

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, DECEMBER 14, 2004
6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 2 **J. Lettic, Nanoose Property Owners and Residents Association**, re Area E
OCP Review – Terms of Reference/Process and Procedures.
- 3 **Diane Pertson, Nanoose Bay Conservancy Society**, re Area E OCP.
- 4 **Ron Kuhn, Nanoose Property Owners and Residents Association**, re Area E
OCP Review – Community Sewer Service.
- 5 **Jeannette Thomson**, re Area E OCP.
- 6 **Carol Anne Philion**, re Area E OCP

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 7-15 DP Application No. 60455 – Robbins–MacQueen – 312 Kinkade Road – Area G.

OTHER

- 16-20 Consideration of an Offer for Park Land Dedication - Fern Road Consulting Ltd.,
on behalf of Carvalho – Lee Road – Area G.
- 21-37 Update on Draft Nanoose Bay Official Community Plan.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Burgoyne, Linda

From: J. Lettic [databasics]
Sent: Monday, December 06, 2004 10:29 AM
To: Burgoyne, Linda
Subject: NPORA delegation - Dec 14 EAPC meeting

Linda:

Please register me as a delegate to the Dec 14th EAPC meeting representing Nanoose Property Owners and Residents Association. I wish to address the committee on the matter of the Area 'E' OCP Review - Terms of Reference/Process and Procedures. Thankyou.

J. Lettic
2855 Ashcraft Rd.
Nanoose Bay, B.C. V9P9E9
250.468.7243

Burgoyne, Linda

From: Otter Point [mailto:otterpoint@nanoosebay.ca]
Sent: Monday, December 06, 2004 12:19 PM
To: Burgoyne, Linda
Subject: Delegation to Dec 14 EAPC meeting

This is to register as a 10-minute delegation to the above meeting. The Nanoose Bay Conservancy Society wishes to address the committee on several issues of concern in the proposed Area "E" OCP Draft.

Thankyou.

Diane Pertson
2971 Dolphin Drive
Nanoose Bay, BC
V9P 9J3

Burgoyne, Linda

From: Ron Kuhn
Sent: Monday, December 06, 2004 3:45 PM
To: Burgoyne, Linda
Subject: Dec 14th EAPC meeting delegation request

Linda,
I would like to be registered as a delegate to present at the December 14th EAPC committee meeting regarding the Area-E OCP Review - Community Sewer Service. I will be representing the Nanoose Property Owners and Residents Association on this matter.

Sincerely,

Ronald Kuhn
3285 Dolphin Drive
Nanoose Bay, BC V9P9J1

telephone 468-5617

12/6/2004

Burgoyne, Linda

From: Jeannette T. [redacted]
Sent: Monday, December 06, 2004 9:49 PM
To: Burgoyne, Linda
Subject: Delegation to EAPC Meeeting Dec.14,2004

This to register as a deligation at the Subject meeting regarding Area E OCP:

Jeannette Thomson
1891 Sea Lion Crescent
Nanoose Bay, BC
V9P 9J3

Thank you

Burgoyne, Linda

From: Jeannette T. [mailto:jeannette.t@bc.ca]
Sent: Tuesday, December 07, 2004 11:50 AM
To: Burgoyne, Linda
Subject: Re: Delegation to EAPC Meeting Dec.14,2004

In application to register as a delegation at the subject meeting regarding Area E OCP:

Carol Anne Phillion
2071 Saddle Drive
Nanoose Bay, BC
V9P 9J3

Phone: 468-7993

I am aware the meeting starts at 6:00.

Thank you

12/7/2004



REGIONAL DISTRICT OF NANAIMO		
DEC - 6 2004		
CHAIR		GMCrS
CAO		GMDS
		GMES
EAPC ✓		
		DATE

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

FROM: Greg Keller
Planner

SUBJECT: Development Permit Application No. 60455 - Robbins-M^{ac}Queen
Electoral Area 'G' – 312 Kinkade Road

DATE: December 03, 2004

FILE: 3060 30 60455

PURPOSE

To consider an application for a development permit to allow for the construction of two additions to an existing single dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Areas pursuant to "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996".

BACKGROUND

The subject property legally described as Parcel A (DD 387492I), of Lot 6, District Lot 9, Newcastle District, Plan 14909 is an approximately 3989.9 m² parcel located at 312 Kinkade Road in Electoral Area 'G' (see Attachment No. 1) and is currently zoned Residential 2 (RS2) Subdivision District 'M' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The Environmentally Sensitive Areas Development Permit Area was established to protect the natural environment from the impacts of development. The Hazard Lands Development Permit Area was established to protect development from hazardous conditions. The subject property is located within the Little Qualicum River flood plain and is designated within the Natural Hazard Development Permit Area due to the potential flood risk.

The Environmentally Sensitive Areas and Hazard Lands Development Permit Areas require that a development permit be issued prior to any development or alteration of land including the removal of vegetation. Therefore, a development permit is required in order to construct the proposed additions.

The existing single dwelling unit was constructed in 1994 pursuant to Regional District of Nanaimo Building Permit No. 18414. Two Board of Variance appeals were granted on the subject property relaxing the minimum other lot line setback requirement from 5.0 metres to 4.5 metres and increasing the maximum allowable dwelling unit height from 8.0 metres to 9.0 metres as required by Bylaw No. 500. The proposed additions, would not affect the previous Board of Variance appeals because the additions are not located adjacent to the other lot line and do not require a height relaxation.

This development permit application, if approved, would allow the construction of two additions to an existing single dwelling unit. The proposed additions include a one storey addition of approximately

37.3 m² of habitable space on the west side of the building with an unenclosed patio on top and one addition of approximately 32.2 m² of non-habitable space on the north side of the dwelling for a covered entrance foyer/walk way (see Schedule No. 2). The applicants are not requesting any variances to Bylaw No. 500 regulations.

ALTERNATIVES

1. To approve the development permit subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the requested development permit as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

The subject property is bound on the north by property currently zoned RS2, on the east by Kinkade Road, on the south by an non-constructed gazetted road which acts as the dividing line between the Regional District of Nanaimo and the Town of Qualicum Beach, and to the west by Waters Road. There is a fence separating the subject parcel from the parcel to the north, which would reduce the impact on the views from the neighbouring dwelling unit to the north.

There are currently two small accessory buildings on the north side of the property, which appear to be located within the minimum interior side lot line requirements pursuant to Bylaw No. 500. One accessory building is a small (less than 10 m²) green house and one is a small (less than 10 m²) temporary tent-like structure. The RS2 zone allows one accessory building not exceeding a floor area of 10 m² and a maximum height of 3.0 metres to be constructed with no setback requirement from an interior side or rear lot line. Therefore, staff recommends that as a condition of approval, the applicant be required to remove or relocate one of the accessory buildings or structures in order to ensure compliance with Bylaw No. 500.

The Ministry of Health approved a permit to install a septic system on the subject property with sufficient capacity to serve a 3 bedroom dwelling unit. The applicants are not proposing to increase the number of bedrooms as part of this application.

NATURAL HAZARD IMPLICATIONS

The existing single dwelling unit was constructed at 3.1 metres above the natural boundary of the Little Qualicum River and therefore met the minimum required flood construction level of 3.0 metres above the natural boundary of the Little Qualicum River pursuant to "Regional District of Nanaimo Flood Management Bylaw No. 843, 1992". After the single dwelling unit was constructed, on August 11, 1998, the Board of Directors of the Regional District of Nanaimo adopted flood management amendment Bylaw No. 843.01, which, among other things, introduced flood plain mapping for the Little Qualicum River and established a minimum flood construction level of approximately 6.5 metres GSC for the subject property. Therefore, since the subject property was developed in accordance with the previous flood management bylaw and minimum flood construction level, the existing single dwelling unit may not meet the current minimum flood construction level.

Bylaw No. 843 designates the subject property within the floodplain of the Little Qualicum River. The total proposed additional floor area is approximately 37.3 m² and the total gross floor area of the existing

PUBLIC CONSULTATION IMPLICATIONS

As the application does not include a request to vary the zoning regulations, there are no public notification requirements pursuant to the *Local Government Act*.

VOTING


Electoral Area Directors – one vote, except Electoral Area ‘B’.

SUMMARY/CONCLUSIONS


This is an application for a development permit to allow for the construction of two additions to an existing dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Areas established in the Shaw Hill – Deep Bay Official Community Plan. The entire parcel is located within the Environmentally Sensitive Areas and Hazard Lands Development Permit Areas. There is a flood hazard associated with this parcel because it is located in the Little Qualicum River floodplain. However, since the proposed addition is less than 25 percent of the gross floor area of the dwelling unit, the minimum flood construction level established in Bylaw No. 843 does not apply.

RECOMMENDATION

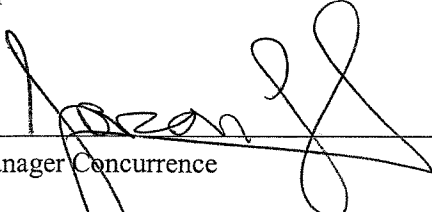
That Development Permit Application No. 60455 submitted by Heather Robbins-M^{ac}Queen for a development permit to allow for the construction of two additions to an existing dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Areas pursuant to “Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No, 1007, 1996” for the property legally described as Parcel A, (DD 387492I), of Lot 6, District Lot 9, Newcastle District, Plan 14909 be approved, subject to the requirements outlined in Schedules No. 1 and 2.



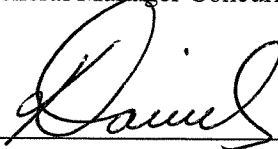
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

**Schedule No. 1
Conditions of Approval
Development Permit No. 60455
312 Kinkade Road**

The following sets out the conditions of approval with respect to DP No. 60455:

1. Development of Site

- a. Subject property to be developed in accordance with Schedules No. 1 and 2.
- b. All construction of buildings and structures to be undertaken must be consistent with Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.
- c. The applicant to remove or relocate one of the existing accessory buildings out of the minimum interior lot line requirement.
- d. The applicant shall obtain a valid building permit prior to construction.

2. Save Harmless Agreement

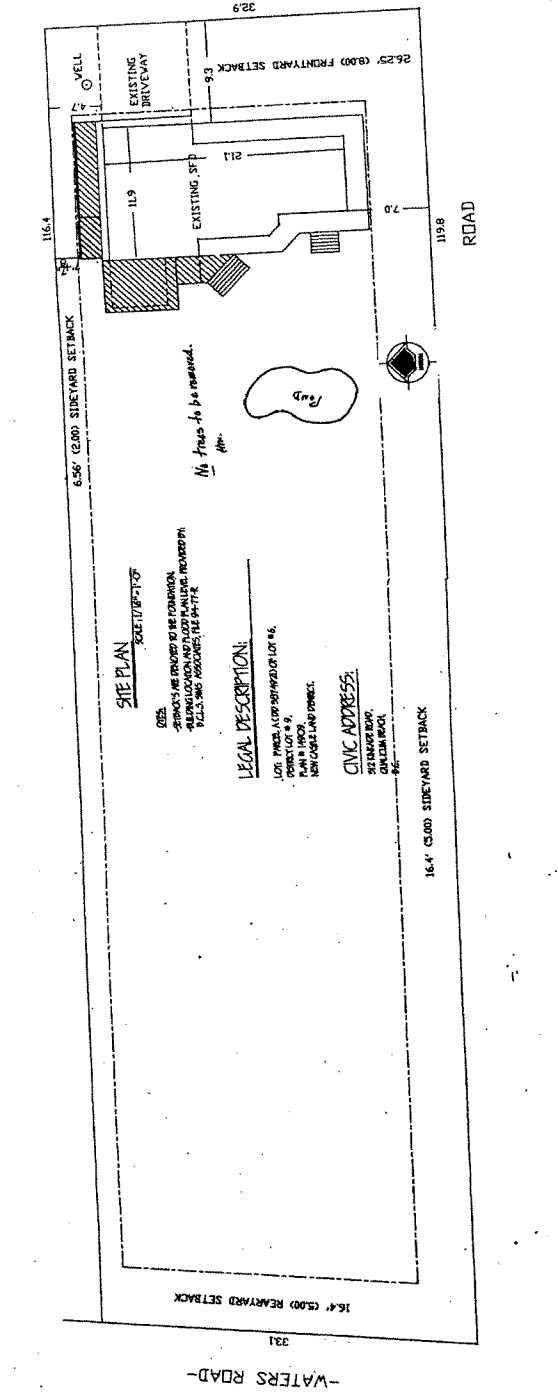
- a. Prior to the issuance of a building permit, the applicant shall prepare a Section 219 covenant to be registered on the title of the subject property to save the Regional District of Nanaimo harmless from any action or loss that might result from any hazardous condition acknowledging the hazards associated with the existing and proposed construction on the subject property including, but not limited to any damages or losses caused by or as a result of floodwater. This covenant shall be prepared to the satisfaction of the Regional District of Nanaimo and all costs to be borne by the applicant.

3. Sediment and Erosion Control

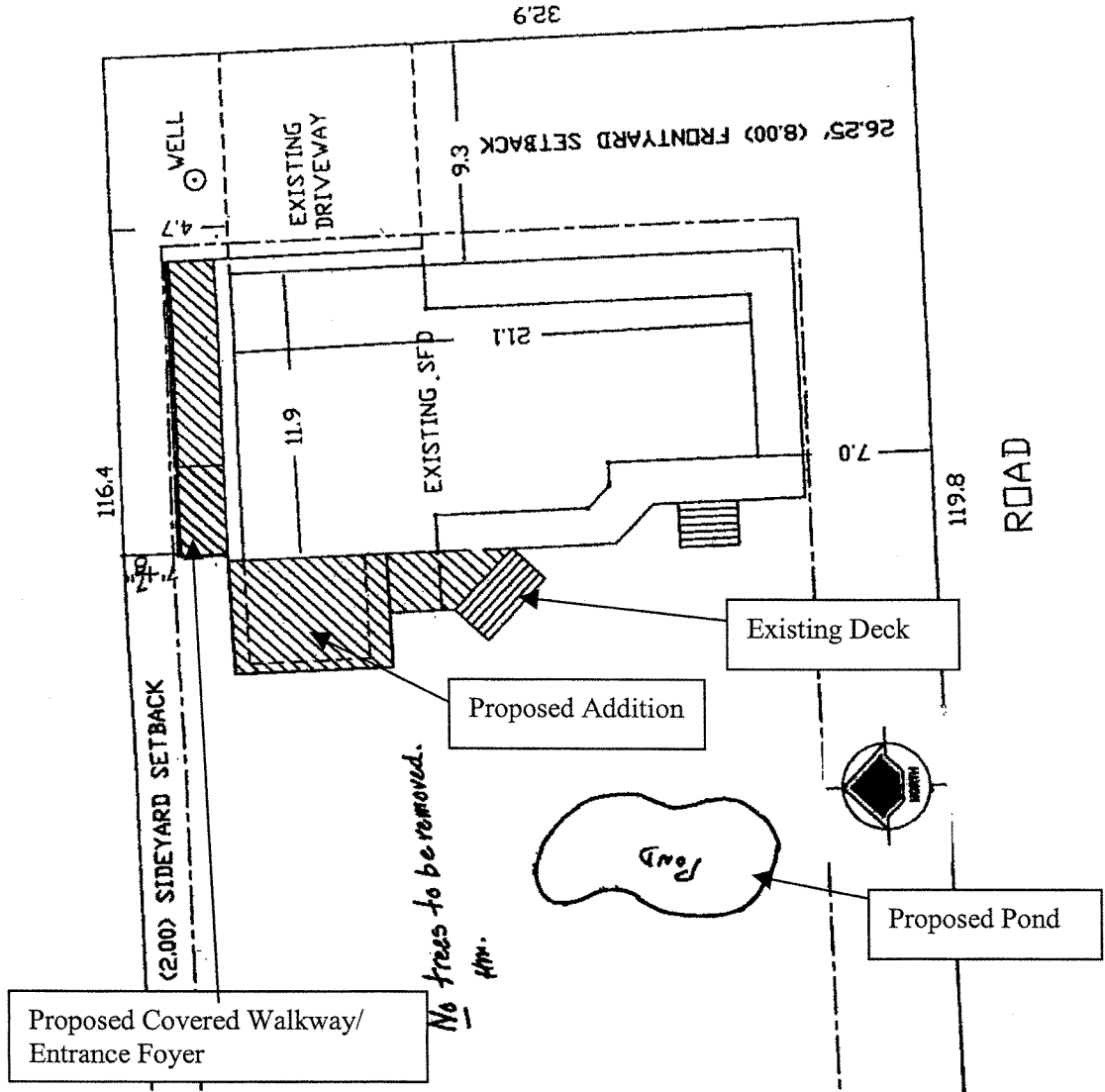
Sediment and erosion control measures must be utilized to control sediment during the development and to stabilize the site after the works are complete. These measures must include:

- 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.

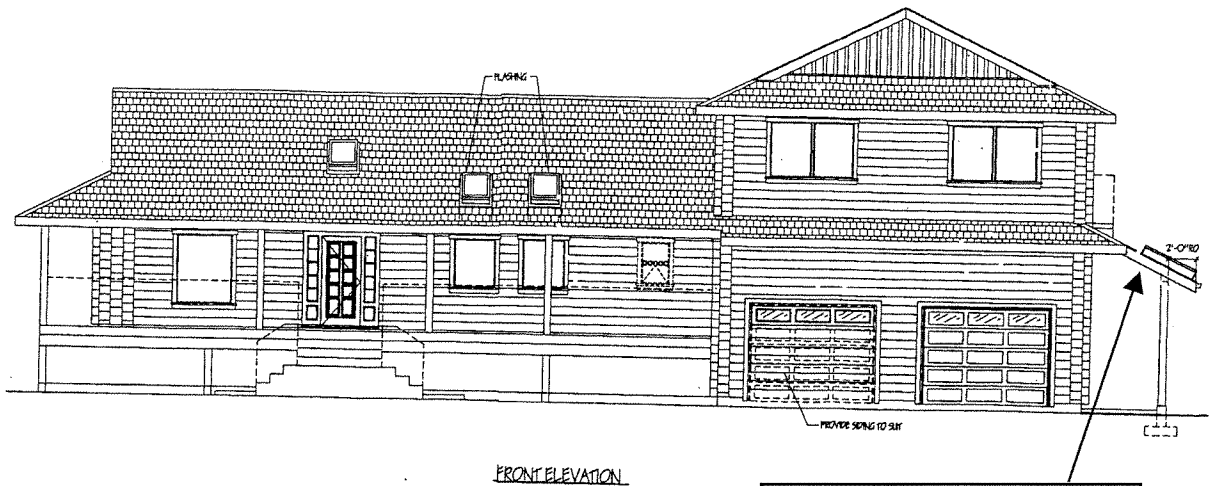
Schedule No. 2 (1 of 4)
 Site Plan (reduced for convenience)
 Development Permit No. 60455
 312 Kinkade Road



Schedule No. 2 (2 of 4)
Site Plan (reduced for convenience)
Development Permit No. 60455
312 Kinkade Road

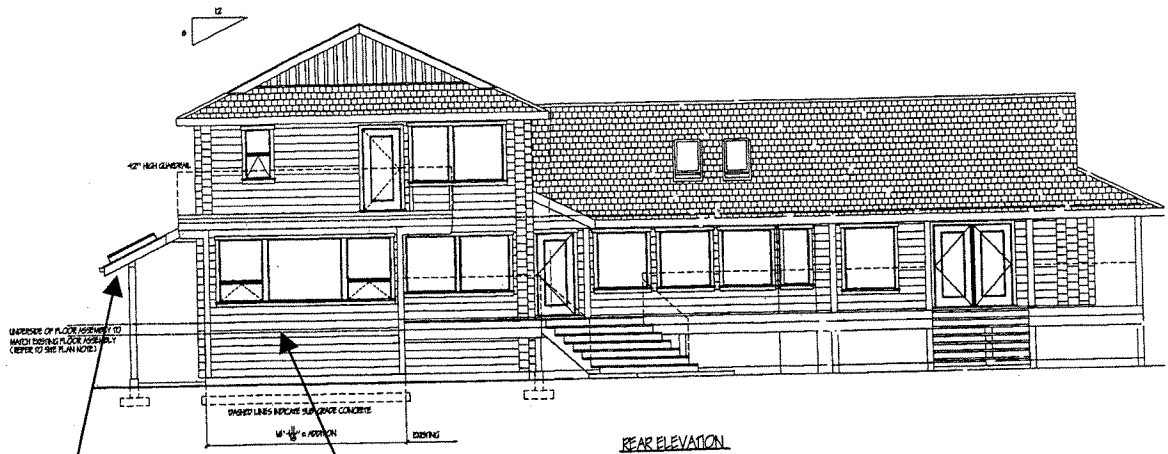


Schedule No. 2 (3 of 4)
Building Elevations (reduced for convenience)
Development Permit No. 60455
312 Kinkade Road



FRONT ELEVATION

Proposed Covered Entrance
Foyer/Walkway

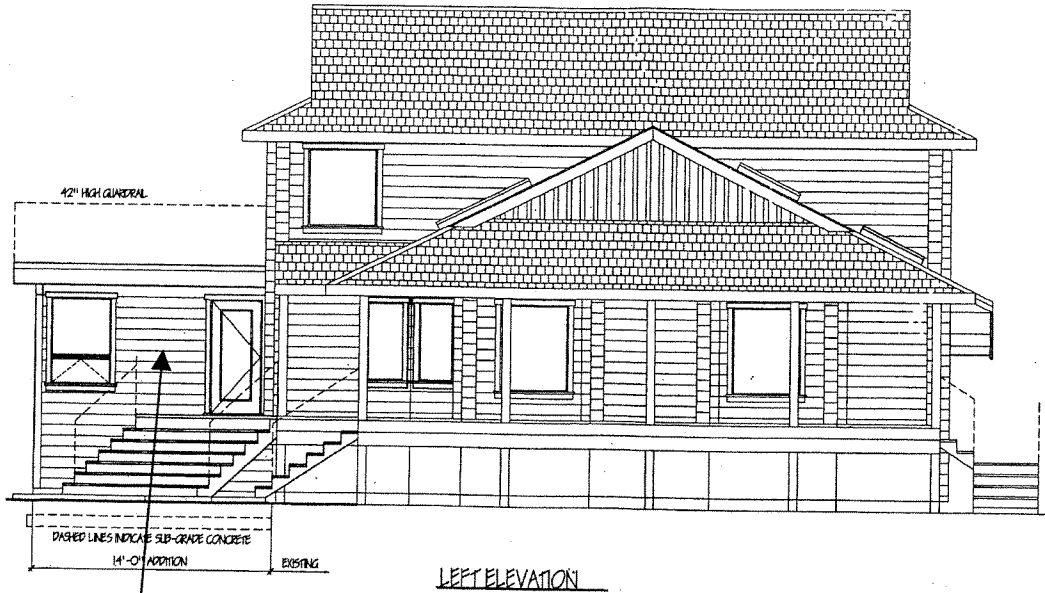


REAR ELEVATION

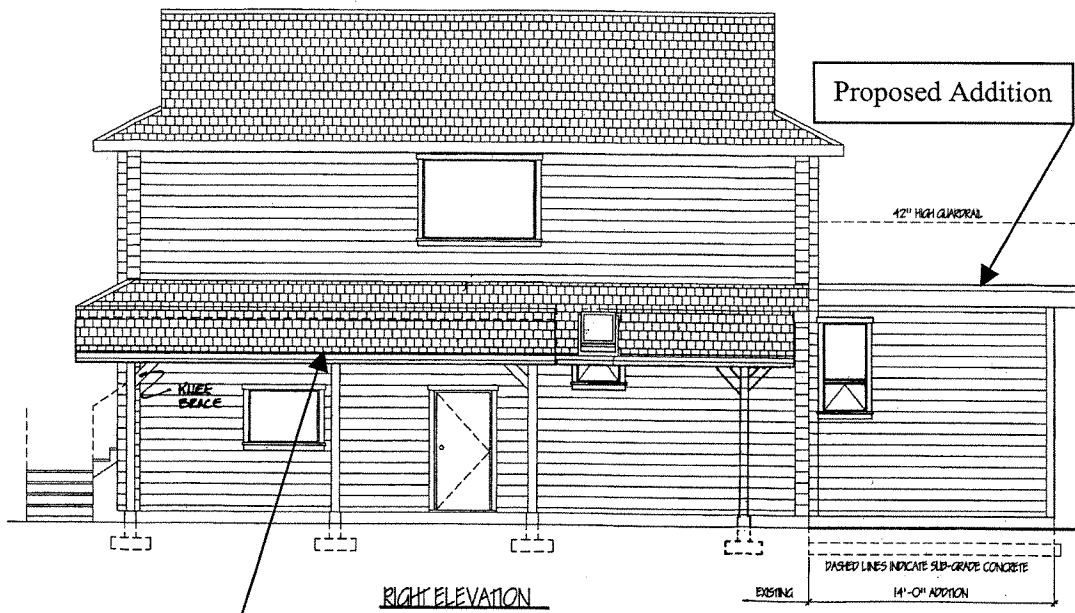
Proposed Covered Entrance
Foyer/Walkway

Proposed Addition

Schedule No. 2 (4 of 4)
Building Elevations (reduced for convenience)
Development Permit No. 60455
312 Kinkade Road



Proposed Addition



Proposed Addition

Proposed Covered Entrance
Foyer/Walkway



REGIONAL DISTRICT OF NANAIMO		
DEC - 6 2004		
CHAIR		CMC's
CAO		CMDS
CMC's		CMES
EAPC ✓		
DATE: December 7, 2004		

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 25454

SUBJECT: Consideration of an Offer for Park Land Dedication
Fern Road Consulting Ltd. on behalf of Carvalho
Electoral Area 'G' – Lee Road

PURPOSE

To consider an offer for the dedication of park land on property in the French Creek area of Electoral Area 'G'.

BACKGROUND

The applicant is offering the dedication of park land for the property legally described as Lot 3, DL 29 Nanoose District, and Part of the Bed of the Strait of Georgia, Plan VIP63647 and located on Lee Road in the French Creek area of Electoral Area 'G' (see Attachment No. 1 for location of subject property). The applicant is proposing a 3 bare land strata lot subdivision located adjacent to the Strait of Georgia where, while there is no statutory requirement to provide park land under section 941 of the *Local Government Act*, there is a statutory requirement to provide access to water (Strait of Georgia) under section 8.1 of the *Bare Land Strata Regulations*. The submitted plan of subdivision shows a park land dedication to provide access to the water in lieu of providing a dedicated highway right-of-way.

The subject property is currently zoned Residential 1 (RS1) and is within Subdivision District 'Q' (700 m² with community water and sewer) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property consists of a gently sloping topography towards the Strait of Georgia.

In addition, for your information, a portion of the subject property is designated within the Watercourse Protection Development Permit Area pursuant to the French Creek Official Community Plan Bylaw No. 1118, 1998, and therefore is subject to the requirements of the corresponding development permit area guidelines. The applicant has not yet applied for a development permit.

Under the related Board policy for consideration of park land, a Public Information Meeting is not required nor is the offer required to be forwarded to the Electoral Area 'G' Parks and Open Space Advisory Committee, as the policy only pertains to the dedication of park land where it is a requirement of subdivision pursuant section 941 of the *Local Government Act*.

Park Land Offer:

The applicant is proposing to dedicate approximately 0.922 ha or 8.8% of the total parcel area which would provide a walkway access to the Strait of Georgia along the south and south west property lines. The applicant has also offered to build a wood fence 1.5 to 1.8 m in height on the lot line between proposed Strata Lot C and the proposed park land and construct a trail to gravel standard.

ALTERNATIVES

1. To accept the park land proposal offered by the applicant as shown in the amount and location on Schedule No. 1.
2. To advise the Approving Officer that the RDN supports the full 20.0 metre wide dedication to the Strait of Georgia pursuant to section 8.1 of the ***Bare Land Strata Regulations***; however, if the Approving Officer waives the requirement for access to water the RDN would accept the offer by the applicant to dedicate park land with a minimum width of 6.0 metres in the amount and location as shown on Schedule No. 1.
3. To not accept the offer for park land and inform the Approving Officer that the supports the full 20.0 metre wide dedication to the Strait of Georgia pursuant to section 8.1 of the ***Bare Land Strata Regulations***. *(It is noted that the Approving Officer has the ability to fully or partially waive the requirement for public access to the waterfront and in this situation the applicant has indicated that they will request the Approving Officer to waive the requirement if the Regional District accepts a lesser width of the access as park land.)*

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

The French Creek Official Community Plan Bylaw No. 1115, 1998 (OCP) designates the subject property within a Desired Park Land Evaluation Area. The OCP also indicates a Proposed Foreshore Walking Route on the foreshore area adjacent to the subject property. In addition, the OCP also supports the acquisition of park land to provide access to the waterfront lands, including the sea. Therefore, the French Creek OCP supports access to the Strait of Georgia.

It is noted that, due to the gently sloping topography of the subject property, access to the Strait of Georgia would be fully achievable and usable.

STATUTORY IMPLICATIONS

Pursuant to the ***Bare Land Strata Regulations***, the applicant is required to dedicate 20.0 wide highway right-of-way to provide access to the water, in this case, the Strait of Georgia. The Ministry of Transportation's Approving Officer has not formally indicated that he would grant full or partial relief to this statutory requirement; however, the applicant has suggested that this decision would be based on the RDN's decision to potentially accept the access to water as park land as part of the subdivision application.

From the applicant's perspective, the proposal for the RDN to accept the access as park land appears to be being requested to potentially limit the impact of a possible requirement to provide a 20.0 metre access and allow for reasonable lot dimensions in conjunction with the 3 lot subdivision proposal. From the Ministry of Transportation's perspective, it appears that the Ministry would prefer that the access to the water be taken as park land rather than as dedicated highway as a number of existing beach accesses in the surrounding area have permits allowing the Regional District to use the access for park purposes. The dedication of park land would eliminate the need for future land use permits on a dedicated highway right-of-way and allow for the construction of a trail consistent with RDN standards.

PARK LAND IMPLICATIONS

The Recreation and Parks Department staff support public access to the water as there is no other public access on the east side of French Creek.

VOTING

Electoral Area Directors – one vote, except Electoral Area ‘B’.


SUMMARY

This is an offer for the dedication of a strip of park land to provide access to the water in conjunction with a 3 bare land strata lot subdivision application where, while there is no statutory requirement to provide park land, there is a statutory requirement to provide access to water (Strait of Georgia). It is noted that the Approving Officer has the ability pursuant to the *Bare Land Strata Regulations* to grant full or partial relief of this requirement; however, the Approving Officer has yet to make a final determination concerning granting any relief. The applicant is proposing this park land would be in consideration that the Approving Officer will grant full relief to this statutory requirement. The French Creek Official Community Plan supports public access to the Strait of Georgia.

As the OCP policies support access to the water and there is no other available access east of French Creek, the park land proposal would support OCP objectives. If the RDN does not accept the proposal, the Approving Officer may require a full 20 metre highway dedication or may grant full or partial relief to the requirement for access to water. Given that this decision remains uncertain, and that the alternative offer from the applicant is to dedicate the park land in a form that meets the RDN standard of 6.0 metres for a trail width, staff recommends that the Approving Officer be advised that the RDN supports the full 20.0 metre wide dedication to the Strait of Georgia pursuant to section 8.1 of the *Bare Land Strata Regulations*; however, if the Approving Officer is prepared to waive the requirement for access to water the RDN would accept the offer by the applicant to dedicate park land with a minimum width of 6.0 metres in the amount and location as shown on Schedule No. 1. The RDN’s position would be communicated as a minimum standard for acceptance.

RECOMMENDATION

That the Approving Officer be advised that the RDN supports the full 20.0 metre wide dedication to the Strait of Georgia pursuant to section 8.1 of the *Bare Land Strata Regulations*; however, if the Approving Officer waives the requirement for access to water, the RDN would accept the offer by the applicant to dedicate park land with a minimum width of 6.0 metres in the amount and location as shown on Schedule No. 1 and that the RDN’s position is a minimum standard for acceptance.



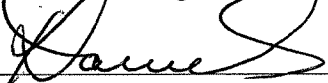
Report Writer



General Manager Concurrence



Manager Concurrence

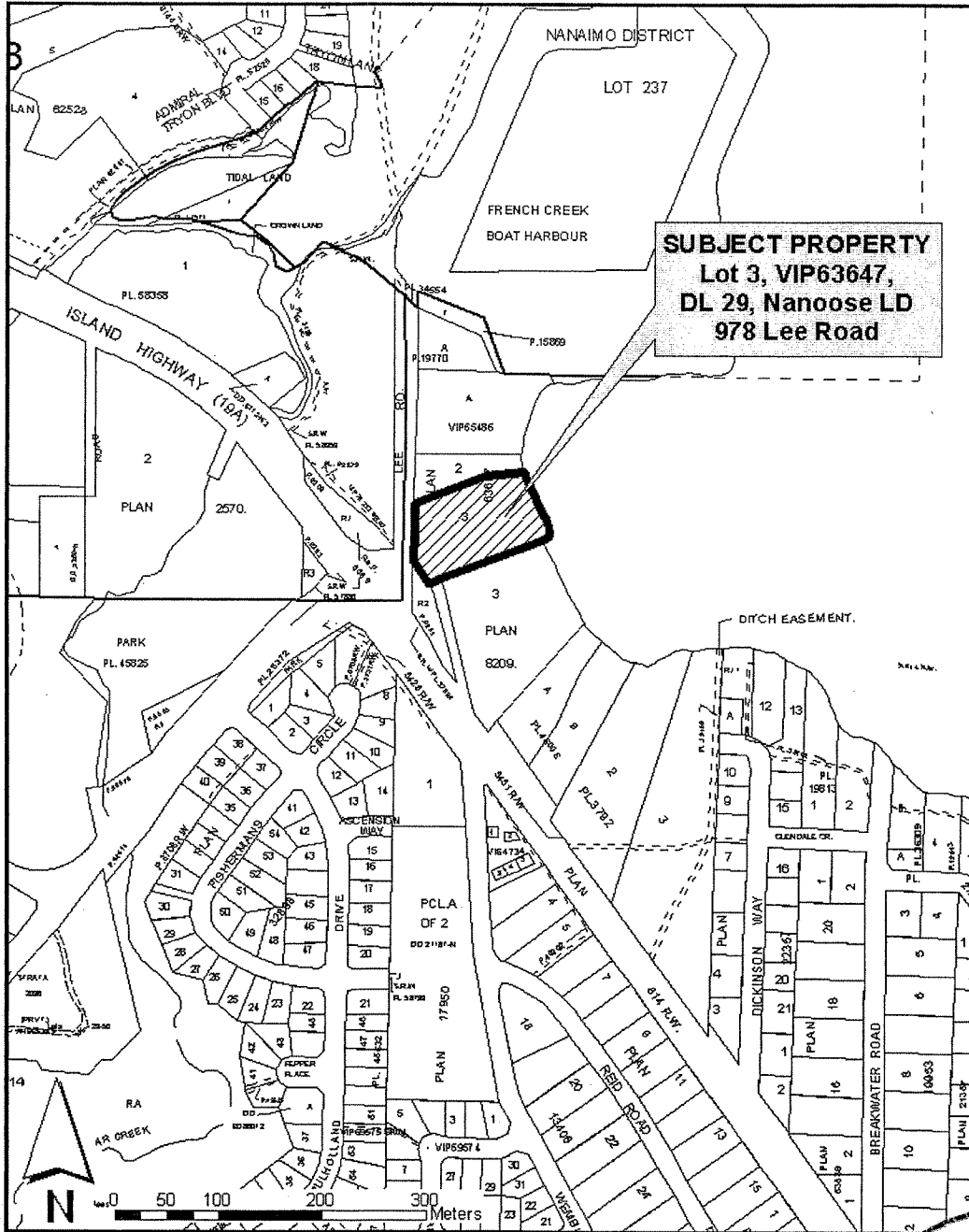


CAO Concurrence

COMMENTS:
Devsrs/reports/2004/park land de 3320 20 25454 Carvalho.doc

Attachment No. 1
Location of Subject Property

Bylaw 889.27 - Property to be included



BCGS MAPSHEET NO. 92F.053.1.3



REGIONAL DISTRICT OF NANAIMO			
DEC - 6 2004			
CHAIR		GMCFS	
CAO		GMDS	
CMCFS		GMES	
EAPC ✓			

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: December 7, 2004

FROM: Pamela Shaw
Deputy Manager, Development Services

FILE: 6480 00 EAE

SUBJECT: Update on Draft Nanoose Bay Official Community Plan
All Electoral Areas

PURPOSE

To receive the Draft Nanoose Bay Official Community Plan (OCP), comments submitted on the comment handout forms at the November 29, 2004 Open House and to request that the Board modify the Terms of Reference for the OCP to allow for a Public Information Meeting on the Draft OCP.

BACKGROUND

The Nanoose Bay Official Community Plan review process has been underway since February 2004. Prior to drafting the OCP Draft Bylaw, a number of events were held for the purpose of gathering community and agency input. These included:

- **Establishment and Operation of the Community Working Group**
This Working Group's role was to identify community objectives and issues and review the preliminary draft OCP. The members of the Working Group donated hundreds of volunteer hours to the OCP process through the Working Group meetings, participation at public events, and as 'information sources' in the community. The Working Group concluded its role November 25th, 2004.
- **Publication of Newsletters**
Newsletters and ads were published throughout the OCP review process. These documents were designed to keep the residents and landowners of the Plan Area up-to-date on the status of the project and provided a means for soliciting comment from area citizens. A newsletter will be direct mailed in early January announcing the Public Information Meeting. A final newsletter outlining the OCP's contents and announcing the public hearing will be direct mailed to Area property owners in advance of the public hearing.
- **Vision Meeting and Introductory Open House**
An open house and public 'Visioning the Future' meeting were held in March 2004. These events provided the community with an overview of the current OCP, examined issues to be considered in the new OCP, collected information for the Community Values Statement, and gathered public comment.

- ***Government Agency Forum***
Representatives of the various Provincial and Federal agencies and local governments attended a Government Agencies Forum in June 2004. The purpose of this forum was to identify and coordinate the mandates of the government agencies and collect technical information for input in the OCP.
- ***Open House***
A second open house was held on June 28th, 2004 to update the public on plan progress.
- ***Site Office***
An OCP site office was opened in the Nanoose Library Centre from March to June 2004 and again from September to November 2004. The site office served as a means for the public to comment directly to staff on the OCP, submit written documentation, review the OCP as it evolved, and provided a local venue for residents to obtain a copy of OCP documents.
- ***Open House***
Based on the community and agency comments received and the Working Group's review and input, staff prepared the Draft OCP Bylaw. Copies of the Draft OCP Bylaw were made available on the RDN web site, at the site office and RDN Planning Department, and upon request by mail. A third open house was held on November 29th, 2004 to present the Draft OCP to the public. Comments received at the open house are attached (*see Attachment No. 1*). Comments received during the drafting process are available for viewing at the Planning Department.

A copy of the Draft OCP has been forwarded under separate cover to all Board members, and is available on the RDN website at www.rdn.bc.ca. The Terms of Reference are included as Attachment No. 2.

ALTERNATIVES

1. To receive the Draft Nanoose Bay Official Community Plan and amend the Terms of Reference to include a Public Information Meeting.
2. To receive the Draft Nanoose Bay Official Community Plan, and refer it back to staff with direction on amendments to the proposed Official Community Plan.
3. To abandon the Draft Nanoose Bay Official Community Plan initiative.

PUBLIC CONSULTATION IMPLICATIONS

The Terms of Reference for the Nanoose Bay Official Community Plan Review (approved by the Board in February 2004) outlines a public consultation strategy that includes 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*.

The Nanoose Bay OCP Review continues to focus on the achievement of these goals. The Terms of Reference also outline a schedule of events and publications for the OCP Review process. It is noted that the process is approximately 2 months behind schedule; this is due to an increase in the number of Working Group meetings and the time frame required to draft the official community plan. In addition, while a Public Information Meeting was not included in the Terms of Reference, it is being proposed to present an overview of the Draft OCP to the public and to allow outstanding issues to be presented and addressed prior to consideration of the OCP Bylaw and a Public Hearing.

Following the Public Information Meeting, outstanding public consultation actions to be completed include: notification of the public hearing, formal referrals to member municipalities and agencies, a newsletter notifying citizens of the public hearing, the public hearing, required referrals pursuant to the *Local Government Act*, and adoption of the OCP by the RDN Board.

INTERGOVERNMENTAL IMPLICATIONS

Ongoing contact with government agencies and member municipalities has been maintained throughout the OCP Review process through the Regional Growth Strategy's Intergovernmental Advisory Committee. In addition, the Preliminary Draft of the Nanoose Bay OCP was referred to government agencies in October 2004. Comments were received from the Ministries of Transportation, Mines, and Water, Land and Air Protection. The Draft OCP will also be referred to the government agencies, and formal referrals will follow as part of the public hearing process.

Discussions with the Working Group indicated that the current urban containment boundary (as established by the Regional Growth Strategy) is likely insufficient to contain the mix and intensity of uses proposed for this Village Centre. Therefore, the Draft OCP proposes amending the Red Gap boundary by extending the boundary to the north and east. The expansion is considered to be minor as it would include approximately 32 residential lots, a community park, existing church and the library. It is noted that this action will require a Regional Growth Strategy amendment.

VOTING

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

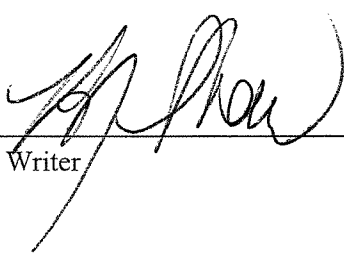
SUMMARY/CONCLUSION

Following an extensive public consultation process, a Draft Nanoose Bay Official Community Plan has been prepared. Staff recommends Alternative No. 1- to receive the Draft OCP and consider an amendment to the Terms of Reference for the OCP Review process to allow for a Public Information Meeting. This Public Information Meeting would be held on January 18th, 2005.


As a separate issue, this report also introduces a potential Regional Growth Strategy amendment. It is noted that the expansion of the Red Gap Urban Containment Boundary will remain as a proposed alternative in the OCP pending the completion of the Regional Growth Strategy review process. If approved as a Regional Growth Strategy amendment, the urban containment boundary and land use designation as proposed would automatically come into effect as set out in the Draft Nanoose Bay OCP.

RECOMMENDATIONS

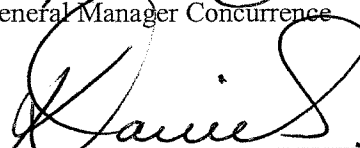
1. That the Draft Nanoose Bay Official Community Plan be received.
2. That the Nanoose Bay Official Community Plan Terms of Reference be amended to allow for a Public Information Meeting on the Draft Nanoose Bay Official Community Plan.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2004/6480 00 eae dec 1st & 2nd.doc

Attachment No. 1

Nanoose Bay Official Community Plan Review Comments November 29th, 2004 Open House

Do you have any comments on the Draft Official Community Plan or the information presented at this Open House?

The OCP should clarify the exemptions from development permits for minor works in the 15m coastal protection area from the natural boundary on existing residential properties. Minor works would include most fencing applications, patios next to homes, irrigation piping, lawn construction, as long as they do not affect the intertidal zone and a reasonable distance from the natural boundary (5m?).

Appreciate opportunity for input on ongoing basis. Please ensure zoning designations are changed at same time as OCP is adopted to ensure incompatible land uses do not occur. Need further 'education' of scope and purpose of proposed waterfront DP areas to diffuse property owner's concerns.

I understood sewer would be provided in our area with 5 years! On looking at plans for sewer new areas of Fairwinds will have sewer but older areas where septic is bound to fail shortly will not be done – Does this make sense? This is a great concern to us on Park Place. Sewer is a must for entire area!

There should be no permits needed to live on the land you purchased.

Re: Bylaw 1118 & 1400 – Section VIII (DPA4) I have owned my property on Madrona Drive since 1973. In the last 30 years many trees in the 15m set back have grown and will continue to do so. I have in the area in question, 9 firs, 1 pine, 1 oak and 4 arbutus – I love them but if and when they need removing or pruning I will do this regardless of your regulations and I won't ask permission from the RDN. This tells me that the bylaw is either ill conceived or badly phrased and in my mind unenforceable.

Re: DPA IV Guidelines for all Environmental DPA Areas No. 1(a) & (b) Anything deleterious to foreshore will be deleterious to any other organism and if blatant disregard by any property owners, within coastal or inland, affects the fishery the ACT already is in place to penalize the offender. No need for more bureaucracy, which is both costly and stifling.

Lot 102B and Lot 102A on Northwest Bay Road have been held by members of the same family for 100 years. There has never been any environmental damage to these properties. As owners of Lot 102B we object to the dogmatic and discriminatory regulations proposed. The rights to our own property will be reduced by 15 metres, yet we are heavily taxed for the entire parcel. Two classes of property owners are being created – those who have already developed the 15 metres and those who are unable to do so because of new regulations. We object. It is not clear who will bear the cost of sewer inspections which were approved when constructed.

Is there anything missing? Are there issues or concerns you would like to see addressed in the Official Community Plan?

Would like to see trails on OCP Parks and Community Facilities Map 4.

I am also concerned re: sea walls – with tides coming in higher each year existing walls should be able to be repaired without a permit!

What is troubling is that restrictions are being implemented on property owners under the guise of environment protection yet we have sewer running into the ditches, ocean, streams and I'm told you can't do anything about it. Put some effort into that problem. To say "Our hands are tied" is a "Cop-out". To do nothing is like watching a house burn with a hose in your hand.

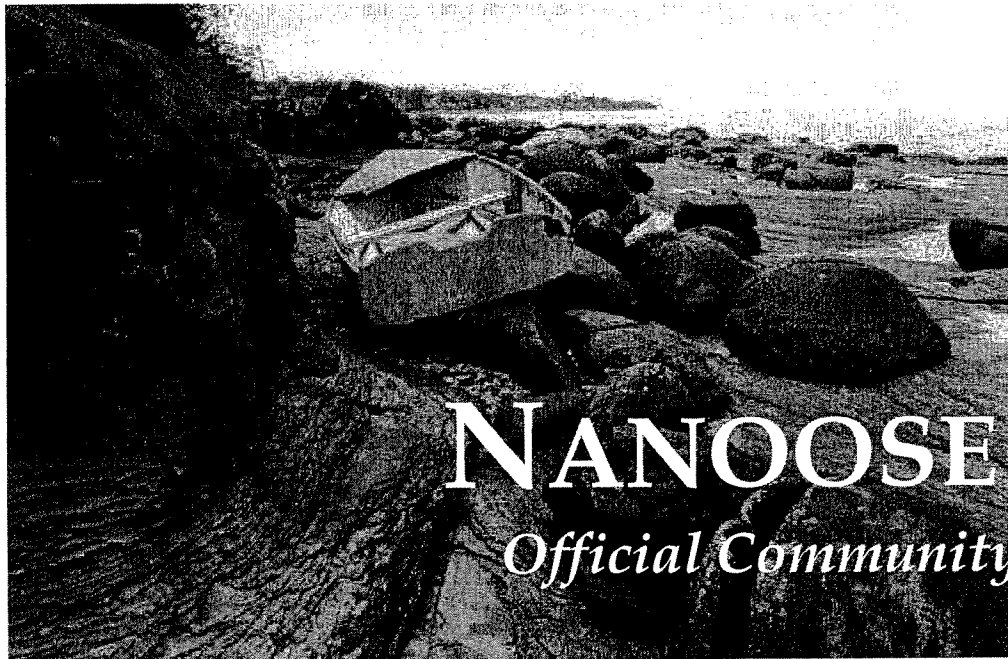
The entire idea is lacking vision. It starts with what exists and tries to accommodate it – this it is not a plan at all. When you can undo the errors, made to date (e.g. the Alberni Highway) then you can claim to plan – until then the OCP is a fraud.

The OCP should be stating a general overview of environmental objectives and set out bylaws governing actual physical placement of structures only. Environmental bylaws are covered by fisheries and provincial legislation.

To include the landscape businesses to be informed about tree cutting regulations and put fines in place if they don't conform. Then perhaps they would think before cutting even if directed by the property owner?

At the junction of Stewart and Northwest Bay Road there is a left turn, right turn and incoming turn off NW Bay. The left turn is inaccessible to the salt and sand truck when icy roads are present. If the driver is helpful, he sands by hand – if not, we have to use the right to turn left or slide into Sangren Farm.

Attachment No. 2
Nanoose Bay Official Community Plan Terms of Reference



NANOOSE BAY
Official Community Plan

TERMS OF REFERENCE



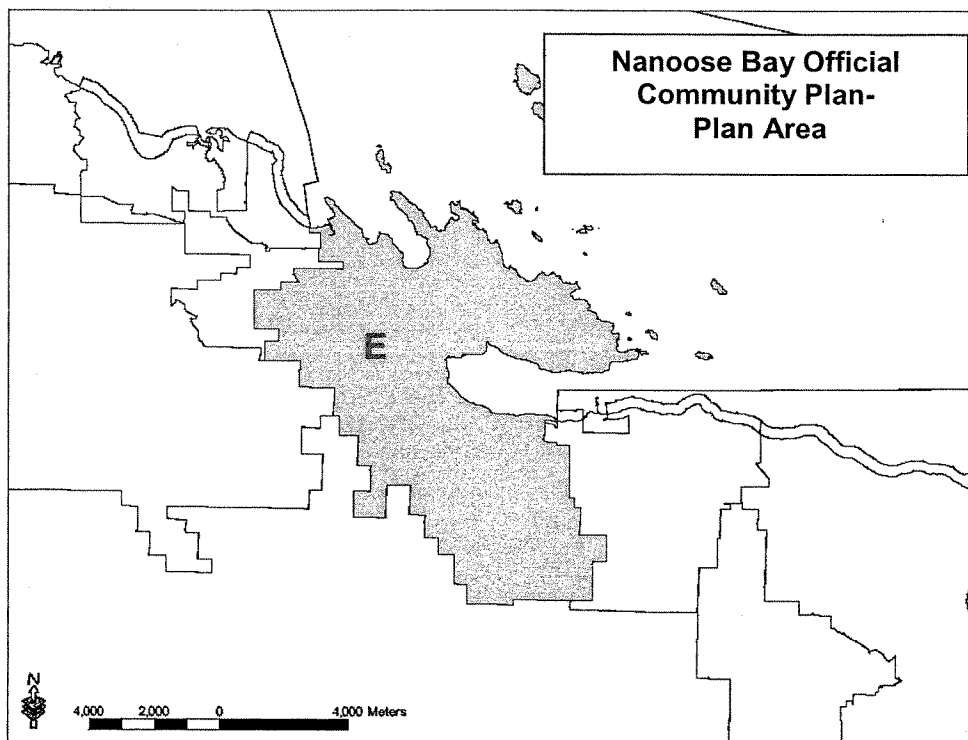
REGIONAL DISTRICT OF NANAIMO
JANUARY 2004

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 &

- **Series of Working Group Sessions.** Over a series of events, the Working Group

- June** 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.