chair of the IAC or an RDN staff member responsible for regional planning.
3. The 'resource group' of the IAC may include the following:
 - a. RDN First Nations: senior staff responsible for planning and land use management, or another official appointed by the applicable council
 - b. Other RDN Local Authorities: senior staff from School District No. 68 and 69;
 - c. Provincial Ministries, Agencies and Corporations: senior staff with responsibilities related to the attainment of Regional Growth Strategy objectives pursuant to the *Local Government Act*;
 - d. Federal Government Departments and Agencies: senior staff with responsibilities related to the attainment of Regional Growth Strategy objectives pursuant to the *Local Government Act*

Procedures

1. The Chair of the IAC shall be an RDN staff member responsible for the Regional Growth Strategy.
2. The 'core group' of the IAC shall meet approximately six times per year. The number of meetings per year and the frequency of meetings may vary according to the work plan for each year.
3. An annual meeting of the entire 'core group' and the entire 'resource group' shall be conducted to review the achievements and challenges experienced in the implementation of the regional growth strategy and to discuss the future regional growth strategy implementation work program.
4. The IAC will meet at the call of the Chair, as required by the work plan.
5. The IAC is not a formal decision making body. It is a forum for the identification, discussion and resolution of issues related to the management of population growth and development in the region. It is expected that the IAC will help the RDN to better understand the full range of perspectives that could be taken into consideration in its decisions related to issues concerning regional growth management.
6. The agendas and minutes for meetings of the 'core group' will be circulated to the 'resource group' for information purposes. Members of the 'resource group' may attend meetings of the 'core group' as identified through consultation with the Chair or the IAC or an RDN staff member responsible for regional planning.
7. The minutes of IAC meetings will be provided to the RDN Board for consideration of receipt.

Resources

The RDN will provide financial and human resources to support the work of the IAC.

Approved October 14, 2003



REGIONAL DISTRICT OF NANAIMO	
JAN 20 2004	
MEMORANDUM	
CHAIR	GMCrs
CAO	GMDS
GMCrs	GMES
EAP	

TO: Robert Lapham
General Manager, Development Services

DATE: January 13, 2004

FROM: Pamela Shaw
Manager, Community Planning

FILE: 6480 00 EAE

SUBJECT: **Nanoose Bay Official Community Plan- Terms of Reference
Electoral Area 'E'**

PURPOSE

To consider the Terms of Reference for the Nanoose Bay Official Community Plan (OCP) and initiate the Plan review process.

BACKGROUND

The provisional budget approved by the Board in December 2003 included plans to initiate the review the Nanoose Bay Official Community Plan in 2004. The current Nanoose Bay OCP was adopted in 1998 (Bylaw No. 1118). Since the drafting of the this OCP, substantial changes both within and external to the Plan Area (including increased residential growth and alterations to provincial legislation) would indicate that there is merit in proceeding with a review of the Nanoose Bay Official Community Plan.

The Nanoose Bay Official Community Plan Area encompasses all of Electoral Area 'E' which has an area of approximately 7,382 hectares. The population of Electoral Area 'E' has grown from 4,677 in 1996 to 4,820 persons in 2001¹, which translates into overall growth of approximately 3% during that census period. However, 102 building permits for new single-family dwelling units were issued in the area in 2003. Nanoose Bay, along with other coastal areas of the Regional District, have maintained relatively high growth rates in comparison with interior areas in British Columbia, indicating that growth may be less dependent on regional economic performance than other factors. This growth trend is expected to continue; at a high rate of growth it is anticipated that as many as 11,000 people could reside in Area 'E' by 2026.²

To implement a new Official Community Plan for Nanoose Bay, staff, in consultation with the Area Director, has prepared a Terms of Reference for the project (*see Attachment 1*).

ALTERNATIVES

1. To receive the staff report and approve the Terms of Reference for the Nanoose Bay Official Community Plan and initiate the Nanoose Bay Planning Project.
2. To amend the Terms of Reference, then direct staff to proceed with the Nanoose Bay Planning Project.
3. To not proceed with the Nanoose Bay Official Community Plan at this time.

¹ RDN Electoral Area Statistics, Statistics Canada.

² RDN Demographic and Socioeconomic Trends Report, May 2001.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

An OCP is the guiding land use document for a community, drafted by the community as a whole, based on detailed public consultation. The OCP will be developed to reflect the needs and vision of the communities that make up Electoral Area 'E' and meet all the provincial legislative requirements. As noted in the Terms of Reference, the *Local Government Act* requires that an OCP include policy statements and land use map designations that address a number of issues including:

- location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- phasing of any major road, sewer and water systems;
- location of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
- policies with respect to affordable housing, rental housing and special needs housing.

In addition to the required content outlined above, an OCP may include the following:

- policies relating to social needs, social well-being and social development;
- policies respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the community plan; and
- policies relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

From a legislative and policy perspective the Nanoose Bay OCP will need to consider the Regional Growth Strategy and other RDN plans as well as any changes to federal and provincial legislation. It is also anticipated that the Plan will consider updated information on environmental features and will more fully develop policies for urban containment areas and village nodes relating to infill and redevelopment, and provide further consideration of community servicing. The public, throughout the consultation process on the OCP, will also raise many other issues.

PUBLIC CONSULTATION IMPLICATIONS

The Nanoose Bay OCP Terms of Reference has been drafted in accordance with both the RDN Board Public Consultation Policy and the *Local Government Act* requirements. Following the process outlined in the Terms of Reference, the Nanoose Bay OCP will be prepared with broad based public input however, as required in the *Local Government Act*, it will also include formal stakeholder, local government and agency consultation.

Staff, working closely with the Electoral Area Director, recognizes that there is a considerable amount of interest in developing the new OCP. In response to this, in addition to formal referrals and a series of General Public Meetings, the Terms of Reference supports the creation of a Community Planning Working Group. The Community Planning Working Group is to be

comprised of any number of interested volunteers. Participants in the Working Group sessions will be charged with the responsibility of representing the community as a whole in a consensus based model, addressing the broad issues that face the neighbourhoods and interests that make up the Plan Area.

The Terms of Reference does not provide for a Board appointed planning advisory committee, as has been the case with historic OCP processes in the RDN. As evidenced in the recent Electoral Area 'I' OCP review, a model that make use of a Community Planning Working Group provides a more innovative, comprehensive, and ultimately more successful approach to obtaining public input. In a Working Group, any interested resident or landowner may participate; participation is not limited to a pre-established membership number or limited by arbitrary criteria defining geographic location or demographic classification. Instead, open membership in the Working Group allows any interested participant full access to meaningful involvement in the planning process. The success of the Nanoose Bay OCP process will be measured in part by the degree in which the process is fully open to interested participants.

FINANCIAL IMPLICATIONS

All costs related to the preparation of the Electoral Area 'H' OCP have been accounted for in the RDN 2004 Provisional Budget. As there are no Community Planning Grant monies available from the Ministry of Community, Aboriginal and Women's Services, no funds beyond those budgeted for in the Terms of Reference have been allocated for the preparation of the OCP. Currently, One Full Time Staff Equivalency has been slated for this project with additional temporary staff support for a site office. It is estimated that external costs, primarily related to public consultation, will be in the order of \$10,000.

LEGAL IMPLICATIONS

The process to draft and adopt a new Official Community Plan must be consistent with the requirements outlined in the *Local Government Act*. By adopting the attached Terms of Reference, the Board of the Regional District is acknowledging that the Board has considered public consultation issues related to proposed new Official Community Plan for Nanoose Bay and adopted a terms of reference that satisfies the requirements contained in section 879 of the *Local Government Act*.

VOTING

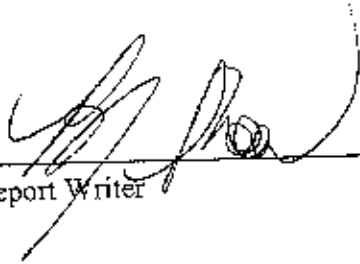
Electoral Area Directors -- one vote, except Electoral Area 'B'.

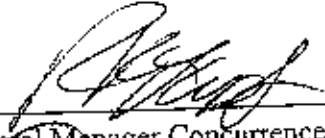
SUMMARY/CONCLUSIONS

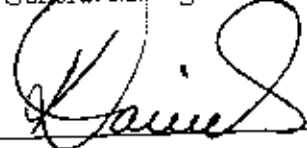
A new Official Community Plan for Nanoose Bay is scheduled to be initiated this year, with the public consultation process to be completed by the end of the 2004 calendar year. The planning process will focus on a number of areas including village centre development, coastal zone management, growth and development, environmental protection and community service issues. In addition, the OCP will be prepared in consideration of the Regional Growth Strategy and other RDN plans and policies as well as federal and provincial legislation. As outlined in the attached Terms of Reference, the planning process will have particular focus on meaningful public consultation, including participation by the community at General Public Meetings and interested residents at Community Planning Working Group Sessions.

RECOMMENDATIONS

1. That the staff report on the Nanoose Bay Official Community Plan Terms of Reference be received.
2. That the Nanoose Bay Official Community Plan Terms of Reference (*Attachment No. 1*) be endorsed by the Board.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

devs/reports/2003/6480 00 EAH OCP jc TOR.doc



NANOOSE BAY Official Community Plan

TERMS OF REFERENCE



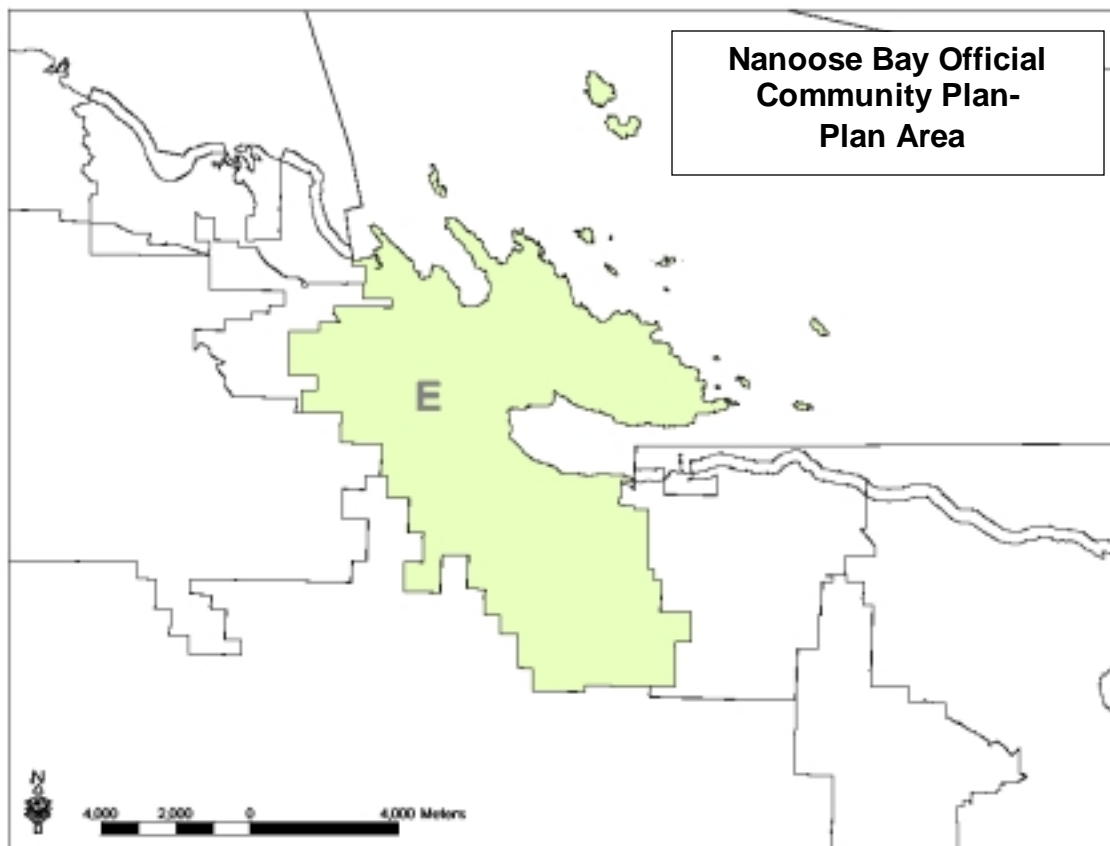
REGIONAL DISTRICT OF NANAIMO
JANUARY 2004

BACKGROUND

The Nanoose Bay Official Community Plan (OCP) Review is scheduled to begin in January 2004. The planning process will focus on a number of areas including village centre development, mixed-use housing in village centres, coastal zone management, growth and development, environmental protection, and community services.

This document provides the Terms of Reference for the OCP Review and details the project's public consultation strategy. The Terms of Reference provides the work program and serves as a 'checklist' to ensure the project successfully achieves its goals; in addition, this document outlines an approach for fully involving the citizens of Nanoose Bay in the drafting of their official community plan (including information on the sequencing of events as well as the roles and responsibilities of participants).

It should be noted, however, that as the project progresses, the review process or time frames might need to be amended to recognize new issues or allow for more in-depth discussion on certain issues. This flexibility is important to ensure that the planning process remains responsive to evolving circumstances, thereby meeting the needs of all participants.



CONTENT

Pursuant to the **Local Government Act**, an official community plan is a statement of objectives and policies to guide decisions on planning and land use management. That is, the intent of an official community plan is to set out the community vision and 'course of action' for the Plan Area through a document that outlines the Areas goals and the policies needed to achieve those goals. In addition, as the Regional District of Nanaimo has an adopted Regional Growth Strategy, the Act requires that the OCP be consistent with the Strategy.

The **Local Government Act** requires that an OCP include policy statements and land use map designations that address a number of issues including:

- location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- phasing of any major road, sewer and water systems;
- location of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
- policies with respect to affordable housing, rental housing and special needs housing.

In addition to the required content outlined above, an OCP may include the following:

- policies relating to social needs, social well-being and social development;
- policies respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the OCP; and
- policies relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.

From a legislative and Regional District policy perspective, the new Nanoose Bay OCP will also need to consider the following:

- policies contained in the Regional Growth Strategy and other Plans and policies for the Regional District of Nanaimo;
- updated information to improve the Inventory of Environmental Features;
- updated information from the Parks and Open Space Plan for Nanoose Bay (2001);
- changes to federal and provincial legislation.

The **Local Government Act** also sets out specific procedural requirements that must be met in the process of adopting an official community plan. Specifically, the **Act** establishes referral and notification requirements, sets out standards for advertising and the holding of a public hearing, and specifies the types and applicability of development permit areas. The work plan proposed in this

Terms of Reference fully achieves and, with reference to the proposed public consultation strategies, far exceeds the requirements of the ***Local Government Act***.

PUBLIC CONSULTATION STRATEGY

The Regional District of Nanaimo's Public Consultation policy measures a successful project as one that provides for meaningful and on-going public involvement. While the ***Local Government Act*** sets out minimum requirements (as outlined below), it is the intent of this Terms of Reference to propose a Public Consultation Strategy that goes well beyond the requirements of the ***Act***. The success of the public process component of the Nanoose Bay Official Community Plan will be achieved through meeting the following goals:

- Ensuring that the style of consultation is inclusive.
- Making certain that the public process meets the needs and expectations of Electoral Area 'E' residents.
- Providing meaningful opportunities for public input and participation.
- Recognizing that the communities that make up the area have diverse characteristics, patterns of land use and interests in property.
- Making all relevant information about the planning process readily available to the public.
- Presenting information to the public in a clear, understandable and concise form.
- Making available for review all public input gained during the planning process.
- Accurately and objectively recording and assessing public input.
- Seeking broad-based agreement and consensus during the planning project.
- Meeting and exceeding all required consultation requirements in the ***Local Government Act***.

Pursuant to the ***Local Government Act***, the Board of the Regional District must specifically consider whether consultation is required with the Board of any regional district that is adjacent to the area covered by the plan, the council of any municipality that is adjacent to the area covered by the plan, first nations, school district boards, greater boards and improvement district boards, and the Provincial and Federal governments and their agencies. The Board of the Regional District makes this determination with their approval of the Terms of Reference for the preparation of the Official Community Plan.

In addition, as outlined in section 879 of the ***Local Government Act***, during the development of an Official Community Plan, or the repeal or amendment of an Official Community Plan, the Regional District must, at a minimum, provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

The proposed consultation process will provide ongoing opportunities for input and will establish linkages among the community, interested agencies and organizations. In addition, there will be several opportunities for more formal

consultation in relation to confirming the community vision, prioritizing issues, confirming plan strategy, resolving issues, finalizing plan policies, and reviewing the draft plan. These stages are important, as the completion of each of these stages requires a reasonable level of consensus or acceptance by the community, and each stage builds on the previous stages as the plan progresses.

Community Vision and Prioritizing Issues

Individual citizens may have different perspectives about how the community should grow and develop. People will be asked to contribute their views and vision for the future of Nanoose Bay at a general public meeting. There will be an invitation to join the Community Planning Working Group and make a commitment to contribute additional time and effort to prioritize community issues and formulate a vision statement, planning strategy, and approach. Ultimately, the community will produce a 'Community Values Statement' that will be used to evaluate future development proposals in Electoral Area 'E'.

Confirmation of Plan Strategy and Approach

The proposal prepared by the Working Group will be presented to the general public for confirmation and general acceptance.

Review of Draft Policies and Draft Plan

Subsequent to a draft plan being completed by staff, the draft will be reviewed by the Working Group and then presented to the general public for confirmation and general acceptance.

Referrals

In addition to ongoing opportunities for persons, organizations and authorities to attend public meetings, referrals will be sent to the following community groups, organizations, local governments, and meetings for input and comments on the draft plan. While referrals are required to specified groups pursuant to the ***Local Government Act***, it should be noted that the groups and agencies listed below exceeds the requirements of the ***Act***. In addition, the ongoing involvement of these groups and agencies from the plan initiation to plan completion is well beyond the normal requirements and is intended to result in a cooperative plan process and a more comprehensive and accurate official community plan.

Local Community Groups and Associations

- Echo Mountain Residents' Association
- Fairwinds Community Association
- Nanoose Property Owners and Residents Association
- Nanoose Bay Lions Club
- Nanoose Library Centre
- Nanoose Place Seniors Society
- Northwest Nanoose Residents' Association
- Nanoose Bay Volunteer Fire Department
- Local Water Districts
- Other identified community groups

Member Municipalities

- Town of Qualicum Beach
- City of Parksville
- District of Lantzville
- City of Nanaimo

Provincial Agencies

- Ministry of Community, Aboriginal and Women's Services
- Ministry of Transportation
- Ministry of Water, Land and Air Protection
- Ministry of Forests
- Ministry of Agriculture, Food and Fisheries
- Ministry of Sustainable Resource Management
- Ministry of Energy and Mines
- Land and Water BC
- Agricultural Land Commission

Other Parties

- Snaw Naw As First Nation
- Oceanside Construction and Development Association
- School District No. 69
- Nanoose Bay Elementary School
- Vancouver Island Health Authority
- Arrowsmith Watershed Coalition
- Mount Arrowsmith Biosphere Foundation

SCHEDULE

The following outlines the schedule of events and publications, and sets out the key elements of each step in the Nanoose Bay Official Community Plan process 2004/2005.

January & February

- **Background research and inventory work** completed by RDN staff – to include population and demographic analysis, land use inventory, build out calculations, environmental inventory, studies of village centres, interviews with government agencies (information to be available on website and at public events)
- **Development** of web presence by RDN staff- to include all published documents (newsletters, materials available at public events, minutes, agendas) on a specific site (accessed through www.rdn.bc.ca)
- **Development** of media strategy by RDN staff (to be discussed at first Working Group meeting) with objective of ongoing coverage in the local media (including ongoing use of the *Nanoose Business/Service Directory* as the primary advertising site)
- **Ongoing availability** (announced in all newsletters or public events) of staff to speak to community groups on the OCP
- **Report** to the January Electoral Area Planning Committee on Plan Process requesting formal acceptance of Terms of Reference
- **Notification to all referral agencies-** letter indicating that plan process is underway and requesting that a specific contact person be named for all future correspondence (and involvement in the Government Agencies Forum to be held in April- see below)

February

- **Report** to the Board requesting formal acceptance of Public Consultation Strategy
- **Introductory Newsletter** - general information on the OCP and the 'ABC's of Planning' (including legal requirements and practical implications of key planning concepts and tools), outline-level schedule of proposed events, invitation to 1st public event – an Educational Seminar on planning and the OCP process.
- **Newsletter #1** will be direct mailed to all property owners
- **Advertisement** in local papers, website and postings in area for event
- **Educational Seminar-** Planning and the OCP Process
- **Newsletter #2-** invitation to in a **General Public Meeting** on Visioning the Future of Nanoose Bay, also to participate in the Community Planning Working Group
- **Advertisement** in local papers, website and postings in area for event
- **General Public Meeting - *Introduction to the OCP Process and Visioning the Future***, topics covered include the proposed consultation process and an invitation to join the Community Planning Working Group. In addition, residents will be asked to discuss the following questions (which will result in the Community Values Statement):
 - What do you like about your community?
 - What don't you like about your community?
 - What do you want your community to look like/be like in 10/20 years?
 - Residents will also be asked to identify community issues.
- **Progress notification** to all referral agencies

March

- **Site office** opens
- **Series of Working Group Sessions- *Prioritizing the Issues***
- Participants attending the working group sessions will be asked to consider the issues raised at the February 2004 Public Meeting, prioritize these issues, then set out a draft direction for dealing with these issues (note: Working Group meetings may continue into April 2004)
- Working Group meetings to be advertised through the website and posted at the site office/RDN offices

April

- **Government Agencies & Service Providers Forum-** staff from federal, provincial and local government agencies will be invited to attend a Plan event to identify their mandate within the Plan area, their issues, and their agencies' goals for the future
- **Newsletter #3-** Government Agencies & Service Providers Forum- bulk mailed
- The Forum will be advertised through the website, local newspapers, and postings at the site office/RDN offices
- **Notification** to all referral agencies (invitation to selected agencies to participate in the Forum and identify interests/mandates. In addition, request to local groups/other agencies to identify mandates and interests)

April & May

- **Series of Working Group Sessions.** Over a series of events, the Community Planning Working Group participants will be asked to draft a vision for the community, complete prioritization of issues, identify challenges and opportunities in the Plan Area, and consider other potential plan amendments
- The events will be advertised through the website and posted at the site office/RDN offices

May

- **General Public Meeting- *Confirmation of Strategy.*** The public will be asked to review the direction established at the Working Group Sessions and provide confirmation on their support for the plan strategy.
- **Newsletter #4-** Bulk mailed information flyer advertising the event
- The event will also be advertised through the website, local newspapers, and posted at the site office/RDN offices
- **Notification** to all referral agencies

May & June

- **Series of Working Group Sessions.** Over a series of events, the Working Group participants will be asked to set out the '**how**' of the Official Community Plan- the objectives, guidelines and policies that will be contained in the OCP
- The events will be advertised through the website and posted at the site office/RDN offices
- **Notification** to all referral agencies to comment on applicable policies
- **Site office** closes

July & August

- Staff compile a draft of the OCP- as outlined above, staff will compile the information, vision, and general policies discussed to date by the Working Group and community and draft the document in accordance with the requirements of the **Local Government Act**, for review at the Community Planning Working Group Sessions and confirmation by the General Public. Staff will also complete all mapping required for the OCP

September

- **Site Office** opens
- **Referral of Regional Context Statement** to Intergovernmental Advisory Committee
- **Series of Working Group Sessions.** Over a series of events, the Working Group participants will be asked to review/amend the OCP (including implementation actions and schedule)
- The events will be advertised through the website and postings at the site office/RDN offices

October

- **General Public Meeting- Confirmation of Draft OCP.** The public will be asked to consider and confirm the draft OCP and reach consensus on implementation actions. A proposed implementation schedule will also be drafted and considered by the public
- **Newsletter #5-** Invitation to Meeting- bulk mailed to residents
- The event will be advertised through the website, local newspapers, postings at the site office/RDN offices
- If the process identifies additional work, the Working Group participants and staff will regroup around issues and work to consensus. Depending on results, further consultation through general public meetings may be necessary
- **Site office** closes
- **Process notification** to all referral agencies

Year end/ early 2005

- **Report** to RDN Board requesting 1st reading of OCP
- **Pre Referral Notification** to referral agencies (potentially resulting in amendments to OCP)
- **Report** to RDN Board requesting 2nd reading of OCP
- **Formal Referrals** to referral agencies
- **Public Hearing**
- **Report** to Board requesting 3rd reading
- **Notification** to province
- **Report** to Board requesting 4th reading and adoption.

As outlined above, the process is designed to engage the general public while at the same time allowing interested residents and stakeholders to participate more directly through the Community Planning Working Group Sessions.

TIMEFRAME

It is proposed that a draft official community plan will be finalized by year-end 2004 and adopted in 2005.

ROLES & RESPONSIBILITIES

The Role of the **General Public** is to identify local issues, generate and participate in the visioning and goals setting process and ultimately provide

feedback on the proposed Official Community Plan for their area through submissions and at public meetings.

The Role of the **Electoral Area Director** is to provide situational leadership throughout the community planning process by chairing, facilitating, and/or presenting at public events, reporting to the RDN Board on the process as required, and remaining as the key community contact on the project.

The Role of the **participants at the Community Planning Working Group Sessions** will be to confirm and prioritize local issues, act as information sources for both the community as a whole and staff, and guide the plan preparation process. The intention of the Community Planning Working Group Sessions is that any number of interested citizen volunteers will work toward consensus on the issues that face the plan area. The individuals who attend the Community Planning Working Group Sessions will participate through a series of public meetings to refine the community vision and planning principles, confirm the direction of the development strategy, provide/present information at the General Public Events and provide feedback on the draft Official Community Plan for the area.

RESOURCES & BUDGET

All work to gather and collate data, consult with the public, produce and design documents/consultation materials and draft the Official Community Plan will be completed by RDN staff as outlined in the 2004 RDN budget.

One full time staff equivalent and mapping resources will be assigned to the project to completion. The Community Planning Budget includes funds to cover costs associated with the public consultation process, including mapping services, public information meetings, a public hearing, mailings, advertising, and rentals.

FINAL PRODUCT & MONITORING

The final product will be an adopted Nanoose Bay Official Community Plan, which reflects the vision and goals of the people who live in the area, and the policies and/or regulations of the region and senior levels of government.

The process will be evaluated pursuant to the successful completion of the consultation requirements specified in the **Local Government Act**, public consultation policies adopted by the RDN, and the process outlined in this Terms of Reference.