



Regional District of Nanaimo

**ELECTORAL AREA 'H'
OFFICIAL COMMUNITY PLAN
BYLAW NO. 1335, 2003**



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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1335

**A BYLAW TO ESTABLISH THE REGIONAL DISTRICT OF NANAIMO
ELECTORAL 'H' OFFICIAL COMMUNITY PLAN**

WHEREAS:

- A. Under section 876 of the *Local Government Act*, the Board may adopt an official community plan by bylaw.
- B. The Board of the Regional District has:
 - a. considered the plan in conjunction with its most recent capital expenditure program under section 329 of the *Local Government Act* and its Liquid Waste Management Plan and the Regional Growth Strategy and is assured of consistency between them; and
 - b. referred the plan to the Provincial Agricultural Land Commission, the City of Nanaimo, City of Parksville, Town of Qualicum Beach, District of Lantzville, the Comox-Strathcona Regional District and Alberni-Clayoquot Regional District for comment; and where provided, the Board has received those comments.
- C. A Public Hearing has been held on the plan on the 5th day of January, 2004 after the plan had been referred to the Agricultural Land Commission, the City of Nanaimo, City of Parksville, Town of Qualicum Beach, District of Lantzville, the Comox-Strathcona Regional District and Alberni-Clayoquot Regional District.

NOW, THEREFORE, the Board of the Regional District of Nanaimo, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

- 1. Title
This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003".
- 2. Application
This Bylaw is applicable to Electoral Area 'H' of the Regional District of Nanaimo as shown outlined on Figure No. 1 of Schedule 'A' of this Bylaw.
- 3. Public Consultation Strategy
This Bylaw is being considered pursuant to an approved public consultation strategy in accordance with Section 879 of the *Local Government Act*.
- 4. Official Community Plan
The official community plan is comprised on Schedule 'A' and Map Nos. 1 to 7 inclusive, which are attached to and form an integral part of the Bylaw, is adopted as the Official Community Plan for Electoral Area 'H'.

5. Repeal

That portion of "Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996" as shown outlined on Figure No. 1 of Schedule 'A' of this Bylaw is hereby repealed.


Introduced and read two times this 9th day of December, 2003.

Public Hearing held pursuant to section 890 of the *Local Government Act* this 5th day of January, 2004.

Read a third time as amended this 13th day of January, 2004.

Received approval pursuant to section 882 of the *Local Government Act* this 23rd day of February, 2004.

Adopted this 9th day of March, 2004.


Chairperson


General Manager, Corporate Services



ELECTORAL AREA 'H' OFFICIAL COMMUNITY PLAN

BYLAW NO. 1335

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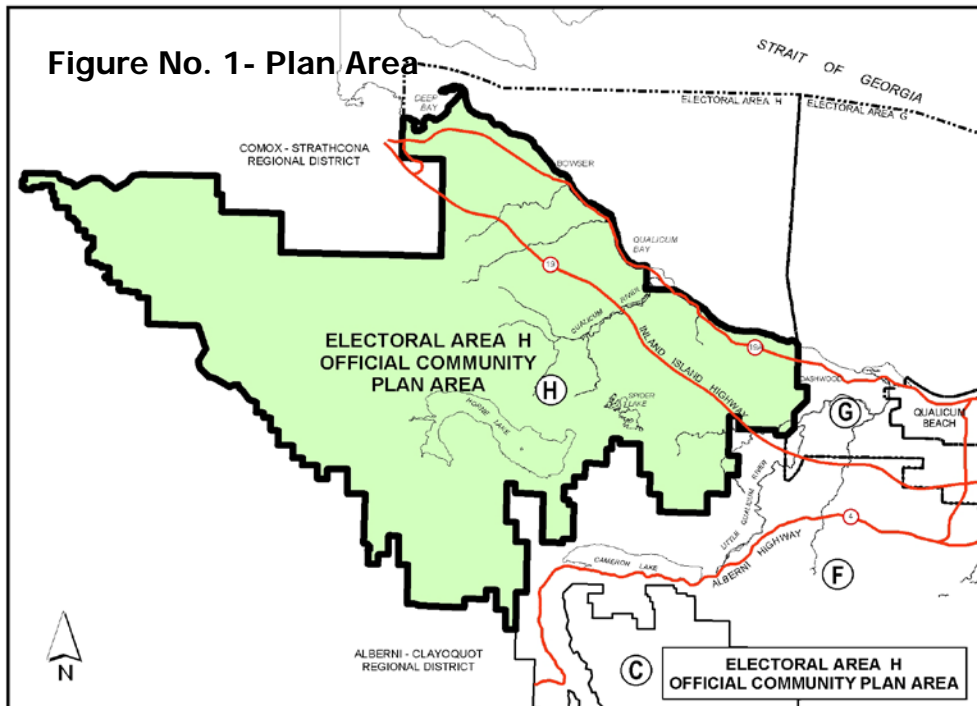
Regional District of Nanaimo
ELECTORAL AREA 'H' OFFICIAL COMMUNITY PLAN
BYLAW NO. 1335
Schedule 'A'

SECTION 1 - INTRODUCTION

The Local Government Act defines an Official Community Plan as a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements in the geographical area covered by the Plan.

The purpose of the Electoral Area 'H' Official Community Plan (OCP) is to provide a comprehensive set of guidelines and policies for managing existing and future uses of land, coastal areas and the surface of the water within the Plan Area. The objectives and policies contained in this OCP are a reflection of community values and the regulations of the local, provincial, and federal government with interests in the Plan Area.

The Electoral Area 'H' Official Community Plan Area includes approximately 28,615 ha of land and is bordered by the Regional District of Comox Strathcona to the north, Alberni-Clayoquot Regional District to the west, the Strait of Georgia to the east, and Electoral Area 'G' to the south. The Plan Area includes the neighbourhoods of Deep Bay, Bowser, Qualicum Bay, Qualicum First Nation Reserve, Dunsmuir, Shaw Hill/Baylis Area, Spider Lake, and Horne Lake. The Plan Area is shown on Figure No. 1.





Currently, it is estimated that approximately 3,100 people live within the Plan Area. Based on provincial growth projections for Electoral Area 'H', it is expected that with a modest growth rate of 2% on average, approximately 6,150 people will live in the Area by 2026.

This growth has the potential to translate into demand for an additional 150 to 200 dwelling units in Area 'H' over the next five years. It is anticipated that housing needs over this time period will generally be accommodated in the village centres and through the infill and subdivision of existing Rural and Rural Residential Lands.

It is important to distinguish the OCP from land use and subdivision bylaws. The OCP acts as a guide for the RDN Board, land developers, consultants and other agencies in determining 'best practice' community desired uses for land and water surfaces in the community. The Plan provides direction and a basis for the preparation of related bylaws to regulate land use and development. In addition, the Plan will also provide criteria from which development proposals will be considered by the community and the RDN Board.

The Electoral Area 'H' Official Community Plan has been prepared based on the direction provided by the community in the "Community Values Statement". In addition, this OCP has benefited from past work from the previous 'Shaw Hill Deep Bay Official Community Plan' and the Region's Growth Strategy. The Plan will guide development in a manner that reflects the "Community Value Statement" and "Development Guidance Criteria Statement" drafted by the people of Electoral Area 'H'.

The intent of this OCP is to provide direction on how the Plan Area will grow and change over the next 5 to 10 years. However, with changes in legislation, growth projection expectations, changing attitudes of the residents and landowners, and amendments to the Regional District of Nanaimo Regional Growth Strategy (RGS), it is recommended that the Plan be reviewed, as necessary.

1.1 PUBLIC CONSULTATION

The Electoral Area 'H' Official Community Plan is the result of a comprehensive public consultation strategy that was designed to directly and effectively engage a wide cross section of the people that make up the communities in Electoral Area 'H'. The public process focused on input from both the general public and a group of interested volunteers in the form of the Community Planning Working Group. This Working Group had representation from all Area 'H' neighbourhoods, various stakeholder groups, and Water Improvement Districts, and represented local social, economic and environmental perspectives. Starting in January of 2003 the public was engaged using a number of methods including a series of Public and Working Group Meetings, an Agency Forum, Newsletters, Flyers, an Internet Website, an Area Site Office, Public Information Meetings, and the Public Hearing on the OCP held January 5, 2004. Using these methods, the community as a whole came together to discuss key issue areas, to establish community priorities and to outline the vision for the future development of the area in Community Values and Development Guideline Criteria Statements.

The Regional District recognizes the need for ongoing public consultation through the implementation of this Plan. The community will continue to be consulted through public information meetings (PIMs) held on development applications and through other ongoing RDN consultation initiatives.



1.2 COMMUNITY VALUES STATEMENT

Area 'H' is made up of distinct neighbourhoods that have a diverse range of activities and interests but share many common values. Over the years, the area has developed to accommodate a broad mix of rural, residential, recreational, tourist, small scale commercial, and resource uses with an emphasis on mutual respect and diversity. The combination of climate, spectacular natural environment, outdoor recreation opportunities, water resources, entrepreneurial spirit, and the progressive attitude of residents have resulted in a highly desirable and vibrant community.

Given the attributes of the area, the residents of Area 'H' recognize that there will be pressure for change and development in their neighbourhoods. As the future unfolds, the residents of Area 'H' will embrace compatible development, while at the same time maintaining the values that are fundamental to the health and prosperity of the community. These values have been formed based on the input and priorities of the residents who make up the neighbourhoods of Electoral Area 'H' and will be used to help guide future decisions on development proposals, environmental protection initiatives, and infrastructure development for the community, the Regional District of Nanaimo and senior government agencies. These values include:

1. Protect rural character and contain urban development to village nodes;
2. Identify and protect watersheds and aquifers from degradation, inappropriate development and pollution to ensure a continued safe water supply;
3. Recognition that the sustainable development of the area must be linked to groundwater quality and quantity for all residents;
4. Protection and promotion of natural, environmental, and geographic features;
5. Support for development regulations to protect environmentally sensitive areas, natural hazard lands, the marine/freshwater foreshores, and aquifer recharge areas;
6. Recognition that a comprehensive approach to managing sewage/septage is required;
7. Recognition that a comprehensive approach to stormwater management is required;
8. Support for a diversified economy, focusing on small scale commercial, human service sectors, and tourism within the village nodes;
9. Support for economic diversity in new and existing developments that compliment the rural integrity of Area 'H';
10. Recognition of the importance of home based businesses in the growth and diversification of the area;
11. Consultation with First Nations to develop approaches to issues of mutual interest;
12. Protection of resource lands for suitable resource uses;
13. Minimize the encroachment of incompatible land uses;
14. Recognition of Horne Lake as a unique recreational opportunity;
15. Support for environmentally responsible shellfish aquaculture, recreational and commercial fishery, and salmon enhancement;
16. Recognize and support Deep Bay Harbour as a viable commercial and recreational port;
17. Preservation and enhancement of green space, access to public lands, integrated trails and beaches;
18. Recognize the need for and continued support for Electoral Area 'H' local schools and community centres;



19. Promotion of a mixed community providing economic opportunities, affordable housing, and services for all residents;
20. Recognition and support for enhanced transportation corridors; and
21. Require comprehensive public consultation with respect to decisions about the future development of all lands and services within our communities.

1.3 REGIONAL CONTEXT STATEMENT

Area 'H' is one of eight electoral areas within the Regional District of Nanaimo. These electoral areas, in partnership with the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, and the District of Lantzville have agreed to limit sprawl and contain development through the adoption of a Regional Growth Strategy. The Regional Growth Strategy (RGS) articulates a vision of a desirable, future Region and sets out eight goals for attaining this vision. In response to the RGS goals, the Electoral Area 'H' OCP does the following:

Strong Urban Containment - designates urban containment boundaries to define the limits of three village centres, Bowser, Qualicum Bay and Dunsmuir and limits the expansion of urban services outside these designated areas. Amendments to these boundaries shall be considered at intervals resulting from applications, according to the process and criteria outlined in the Urban Containment and Fringe Area Management Implementation Agreement.

Nodal Structure - directs growth into three village centres, encourages a mix of higher density, residential and commercial uses within these areas, and provides for collaboration with local communities in determining the size, scale, and design of these areas. The OCP supports the location of new commercial and institutional developments within the village centres and the maximization of these centres as the focal points of Electoral Area 'H'.

Rural Integrity - identifies the different lands within the Plan Area that are considered rural and provides policies for protecting and enhancing the rural lifestyle that makes the Area 'H' communities special. The Plan ensures that changes, which may occur on these rural lands, contribute to, rather than damage their rural integrity. The retention of large rural land holdings is encouraged, as is the use of Resource Lands (particularly those in the Agricultural Land Reserve) for agriculture.

Environmental Protection - identifies the different types of natural features present within the Plan Area and provides policy direction which supports protecting and enhancing these natural features with particular focus on watercourse and groundwater protection. Particular attention is focused on the Area's aquifers, and development permit areas have been established to minimize any damage to these important features.

Improved Mobility - identifies existing and potential modes of transportation within the Plan Area and provides policy direction for alternate pedestrian and cycling routes between neighbourhoods and schools. In addition to existing road networks, the Plan notes the importance of the rail line through the Plan Area and identifies mixed use trail corridors that will safely provide for a range of mobility options.

Vibrant and Sustainable Economy - identifies and supports a range of economic activities within the Plan Area including Home Based Business, service/commercial and tourism and provides policy direction to ensure that the type and scale of these economic activities is compatible with surrounding land uses. The OCP also supports the provision and improvement of infrastructure to attract desirable economic development.



Efficient Services - establishes a framework for providing community parks, schools, facilities, community water, community sewer services and stormwater management and recognizes that community sewer services are the key to managing growth within the plan area.

Cooperation Among Jurisdictions - provides general policy direction to facilitate better communication and a high level of inter-jurisdictional cooperation with the Comox-Strathcona and Alberni-Clayoquot Regional Districts, Municipalities of Nanaimo, Lantzville, Parksville and Qualicum Beach, improvement districts, as well as other electoral areas and provincial and federal government agencies.

1.4 LEGISLATIVE FRAMEWORK

The Electoral Area 'H' Official Community Plan has been prepared in accordance with the provisions of Part 26 of the **Local Government Act**, implementing Regional District policies for land use and development. All bylaws, permits issued and works undertaken within the Plan Area shall be consistent with the provision of this Plan. The Community Plan may be implemented by regulatory bylaws of the Regional District including the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

It is noted that the Development Permit Areas attached to and forming part of this OCP (Appendix A) are considered 'regulatory' bylaws pursuant to the **Local Government Act**. In addition, the Bowser Village Centre Plan forms a part of this OCP. The Bowser Village Centre Plan applies to all land use decisions within the Bowser Village Centre Plan Area as shown on Map No. 5.¹

This Plan Area is a development approval information area pursuant to "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999".

1.5 ORGANIZATION OF THE PLAN

The Electoral Area 'H' Official Community Plan includes text and corresponding maps. The Plan is organized around the key issue areas identified during the Official Community Plan public consultation process. The Electoral Area 'H' Official Community Plan contains **Appendix A-Development Permit Areas**. In addition, **Appendix A** titled Development Permit Areas, is considered part of the Electoral Area 'H' OCP and contains regulatory bylaws pursuant to the **Local Government Act**.

The Electoral Area 'H' Official Community Plan contains **Appendix A-Development Permit Areas**. In addition, **Appendix A** titled Development Permit Areas is considered part of the Electoral Area 'H' OCP and contains regulatory bylaws pursuant to the **Local Government Act**.²

The Bowser Village Centre Plan forms a part of this OCP. The location and boundary of the Bowser Village Centre Plan is shown on Map No 5 Land Use Designations.³

Each section of the Plan contains objectives and policies. Objectives express the community's values and long term aspirations. They are the community's statements of what is important to

¹ Bylaw No. 1335.03 adopted June 8, 2010

² Bylaw No. 1335.03 adopted June 8, 2010

³ Bylaw No. 1335.03 adopted June 8, 2010



the residents and land owners of Electoral Area 'H'. Policies express the community's response to these objectives. The policies are the 'how to' for each objective and provide specific direction to the RDN Board, the community, land developers, and provincial and federal agencies on future uses in the Plan Area. Abbreviations used in this Plan include the following:

RDN- Regional District of
Nanaimo

RGS - Regional Growth Strategy

ALR - Agricultural Land Reserve

MOT - Ministry of Transportation

DPA - Development Permit Area

OCP - Official Community Plan

PIM - Public Information Meeting

ALC - Agricultural Land Commission

DFO - Department of Fisheries and Oceans Canada

MWLAP - Ministry of Water, Land and Air Protection

If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.



SECTION 2 - THE NATURAL ENVIRONMENT

Residents are drawn to Electoral Area 'H' for its rural characteristics enhanced by abundant natural features, the coastal area, numerous watercourses, streams, wetlands, lakes and areas of natural forest. The protection of these natural features is critically important to residents throughout the plan review process; therefore, this OCP contains 'Environmentally Sensitive Lands' Development Permit Areas. This plan also contains 'Hazard Lands' Development Permit Areas to protect the built environment from natural conditions, where appropriate.

The Environmental Features map establishes a 1000-metre buffer, illustrated on Map 2, along the foreshore of Electoral Area 'H'. This boundary has been established to recognize the sensitivity of the coastal region and underscore the importance of the foreshore and coastal waters to the residents of Area 'H'.

In addition to the protection afforded through local government bylaws, the protection of environmental sensitive features falls under the jurisdiction of federal, provincial, and local governments. Fisheries and Oceans Canada and the Provincial Ministry of Water, Land and Air Protection are responsible for protecting fisheries and water resources through legislation such as the **Fish Protection Act Riparian Areas Regulation**⁴, the **Water Act**, and the **Waste Management Act**.

2.1 ENVIRONMENTALLY SENSITIVE AREAS

Environmentally sensitive areas are areas of land and water that are sensitive to human interference. These include: streams, watercourses, sub-tidal zones, estuaries, wetlands, lands adjacent to water bodies, aquifers, and natural habitats. Environmentally sensitive areas within the Plan Area include, but are not limited to, the Big Qualicum River and Big Qualicum Fish Hatchery, Nile Creek, Thames Creek, Quadra Sands Aquifers, Deep Bay estuary, all streams and watercourses, and the marine foreshore out 1000 metres from Deep Bay Spit to the south-east boundary of Electoral Area 'H'.

This environmental mapping will continue to be refined as mapping data and other information becomes available. Changes to Map No. 2 may be undertaken to reflect changing on-site conditions or more comprehensive environmental assessments.

An inventory of environmentally sensitive features accumulated from various sources has been compiled based on the current available environmental data. The Official Community Plan designates streams (**Fisheries Act**), Eagle and Great Blue Heron nesting trees, steep slopes, floodplain areas, watercourses (Bylaw No. 500, 1987) and the entire coastline of Electoral Area 'H', as development permit area to allow for the evaluation of development proposals with the objective of protecting these features (see Appendix A – Development Permit Areas).

Objectives

1. *Identify* environmentally sensitive areas.
2. *Preserve and protect* environmentally sensitive areas.

⁴ Bylaw No. 1335.02 adopted January 23, 2007



3. *Conserve* and *protect* ground and surface water resources.
4. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. All land or water identified on Map No 2, at the date of adoption of this plan are considered to be environmentally sensitive.
2. Selected features illustrated on Map 2 shall be designated Environmentally Sensitive Lands Development Permit Areas.
3. The Regional District shall only support rezoning to permit development on lands considered environmentally sensitive where the applicant or appropriate authority presents acceptable evidence that the proposed development will not adversely affect the environmentally sensitive areas.
4. Notwithstanding Policy 2.1.3 above, this Plan supports the Agricultural Land Commission's mandate of preserving and encouraging the development of Agricultural Land Reserve lands, and supports the development of farmland in a manner that recognizes and protects environmentally sensitive features on these lands.
5. The Regional District shall encourage the Approving Officer to require protective covenants or the designation of Return to Crown along the bed of, and buffering riparian corridor of watercourses, streams, creeks, lakes and wetlands wherever development on adjacent land is proposed.

2.2 NATURAL HAZARD AREAS

Natural hazard areas are sources of potentially dangerous chance events. Examples of natural hazards are: forest fires, floods, mass movement of land, landslides and earthquakes. Potential hazard areas are identified on Map No. 2.

Within the Plan Area many areas are subject to potential flooding. The lands surrounding river mouths and estuaries have the highest risk. Other areas with flood potential are isolated lowland areas and shore land adjoining watercourses, lakes, creeks, and wetlands. The Horne Lake area also faces the risk of potential flooding as the rate of water released from the Big Qualicum River Dam can modify the level of the lake significantly.

The Plan Area contains a number of areas where mass movements of land are a possibility; including the Horne Lake road and Mount Mark slide areas. The highland and mountain areas are particularly susceptible to mass movements of land, such as rock falls and avalanches, due to the steepness of these areas. It is also important to note that the removal of vegetation from steep banks may destabilize the bank and consequently result in its failure.

Potential landslides along the coastline and steep slopes are a major concern within the Plan Area. Some areas along the shore zone are straddling steep wave cut bluffs (with slopes between 30% and 60%) and are composed of unconsolidated sand. The threat of landslides is



particularly concerning in areas where homes have been constructed near the edges or below these unstable slopes.

Seismic activity is a distinct possibility within the Plan Area. Vancouver Island is classified as a Zone 3 area according to the provincial Seismic Zoning Map. This indicates that the area is at high risk for seismic activity. A major earthquake may result in serious damage to the Plan Area. Potential damage caused by seismic activity may be further exacerbated given that many buildings and structures within the Plan Area that may have been constructed on or adjacent to unstable slopes, and/or below Building Code standards.

Due to the vast forested areas in Electoral Area 'H' the potential for interface forest fires exists. It is important that best practice interface fire building and landscaping techniques be encouraged to mitigate any loss of life, property and the environment as a result of forest fires.

This hazard land mapping will continue to be refined as mapping data and other information becomes available. Changes to Map No. 2 may be undertaken to reflect changing on-site conditions or more comprehensive environmental assessments.

Objectives

1. *Protect* area residents from loss of property and personal injury.
2. *Identify, conserve, and protect* natural hazard areas and adjacent lands from damage due to development, subdivision or alteration of land.
3. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. In order to protect property and human lives from hazardous conditions, those areas indicated as Natural Hazards on Map No. 2 (at the date of adoption of this Plan) shall be designated in the Hazard Land Development Permit Area.
2. The Regional District shall not consider the development, subdivision or alteration of land in a natural hazard area unless the applicant provides evidence that measures can and will be taken to render the development capable of withstanding the effects of the hazard and to protect adjacent properties from possible impacts.
3. The Regional District will require that a covenant under section 699 of the Local Government Act and section 219 of the Land Title Act be registered where a geotechnical report indicates that the land may only be used safely subject to the conditions contained in the report.

2.3 FRESHWATER RESOURCES (SURFACE AND AQUIFER)

The Electoral Area 'H' Plan Area contains many streams, watercourses, wetlands, and aquifers. Each of these natural resources is worthy of protection through careful land use planning. It is recognized that there may be many significant areas of freshwater that have not yet been identified, and consequently, identification of these special features is an ongoing process.



All watercourses, streams, lakes, swamps, other wetlands, and known aquifers in the Plan Area shall be identified as Environmentally Sensitive Features on Map No. 2. In addition, all known aquifers, swamps, wetlands, streams and watercourses subsequently identified through improved mapping techniques or that qualify by definition are designated as Development Permit Areas as shown on Map No. 7 of this OCP. The Big Qualicum River and its tributaries, which include Hunts Creek and Horne Lake, comprise the largest watershed in the Plan Area. Other watercourses within the Plan Area include Nile Creek, Thames Creek, Chef Creek, Fletcher Creek, and the Deep Bay Estuary area.

Spider and Illusion Lakes are part of an enclosed drainage system with no surface outflow streams. The enclosed nature of the drainage system makes both of these lakes susceptible to potential negative impacts caused by contaminated runoff and increased erosion. Best practice storm water management is essential to ensure that runoff does not impact the environmental integrity as well as the recreational appeal of these lakes.

Groundwater resources are particularly important to the Plan Area as residents rely on these resources for both domestic water and agricultural supplies. Three water Improvement Districts supply potable water to approximately 1200 users in Electoral Area 'H' with the balance of parcels utilizing on-site wells. Given the Area's reliance on groundwater as the source for all potable water in the area, the potential impact of the increased demand or contamination placed on aquifers as a result of new development shall be considered when making any land use decisions for the Plan Area.

In certain locations, particularly in the central and eastern portions of the Plan Area, soils are thin and fractured bedrock is common. As a result, both surface and groundwater sources may be sporadic and unreliable. Plan Area residents wish to maintain the integrity of these resources through land use management.

The protection and sustainability of groundwater and surface water supplies are critical to maintaining the rural character of the Plan Area and protecting the natural environment.

Objectives

Identify and protect all freshwater resources to maintain their natural habitat, environmental quality and quantity, aesthetic appeal, and recreational value.

Conserve, protect and enhance the quality and quantity of freshwater sources for existing and future agricultural and domestic uses in cooperation with local and provincial water authorities and landowners.

Direct development that is compatible with the Community Values and Development Guideline Criteria Statements.

Recognize that the quality and quantity of domestic water supply is essential and land development must be planned in a manner that minimizes impact on existing aquifers and groundwater sources

Policies

1. All streams and watercourses as defined in Bylaw No. 500 and/or the **Fish Protection Act Riparian Areas Regulations**, and/or the **Fisheries Act** in Electoral Area 'H', in addition to



those shown on Map No. 2, are designated as Development Permit Areas and will be protected in accordance with the ***Fish Protection Act*** and the ***Fisheries Act***⁵.

2. Aquifer areas are designated as Development Permit Areas in accordance with Appendix A of this Plan.
3. It is the general policy of the Plan to support initiatives relating to the maintenance of environmentally sensitive areas that have been designated as development permit areas in their current undeveloped state.
4. The Regional District shall request that the Approving Officer require subdivisions to be designed to maintain the hydraulic regime of streams while providing sufficient drainage in a manner which does not interfere with groundwater recharge or allow the intrusion of erosion material into natural watercourses, streams, lakes, and wetlands.
5. Prior to approving any rezoning to increase the density and intensity of land use on any property which may include environmentally sensitive groundwater resources, the Regional District shall require a hydro geologic impact review and/or assessment on the water supplies of adjacent properties and on any nearby surface water resources. A qualified professional engineer or geoscientist, with proven knowledge and experience in groundwater management must certify, through a hydro geological impact assessment, assurance of the long term reliability of the water supply.
6. Prior to considering any development in areas covered by any Electoral Area 'H' water utility, the RDN will require written confirmation from the water utility stating its ability to provide sufficient quantity and quality of potable water for the development.
7. The Regional District may consider approving land development proposals only if there is a storm water management plan and assurance that storm water drainage from development does not increase the peak flow run off into adjacent areas.

2.4 COASTAL ZONE MANAGEMENT

The OCP provides guidelines for the management of the harbour and shore areas to complement Provincial management of Crown Foreshore resources and Federal Management of marine waters. The coastal zone is one of the prime features of the natural environment of the Plan Area, and includes recreational beaches, productive shellfish aquaculture areas, sheltered bays and sensitive estuaries. The coastal zone also includes hazardous bluff shoreline susceptible to erosion and landslides in some areas.

Historically, the coastal zone has been the focus of residential and tourist commercial development in the Plan Area. Therefore the shore zone must be recognized as a finite resource. Policies should support the enhancement of the physical, recreational, and visual qualities of the area, while recognizing the relationship of upland foreshore land uses. To that end, the community has identified the area within 1000 metres from the foreshore as environmentally sensitive. This area extends from the Deep Bay Spit to the eastern boundary of Electoral Area 'H' along the entire coastal waterfront area.

⁵ Bylaw No. 1335.02 adopted January 23, 2007



The coastline of the Plan Area, particularly along the Deep Bay estuary, is capable of sustaining commercial shellfish aquaculture operations, including oyster and other shellfish harvesting. The management of these resources is the joint responsibility of provincial and federal ministries.

The Deep Bay Harbour Authority under the authority of DFO Small Craft Harbour Division regulates the commercial and recreational use of the Harbour in coordination with Crown foreshore and marine waters legislation. The Deep Bay Harbour is the only natural Harbour in the Plan Area, and offers moorage to both sport and commercial fishing vessels and includes a commercial fish sales outlet/operation.

The province is responsible for the administration and allocation of leases respecting the aquatic crown foreshore portion of the shore zone, pursuant to the **Land Act**. The RDN has the jurisdiction to regulate the use of land and water surfaces through zoning.

The Ministry of Transportation is responsible for the management of beach access road rights-of-way. As these rights-of-way comprise a significant proportion of the public lands along the coastal shore zone, the Ministry of Transportation should also be involved in the coordinated and cooperative management of the shore zone.

Objectives

1. *Recognize* the foreshore and waterfront areas as an integral part of the community, and as a major destination for leisure, commercial and recreational pursuits.
2. *Support* the development of shellfish aquaculture in appropriate locations on the Deep Bay Estuary and Baynes Sound foreshore in Electoral Area 'H', in a manner that does not conflict with residential and recreational uses of the coastal zone.
3. *Discourage* development, which would alienate the foreshore from public access or impact on the natural environment.
4. *Advance* public ownership and stewardship of the waterfront.
5. *Advocate* cooperation and coordination among agencies responsible for the use and management of marine foreshore and upland resources.
6. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. The coastline of Electoral Area 'H' shall be designated a Development Permit Area.
2. The Regional District shall encourage the users of the shoreline and ocean to minimize the disturbance or pollution of marine and related terrestrial natural habitats.
3. The Plan recognizes the existing shellfish culture leases west of Deep Bay Harbour. All water lots leased for shellfish aquaculture purposes shall be zoned accordingly. Seafood processing shall not be permitted.



4. Where an application is submitted for a foreshore or water lease and the proposal is referred to the Regional District, the RDN shall recommend to the agency that any structure or development be designed to permit public access and recreational activity along the foreshore.
5. The Ministry of Transportation shall be encouraged to foster the improvement of beach access road rights-of-way for public recreational use, beach access, or designation for park purposes where appropriate.

2.5 PROTECTION OF WILDLIFE AND NATIVE PLANTS

The Plan Area is part of the Nanaimo Coastal Lowland and therefore contains wildlife and plants characteristic of this zone.

Many significant wildlife areas are located on Crown Lands. These include: the Provincial Parks at Horne Lake and Spider Lake, Regional District park lands, Federal Fisheries land holdings along the shore of the Big Qualicum River and at Horne Lake and, to a lesser extent, numerous small community parks that are oriented towards greenbelt or nature protection. Provincial initiatives to protect wildlife or sensitive areas include the Protected Areas Strategy, which notes prospective areas to be protected in the future. These include the Horne Lake Caves Provincial Park at the end of Horne Lake, an area of old growth forest west of Deep Bay, the Gainsburg Swamp and the unconfined aquifer on Crown Land in District Lot 86.

Objectives

1. *Support* the establishment of wildlife and waterfowl reserves.
2. *Conserve* and *protect* wildlife and waterfowl habitat.
3. *Support* the identification and designation of significant native flora and fauna areas.
4. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. The Regional District shall support the identification and designation of areas for the protection of native flora and fauna in perpetuity. In particular, the RDN shall support initiatives associated with the following areas: provincial protected areas, provincial parks, ecological reserves, fisheries reserves and hatcheries, wildlife refuge, waterfowl habitat, and RDN park land.
2. Insofar as it lawfully can, the Regional District will support the protection and conservation of the following priority areas:
 - a) Crown Land west of Deep Bay including Gainsburg Swamp and the unconfined aquifer on Crown Land in District Lot 86;
 - b) Proposed Protected Area expansion of Horne Lake Caves Provincial Park located at the west end of Horne Lake at the mouth of the Qualicum River tributary;



- c) Ecological Reserve or park designation at Fletcher Creek over Crown Land described as Lot 36, District Lot 81, Newcastle Land District Plan 1937;
 - d) Expansion of Spider Lake Provincial Park to include Illusion Lake; and
 - e) Protection of Annie's Woods (*Lot 36, Plan 1967 DL 81, Newcastle Land District*), located on Crown Lands at Grovehill Road adjacent to the Island Highway through the establishment of an ecological reserve in recognition of the old growth forest values on site.
3. The habitat protection initiatives of BC Environment and the Federal Department of Fisheries, along rivers, streams, and wetland areas shall be strongly supported and complemented with Regional District park land and greenway protection initiatives.
 4. The Regional District shall support and encourage the restoration and enhancement of streams and their riparian corridors wherever possible by community groups, corporate bodies or land owners.
 5. The Regional District shall support and encourage the retention, enhancement or development of wildlife corridors to ensure that safe and secure routes are available to wildlife in the Plan Area.



SECTION 3 – NATURAL RESOURCE MANAGEMENT

3.1 AGRICULTURE

Existing productive farming areas and most of the undeveloped lands with some agricultural capability within Area 'H' are designated Agricultural Land Reserve (ALR). Lands within the ALR are subject to the **Agricultural Land Commission Act**. The mandate of the Land Commission is to ensure the future productivity of lands within the ALR. Non-agricultural development, including subdivision or non-farm use of these lands are not permitted without Land Commission approval. Therefore, lands designated in the ALR should be retained for resource management purposes.

While regulations governing the ALR largely ensure that the land base is protected, problems may still develop at the interface between urbanizing areas and agricultural communities. **The Farm Practices Protection (Right to Farm) Act** ensures that bona fide agricultural operations, operating under normal farm practices, cannot be limited through zoning bylaws. This OCP supports agriculture and provides buffer lands (designated Rural Lands) to enhance land use compatibility in the Plan Area.

Objectives

1. *Protect* the agricultural land resources of the Plan Area for present and future food production.
2. *Recognize* and protect the needs and activities of agricultural operations when considering residential uses on adjacent lands and vice versa.
3. *Advocate* comprehensive resource management decisions where agricultural land is competing with forestry or environmental protection objectives.
4. *Encourage* sustainable farming methods in order to protect water resources and adjacent properties.
5. *Ensure* that the quantity and quality of the water supply is protected and seek ways and means of improving water availability for irrigation purposes.
6. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. The Regional District supports the BC Agricultural Land Commission's mandate of preserving and encouraging the use of land for agriculture. The Regional District Board may consider support of the use of agricultural land for non-farm purposes provided that the BC Agricultural Land Commission approves the non-farm use and the use is compatible with surrounding land use patterns and the environment.
2. The Regional District will encourage the retention of large land holdings within the ALR to maintain future opportunities for farm use.
3. The Regional District shall discourage encroachment and fragmentation of farmland by non-farm related uses.
4. The location and construction of new roads, utility or communication rights-of-way should be sited to avoid ALR lands wherever possible. Where unavoidable, these rights-



of-way should be sited in a manner that will cause minimal impact on agricultural operations. Alignments should be established in consultation with affected landowners and the BC Agricultural Land Commission.

5. The owners of land adjacent to ALR lands will be encouraged to provide a vegetative buffer between their lands and the ALR lands.

3.2 FORESTRY

Forestry is the most dominant land use in the Plan Area. Forestry resources cover approximately 75% of the land base. Although most of the forest land within the Plan Area is private holdings, there are also large areas of Provincial Forest owned by the Crown. Most of these lands are concentrated between Qualicum Bay and Deep Bay and in the lowland areas of the Plan Area.

The Provincial Forest includes an active seed orchard in District Lot 86, Newcastle Land District, which contributes to the management of the Crown Forest land base. There are also a significant number of Crown parcels, which were originally part of the Vancouver Island Fruit Lands that may have both forestry and agricultural potential.

Although most of the first growth forests in the Plan Area have long since been harvested, second growth forests are now in various stages of maturity. This Plan supports the protection of forest lands for silviculture in the same manner as agricultural lands are protected for agriculture. Where policies in this section relate to matters beyond the jurisdiction of the Regional District of Nanaimo, they serve only as broad objectives to help guide senior governments and private forest landowners in decisions for the management of forest lands.

Objectives

1. *Ensure* the Area's forest lands are managed on a sustained yield basis and are protected against activities that may disrupt their renewable resource potential.
2. *Support* sustainable forestry practices.
3. *Support* the Area's forest lands availability for recreational enjoyment and education.
4. *Encourage* best practice interface forest fire mitigation techniques for building and landscaping to protect life, property and the environment.
5. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. This Plan supports the use of Resource Lands for forestry related uses where appropriately zoned. In addition, the Plan supports the use of Resource Lands for recreational activities (such as hiking trails), where such uses do not contribute to the degradation of the local environment (land and water quantity and quality) and are permitted by the landowner.
2. The Province and private forest land owners shall be encouraged to manage their forest lands so that they do not:
 - a) Pose a threat to the quantity and quality of fresh water within the drainage system of watercourses, streams, lakes or wetlands;
 - b) Alter the aesthetic appeal and visual integrity of the Plan Area;
 - c) Disturb areas of unique vegetation or wildlife; and



- d) Increase, or contribute to, soil erosion.
3. The Ministry of Forests and commercial forest companies shall be encouraged to ensure the sustainability of outdoor recreation exists in the natural woodlands of this area in conjunction with the management of the forest. This would include supporting the controlled use of private logging roads and areas during non-operational periods for public recreational use where possible, except in times of high or extreme fire hazard.
4. The Regional District will encourage Provincial leadership towards ensuring environmentally sound forestry practices on private forest land. The Ministry of Forests, commercial forest companies and private forest landowners will be encouraged to use best practice interface fire mitigation techniques.

MINERAL, GRAVEL & HYDROCARBON RESOURCES

The predominant known mineral resource within the Plan Area is gravel concentrations around Horne Lake, Spider Lake, and Nile Creek. Other potential resources include deposits of limestone and clay. It is important to note that aggregate resources such as sand and gravel have greater value in mineral production than metallic metals and hydrocarbon resources in the Plan Area. As other areas become depleted of this resource or are lost to development, there will be increasing pressure for access to aggregates in the Plan Area. The Regional District has only limited influence on the management of mineral, aggregate, and hydrocarbon resources as decisions related to such uses are generally beyond the jurisdiction of the Regional Board. The objectives and policies of this section remain broad in nature to offer guidance to senior governments in their decision-making process, as part of the referral process.

Objectives

1. *Protect* lands underlain by gravel, sand, mineral or hydrocarbon resources from surface developments, which would render them inaccessible.
2. *Minimize* conflicts between extraction activities and adjacent land and water uses.
3. *Support* good conservation practices during mining operations so as not to prejudice the long-term renewable resource potential of the area.
4. *Encourage* site rehabilitation and reclamation of damaged landscapes for subsequent productive use and environmental protection.
5. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Prior to allowing development in an area underlain by mineral resources, the feasibility of removing the resource should be adequately considered by the province and the Regional District.
2. The Province will be encouraged to provide adequate consideration to possible impacts on neighbouring residential and/or rural parcels and the natural environment prior to issuing a permit considering a new mining operation or re-opening an old mine (or pit). Particular attention should be focused on assessing the potential impacts of resource removal on the quantity or quality of surface and groundwater or social impact on neighbouring residences.



This information should be referred to the Regional District and adjoining landowners for comment prior to a decision.

3. The Regional District will recommend that environmentally sound reclamation and conservation practices be undertaken at all mineral and aggregate resource extraction operations to protect long-term resource potential in the Plan Area. Specifically, where a mine or earthworks may cause significant disturbance to the surface of the land, the Province shall be encouraged to require that a performance bond be posted to ensure the proper reclamation of the damaged landscape (this reclamation is controlled by Part 10 of the **Mines Act**, Health, Safety and Reclamation Code).



SECTION 4 – COMMUNITY RESOURCES

4.1 PARKS AND OPEN SPACE

Electoral Area 'H' includes two Class 'A' Provincial Parks, Horne Lake Caves and Spider Lake, which are important day use recreational destinations. In addition, the Provincial Government has included an expansion of Horne Lake Caves Provincial Park and an ecologically sensitive wetland west of Deep Bay as candidates for its Protected Areas Strategy.

There are significant publicly owned (Federal Fisheries) river protection corridors on Big Qualicum and at Horne Lake that provide opportunities for water-based recreation and nature appreciation as well as fishery management.

The Regional District has numerous community parks generally concentrated in the rural residential areas in the coastal portion of the Plan Area (with the exception of Spider Lake Community Park, located inland in the Spider Lake neighbourhood). In addition, the Plan Area contains a Regional Park at Horne Lake. Many community parks in rural residential areas are small greenbelt areas and a few provide opportunities for linear pedestrian/cycling connections, shoreline access or outdoor recreational activities.

The Plan Area includes field sport recreational opportunities at Lions Community Hall and at Wildwood Community Park. It should be noted that the Wildwood Community Park is leased Crown Land and includes sport fields. There is also a community park adjacent to the Village Centre of Dunsmuir, which has a small tennis court and basketball half-court. This park could provide significant recreational opportunities when the Dunsmuir Village Centre develops.

Along with these existing provincial, regional, and community parks, the residents of Area 'H' have stated a need for additional parkland developed for the:

1. protection of known unconfined aquifers;
2. linear walking trails;
3. stream protection and access;
4. beach access;
5. protection of wetlands and natural features; and
6. outdoor recreational and leisure neighbourhood park opportunities;

Objectives

1. Ensure *that parks and recreational uses form an integral part of the community infrastructure.*
2. Implement *a comprehensive parkland acquisition strategy.*
3. Support *public open space opportunities on Provincial, Federal, and Regional District lands.*
4. Improve *public beach access and linear recreational connections along creeks and river corridors as well as waterfront areas.*
5. Maintain *close cooperation with public and private institutions to encourage institutional uses such as schools, community halls, the E&N Rail Corridor, and associated open space as an integral part of the community parks and open space system and where possible, available for public use.*
6. Encourage *the availability of the area's forest lands for recreational enjoyment and education while safeguarding recreational appeal.*



7. Direct development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Parkland shall be permitted in all land use designations.
2. At the time of subdivision or development of land the Regional District may consider the parcels as potential parkland acquisition areas in the Rural Residential or Village Comprehensive Development designations. To satisfy the requirements of the **Local Government Act**, the Regional District shall determine whether the owner of land being subdivided shall:
 - a. provide without compensation, useable park land equivalent to 5% of the parcel size and in a location acceptable to the Regional Board, or
 - b. pay to the Regional District an amount that equals the market value of the land that may be required for park purposes, or
 - c. provide a combination of land and cash to the satisfaction of the Regional Board.
3. Where cash in lieu of park land is received from development within the Plan Area, it shall be reserved for useable park land acquisition in any suitable location within the Plan Area.
4. The Regional District shall endeavour to obtain park land for community recreation, nature preservation, linear connections, greenbelt and access to the waterfront.
5. All streams, watercourses and unknown unconfined aquifers within a proposed development are to be considered first for their potential as park lands or as publicly accessible greenways.
6. The Regional District shall support the Province in the designation and protection of candidate areas identified through the BC Protected Areas Strategy Process.
7. The Regional District of Nanaimo shall encourage management of Crown Lands as Parks/Reserve or BC Forest Recreation sites south and west of Bowser along Nile Creek, Thames Creek, Lymn/Chef Creek, Gainsburg Swamp, Annies Woods and the Old Douglas Fir Forest in District Lot 72, District Lot 37, and the unconfined aquifer on Crown Land in District Lot 86 (see Map No. 2).
8. This Plan supports the creation of a regional parks development cost charge bylaw to assist achieving the acquisition objectives of the Regional District Park System Plan.
9. The Regional District shall encourage the Province and forest companies to protect the natural woodlands and landscape features of the area and provide opportunities for controlled use of private logging roads during non-operation periods for outdoor recreation except during times of high and extreme fire hazard.
10. The Regional District shall encourage appropriate agencies to allow public access or use of corridors intended as public utility rights-of-way or transportation corridors.
11. The Regional District will not support encroachment applications into rights of way to beach areas, the foreshore, streams, or watercourses in the Plan Area.
12. The Regional District shall encourage and support volunteer assistance in the development and management of community parks, streamkeeper projects and trails.
13. The Regional District recognizes that public involvement is essential in the planning, acquisition, and development of the community and regional parks. Consultation with the



public, as well as recreation commissions, volunteer groups and service organizations is encouraged and is considered vital for the success of the Parks System.

4.2 COMMUNITY AND INSTITUTIONAL USES

Community and institutional facilities include, but are not limited to, schools, religious and service organizations, community halls, community care facilities and fire halls, police stations, ambulance stations, and marinas and wharfs in the Plan Area.

These uses generally require appropriate institutional zoning prior to the use of land for such purposes. It is important to note, however, that some community care facilities are exempt from zoning regulations pursuant to the **Community Care Facilities Act**.

Institutional uses will be permitted in all land use designations in this Plan but may require institutional zoning. Future institutional uses shall be encouraged to locate within the Village Centres Land Use Designation where appropriate and where lands are available. This OCP supports the current land uses on existing Public zoned lands within Electoral Area 'H'.

Schools

School District No. 69 has jurisdiction for the Bowser Elementary School, the single public school within the Plan Area (high school students attend school in Qualicum Beach or Courtenay). This Plan supports the future location of schools within the Village Centre Land Use Designation. Map No. 3 identifies the location of existing and known potential school sites within the Plan Area.

Objectives

1. *Work with School District No. 69 in planning for the future needs of the community.*
2. *Initiate discussions with School District No. 69 on development plans for Bowser Elementary School.*
3. *Encourage coordination of school site and parks and open space planning with the School District.*
4. *Support the centralized location of future school sites in Village Centres.*
5. *Direct development compatible with the Community Values and Development Guideline Criteria Statements.*

Policies

1. The Regional District shall encourage the integration of future school sites into Village Centres and integrate their location with the parks, trails and open space network.
2. This Plan supports the continued service of Bowser Elementary School. The Regional District shall initiate discussions with School District No. 69 as to the long-term plans for this school.
3. The Regional District shall encourage the School District to complement other community facilities by continuing to be make available schools and school grounds for recreation, cultural activities, and educational programs during non-school hours.
4. The Regional District will consider future agreements with the School District to implement the School Site Acquisition Provisions in the **Local Government Act**.



5. The Regional District encourages public consultation with District 69 School Trustees on any future plans or uses for area schools.

Community Facilities

Community and institutional facilities in the Plan Area include the Wildwood Church located at McColl Road in Bowser, the Bowser Legion, and the Lighthouse Community Centre. In addition, community fire protection is provided by three volunteer fire departments in the Plan Area: Bow-Horn Bay Fire Protection, Deep Bay Waterworks, and Dashwood Fire Protection Specified Area. While current community and institutional facilities are found throughout the Plan Area, future uses shall be encouraged to locate within the Village Centres. Existing facilities are illustrated on Map No. 3.

Objectives

1. Encourage *community use and support of community facilities.*
2. Support *the establishment of future community facilities within Village Centres.*
3. Recognize *the existing emergency services provided within the Plan Area.*
4. Encourage *improved coordination for providing emergency services for existing and future residents.*
5. Support *the strategic location of firehalls and future ambulance and police stations to serve the growing needs within the Plan Area.*
6. Direct *development that is compatible with the Community Values and Development Guideline Criteria Statements.*

Policies

1. The Regional District shall encourage new proposals for institutional facilities to be situated within the Village Centres.
2. The Plan recognizes the location of existing firehalls, and fully supports the valuable volunteer fire fighting and emergency services provided by the Deep Bay Waterworks District, Bow Horn Bay Volunteer Fire Department and the Dashwood Fire Protection Area.
3. The Regional District will seek better coordination with Improvement Districts and volunteer fire departments to ensure that adequate fire fighting services are able to accommodate the future development of the Village Centres at Dunsmuir, Qualicum Bay, and Bowser and to improve fire protection service to rural areas, to include, but not limited to, development of emergency evacuation plans, disaster preparedness plans, in coordination with the appropriate federal and provincial government agencies and encourage interface fire mitigation techniques in all building and landscaping.

Community Water and Sewer Systems

There are three community water systems that serve the developed coastal area. These are Deep Bay Water District, Bowser Water District, and Qualicum Bay Horne Lake Water District. The Plan Area relies on groundwater resources in the vicinity of Bowser and Dunsmuir. These areas have an undefined quantity of water in unconfined Quadra Sands and associated



aquifers. The water quantity and quality continues to be sufficient and is expected to remain so if precautions are taken to protect this valuable resource.

Objectives

1. *Encourage* the efficient location of public utilities to serve the needs of residents.
2. *Liaise* with the local water purveyors to ensure water quantity and quality is sufficient and can be sustained for future development options.
3. *Advocate* the environmentally safe and economically feasible development of community sewer systems.
4. *Ensure* that community sewer services are proposed first for the Village Centres then for those areas in need due to environmental or public health concerns.
5. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. The Regional District recognizes the important role played by Improvement Districts in providing community water and will liaise to ensure adequate quantity and quality of water is available for any future development.
2. This Plan supports the comprehensive development of community sewer systems within the Village Centres, and secondly to those areas with identified environmental or public health needs.
3. This Plan supports locating future community infrastructure only where it will avoid disturbing environmentally sensitive areas and will pose no negative impact on the environment.
4. The Regional District requires written confirmation from the area water utility that there is a sustainable quantity and quality of water supply available for any development to be considered.

4.3 TRANSPORTATION

Island Highway No. 19A had long been the sole vehicular route connecting north and south Island communities until the completion of the Inland Island Highway No. 19 in the late 1990's. The Plan Area includes two major new intersections connecting the Inland Island Highway with Island Highway No. 19A. The intersections are located at Horne Lake and Cook Creek Roads. Both of these intersections have been constructed so that they can be converted into interchanges in the future. The highways and major roads in the Plan Area are shown on Map No. 3.

Objectives

1. Accommodate *safe and efficient passenger, freight, and service transportation throughout the Plan Area.*
2. Encourage *the eventual upgrading of Inland Island Highway No. 19 intersections to overhead interchanges at Horne Lake and Cook Creek Roads.*
3. Encourage *the Ministry of Transportation to provide opportunities for bicycle and pedestrian routes on Island Highway Nos. 19 and 19A.*



4. Support *the visual protection of the Inland Island Highway Corridor with buffer areas including setbacks, greenways, and landscaping requirements.*
5. *Direct development that is compatible with the Community Values and Development Guideline Criteria Statements.*

Policies

1. The Regional District encourages improvements to the efficiency and safety of Island Highway No. 19A. In particular, the RDN supports improvements and shouldering of two-lane sections and the creation of linkages to village centres, rural residential neighbourhoods, and scenic coastal resources within the Plan Area.
2. The Ministry of Transportation and Highways shall be encouraged to upgrade the Inland Island Highway No. 19 intersections in Electoral Area 'H'.
3. The Regional District shall seek the opportunity to provide input and consultation with the Ministry of Transportation for developing bicycle and pedestrian routes along Island Highway Nos. 19 and 19A.
4. This Plan shall establish a 30 metre Development Permit Area on either side of the Inland Island Highway and Highway 19A for protecting the visual integrity of the Inland Island Highway and Island Highway 19A corridor.

PUBLIC TRANSPORTATION

VIA Rail's passenger train service passes through Area 'H' on the E & N Railway. This train service links communities along the eastern corridor of Vancouver Island. The development of Village Centres at Qualicum Bay, Dunsmuir, and Bowser may provide opportunities for more formal commuter stations in these communities.

The growth of population and the development of Village Centres may in the future make it viable to provide alternative transportation opportunities. This may include private or mini-bus commuter services for the handicapped or elderly, carpooling and "park and ride" connections to Regional District of Nanaimo Transit Routes. These initiatives should be coordinated with Regional District of Nanaimo Transit Services.

Objectives

1. *Support* the development of commuter and public transportation opportunities for residents of Area 'H'.
2. *Encourage* railway transportation services to the Plan Area.
3. *Protect* the E & N railway line as a continuous linear transportation corridor by designating the lands as a transportation corridor including non-vehicular mobility options.
4. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. The E&N Railway corridor lands shall be designated Transportation Corridor with a minimum parcel size of 2 ha.



2. The Regional District shall support the development of commuter railway stations as part of the Village Centres.
3. The Regional District shall encourage rail services to the Plan Area.
4. The Regional District shall encourage the development of alternative transportation opportunities such as mini-bus commuter services for the handicapped and elderly, and car pooling and park and ride connections to Regional District Transit routes in consultation with Regional District Transit Services.

MARINE TRANSPORTATION

The Deep Bay Harbour provides opportunities for recreational and commercial transportation. Commercial fishing, shellfish aquaculture, and recreational boat travel are accommodated within the Deep Bay Harbour. The Government Wharf provides facilities for commercial fishing, shellfish aquaculture and recreational vessels. The Deep Bay Harbour Authority manages the federal government wharf on behalf of DFO Small Craft Harbours Division.

Objectives

1. Recognize *the role of the Deep Bay Harbour Authority in managing the federal government wharf at Deep Bay.*
2. Encourage *opportunities for recreational and commercial transportation from Deep Bay Harbour.*
3. Direct *development that is compatible with the Community Values and Development Guideline Criteria Statements.*

Policies

1. The Regional Board recognizes the role of the Deep Bay Harbour Authority in managing the federal government wharf for DFO Small Crafts and Harbours Division.
2. The Regional District encourages opportunities for recreational and commercial transportation from Deep Bay Harbour.
3. The Regional Board shall not consider rezoning the surface of the water in Deep Bay Harbour without consultation with the Deep Bay Harbour Authority and local residents.





SECTION 5 - THE DEVELOPMENT STRATEGY

The Development Strategy is a key component of the Electoral Area H OCP and sets the parameters for development within the community. The development strategy provides a framework for focusing future growth into village centres and urban containment areas in order to minimize rural sprawl. The strategy for this Plan is driven by the Community Values Statement (see Section 1 of this OCP) and the Development Guideline Criteria (paragraph 5.1) and is consistent with the Regional Growth Strategy. The Development Strategy is illustrated through mapped 'Land Use Designations' that match the written objectives and policies to land uses, densities and parcel sizes. These Designations are shown on Map No. 5.

It should be noted that the Regional District of Nanaimo has not, to date, developed any Board-endorsed policies regarding affordable housing, rental housing or special needs housing. For the purposes of this OCP, this Plan supports the provision of affordable housing and does not prohibit rental or special needs housing in any land use designation in the OCP or any future zone created to implement this OCP.

This Plan encourages and supports Home Based Businesses as an economic activity conducted as an accessory use on any parcel pursuant to Bylaw No. 500, 1987.

5.1 DEVELOPMENT GUIDELINE CRITERIA

Electoral Area 'H' is designated as a development approval information area pursuant to RDN Bylaw No. 1165, 1999. In Electoral Area 'H', prior to considering an application to amend the OCP, rezone or subdivide land to accommodate a development, an applicant must show that the proposal:

1. Reflects the Community Values Statement, objectives of the Official Community Plan and the policies of the Regional Growth Management Strategy;
2. Preserves and protects the rural character of area and contains urban development to the Village Nodes;
3. Identifies watersheds and aquifers from degradation and pollution through a detailed hydro-geological study;
4. Protects and promotes natural, environmental, and geographic features through an environmental impact study.
5. Preserves, enhances, and dedicates useable parkland that provides linkages to public lands, and integrated trail system and waterfront access where appropriate;
6. Proposes a comprehensive approach to management and disposal of sewage and/or septage;
7. Proposes a comprehensive approach to drainage and management of stormwater;
8. Preserves Archaeological Areas through adherence to the provincial ***Heritage and Conservation Act***;
9. All studies to address environmental, hydro-geological, storm-water management and sewage/septage associated with proposed development will include comprehensive public consultation and have representation from the general public, area stakeholders and Local



Water Boards. The Regional District will facilitate such input and will ensure that all studies are appropriately designed and conducted.

LAND USE DESIGNATIONS

5.2 RESOURCE LANDS

This land use designation applies to lands that are used and valued for agriculture, forestry, natural resource extraction, or environmental conservation opportunities. All lands within the Agricultural Land Reserve are in this land use designation. Lands that were formerly in the Forest Land Reserve (major forestry holdings) and large parcel Crown land holdings (other than those designated as Park Lands) are also within this land use designation.

It is recognized that certain matters considered in this section are beyond the jurisdiction of the RDN. The objectives and policies relating to these matters are intended to serve as indicators of community preference and assist senior levels of government in planning and decision-making.

Objectives

1. *Maintain* the renewable natural resource land base and protect it from activities that may diminish resource value and potential.
2. *Encourage* more comprehensive management of the resource land base.
3. *Protect* the environment.
4. *Encourage* and protect outdoor recreational opportunities.
5. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Land within the Resource Management designation is shown on Map No. 5.
2. Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.
3. For lands within the ALR, an 8.0-hectare minimum permitted parcel size shall be supported by this Plan.
4. Notwithstanding Policy 5.2.2 above, any lands within the ALR having a minimum permitted parcel size of less than 8.0 hectares pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 at the date of adoption of this Official Community Plan shall retain that minimum permitted parcel size (these parcels are illustrated on Map No. 5).
5. For lands within the Agricultural Land Reserve, the regulations and policies of the **Agricultural Land Commission** apply.
6. Where land is in the ALR and is proposed for subdivision, a second dwelling unit, or a non-farm use, approval must first be obtained from the ALC.



7. Areas with environmentally sensitive or significant ecological resources within the Resource Management designation are identified on Map No. 3. Protection of these areas shall be encouraged through federal, provincial, Regional District or private initiatives and incentives.
8. All development on Resource Lands will be encouraged to use best practice interface forest fire mitigation techniques for building and landscaping.

5.3 RURAL LANDS

This land use designation applies to large lots, not located within the Agricultural Land Reserve, and generally 2.0 hectares or more in size. These lands are intended to provide for traditional rural pursuits, and serve as a buffer between Resource Lands and the more urbanized areas of Electoral Area 'H'. This designation also applies to lands in the Spider Lake Area, where larger parcel sizes are the typical form of development and where residents in the area promote the retention of large parcel sizes to protect each individual property's privacy and rural quality of life. Rural lands are characterized by the suitability to accommodate unserviced rural activities. These parcels typically have an adequate water supply and wastewater can be treated and disposed of through on-site ground disposal systems.

Objectives

1. *Preserve* the rural character of lands within the Plan Area.
2. *Encourage* farm activities on productive agricultural lands.
3. *Contain* the extent of growth of urban and suburban lands.
4. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Lands within the Rural Lands designation are shown on Map No. 5.
2. Lands within the Rural Lands designation shall have a minimum permitted parcel size of 4.0 hectares.
3. Notwithstanding 5.3.2, any lands within the Rural Lands designation having a minimum permitted parcel size of less than 4.0 hectares pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 at the date of adoption of this Official Community Plan shall retain that minimum permitted parcel size (these parcels are illustrated on Map No. 2).
4. In addition, notwithstanding 5.3.2, lands within the Rural land use designation may be considered for a rezoning to the 2.0 hectare minimum permitted parcel size where the proposal meets the following criteria:
 - a. One dwelling unit per parcel
 - b. Bare land strata subdivision shall not be permitted
 - c. No frontage relaxation required
 - d. No further road dedication to accommodate parcel frontage or additional parcels (as verified as of the date of adoption of this Plan)



- e. Provision of a comprehensive plan for subdivision of the area being rezoned with a report from a recognized professional with geotechnical and geohydraulic experience indicating an assessment of the environmental suitability of the subdivision that is accepted by the RDN, Water, Land and Air Protection, and the Environmental Health Officer.
5. While this Plan recognizes an existing Industrial parcel within the Plan Area that is currently zoned for Industrial use, this OCP does not support additional industrial zoning within the Rural Lands designation.
6. All development on Rural Lands will be encouraged to use best practice interface forest fire mitigation techniques for building and landscaping.

5.4 RURAL RESIDENTIAL LANDS

The Rural Residential designation recognizes the existing pattern of smaller lots primarily along the coastal areas on the ocean-side of Highway No. 19A. The density of development in this area is established at 5 units per hectare providing that community water services are available through the following water systems: Deep Bay Water District, Bowser Water District, and Qualicum Bay Horne Lake Water District.

This land use designation applies to lands less than 2.0 hectares in size. While many of the parcels are already subdivided to 1 hectare in size or less, there remains in-fill potential in this land use designation. However, the potential of some of the larger parcels may be constrained due to ground and soil conditions. It is essential that further infilling be provided in compliance with Ministry of Health regulations. The 1.0-hectare minimum permitted parcel size is the smallest parcel generally allowed under current health policies for parcels with on-site water and sewage disposal and this parcel size is supported for unserviced Rural Residential lands.

Objectives

1. *Protect* and enhance the characteristics of the Rural Residential neighbourhoods
2. *Ensure* that the rural residential areas with natural hazards along the coastal shore of the Plan Area are identified and the guidelines are provided to protect properties and lives from these hazards, as outlined in Appendix A- Development Permit Areas.
3. *Ensure* that an Environmentally Sensitive Development Permit Area be established for all Rural Residential parcels on the coastline and adjacent to existing watercourses, as outlined in Appendix A- Development Permit Areas.
4. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Lands within the Rural Residential Lands designation are shown on Map No. 4.
2. The Rural Residential designation maintains the existing single family residential and neighbourhood characteristics of the area.



3. Residential development on Rural Residential designated lands shall be permitted at a maximum density of 1 dwelling unit per 2000 m² (5 units per hectare) with community water and/or community sewer services.
4. Existing small scale commercial uses in Rural Residential areas shall be recognized for their benefits including accessibility and social contribution to the character of their neighbourhoods.
5. All development on Rural Residential Lands will be encouraged to use best practice interface forest fire mitigation techniques for building and landscaping.
6. Any development application must have written confirmation from the local water utility that sufficient quantity and quality of potable water is available for the development before the Regional District Board will consider the application.

5.5 VILLAGE CENTRES

There are three Village Centres within the Plan Area: Qualicum Bay, Dunsmuir and Bowser. These lands are designated as Village Centres. This Plan encourages a mix and concentration of uses within their Village Centre boundaries. It is anticipated that future residential growth in the Plan Area will be accommodated within the Village Centres, and will include a range of housing types. The objectives and policies below are intended to guide the development of these centres as strong community focal points.

The Bowser Village Centre Plan is the principal guiding document for all land use decisions within the Bowser Village Centre boundary. The Bowser Village Centre Plan forms a part of this OCP and has been adopted as an amendment to the Electoral Area 'H' OCP.⁶

Where a particular issue is not covered by the Bowser Village Centre Plan, the Area 'H' OCP will be consulted for direction. Where a conflict exists between the OCP and the Bowser Village Centre Plan, the designations and/or policies of the Bowser Village Centre Plan will take precedence within the designated Bowser Village Centre Plan Area.⁷

The three Village Centres are the mixed-use 'focal points' of Electoral Area 'H', and are intended to support a variety of commercial, recreational, community and professional services, as well as residential development. For Qualicum and Dunsmuir Village Centres, the Village Centre land use designation encourages further commercial zoning of land as part of comprehensive development of the centres.⁸ Existing local commercial sites may require redevelopment to benefit the viability, character and form of the Village Centres.

Objectives

1. *Concentrate* compatible uses within the Village Centres.
2. *Promote* the provision of full community services (sewer, water and storm) to parcels within the Village Centre Comprehensive Development Areas.
3. *Provide* controlled development of commercial uses in the Plan Area.
4. *Avoid* conflicts between residential and commercial uses.

⁶ Bylaw No. 1335.03 adopted June 8, 2010

⁷ Bylaw No. 1335.03 adopted June 8, 2010

⁸ Bylaw No. 1335.03 adopted June 8, 2010



5. *Ensure* that the type and scale of commercial development follows community preferences.
6. *Reorient* the location of commercial development and services to support Village Centres and serve the needs of local residents and the traveling public.
7. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Lands designated Village Centre are shown on Map No. 5.
2. New commercial sites shall only be located in areas designated as Village Centres.
3. Lands designated as Village Centres shall be within designated Development Permit Areas.
4. Prior to considering proposals for comprehensive village development, the Regional District will provide opportunities for comprehensive public consultation as noted in the Community Values Statement in this OCP.
5. Prior to considering proposals for development the applicant must provide written confirmation from the local water utility that sufficient quality and quantity of potable water is available for the development.
6. All land use decisions within the Bowser Village Centre boundary must refer to the Bowser Village Centre Plan.⁹

5.6 RESORT COMMERCIAL

Beyond the boundaries of the village centres, it is recognized that there are commercial uses that cater to the traveling public and are generally located along Highway No. 19A corridor. These tourism related commercial uses include a variety of facilities: marinas, cabins, boat launches, destination resorts, motels, and recreation vehicle parks. With improved access to the scenic and recreational resources, it is anticipated that the Plan Area will become even more popular as a tourist destination.

Development of the Qualicum Bay and Bowser Village Centres with a strong tourism orientation will increase the profile of the Plan Area as a resort commercial destination.

Objectives

1. *Recognize* existing resort commercial uses in the Plan Area.
2. *Encourage* the development of the coastal zone of the Plan Area as a resort commercial destination with the Qualicum Bay Village Centre and the Bowser Village Centre as the focus for resort services.
3. *Ensure* that the type and scale of new resort commercial development follows community preference as determined through public consultation.
4. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

⁹ Bylaw No. 135.03 adopted June 8, 2010



Policies

1. Lands designated Resort Commercial is shown on Map No. 5.
2. The OCP recognizes existing Resort Commercial uses in the Plan Area. These uses will be encouraged to continue and the Regional District may consider rezoning for expansion of such facilities subject to Development Permit criteria.
3. Lands designated as Resort Commercial shall be within designated Development Permit Areas.
4. The RDN may consider amendment applications to this OCP for a Resort Commercial land use designation based on individual merit, environmental considerations and the compliance of the proposal with the objectives and policies of this OCP.
5. The RDN shall not support strata conversion of resort commercial uses to residential uses where it would reduce opportunities for tourism.
6. If a proposed development is within a local water utility area, the RDN will require written confirmation from the local water utility that sufficient quality and quantity of potable water is available before the application will be considered.

5.7 RECREATION LANDS

The Plan Area includes various Recreation Land uses that may be distinguished from Resort Commercial Land uses by their orientation to recreational-type activities benefiting from rural environmental settings. Such uses may include golf courses, recreational campgrounds, or lakeshore cabin type developments. Such Recreation Land uses provide regular seasonal use opportunities to a longer-term resort population than would normally be associated with hotels, motels, overnight campgrounds or RV parks.

Objectives

1. *Recognize* existing recreation resort uses in the Plan Area.
2. *Ensure* that recreation resort uses are developed in a manner that does not have negative impact on the environment.
3. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Lands designated as Recreation Lands are shown on Map No. 5.
2. Lands designated as Recreation Lands shall be within designated Development Permit Areas in order to assure that the type and scale of future expansions or alterations to the recreational development does not impact on the environment or the character of surrounding neighbourhoods.
3. If a proposed development is within a local water utility area, the RDN will require written confirmation from the local water utility that sufficient quality and quantity of potable water before the application will be considered.



5.8 PARK LANDS

Lands that are designated as Park Lands in this OCP are all provincial parks, lands titled to the Regional District of Nanaimo as 'park', lands restricted for park use by covenant, and licenses to occupy for park purposes as held by the RDN. Also included are Crown Lands with environmentally sensitive features or which are located immediately over known unconfined aquifers.

Objectives

1. *Recognize* the importance of regionally significant parks and natural features.
2. *Ensure* the protection of environmentally sensitive features and the Area's known unconfined aquifers through the Park Lands designation.
3. *Support* the development of access points to all waterfront areas, including the coast, watercourses, rivers, streams and lakes.
4. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Lands designated as Park Lands are shown on Map No. 5.
2. Although all existing parks are included in the Park Land designation, future parks obtained through subdivision or by other means are permitted in any land use designation without amendment to this OCP.
3. This OCP designates all Provincial/Crown lands above known unconfined aquifers as Park Lands to protect finite groundwater resources into the future.
4. This OCP designates Department of Fisheries and Ocean owned properties along the Big Qualicum River, at Horne Lake, and that part Block 40, plan 1339R, Alberni Land District as Park Land to protect this important river and regional park area.
5. Partnerships among residents, landowners, business owners, and government agencies to improve Park Lands are encouraged and supported by this Plan.
6. The designation of Park Land shall also protect those lands that are noted as environmentally sensitive in the Plan Area.



SECTION 6 - CLIMATE CHANGE AND ENERGY¹⁰

Bill 27, enacted by the Government of British Columbia (Province) in 2008, requires official community plans (OCPs) to address how the Regional District of Nanaimo (RDN) will provide direction and take action to reduce GHG emissions in its electoral areas. Specifically, OCPs must include targets for the reduction of greenhouse gases and policies and actions with respect to achieving those targets.

The Province has set a target to reduce GHG emissions to 33% below 2007 levels by 2020 and 80% by 2050. The amount of GHG emitted is influenced by many factors. The RDN can directly and indirectly influence the level of emissions generated due to land use patterns, housing form, transportation systems, construction standards, and landfill operations. The RDN can also be instrumental in:

- Recognizing the role sustainable forestry practices play in offsetting GHG emissions by storing carbon;
- Helping to slow global warming and supporting adaptation to the impacts of climate change by protecting the health of ecosystems; and
- Promoting and supporting the use of renewable energy and district energy systems.

Energy consumption is strongly influenced by land use patterns, density and mobility choices. Subdivision design, site planning, building design, and construction technologies are also significant factors in the amount of energy consumed. Reducing energy consumption means building compact, complete communities that are not auto-dependent, increasing the number of multi-unit dwellings, supporting (near) net-zero building design and construction, and supporting the use of renewable energy and district energy systems.

The RDN is in the process of preparing a Community Energy & Emissions Plan (CEEP) that will provide a framework for reducing energy consumption and GHG emissions within the region and establish specific targets for the reduction of emissions in specific areas - for example, building construction, transportation, and energy source. This information will be used to help develop more detailed area specific targets, policies and actions to be included in this Plan.

It is also important to plan for adaptation to the potential impacts of climate change. In particular, OCPs may include policies that address the need to adapt to potential sea level rise, water deficits, flooding, and wildfires, etc.

Policy Target

Support Province targets to reduce greenhouse gas emissions 33% below 2007 levels by 2020, and 80% below 2007 levels by 2050.

Policies

- 1. Growth Management** - Encourage population growth within village centres to reduce transportation based greenhouse gas emissions.

¹⁰ Bylaw No. 1335.04 adopted May 25, 2010



Encouraging the majority of growth in village centres helps to facilitate more people living close to existing services, which decreases their need to drive. Designated growth areas coupled with policies to increase population densities in areas with improved services should decrease transportation related emissions, which are the largest source of emissions in the region.

Actions

- Support redevelopment in village centres which will result in higher densities and a greater mix of uses;
- Support changes to the Urban Containment Boundary only if the result is a decrease in GHG emissions.

2. Compact Communities - *Support neighbourhood form that provides opportunities for energy efficient modes of transportation such as walking, cycling or public transit.*

When dwellings are located close to shopping, work and leisure activities residents are less reliant on driving. Higher population densities within existing communities can also support both improved public and commercial services within walking distance of residences.

Actions

- Support a variety of housing types within village centres;
- Support a mix of land uses that will contribute to having more complete and compact communities;
- Support the establishment of commercial or retail services in village centres that will provide for the needs of the residents in the village centre and in the immediate surrounding area;
- For development proposals within village centres consider how land use and transportation can be coordinated.

3. Buildings and Energy – *Encourage the incorporation of green building features into the siting and construction of buildings.*

Compact communities include more energy efficient forms of housing. By sharing walls, attached dwellings require less energy for space heating, the largest household energy expenditure. Specific green building features should be incorporated in the siting or design of buildings to make them more energy efficient and also make use of renewable energy sources.

Actions

- Consider green building features as a community amenity for zoning amendments consistent with this plan;
- Review the site layout in zoning amendments to consider how buildings may use energy more efficiently;
- Consider partnerships with the private sector for green building demonstration projects;



- Support the development and use of locally produced renewable energy.

4. *Forest Land and Carbon Sinks* - *Recognize the importance of natural areas for carbon absorption and develop tools to encourage development in existing developed areas as a means to redirect development away from greenfield sites.*

Plants, and in fact all living biodiversity within natural areas capture and store carbon from the atmosphere. A growing forest is a carbon sink capable of absorbing emissions from other sources such as transportation and settlement. But these areas are threatened by land use change and deforestation. The RDN should develop tools and incentives to encourage development in existing developed areas as a means to redirect development away from greenfield sites.

Actions

- Develop tools and incentives to facilitate the encouragement of the redirection of development from greenfield sites to village centres;
- Develop tools and incentives to encourage the retention of trees and vegetation on private property.

5. *Food Production* – *Support efforts to maintain a sustainable locally produced source of food.*

Escalating costs, competition with cheap imported foods and cumbersome regulations on operations have all diminished local agriculture and the ability of farmers to maintain viable farms. Support for local agriculture will cut the number of commercial vehicles transporting food into the region and provide the security to local farmers to adopt more sustainable practices.

Actions

- Review the zoning bylaw to reduce obstacles to maintaining efficient farming operations, agricultural processing or compatible land uses;
- Support the provision of services and infrastructure necessary to the efficient and sustainable farming operations;
- Support the development and provision of resources to support agricultural sales;
- Encourage the retention of land in the Agricultural Land Reserve and other productive farm lands.

6. *Transportation and Infrastructure* – *Promote private and public infrastructure that may use energy more efficiently.*

Infrastructure and services provided in compact complete communities provides opportunities for personal and institutional choices that conserve energy. Efficient use of infrastructure may reduce transportation related emissions through integrating active transportation with existing road networks or it may reclaim energy resources from waste streams to service public and private facilities.



Actions

- Provide trails and pathways that are functional and support efficient pedestrian movement;
- Support transit and transportation alternatives that will reduce greenhouse gas emissions;
- Recover energy and materials from both public and private sector waste streams that may be used to service communities or facilities.



SECTION 7 - IMPLEMENTATION¹¹

The Electoral Area 'H' Official Community Plan has been prepared in accordance with the provisions of the **Local Government Act**. The objectives and policies of this OCP are reflected in the land use designations as illustrated on Map No. 2.

The implementation of this OCP must remain consistent with the Regional District of Nanaimo initiatives including the Regional Growth Strategy, water, liquid waste and solid waste management plans and other regional strategic initiatives. Implementation will also required continued coordination with RDN member municipalities, surrounding electoral areas, First Nations, local water districts, and senior levels of government.

The Electoral Area 'H' OCP will be implemented through a variety of measures, including new bylaws, amended or new legislation, and the direct involvement of Area 'H' citizens. Certain measures are to be implemented immediately; others may require years to complete. Some implementation measures are intended to be ongoing, such as providing increased opportunities for citizen involvement in planning in Area 'H'. The involvement of senior levels of government is required for some initiatives, others will only be implemented through the involvement of the business community and citizens in Area 'H'.

The following chart outlines key implementation actions and the responsible party (or parties) for each action. **Senior government** refers to provincial or federal agencies with jurisdiction in the Plan Area. **RDN** refers to all departments within the Regional District of Nanaimo. **Community** refers to the citizens of Electoral Area 'H'. The timing of implementation actions set out as follows:

- **Immediate** (to be initiated and/or completed in 2004)
- **Short Term** (to be completed within 5 years, prior to the next scheduled review of this OCP)
- **Long Term** (to be completed over the next 20 to 25 years, as part of the implementation of the Regional Growth Strategy)
- **Ongoing** (to be initiated in the short term with no planned date of completion).

The following outlines the Implementation Strategy for this Official Community Plan:

¹¹ Bylaw No. 1335.04 adopted May 25, 2010



Implementation Actions	Timing	Responsibility and Involvement of:		
		Senior Gov't	RDN	Community
Investigation of sewer servicing requirements for village centres	Immediate		✓	✓
Initiate discussions with School District No. 69 on the future of Bowser Elementary School	Immediate	✓	✓	✓
Initiate watershed study with specific reference to aquifer water quality and quantity	Immediate	✓	✓	✓
Aquaculture zoning- review in light of changing provincial government agricultural regulations	Immediate	✓	✓	✓
Initiate evacuation disaster preparedness plan in cooperation with other government agencies	Immediate	✓	✓	✓
Publish and encourage interface fire mitigation techniques for all building and landscaping	Immediate	✓	✓	✓
Creation of village centre plans	Short term		✓	✓
Improved signage for businesses on New Inland Island Highway	Short Term	✓	✓	✓
Design of sewer servicing infrastructure	Short term		✓	
Review Land Use and Subdivision Bylaw to ensure compatibility with OCP	Short Term	✓	✓	✓
Update inventory of Environmentally Sensitive Lands	Short Term	✓	✓	✓
Conduct feasibility assessment of implementing a Tree Removal Bylaw along the Inland Island Highway	Short Term	✓	✓	✓
Development of existing and acquisition of new trails	Ongoing	✓	✓	✓
Improve watercourse and aquifer mapping	Ongoing	✓	✓	✓
Work with School District on ongoing importance of educational facilities in the Plan Area	Ongoing	✓	✓	✓
Investigate protection strategies for sensitive ecosystems	Ongoing	✓	✓	✓



APPENDIX A – DEVELOPMENT PERMIT AREAS

In addition to the objectives and policies stated in the Plan, the Regional District has, pursuant to the **Local Government Act**, designate certain lands as development permit areas.

The general purpose of the development permit requirement is to allow a review of a specific development project and to make limited alterations or variations to zoning and subdivision bylaw(s) where the Regional District considers that special conditions exist in accordance with one or more of the following categories:

- A.** Protection of the natural environment, its ecosystems and biological diversity;
- B.** Protection of development from hazardous conditions;
- C.** Protection of farming;
- D.** Revitalization of an area in which commercial use is permitted;
- E.** Establishment of objectives for the form and character of intensive residential development;
- F.** Establishment of objectives and the provision of guidelines for the form and character of commercial, industrial or multi-family residential development.

The Regional District must also describe the special conditions, which justify the designation; the exemption provisions; and guidelines how these special conditions can be achieved.

*The Development Permit Areas, designated on Map No. 6, 7, and 8, are the:*¹²

- **Village Centres Development Permit Area;**
- **Highway Corridors Development Permit Area;**
- **Environmentally Sensitive Areas Development Permit Area;**
- **Hazard Lands Development Permit Area;**
- **Resort Commercial Development Permit Area;**
- **Recreational Lands Development Permit Area;**
- **Fish Habitat Protection; and,**
- **Bowser Village Centre Development Permit Area."**

A.1 DEVELOPMENT PERMIT AREA - GENERAL POLICIES

1. Designated development permit areas are shown on Map No. 6, 7 and 8.¹³
2. Where land is designated within a development permit area, an owner of land is required to obtain a development permit prior to either the subdivision of the land, the construction of, addition to or alteration of a building or structure on the land, or the alteration of the land within a development permit area, except where exemptions provisions apply.
3. Where land is included within more than one development permit area designation, one development permit is required; however, the application will be subject to meeting the guidelines of all applicable development permit areas.

¹² Bylaw No. 1335.02 adopted January 23, 2007

¹³ Bylaw No. 1335.02 adopted January 23, 2007



A.2 VILLAGE CENTRES DEVELOPMENT PERMIT AREA

Designation:

That part of Electoral Area 'H' shown as Village Centre Development Permit Area on Map No. 6 is designated as a Development Permit Area.

Purpose of Designation:

- A. Revitalization of an area where commercial use is permitted.
- B. Establishment of objectives for the form and character of intensive residential development.
- C. Establishment of objectives and guidelines for the form or character of commercial, industrial or multi-family residential development.

Justification:

The Regional Growth Strategy recognizes these three areas as the Village Centres for Electoral Area 'H'. The village centres have been included within a development permit area due to the existing commercial activities and in recognition of the opportunity to integrate multi-family residential, tourist and resort oriented commercial, institutional, service commercial development or mixed-use development into one or more of these locations. In establishing these centres, it is important to ensure compatibility of development with adjacent land uses, to recognize the importance of visual appearance and design of development, and to ensure that future development within the villages has a positive impact on the long-term needs of the community. The Village DPA guidelines focus on village commercial, institutional, and residential themes while maintaining the rural and residential characteristics of the surrounding communities.

The **Qualicum Bay Village Centre** with its central location serves as the main commercial area for Qualicum Bay. The focus for this village centre is on tourist and resort commercial services.

The **Dunsmuir Village Centre** with its location along Horne Lake Road serves as a "gateway" to the coastal resorts, scenic and recreational opportunities within the Plan Area. The vision for this village centre is the development of a comprehensive mixed-use community.

Exemptions:

1. A development permit shall not be required for the construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings and structures.
2. A development permit shall not be required for the subdivision of land.

Guidelines (see Development Guideline Criteria Section 5.1):

1. For Bowser Village Centre, development will include commercial and residential uses and shall foster the revitalization and linkage of "main street" commercial uses along the Island Highway No. 19A.



2. For Qualicum Bay Village Centre, tourist and business frontage for the Village shall be encouraged to be oriented toward the central portion of District Lot 20, Newcastle District and shall provide linkage and integration with the existing commercial lands along the Island Highway No. 19A and institutional uses including the Lighthouse Community Hall, seniors housing and park land.
3. For Dunsmuir Village Centre, the tourist and business frontage for the Village shall be encouraged to be oriented toward Horne Lake Road and existing commercial areas along the Island Highway No. 19A and shall provide pedestrian and vehicle linkages with the existing residential areas and vacant lands adjacent to Horne Lake Road.
4. The character of commercial development will generally:
 - a) integrate with and enhance the character of the existing development;
 - b) be designed with a mix of commercial building styles, and constructed as small scale, low rise structures that are clustered together;
 - c) be oriented toward adjacent streets where possible;
 - d) be designed to break up the form of the buildings;
 - e) incorporate the use of natural materials in the design of the buildings; and
 - f) demonstrate compatibility with the Community Values Statement.
5. The character of multi-residential development will generally:
 - a) be in keeping with the village character and surrounding residential or rural areas;
 - b) provide a range of housing types;
 - c) be clustered in small groups;
 - d) be ground oriented wherever possible;
 - e) incorporate landscaping to separate residential clusters;
 - f) incorporate the use of natural building materials in the design of the buildings; and
 - g) demonstrate compatibility with the Community Values Statement.
6. Safe pedestrian and cycling routes and linkages connecting residential neighbourhoods, commercial areas, and institutional areas, as well as the waterfront and other open spaces within the Village Centres shall be encouraged.
7. Development shall not be separated or 'gated' with walled or fenced enclaves.
8. Development shall be designed in a manner that protects riparian vegetation or otherwise provides for the enhancement of these areas including storm water management best practices.
9. Site lighting will not use high-intensity lights and will be in scale with the pedestrian environment with added emphasis on various forms of indirect illumination.
10. Signage shall generally be grouped whenever possible, and designed in such a manner as to be complementary to the form and character of existing development.
11. Landscaping shall be comprised primarily of native species and drought tolerant plantings, which enhance the characteristics of the development. Otherwise, landscaping shall generally be in accordance with the current land use bylaw landscape regulations.
12. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.



13. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations.
14. Where applicable, provision should be made for buffering and transition of Village Centre development with adjoining lands within the Agricultural Land Reserve.
15. Where land use activities involve the use, handling, storage, or manufacturing of potential contaminants, provision shall be made that will prevent seepage of such contaminants into groundwater sources. All provisions shall be approved by the applicable senior government agencies prior to issuance of the development permit.
16. Buildings and landscaping will use best practice interface fire mitigation techniques.
17. Written confirmation of sufficient quantity and quality of potable water will be required from the local water utility for new proposals for development within Village Centres.



A.3 HIGHWAY CORRIDORS DEVELOPMENT PERMIT AREA

Designation:

That part of Electoral Area 'H' shown as Highway Corridors Development Permit Area on Map No. 6, which includes all lands within 30 metres of either side of land dedicated as highway and forming part of the Inland Island Highway No. 19 and Highway No. 19A is designated as a Development Permit Area.

Purpose of Designation:

F. Establishment of objectives and guidelines for the form or character of commercial, industrial or multi-family residential development.

Justification:

The residents of Electoral Area 'H' have expressed a desire for improved safety and visual appearance along the highway corridors in addition to being receptive to opportunities for enhanced tourist-related economic activities and redevelopment of historical commercial properties.

Exemptions:

1. A development permit shall not be required for the construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
2. A development permit shall not be required for the subdivision of land.

Guidelines (see Development Guideline Criteria Section 5.1):

1. For properties bordering the Inland Island Highway, the guidelines established in the ***Vancouver Island Highway Implementation Agreement*** shall apply.
2. Landscaping, screening, and the retention of natural vegetation shall be encouraged to enhance the appearance of properties adjacent to the highways in accordance with land use bylaws.
3. Off-street parking areas, off-street loading areas, refuse containers, and outdoor storage/manufacturing areas shall, where achievable, be located to the rear of buildings.
4. Off-street parking areas, off-street loading areas, and refuse containers located adjacent to residentially zoned properties, shall be adequately screened from the residential lands with a combination of landscape plantings and fencing.
5. For properties bordering Highway 19A, signage should be grouped whenever possible. Particular emphasis should be given to signage that is complementary to the scenic qualities of the area and requires a minimal amount of lighting to be effective.



A.4 ENVIRONMENTALLY SENSITIVE FEATURES DEVELOPMENT PERMIT AREA

Designation:

The following areas, shown on Map No. 7 and identified as Environmentally Sensitive Features Development Permit Area are designated as a Development Permit Area.

This Development Permit Area, shown on Map No. 7, is intended to protect coastal areas, lakes, streams, and riparian areas, nesting trees, floodplain areas, and other environmentally sensitive areas.

The development permit area is defined as follows:

1. For all **Coastal Areas** – the development permit area shall be 30 metres upland of the natural boundary and the surface of water within 30 metres of the natural boundary of the ocean.
2. For the **Big Qualicum River, Thames Creek** and **Nile Creek** – the development permit area shall be 30 metres as measured from the top of the bank.
3. For **Lakes, Wetlands, and Ponds** - the development permit area shall be 15 metres as measured from the natural boundary.
4. For all other **Watercourses** and **Streams** - the development permit area shall be 15 metres as measured from the top of the bank.
5. For all known **Aquifers**- the development permit area shall be those lands above the aquifer as designated.
6. For **Eagle Nesting Trees** - the development permit area shall be a 60-metre radius from the nesting tree.
7. For **Heron Nesting Trees** - the development permit area shall be a 100-metre radius from the nesting tree.

Purpose of Designation:

- A. Protection of the natural environment, its ecosystems and biological diversity.

Justification:

Increasing environmental awareness and declining fish stocks in the Strait of Georgia have lead to the need for the protection of the Plan Area's streams and adjacent lands. Streams and their adjacent lands provide essential habitat and corridors for fish, birds, and other wildlife. They also act as natural water storage, drainage, and purifying systems. Riparian areas need to remain in a largely undisturbed state in order to protect habitat, prevent flooding, control erosion and reduce sedimentation, and recharge groundwater. The aquifers themselves are the source of potable water for residents in the area and require a high level of protection.



The nests of eagles, herons, peregrine falcons, osprey, gyrfalcon and burrowing owls, their eggs, and their young are protected pursuant to section 34 of the Provincial **Wildlife Act**, such that it is an offence to destroy, remove or injure any of these features. Great Blue Herons are currently blue-listed (threatened) while Bald eagles are currently yellow listed (regionally significant). Both species are extremely sensitive to disturbance around their nest sites. At this time, only the actual nest site is protected under the **Wildlife Act**. To ensure the viability of the nests and rooting integrity of the nest trees, the Ministry of Water, Land and Air Protection recommends buffer areas surrounding these trees to provide for the establishment and greater protection of nest sites from direct and indirect development.

Exemptions:

Where an owner is proposing to alter the land, commence a subdivision, construct or alter a building or structure within this development permit area, the following activities are exempt from requiring a development permit:

1. Development or alteration of land proposed to occur outside the designated development permit area as shown on Map No. 7, as determined by a BC Land Surveyor or by the Regional District.
2. Fence building, growing, rearing, producing, and harvesting of agricultural products in accordance with recognized standards of the **Farm Practices Protection (Right to Farm) Act** on lands upon which Section 2(2) of the **Act** applies.
3. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
 - a) emergency flood or protection works;
 - b) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences; and
 - c) the removal of hazardous trees.

Any emergency works are to be undertaken in accordance with the Provincial **Water** and **Wildlife Acts** and the Federal **Fisheries Act**.

4. A property owner may construct a single trail on lands identified on Map No. 7 as within this development permit area, subject to the following:
 - a) the trail provides the most direct route of feasible passage through the development permit area;
 - b) sensitive habitat will not be impacted by the presence of the trail;
 - c) the ground is stable, i.e. erodible stream banks or other erosion prone areas should be avoided;
 - d) no vehicles are permitted;
 - e) the trail is maximum 1.5 metres in width;
 - f) no trees, which are greater than 5 metres in height and 10 centimetres in diameter, are to be removed. Limbing, pruning and topping of trees should be done instead;
 - g) the trail's surface is pervious, and



- h) an additional trail shall be permitted in the development permit area for every 50 metres of linear frontage subject to the above noted conditions.
- 5. The planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the development permit area provided the planting is carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by DFO and MELP and the Environmental Objectives, Best Management Practices and Requirements for Land Developments, February 2000, published by MELP, or any subsequent editions.
- 6. The removal of invasive plants or noxious weeds on a small scale within the development permit area including; but not limited to: Scotch broom, Himalayan blackberry, morning glory, hogweed, and purple loosestrife, provided that erosion protection measures to avoid sediment or debris being discharged into the watercourse are taken. Replanting of the development permit area to occur immediately and in accordance with Exemption No. 5 above.
- 7. Works approved by the RDN, DFO, and/or MWLAP with respect to trail construction, stream enhancement, and fish and wildlife habitat restoration.
- 8. An application for subdivision where the following criteria can be met:
 - a) minimum lot sizes can be met exclusive of the development permit area; and
 - b) no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of all parcels will occur within the development permit area.
- 9. Renovations to existing buildings and structures that are situated within the defined DPA provided the footprint of the building is not expanded;
- 10. Minor additions to existing buildings and structures to a maximum of 25% of the total floor area of the existing building or structure provided that the proposed addition is not situated closer the environmentally sensitive feature than the existing building or structure.
- 11. With respect to the lands designated as an Aquifer in an Environmentally Sensitive Development Permit Area, a development permit shall not be required for the construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings and structures for lands within the Village Centre, Rural Residential, or Resort Commercial Land Use Designations.

Guidelines (see Development Guideline Criteria Section 5.1):

- 1. The applicant will work with the Regional District to consider possible variances to the land use and subdivision bylaw to minimize encroachment into the development permit area.
- 2. Where development or the alteration of land is proposed within the development permit area, the site-specific natural features, functions, and conditions that support fish life history processes, wildlife and unique ecosystems shall be considered. These include:
 - a) large organic debris that falls into the stream or on the forest floor, such as logs, snags and root wads;
 - b) areas for channel migration, including active floodplains;
 - c) side channels, intermittent streams, seasonally wetted continuous areas and floodplains;
 - d) the multi-canopied and ground forest cover that:



- i) moderates air and water temperature;
 - ii) provides a source of nutrients and organic matter to the stream and forest floors;
 - iii) establishes root matrices that stabilize soils and stream banks thereby minimizing erosion; or
 - iv) maintains an effective visual and sound buffer around eagle and heron nesting sites;
 - e) natural sources of stream bed substrates; and
 - f) pervious surfaces that permit infiltration and moderate water volume, timing and velocity, and maintain sustained water flows in streams, especially during low flow periods.
3. If development or alteration of land is proposed within the development permit area, it shall be encouraged to be located where it will cause the least impact on the environmental values of the development permit area.
 4. Construction, at a time of year and using construction methods that minimize the impacts on the development permit area, shall be encouraged.
 5. In order to ensure that no additional encroachment occurs into the development permit area at the time of construction, permanent or temporary fencing measures may be required.
 6. The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.
 7. The Regional District may require an applicant to supply a sediment and erosion plan, complete with recommendations for implementation, prepared by a registered professional engineer or person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.
 8. The Regional District may require an applicant to supply a stormwater drainage plan complete with recommendations for implementation, prepared by a registered professional engineer or person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.
 9. The Regional District may require the applicant to supply an assessment, prepared by a registered professional biologist or person with similar qualifications, which assesses the environmental impact of the proposed development and prescribes appropriate recommendations for mitigation and protection of habitat, to the satisfaction of the Regional District of Nanaimo.
 10. The Regional District may require the applicant to supply a re-vegetation plan to the satisfaction of the Regional District of Nanaimo.
 11. On parcels where development (including tree and vegetation removal) is proposed for an area with a slope of 30% or greater, the Regional District may require the applicant to supply a report, prepared by a professional geotechnical engineer, indicating that slope stability will not be jeopardized and soil erosion and site mitigation measures can be implemented, to the satisfaction of the Regional District of Nanaimo.
 12. All development proposals subject to a development permit shall use the Stream Stewardship, 1993 and Land Development Guidelines, 1992 publications by DFO and MELP and the Environmental Requirements and Best Management Practices for the Review of Land Development Proposals, March 2001 publication by MELP, or any subsequent editions.



13. Buildings and landscaping will use best practice interface fire mitigation techniques.
14. If applicable, written confirmation of sufficient quantity and quality of potable water will be required from the local water utility for new proposals for development.
15. All development proposals are subject to the requirements and procedures of the ***Fish Protection Act*** and the ***Riparian Areas Regulation***.¹⁴

A.5 HAZARD LANDS DEVELOPMENT PERMIT AREA

Designation:

That part of Electoral Area 'H' shown as Hazard Lands Development Permit Area on Map No. 7 is designated as a Development Permit Area.

Purpose of Designation:

- A. Protection of the natural environment, its ecosystems and biological diversity.
- B. Protection of development from hazardous conditions.

Justification:

Hazard lands include steep, unstable slopes along watercourses and along the coastal shoreline. Landslides and slippage have occurred in some locations along the shoreline bluffs in the Plan Area. Residential construction close to the top of these steep slope areas has created risks for the subject properties as well as for adjacent properties and the public. Vegetation removal along steep slopes may destabilize hazardous slopes and contribute to the ongoing slippage and environmental damage. In addition, if best practice interface forest fire mitigation techniques are not used in building and landscaping, then there is potential for loss of life, property and environmental damage. In response to these conditions the OCP establishes guidelines for protecting life, property and the environment from hazardous conditions.

Exemptions:

The following development activities are allowed to occur in this development permit area without a development permit:

1. Emergency procedures to prevent, control, or reduce flooding, erosion or other immediate threats to life and property including:
 - a) emergency flood or erosion protection works;
 - b) clearing of an obstruction from a bridge, culvert or drainage flow; and
 - c) repairs to bridges and safety fences.

Emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or a Provincial Ministry must be reported to the Regional District and applicable Provincial Ministry immediately to secure exemptions under this provision.

¹⁴ Bylaw No. 1335.02 adopted January 23, 2007



2. Construction, repair and maintenance of works by the Regional District or its authorized agents and contractors.
3. In the case of an application to subdivide, a development permit is not required for the subdivision of lands containing hazard lands where:
 - a) minimum lot areas are met exclusive of the hazard land area shown on Map No. 4; and
 - b) no development activities (such as grading, clearing, trenching, installation of pipes, etc.) relating to the creation of lots or provision of services for those lots that will occur within the development permit area.

Guidelines (see Development Guideline Criteria Section 5.1):

1. The applicant will work with the RDN to consider possible variances to the land use and subdivision bylaw to minimize encroachment into the development permit area.
2. Prior to approval of a subdivision, construction or alteration of land (including tree removal) in areas designated Natural Hazard Area on Map No. 7, the development permit shall require an assessment by a geotechnical engineer, of the slope conditions on the proposed development site and recommendations on the suitability and stability of the soil for the proposed development. The assessment should include proposals for vegetation protection, enhancement or retention, where applicable.
3. A development permit shall not be issued without confirmation of the engineer's opinion regarding the safety of proposed development and assurances that the development will not have detrimental impact on the environment or adjoining properties. No development or alteration of land shall occur where the geotechnical engineering report indicates that a hazardous condition may result.
4. All development proposals subject to a development permit shall use the Stream Stewardship, 1993 and Land Development Guidelines, 1992 publications by DFO and MELP and the Environmental Requirements and Best Management Practices for the Review of Land Development Proposals, March 2001 publication by MELP, or any subsequent editions.
5. The Regional District may require an applicant to supply a sediment and erosion plan complete with recommendations for implementation prepared by a professional engineer or a person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.
6. The Regional District may require an applicant to supply a drainage plan, complete with recommendations for implementation, prepared by a professional engineer or a person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.
7. The Regional District may require the applicant to supply a re-vegetation plan to the satisfaction of the Regional District of Nanaimo.
8. Buildings and landscaping will use best practice interface fire mitigation techniques.
9. If applicable, written confirmation of sufficient quantity and quality of potable water will be required from the local water utility for new proposals for development.



A.6 RESORT COMMERCIAL AND RECREATIONAL LANDS DEVELOPMENT PERMIT AREA

Designation:

That part of Electoral Area 'H' shown as Resort Commercial and Recreational Lands Development Permit Area on Map No. 6 is designated as a Development Permit Area.

Purpose of Designation:

F. Establishment of objectives and guidelines for the form or character of commercial, industrial or multi-family residential development.

Justification:

Lands within this Development Permit Area may be developed for commercial or multi-residential uses pursuant to the land use designation of the lands. Because commercial and multi-residential uses are often more intensive uses of land than the surrounding uses, it is important to ensure they are compatible with their surroundings.

Exemptions:

1. A development permit shall not be required for the construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings and structures.
2. A development permit shall not be required for the subdivision of land.

Guidelines (see Development Guideline Criteria Section 5.1):

1. For the tourism/resort development lands designated Recreation Lands at Horne Lake **only**, the conditions and guidelines of RDN Development Permit No. 0120 shall apply.

For all other lands within this Development Permit Area, the following guidelines apply:

2. All development shall demonstrate compatibility with the Community Values Statement.
3. Buildings and structures shall be designed and situated to maximize view corridor where possible.
4. Buildings and structures shall be designed and situated to be visually unobtrusive and blend into the surrounding landscape.
5. Development shall be designed in a manner that protects riparian vegetation or otherwise provides for the enhancement of these areas including storm water management best practices.
6. Site lighting will not use high-intensity lights and will be in scale with the pedestrian environment with added emphasis on various forms of indirect illumination.
7. Safe pedestrian and cycling routes and linkages connecting Development Permit lands with the waterfront and other open spaces within the Plan Area shall be encouraged.



8. Signage shall generally be grouped whenever possible, and designed in such a manner as to be complementary to the form and character of existing development.
9. Landscaping shall be comprised primarily of native species and drought tolerant plantings, which enhance the characteristics of the development. Otherwise, landscaping shall generally be in accordance with the current land use bylaw landscape regulations.
10. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
11. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations.
12. Where applicable, provision should be made for buffering and transition of Development Permit lands with adjoining lands within the Agricultural Land Reserve.
13. Where land use activities involve the use, handling, storage, or manufacturing of potential contaminants, provision shall be made that will prevent seepage of such contaminants into groundwater sources. All provisions shall be approved by the applicable senior government agencies prior to issuance of the development permit.
14. Buildings and landscaping will use best practice interface fire mitigation techniques.
15. Written confirmation of sufficient quantity and quality of potable water will be required from the local water utility for new proposals for development within this Development Permit Area.
16. Where applicable, the developer will be required to submit for the RDN's approval a comprehensive sewage/septic disposal proposal that addresses the needs of the entire development.



A.7 FISH HABITAT PROTECTION DEVELOPMENT PERMIT AREA¹⁵

DESIGNATION:

That part of Electoral Area 'H' shown as Fish Habitat Protection Development Permit Area on Map No. 8 is designated as a Development Permit Area. This development permit area consists of the following Riparian Assessment Areas within and adjacent to all streams, which by definition includes wetlands and lakes:

1. for a stream, a 30 metre strip on both sides of the stream measured from the natural boundary;
2. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and,
3. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the natural boundary to a point that is 10 metres beyond the top of the ravine bank.

The Riparian Areas Regulation establishes the Riparian Assessment Areas as described above.

This Development Permit Area applies to all development proposed within the Riparian Assessment Area. A development permit is required for the following development activities where such activities involve the subdivision of land, construction of, addition to, or alteration of a building or structure, or the alteration of land, except where such activities are specifically exempt:

1. removal, alteration, disruption, or destruction of vegetation;
2. disturbance of soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-impervious surfaces;
5. flood protection works;
6. construction of roads, trails, docks, wharves, and bridges;
7. provision and maintenance of sewer and water services;
8. development of drainage systems;
9. development of utility corridors;
10. subdivision as defined in section 872 of the **Local Government Act**.

PURPOSE OF DESIGNATION:

- A.** Protection of the natural environment, its ecosystems, and biological diversity

JUSTIFICATION:

The province of British Columbia's Riparian Areas Regulation (RAR), under the Fish Protection Act, aims to protect riparian areas for the protection of fish habitat. This regulation requires that

¹⁵ Bylaw No. 1335.02 adopted January 23, 2007



an assessment by a Qualified Environmental Professional (QEP) be conducted for all proposed residential, commercial, or industrial development in a Riparian Assessment Area.

The purpose of this assessment is to ensure the protection of the natural environment in accordance with the Fish Protection Act by protecting the features, functions, and conditions critical to support fish processes and ensuring appropriate measures are in place for the protection of the natural environment.

A Local Government must not approve or allow a development to proceed until the local government has been notified by the Ministry of Environment that the Ministry of Environment and Fisheries and Oceans Canada have been notified of the development proposal and have been provided with a copy of the assessment report prepared by a QEP or that the Minister of Fisheries and Oceans Canada has authorized the harmful alteration, disruption, or destruction of the natural features, functions, and conditions that support fish life process (HADD) in a riparian assessment area.

EXEMPTIONS:

The following activities are exempt from the Fish Habitat Protection Development Permit Area requirements:

1. A development located outside of the Riparian Assessment Area as determined by a British Columbia Land Surveyor or other qualified person;
2. A development proposed outside of the Streamside Protection and Enhancement Area (SPEA) where notification of an assessment report prepared in accordance with Section 4(2)(a)(i)(ii) of the Riparian Areas Regulation Assessment Methods has been received by the Regional District of Nanaimo and there are no measures required to protect the SPEA;
3. Renovations, repairs, or maintenance to existing buildings within the same footprint that are protected by Section 911 of the **Local Government Act**;
4. Removal of trees deemed hazardous by a qualified arborist that threaten the immediate safety of life and buildings;
5. All development on lands proposed to be used for 'farm operation' as defined by the **Farm Practices Protection Act**;
6. All development on lands subject to the **Forest Act** or **Private Managed Forest Land Act**;
7. All park or park land ancillary uses not containing commercial, residential, or industrial activities;
8. Stream Enhancement and Fish and Wildlife habitat restoration works that have obtained the required Provincial and Federal approvals. Any activity within the stream channel that has or may have an impact on a stream requires compliance with Provincial and Federal legislation and notification to the RDN;
9. The removal of invasive plants or noxious weeds on a small scale within the Development Permit Area including, but not limited to, Scotch Broom, Himalayan Blackberry, Morning Glory, and Purple Loostripe provided such works are conducted in accordance with a vegetation management plan prepared by a certified Arborist or other Qualified person and measures are taken to avoid sediment or debris being discharged into the watercourse or onto the foreshore and the area is replanted immediately in accordance with "8" above.



GUIDELINES (SEE DEVELOPMENT GUIDELINE CRITERIA SECTION 5.1):

1. A qualified environmental professional (QEP) must be retained at the expense of the applicant for the purpose of preparing a report pursuant to Section 4(2) of the Riparian Areas Regulation (RAR) and the RAR Assessment Methodology Guidebook. The report must be electronically submitted to the Ministry of Environment (MOE), Fisheries and Oceans Canada (DFO), and a hard copy must be provided to the RDN.
2. A Development Permit shall not be issued without notification from the Ministry of Environment (MOE) and the Ministry of Fisheries and Oceans Canada (DFO) that they have been notified of the proposed development and provided with an acceptable copy of the QEP assessment report or having received evidence of the Minister of Fisheries and Oceans Canada approval under the authority of Section 4(3) of the RAR.
3. Where the QEP report proposes a Harmful Alteration, Disruption, or Destruction (HADD) to fish habitat pursuant to Section 35(2) of the **Canada Fisheries Act**, the development permit shall not be issued unless approval under the authority of Section 4(3) of the RAR is received from DFO. The Regional Board may consider providing comments to DFO in regards to a proposed approval under the authority of Section 4(3) of the RAR.
4. The RDN may, when considering comments to DFO on a proposed approval under Section 4(3) of the RAR, require additional information from the QEP and other senior levels of government.
5. The applicant shall be requested to provide an explanatory plan of the SPEA including the registration of a covenant prohibiting development and use in the SPEA.
6. The owner shall implement all measures necessary to maintain the integrity of the SPEA as specified in the QEP's report, and such measures may be included as conditions of the development permit.
7. In addition to implementing the measures contained in the QEP report, to ensure future encroachment into the SPEA is reduced, the RDN in consultation with the land owner may consider the following:
 - a. dedicating back to the Crown Provincial or RDN all or part of the SPEA;
 - b. gifting to a nature conservation organization (tax receipts may be issued) all or part of the SPEA;
 - c. registering restrictive covenant(s) or conservation covenant(s) securing the measures prescribed in the QEP assessment report;
8. In the case of a proposed subdivision within this Development Permit Area, minimum parcel sizes should be met exclusive of the SPEA;
9. In the case of a proposed subdivision within this Development Permit Area, subdivision within the SPEA should be avoided;
10. Developers are encouraged to exceed the minimum standards set out in the RAR;
11. Where a proposed development is subject to a building permit, the QEP shall be required to provide confirmation to the RDN's Planning Department that the development has been developed in accordance with the QEP's recommendations prior to final inspection or occupancy as applicable.



A.8 BOWSER VILLAGE CENTRE DEVELOPMENT PERMIT AREA¹⁶

DESIGNATION:

That part of Electoral Area 'H' shown as Bowser Village Centre Development Permit Area on Map No. 6 is designated as a Development Permit Area. Please refer to the Bowser Village Centre Development Permit Area guidelines contained in Section 5 of the Bowser Village Centre Plan:

¹⁶ Bylaw No. 1335.03 adopted June 8, 2010



Definitions:¹⁷

Alteration of land includes removal, alteration, or disruption of vegetation, and soil deposit or removal. (**Fish Protection Act**)

Assessment Report means a report prepared in accordance with the Riparian Areas Regulation assessment methods to assess the potential impact of a proposed development in a riparian assessment area, which is certified for the purpose of the Riparian Areas Regulation by a qualified environmental professional.

Fish means all stages of:

- a. salmonids;
- b. game fish; and,
- c. regionally significant fish.

Fish Habitat means the areas in or about a stream such as, spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

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

- a. the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act acting under that association's code of ethics and subject to disciplinary action by that association;
- b. the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and,
- c. the individual is acting within that individual's area of expertise.

Riparian Area means the area adjacent to a stream that may be subject to temporary, frequent, or seasonal inundation and supports plant species that are typical of an area of inundated or saturated soil conditions that are distinct from plant species on freely drained adjacent upland sites because of the presence of water. (**Fish Protection Act**)

Riparian Areas Regulation (RAR) means the *Riparian Areas Regulation* and amendments thereto enacted pursuant to Section 12, 13(1), and 37(2) of the **Fish Protection Act**.

Stream, for the purposes of all development permit areas except for the Fish Habitat Protection Development Permit Area, means a permanent or non-permanent watercourse or source of water supply whether usually containing water or not, a pond, lake, river, creek, brook, ditch, spring, or wetland that is integral to a 'stream' and may provide fish habitat.

Stream, for the purposes of the Fish Habitat Protection Development Permit Area only, includes all watercourses, whether mapped or unmapped that provide fish habitat or flows to a waterbody that provides fish habitat and includes any of the following:

- a. a watercourse, whether it usually contains water or not;
- b. a pond, lake, river, creek, or brook; and,

¹⁷ Bylaw No. 1335.02 adopted January 27, 2007



- c. a ditch, spring, or wetland that is connected by surface flow to something referred to in (a) or (b) above.

Streamside Protection and Enhancement Area (SPEA) means an area:

- a. adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream; and,
- b. the size is determined according to the *Riparian Areas Regulation* on the basis of a report provided by a qualified environmental professional in respect of a development proposal.

Top of Ravine Bank means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

Top of bank means:

- a. the point closest to the natural boundary of the stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point from a minimum distance of 15 metres measured perpendicularly from the break; and,
- b. for a floodplain, the edge of the active floodplain. (Fish Protection Act)

Wetland means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions that does support vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, fens, estuaries, and similar areas. (***Fish Protection Act***)