

**REGIONAL DISTRICT OF NANAIMO**

**ELECTORAL AREA PLANNING COMMITTEE**

**TUESDAY, APRIL 9, 2013**

**6:00 PM**

***(RDN Board Chambers)***

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

- 3            **Jim Crawford, Baynes Sound Investments Ltd.**, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.
- 4            **Margaret Healey**, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.
- 5            **Keith Reid**, Odyssey Shellfish Ltd., re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.
- 6            **Ralph Nilson and Dan Hurley, Vancouver Island University**, re OCP Amendment Application No. PL2011-060 – Baynes Sound Investments.
- 7            **Jacqueline Pipes**, re 2925 Turnbull Road, Electoral Area 'H' (Zoning Amendment Application No. PL2011-179).

**MINUTES**

- 8-10            Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, March 12, 2013.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**DEVELOPMENT PERMIT APPLICATIONS**

- 11-17            Development Permit Application No. PL2012-106 – York Lake Equities Ltd. – 1764, 1768 & 1774 Cedar Road, Electoral Area 'A'.

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

- 18-23            Development Variance Permit Application No. PL2012-157 – Fern Road Consulting Ltd. – 3511 Shetland Place, Electoral Area 'E'.

- 24-31 Development Variance Permit Application No. PL2013-015 – Allin – 1401 Marina Way, Electoral Area 'E'.

**ZONING AMENDMENT APPLICATIONS**

- 32-40 Zoning Amendment Application No. PL2011-179 – Jacqueline and John Pipes – 2925 Turnbull Road, Electoral Area 'H'.

**OTHER**

- 41-78 Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments – Electoral Area 'H'.

- 79-84 Request to Accept Cash-in-Lieu of Park Dedication – Keith Brown Associates Ltd. – Boat Harbour Road, Electoral Area 'A'.

- 85-90 Liquor Licence Amendment Application No. PL2013-008 – Wheatsheaf Entertainment Centre Ltd. – 1866 & 1870 Cedar Road, Electoral Area 'A'.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

## O'Halloran, Matt

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**From:** Jim Crawford <jcrawford@kwik.net>  
**Sent:** Monday, March 25, 2013 3:35 PM  
**To:** O'Halloran, Matt  
**Subject:** April 9th EAPC Meeting

Matt, we are e-mailing to register our delegation to speak at the April 9<sup>th</sup>, 2013 EAPC Meeting. Our architect will be providing a PowerPoint presentation, so we will need 10 minutes. We will bring along some of our consulting team to answer any technical questions which may arise from the RDN Board Members.

Other delegations will be sending e-mails to confirm that they which to speak as well. At this time, though unconfirmed, we believe they will be:

Keith Read, Stellar Bay Oysters  
Michael Recalma, Qualicum First Nation  
Steve Biro, Ship & Shore Restaurant  
Ralph Nilson, President and Chancellor, Vancouver Island University  
Gordon Webb, Deep Bay RV Park  
Brian Kingzett, Manager VIU Deep Bay Field Station  
Dave Bartram, former RDN Area Director  
Margie Healey, Deep Bay resident

Thanks.

Jim Crawford  
Project Manager, Baynes Sound Investments Ltd.

## O'Halloran, Matt

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**From:** Margaret Healey <mmhealey@shaw.ca>  
**Sent:** Tuesday, March 26, 2013 12:31 PM  
**To:** O'Halloran, Matt  
**Subject:** april 9th meeting RDN

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Mr. Ohalloran, would you please advise me what is necessary to get on the list to speak regarding Bayne's Sound Investment Developments on April 9th, 2013. Thank You Margaret Healey

## O'Halloran, Matt

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**From:** Keith <kreid50@gmail.com>  
**Sent:** Tuesday, March 26, 2013 6:17 PM  
**To:** O'Halloran, Matt  
**Subject:** Re: delegation request

Hi Matt  
My delegation is related to the Baynes Sound Investments in area H Keith

Sent from my iPad

On Mar 26, 2013, at 4:09 PM, "O'Halloran, Matt" <[MOhalloran@rdn.bc.ca](mailto:MOhalloran@rdn.bc.ca)> wrote:

> Hi Keith, can you just confirm whether your delegation is related to Baynes Sound Investments Development in Area H?

>

> Thanks

> Matt

>

> Matt O'Halloran

> Legislative Coordinator

> Regional District of Nanaimo

> 250-390-6569

> [www.rdn.bc.ca](http://www.rdn.bc.ca)

>

>

> -----Original Message-----

> From: Keith Reid [<mailto:kreid50@gmail.com>]

> Sent: Tuesday, March 26, 2013 11:12 AM

> To: O'Halloran, Matt

> Subject: delegation request

>

> Hello Matt

> I wish to appear as a delegation before the Electoral Area Planning Committee meeting on Tuesday April 9th at 6pm.

> Best Regards

> Keith Reid

> Odyssey Shellfish Ltd

## O'Halloran, Matt

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**From:** Janet King <Janet.King@viu.ca>  
**Sent:** Wednesday, April 03, 2013 4:53 PM  
**To:** O'Halloran, Matt  
**Subject:** 2013 Electoral Area Planning Committee Meeting - April 9

Good Afternoon Mr. O'Halloran,

I am writing to you today to ask that you add Ralph Nilson and Dan Hurley as delegates at the April 9, 2013 Electoral Area Planning Committee meeting.

Ralph Nilson is the President and Vice-Chancellor of Vancouver Island University and Mr. Hurley is the Executive Director of University Relations.

Thanks for your assistance.

Sincerely,

*Janet King*

~~~~~

Janet King  
Executive Assistant to the President  
Vancouver Island University  
900 Fifth Street, Nanaimo BC V9R 5S5  
T: (250) 740-6568 F: (250) 740-6555  
[www.viu.ca](http://www.viu.ca)

## O'Halloran, Matt

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**From:** Jacquie Pipes <jqipipes@gmail.com>  
**Sent:** Wednesday, March 27, 2013 1:23 PM  
**To:** O'Halloran, Matt  
**Subject:** Re: EAPC April 9

2925 Turnbull Road, Qualicum Beach

On 3/27/13, O'Halloran, Matt <MOhalloran@rdn.bc.ca> wrote:

> Thank you Jacquie,  
>  
> And can you just confirm the location of the development  
> permit/property that your delegation will be addressing?  
>  
> Matt O'Halloran  
> Legislative Coordinator  
> Regional District of Nanaimo  
> 250-390-6569  
> [www.rdn.bc.ca](http://www.rdn.bc.ca)  
>  
>  
> -----Original Message-----  
> From: Jacquie Pipes [<mailto:jqipipes@gmail.com>]  
> Sent: Wednesday, March 27, 2013 11:55 AM  
> To: O'Halloran, Matt  
> Subject: EAPC April 9  
>  
> M. O'Halloran  
> Please book speaking space for me or my representative at this  
> meeting.  
> Thank you  
> Jacqueline Pipes  
>

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, MARCH 12, 2013 AT 6:30 PM IN THE  
RDN BOARD CHAMBERS

In Attendance:

|                       |                  |
|-----------------------|------------------|
| Director G. Holme     | Chairperson      |
| Director A. McPherson | Electoral Area A |
| Director M. Young     | Electoral Area C |
| Director J. Fell      | Electoral Area F |
| Director J. Stanhope  | Electoral Area G |
| Director B. Veenhof   | Electoral Area H |

Also in Attendance:

|                |                                                  |
|----------------|--------------------------------------------------|
| P. Thorkelsson | Chief Administrative Officer                     |
| J. Harrison    | Director of Corporate Services                   |
| T. Osborne     | Gen. Mgr. Recreation & Parks                     |
| D. Trudeau     | Gen. Mgr. Transportation & Solid Waste           |
| T. Armet       | A/Gen. Mgr. Strategic & Community<br>Development |
| J. Hill        | Mgr. Administrative Services                     |
| L. Rowatt      | Senior Planner                                   |
| N. Tonn        | Recording Secretary                              |

**ELECTORAL AREA PLANNING COMMITTEE MINUTES**

MOVED Director Stanhope, SECONDED Director Young, that the minutes of the Electoral Area Planning Committee meeting held February 12, 2013 be adopted.

CARRIED

**DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS**

**Development Permit with Variance Application No. PL2012-166 – FMC Holdings Ltd., 1882 Fielding Road, Electoral Area 'A'.**

MOVED Director McPherson, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED



MOVED Director McPherson, SECONDED Director Young, that Development Permit with Variance Application No. PL2012-166 be approved subject to the conditions outlined in Schedules 1 to 6.

CARRIED

**OTHER**

**Building Strata Conversion Application No. PL2012-159 & Development Permit Application No. PL2012-163 – Walton/Fern Road Consulting – Lot 7, Block 219, Nanoose District, Plan 30113 – 319 Allsbrook Road, Electoral Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Fell, that the request from Fern Road Consulting Ltd. on behalf of David and Caroline Walton for the Building Strata Conversion Application No. PL2012-159 as shown on the proposed strata plan of Lot 7, Block 419, Nanoose District, Plan 30113, and Development Permit Application No. PL2012-163 be approved subject to the conditions being met as set out in Schedules 1 and 2.

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that Development Permit Application No. PL2012-163 to permit the proposed strata conversion subdivision be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

**Zoning Amendment Application No. PL2012-035 – Bylaw 500.379 – 928323 BC Ltd. – 691 Wembley Road, Electoral Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Veenhof, that Zoning Amendment Application No. PL2012-035 to rezone the subject property from Rural 1 Zone, Subdivision District ‘F’ to Residential 1 Zone, Subdivision District ‘Q’ be approved subject to the conditions outlined in Schedule 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013” be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Veenhof, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.379, 2013” be delegated to Director Stanhope or another Area Director.

CARRIED

**Zoning Amendment Application No. PL2011-108 – Bylaw 500.381 – Addison – 2610 Myles Lake Road, Electoral Area ‘C’.**

MOVED Director Young, SECONDED Director Fell, that the conditions set out in Schedule 1 of the staff report be completed prior to Bylaw No. 500.381, 2013 being considered for adoption.

CARRIED

MOVED Director Young, SECONDED Director Fell, that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013” be introduced and read two times.

CARRIED

MOVED Director Young, SECONDED Director Fell, that the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.381, 2013” be chaired by Director Young or her alternate.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:44 PM

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CHAIRPERSON

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CORPORATE OFFICER



|              |                                     |
|--------------|-------------------------------------|
| CAD APPROVAL |                                     |
| EAP          | <input checked="" type="checkbox"/> |
| COW          | <input type="checkbox"/>            |
| APR 02 2013  |                                     |
| RHD          | <input type="checkbox"/>            |
| BOARD        | <input type="checkbox"/>            |

MEMORANDUM

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** March 27, 2013

**FROM:** Kristy Marks  
Planner

**FILE:** PL2012-106

**SUBJECT:** Development Permit Application No. PL2012-106 – York Lake Equities Ltd.  
Lot A, Section 15, Range 8, Cranberry District, Plan 30449 - 1764 & 1768 Cedar Road  
Lot B, Section 15, Range 8, Cranberry District, Plan 30449 - 1774 Cedar Road  
Electoral Area 'A'

PURPOSE

To consider an application for a development permit in conjunction with two subdivision applications; a proposed lot line adjustment and a three-lot subdivision within the subject properties.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a development permit application from JE Anderson & Associates Ltd. on behalf of York Lake Equities Ltd. in conjunction with a proposed lot line adjustment and a three-lot subdivision of the subject properties. The existing lots are approximately 2.2 ha (Lot A) and 0.36 ha (Lot B) in area and are zoned Residential 2 (RS2), Subdivision District 'M' (2000m<sup>2</sup> with community water and 1.0 ha with community sewer and no community water or no community services), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for subject property map).

The subject properties are surrounded by the York Lake wetland to the north and east, developed residential parcels to the south, and Cedar Road and developed residential parcels to the west. Lot A currently contains two dwelling units and an accessory building, and Lot B contains one dwelling unit and accessory buildings.

The proposed development is subject to the following development permit areas as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011":

- Nanaimo River Floodplain; and
- Watercourse and Fish Habitat Protection.

**Proposed Development**

The applicant proposes to adjust the lot line between Lots A and B, resulting in Lots 1 and 2, in order to retain an existing accessory building and then to subdivide Lot 2 into three parcels (Lots A, B, and C) as shown on the proposed plan of subdivision (see Schedule 2 for proposed lot line adjustment and three-lot subdivision). Proposed Lots A and B will be serviced with community water and sewer and proposed Lot C will be serviced by on-site well and community sewer. Proposed Lot A (2300 m<sup>2</sup>) and Lot B (1702 m<sup>2</sup>) will meet the parcel averaging provisions of Bylaw No. 500. Proposed Lot C will be 1.69 ha in area and meets the minimum parcel size of 1.0 ha without a community water connection. In order to permit these subdivisions, the applicant is required to obtain development permit approval.

## ALTERNATIVES

1. To approve the Development Permit Application No. PL2012-106 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Permit Application No. PL2012-106.

## LAND USE IMPLICATIONS

### *Development Implications*

To address the Nanaimo River Floodplain Development Permit Area guidelines, the applicant submitted a geotechnical report prepared by Brimmell Engineering Ltd. dated October 22, 2012 which includes recommendations for the preparation of the site prior to the construction of a dwelling unit on proposed Lot C where the existing elevation is below the recommended minimum floodplain elevation. This report concludes that the site is safe for the intended residential use and that the proposed development will not result in a detrimental impact on the environment or adjoining properties. In addition, the applicants have provided a report prepared by JE Anderson & Associates Ltd. dated March 7, 2013 that discusses potential flooding associated with York Lake and the Nanaimo River. This report recommends a 200 year return flood level of 7.5 metres geodetic and confirms that any fill required to meet the recommended flood construction elevation will not restrict the passage of flood waters, redirect flows, decrease natural flood storage, or result in higher than normal flood flows or flood potential elsewhere. As per the DPA guidelines, staff recommends that the applicant be required to register a Section 219 covenant that registers both reports prepared by Brimmell Engineering Ltd. and JE Anderson and Associates Ltd. on the property titles, and includes a save harmless clause that releases the RDN from all losses and damages as a result of potential geotechnical and flood hazards. Registration of this covenant is included in the Conditions of Approval (Schedule 1).

To address the Watercourse and Fish Habitat Protection Development Permit Area guidelines, the applicant provided a Riparian Areas Assessment prepared by Balanced Environmental Services Ltd. dated October 19, 2012. This report establishes a 15.0 metre Streamside Protection and Enhancement Area (SPEA) and includes recommendations for the protection of the SPEA including tree planting within the SPEA which has already been completed by the applicant. The report further recommends that a 1.0 metre high split-rail fence or similar design be installed along the perimeter of the SPEA boundary and that signage noting the area to be protected be permanently secured to the fence every 20 metres. Development of the site in accordance with the recommendations contained in this report is included in the Conditions of Approval.

The applicant's engineer has advised that extensive fill has been placed on the subject property over the past several years. The applicant has submitted a subdivision grading plan indicating existing grade, proposed finished grade, and a potential future building location, attached as Schedule 3, in order to determine if a building height variance may be required in future to permit the construction of a dwelling unit on proposed Lot C. Given the minimum floodplain elevation of 7.5 metres and an existing grade of 5.0 metres, a height variance of 2.5 metres or more may be required prior to construction to accommodate a typical two storey dwelling unit on proposed Lot C. It is noted that height is calculated from natural grade and prior to construction on proposed Lot C the natural grade at the proposed building site must be established in order to determine the height of any proposed buildings or structures. A variance request would be considered through a separate development variance permit application in future.

**Sustainability Implications**

Staff have reviewed the proposed development and note that the properties are located within the Cedar Main Street area and the Growth Containment Boundary where compact infill development is supported. Furthermore, the engineer has established that the site is safe for the intended residential use.

**Inter-governmental Implications**

The Ministry of Transportation and Infrastructure has indicated that it has no concerns with the proposed lot line adjustment and the three-lot subdivision and has issued preliminary layout approvals for both subdivisions on May 25, 2011 (extended until May 2013) and October 5, 2012.

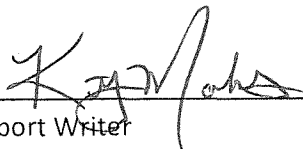
**SUMMARY/CONCLUSIONS**

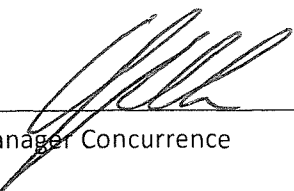
This is an application for a development permit in conjunction with a lot line adjustment and three lot subdivision of the subject properties within the Nanaimo River Floodplain and Watercourse and Fish Habitat Protection Development Permit Areas pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". The applicant has provided a Riparian Areas Assessment, geotechnical reports, and subdivision grading plan in support of the application.

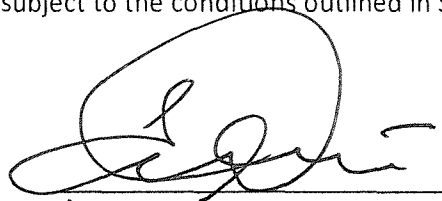
Given that the proposed development is consistent with the applicable Development Permit Area guidelines, staff recommends that the Board approve this application.

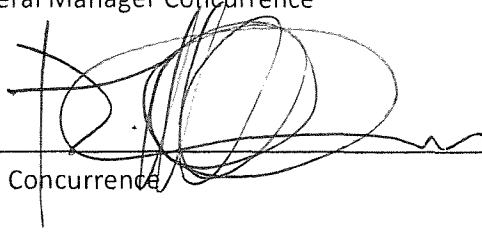
**RECOMMENDATION**

That Development Permit Application No. PL2012-106 in conjunction with a proposed lot line adjustment and three-lot subdivision be approved subject to the conditions outlined in Schedules 1 to 3.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
A/General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Schedule 1**  
**Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Permit Application No. PL2012-106:

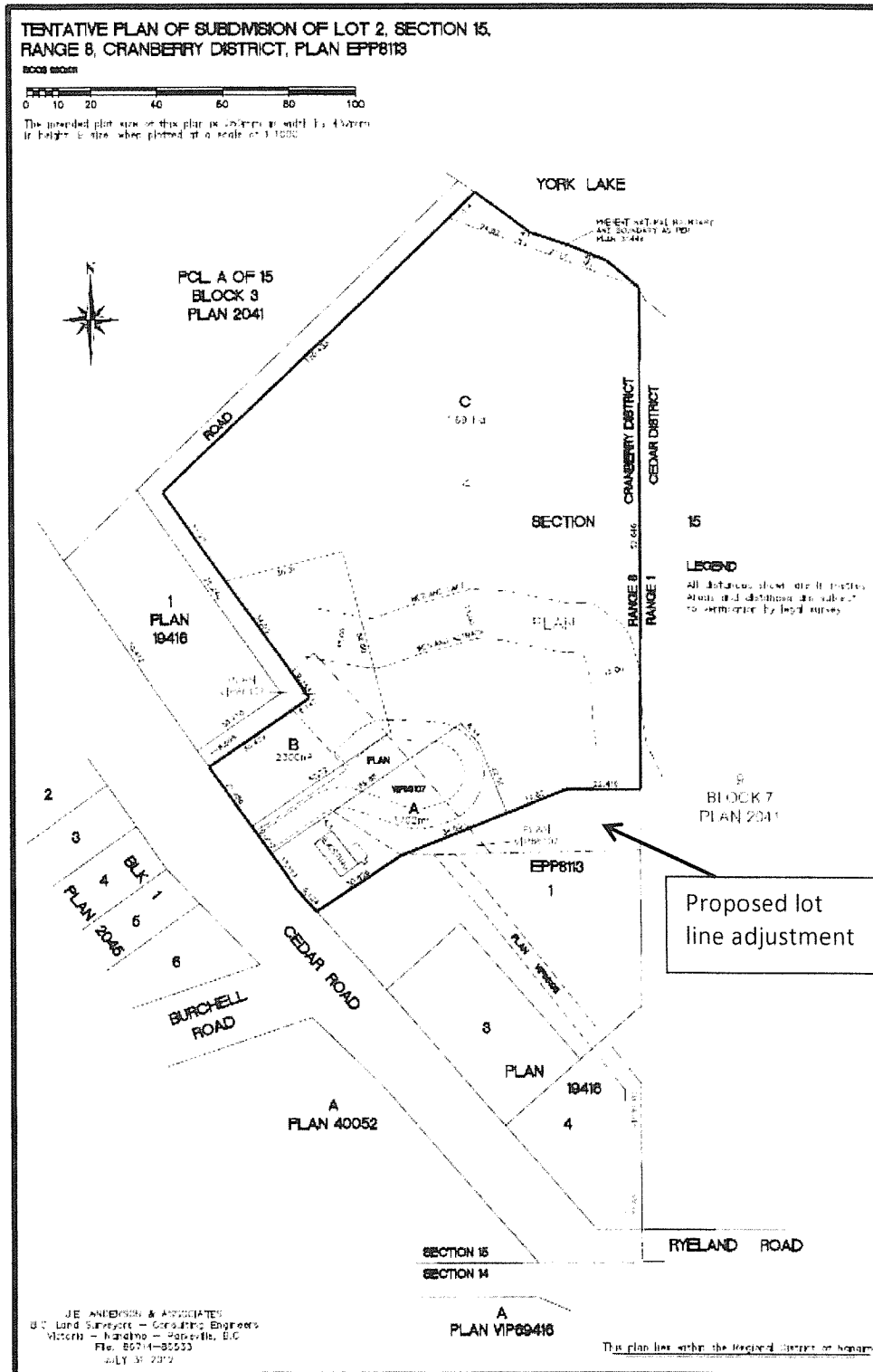
Conditions of Approval

1. The subdivision shall be developed in general accordance with the proposed lot line adjustment and three-lot subdivision plans prepared by JE Anderson & Associates Ltd. dated July 31, 2012 attached as Schedule 2.
2. The Lands shall be developed in general accordance with the grading plan of subdivision prepared by JE Anderson and Associates Ltd. dated March 11, 2013 attached as Schedule 3.
3. The Lands shall be developed in accordance with the recommendations of the Riparian Areas Assessment prepared by Balanced Environmental Services Inc. dated October 19, 2012.
4. The applicant shall install a minimum 1.0 metre high split-rail fence or similar fence along the SPEA boundary. In addition, one sign identifying the SPEA as a protected area must be permanently secured to the fence at twenty metre intervals within the subject properties. The applicant shall request a site inspection to confirm the installation of the fencing and signage prior to RDN confirmation of subdivision compliance and to the satisfaction of the General Manager of the Strategic and Community Development Department.
5. The Lands shall be developed in accordance with the Report of Geotechnical Investigation prepared by Brimmell Engineering Ltd. dated October 22, 2012 and revised on February 21, 2013.

Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant on the property titles containing the Report of Geotechnical Investigation prepared by Brimmell Engineering Ltd. dated October 22, 2012 and revised February 21, 2013 and the 200 Year Flood Level and Effect of Filling on Flood Levels Report prepared by JE Anderson and Associates Ltd. dated March 7, 2013, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards.

6. The Lands shall be developed in accordance with the 200-Year Flood Level report prepared by JE Anderson & Associates Ltd. dated March 7, 2013.

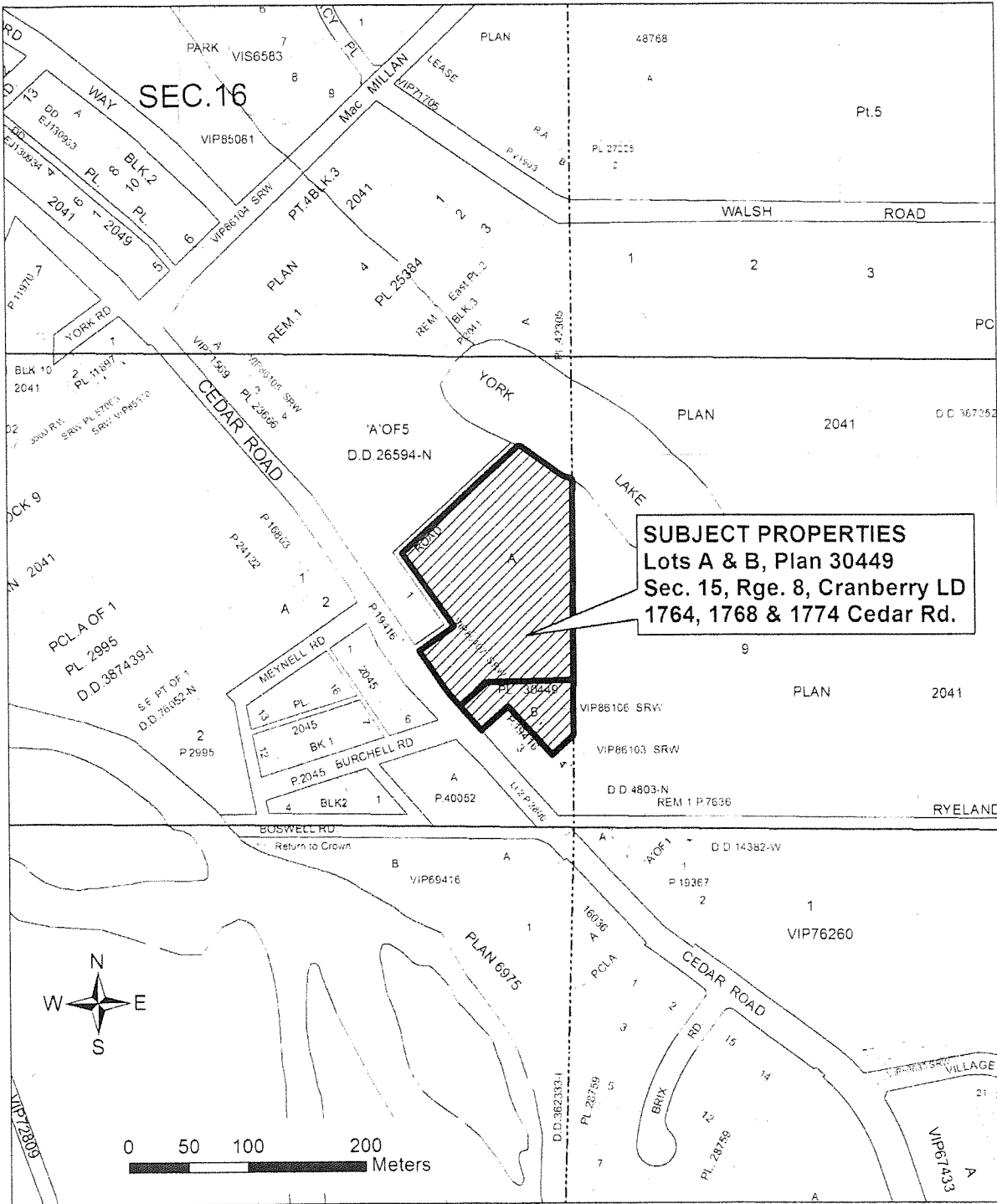
Schedule 2  
Proposed Plan of Subdivision

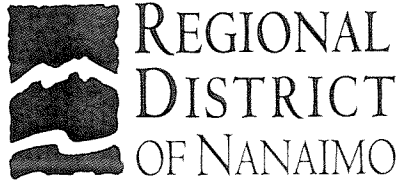






**Attachment 1  
Subject Property Map**





|              |   |   |
|--------------|---|---|
| RDN REPORT   |   | # |
| CAO APPROVAL |   |   |
| EAP          | ✓ |   |
| GOW          |   |   |
| MAR 26 2013  |   |   |
| RHD          |   |   |
| BOARD        |   |   |
|              |   |   |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager of Current Planning

**DATE:** March 22, 2013

**FROM:** Kristy Marks  
Planner

**FILE:** PL2012-157

**SUBJECT:** Development Variance Permit Application No. PL2012-157 – Fern Road Consulting Ltd. Strata Lot 50, District Lot 78, Nanoose District, Strata Plan VIS3393 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 – 3511 Shetland Place Electoral Area 'E'

**PURPOSE**

To consider an application for a Development Variance Permit to legalize the siting of an existing retaining wall and fence on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Nicholas and Kandyce Keen to reduce the setback from the interior side (west) and rear lot line to legalize the siting of an existing retaining wall and fence on the subject property. The subject property is approximately 0.12 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The property is bordered by residential properties to the north, east and west and by Shetland Place to the south.

The property contains a recently completed dwelling unit, retaining wall and fence. Development Variance Permit No. PL2010-192 was approved by the RDN Board on November 23, 2010 in order to increase the maximum permitted dwelling unit height from 8.0 metres to 9.1 metres and a building permit was subsequently issued in December 2012. The property contains topographic constraints including a steep slope to the rear and rocky outcrops. The retaining wall was constructed prior to the completion of the dwelling unit and was constructed without a building permit or development variance permit. If this application is approved the applicants will be required to obtain the necessary building permit for the retaining wall.

This application was considered by the Board at its regular meeting on January 22, 2013 however due to concerns raised by neighbours the application was referred back to staff for further review and discussion with the applicant.

***Proposed Variance***

The applicants propose to reduce the setback from the interior side (west) lot line and rear lot line from 2.0 metres to 0.0 metres in order to legalize the siting of the existing retaining wall and fence (see Schedule 2 for site plan).

**ALTERNATIVES**

1. To approve the Development Variance Permit No. PL2012-157 to reduce the minimum setback from the interior side and rear lot lines for an existing retaining wall and fence, subject to the conditions outlined in Schedule 1.
2. To deny the Development Variance Permit No. PL2012-157.

**LAND USE IMPLICATIONS*****Development Implications***

Given that the existing retaining wall and fence are greater than 1.0 metre in height and they are located within the setback a variance is required in order to legalize their siting. The applicants have provided a Geotechnical Field Review prepared by Ground Control Geotechnical Engineering Ltd. dated October 25, 2012 which states that the footings of the house are unlikely to be directly affected by the wall's performance and that the wall is considered safe from a geotechnical perspective.

Following the Board's resolution of January 22, 2013, the applicant was in contact with adjacent property owners in order to identify and address concerns related to potential impacts of the retaining wall, and more specifically, wet areas at the base of the retaining wall on or adjacent to the parcels to the west and northeast. In order to address these concerns, the applicant hired Ground Control Geotechnical Engineering Ltd. to provide an additional assessment of the retaining wall and the wet areas. The reports completed by Ground Control Geotechnical Engineering Ltd. dated March 14, 2013 conclude that both wet areas are natural occurrences resulting from the shallow bedrock and unavoidable drainage pattern of the neighbourhood and that they do not appear to be associated with the recent construction of the retaining wall. In addition, the reports confirm that there appears to be no geotechnical concern or hazard with regard to the stability of the wall, nearby buildings, or land stability.

***Sustainability Implications***

Staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed variance would allow the owners to maintain the existing retaining wall and associated fencing in their current location.

***Public Consultation Process***


Pending the Committee's recommendation and pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal and have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.


**SUMMARY/CONCLUSIONS**

This is an application for a Development Variance Permit to reduce the minimum front lot line setback from 2.0 metres to 0.0 metres in order to legalize the siting of an existing retaining wall and fence within the setback area. The applicants have submitted a site plan, a geotechnical field review and two assessment reports in support of the application. Given that the requested variances would allow for the continued use of an existing structure, there are no geotechnical impacts anticipated for adjacent properties, and that the applicants have attempted to address the concerns of adjacent property owners, staff recommends the Board approve the requested variance pending the outcome of public notification.

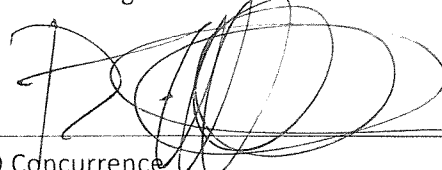
**RECOMMENDATION**

That Development Variance Permit No. PL2012-157 to reduce the minimum required setback from the interior side (west) lot line and rear lot line from 2.0 metres to 0.0 metres, be approved subject to the conditions outlined in Schedule 1.

  
Report Writer

  
A/ General Manager Concurrence

  
A/ Manager Concurrence

  
CAO Concurrence

**Schedule 1**  
**Terms and Conditions of Development Variance Permit**

The following sets out the terms and conditions of Development Variance Permit Application No. PL2012-157:

**Bylaw No. 500, 1987 - Variances**

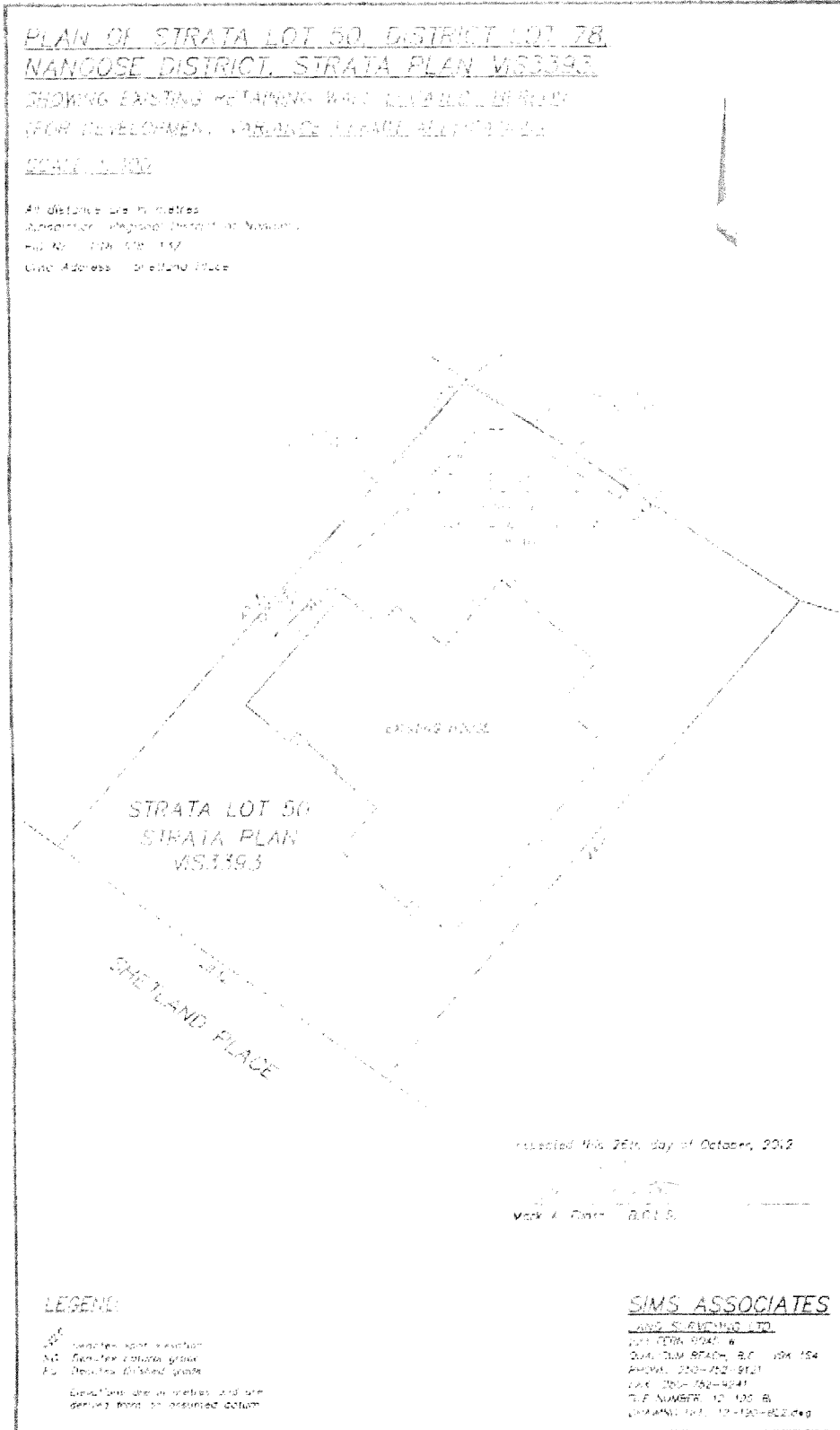
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

- **Section 3.4.61 Minimum Setback Requirements** to reduce the minimum setback from the interior side (west) lot line and rear lot line from 2.0 metres to 0.0 metres for an existing retaining wall and fence as shown on Schedule 2.

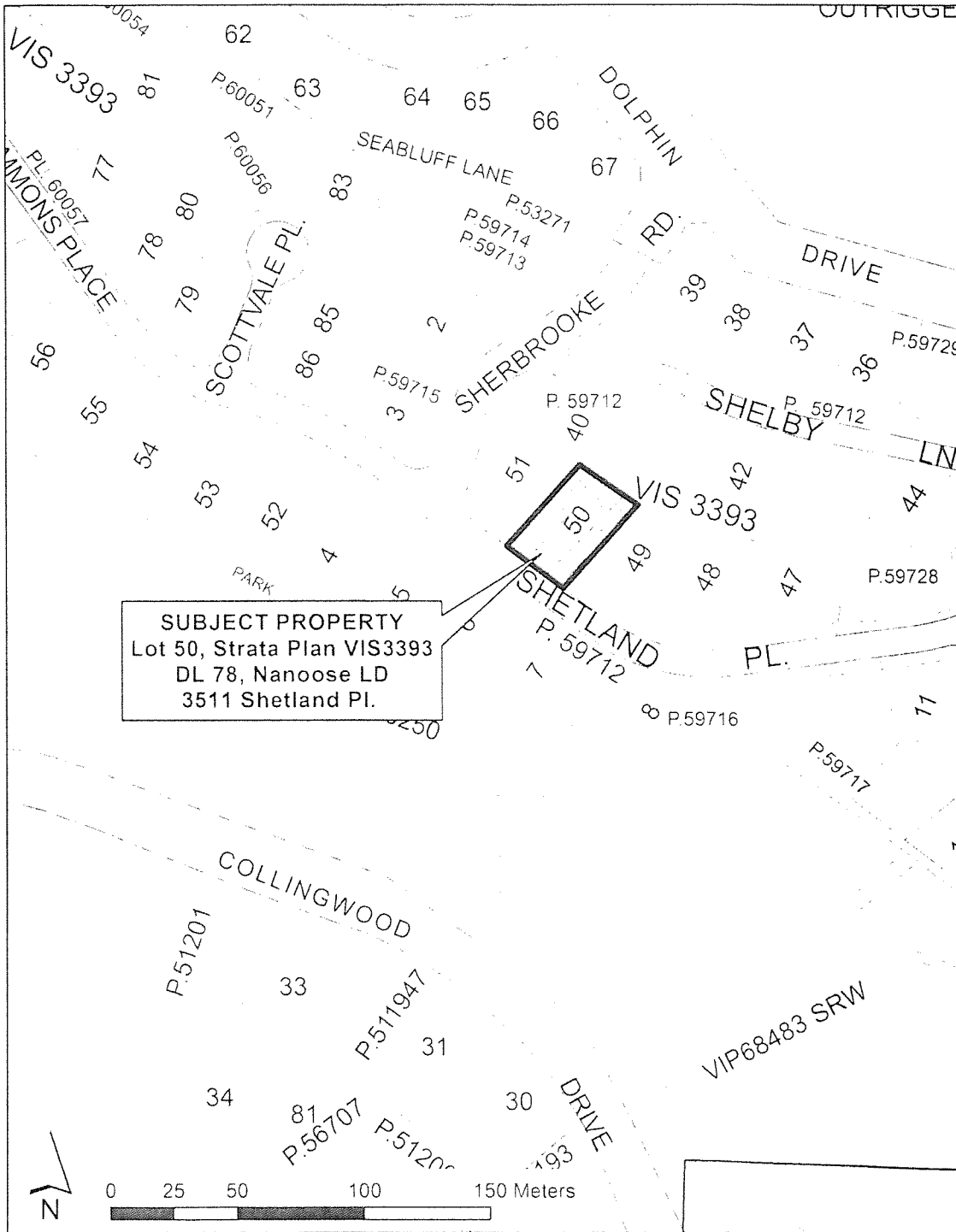
**Conditions of Approval**

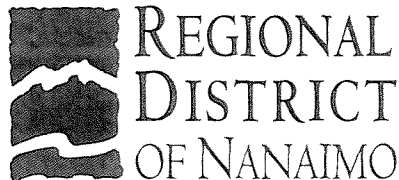
1. The retaining wall shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying Ltd. dated October 26, 2012 attached as Schedule 2.
2. The applicant shall obtain the necessary building permit for the existing retaining wall.

Schedule 2  
Site Plan



Attachment 1  
Location of Subject Property





|              |   |  |
|--------------|---|--|
| RDN REPORT   |   |  |
| CAO APPROVAL |   |  |
| EAP          | ✓ |  |
| COW          |   |  |
| APR 02 2013  |   |  |
| RHD          |   |  |
| BOARD        |   |  |
|              |   |  |

**MEMORANDUM**

**TO:** Jeremy Holm  
 Manager, Current Planning

**DATE:** March 26, 2013

**FROM:** Kristy Marks  
 Planner

**FILE:** PL2013-015

**SUBJECT:** Development Variance Permit Application No. PL2013-015 – Allin  
 Lot 17, Block A, District Lot 38, Nanoose District, Plan 10777 – 1401 Marina Way  
 Electoral Area 'E'

**PURPOSE**

To consider an application for a development variance permit to reduce the setback from the natural boundary of the sea from 15.0 metres to 12.8 metres to permit the addition of a deck to a dwelling unit that is currently under construction on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Richard and Lori Allin to permit the addition of a deck to a dwelling unit that is currently under construction. The subject property is approximately 0.19 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The subject property slopes down from the road toward the sea and is bordered by developed residential parcels to the northwest and southeast, Marina Way to the northeast, and the Strait of Georgia to the southwest.

The applicants received approval from the Board of Variance on October 10, 2012 to increase the maximum permitted height from 8.0 metres to 9.3 metres for the dwelling unit that is currently under construction. The building permit was issued in December 2012 and while the original plans included a deck, the shape of the deck was constrained by the irregular contour of the natural boundary. Therefore, the owners are now requesting a variance in order to accommodate a more functional outdoor living space. If this application is approved the applicants will be required to obtain the necessary building permit for the deck addition.

***Proposed Development and Variance***

The applicant proposed to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- Section 3.3.9 b) ii) - Setbacks – Sea to reduce the horizontal distance from the natural boundary from 15.0 metres to 12.8 metres for a proposed deck.



## **ALTERNATIVES**

1. To approve the Development Variance Permit No. PL2013-015 to reduce the minimum setback from the natural boundary of the sea subject to the conditions outlined in Schedule 1.
2. To deny the Development Variance Permit No. PL2013-015.

## **LAND USE IMPLICATIONS**

### ***Development Implications***

The applicants have requested the variance to accommodate a deck addition to a dwelling unit that is currently under construction (see Schedules 2 and 3 for site plan and building elevations). Given the site topography and steep slope adjacent to the sea the 15.0 metre setback applies to this parcel. This setback would limit the area of the deck if it had to comply, so the applicants have requested a reduced setback.

The applicants have provided a geotechnical report prepared by Lewkowich Engineering Ltd. dated March 25, 2013 confirming that the proposed development including the deck is safe from a geotechnical perspective for the intended use. In keeping with Board Policy B1.5, staff have evaluated the application in the context of the policy. The proposed variance would facilitate a more functional outdoor living space and in terms of aesthetics, the design of the deck is well integrated with the dwelling. Given that the deck is not proposed to be enclosed or covered and that the dwelling unit and deck are sited at a lower elevation than the adjacent dwellings no anticipated view implications for adjacent properties are anticipated.

### ***Sustainability Implications***

Staff reviewed the proposed development and note that no sustainability implications have been identified.

### ***Public Consultation Process***

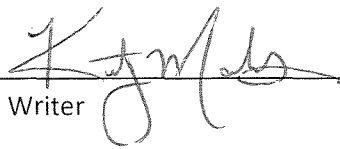
Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within 50 metres of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

## **SUMMARY/CONCLUSIONS**

This is an application for a development variance permit to reduce the minimum setback from the natural boundary of the sea from 15.0 metres to 12.8 metres in order to permit the addition of a deck to a dwelling unit that is currently under construction. The applicants have submitted a site plan, building elevation plans and a geotechnical report in support of the application. Given that the requested variance would allow for more functional outdoor living space and that there are no geotechnical concerns or view implications for adjacent properties anticipated, staff recommends the Board approve the requested variance pending the outcome of public notification.

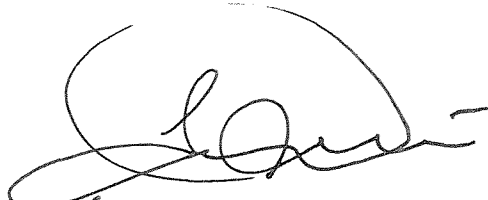
**RECOMMENDATION**

That Development Variance Permit Application No. PL2013-015 to reduce the minimum setback from the natural boundary of the sea from 15.0 metres to 12.8 metres for a deck be approved subject to the conditions outlined in Schedule 1.



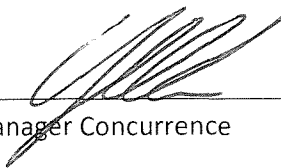
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Report Writer

  
A/

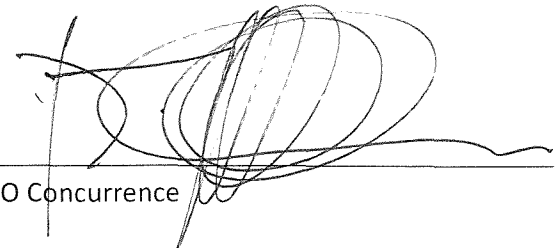
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General Manager Concurrence



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Manager Concurrence



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CAO Concurrence

**Schedule 1**  
**Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit Application No. PL2013-015:

Bylaw No. 500, 1987 Variance

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

1. **Section 3.3.9 b) ii) Setbacks – Sea** to reduce the horizontal distance from the natural boundary from 15.0 metres to 12.8 metres for a proposed deck.

Conditions of Approval:

1. The dwelling unit and deck shall be sited in general accordance with the site plan prepared by JE Anderson and Associates dated July 12, 2011, attached as Schedule 2.
2. The dwelling and deck shall be constructed in general accordance with the elevation drawings prepared by CA Design dated November 16, 2012, attached as Schedule 3.
3. The lands shall be developed in accordance with the Geotechnical Site Observations report prepared by Lewkowich Engineering Associates Ltd. dated March 25, 2013.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

### Schedule 2 Proposed Site Plan

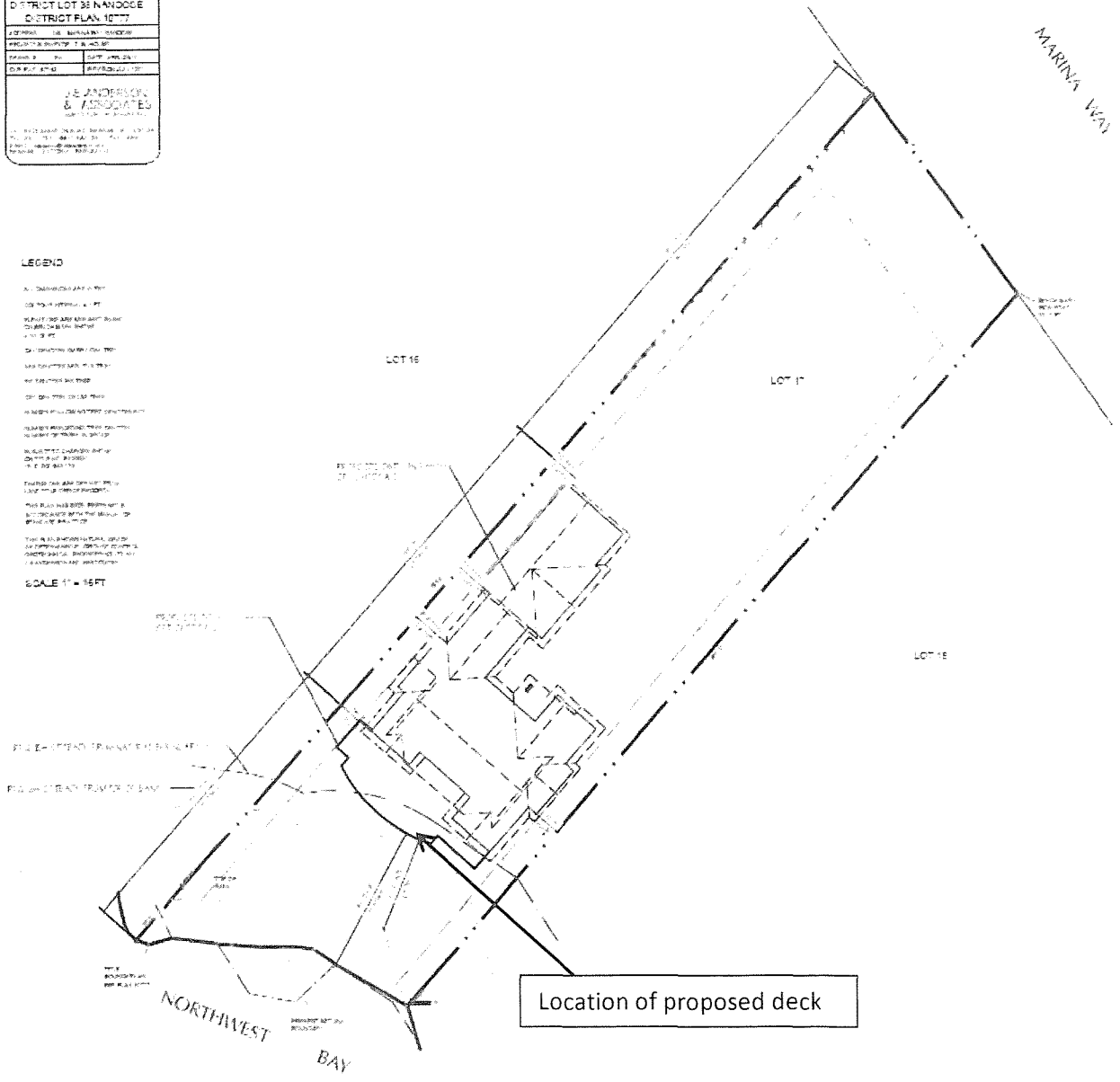
SURVEY PREPARED BY:

|                                |               |
|--------------------------------|---------------|
| SITE PLAN                      |               |
| LOT 17 BLOCK A                 |               |
| DISTRICT LOT 38 IN ANCHORAGE   |               |
| DISTRICT PLAN 10777            |               |
| DATE                           | 10/26/2012    |
| PROJECT NO.                    | 12-0000000000 |
| SCALE                          | 1" = 15'      |
| DRAWN BY                       | APPROVED BY   |
| J.B. ANDERSON & ASSOCIATES     |               |
| 1000 W. 11TH AVENUE, SUITE 100 |               |
| ANCHORAGE, ALASKA 99501        |               |
| PHONE: (907) 562-2222          |               |

#### LEGEND

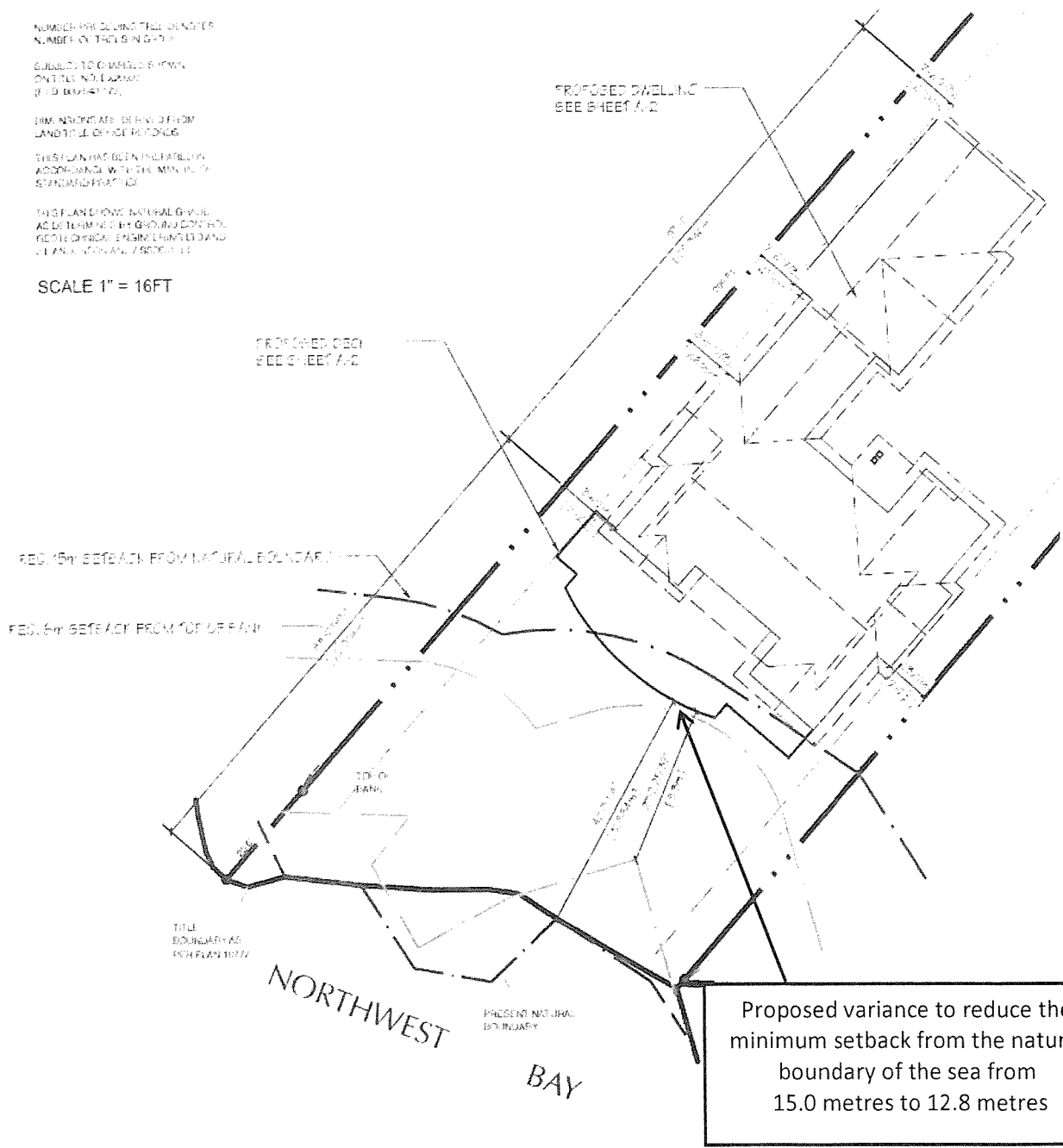
- 1. UNIMPAVED DRIVEWAY
- 2. DRIVEWAY
- 3. DRIVEWAY WITH SIDEWALK
- 4. DRIVEWAY WITH SIDEWALK AND BIKEWAY
- 5. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY
- 6. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY AND BIKEWAY
- 7. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
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- 16. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
- 17. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
- 18. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
- 19. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
- 20. DRIVEWAY WITH SIDEWALK AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY

SCALE 1" = 15 FT

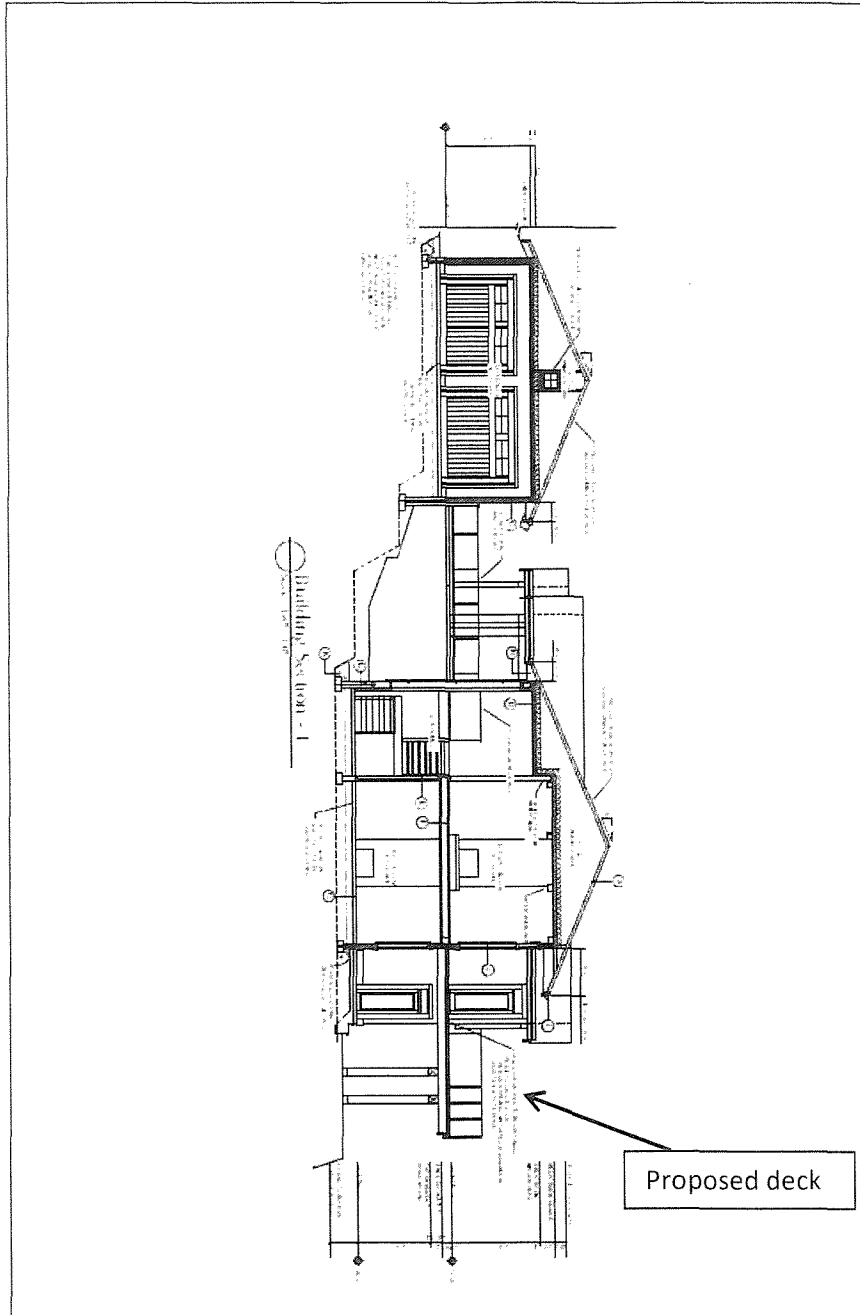


Location of proposed deck

### Schedule 2 Proposed Site Plan – Detail and Variance



### Schedule 3 Building Elevations



**CAD DESIGN**

1234 Main Street, Suite 100  
Vancouver, BC V6A 1A1  
Tel: (604) 555-1234  
Fax: (604) 555-5678  
www.caddesign.ca

Project No: PL2013-015  
Drawing No: A-8  
Date: 03/26/2013

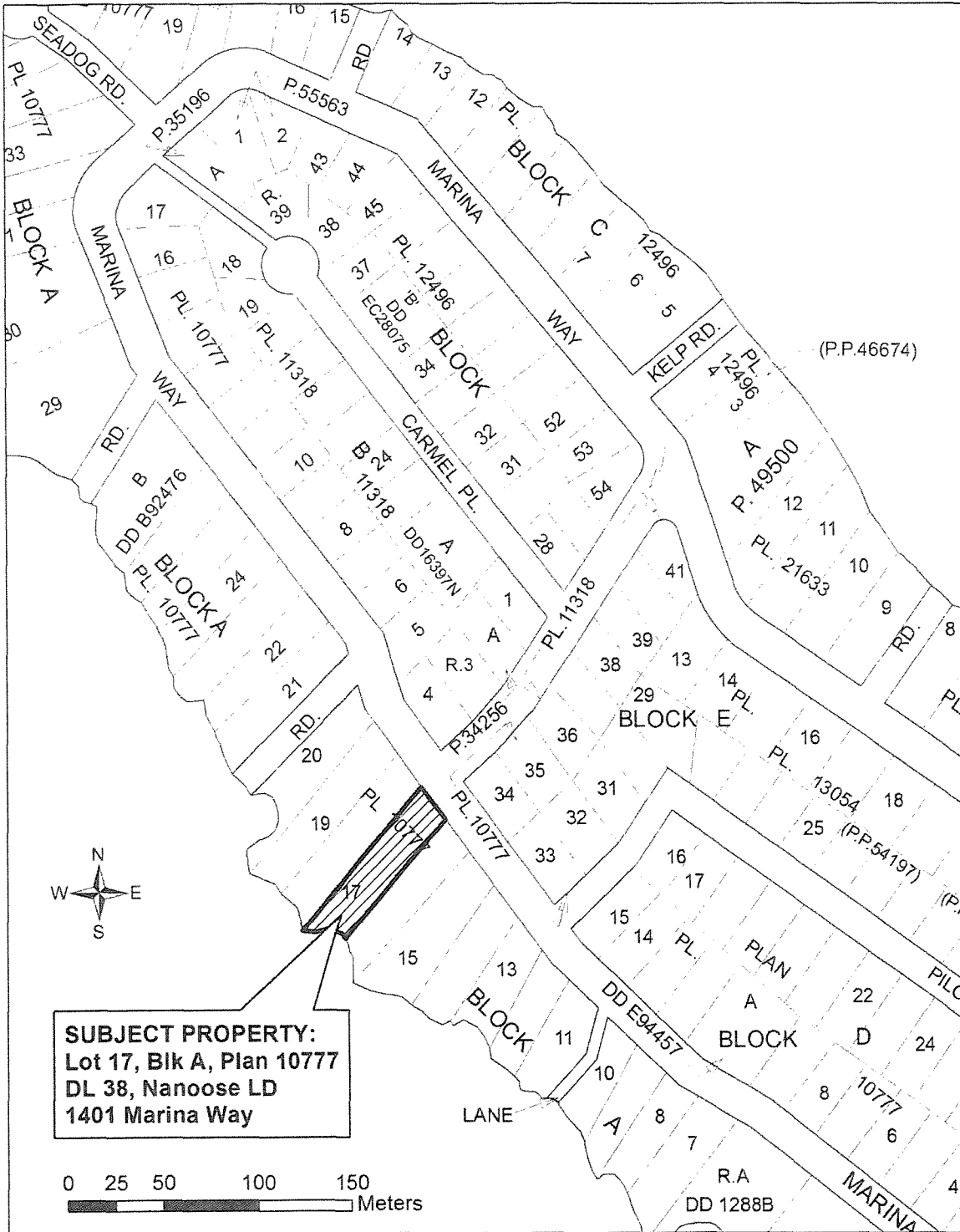
Architect: Alex K. Kowalski  
Professional No: 12345  
Scale: 1/8" = 1'-0"

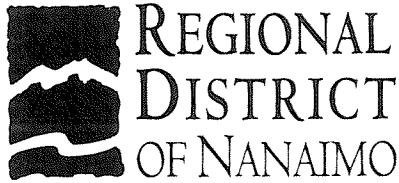
Notes:  
1. See Schedule 3 for Building Elevations.  
2. See Schedule 4 for Building Details.  
3. See Schedule 5 for Building Sections.

Revisions:  
1. 03/26/2013: Initial design.  
2. 03/27/2013: Revisions to deck structure.

A-8

Attachment 1  
Location of Subject Property





|              |   |
|--------------|---|
| RDM REPORT   |   |
| CAO APPROVAL |   |
| EAP          |   |
| COW          | ✓ |
| APR 02 2013  |   |
| RHD          |   |
| BOARD        |   |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** March 28, 2013

**FROM:** Angela Buick  
Planning

**FILE:** PL2011-179

**SUBJECT:** Zoning Amendment Application No. PL2011-179 - Jacqueline and John Pipes  
Lot 2, Block 360, Alberni District, Plan 35096 - 2925 Turnbull Road  
Electoral Area 'H'

**PURPOSE**

To consider a zoning amendment application to amend the zoning and subdivision district of the subject property in order to permit a three-lot subdivision.

**BACKGROUND**

A zoning amendment application has been received from Peter Mason, BCLS, on behalf of Jacqueline and John Pipes to amend the zoning of the subject property. The subject property is currently zoned Rural 1 (RU1) and within Subdivision District 'B', in accordance with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is 8.13 ha in area and is surrounded by other rural zoned properties within Subdivision Districts 'B' and 'D'; permitting 8.0 and 2.0 ha minimum parcel size respectively (see Attachment 1 for location of subject property). The parcel is located on the corner of Horne Lake Road and Turnbull Road and is approximately 1.5 kms from the Horne Lake/Inland Island Highway interchange. The subject property contains one existing dwelling unit and a number of accessory buildings.

Pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", the property is designated within the Environmentally Sensitive Features for Aquifer Protection and Fish Habitat Protection Development Permit Areas (DPA). A development permit will be required prior to subdivision, land alteration or construction within the property.

***Proposed Development***

The applicant proposes to rezone portions of the subject property from RU1 Subdivision District 'B' (RU1B) to RU6, Subdivision District 'D' (RU6D-2.0 ha minimum parcel size) and RU1, Subdivision District 'CC' (RU1CC-4.0 ha minimum parcel size), in order to facilitate a three lot subdivision. The proposed subdivision consists of Lots 1 and 2, which will be approximately 2.01 ha in area and Lot 3 which will be approximately 4.11 ha in area (See Attachment 2).



## ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2011-179 in consideration of first and second reading of the Amendment Bylaw and proceeding to Public Hearing.
2. To not proceed with the Bylaw readings and Public Hearing.

## LAND USE IMPLICATIONS

### *Official Community Plan Implications*

The subject property is designated as Rural in the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" (OCP). The Rural land use designation supports rezoning to a minimum parcel size of 4.0 ha. Notwithstanding this, the Rural land use designation also supports a minimum parcel size of 2.0 ha provided that the following criteria are met:

- each parcel zoned for the 2.0 hectare minimum parcel size contains only one dwelling unit,
- the proposed subdivision is not a bare land strata,
- no frontage relaxation is required to accomplish the subdivision,
- no further road dedication is required to accommodate parcel frontage for the proposed subdivision.

As the applicant is able to meet these criteria, the application is consistent with OCP policy for Rural designated lands.

### *Development Implications*

Proposed Lots 1 and 2 (2.01 ha in area), to be zoned RU6, would permit one dwelling unit per parcel; Proposed Lot 3 (to be 4.11 ha in area), retaining the RU1 zone, would allow for two dwelling units along with the other permitted uses outlined within the Zone (see Attachment 2 for the proposed plan of subdivision). The subject property lies within un-serviced lands and therefore the existing lot and future lots will be serviced by well and septic. Given the lands are within an un-serviced area; Board Policy B1.21 "Groundwater Application requirements for rezoning of un-serviced lands" applies as outlined under Environmental implications below.

It is noted that the existing dwelling unit and accessory structures located on Lot 3 can remain although the structures on Lots 1 and 2 must be removed prior to the adoption of Bylaw 500.382, 2013 to ensure zoning compliance.

### *Public Consultation Implications*

If the Board approves first and second reading of amendment Bylaw 500.382, the proposal will then proceed to Public Hearing pursuant to Section 890 of the *Local Government Act*.

### *Environmental Implications*

In order to satisfy Board Policy B1.21 concerning the rezoning of un-serviced lands, the applicant has submitted a Preliminary Hydrogeological Assessment Report prepared by Lewkowich Engineering Associates Ltd. dated December 27, 2012. The report concludes that the proposed amendment to permit two additional residential lots should not have a significant impact on the groundwater resources.

As a condition of the approval for the proposed zoning amendment, staff recommend the Hydrogeological Assessment be registered on the subject property title through a Section 219 covenant to ensure future development complies with the recommendations contained in the Report (see Schedule 1). In accordance with Board Policy B1.21, staff further recommend registration of a Section 219 covenant on title which will require wells on proposed Lots 1 and 2 to be constructed, tested, and a report submitted to the RDN prior to final approval of the subdivision (in compliance with Policy B1.21). The covenant should also require that the existing well on proposed Lot 3 be tested and upgraded if necessary to ensure the well meets current Canadian Drinking Water Standards and bylaw requirements for water supply prior to subdivision approval.

**Sustainability Implications**

Provided the proposed lots are serviced with groundwater in compliance with Board Policy B1.21, the subdivision will be provided a safe, sufficient supply of potable water without negatively impacting the ability of existing residents to meet their potable water needs.

**Inter-governmental Implications**

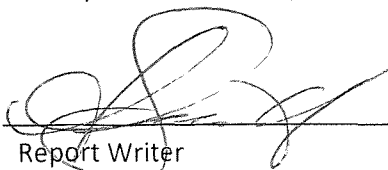
Ministry of Transportation & Infrastructure has no concerns with the proposal as submitted.

**SUMMARY/CONCLUSIONS**

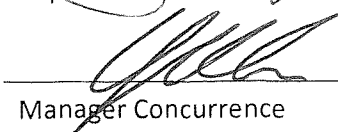
The applicant proposes to rezone a portion of the subject property from Rural 1, Subdivision District 'B' (8.0 ha minimum parcel size) to Rural 6, Subdivision District 'D' (2.0 ha minimum parcel size) for the Proposed Lots 1 and 2. The remainder portion will retain the Rural 1 zone and amend only the Subdivision District from 'B' to 'CC' (4.0 ha minimum parcel size) for Proposed Lot 3 in order to permit future subdivision of the subject property into three parcels. Based on the engineering reports submitted in support of the application, the proposed development would not negatively impact groundwater provided the recommendations are followed. The proposed development is consistent with the OCP policies for land designated as Rural. As such, staff recommends that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013" be approved for first and second reading and proceed to Public Hearing, subject to the conditions set out in Schedule 1.

**RECOMMENDATIONS**

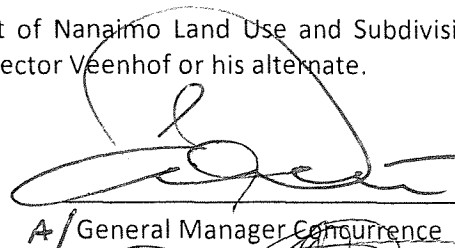
1. That the conditions set out in Schedule 1 of the staff report be completed prior to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013", being considered for adoption.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013", be introduced and read two times.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013", be delegated to Director Veenhof or his alternate.



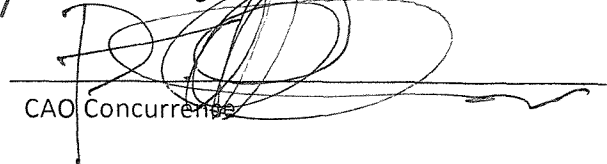
Report Writer



Manager Concurrence



A/General Manager Concurrence



CAO Concurrence

## Schedule 1 Conditions of Zoning Amendment

### Conditions of Approval

The following items shall be registered at Land Titles office as a Section 219 Restrictive Covenant, prepared at the applicant's expense and to the satisfaction of the Regional District of Nanaimo (see Attachment 2), prior to Amendment Bylaw No. 500.382, 2013 being considered for adoption:

1. The Preliminary Hydrogeological Assessment Report prepared by Lewkowich Engineering Associates Ltd. dated December 27, 2012, be registered on the title of the subject property, and require that future subdivision and construction activities be consistent with the recommendations contained in the report.
2. Require that wells on proposed Lots 1 and 2 be constructed, tested, and a report submitted to the RDN in compliance with Policy B1.21 prior to final approval of subdivision (see Well Report Requirements below). Require that the existing well on Lot 3 be tested by a qualified professional and a report submitted to the satisfaction of the Regional District, to ensure the well meets the Canadian Drinking Water Standards, and that a potable water supply of 3.5 m<sup>3</sup> (3500L) per day is provided.

### Well Report Requirements

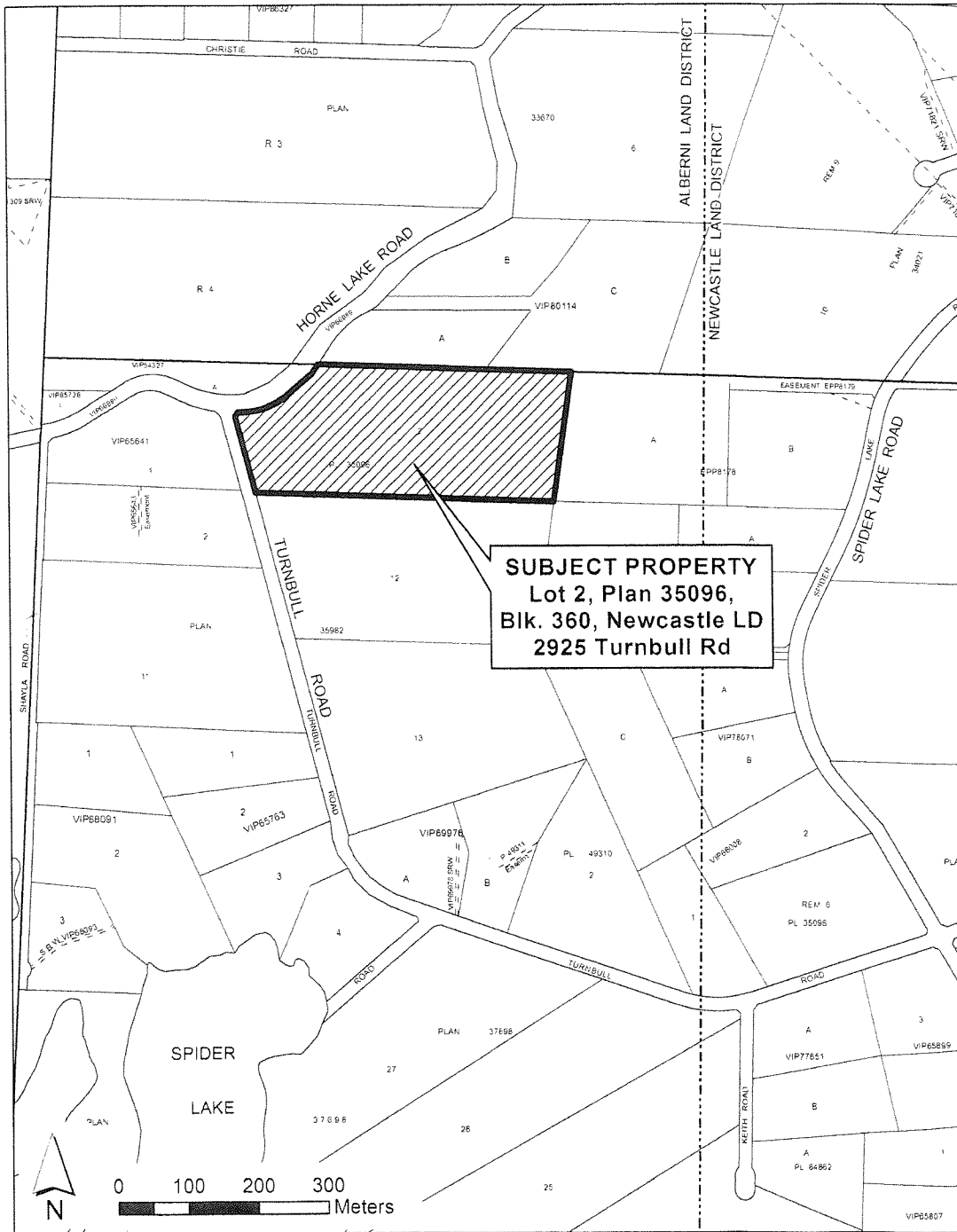
The intent of the well report is to confirm that the well can adequately service the proposed lot and that it meets current well regulations. The report must be completed, dated and signed by a qualified professional and include/confirm the following:

- the date when the well was drilled along with a copy of the driller's log;
- the well identity number as indicated on the plate secured to the well;
- photographs of the well identity tag, 'stick up', and general location of the well;
- that the water meets the Canadian Drinking Water Standards. The report should include the test results of the well water and to have been completed within 6 months of the date of the report. The report must also identify where the parameters may have exceeded the Drinking Water Guidelines;
- that pump testing has been completed and witnessed by a qualified professional. The pump testing is required to have been run for the greater of 12 hours or until the water level stabilizes at the pumping rate of at least 2.5 litres/minute with a well recovery period monitored for the greater of 6 hours or until the water level recovers to a minimum of 90% of its pre-pumping water level. This pump test should be conducted only during the months of July through November (lowest water table).

Confirmation that the well meets the minimum well standards as outlined in the BC Ground Water Protection Regulations as enacted on November 1, 2005 and as amended from time to time which includes the following:

- is at minimum 30 metre from potential sources of contamination, including but not limited to: agricultural buildings, septic fields, animal pens/runs, refuse and compost piles, areas of fertilizer/herbicide use or storage, above or below ground storage tanks, and parking areas;
- is outside of a floodplain, or if within a floodplain measures taken/required to protect the well;
- is accessible for maintenance;
- has a secure and watertight cap;
- the well head is at minimum 300 millimetres above the adjacent finished grade, and the ground around the well head is sloped away from the well casing.

**Attachment 1**  
**Location of Subject Property**



**PLAN OF PROPOSED REZONING AND SUBDIVISION OF LOT 2, BLOCK 360,  
ALBERNI DISTRICT, PLAN 35096**

SCALE: 1:2000 ALL DISTANCES ARE IN METERS



REZONE TO RUI1D FROM RUIB

HORNE LAKE ROAD

TURNBULL ROAD

PLAN A

B

VIP80114

1

2 01.46

2

4 22.18

3

4 11.04

481.00

PLAN ERP8178  
A

PLAN 12 36982

PLAN C

VIP79855

PETER T. WILSON  
CANADA LAND SURVEYOR  
BRITISH COLUMBIA LAND SURVEYOR  
P.O. BOX 187  
BOASER ALE  
V0G 1S0

TEL: (250) 769-8788

FILE: 11-3287.DWG: kwwg\13287.DWG

THIS PLAN IS FOR PROPOSED REZONING AND SUBDIVISION  
ON THE APPROVAL OF THE AUTHORITY HAVING JURISDICTION

PLAN PREPARED OCTOBER 10, 2011

*Peter Wilson*  
PETER T. WILSON B.C.L.S.



Attachment 2  
Proposed Plan of Subdivision

Attachment 3

Proposed Amendment Bylaw No. 500.382, 2013

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.382

A Bylaw to Amend "Regional District of Nanaimo Land Use  
and Subdivision Bylaw No. 500, 1987"

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
  - (1) By rezoning the lands shown on the attached Schedule '1' and legally described as Lot 2, Block 360, Alberni District, Plan 35096 from Rural 1 (RU1) Zone, Subdivision District 'B' to Residential 6 (RS6) Zone, Subdivision District 'D'; and Rural 1 (RU1) Zone, Subdivision District 'CC' as shown on Schedule 1.

Introduced and read two times this \_\_\_\_ day of \_\_\_\_\_, 2013.

Public Hearing held this \_\_\_\_ day of \_\_\_\_\_, 2013.

Read a third time this \_\_\_\_ day of \_\_\_\_\_, 2013.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2013.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
CHAIRPERSON

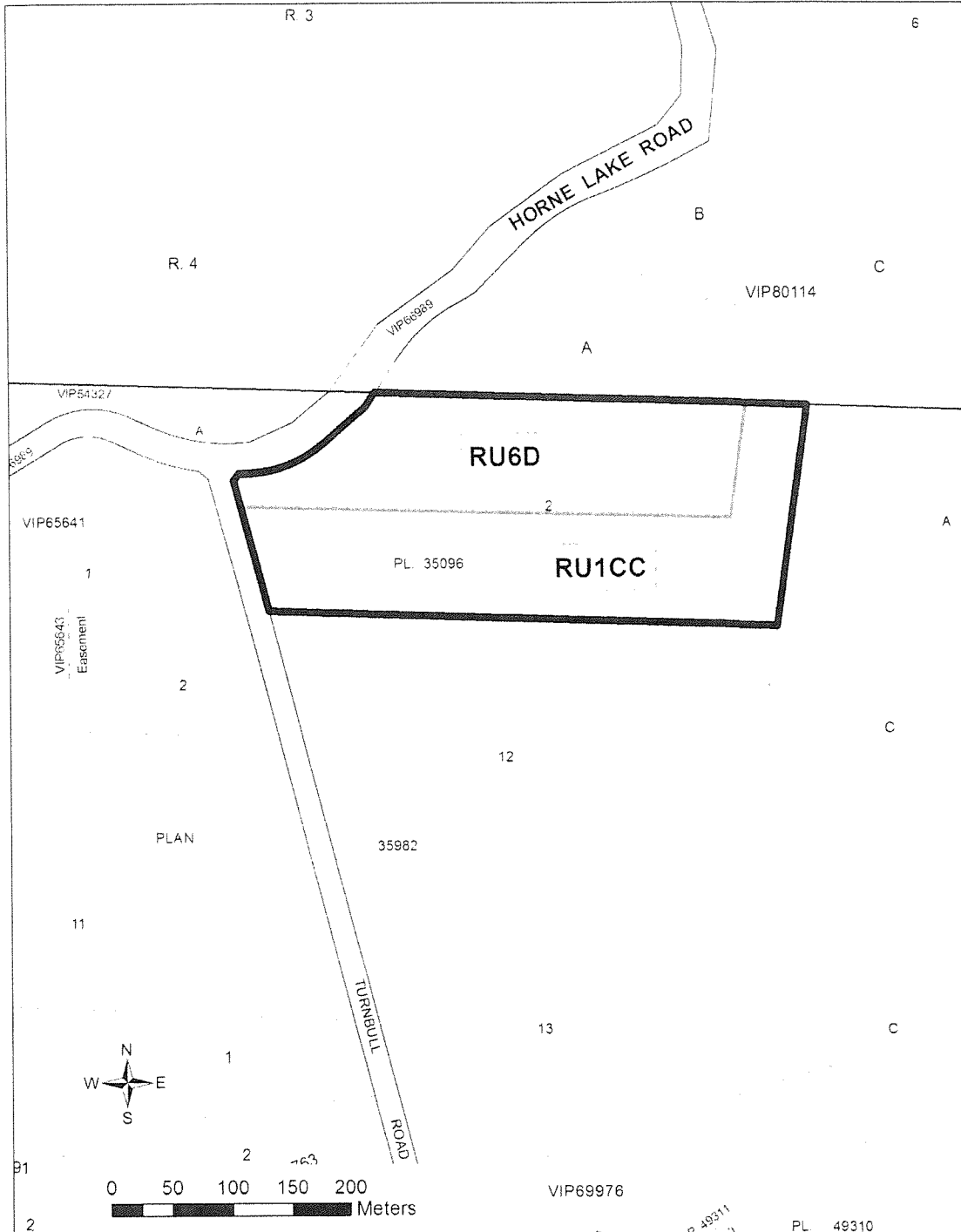
\_\_\_\_\_  
CORPORATE OFFICER

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.382, 2013."

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

**Schedule '1'**





|              |   |                   |
|--------------|---|-------------------|
| CAO APPROVAL |   | <del>1/1/11</del> |
| EAP          | ✓ |                   |
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| RHD          |   |                   |
| BOARD        |   |                   |

**MEMORANDUM**

**TO:** Paul Thompson  
Manager of Long Range Planning

**DATE:** March 27, 2013

**FROM:** Lisa Bhopalsingh  
Senior Planner

**FILES:** PL2011-060

**SUBJECT:** Reconsideration of RGS and OCP Amendment Application No. PL2011-060 – Baynes Sound Investments  
Lot A, District Lots 1 and 86, Newcastle District, Plan 48840; Lots B, District Lots 1 and 86, Plan 38643; Lot C, District Lot 86, Plan 38643  
Electoral Area ‘H’

**PURPOSE**

To re-consider an application to amend the Regional Growth Strategy (RGS) and the Electoral Area ‘H’ Official Community Plan (OCP) to include a new Rural Village Centre (RVC) within the Growth Containment Boundary (GCB) for a proposed development in Deep Bay.

**BACKGROUND**

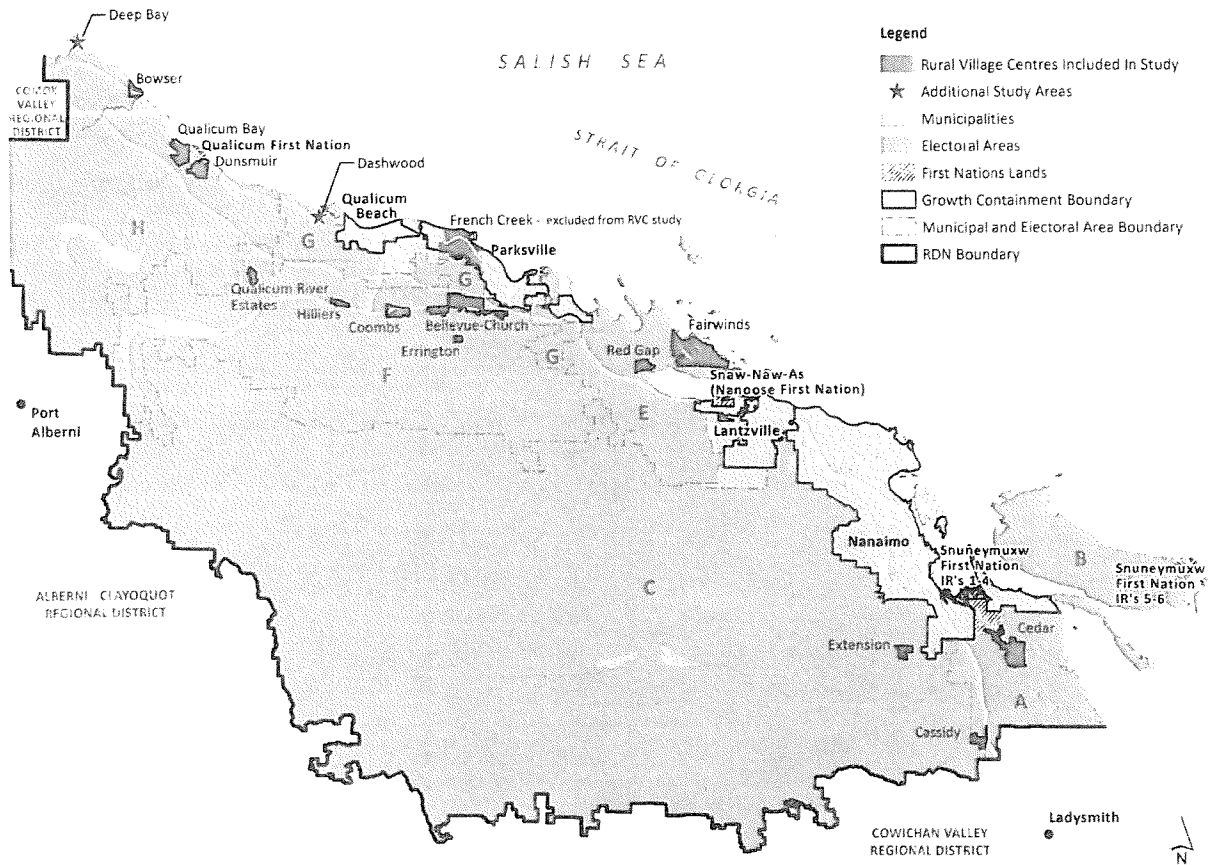
On October 4, 2011 the RDN Board considered an application for a development (see attachment 1 for subject property map) that requires amendments to the Area ‘H’ OCP and RGS to allow a new Rural Village Centre in Deep Bay. The designation of a new Rural Village Centre is necessary to support the density of development proposed for a resort community involving 76 ha of land. This includes a mix of 386 single and multi-family residential units, 6,975 m<sup>2</sup> of commercial land and 292 recreational vehicle spaces (see attachment 2 for concept plan). The RDN Board directed staff to include the proposal for a new Rural Village Centre in Deep Bay in a region-wide study of Rural Village Centres and put the application on hold pending completion of the study.

The Rural Village Centre study fulfills direction in the Regional Growth Strategy (Policy 4.11) by investigating concerns that some RVCs may never reach their intended function as mixed-use, compact, complete communities. This work will aid the Board and respective communities in prioritizing the investment needed to provide community water and sewer, and transit.

Including Deep Bay in the study allowed for the area to be considered objectively as part of a technical evaluation in order to show how it performs relative to existing RVCs in the study and within a larger regional growth management context. The study also provides potential implications of designating an additional RVC in Deep Bay upon neighbouring RVCs in Electoral Area ‘H’. The Rural Village Centre Study was received by the RDN Board on March 26, 2013. Now that the study has been completed, the RDN Board can reconsider the application for a new RVC at Deep Bay within the context of the information provided by the study.

The RVC study included 13 of the 14 existing Rural Village Centres (see Map 1) in the Regional Growth Strategy<sup>1</sup>. Deep Bay was included as an additional Study Area (SA) along with Dashwood in Electoral Area 'G'. In order for the study to determine what is required for each RVC and SA to grow from where it is now to the ideal mixed-use centre as envisioned in the RGS, the study established a baseline for the evaluation based on existing conditions. As well, projections for future growth were based on existing OCP policies. As such it did not take into account any future development proposals for any of the RVCs or SAs including the application under discussion.

**Map 1 – Existing Rural Village Centres**



The RVC study shows how close/far each of the included RVCs and study areas are from becoming complete, compact, mixed-use communities based on the established criteria. By doing so it highlights each area's strengths and weaknesses. While the study looked at certain characteristics based on current conditions it also provides a projection of future retail demand by analyzing development and market viability based on projections for each RVC as well as anticipated growth and distribution of population throughout the region. The study gives a clear indication of what it would take for each RVC to reach optimum levels of performance.

<sup>1</sup> French Creek RVC was excluded because it is considered to be a mostly developed, mixed-use community with transit service and large areas served by community water and sewer.

The RVC study ranked the Deep Bay study area (which includes the land that forms part of the Bayne Sound Investment Ltd. application) amongst one of the mid to lower performing areas based on the study criteria with a ranking of 5 on a scale of 1-6 (with 1 being the best and six the lowest) along with Dashwood, Dunsmuir, Extension and Hilliers (see attachment 3). The RVC study provides an indication of what would need to happen at Deep Bay in order for it to perform better as a future RVC that would benefit Area 'H' and the region as a whole.

This report provides a discussion of the implications of considering the application which requires the creation of a new RVC at Deep Bay. The results of the RVC study are used to provide context for the application including the need for additions to the Growth Containment Boundary in the Region. Further details on the RVC Study are included in the staff report received by the RDN Committee of the Whole (COW) on March 12, 2013.

### ALTERNATIVES

1. That the Electoral Area Planning Committee supports a review of the application by Bayne Sound Investments (BSI) for a new RVC in Deep Bay and that the application proceed through the process to amend the Electoral Area 'H' Official Community Plan and the Regional Growth Strategy.
2. That the Electoral Area Planning Committee recommends that the application be held in abeyance until the completion of the next Electoral Area 'H' Official Community Plan review.
3. That the Electoral Area Planning Committee does not support a review of the application by BSI for a new RVC in Deep Bay and that the application be denied.
4. That the Electoral Area Planning Committee provide an alternate recommendation for the application by BSI for a new RVC in Deep Bay.

### FINANCIAL IMPLICATIONS

The financial implications for the RDN, regional communities and Electoral Area 'H' residents vary greatly depending on RDN Board direction. This section of the report addresses financial implications for the RDN. A discussion of longer term economic impacts is included under the section addressing the RGS economic goal.

The staff report received by the Board in October 2011 indicates that if the RDN Board supports amending the RGS and OCP to allow a new RVC at Deep Bay, the potential subdivision that could result would not result in *"any direct short term infrastructure costs for the RDN"*. The report further states that *"the capital cost for the development of local road improvements and community services would be borne by the applicant. The applicant proposes to construct an advanced wastewater treatment system that will be owned and maintained by the strata corporation"*. However it was noted that there would be financial implications if the RDN was asked to take over a wastewater treatment system in the future.

The application includes a preliminary study indicating that the Deep Bay Improvement District (DBID) aquifer has sufficient water to supply the development. The feasibility study specifies that upgrades to water storage capacity and the DBID piping network will be needed to service the proposed

development. The recovery of any capital costs related to supplying water to the proposed development would be the responsibility of DBID to negotiate with the developer.

In the long term there are a variety of unknown potential long term costs, liabilities and risk for the RDN associated with future maintenance of infrastructure such as wastewater treatment, water, sidewalks, parks and rainwater management/stormwater infrastructure.

In terms of staff time and impacts on other ongoing projects, the financial implications of the different alternatives presented in this report are outlined below. Some of these financial implications are the same for the alternatives presented in the staff report to the EAPC on September 2, 2011 and to the RDN Board on October 4, 2011:

**Alternative 1** has the greatest immediate impact. Processing an application to amend the RGS requires a significant amount of staff time that would normally be spent on other projects. The RGS establishes criteria under which proposed amendments can follow one of two processes depending upon whether or not the amendment is deemed minor<sup>2</sup>. Based on these criteria, if the RDN Board supports the Baynes Sound Investments Ltd. application proceeding as an amendment application, it would not be considered a minor amendment. The application would have to follow the regular RGS amendment process for land in an electoral area as outlined in Attachment 4. This process reflects steps required under the *Local Government Act* to amend a Regional Growth Strategy.

By supporting the application to amend the RGS, the Electoral Area Planning Committee (EAPC) effectively becomes a sponsor of the application and as such, the RDN incurs all costs associated with a bylaw amendment not covered by application fees. At the time that the application was submitted the only fees applicable were for amending an OCP as there were no provisions to recoup costs specific to amending the RGS<sup>3</sup>. As a result, for this application, the RDN will have to absorb the additional costs of processing the RGS amendment application beyond the \$800 OCP amendment fee collected in April 2011. As well, staff time spent on this application means that work on other projects in the 2013 Work Plan may have to be deferred.

**Alternative 2** would have the greatest financial impact in the near to medium future. An OCP review requires an extensive amount of staff time and other resources. A project of this scale must be included in the yearly budgeting and work plan process and could cost upwards of \$200,000. Depending on the scope of the OCP review there will be costs associated with resources for staff time, studies by professional consultants, committees and public consultation. An OCP review can be expected to take a minimum of one year, however more recent experience suggests OCP reviews take much longer to complete (over 2 years). An OCP review for Electoral Area 'H' has not been included in the 2013 departmental work plan.

**Alternative 3** would have the least financial impact as no additional staff time would be required for this application. Costs related to **Alternative 4** are unknown and would depend on the nature of the direction provided to RDN staff.

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<sup>2</sup> Regional Growth Strategy, Bylaw No. 1615, November 22, 2011 Page 4.

<sup>3</sup> Amendments to RDN Bylaw No. 1259 (A Bylaw to Establish Fees for Planning Related Products and Services) in November 2011 now require applicants to pay for an RGS amendment in addition to the application fee for the OCP amendment.

## LAND USE IMPLICATIONS

### *Growth Management Implications*

The application involves proposed amendments to the Electoral Area 'H' OCP as well as the RGS to add a new Rural Village Centre in Deep Bay. The previous staff report to the Board (received on October 4, 2011) states that growth management implications "*must be considered at the regional level as well as the site level. At the site level the main considerations are design and layout, providing for a mix of uses, efficient servicing and the measures taken to protect environmentally sensitive areas.*"

The previous staff report on the application refers to the 2003 RGS that was in place at the time. This has since been replaced by an updated RGS adopted by the Board in November 2011. The updated RGS carries forward much of the same growth management direction from the 2003 RGS with additional emphasis and new goals addressing climate change and energy consumption, affordable housing, economic resiliency, and food security. The application is discussed below in relation to the goals of the 2011 RGS.

The application includes an extensive amount of information justifying the development. This information is available upon request. An additional submission titled *Deep Bay; A Rural Village Centre* summarizes the applicant's perspective on why the application should be supported (see Attachment No. 6).

At the site level, the development concept put forward in the application demonstrates many of the desirable characteristics specified by the RGS for Rural Village Centres to be compact, complete communities with efficient servicing. This includes a mix of uses, range of housing types and a compact arrangement that supports walking. The application also shows consistency with other RGS Goals to protect environmentally and archaeologically sensitive areas through dedication of green space and strategies to mitigate the impacts of the development on surface water (including the ocean) and groundwater.

Regional level considerations are discussed below with reference to the updated RGS goals and the technical results of the RVC Study. The RGS provides direction on what must be considered when considering changes to the Growth Containment Boundary. *At the regional level the main considerations are:*

1. Have they demonstrated that there is a need for a new village centre;
2. What are the impacts on other established village centres; and
3. Does it contribute to regional goals for urban containment, transportation, GHG emission reductions, affordable housing, agriculture, the economy and protection of rural and resource lands.

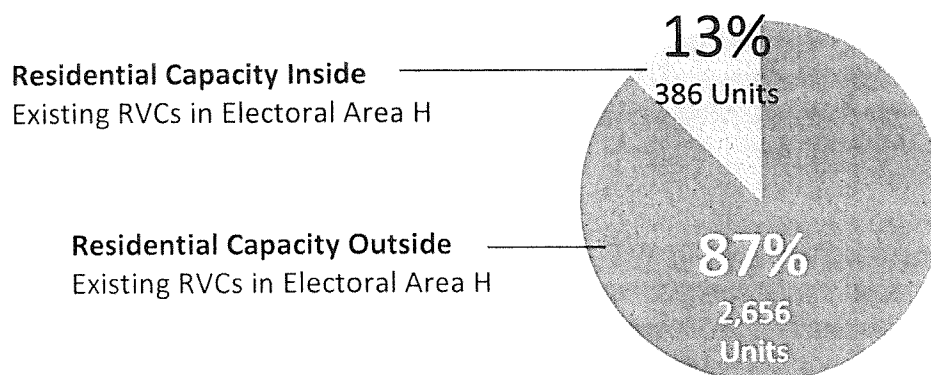
#### **1. Demonstrated need for a new village centre**

The RVC study and staff report received by the Board is a resource to help the Board evaluate the 'bigger picture' regional growth management implications of proposals for changes to the GCB in electoral areas including this application that requires a new RVC at Deep Bay.

The results of the RVC study combined with details of the 2011 Census results and the RDN's 2007 Land Inventory and Capacity analysis show that from a housing needs perspective there is ample land to accommodate anticipated growth in the region for the next 30 years. This includes ample capacity to accommodate growth in existing RVCs in Area 'H' as well as in the RGS Rural Residential Land use designation outside of RVCs.

The 2011 Census count for Electoral Area 'H' was 3,509 people. This reflected an increase of 1% or 35 people for the five years between 2006 and 2011 Census. With the exception of Electoral Area B, Electoral Area H had the slowest growth of all the RDN's electoral areas. This fact reinforces the findings of the RDN's 2007 Land Inventory and Capacity Analysis that, subject to some dramatic change in current and projected growth, there is adequate land to accommodate future demand for residential growth in Electoral Area 'H' until 2036 if not beyond.

The RDN's 2007 Land Inventory and Capacity Analysis calculated capacity for an additional 3,042 residential units in Electoral Area 'H' based on OCP land use<sup>4</sup>. With an average Census household size of 2.4 this means that there is the potential to accommodate an additional 7,300 people based on existing land use policies. While some of this residential capacity (13%) is within existing Rural Village Centres the majority (87%) of the residential growth potential is outside RVCs and mostly on lands designated Rural Residential.



The significant growth potential outside of the existing RVCs in Electoral Area 'H' is an important consideration in evaluating the need for another RVC in Electoral Area 'H', particularly when the existing RVCs continue to struggle to maximize their potential due in part to the ample development potential outside their boundaries.

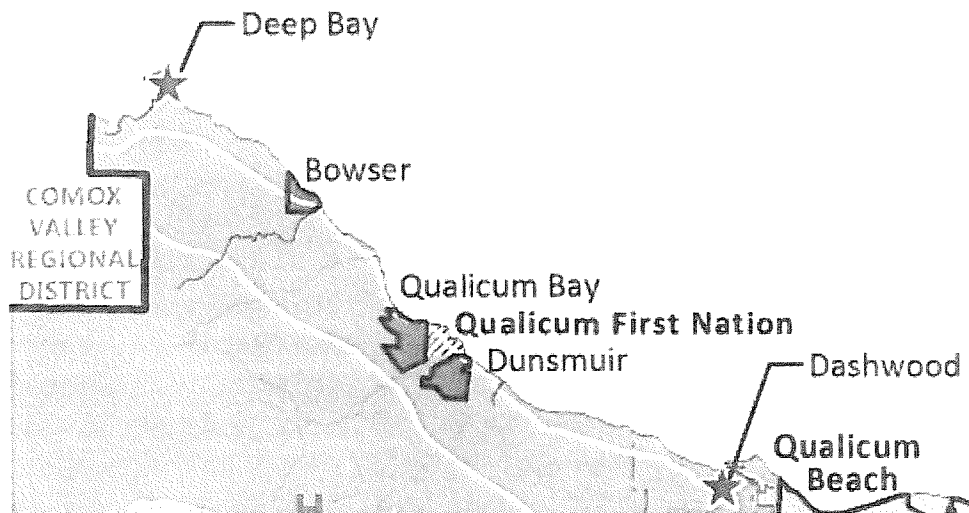
Based on future demand for housing, there is currently no demonstrated need at either the local or regional level for a new RVC at Deep Bay. The proposal mentions a planned expansion of oyster production for a specific company within the shellfish industry and the role of an adjacent Centre for Shellfish Research in drawing "a large number of people to the community for various programmed events". However, no details are given about what this means in terms of an increased demand for housing and commercial space and how the proposed development would accommodate these needs.

<sup>4</sup> This calculation for the 3 Area 'H' RVCs was based on existing levels of servicing and prior to the completion of the Bowser Rural Village Centre Plan. With wastewater treatment systems in place there would be greater residential capacity within the existing RVCs.

Since the RDN Board put the application on hold, changes to the RGS now allow OCPs to include policies that allow more flexible density based rural residential development rather than the standard parcel size based form of development. The 2011 RGS now allows for OCPs to include policies that support “Alternative Forms of Development” on lands designated Rural Residential. A suite of potential options for communities to consider in their OCPs are outlined in the study received by the Board. The intent of these options is to provide creative solutions to mitigate the environmental impacts of ongoing fragmentation of rural lands currently allowed through the traditional subdivision process. This would allow for clustering of development (without any increase in allowed density) in order to preserve environmentally and archaeologically sensitive areas as well as hazardous lands. Alternative forms of rural development also promote opportunities to service land more efficiently with roads, water and wastewater systems.

## 2. Impacts on other established village centres

Electoral Area ‘H’ has three designated RVC’s - Bowser, Qualicum Bay and Dunsmuir. Bowser, the closest RVC to the proposed development, is recognized as the commercial centre in Electoral Area ‘H’ with the greatest variety of commercial services and amenities. In contrast to the mostly residential land uses in Dunsmuir, Qualicum Bay has a greater mix of uses and distinct character with its established tourism focus and location of key community amenities serving Area ‘H’ (including the Lighthouse Community Hall, Ambulance and Fire Station).



Bowser performs well in the RVC study evaluation categories both regionally and compared to the other areas included in the study for Area ‘H’ (see Attachment 3). Region-wide Bowser performs the second best in all the evaluation categories behind Cedar RVC which is ranked the highest overall. Qualicum Bay, Dunsmuir and the Deep Bay study area ranked mid to low in all the evaluation categories with Qualicum Beach ranking fourth place and Dunsmuir and the Deep Bay study area ranking fifth. Arguably if Deep Bay were developed according to the concept included in the application it would score higher based on having a more walkable, compact design and wastewater services.

The RVC study indicates that commercial development at Deep Bay “would likely negatively impact some sales from Bowser” noting that “Bowser could be expected to continue to capitalize on tourist spending, and spending from the Deep Bay area if the development at Deep Bay does not proceed” (RVC

Study pages 61, 63 and 67). The study does not speak to negative impacts of the proposed Deep Bay development on Qualicum Bay and Dunsmuir. That being said, the RV Park included in the proposed development at Deep Bay is likely to have an impact on similar tourist accommodation businesses like the RV parks in the Qualicum Bay area as well as the smaller resorts in Bowser.

### **3. Does it contribute to Regional Goals?**

At the site level, the layout and design of the proposed new village centre at Deep Bay as shown in the concept plan has many of the desirable characteristic the RGS outlines for compact, complete communities. This includes a mix of uses, range of housing types, and community gathering spaces organized to create a compact and walkable community. The proposed layout aims to protect the environment by setting aside 41 ha of the development as dedicated parkland in order to protect significant ecological sites and provide community amenities (including trails, parks and community gardens).

With respect to the specific goals of the RGS, the following discussion outlines how the proposed application contributes to the goals of the 2011 RGS:

#### **1. Prepare for Climate Change and Reduce Energy Consumption**

From an energy perspective the applicant indicates that they support the use of LEED principles and promote the use of Alternative Development Standards that use building design, landscaping and site design to reduce infrastructure costs and reduce energy consumption. Onsite rainwater management techniques, walking trails, bike paths, recycling and waste reduction measures are all cited as ways of reducing greenhouse gas emissions.

In terms of including adaptive measures to prepare for the impacts of climate change, the proponents indicate that design elements will be used to help mitigate the impacts of the urban heat island. The proposal indicates that an integrated water management plan will be developed that includes onsite rainwater management and technologies to reduce and re-use water. Furthermore, the intent to retain green space and set back any development from coastal waterfront can also be viewed as an adaptive measure given the increased risks of erosion and landslide associated with more extreme weather events and sea level rise that is anticipated as a result of climate change.

The biggest challenge for the proposed application, from an energy reduction standpoint, is that although the development concept includes a compact, well connected layout that supports walking and cycling and reducing energy consumption, the densities are not high enough to support a truly walkable and transit supported community. The application does not clearly show how it will help reduce energy consumption given that the proposed residential and employment densities are not close to what is needed to support transit or walkability (in terms of going beyond recreational needs to meeting daily employment, retail, educational and other service needs).

#### **2. Protect the Environment**

According to studies submitted with the application, the site has been heavily disturbed through logging activities resulting in damage to watercourses. The proponents commit over 50% of the development site area to park and open space with areas set aside for conservation and rehabilitation.



The proposed development concept includes day lighting streams and habitat enhancement to encourage restoration of fish habitat.

The proposal indicates that best practices will be used to conserve, reduce and re-use water as well as for treating wastewater (although it does not say specifically how this will be done). Water for the proposed development would be supplied by the Deep Bay Improvement District (DBID) which uses groundwater supplies. Preliminary studies provided by DBID indicate that there is sufficient capacity to provide water to the Development. The developers indicate that a variety of alternative development standards would be used to reduce the amount of impermeable surfaces.

The impacts of the proposed development versus what would be allowed under current regulations on groundwater re-charge and the marine environment are at this stage unclear. On the one hand there are indications that higher levels of groundwater vulnerability and negative impacts on the marine water quality tend to coincide with the location of development and intensity of human activity. However there appears to be limited research on which types of human activity are most damaging because it is very difficult to identify the source point of contamination.

The proposed development would require a community wastewater treatment system. Benefits to the shellfish industry are mentioned several times in relation to providing a community wastewater treatment system that could be eventually extended to existing neighbourhoods. If a community wastewater treatment system is built and local residents are willing to invest in infrastructure to access community wastewater treatment then this could potentially address issues of ageing and failing septic systems. More study is required to determine the feasibility of this and understand the financial implications for the RDN and local residents.

Details about the method of wastewater treatment are not fully defined. There are preliminary indications that land based disposal would be considered with potentially some spray irrigation for agricultural use and re-use of treated water to enhance stream flows. Additional detailed information is required to fully determine potential impacts arising from this proposal.

Concerns about the impacts of the currently allowed type and level of development upon shellfish aquaculture have been cited as a rationale for supporting the higher levels of development serviced by a wastewater treatment system as proposed in the application. The RDN's recently completed Agricultural Area Plan (AAP) notes the potential conflicts between aquaculture and agriculture as well as the impacts of urban development on both forms of land use. The AAP supports a variety of actions that resolve these conflicts.

There is no demonstrated evidence that more intensive urban development of 386 residential units, 292 RV units, commercial and recreational buildings along with roads and paved recreation areas (tennis courts, basketball courts) serviced by a community sewage treatment system would be any better than the scale of development that is currently allowed. More details on the proposed wastewater treatment system and disposal options are needed to ascertain the environmental impacts of higher density development on a community wastewater treatment system versus lower density development using modern individual or package treatment systems.

### 3. Coordinate Land Use and Mobility

The proposed development is compact, fitting well into a 5-10 minute walking radius (200-400 metre distance) with the majority of residential use within close walking distance of the proposed commercial/retail centre and a variety of recreational opportunities.

At the site level the proposed development concept effectively links land use to inter-connected trails and road networks. This includes separate biking and walking paths, and traffic calming that promotes a range of transportation choices including walking, cycling, rail and car use.

The developer indicates that once the development is *“fully realized there is an economic potential for a shuttle bus service to be developed for residents and visitors”*. Deep Bay currently has bus transit service one day a week. This service has not been well used in Electoral Area ‘H’ since it was introduced in March 2012. Although the development if fully built out would result in a significant increase in current residential density, both the residential and employment densities proposed by the development are too low to support a regular transit system that is economically viable.

A preliminary road transportation study provided by the developer indicates that the development will not have a major impact on existing road networks though there will be a need for improvements to allow for a new highway access to the development site. An additional positive aspect of the proposal is that it would provide road access to the Deep Bay Marine Station that currently does not have dedicated highway access.

### 4. Concentrate Housing and Jobs in Rural Village and Urban Growth Centres

The proposed development aims to concentrate housing and jobs through the creation of a new Rural Village Centre. As a new RVC the development proposal if realized would provide opportunities for a variety of housing types, recreation opportunities and some potential longer term employment through the commercial/retail space.

The number of permanent jobs that the proposed development is anticipated to support at build out is quite low (27 direct Full Time Equivalent (FTE) and 5 indirect FTEs) in contrast to the potential number of residents (approximately 926) that could live in the development at build out. While it is arguable that potential residents might have a home based business, the lack of major growth in local employment suggests that the main market for the development would be retirees or those commuting to workplaces outside the area.

Despite the proposals design concept and expressed intentions to follow a variety of sustainability concepts, including Smart Growth Principles, its green field location outside of the existing GCB remains contrary to the intent of the RGS to concentrate growth within existing mixed use centres within the GCB.

In recognition of the significance of considering changes to the GCB, the RGS (Policy 4.3) requires several criteria to support proposed expansion of GCBs. These criteria and the extent to which they are addressed through the proposal received by the RDN Board are discussed in the Summary/Conclusion.

## 5. Enhance Rural Integrity – Protect and Strengthen the Region’s Rural Economy and Lifestyle.

The proposed development is primarily on lands designated Rural Residential in the Electoral Area ‘H’ OCP. The RGS recognizes that one of the challenges to increasing the proportion of growth within GCBs is the extensive potential for large lot development in rural areas particularly on land designated Rural Residential. Residential development outside of the GCB continues to fragment ecosystems and lands valued for groundwater recharge and aquifer protection as well as resource uses (agriculture, aquaculture, and forestry).

To address this issue the RGS does not support the designation of more Rural Residential land and provides policies intended to minimize the impacts of development that is currently allowed. The RGS also allows for OCPs to be amended to include alternative forms of development on Rural Residential land that would allow smaller minimum parcel sizes outside the GCB providing there is no overall increase in density or the potential number of new lots (RGS Policy 5.13). This is intended to reduce the fragmentation of land and allow for more land to be conserved in order to mitigate the ecological and economic impacts of residential development of rural lands.

The RDN Board received a study on November 27, 2012 that presented a range of options to minimize the impacts of development of Rural Residential lands. This study of Alternative Forms of Rural Development provides a suite of options that can be considered by communities as amendments to their Official Community Plans.

Should the RDN Board decide not to proceed with considering the application to amend the RGS there would be an opportunity for the applicant to request that the Area ‘H’ OCP be amended to include options for alternative forms of development that would better meet RGS goals to protect the environment and rural areas while supporting community appropriate levels of development.

## 6. Facilitate the Provision of Affordable Housing

The development proposal includes: 84 single family attached units, 136 single family detached units, 120 multi-family residential units and, 46 seniors housing units. A range of housing types caters to a variety of life stages from singles, to families to seniors. The proposal indicates that the developer will work with the RDN to explore options including *“the provision of secondary suites and live/work studios and apartments above the commercial space”*. Rental suites can help make housing more attainable for owners and renters. Well designed and adaptable suites can also support the ability of housing to adapt to changing needs of individuals and families.

The application states that a range of price points and tenure types will be available but does not specify what these will be. The application also notes that through the development of comprehensive zoning *“the opportunity is provided to increase densities that allows for the negotiation of public amenities including affordable housing”*. Future negotiated agreements will be required to guarantee that the development will meet the thresholds for affordability that make housing attainable for a range of income levels.

Reliance on owning a private automobile is another factor for housing affordability particularly in more rural areas. The development lacks the densities needed to support an efficient transit service. This means that housing costs will be compounded by transportation costs associated with the need to own a private vehicle to access jobs, schools, retail, medical and other daily needs.

Given the significance of the proposed change, should the Board decided to proceed with considering the application then it would be wise to consider OCP policies to ensure that a proportion of the proposed units in the development meets the intent of RGS Goal 6 and structure agreements so that the provision of affordable housing units are secured and tied to the land irrespective of future changes in ownership.

## **7. Enhance Economic Resiliency**

One of the challenges for local governments is evaluating the full costs of development by weighing anticipated economic benefits with the long term costs of providing services and amenities to low density populations. This level of analysis is rarely undertaken given the complexity of factors involved and the way costs are distributed amongst different levels of government. In rural areas of the RDN this includes ongoing servicing and maintenance of rural roads and storm water infrastructure that are paid for through provincial taxes.

Another challenge is the role of local government in considering the market viability of proposed developments and the financial stability of developers to undertake projects. There are many examples of projects both within the RDN and neighbouring regional districts that have been approved at the OCP level and that have stalled or been scaled back due to lack of market demand or inadequate funds to follow through on the development.

Some may argue that market viability and financial stability of proposals should not be a consideration for local governments in making substantial changes to land use bylaws to accommodate growth. However, a failure to consider market conditions may see local governments undertake processes that are resource intensive and require a high level of community engagement only to be left with lands that remain undeveloped or underdeveloped due to lack of demand for many years. In such cases the lands may change hands multiple times over many years before being fully developed. The result is any anticipated benefits to the community of accepting significant land use changes may not be realized.

Should the Board support the development proceeding, the applicant's economic study<sup>5</sup> estimates that from project start-up to build out "total government revenue from the project is expected to be \$14.3 million by 2025" of which \$8.4 million would be generated by regional property tax and \$1.66 million from RDN permits and fees. The RDN is estimated to benefit from over \$925,000 in anticipated annual tax revenues once the project is fully build out.

The applicant puts forward estimates for employment generated during the construction phase and resulting from the commercial development after build out is completed. Forecasts for retail expenditures by residents of the proposed development are also provided with estimates of \$25 million being generated by build out. This is based on an anticipated 60% average occupancy rate of the RV

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<sup>5</sup> Deep Bay Benefits Analysis, G.P. Rollo & Associates, Land Economists Ltd, January 2010, Section 8, page 13, Deep Bay Development Concept.

park. The commercial space if built out is estimated to create 27 FTE direct jobs plus and an additional 5 FTE indirect jobs.

The RGS supports the provision of new tourism facilities and developments that attract new tourists and increase length of stay (Policy 7.11). In keeping with this policy, the proposal includes RV Resort Units with 292 spaces and a range of amenities intended to attract longer term visits. Increased tourism would benefit local businesses including the proposed retail on the site. Like retail, employment in service industry jobs related to tourism are typically not high paying. Nevertheless there would be spin-off opportunities for small business to capitalize on tourism traffic.

It is not currently known whether or not there is demand for an RV park of this scale and to what extent a new RV park in this location would impact business for existing RV parks in electoral Area 'H' and other tourist accommodations like bed and breakfasts, motels or resorts. Although not intended, the RV park may also potentially be used as a form permanent housing. This is difficult to regulate and occurs in other areas of the region where RV parks are allowed.

## **8. Enhance Food Security**

The RDN Board adopted the region's first Agricultural Area Plan (AAP) on October 23, 2012. The AAP was created with the input of a diversity of stakeholders including agricultural and aquaculture producers, processors, retailers and consumers.

One of the AAP's Goals is to "Support Agriculture and Aquaculture in Land Use Regulations and Policies". A specific action identified under this goal is to "continue to work with member municipalities to encourage the efficient use of existing urban and future urban lands as identified in the RDN's Regional Growth Strategy" (7.1E page 53 AAP).

Both the RGS and AAP support aquaculture and agriculture. The AAP recognizes the potential sources of conflict between agriculture and aquaculture, in particular citing "*issues of water use and the potential effects of runoff from agricultural and urban land uses into aquaculture sites*" (AAP page 2). This includes coordinated actions to address surface water issues and concerns (4.2B) such as strengthening the RDN's development approval process to consider the water-related impacts of new development on both aquaculture and agriculture (7.1D).

In keeping with RGS policies, the majority of the ALR lands on Lot C within the development proposal are not identified for subdivision or development aside from a portion identified for commercial along Highway 19A. The ALR lands on Lot C are identified as being potentially suitable for wastewater disposal using spray irrigation.

## 9. Celebrate Pride of Place

The proposed development includes a variety of initiatives that support Goal 9 of the RGS. This includes:

- Protection of the waterfront areas that include archeological and environmentally sensitive sites.
- Public access to the waterfront and recreational areas through parks and trails.
- Extensive areas set aside to preserve ecologically sensitive areas.
- A community centre and amenities that are intended to be accessible to the wider community beyond the development.

The proposed development site is in an area of great historic and cultural significance to First Nations particularly Qualicum and K'ómoks First Nation. The application includes a summary of Archaeological Studies, Future Requirements and Opportunities for the site that states *"the archaeological site on the property may be one of the most significant in British Columbia"*. The summary references an Archaeological Impact Assessment (AIA) that was finalized in 2007 (also included in the application) that clearly maps out a site on the northwest coastal boundary of the site which shows signs of *"long-term prehistoric human occupation"*. The summary notes that if this site (identified as DiSe 13) can be avoided then no further archaeological studies will be required.

It should be noted that the AIA was done using an early development concept that is not part of the current application. In keeping with the RGS policies to protect important historic and cultural resources and cultural sites (Policy 9.1), the proposed development concept appears to dedicate the majority of this DiSe 13 area as "natural open space" however, there appears to be proposed trails and possibly residential development either within or close to the DiSe 13 boundary. If the Board allows the application to proceed then the AIA mapping should be updated to show how the proposed development concept will affect the archaeological areas identified.

## 10. Provide Services Efficiently – Provide Efficient, Cost-Effective Services and Infrastructure.

The RGS does not support the provision of *"new community water and/or sewer services to land designated as Rural Residential"* with the possibility of exceptions *"in situations where there is a threat to public health or the environment due to the domestic water supply or wastewater management method being used"* (Policy 10.2).

The RGS also supports new community water and wastewater systems that are publically owned (Policy 10.3). The proposed development would tie into the water services provided by the Deep Bay Improvement District (DBID). The proposal includes a preliminary servicing report that indicates that the DBID aquifer has enough water to supply the development (along with existing development). However, the water system does not have sufficient capacity (water storage volume and piping network) to provide the flows needed for water consumption and fire protection.

As there is no nearby community wastewater treatment system, the proposed development requires a new system. Based on RGS policies this would have to be publically owned. The servicing report indicates that the *"entire wastewater system will be privately owned, operated and maintained by the strata corporations set up during the development"*. Should the application proceed, further

information regarding the provision of wastewater treatment and ownership would need to be resolved.

The RGS also includes a policy (10.7) about not rezoning lands to implement OCP policies for higher density development until community water and sewer services can be provided. Given the significance of water and wastewater treatment on the ability to develop to the densities proposed, if the Board supports the development application to proceed then proof of water and wastewater treatment will be required as part of the RGS and OCP amendment process.

Consistent with the RGS (Policy 10.10) the application indicates that the developer will work with the RDN to develop a system for three streams of onsite solid waste recycling. This includes providing facilities for recycling, composting and a section for re-use of household goods.

## **11. Enhance Cooperation Among Jurisdictions**

The decision about whether or not to proceed with reviewing this development application has implications for relationships with the development industry and private land owners with regard for supporting the growth management goals of the RGS. Considering an application of this magnitude sets a precedent that other applications to consider major changes to the GCB will be considered in rural electoral areas. If the RGS is continually challenged and amended, this will compromise attempts to get support for a coordinated approach to growth management and 'buy in' to the RGS.

Allowing the application for proposed development in Deep Bay to proceed does not necessarily mean the RDN Board will approve the development. It does however establish an expectation for considering future applications for developments that require significant amendments to the Growth Containment Boundary to create new RVCs.

### ***Official Community Plan Implications***

Lots A and B are currently designated Rural Lands in the OCP with a minimum parcel size of 4.0 ha (10 acres). Lot C is within the ALR and designated in the OCP as Resource with a minimum parcel size of 8.0 (20 acres). A small portion of Lot C, located to the north of Highway 19A, is proposed for commercial development. To allow the proposal as currently expressed, the rural designated properties would need to be amended to the village centre designation. The portion on the northeast corner of Lot C would also need to be included in the new village centre designation as the OCP requires (Policy 2, Section 5.5 – Village Centres) that *"commercial sites shall only be located in areas designated as village centres"*. This proposed commercial area would also need to be removed from the ALR.

OCPs are created for and by the community. They are policy documents that reflect community expectations regarding future land use and development for a defined area. Significant changes to OCP policies require comprehensive public consultation with the community. The public consultation section of the proposal outlines a lengthy list of meetings and discussions with consultants, local individuals, groups, commercial interests, RDN staff and other stakeholders undertaken in the development of this proposal. Although there appear to be a few Open Houses providing information to the community, as a whole the Electoral Area 'H' community (and the RDN Board) has not had the opportunity to fully discuss, debate and understand the implications of a new rural village centre. Furthermore, as the

designation of a new rural village centre has region-wide implications there have also been no opportunities for the regional community to provide input.

The Board will recall the lengthy and comprehensive process to develop the Bowser Village Centre Plan involving the Electoral Area 'H' community. A similar process for the Cedar Village Centre in Electoral Area 'A' was initiated in 2011 and is still underway (Cedar Main Street Project). These planning processes provide community members with an opportunity to 'flesh out' the detail of community expectations for development in rural village centres that already exist and that are recognized within an electoral area OCP and the RGS. Given the significant changes expected and required by the creation of a new rural village centre, from an OCP perspective, consideration of such a proposal would benefit from a full community consultation process along the lines of the periodic full OCP review.

### ***Sustainability Implications***

As with the growth management implications, the sustainability implications must also be considered at the site level and the regional level. At the site level, the applicant is proposing to take several measures to make the development more sustainable. Among the measures focused at the site level: a compact walkable community, a mix of housing, local shops and services, green buildings, preservation of greenspace, the potential for local food production, narrower streets, on-site rainwater management and servicing.

At the regional level however, the proposal requires that a new rural village centre be created in a location that is not currently intended as a developed area. RVCs are intended to accommodate smaller amounts of growth in keeping with their rural settings. To date there is no information that supports a demonstrated need for a new RVC in this location particularly when adjacent RVCs and surrounding rural areas have ample land for future residential growth.

There are aspects of the proposed development at Deep Bay (including the full servicing of development) that set it apart from many of the existing RVCs that continue to struggle with implementation. The benefits of a fully serviced development could possibly be extended to existing development in Deep Bay. However, more information is needed to fully understand the implications to the RDN and community members if the RDN is asked to be responsible for the wastewater treatment system in this area.

### ***Public Consultation Implications***

The RGS and 2013-2015 Board Strategic Plan both support transparency in decision making and involving community members in decisions that affect them. The *Local Government Act* requires opportunities for public consultation regarding amendments to Official Community Plans and the Regional Growth Strategy.

To date, the Area 'H' Community and the wider RDN regional community have not had an opportunity to fully discuss and understand the implications of the proposed changes put forward in the application. As per the statutory requirements, the Board must approve a public consultation plan for RGS amendments considered under both regular and minor amendment processes. The plan will identify meaningful opportunities for the public to speak to the amendment in relation to the regional sustainability goals of the RGS.



Considering the scale of the amendment and the provisions in the OCP for comprehensive consultation with the community, it would be necessary to consider a more extensive process than undertaken for previous RGS amendment applications. As outlined in the Financial Implications of this report, this consultation process is both yet to be fully outlined and is not part of the departmental work plan established in the 2013 Business Planning and Budgeting process.

### ***Inter-governmental Implications***

A decision to alter the Growth Containment Boundary would be of interest to member municipalities who have jurisdiction over lands intended to receive the majority of the Region's future growth along with adjacent regional districts and their member municipalities as well as First Nation governments.

Should the EAPC support bringing the application forward and the Board agree to consider it as an amendment to the RGS then it will proceed as a 'regular' amendment to the RGS and follow a legislated process as outlined in the *Local Government Act* (see Attachment 4). If the addition of a new RVC at Deep Bay is approved through a full Electoral Area 'H' OCP review process then it can be considered as a 'minor amendment' to the RGS. This means that it can proceed through a relatively less onerous RGS amendment process. *Attachment 5* shows the steps involved in a minor amendment process.

As outlined in the 'regular' and 'minor' RGS amendment process (Attachment 4 and 5), consideration of the application will require referrals to each member municipality and adjacent Regional District. Referrals will also be provided to provincial and federal agencies and First Nations. Section 857 of the *Local Government Act* requires that before an RGS amendment can be adopted by the Board, it must be accepted by each member Municipal Council and adjacent Regional Board during an established referral period. If one or more local governments do not accept the amendment, then the Minister of Community, Sport and Cultural Development will establish a dispute resolution process between the affected parties.

### **SUMMARY/CONCLUSIONS**

Following the completion of a region-wide study of Rural Village Centres, the EAPC can now re-consider an application to create a new Rural Village Centre at Deep Bay in Electoral Area 'H'. An amendment to the RGS is required to support the proposed development which involves including an area of 76 ha inside the GCB .

The development proposal must be examined from both the site level and the regional level. At the site level, the proposal is to create a master planned resort community based on compact residential neighbourhoods that are walkable to a central commercial area that includes small retail, a community building and public gathering spaces. The applicant proposes 51% of the land be designated for park land and open space, being used for trails to connect the community and for conservation of the undisturbed natural areas of the site. The proposal also envisions development that is fully serviced by the local water district and a strata operated sewage collection and treatment system. While it does have a mix of uses and range of housing types, the proposed densities are low for a newly designated village centre.

From a regional growth management perspective, the proposal does not fit with the RDN's established growth management strategy which is aimed at containing growth within existing designated urban areas and village centres. Indeed, the proposal presents significant competition to existing RVCs that are not yet fully realized or able to reach their own potential as desired under the RGS and respective OCP.

While the proposal provides for positive action on a number of goals established in the Regional Growth Strategy it does not address in a comprehensive way the established RGS policy requirements for a GCB expansion.

| Requirement for GCB Expansions<br>(RGS Policy 4.3)                                                                                                                                                                                                                                                                                                                                                                                              | How well requirements are addressed by the application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• A land inventory demand and supply analysis that assesses the need for additional land to be included within the GCB and the impact the proposed expansion would have on the development of land inside GCBs located elsewhere in the region;</li> </ul>                                                                                                                                               | <p>The application does not show a demand for the proposed residential or tourist development. Nor does it provide an evaluation of the impacts upon other developable land inside the GCB located elsewhere in the region.</p> <p>The last region-wide residential land inventory demand and supply analysis done in 2007 showed that there was ample land in the region and in Area 'H' to accommodate anticipated growth. Since then the 2011 Census showed that growth was slower than anticipated and predominantly occurring within the GCB in Urban Centres like the City of Nanaimo. There has also been a significant increase in land included in the GCB.</p> <p>The RVC study reinforces findings that there is ample development capacity in existing RVCs and discusses the impacts of the proposed RVC in Deep Bay upon Bowser.</p> <p>An updated land inventory would be useful to verify information that strongly suggests that there is no need for additional land to be included in the GCB.</p> |
| <ul style="list-style-type: none"> <li>• A land use concept plan;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                    | <p>The application includes a well-developed land use concept plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>• An environmental impact assessment that identifies environmentally sensitive areas;</li> </ul>                                                                                                                                                                                                                                                                                                         | <p>The application includes an "Ecology and Wildlife Assessment" that identifies environmentally sensitive areas including wetlands, riparian areas along with nesting and perch trees. It is noted that this assessment was used to guide the development of the land use concept.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>• A surface water or hydro-geological study that assesses the availability and quality of water to service the proposed development with a community water system, and the potential impacts of development on watershed function, including recharge capacities and surface runoff, as well as, on long term water supply to existing development and undeveloped lands located within GCBs;</li> </ul> | <p>The application includes a "Ground Water Feasibility Study". The study provides information about the long term capacity of aquifers in the Deep Bay Improvement District to supply water to the development in addition to existing development.</p> <p>Also included is an "Aquatic Resource Environmental Assessment Report" which provides a list of objectives that it is recommended that the development meet. More detail is needed about the measures that will be taken and the potential impacts of the development on watershed function including recharge capacities and surface runoff.</p>                                                                                                                                                                                                                                                                                                                                                                                                         |

| Requirement for GCB Expansions<br>(RGS Policy 4.3)                                                                                                                                                     | How well requirements are addressed by the application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                        | Further study that includes the use of a water balance model would help understand the impacts of the proposed development concept on rainwater management and the watershed as a whole.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>• A study that identifies how wastewater disposal will be addressed and what the impacts will be on the capacities of existing treatment facilities;</li> </ul> | <p>The application includes a "Wastewater Treatment and Disposal Considerations Feasibility Report" that discusses potential options but does not specify how wastewater treatment and disposal will be addressed.</p> <p>This is a preliminary report that indicates the need for a proper Environmental Impact Summary to be done to establish the impacts of the selected option for wastewater treatment and disposal. This information is needed to evaluate the environmental impacts of the proposed development.</p> <p>There are no nearby treatment facilities for the proposed development to connect to or have an impact upon so this information is not needed.</p> |
| <ul style="list-style-type: none"> <li>• An evaluation of the impacts on community vulnerability to disasters and impacts upon the provision of emergency services;</li> </ul>                         | <p>The application includes a 2005 Geotechnical Report that recommends the suitability of the site for residential use provided appropriate setbacks (10-5 meters) are used for waterfront and riparian channel slopes that have a higher risk of failure due to seismic events or erosion.</p> <p>This report does not include an evaluation of the proposed developments impact on community vulnerability to disasters and the impacts upon the provision of emergency services (police, fire, ambulance). Further study would be required should the application proceed.</p>                                                                                                 |
| <ul style="list-style-type: none"> <li>• An inventory of aggregate deposits within the proposed boundaries of the GCB;</li> </ul>                                                                      | There is no inventory of aggregate deposits provided with the application. This would be required should the application proceed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Requirement for GCB Expansions<br>(RGS Policy 4.3)                                                                                                                                                                                                                               | How well requirements are addressed by the application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• A transportation study that identifies:</li> <li>• Existing road traffic conditions;</li> <li>• Downstream impacts of additional traffic resulting from the proposed development; and</li> <li>• Demand for transit service.</li> </ul> | <p>The proposal includes a "Traffic Impact Assessment" conducted in January 2011 that focuses on vehicular traffic by looking at existing conditions and forecasting anticipated changes based on the build out of the development.</p> <p>The traffic assessment indicates that the developer should provide a new intersection for an access road to the development from Highway 19A. The assessment concludes that such an intersection would be able to accommodate the anticipated peak traffic flows post build out with a stop control until 2020. The study concludes that additional traffic resulting from the development will have little impact on the adjacent roads and the intersection of Gainsberg Road/Highway 19A.</p> <p>The traffic impact assessment does not discuss the anticipated demand for transit although the application mentions the possibility of a shuttle bus service and working with the RDN to provide transit. This information would be required should the application proceed.</p> |

From an OCP perspective a proposal of this scale and scope necessitates a broad and comprehensive community review, such as that typically undertaken during the review of an Electoral Area OCP. At this time a review of the Electoral Area 'H' OCP is not included in approved departmental work plans nor is such a review expected to be considered in the near term.

Considering the housing and RVC needs of Electoral Area 'H' and the region as a whole there is no demonstrated need to designate a new Rural Village Centre given the following factors:

- Adequate undeveloped land in the RDN's existing RVC's and Rural Residential designated lands to accommodate future growth;
- Existing capacity to absorb future population growth in the region's Urban Centres including large proposed developments in Nanaimo;
- Potential impact from proposed developments in the adjacent Comox Valley Regional District including a large development in Union Bay which may affect the successful implementation of the proposed development plan;
- Potential negative impacts on the Bowser RVC if there is additional retail growth in Deep Bay to compete for the same pool of residents;
- Potential negative impacts on small resorts, tourist accommodation and RV Parks in Bowser and Qualicum Bay as the proposal will provide significant competition to existing operators; and
- Likely negative impacts on the residential growth in Bowser due to competing development potential.

There is currently no demonstrable evidence that a development of this scale with wastewater treatment will have less impact on the environment (including marine ecosystems) than the level of

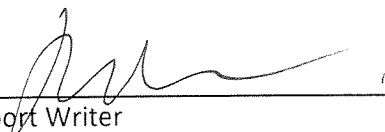
development currently allowed. Particularly given the existence of a variety of policies and legislation to ensure that currently allowed land uses adhere to measures to mitigate impacts on the environment including water quality. This includes the opportunity to amend the Area 'H' OCP to accommodate Alternative Forms of Development.

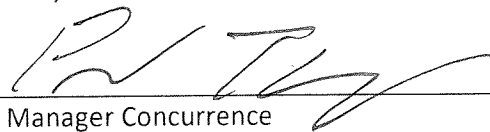
Should the EAPC and RDN Board support the application proceeding staff recommend that the applicant be required to provide further information to fulfill the requirements for proposed RGS amendments and better demonstrate the need for a change of this magnitude to the Area 'H' OCP and RGS.


In light of the information presented in this report Staff recommends the Board consider Alternative 3.

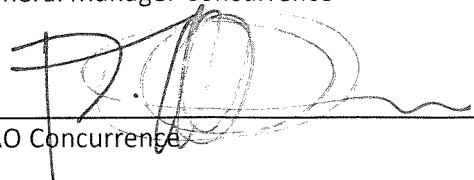
**RECOMMENDATIONS**

1. That the Electoral Area Planning Committee not support the Deep Bay development application by recommending that the Board deny the application.
2. That staff be directed to discuss potential options with the applicant about developing the site consistent with RGS and OCP direction.

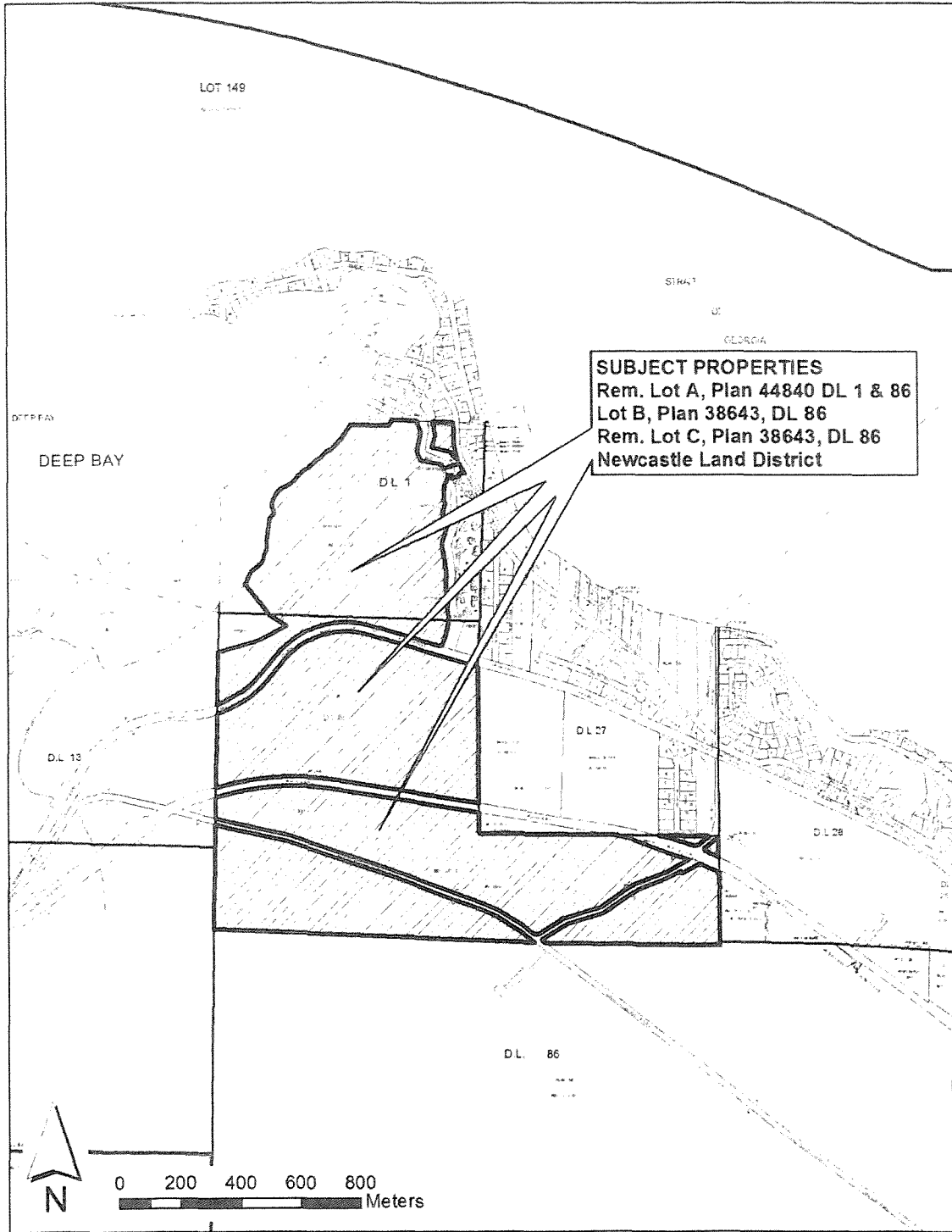
  
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Manager Concurrence

  
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General Manager Concurrence

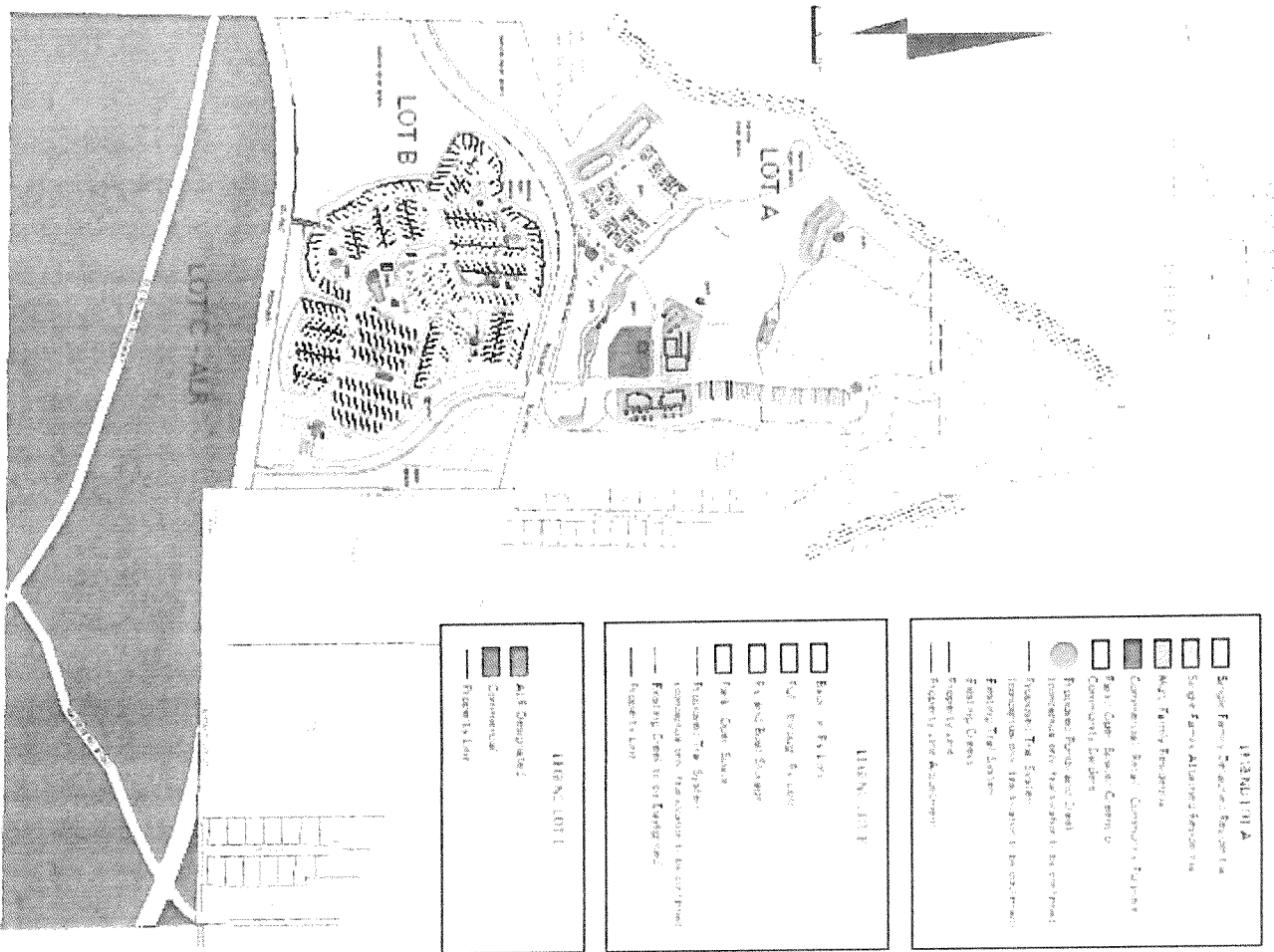
  
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CAO Concurrence

**Attachment 1**  
**Location of Subject Properties in Deep Bay Development Proposal**



BCGS MAPSHEET: 92F.047.3.2

Attachment 2  
 Concept Plan



DEEP BAY DEVELOPMENT

Proposed Development Layout



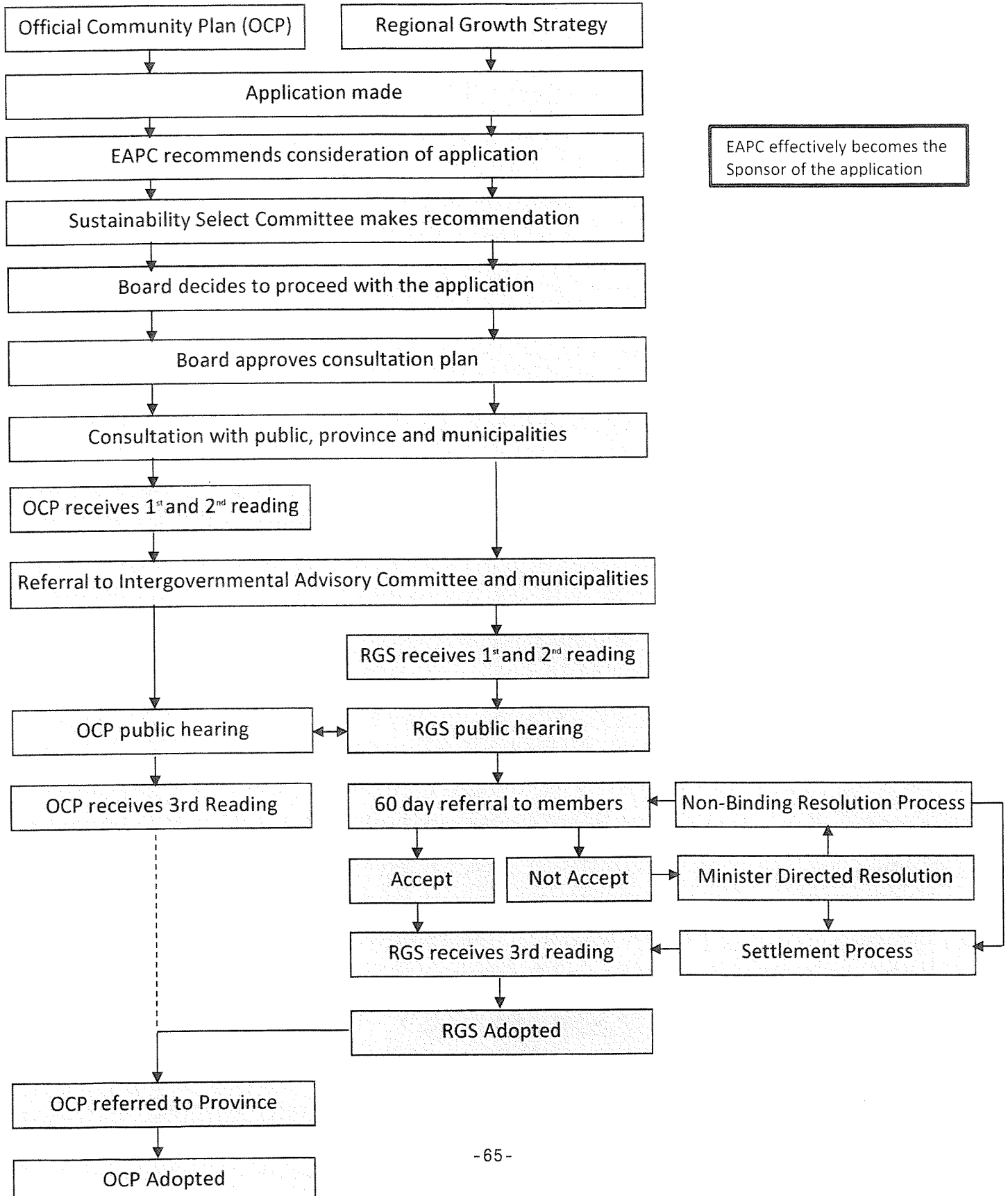
## Attachment 3

The table below shows how the RVC's are ranked relative to each other for each evaluation category and for all three categories combined.

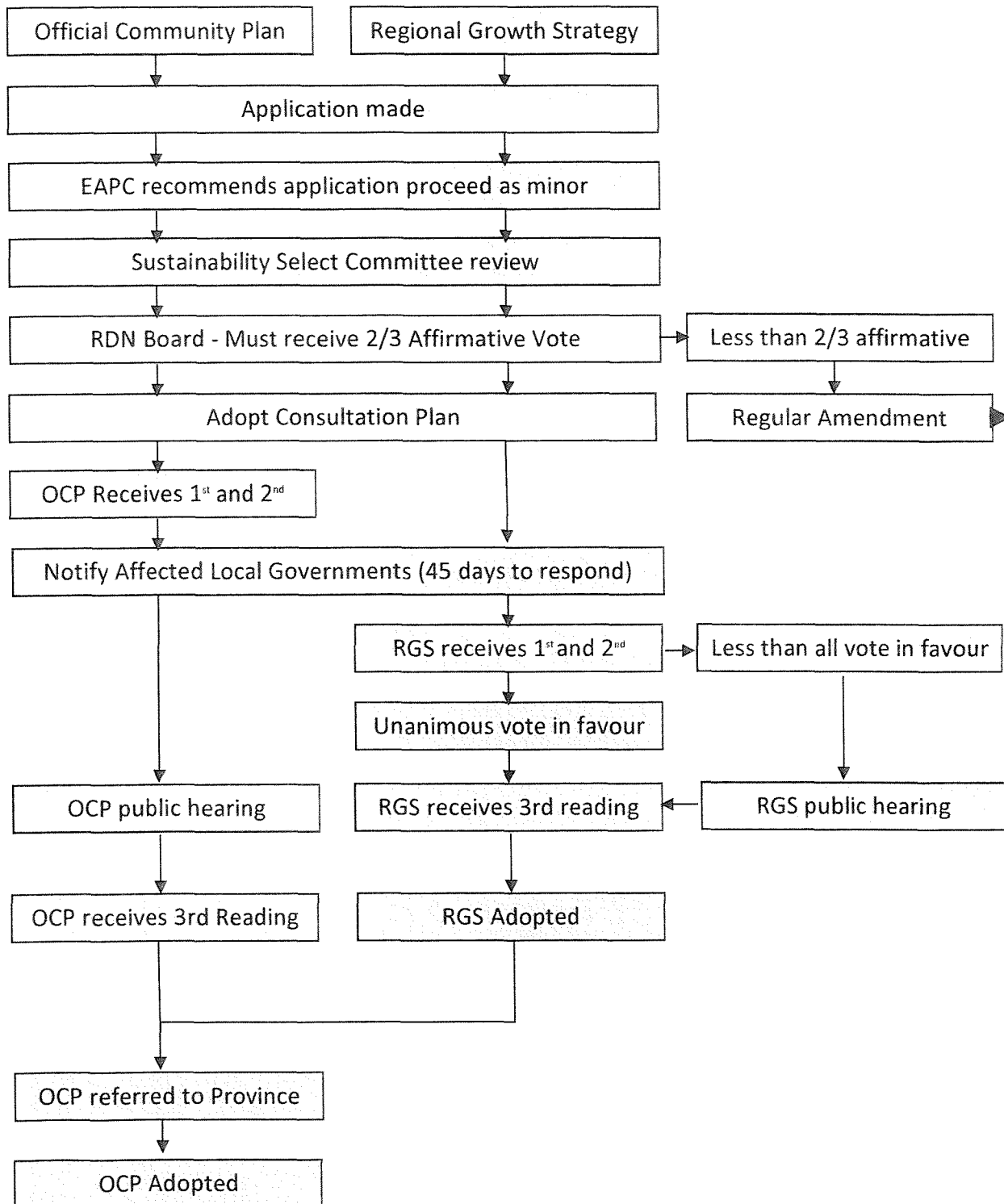
| <b>OVERALL EVALUATION SUMMARY WITH RVC'S RANKED</b> |                        |                                           |                                           |                                              |                                     |
|-----------------------------------------------------|------------------------|-------------------------------------------|-------------------------------------------|----------------------------------------------|-------------------------------------|
| <b>Electoral Area</b>                               | <b>RVC/SA</b>          | <b>Community Structure &amp; Land Use</b> | <b>Development &amp; Market Viability</b> | <b>Water &amp; Wastewater Infrastructure</b> | <b>RANKING<br/>(lowest is best)</b> |
| A                                                   | Cedar                  | 1                                         | 1                                         | 1                                            | 1                                   |
| H *                                                 | Bowser                 | 1                                         | 1                                         | 2                                            | 2                                   |
| E                                                   | Red Gap                | 1                                         | 1                                         | 2                                            | 2                                   |
| F                                                   | Coombs                 | 1                                         | 1                                         | 3                                            | 3                                   |
| E                                                   | Fairwinds              |                                           | 1                                         | 1                                            | 3                                   |
| F                                                   | Bellevue – Church Road |                                           | 1                                         | 2                                            | 4                                   |
| A                                                   | Cassidy                |                                           | 1                                         | 2                                            | 4                                   |
| F                                                   | Errington              | 1                                         | 2                                         | 3                                            | 4                                   |
| H *                                                 | Qualicum Bay           | 2                                         | 2                                         | 2                                            | 4                                   |
| G                                                   | Dashwood SA            | 2                                         | 3                                         | 2                                            | 5                                   |
| H *                                                 | Deep Bay SA            | 3                                         | 2                                         | 2                                            | 5                                   |
| H *                                                 | Dunsmuir               | 2                                         | 3                                         | 2                                            | 5                                   |
| C                                                   | Extension              | 2                                         | 3                                         | 2                                            | 5                                   |
| F                                                   | Hilliers               | 2                                         | 2                                         | 3                                            | 5                                   |
| F                                                   | Qualicum River Estates | 3                                         | 3                                         | 3                                            | 6                                   |



Attachment No. 4  
 Regular Amendment Process for the Regional Growth Strategy – Electoral Area



**Attachment 5**  
**RGS Minor Amendment Process Triggered by OCP Amendment Application in Electoral Area**



Attachment 6

Applicants Submission Supporting the Proposed Development  
Deep Bay; A Rural Village Centre



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## Deep Bay, a Rural Village Centre

Submitted to the Regional District of Nanaimo  
by Baynes Sound Investments Ltd.

May, 2011

## Deep Bay, a Rural Village Centre

Baynes Sound Investments Ltd.  
May, 2011

### Background

Baynes Sound Investments Ltd. has submitted an application to the Regional District for the proposed nodal residential development within the community of Deep Bay. As the subject site is currently zoned for large acreage lots, the Electoral Area 'H' OCP will have to be amended designating Deep Bay as a Rural Village Centre creating the zoning for a higher density.

Located in the most northeast section of the Regional District of Nanaimo, Deep Bay is part of a grouping of small village communities along the Island's east coast referred to as Lighthouse Country ([www.travelbritishcolumbia.com](http://www.travelbritishcolumbia.com)). The largest community within a 50 mile [80 km] radius of Deep Bay is Nanaimo, located about 42 miles [67 km] to the southeast has a population of 84,549 (BC Statistics 2006 estimate). The next largest community is Campbell River, located about 44 miles [70 km] to the northwest of Deep Bay and that has a population of 31,940 people (census 2006).

The community of Deep Bay is both an existing success story and an opportunity for the future. In the early 1800's settlers began to arrive in the Deep Bay area drawn to the logging and fishing opportunities. At the turn of the century a cannery and reduction plant were the prominent industries in the area until 1951 when the cannery closed.

Today the community is home to approximately 1200 residents, has an established Fire Department, and supports it's own water system. The Deep Bay Waterworks District services approximately 594 connections and provides fire protection to 639 properties (DBID Annual Report April 13, 2010). Under the administration of the Deep Bay Harbor Authority, the harbor is the homeport to approximately 300 commercial and pleasure boats during the busy spring and summer seasons, and now has immediate plans for expansion and is undertaking a long term planning study (May 2011).

The Shellfish Industry is the largest employer in the RDN Electoral Area H, specifically within Deep Bay. The expansion to double the oyster production was recently announced by Keith Reid at Stellar Bay Shellfish Ltd. The community of Deep Bay is in the center of one of the most protected shellfish growing areas on the Pacific Coast and is now home to the Region's brand new Vancouver Island University (VIU) Deep Bay Marine Field Station.

The VIU Deep Bay Marine Field Station is located on a seven acre site at the southwest corner of Lot A of the proposed Deep Bay Development. Developed as

a 'green design' facility with anticipated LEED® Platinum accreditation to promote and showcase practical applications of alternative technologies for energy and water usage, the Field station building has recently been awarded the 2011 SAB award, a National Green Building Award for Sustainable Architecture and Building.

The mandate of the Field Station is to cluster scientific, environmental, economic and public engagement programming into one facility thereby creating a centre of excellence and innovation to support sustainable shellfish aquaculture development and preservation of coastal ecosystems (viudeepbay.com). Sustainable Development is the foundation of the Field Station.

The proposed Deep Bay Development fully supports the VIU vision for a more sustainable world and has been designed fully embracing the tenets of Sustainable Development. The proposed development embraces the principles of smart growth and the tenets of triple bottom line sustainability. Our approach has been firmly anchored within this combined philosophy, fully realizing the integration of the social, economic and environmental pillars into land use planning and decision-making.

The design team adhered to the project goals, objectives and principles as well as a specific set of sustainability initiatives. A sustainability matrix and design guidelines will track our goals and ensure that the development is built using the best practices throughout the design and construction. These measures are in keeping with the Regional planning goals for creating sustainable nodal development communities and they fully support the sustainability goals of the VIU Marine Field Station.

## Regional Policy

In the document *Nodal Development: Creating Compact, Complete Mixed-use Communities* the RDN states that in order to help manage population growth and keep the Region sustainable, the Regional growth strategy establishes four clear goals:

- to prevent costly and environmentally damaging sprawl;
- to protect rural areas and farmland;
- to reduce municipal servicing costs; and,
- to improve regional transportation options and connections.

The document further states that one of the most important planning concepts is nodal development (*Nodal Development: Creating Compact, Complete Mixed-use Communities, RDN, pg. 1*).

*“A nodal development is a complete compact, mixed use community that includes places to live, work, learn, play, shop and access services.*

*These communities are called nodal developments because they act as nodes, or hubs, for both the residents living in the centre itself and for the people in nearby communities" (Nodal Development: Creating Compact, Complete Mixed-use Communities, RDN, pg. 2).*

While nodal development tends to be focused within existing urban areas to increase density and create specific communities within the larger urban fabric, the Regional District identifies Village Centres as one form of nodal development. Rural Village Centres are part of the RDN's Regional Growth Strategy focus of managing growth in order to achieve sustainability goals, and which serves to benefit the rural areas of the Region.

The RDN defines Village Centres as "nodes in rural areas in unincorporated electoral areas. With a semi-rural, rustic character, they are intended to provide for limited development of service centers outside of existing urbanized areas and are considered urban enclaves in the midst of more rural communities" (*Nodal Development: Creating Compact, Complete Mixed-use Communities, RDN, pg. 6*).

*"Village Centres are intended to provide for limited development of services centres outside of existing urbanized areas. Lands within the Village Centre designation are intended to be developed into mixed use communities that include places to live, work, learn, play, shop and access services" (Summary VPAG Mtg #8 Apr 15 2009 FINAL.doc, pg.8).*

A sustainable future for Deep Bay will mean planning for growth in a manner more consistent with the RDN Regional Growth Strategy (RGS) at the Village Centre level.

### Benefits of Rural Village Centres

The RDN's Nodal Development: Creating Compact, Complete Mixed-use Communities document states that rural Village Centres create conditions that increase opportunities to live, work, learn and play, and while these Centres are compact and complete, they increase the feasibility of providing cost effective servicing and amenities by concentrating demand.

The benefits to creating a rural Village Centre nodal development include social, environmental, public health, and economic benefits, not only for the Village community but also for the larger Regional community.

Village Centres provide mobility linkages integral to the health of the residents, both physically and emotionally, and to the health of the environment. Bicycle paths, pedestrian walkways, senior and handicapped accessible scooter pathways linking neighborhoods and amenities increase opportunities for healthy, energy efficient modes of transportation, and reduce private vehicle use.

Directing and encouraging denser development within rural Village Centres helps to protect and enhance the rural qualities of life and the interrelated environmental values.

Economic opportunities can be realized through the Village commercial/retail centre, opportunities for home based businesses, enhanced tourist and recreational opportunities and the ripple effect of development: construction related jobs, tax income, etc.

Key planning goals to be achieved within a Rural Village Centre include: increased public transit viability; less driving for daily needs; efficient servicing; expanded housing choices; increased economic opportunity and viability; and the retention of green spaces and ecosystems.

### Proposed Deep Bay Development

The proposed Deep Bay Development is a master planned **nodal community** development with an aggregate area of **341 acres (138 hectares)**. At build out, the development will provide **386** residential units consisting of single family detached, attached, multi family and senior's housing units; 6,975 square meters (75,078.275 square feet) of commercial land with an approximate **1,254 square meter building footprint**; a community building that will house a fitness facility with basketball and tennis courts; a passenger train station; a future transit bus loop; a first class RV resort that will include **292** RV units spaces with **222** back in units and **70** pull through lots along with a **full range of amenities** to support the RV Resort including a clubhouse with pool, laundry facilities, small convenience store, general office, lap pool, golf green, children's play facilities, secured pet areas, washroom facilities, horseshoes, tennis, basketball, badminton and bocce ball.

The proposed Deep Bay Development is committed to preserving **102 acres (41 hectares)** of the total development to parkland/open space/conservation, and community gardens, comprising of over **50%** of the total site developable area\*. \* This calculation includes the two small proposed commercial designations in the northeast section of Lot C –north of the Island Highway - but does not include the road dedications and the ALR designated lands within Lot C).

Both, the residential area and the RV Resort of the proposed development have been designing for an intergenerational population and the design team specifically incorporated our design principles and features into the layout to accommodate an aging population.

## Proposed Development within RDN Policy Context

A sustainable future for Deep Bay will mean planning for growth in a manner more consistent with the RDN Regional Growth Strategy (RGS) at the Rural Village Centre level. Designating Deep Bay as a Rural Village Centre will allow for a higher density mixed-use development to support a variety of sustainability goals and objectives including providing a range of housing types and prices for an aging population, providing community amenities, providing opportunities for reduced automobile use and decreased infrastructure and utility costs, protecting natural open space and habitat areas, protecting ocean and aquifer water quality, and providing economic opportunities.

## Policy Alignment

### **Nodal Structure:**

The proposed Deep Bay Development is a mixed-use development that provides the opportunities to live, work and play, and allows the opportunity to age in place. The proposed development promotes a sense of public community not only through its pedestrian friendly character and a range of public spaces and buildings, but through being inclusive, providing affordable housing and amenities for all age groups, and through sensitive and informed design.

### **Rural Integrity:**

The proposed Deep Bay Development, has adhered to the guiding principle to respect the rural integrity and has applied the universal principles of compact, walkable and complete neighborhoods, and has captured a scale and character appropriate to the rural context and respects the integrity of the surrounding rural community.

### **Environmental Protection:**

The proposed Deep Bay Development concept reflects a deep commitment to the over-arching principles of triple bottom line sustainability and smart growth. The design team has adhered to the commitment of preserving over 50% of the lands to park and open space. We have worked extensively to protect the water supply of the Deep Bay area.

The development will implement best practices into our design for stormwater management, sewage treatment and water systems. With on-site servicing utilizing sustainable and innovative technologies, the proposed Deep Bay Development will not burden the water systems or pose a threat to the existing shellfish industry as is a current concern when implementing the currently



permissible rural large lots serviced with septic technologies.

Pollution from municipal sewage and storm water outfalls, faulty septic fields, agricultural run-off, or discharge from vessels resulted in closures of 121,200 hectares, including shellfish habitat, in 2007, which is a slight decrease in closed area from 2005. There is potential for additional foreshore to be closed each year and the level of contamination in growing waters remains a serious issue. This issue is significant to the commercial fishery because new closures mean a loss of available beach to fish on openings.

In the Baynes Sound area, which is heavily tenured, the aquaculture industry and B.C. Ministry of Agriculture and Lands have worked with the Department, CFIA, and EC to develop a management plan to do extra monitoring of water and shell stock quality to meet CSSP requirements. This initiative is called the **Baynes Sound Management Plan**. The Baynes Sound Management Plan allows for the area to be open at times when rainfall levels are low. The shellfish farming industry must do regular sampling of water quality and have a plan in place to contact shellfish growers when the rainfall exceeds acceptable levels and the area closes. This initiative is a special management plan to allow harvesting in an area with identified fecal contamination under certain circumstances such as heavy rainfall events. Similar initiatives may need to be developed with stakeholders in other areas to address fecal contamination problems.

The Canadian Shellfish Sanitation Program continues to be audited by both the US Food and Drug Administration and the European Union (EU) for assurances that exported commercial product is wholesome and from approved areas. As issues arise with respect to classification of growing waters, harvesting opportunities may be reduced or specific controls put in place. INTEGRATED FISHERIES MANAGEMENT PLAN INTERTIDAL CLAMS, JANUARY 1, 2010 TO DECEMBER 31, 2012 - Fisheries and Oceans Canada

### **Improved Mobility:**

The proposed Deep Bay Development is a walkable and bike-friendly community with enhanced opportunities for hiking. The development provides opportunities for transit links and has allowed for a future transit loop in the design. With the goal of providing alternative modes of transportation, the design includes a passenger train station for the community to easily access the Nanaimo Railway transportation opportunities.

The residential blocks have been designed in short rectangular forms promoting a walkable neighborhood design for all ages. In the residential neighborhood of Lot A, sidewalks, set back from vehicular flow, will be wide enough for both persons with walkers, strollers or tricycles, and will be graded with minimal slopes. Seating opportunities will be provided every 100 meters along every walkway of extended

length. Crosswalks will be raised and clearly delineated with contrasting pavement markings making it easy to identify for both seniors and young children. Parks of varying sizes have been incorporated into each neighborhood, preserving green space while providing opportunities for social gathering, and both passive and active recreation. The landscape plantings within the park areas will be a mixture of both evergreen and deciduous native and naturalized hardy species, which not only benefit the environment but also help the elderly as studies indicate that the seasonal transitions within the natural environment are beneficial to a large portion of the elderly population.

### **A Vibrant and Sustainable Economy:**

The proposed development provides an enhancement of the tourist and recreational economy as well as opportunities for home based businesses, the inclusion of a commercial/ retail centre, Live/Work opportunities and the ripple effect of development: construction related jobs, etc. The Deep Bay Development will significantly contribute to the Regional economy. The project will be developed and marketed over the next ten years, with a value of \$225 million, almost \$25 million will be generated within the local economy through retail, and over \$14.3 million in Regional Tax Revenues as a result of the development over 15 years.

### **Efficient Services:**

The proposed development promotes Alternative Development Standards, which are proven to lower costs of development (environmental and economic), improve quality of life, improve affordability, reduce greenhouse gases, preserve natural habitats and ecosystems and allow for integrated stormwater management techniques and sewer treatment. The development will employ innovative technologies to reduce and re-use water throughout the development, with waste reduction and recycling programs as well as the use of rain gardens and stormwater ponds within the integrated water management plan.

### **Cooperation Among Jurisdictions:**

The Deep Bay Development team has undertaken extensive consultation within the Regional Community. It has the support of the Vancouver Island University as well as the Shellfish Industry. Public open houses have provided very positive and supportive feedback, as well as suggestions that were incorporated into the final concept plan.

Ongoing dialogue with the First Nations continues to build a strong and supportive relationship.

## Why Here? Why Now?

- In 1996 Bowser, Dunsmuir, and Qualicum Bay were designated as Villages “in recognition of their existing and anticipated future role in concentrating retail, service, institutional, recreational and tourist activity”. While it was decided to focus on developing a plan for Bowser Village Centre<sup>1</sup> first, the majority of the Village Planning Advisory Group agreed that the Deep Bay Area should be reviewed along with Qualicum Bay and Dunsmuir when considering the role and status of other Village Centres in Electoral Area ‘H’.
- Deep Bay currently has a population of 1200.
- Deep Bay has an established Fire Department.
- Deep Bay has it's own water system.
- The Shellfish Industry is the largest employer in Area H, specifically within Deep Bay, and is planning an expansion to double the oyster production, as was recently announced by Keith Reid at Stellar Bay Shellfish Ltd.
- Vancouver Island University has a new seven (7) acre satellite campus in Deep Bay, which is dedicated to the research, development, and conservation of the Shellfish Industry. This Center for Shellfish Research, the Deep Bay Marine Field Station, supports the competitive, social and environmental sustainability of the B.C. Shellfish aquaculture industry.
- The programming for the Centre includes scientific, environmental, economic and public engagement. This new facility is expected to draw a large number of people to the community for the various programmed events.
- Currently the Deep Bay Harbor moors approximately 300 commercial and pleasure boats, under the administration of the Deep Bay Harbor Authority.
- The Harbor Authority has approved plans for immediate expansion, and is undertaking a long term planning study (May 2011).
- Deep Bay has it's own yacht club.

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<sup>1</sup> The Bowser Village Plan was completed in 2010. Bowser has a population of approximately 300 residents and has a small commercial/retail centre.

- Tourism within Deep Bay is currently centered on the nautical activities in the Deep Bay Harbor. However, the VIU Center for Shellfish and Marine Research program will soon provide added tourism opportunities.
- The proposed Deep Bay Development will increase tourism opportunities through the proposed **first class RV Resort**.
- Currently, there is no high-end resort in the area for tourists, and there is an overall lack of tourist accommodation available in the area, therefore the proposed Development at Deep Bay will help fill this void.
- The proposed Baynes Sound Investments Ltd. Deep Bay Development will add an environmentally friendly, sustainable development to the existing Deep Bay community. The planned Development is centered on the principles of sustainability, supporting the planning direction of the Regional District, as well as the foundation of the Centre for Shellfish Research.
- The Deep Bay Development proposes a mix of residential units, seniors housing, retail and commercial space, a community centre with recreational opportunities, parks and open spaces, a first class RV Resort with supporting amenities and a dry land storage facility, all of which will provide the much needed accommodation and amenities for students, working people, retirees, and tourists, as well as the members of the existing community.
- The proposed Development **provides attainable housing** and a variety of housing **choices** into the market.
- Deep Bay Development will provide an **accessible connection** of people, land, water, and wildlife.
- The proposed Development **protects the coastal shoreline** and provides public access to the water views.
- The proposed Development provides opportunities for residents to live, work and play and **promotes health & wellbeing** by promoting an active lifestyle.
- The Deep Bay Development has been **designed for an intergenerational population** and **encourages walking and cycling**. Designed as a

pedestrian friendly neighborhood community the Development provides interconnectivity to the larger neighborhood and the Region through providing extended pedestrian trails, connections to existing trails, and a bike lane system.

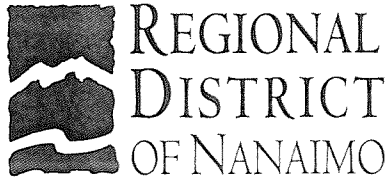
- The Deep Bay Development encourages alternative modes of transportation and **encourages pedestrian movement to a commercial node.**
- The Development provides well-connected streets, incorporating boulevards and **traffic calming measures** with planted street edges, **rain gardens**, planted medians, and **raised crosswalks** with textured pavement.
- The proposed Development preserves & enhances environmental areas, providing over **50% of the site for park and open space.**
- The proposed Development **protects water corridors, restores and enhances damaged aquatic and riparian systems, daylight culverted streams and exceeds regulated riparian setbacks.**
- The proposed Development provides a **comprehensive** approach to **stormwater management** through a connective, multi-functioning infrastructure for **harvesting water, restoring biodiversity, and enhancing the community's sense of place and identity.**
- The proposed development removes servicing operations and responsibility from the Regional District, **reduces infrastructure costs** required to service the development, and proposes a **comprehensive approach to the management and disposal of sewage.**
- The Deep Bay Development provides **long-term economic benefits** to the Regional District through an **enhancement of the tourist and recreational economy** as well as opportunities for home based businesses, the inclusion of a commercial/ retail centre, Live/Work opportunities and the ripple effect of development.
- The proposed Development will be implemented and marketed over the next ten years, with a value of \$225 million, almost **\$25 million will be generated within the local economy** through retail, and **over \$14.3 million in Regional Tax Revenues** as a result of the development over 15 years.

- The proposed Deep Bay Development will also **provide a new entrance to Deep Bay from Highway 19A and provide a second emergency exit.**

## Conclusion

In summary, both the recent and proposed developments within the community of Deep Bay fully support an amendment to the OCP allowing for the designation of Deep Bay as a Rural Village Centre within Electoral Area 'H'.

A sustainable future for Deep Bay will mean planning for growth in a manner more consistent with the RDN Regional Growth Strategy (RGS) at the Rural Village Centre level. The proposed Deep Bay Development fully supports a sustainable future.



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| RDN REPORT   |                                     |       |
| CAO APPROVAL |                                     |       |
| EAP          | <input checked="" type="checkbox"/> |       |
| COW          | <input type="checkbox"/>            |       |
| MAR 26 2013  |                                     |       |
| RHD          | <input type="checkbox"/>            |       |
| BOARD        | <input type="checkbox"/>            |       |
|              |                                     | DATE: |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

March 25, 2013

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** PL2012-141

**SUBJECT:** Request to Accept Cash-in-Lieu of Park Dedication - Keith Brown Associates Ltd.  
The West 60 Acres of Section 10, Range 4, Cedar District, Except Part in Plans 21023, 30315, 32519, and EPP19618 – Boat Harbour Road  
Electoral Area 'A'

**PURPOSE**

To consider a request to accept cash-in-lieu of park land dedication in conjunction with a proposed two-lot subdivision of the subject property.

**BACKGROUND**

The Regional District of Nanaimo has received a development application from Keith Brown Associates Ltd., on behalf of 0907290 BC Ltd., to subdivide the subject property into two rural residential lots. The property is 2.05 ha in site area, divided in two parts by Boat Harbour Road, and is zoned Rural 4 (RU4) Subdivision District 'D' (minimum 2.0 ha) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is vacant and is surrounded by other rural residential parcels (see Attachment 2 for location of subject property).

It is noted that the proposed lots do not meet the minimum parcel size (2.0 ha). Pursuant to Part 4.4.2 a) of Bylaw No. 500, these parcels are exempt from the minimum parcel size requirement because the parent parcel consists of two parts physically separated by a highway (Boat Harbour Road) which was dedicated prior to the adoption of the Bylaw.

The property was recently created through the subdivision (in April 2012) of a parent parcel into four lots and a remainder (Application No. 3320 30 27370). The applicant now proposes to further subdivide the remainder into two lots. The previous subdivision created lots that exceeded 2.0 ha in area so the applicant was not required to provide park land, pursuant to Section 941 of the *Local Government Act*. The proposed lots are less than 2.0 ha in area so this subdivision is subject to the consideration of park land dedication and/or cash-in-lieu of park land.

***Proposed Development***

The applicant proposes to subdivide the subject property under the existing zoning and create two rural residential lots, approximately 0.85 ha and 1.2 ha in area (see Attachment 1 for proposed subdivision plan). The lots will be serviced with on-site potable water and wastewater disposal systems. In order to address the park land provision requirements of the *Local Government Act* the applicant proposes to contribute cash-in-lieu of park dedication.

## ALTERNATIVES

1. To accept the offer of cash-in-lieu of park land dedication.
2. To not accept the offer of cash-in-lieu of park land dedication and instead require the applicant to dedicate 5% park land.

## DEVELOPMENT IMPLICATIONS

### *Park Land Implications*

Where an Official Community Plan (OCP) contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash or a combination of both. Pursuant to the *Local Government Act*, the maximum amount of park land that the Regional District may request for this property is 5% of the total site area, which amounts to 1,025 m<sup>2</sup>. Given that this area would not represent a significant opportunity for park acquisition, the applicant proposes to contribute cash-in-lieu of park dedication in an amount that equals 5% of the market value of the land being subdivided.

The Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011 generally supports obtaining park land to provide public access to waterfront, community recreation, trail linkages, etc. However, the OCP does not identify a need for additional park land within the subject property. OCP Policy 10.1.8 supports the consideration of cash-in-lieu of park where the opportunity for land acquisition is minimal in terms of size or of low benefit or value to the neighborhood. The funds could instead contribute towards the purchase of larger parcels of land which can be enjoyed by the community. Recreation and Parks staff have confirmed that acceptance of cash-in-lieu of park land is a more desirable option for this subdivision.

### *Area 'A' Parks and Open Space Advisory Commission*

The proposal for cash-in-lieu of park land has not yet been referred to the Electoral Area 'A' Parks and Open Space Advisory Commission (POSAC). The applicant has requested instead that the Board consider waiving the requirements of Board Policy No. C1.5, *Review of the Consideration of Park Land in Conjunction with the Subdivision Application Process*, and Policy No. C1.2, *Cash-in-lieu of Park Land*, and accept the cash-in-lieu proposal. In particular, the applicant requests that the Board waive the requirements to complete the following prior to the Board's consideration of acceptance of cash-in-lieu:

- POSAC review;
- Public notification and advertisement;
- Public information meeting; and
- An independent appraisal, to be cost-shared with the RDN, of the land to be subdivided.

This request is not unreasonable given that the preferred/recommended option is to accept cash-in-lieu of park and minimal cash contribution would be compared to the extensive costs and resource implications that the RDN would incur to address the policy process requirements. Accepting cash-in-lieu and avoiding additional consultation is a reasonable option and would expedite the subdivision process while still addressing the park land provisions of Section 941 of the *Local Government Act*.



If the Board does not accept the proposed cash-in-lieu, or support waiving the policy requirements as discussed above, then the completion of these requirements would be necessary before the application could be considered further by the Board.

#### ***Ministry of Transportation and Infrastructure Implications***

The Ministry of Transportation & Infrastructure has reviewed the proposed subdivision and issued a Preliminary Layout Approval (PLA) on February 7, 2013.

#### ***Sustainability Implications***

Staff have reviewed the proposed development and not identified any sustainability implications.

### **PUBLIC CONSULTATION**

#### ***Public Information Meeting***

The proposal for cash-in-lieu of park land has not been presented at a public information meeting. The applicant has requested that the Board consider waiving the policy requirements to hold this public meeting. If the Board does not support this request, the RDN will complete the required notification and coordinate a meeting as per the policy requirements.

### **FINANCIAL IMPLICATIONS**

The subject property has an assessed value of \$242,000.00 according to the 2013 authenticated assessment roll. If the Board supports waiving the policy requirements, the valuation would be based on the current property assessment at the time of Preliminary Subdivision Approval. The valuation of the property in 2013 was \$242,000.00; therefore, the 5% valuation would result in approximately \$12,100.00 to be contributed to the Electoral Area 'A' Community Parks Acquisition fund. If the Board does not support this approach, the applicant and the RDN will share the cost of obtaining an independent certified appraisal.

### **SUMMARY/CONCLUSIONS**

The applicant proposes to subdivide the subject property under the existing zoning (RU4) into two residential lots. The applicant proposes to contribute cash-in-lieu of park land dedication in the amount of 5% of the assessed value of the property. This proposal has not yet been presented at a public information meeting or referred to the Electoral Area 'A' Parks and Open Space Advisory Commission for comments. Recreation and Parks staff have advised that they have no concerns with the proposal to accept cash-in-lieu of park. The applicant has requested that the Board waive the policy requirements for POSAC review, a public information meeting and the requirement for an independent appraisal of the subject property. The Board may choose to waive these requirements and accept the cash-in-lieu. Alternatively, if the Board does not waive these requirements, the application will proceed to public consultation and POSAC review and all policy requirements will be met.

As the offer to pay cash-in-lieu is consistent with the OCP policies and will provide funds for park land acquisition in an alternate location where land dedication is desired, staff recommends that the Board accept the proposed cash-in-lieu of park land.

**RECOMMENDATION**

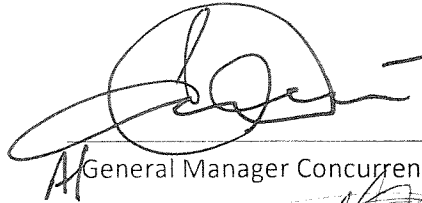
That the request to accept 5% cash-in-lieu of park land dedication in conjunction with Subdivision Application No. PL2012-141 be accepted.



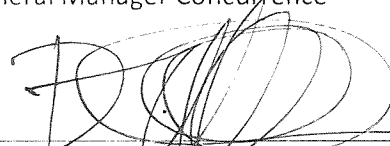
Report Writer



Manager Concurrence

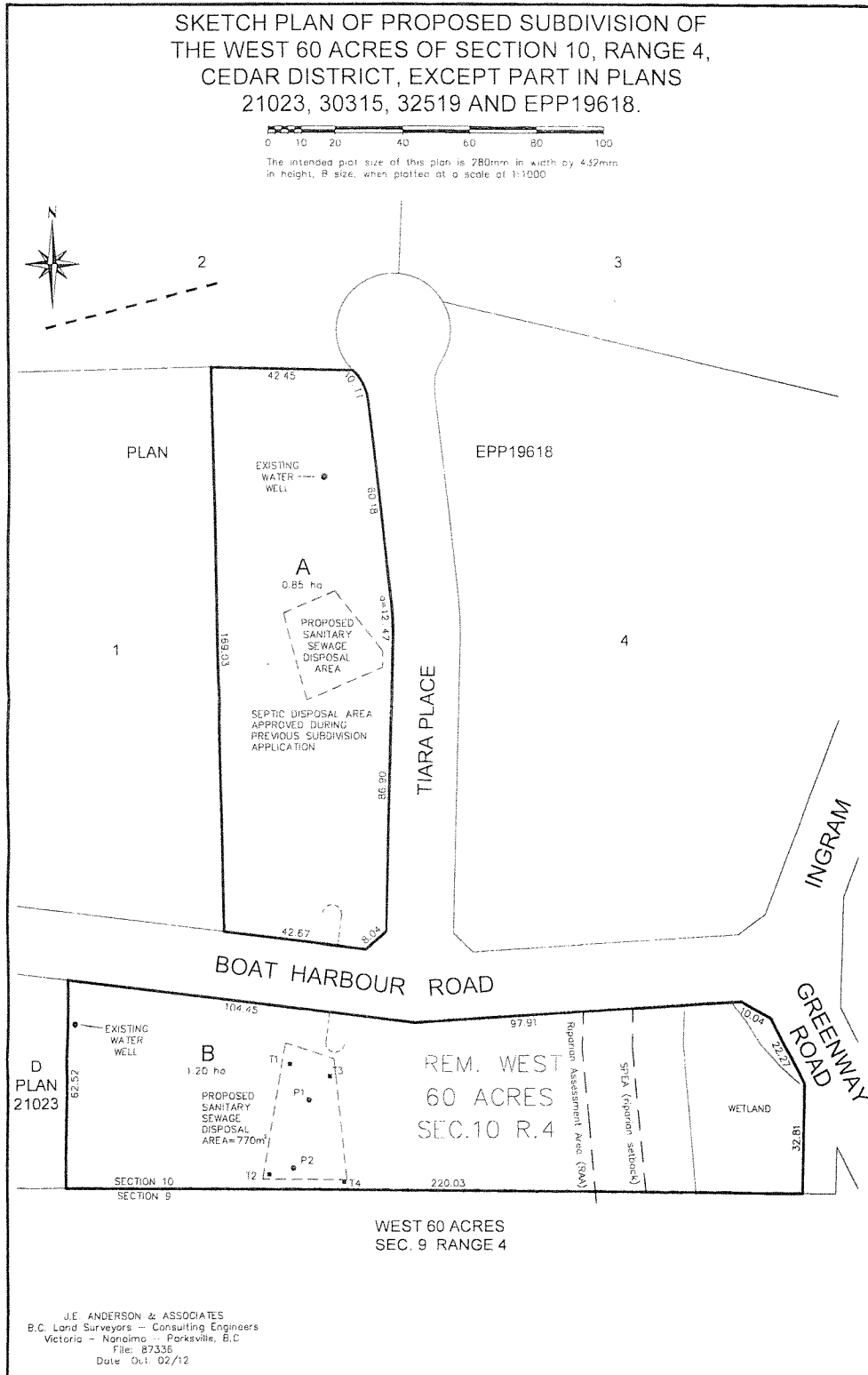


General Manager Concurrence

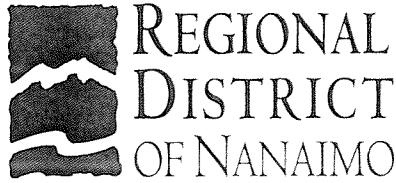


CAO Concurrence

Attachment 1  
Proposed Plan of Subdivision







|              |                                     |   |
|--------------|-------------------------------------|---|
| RDN REPORT   |                                     | # |
| CAO APPROVAL |                                     |   |
| EAP          | <input checked="" type="checkbox"/> |   |
| COW          |                                     |   |
| MAR 26 2013  |                                     |   |
| RHD          |                                     |   |
| BOARD        |                                     |   |
|              |                                     |   |

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** March 25, 2012

**FROM:** Tyler J. Brown  
Planner

**FILE:** PL2013-008

**SUBJECT:** Liquor Licence Amendment Application No. PL2013-008  
Wheatsheaf Entertainment Centre Ltd.  
Lot A, Section 14, Range 1, Cedar District Plan VIP67433 - 1866 & 1870 Cedar Road  
Electoral Area 'A'

**PURPOSE**

To consider a request from Wheatsheaf Entertainment Centre Ltd. to amend the hours of operation of an existing liquor licence for the Wheatsheaf Inn.

**BACKGROUND**

The Wheatsheaf Entertainment Centre Ltd. has applied to the Provincial Liquor Control and Licensing Branch (LCLB) for a permanent amendment to the Wheatsheaf Inn’s liquor primary licence in order to modify the establishment’s hours of liquor sale. The LCLB requires the Regional District of Nanaimo to provide a Board resolution commenting on the permanent liquor licence amendment prior to the LCLB’s approval.

The subject property is located at 1866 Cedar Road in Electoral Area 'A', and legally described as Lot A, Section 14, Range 1, Cedar District, Plan VIP67433 (Attachment 1). The subject property is zoned Commercial 5 (CM-5) pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and is approximately 0.89 hectares in area. The subject property is surrounded by commercial uses to the north and south, residential lots to the east, and the Wheatsheaf ball park across Cedar Road to the west.

The current hours of liquor sales for the pub are 10:00 am to 12:00 am Monday through Wednesday, 11:00 am to 1:00 am Thursday through Saturday and 10:00 am to 11:00 pm on Sunday. The current hours were supported by the Board through a recent amendment process, PL2011-169, on January 24<sup>th</sup>, 2012. However, the current hours have not been economically viable for the applicant. The applicant is

requesting to revert to the previous hours of liquor sales and open one hour later on Monday, Tuesday, Wednesday and close one hour later on those same three days. Therefore, the proposed hours of liquor sales would be 11:00 am to 1:00 am for Monday through Wednesday. Hours of liquor sale for Thursday, Friday, Saturday and Sunday will not change.

#### **ALTERNATIVES**

1. To approve the attached resolution in support of the application.
2. To amend, and then approve, the resolution in support of the application.
3. To not provide any resolution and have the Liquor Control and Licensing Branch undertake their own public input and consider the application without Board input.

#### **LICENCE REQUIREMENTS IMPLICATIONS**

Prior to LCLB consideration, pursuant to the *Liquor Control and Licensing Act*, the applicant is required to obtain a resolution from the local government providing input on the proposed liquor licence amendment. The LCLB requires that the Board consider a number of issues including the potential for noise, the impact on the community, and the views of surrounding property owners. These issues are addressed in the following Development Implications section of this report.

The Board resolution is required to take the form of the resolution attached as Schedule 1. Staff have prepared the content of the resolution for the Board's consideration. This resolution may be amended, as deemed necessary, to be satisfactory to the Board.

#### **DEVELOPMENT IMPLICATIONS**

The requested change in hours of liquor sales reflects the desire to adequately serve the needs of the community and to be economically competitive with similar establishments. The applicant previously increased hours of operation in the mornings of Monday, Tuesday and Wednesday each week to provide a wider range of morning services. In addition to opening earlier, the applicant also closed one hour earlier on Monday, Tuesday and Wednesday of each week. However, the change of hours has not proven to be economically viable. If approved, the amendment would reinstate the previous hours of liquor sales on Monday, Tuesday and Wednesday.

It is not anticipated that the proposed change in hours will result in any potential for noise to impact the current surrounding community as the proposed hours are consistent with previously accepted hours of service. The change of liquor sale hours would not be an extension past previously accepted hours of service. The change in hours would also reflect the hours of liquor service for Thursday, Friday and Saturday.

The Wheatsheaf Inn is located on Cedar Road, an arterial road for the Cedar community. Automobile traffic along Cedar Road is an ongoing concern for residents. However, the change in hours is not expected to significantly increase late night traffic in the area.

The subject property is designated "Cedar Main Street" pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001". The Wheatsheaf Inn provides residents with a local service and employment, both of which are supported by the Official Community Plan. The proposed change of liquor sale hours will support the economic viability of the establishment and continue to provide local residents with a place for socialization.

#### **PUBLIC CONSULTATION IMPLICATIONS**

As part of the required public notification process, pursuant to the Regional District of Nanaimo's Liquor Licence Applications Policy B1.6, the Regional District shall post a notice on the subject parcel advertising that the property is subject to a liquor license amendment application as well as place an advertisement in the local newspaper. In this case the notice was posted on the property on March 22, 2013, and will be published in the April 4, 2013 edition of the Nanaimo News Bulletin.

In addition, property owners and tenants located within a 200 metre radius, will receive a direct notice of the liquor licence amendment, and will have an opportunity to comment on the proposed amendment, prior to the Board's consideration of the application.

The Regional District of Nanaimo's Liquor Licence Applications Policy B1.6 states that the Board may consider a minor amendment application to an existing liquor licence, without the requirement to hold a public hearing, if the proposal will not negatively impact the surrounding community and it complies with the applicable RDN bylaws and policies. It has been determined that the proposed amendment is minor and a public hearing is not required. All other requirements of the Liquor Licence Applications Policy have been met.

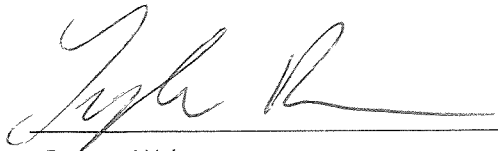
#### **SUMMARY/CONCLUSIONS**

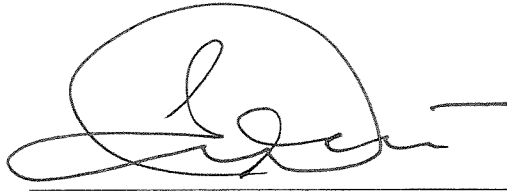
An application has been received from the Wheatsheaf Entertainment Centre Ltd. requesting the Board's support for an amendment to the Liquor License which would permanently amend the Wheatsheaf Inn's hours of liquor sales. The current hours of liquor sales for the pub are 10:00 am to 12:00 am Monday through Wednesday, 11:00 am to 1:00 am Thursday through Saturday and 10:00 am to 11:00 pm on Sunday. The proposed hours of liquor sales would be 11:00 am to 1:00 am for Monday through Wednesday. Hours of liquor sale for Thursday, Friday, Saturday and Sunday will not change. This amendment requires a resolution from the Board before it can be processed by the Liquor Control and Licensing Branch.


Given the negligible impact of the proposed change to the Liquor Licence, staff recommend Alternative 1, that the Board support the application pending the outcome of public consultation.

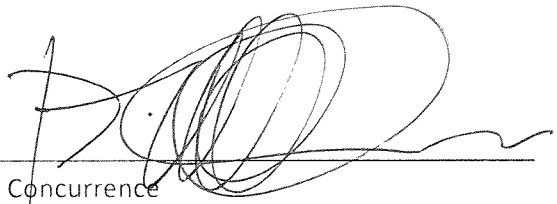
**RECOMMENDATIONS**

1. That the Board consider any written submissions or comments from the public.
2. That the Board adopt the resolution attached to this report as Schedule 1.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
A / General Manager Concurrence

  
\_\_\_\_\_  
A / Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence



Schedule 1

Resolution for Wheatsheaf Inn Liquor Licence Amendment  
Liquor Licence Amendment No. PL2011-169

Be it resolved that:

1. The Board of the Regional District of Nanaimo recommends the amendment of the liquor licence to change the hours of liquor sales to 11:00 am to 1:00 am on Monday through Wednesday for the Wheatsheaf Inn.
2. The Board's comments on the prescribed considerations are as follows:
  - (a) The potential for noise if the application is approved is minimal as the potential for noise to impact the surrounding community associated with the change in hours of liquor sales is minimal given the minor change to late night service.
  - (b) The impact on the community if the application is approved is considered to be minimal as the use of the property has been in place for many years, and contributes positively to the local economy and social life.
  - (c) The views of the residents were solicited and no notable objections to the application were received. A notice of the Board's intent to receive public input and consider a resolution regarding a proposed amendment to the existing liquor licence was delivered to owners and tenants in occupation of land within a distance of 200 metres from the property. The Regional District of Nanaimo also provided a similar notice in the local newspaper. All interested residents were invited to attend the Board meeting and provide comments on the proposal. Prior to considering the resolution attached as Schedule 1, the Board asked for comments from the gallery on this application. A notice was also posted on the property advertising that the property is the subject of a development application and directing inquiries to the Strategic and Community Development Department.

Attachment 1  
Liquor Licence Amendment Application No. PL2013-008  
Subject Property Map

