

DRAFT – September 21, 2017



# Electoral Area 'H' Official Community Plan

Bylaw No. 1335, 2017 amendment



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SCHEDULE A – POLICY DOCUMENT

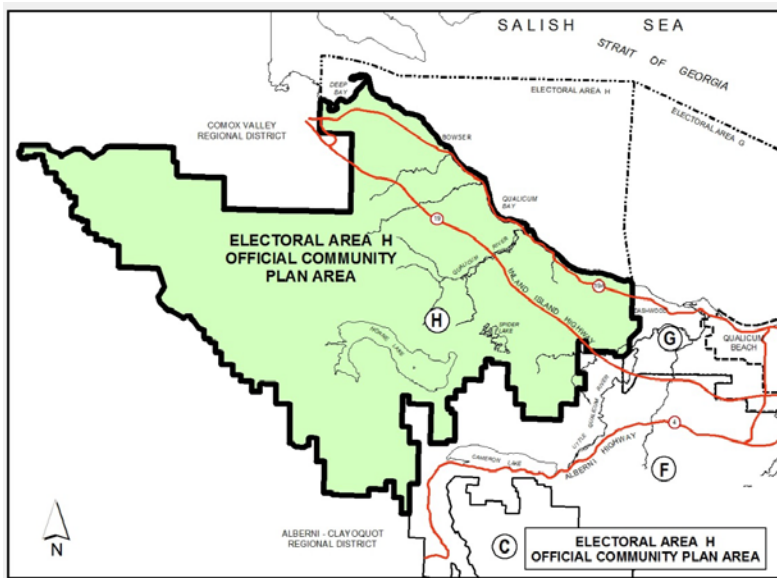
## SECTION 1 - INTRODUCTION AND PURPOSE

The *Local Government Act* defines an Official Community Plan as ~~a statement~~ a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government.

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

The Electoral Area 'H' Official Community Plan Area includes approximately 28,615 hectares of land and is bordered by the Comox Valley Regional District to the north, Alberni-Clayoquot Regional District to the west, the Strait of Georgia to the east, and Electoral Areas 'G' and 'F' to the south. The Qualicum First Nation community is surrounded by Electoral Area 'H'. For the purposes of community planning and this OCP, the Qualicum First Nation community is recognized as independent yet at the same time a part of the fabric of the Plan Area.

The Plan Area is shown on Map No. 1 and includes 26,320 km of coastline and several distinct neighbourhoods including Deep Bay, Bowser, Qualicum Bay, Qualicum First Nation, Dunsmuir, Shaw Hill/Baylis Area, Spider Lake, and Horne Lake.



Map 1: Electoral Area H Official Community Plan Area

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

The Electoral Area 'H' Official Community Plan has been prepared based on the direction provided by the community in the "Community Values Statement". This OCP has benefited from past work from the previous 'Shaw Hill—Deep Bay Official Community Plan' and the Regional Growth Strategy (RGS). The Plan will guide development in a manner that reflects the "Community Value Statement" and "Development Guideline Criteria" drafted by the residents of Electoral Area 'H' for the 2004 OCP. Additionally, in 2016 – 2017 this OCP went through a significant update process with engagement from the community.

The intent of this OCP is to provide direction on how the Plan Area will grow and change over the next 10-30 years. However, with changes in legislation, growth projection expectations, changing attitudes of the residents and landowners, and amendments to the RGS, the Plan should be reviewed as necessary.

## 1.1 Population Growth, Demographics, and Housing Needs

The population of the Plan Area increased from 1,648 residents in 1986 to 3,884 residents in 2016. During this time, the Area experienced two distinct periods of growth; annual population growth of over five percent per year in the late 1980s and early 1990s, followed by a period of slower growth starting in the later half of the 1990s that continued through 2016.

Taking a modest growth rate of 6% which is the average of the past two census periods, the population will surpass 5,000 people by the 2036 census. This estimate is based on a linear growth and does not take into account changing growth rate from year-to-year due to the age structure of the population or migration.

Population estimates are imperfect. They are only estimates and cannot factor in future influences of climate, economy and migration. They also do not anticipate any new government initiatives in land use policies, development or housing.

**Table 1: Electoral Area 'H'  
Growth Rate, 1991 - 2016**

Census Year	Population	Growth Rate
1986	1805	10%
1991	2357	31%
1996	2951	25%
2001	2108	5%
2006	3474	12%
2011	3509	1%
2016	3884	11%

The Area's population has aged significantly since 1981 with the majority of the population now over the age of fifty. In 2016~~4~~ the median age of residents was ~~58.6.82~~ years old compared with the provincial median age of ~~43±.09~~ years old. This trend is expected to continue which has significant implications for land use, housing, services and employment.

The estimated population growth rate has the potential to translate into demand for an additional 100-150 dwelling units in Electoral Area 'H' over the next five years. With the continued trend of an ageing population it is anticipated that some of this demand will be for housing that is sought by the senior's population such as smaller dwellings close to amenities or a seniors' housing facility. Housing needs over this time period will generally be accommodated in the Rural Village Centres and through the infill and subdivision of existing Rural and Rural Residential Lands and within surrounding municipalities that

[have greater levels of services.](#)

## 1.2 Public Engagement

This Electoral Area 'H' Official Community Plan (OCP) is the result of two comprehensive public consultation processes. First in 2003-2004, and again in 2016-2017 when updates were made to the Plan. In 2003-2004 the community came together to discuss key issue areas, to establish community priorities and to outline the vision for the future development of the area in Community Values and Development Guideline Criteria Statements.

A public engagement process began in 2016 for an update to this OCP. It was initiated with an online survey asking community members to describe what has changed and what has stayed the same in their community since the last OCP Review, and what are the most important issues for the community right now. Through a series of public open houses and Community Working Group meetings, these issues were further explored. A project website, email subscriber list, and outreach activities at local events aimed to spread the word about the project and invite input via email, letter, and meeting with the lead planner at weekly office hours held in Bowser.

The resulting updates to the OCP confirm continued relevance of the Community Values and Development Guideline Criteria, and add renewed emphasis on economic development, affordable housing, active transportation ([such as walking and cycling](#)) and climate change adaptation.

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

## 1.3 Community Values Statement

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

Given the attributes of the area, residents recognize that there will be pressure for change and development in their neighbourhoods. As the future unfolds, residents will embrace compatible development, while at the same time maintaining the values that are fundamental to the health and prosperity of the community. [The future growth and development of the community will require that a balance is struck among these values.](#) These values have been formed based on the input and priorities of the residents who make up the neighbourhoods of the Plan Area and will be used to help guide future decisions on development proposals, environmental protection initiatives, and infrastructure development for the community, the Regional District and senior government agencies. These values are as follows:



### Community Values Statement

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

## 1.4 Consistency with Regional Growth Strategy

Electoral Area 'H' is one of seven electoral areas within the Regional District of Nanaimo. These electoral areas, in partnership with the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, and the District of Lantzville have agreed to limit sprawl and contain development through the adoption of a Regional Growth Strategy. The Regional Growth Strategy (RGS) articulates a vision of a desirable, future Region and sets out eleven goals for attaining this vision. In accordance with Section 445 of the *Local Government Act*, this OCP must be consistent with the Regional Growth Strategy. In response to the RGS goals, the Electoral Area 'H' OCP does the following:

### *RGS Goal 1: Prepare for Climate Change and Reduce Energy Consumption*

In accordance with Section 437(3) of the *Local Government Act*, this OCP includes targets for greenhouse gas emissions reduction and policies and actions to achieve the targets; this OCP encourages increased density and a mix of uses in Village Centres to reduce the reliance of residents on the private automobile and to increase viability of public transit. The need to understand the future impacts of climate change is addressed in this OCP, as well as steps that need to be taken to adapt to these impacts.

### *RGS Goal 2: Protect the Environment*

Through the use of policies and development permit areas, this OCP provides protection to the area's environmentally sensitive features such as aquifers, streams, coastal areas, eagle and heron nests. The OCP includes policies that apply at the time of rezoning, policies that encourage property owners to protect these sensitive areas, and policies that communicate the community's preference to other levels of government and other agencies.

### *RGS Goal 3: Coordinate Land Use and Mobility*

This OCP supports land use patterns and mobility networks to reduce automobile dependency and provide for efficient movement of people and goods. This plan supports the creation of compact communities served by active transportation networks and a multi-modal system of transportation that includes the automobile, transit, cycle and foot.

### *RGS Goal 4: Concentrate Housing and Jobs in Rural Villages and Urban Growth Centres*

This OCP supports a range of housing types and sizes, as well as areas for commercial and mixed-use development within rural villages. In doing so, the plan provides opportunities for people to live closer to their place of employment and the services that they require on a daily basis; thereby reducing auto dependency and creating vibrant rural communities.

### *RGS Goal 5: Enhance Rural Integrity*

This OCP seeks to enhance rural integrity by supporting agricultural, aquaculture, forestry and small-scale economic and tourism opportunities in the residential areas outside Village Centres. It also provides opportunities for more efficient use of land by supporting alternative approaches to subdivision and development that allow residential dwelling potential to be clustered into a smaller footprint or transferred from other areas where there is land set aside for community or environmental benefit.

### *RGS Goal 6: Facilitate the Provision of Affordable Housing*

This OCP supports the provision of affordable housing through policies that provide for the creation of a range of parcel sizes and housing types and support secondary suites. This OCP also supports the provision of affordable housing as a community amenity, and supports establishment of seniors housing in Bowser Village Centres on Crown lots leased for that purpose, and expansion of existing seniors housing in Qualicum Bay Village Centre.

*RGS Goal 7: Enhance Economic Resiliency*

This OCP encourages and supports a range of light industrial, commercial and institutional development in appropriate locations. The Bowser Village Centre Plan encourages economic development as the economic centre of the area. Policies for the other Village Centre recognizes the focus of Qualicum Bay on tourist and resort commercial services, and Dunsmuir with its location along Horne Lake Road serves as a “gateway” to the coastal resorts, scenic and recreational opportunities within the Plan Area with a vision to develop into a comprehensive mixed-use community. In the rural areas, redevelopment of the historic tourist accommodation is encouraged, as well as new small-scale tourist accommodation and small scale service commercial.

*RGS Goal 8: Enhance Food Security*

This OCP recognizes the value of agricultural land for land-based farming, and marine areas for shellfish aquaculture, for present and future food production. It also recognizes the unique position of this area to grow an economy related to aquaculture and processing. This OCP includes a designation for the Agricultural Land Reserve, and policies aimed at maintaining agricultural land and providing resources to farmers.

*RGS Goal 9: Celebrate Pride of Place*

The Community Values Statement in this OCP grounds the entire Plan in values in which the community takes pride. The natural environment, history of tourism, recreation and fishing, are all recognized with policies to support their continuation and enhancement.

*RGS Goal 10: Provide Services Efficiently*

This OCP supports efficient, cost-effective community services by encouraging growth into well-defined compact areas at densities that support the efficient use of land and are capable of funding the long-term maintenance and operating costs of these services. The plan supports the provision of community water and sewer to areas within the GCB for the purpose of facilitating the additional development supported by this plan. The plan also recognizes that these services may be required outside of the GCB to address health or environmental concerns, but not to facilitate additional development beyond that which is supported without community water or sewer servicing.

*RGS Goal 11: Enhance Cooperation Among Jurisdictions*

This OCP supports ongoing communication and cooperation among jurisdictions throughout, with many of the advocacy policies aimed at collaborating with other jurisdictions to meet the objectives of this Plan.

## 1.5 Legislative Framework

This Official Community Plan has been prepared in accordance with the provisions of Part 14 of the *Local Government Act*, implementing Regional District policies for land use and development. All bylaws, permits issued and works undertaken within the Plan Area shall be consistent with the provision of this Plan. The Community Plan may be implemented by regulatory bylaws of the Regional District including the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

## 1.6 Organization of the Plan

This Official Community Plan includes text and corresponding maps; it is organized around the key issue areas identified during the public consultation processes, and includes development permit areas which are regulatory tools that assist in implementing objectives and policies of this Plan.

Each section of the Plan contains objectives and policies. Objectives express the community's values and long term aspirations. They are the community's statements of what is important to the residents and land owners of Electoral Area 'H'. Policies express the community's response to these objectives. The policies are the 'how to' for each objective and provide specific direction to the Regional District Board, the community, land developers, and provincial and federal agencies on future uses in the Plan Area. Abbreviations used in this Plan include the following:

**RDN**- Regional District of Nanaimo

**RGS** - Regional Growth Strategy

**ALR** - Agricultural Land Reserve

**MOTI** - Ministry of Transportation and Infrastructure

**DPA** - Development Permit Area

**OCP** - Official Community Plan

**ALC** – Agricultural Land Commission

**DFO** - Department of Fisheries and Oceans Canada

**MOE** – Ministry of Environment

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

## SECTION 2 – THE NATURAL ENVIRONMENT

- 2.1 Sensitive Ecosystems
- 2.2 Natural Hazard Areas
- 2.3 Freshwater Resources
- 2.4 Marine Environment
- 2.5 Climate Change & Energy

Residents are drawn to the Plan Area for its rural characteristics enhanced by abundant natural features, the coastal area, numerous watercourses, streams, wetlands, lakes and areas of natural forest. The protection of these natural features is critically important to residents throughout the plan review process.

The majority of the developed land in the Plan Area is within the Coastal Douglas Fir moist maritime biogeoclimatic sub-zone (CDFmm) which is limited to low elevations along southeastern Vancouver Island from Bowser to Victoria, the Gulf Islands south of Cortes Island, and a narrow strip along the Sunshine Coast. It is the smallest and most at-risk zone in British Columbia. Of all the zones in the province, the CDFmm zone has been most altered by human activities, and less than 1% remains ~~as~~ old growth forests.

The marine environment including intertidal and subtidal areas, are diverse ecosystems sensitive to human activity. The coastline is a focal point of the Plan Area for tourism, recreation, and residential development. This plan aims to protect the integrity of these ecosystems while continuing to allow development subject to conditions.

In addition to the protection afforded through local government bylaws, the protection of environmentally sensitive features falls under the jurisdiction of federal, and provincial, governments. Fisheries and Oceans Canada and the Provincial Ministry of Forests, Lands Natural Resources Operations and Ministry of Environment are responsible for protecting fisheries and water resources through legislation such as the *Fish Protection Act*, the *Water Sustainability Act*, and the *Waste Management Act*.

The natural environment of the Plan Area also includes areas subject to natural hazards such as floodplain, steep slopes, areas of active erosion, forest fire and earthquakes.



Photo: Meghan Towers

## 2.1 Sensitive Ecosystems

### INTRODUCTION

Only fragments of the rich mosaic of ecosystems in the coastal lowlands of east Vancouver Island remain after over a century of logging and human activities. In the late 1990's the Province of BC created a "Sensitive Ecosystem Inventory" of ecosystem remnants in the coastal lowlands of east Vancouver Island and the adjacent Gulf Islands. These sensitive ecosystems as well as location of known eagle nests and heron rookeries, are shown on Map No. 2.

Sensitive ecosystems and their component plants and animals are in need of protection not only because they are rare, but also for the significant role they play in creating healthy and attractive communities for people. Wetlands purify drinking water and help provide protection from flooding through natural stormwater management. Forests clean the air, refresh the spirit and provide visual relief from urban settings. Riparian forests are cool, moist havens during hot, dry summers. Significant features in the Plan Area include the Deep Bay estuary, Thames and Nile Creeks, Cook Creek, and the Big Qualicum River. All coastal areas fronting the Strait of Georgia are important and sensitive ecosystems, and they are addressed specifically in section 2.4.

Parks and protected areas are shown on Map No. 3. Protection of sensitive ecosystems on private land largely relies on stewardship by property owners.

Within the Plan Area, the location of known Great Blue Heron and Bald Eagle nests are shown on Map No. 2. They are protected from damage or destruction under the *Wildlife Act*. In addition, the Great Blue Heron is federally and provincially listed as a species of special concern meaning that it is not immediately threatened but is particularly susceptible to disturbance due to human activities or natural events.

Other plants, animals and ecosystems at risk are studied, inventoried and ranked as to their level of threat by the federal and provincial governments. They are not mapped in this OCP but may be identified at the site level and require consideration in development proposals.

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

### SENSITIVE ECOSYSTEM POLICIES

1. Streams, ~~steep slopes~~, floodplain areas, watercourses, and Bald Eagle and Great Blue Heron nesting trees, and the entire coastline of the Plan Area, are designated as development permit areas to allow for the evaluation of development proposals with the objective of protecting these features.
2. ~~The Regional District shall p~~Preserve sensitive ecosystem areas, their living resources, and connections between them in a natural condition and maintain these areas free of development and human activity to the maximum extent possible.

### OBJECTIVES

1. *Identify sensitive ecosystems and wildlife habitat*
2. *Maintain a healthy environment and preserve and protect sensitive ecosystems and wildlife habitat*
3. *Support the establishment of new protected areas for wildlife and sensitive ecosystems.*
4. *Provide education about sensitive ecosystems and wildlife habitat and encourage sustainable land use practices*

3. The Regional District shall only support amendments to this Plan on or near sensitive ecosystems or near eagle or heron nesting trees where the applicant or appropriate authority presents evidence that the proposed development will not adversely affect the environmentally sensitive areas, and that development design reflects best management practices.
4. Notwithstanding Policy 2.1.3 above, this Plan supports the Agricultural Land Commission's mandate of preserving and encouraging the development of Agricultural Land Reserve lands, and supports the development of farmland in a manner that recognizes and protects environmentally sensitive features on these lands.
5. The Regional District shall support and encourage the retention, enhancement or development of wildlife corridors to ensure that safe and secure routes are available to wildlife in the Plan Area.
6. The Regional District shall support the identification and designation of areas for the protection of sensitive ecosystems in perpetuity. In particular, the Regional District shall support initiatives associated with the following areas: provincial protected areas, provincial parks, ecological reserves, fisheries reserves and hatcheries, wildlife refuge, waterfowl habitat, and Regional District park land.
7. The Regional District supports the protection and conservation of the following priority sensitive ecosystem areas:
  - a) Crown Land west of Deep Bay including Gainsburg Swamp and the unconfined aquifer on Crown Land in District Lot 86;
  - b) Proposed Protected Area expansion of Horne Lake Caves Provincial Park located at the west end of Horne Lake at the mouth of the Qualicum River tributary;
  - c) Expansion of Spider Lake Provincial Park to include Illusion Lake; and ~~Protection of Annie's Woods (Lot 36, Plan 1967 DL 81, Newcastle Land District), located on Crown Lands at Grovehill Road adjacent to the Island Highway through the establishment of an ecological reserve in recognition of the old growth forest values on site.~~
  - d) Protection of Annie's Woods (PID 006 696 2520; Lot 36, Plan 1967 DL 81, Newcastle Land District), located on Crown Lands at Grovehill Road adjacent to the Island Highway through the establishment of an ecological reserve in recognition of the old growth forest values on site.
8. The Regional District will collaborate with other levels of government, First Nations, non-governmental organizations, and neighbouring local governments in inventorying, mapping, and conserving sensitive ecosystems, including development of consistent approaches to shared watersheds.

#### ADVOCACY POLICIES

~~9.1. The Regional District shall encourage the Approving Officer to require protective covenants or the designation of Return to Crown along the bed of, and buffering riparian corridor of watercourses, streams, creeks, lakes and wetlands wherever subdivision on adjacent land is proposed.~~

10.9. The habitat protection initiatives of the BC Ministry of Environment and Fisheries and Oceans Canada along rivers, streams, and wetland areas shall be strongly supported and complemented with Regional District park land and greenway protection initiatives.

Commented [SC1]: Moved to Section 2.3 – Freshwater Resources

## 2.2 Natural Hazard Areas

### INTRODUCTION

Natural hazard areas are sources of potentially dangerous chance events. Examples of natural hazards are: flooding, land-slide, forest fire, strong winds, and earthquakes. Natural hazard areas are often also areas of high environmental value. Known areas of potential hazard are identified on Map No. 2.

#### Flooding

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

Low-lying coastal lands bordering the Strait of Georgia are expected to experience increasing flood risk with sea level rise and increasing frequency and severity of storms due to climate change. Flood risk for lands on the marine coast is different from that of freshwater bodies and streams. ~~where flood~~ [flooding at the marine coast](#) is caused by wave run-up at high tides during storm events that is likely to recede relatively quickly and [unlike riverine flooding](#), does not produce substantial flows that would cause [bank](#) erosion.

The lower reach of Nash Creek is a particularly notable environment where it parallels the shoreline before exiting into the Strait of Georgia and in doing so passes through several residential lots of relatively small size. Flood events in the past have been relieved by the creation of outflow weirs, but this area continues to be an active environment.

#### Landslide

The Horne Lake road and Mount Mark slide areas are known areas with potential for mass movement of land. Steep Slopes along the marine coastline are [also](#) a major concern within the Plan Area. Some areas along the marine coastline are straddling steep wave cut bluffs (with slopes between 30% and 60%) and are composed of unconsolidated sand. The threat of landslides is particularly concerning in areas where homes have been constructed near the edges or below these unstable slopes. [A submarine landslide at the west end of Mapleguard Spit \(also known as Deep Bay Spit\) was recorded as a result of the 1946 earthquake.](#) Outside of the developed area, the highland and mountain areas are particularly susceptible to mass movements of land, such as rock falls and avalanches.

#### Wildfire

Between 2006 and 2007, Community Wildfire Protection Plans were developed for Bow Horne Bay Fire Service Area, Deep Bay Improvement District, and the Horne Lake area. There are a number of areas where extreme interface fire risk is identified. It is important that FireSmart recommendations for building and landscaping are encouraged to mitigate any loss of life, property and the environment as a result of forest fires.

#### Strong Winds

Wind storms can have a significant impact on the Plan Area causing power outages, downed trees across roads, and damage to buildings and structures. A particularly damaging wind is known as the “Qualicum”, a

### OBJECTIVES

1. **Protect** area residents from loss of property and personal injury.
2. **Direct** development away from natural hazard areas where possible, and where development does occur in or near a natural hazard area, ensure appropriate measures are taken to mitigate the impacts.
3. **Mitigate and adapt** to the impacts of climate change on hazardous conditions within the Plan Area
4. **Encourage** use of FireSmart recommendations to reduce the susceptibility of buildings and property to wildfire.



strong southerly that moves across Vancouver Island, passes over Horne Lake, and out ~~on i~~nto the Strait of Georgia typically between Crome Island and Qualicum Beach.

### Earthquake

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

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

## NATURAL HAZARD AREAS POLICIES

- ~~1. These areas indicated as~~ Natural Hazard ~~areass on Map No. 2~~ shall be designated as Development Permit Areas to ensure that proposed development is reviewed by the appropriate professionals so that it is protected from hazardous conditions.
- The Regional District will map low lying areas anticipated to be impacted by sea level rise, develop an understanding of the long term impacts, and consider implementing measures to mitigate and adapt to these impacts.
3. The Regional District will implement recommendations of Community Wildfire Protection Plans and update the Plans on an ongoing basis.
- ~~3-4. The Regional District will consider adopting a development permit area for protection of development from wildfire hazard.~~

## ADVOCACY POLICIES

- ~~4-5.~~ Property owners are encouraged to adopt FireSmart recommendations such as vegetation management and use of fire-resistant building materials.
- ~~5-6.~~ BC Hydro and local landowners are encouraged to cooperate in regular removal of invasive/flammable plant species (i.e. broom) along power lines ~~s-rights-of-way~~.
- ~~6-7.~~ In the event of an emergency such as earthquake or power outage, residents and businesses are encouraged to be prepared to care for themselves for a minimum of 72 hours (three days), and up to ~~seven days~~ two weeks.

**Commented [SC2]:** RDN Personal Emergency Preparedness Guidebook recommends a two-week supply of food and water.

## 2.3 Freshwater Resources

### INTRODUCTION

The Plan Area contains many streams, watercourses, wetlands, and aquifers. Each of these natural resources is worthy of protection through careful land use planning both for their importance in supporting human settlements in the area, and for their value as significant ecosystems. It is recognized that there may be many significant areas of groundwater that have not yet been identified, and identification of these special features is an ongoing process. [The Drinking Water and Watershed Protection program of the Regional District works to continually improve our knowledge and understanding of groundwater and surface water resources.](#)

[The Regional District of Nanaimo has seven major water regions, which are basin-scale geographic areas defined by common surface water drainage and groundwater aquifer features. The Plan Area is within the Big Qualicum River Water Region \(See Map XX?\). The Big Qualicum River and its tributaries, which include Hunts Creek and Horne Lake, comprise the largest watershed in the Plan Area. The Big Qualicum River and its tributaries, which include Hunts Creek and Horne Lake, comprise the largest watershed in the Plan Area.](#) Other watercourses within the Plan Area include Nile Creek, Thames Creek, Chef Creek, Fletcher Creek, and the Deep Bay Estuary area.

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

Groundwater resources are particularly important to the Plan Area as residents rely on these resources for both domestic water and agricultural supplies. Three water Improvement Districts supply potable water to approximately 64% of dwellings, representing 1,540 connections, with the balance of parcels utilizing on-site wells.

In certain locations, particularly in the central and eastern portions of the Plan Area, soils are thin and fractured bedrock is common. As a result, both surface and groundwater sources may be sporadic and unreliable and residents of this area wish to maintain the integrity of these resources through land use management. By contrast, the Deep Bay – Bowser area is characterized by well-draining sand and gravel that has high groundwater yields but is vulnerable to surface contamination. [\(2016. Waterline Resources Inc. “Hydrogeological Review of Aquifers in Electoral Area ‘H’ in support of the Official Community Plan Update”\).](#)

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

### OBJECTIVES

1. *Identify and protect* freshwater resources and ecosystems to maintain their natural habitat, environmental quality and quantity, aesthetic appeal, and recreational value.
2. *Conserve, protect and enhance* the quality and quantity of freshwater sources for existing and future agricultural and domestic uses in cooperation with local and provincial water authorities and landowners.
3. *Recognize* that the quality and quantity of domestic water supply is essential and land development must be planned in a manner that ~~minimizes impact on existing~~ aquifers and groundwater sources
4. *Consider* the potential impact of increased demand or risk of contamination on aquifers as a result of new development ~~shall be considered~~ when making any land use decisions
5. *Recognize* the value of natural ~~rainstorm~~ water retention and encourage ~~rainstorm~~ water management during development that mimics natural processes.

**Commented [SC3]:** Revised text to reflect current way of characterizing the water landscape from RDN Drinking Water and Watershed Protection Program

## FRESHWATER RESOURCES POLICIES

1. Streams, lakes, wetlands and aquifer areas are designated as Development Permit Areas to allow for evaluation of development proposals pursuant to the objectives of this section. ~~Both mapped and unmapped streams are included in the development permit area, and w~~here streams move over time or mapping accuracy is improved, mapped streams will be updated on maps in the Plan ~~without requiring a bylaw amendment.~~
2. Aquifer recharge areas should be protected, particularly those within the well ~~protection areas or well head~~ capture ~~zones of community water supply wells, areas of the water improvement districts.~~ The site of the now closed Bowser Seed Orchard should not have any ~~new~~ use that could contaminate the aquifer as it is within the recharge area of the nearby Bowser Waterworks wells.
3. Applications to amend this Plan or the relevant zoning bylaw must consider potential impacts to surface and groundwater, as outlined in Section 5.1 *Development Guideline Criteria*.
- ~~3.4. Due to its unique environment and very sensitive enclosed drainage system, the Regional District will not support any introduction of motors to Spider or Illusion Lakes.~~

## ADVOCACY POLICIES

5. The Regional District shall request that the Approving Officer require subdivisions to be designed to maintain the hydraulic regime of streams while providing sufficient drainage in a manner which does not interfere with groundwater recharge or allow the intrusion of erosion material into natural watercourses, streams, lakes, and wetlands.  
~~—The Regional District shall encourage the Approving Officer to require protective covenants or the designation of Return to Crown along the bed of, and buffering riparian corridor of watercourses, streams, creeks, lakes and wetlands wherever subdivision on adjacent land is proposed.~~
- ~~4.6. The Regional District shall encourage the Ministry of Forests, Lands and Natural Resources Operations to ensure a future use of the Bowser Seed Orchard lands that contribute to the protection of aquifer and community water supply wells.~~
7. The Regional District shall support and encourage the restoration and enhancement of streams and their riparian corridors wherever possible by community groups, corporate bodies or land owners.
- ~~5.8. The Regional District shall coordinate with the Province in sharing data about aquifers and groundwater, to ensure the most current information is used in decisions that affect the Plan Area.~~

## 2.4 Marine Environment

### INTRODUCTION

The marine coastline is a focal point of the Plan Area, representing ~~a~~ diverse ecosystems, which ~~are~~ sensitive to human activity ~~and jurisdictionally complex~~. Historically, the marine coastline has been the focus of residential and tourist commercial development.

The majority of the marine coastline in the Plan Area is composed of sand and gravel. Except for the protected harbour of Deep Bay, the coastline is exposed to significant wave energy from prevailing winter storms from the southeast. This combination of sand and gravel beaches, ~~and high wave energy and longshore drift~~ means the shoreline is ~~actively constantly~~ changing; some areas are eroding while others are accreting, and backshore bluffs in some areas are susceptible to erosion and landslides. Estuaries are areas of high biodiversity as well as high energy, resulting in actively changing shorelines and flood risk.

The marine environment of the Plan Area, both intertidal and subtidal, comprises habitats that ensure the existence of rich species diversity. Included are fish, birds, mammals, invertebrates ~~such as shellfish~~, and many plant species such as eelgrass. This region is an important area for herring spawning, ~~for other forage fish~~, is home to salmon enroute to their spawning sites in the Area's streams, ~~is a salmon nursery area~~, and part of an Important Bird Area.

The marine environment supports a shellfish aquaculture industry focused in the Deep Bay estuary and one area east of Chrome Island where there is a scallop farm. Commercial fishing fleets visit the area primarily in the spring for the herring fishery ~~and prawning~~, and later in the year for salmon. ~~Recreational fishing is a popular activity for residents and tourists, including sport fishing, fly fishing and shellfish harvesting.~~

### MARINE ENVIRONMENT POLICIES

1. The marine shores and nearshore waters of the Plan Area is designated a Development Permit Area to allow for the evaluation of development proposals with the objective of protecting the natural environment and natural coastal processes.
2. The waters 1000 m from the foreshore beginning at Deep Bay spit and extending to the eastern boundary of the Plan Area are designated as a "Marine" land use designation in this Plan and are subject to the objectives and policies in this section of this Plan.
3. The Plan recognizes the existing shellfish aquaculture leases ~~west of Deep Bay Harbour and east of Chrome Point~~. All water lots leased for shellfish aquaculture purposes shall be zoned accordingly.

### OBJECTIVES

1. *Recognize* the foreshore, waterfront and marine areas as an integral part of the community, and as a major destination for leisure, commercial and recreational pursuits
2. *Recognize* the marine environment as a finite resource
3. *Support* the development of shellfish aquaculture
4. *Protect* the integrity of marine ecosystems and natural coastal processes.
5. *Maintain and enhance* public pedestrian access to and along the shoreline.
6. *Advocate* cooperation and coordination among agencies responsible for the use and management of marine foreshore and upland resources.
7. *Advance* public ownership and stewardship of the waterfront.

4. The use of shoreline stabilization measures on Crown foreshore, in a manner that obstructs public access to and along public beaches or foreshore areas, shall not be supported. All works below the high water mark require Fisheries and Oceans Canada approval and Crown foreshore lease or license from the Province. Where approval for Crown foreshore use is obtained, the Regional District may support proposals for shoreline stabilization measures below the high water mark, provided they are designed ~~to encourage so that~~ public access along the coastline is not inhibited, and do not have negative environmental impacts.
5. The Regional District will only consider permitting structural modification of the shoreline, such as those composed of lock blocks, poured concrete or rip rap, where it can be demonstrated that such a modification is necessary to protect ~~an permitted or~~ existing use or structure and that a Green Shores (softer) approach to shoreline protection is not a practical alternative. In addition, the construction of shoreline stabilization measures including marine retaining walls must be in compliance with the Regional District's Marine Retaining Wall Policy B1-09, as amended or replaced from time to time.
6. The integrity of marine ecosystems and natural coastal processes should be maintained by:
  - a. discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, ~~natural native~~ vegetation and natural features on areas sloping towards the foreshore;
  - b. land use regulations that provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; and
  - c. promoting conservation of the marine environment below the high water mark without precluding aquaculture ~~where aquaculture leases exist within areas leased f.~~
7. The Regional District supports the use of Crown foreshore for shoreline protection works following *Green Shores* approaches of the Stewardship Centre of BC, when designed by qualified professionals and where it does not impede public access along the shoreline.
8. In order to maintain public beach road rights-of-way whether or not they are currently improved, encroachment onto them by adjacent private property owners ~~is not supported~~, and approval of permits from Ministry of Transportation and Infrastructure to formalize the encroachment ~~is are~~ generally not supported.
9. Private, residential docks are not supported by this Plan. Limited development of boat ramps is supported and subject to development permit area guidelines.
10. Marinas are supported within the Deep Bay Harbour, subject to development permit area guidelines.
- ~~10.11. Rezoning proposals for waterfront lots must demonstrate a high level of wastewater treatment to protect the marine environment from contamination.~~
- ~~11. Rezoning proposals for waterfront lots must demonstrate a high level of wastewater treatment to protect the marine environment from contamination.~~

#### ADVOCACY POLICIES

12. The ~~Regional District will work with the~~ Ministry of Transportation and Infrastructure ~~shall be encouraged to foster the~~ improvement of public beach accesses ~~road within road~~ rights-of-way ~~for public recreational use, beach access, or designation for park purposes~~ where appropriate.
13. The Regional District shall encourage those who live and recreate on the foreshore and in the waters of the Plan Area to adopt environmentally responsible practices to protect these sensitive ecosystems.

14. Development activities as well as commercial operations such as fishing and aquaculture are encouraged to follow best management practices to minimize environmental impact.
15. The Ministry of Agriculture and Fisheries and Oceans Canada are encouraged to consult with local residents and the Regional District prior to issuing any new or amended licenses for seaweed harvesting on the foreshore of the Plan Area, and are encouraged to communicate with local residents and the Regional District about the terms of the licenses and ongoing scientific study of the sustainability of the fishery.
16. The Regional District will coordinate shoreline management with the Ministry of Transportation and Infrastructure as owner of foreshore areas of beach access road rights-of-way.
- ~~16-17.~~ Island Health or other appropriate government ministry is encouraged to study the impact on marine water quality from onsite wastewater treatment near the foreshore.

## 2.5 Climate Change and Energy

### INTRODUCTION

The climate worldwide is changing, and observations in this region over the past 100 years show that average annual temperature, average annual precipitation, and the surface temperature of the Strait of Georgia have all increased. There are many impacts of these changes that will affect the sensitive ecosystems, species at risk, natural hazards, groundwater, and the people and businesses that rely on them. Some of the most significant impacts to be expected include [ocean acidification](#); hotter, drier summers causing drought and increased risk of wildfire;<sup>2</sup> and increasing frequency and severity of storms coupled with sea level rise causing more significant and frequent flooding events.<sup>2</sup> Decisions and plans made today should look to anticipate the future effects of climate change and adapt to, or mitigate them.

Climate change [mitigation](#) refers to the ongoing attempts to prevent significant climate change through the reduction of greenhouse gasses (GHG) in the atmosphere. Mitigation locally can also provide direct community benefits including reduced energy costs, reduced vulnerability to energy markets, economic development, and more resilient communities. The greatest contributors to greenhouse gasses in the Regional District are transportation and buildings.

[Adaptation](#) refers to actions taken to respond to the impacts of climate change by reducing the associated risks. Examples of adaptation actions include modifications of coastal development to account for sea level rise, changes to agricultural crops better suited to hotter and drier summers, or reduction of water use.

In 2007, the Province of BC set province-wide greenhouse gas emission reduction targets of 33% below 2007 levels by 2020 and 80% by 2080. In addition, the Province amended the *Local Government Act* to require that an official community plan include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government with respect to achieving those targets.

Throughout this Plan, there are objectives and policies in relevant sections to address climate change adaptation and mitigation. The Implementation section of this Plan includes specific actions the Regional District can take to effect changes.

### CLIMATE CHANGE POLICIES

1. This Plan encourages increased density and a mix of uses in Rural Village Centres to reduce the reliance of residents on the private automobile and to increase viability of public transit. Rezoning proposals within Rural Village Centres should contribute to neighbourhood form that facilitates energy efficient modes of transportation such as walking, cycling, or public transit and contributes to implementation of the Active Transportation Plan, 2017 where applicable.

### OBJECTIVES

1. **Reduce greenhouse gas emissions to 33% below 2007 levels by 2020 and 80% by 2050, as identified in the RDN Community Energy and Emission Plan.**
2. **Support energy conservation and greenhouse gas emission reduction at the community and at the site-specific scale.**
3. **Identify anticipated local climate changes, associated impacts, and potential adaptation actions.**
4. **Encourage energy efficiency in buildings and site design.**
5. **Recognize the importance of natural areas for carbon sequestration.**
6. **Support efforts to maintain sustainable, locally produced sources of food.**
7. **Promote private and public infrastructure that uses energy more efficiently.**

2. Outside Rural Village Centres, alternative forms of rural development that contribute to a reduction in greenhouse gas emissions through design and in some cases also through conservation of natural areas that sequester carbon, are encouraged through policies in Section 5.10 of this Plan.
3. The Regional District should develop tools and incentives to facilitate the encouragement of ~~the redirection of development from greenfield sites to~~ Rural Village Centres.
4. In all parts of the Plan Area, rezoning proposals should contribute to implementation of the Active Transportation Plan, 2017 where the location of the property to be rezoned ~~permits~~ allows.
5. Greater energy efficiency, water conservation and greenhouse gas emission reductions in the development and redevelopment of sites and buildings shall be encouraged through development permit area guidelines, community amenity contribution policies, and the continued use of a sustainability checklist in conjunction with the BC Energy Step Code of the BC Building Code during rezoning and development permit application processes.
6. The Regional District will provide education and resources to the building industry, owner-builders, and consumers about energy efficiency in renovations and new construction, and pursue partnerships with the private sector for green building demonstration projects such as net zero homes.
7. This Plan supports recovery of energy and materials from both public and private sector waste streams that may be used to service communities or facilities.
8. This Plan supports proposals for renewable energy generation as an economic opportunity for residents and businesses that show compatibility with surrounding land uses and the environment by mitigating noise, vibration, visual impacts by distance separations, screening and buffering. The Regional District should develop criteria in order to enable evaluation of these and any other relevant community impacts of such proposals.
9. Agricultural land and aquaculture areas are recognized ~~for as necessary for~~ current and future local food production ~~to lessen the need to transport food over long distances.~~ Proposals to increase production and availability of local food are encouraged, and proposals that would reduce the future potential for local food production are discouraged.
10. The Regional District should work with ~~the~~ First Nations, the public and stakeholders to develop a climate change adaptation plan including an assessment of vulnerability and risk of climate change impacts such as sea level rise, hotter and drier summers, changes to agriculture, and increased frequency and severity of storms.
11. The marine coast is designated a development permit area to allow for the protection of the natural environment, its ecosystems and biological diversity, which includes ~~for~~ evaluation of the resiliency of coastal development to climate change, and the impacts on natural coastal processes, ~~and ecosystems.~~

~~The Regional District recognizes the role of forests are recognized for their role in carbon sequestration, which is an important component of climate change mitigation.~~

~~11-12.~~

#### ADVOCACY POLICIES

- 12-13. The Provincial government is encouraged to undertake new floodplain mapping for use by local governments in planning for sea level rise and other impacts of climate change.

Commented [SC4]: Moved from section 3.2 Forestry



14. Residents are encouraged to install wiring for an electric vehicle charging station in all new home and garage construction for ease and cost-effectiveness of installing the charging station itself in the future.

13-15. The Regional District encourages installation of electric vehicle charging stations in commercial and community areas.

## SECTION 3 – NATURAL RESOURCE MANAGEMENT

### 3.1 Agriculture and Aquaculture

### 3.2 Forestry

### 3.3 Mineral, Gravel and Hydrocarbon Resources



Natural resources in this section refer to those areas and features that are relied on by industries for growing or rearing foods and for extracting commodities such as lumber or gravel. These natural resource industries are an important part of the economy in the Plan Area, and are important for food security and for sustainable growth and development when products can be used locally.

Many of these industries rely on a healthy natural environment to thrive and can be a barometer for ecosystem health. ~~and in~~ turn, the health of the ecosystems rely on sustainable industry practices being established and followed.

## 3.1 Agriculture and Aquaculture

### INTRODUCTION

Agriculture and aquaculture are important activities as economic drivers and as part of a local food system. They rely on land and water that is designated for these purposes and on the health of the ecosystems of which they are a part.

A local food system allows farmers, food producers, and their customers to interact either face-to-face at the point of sale or through community partnerships or initiatives which encourage local products. It also supports a “farm to plate” relationship by encouraging farm products to be grown, stored, processed, sold and handled locally.

The Province designated an Agricultural Land Reserve (ALR) in the early 1970’s based on maps of agricultural land capability. In 1987 the boundary was reviewed in the Plan Area and elsewhere on Vancouver Island based on new mapping at a larger scale and other local considerations, resulting in some lands being added to the ALR and some removed. Currently, 24% of the Plan Area is designated as ALR.

The mandate of the Agricultural Land Commission is to ensure the future productivity of lands within the ALR. Non-agricultural development, including subdivision or non-farm use of these lands is not permitted without Agricultural Land Commission approval.

Shellfish aquaculture is a significant industry for the province of BC, and much of the production is within Baynes Sound. The main species farmed are clams, mussels, oysters and scallops. The Plan Area includes the southern part of Baynes Sound as well as Deep Bay Harbour which is an important port for the industry. The rest of Baynes Sound is within the Comox Valley Regional District and the Islands Trust.

The community is supportive of the aquaculture industry in recognition of its contribution to the local economy, and also for increased availability of local shellfish at stores and restaurants.

### AGRICULTURE AND AQUACULTURE POLICIES

1. The Regional District supports the Agricultural Land Commission’s mandate of preserving and encouraging the use of land for agriculture.
2. ~~The Regional District encourages~~ The retention of large land holdings within the ALR is encouraged, to maintain future opportunities for farm use.
3. The Regional District discourages encroachment and fragmentation of farmland by non-farm related uses, particularly land that is known to be of high value for agriculture.

### OBJECTIVES

1. ~~Protect the agricultural land resources of the Plan Area for present and future food production.~~
2. ~~Support the aquaculture industry by protecting marine water quality and supporting associated land-based activities in suitable locations.~~
3. ~~Recognize and protect the needs and activities of agricultural and aquaculture operations when considering residential uses on adjacent lands and vice versa.~~
4. ~~Advocate for comprehensive resource management decisions where agricultural land is competing with forestry, or environmental protection objectives.~~
5. ~~Encourage sustainable farming methods in order to protect fresh and marine water resources and adjacent properties.~~
6. ~~Ensure that the quantity and quality of the water supply is protected~~, and seek ways and means of improving water availability for irrigation purposes.

4. ~~The Regional District may support an application for non farm use or exclusion of land from the ALR if the proposed non farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the ALR and for which the community need clearly outweighs the loss to agriculture.~~
4. The good water availability of water for agriculture irrigation currently in the Plan Area should be maintained and impacts considered when there are proposals for land use change or development in surrounding areas.
5. Land-based components of aquaculture such as rearing, processing, storing and distributing shellfish or aquatic plants are supported:
- in the ALR where considered a farm use; and
  - in the Resource Lands and Rural Lands designations in a location that is not expected to negatively impact the natural environment or the use and enjoyment of nearby properties; and for land in the Rural designation, also pursuant to Rural Lands Policy 4 which supports rezoning for service commercial uses subject to a list of criteria.
- ~~6.1. The location and construction of new roads, utility or communication rights of way should be sited to avoid ALR lands wherever possible. Where unavoidable, these rights of way should be sited in a manner that will cause minimal impact on agricultural operations. Alignments should be established in consultation with affected landowners and the Agricultural Land Commission.~~
- ~~7.6.~~ Subdivision of land adjacent to the ALR is regulated by development permit to prevent future conflicts between agricultural uses and other adjacent uses.
7. Agrology reports submitted in support of applications for subdivision within or exclusion from the ALR should fully consider non-soil based farming activities and environmental best practices.
8. ~~The Regional District supports the continued referral to the Agricultural Advisory Committee of land use applications and amendments to this Plan that affect land in the ALR.~~
- ~~8.9.~~ The Regional District should consider regulating the size and location of residential uses in the ALR so that they are farm-oriented and do not reduce the likelihood that the land will be farmed in the future.

**Commented [SC5]:** Input received considered this policy to be either too limiting to RDN support or too open. Was intended in part to support Lions Housing expansion, but this is adequately supported through section 5.9 Policy 5.

**Commented [SC6]:** Moved under Advocacy Policies to reflect that these are not under the jurisdiction of the RDN.

## ADVOCACY POLICIES

- ~~9.10.~~ The owners of land adjacent to ALR lands are encouraged to provide a vegetative buffer between their lands and the ALR lands and follow all Ministry of Agriculture policies and best management practices.
11. The Ministry of Agriculture and local farm organizations are encouraged to assist and support owners of agricultural land with options and opportunities related to all aspects of farming, including business development and other land tenure options if they are unable to or uninterested in farming.
- ~~10.12.~~ The Ministry of Transportation and Infrastructure and other relevant agencies are encouraged to ensure that ~~t~~the location and construction of new roads, utility or communication rights-of-way should be sited to avoid ALR lands wherever possible. Where unavoidable, these rights-of-way should be sited in a manner that will cause minimal impact on agricultural operations. Alignments should avoid road endings or stubs which point directly into the ALR and half roads along the ALR boundary, and be established in consultation with affected landowners and the Agricultural Land Commission.

## 3.2 Forestry

### INTRODUCTION

Forestry is a significant land use in the majority of the Plan Area. Private Managed Forest Lands cover 56% of the land base, and there are also large areas of Provincial Forest owned by the Crown. Most of these Crown lands are concentrated between Qualicum Bay and Deep Bay and in the lowland areas of the Plan Area. In 2010, part of this Crown Provincial Forest was protected under a Coastal Douglas Fir Land Use Order where harvesting is no longer permitted.

~~There are a significant number of Crown parcels, which were originally part of the Vancouver Island Fruit Lands that may have both forestry and agricultural potential.~~

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

### FORESTRY POLICIES

1. This Plan supports the use of Resource Lands for forestry-related uses where appropriately zoned. In addition, the Plan supports the use of Resource Lands for recreational activities (such as hiking trails), where such uses do not contribute to the degradation of the natural environment and are permitted by the landowner.

~~2. The Regional District shall coordinate with the Ministry of Forests, Lands and Natural Resource Operations and commercial forest companies to develop public access to private logging roads and trails during non-operational periods, except in times of high or extreme fire hazard or active logging.~~

~~2.1 Forests are recognized for their role in carbon sequestration which is an important component of climate change mitigation.~~

### ADVOCACY POLICIES

3. The Province and private forest land owners shall be encouraged to manage their forest lands so that they do not:
  - a. Pose a threat to the quantity and quality of fresh water within the drainage system of watercourses, streams, lakes or wetlands;
  - b. Alter the aesthetic appeal and visual integrity of the Plan Area;
  - c. Disturb areas of unique vegetation or wildlife; and
  - d. Increase, or contribute to, soil erosion.

### OBJECTIVES

1. **Ensure** the Area's forest lands are managed on a sustained yield basis and are protected against activities that may disrupt their renewable resource potential.
2. **Support** sustainable forestry practices.
3. **Support** the Area's forest lands availability for recreational enjoyment and education.
4. **Encourage** best use of FireSmart recommendations to reduce susceptibility of buildings and property to wildfire.

**Commented [CS7]:** Moved to Section 2.5 Climate Change and Energy

4. The Ministry of Forests, Lands and Natural Resource Operations and commercial forest companies shall be encouraged to ensure the sustainability of outdoor recreation ~~exists~~ in the natural woodlands of this area in conjunction with the management of the forest. This would include supporting the ~~public access to controlled use of~~ private logging roads and areas during non-operational periods ~~for public recreational use where possible~~, except in times of high or extreme fire hazard or active logging.
- ~~5.~~ The Regional District will encourage Provincial leadership towards ensuring environmentally sound forestry practices on private forest land.
- ~~5.6.~~ The Ministry of Forests, Lands and Natural Resource Operations, commercial forest companies and private forest landowners will be encouraged to use FireSmart recommendations to reduce susceptibility of buildings and property to wildfire.

### 3.3 Mineral, Gravel and Hydrocarbon Resources

#### INTRODUCTION

The predominant known mineral resource within the Plan Area is gravel concentrations around Horne Lake, Spider Lake, and Nile Creek. Other potential resources include deposits of limestone and clay. It is important to note that aggregate resources such as sand and gravel have greater potential value in mineral production than metallic metals and hydrocarbon resources in the Plan Area. As other areas become depleted of this aggregate resources or are lost to development, there may be increasing pressure for access to aggregates in the Plan Area.

The regulation of aggregate extraction falls primarily within the jurisdiction of the Ministry of Energy & Mines and the Ministry of Forests, Lands & Natural Resource Operations. The province is responsible for operational issues, such as public/worker safety, environmental protection, closure and reclamation of aggregate operations. The Regional District may regulate areas where processing of aggregate resources is permitted. The Regional District cannot regulate mining and mineral exploration activities as they are subject to the *Mines Act* and *Mineral Tenure Act*.

The objectives and policies of this section remain broad in nature to offer guidance to senior governments in their decision-making process, as part of the referral process.

#### OBJECTIVES

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

#### MINERAL, GRAVEL AND HYDROCARBON RESOURCES POLICIES

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

#### ADVOCACY POLICIES

3. The Province will be encouraged to provide adequate consideration to possible impacts on neighbouring residential and/or rural parcels and the natural environment prior to issuing a permit considering a new mining operation or re-opening an old mine (or pit). Particular attention should be focused on assessing the potential impacts of resource removal on the quantity or quality of surface and groundwater or social impact on neighbouring residences. This information should be referred to the Regional District and adjoining landowners for comment prior to a decision.

## SECTION 4 – COMMUNITY RESOURCES

4.1 Parks and Open Space

4.2 Community and Institutional

4.3 Community Water and Sewer Systems

4.4 Transportation Network

4.5 Public Transportation

4.6 Marine Transportation



[Peter Mason and Dagmar Seydel at the Magnolia Court Summer Market](#)

[Photo credit: Corinne Roby](#)

The community resources described in this section include parks and open space, centres of education and community life, infrastructure, and transportation services.

Where these lands or services are not under the direct jurisdiction of the Regional District, planning relies on coordination with other organizations, levels of government, and First Nations.



## 4.1 Parks and Open Space

### INTRODUCTION

Lands set aside for recreation and active transportation in the Plan Area include the Regional District's regional and community parks and trails, provincial parks, and federal fisheries lands on the Big Qualicum River and at Horne Lake. These are shown on Map No. 3 Community Resources. This section focuses primarily on parks for public use, and Section 2.1 of this Plan addresses sensitive ecosystem protection.

There are extensive trail networks on Crown lands and Private Managed Forest Land in the Plan Area; however, their long-term protection is not guaranteed. The Regional District does not have the resources to consider managing informal trail systems on Crown lands, but support them through mapping, and by working with community groups with interest in trail building and marketing. Private Managed Forest Lands are not considered publicly accessible, ~~however,~~ historic use of logging roads and trails for recreation in these areas is common, but since the tenure is private, there is no guarantee ~~for-of~~ ongoing protection of the trails or public access.

There is a sports field at the Lions Community Hall property. Henry Morgan Park near the Bowser Village Centre includes a playground, shelter and washroom. Dunsmuir Community Park has a small tennis court and basketball half-court, and at the time of updating this Plan in 2017~~6~~, there were plans for improvements to this park in the near future.

There are numerous unconstructed road rights-of-way in the Plan Area, some of which were dedicated in the past for highway plans that never came to fruition. These rights-of-ways are assets for future trail construction and are an integral part~~k~~ of Regional District trail and active transportation planning.

### PARKS AND OPEN SPACE POLICIES

1. Parkland and trails shall be permitted in all land use designations.
2. This Plan designates all Provincial/Crown lands above known unconfined aquifers as Park Lands to protect finite groundwater resources into the future.
3. This Plan designates Department of Fisheries and Ocean owned properties along the Big Qualicum River, at Horne Lake, and that part Block 40, plan 1339R, Alberni Land District as Park Land to protect this important river and regional park area.

### OBJECTIVES

1. ~~Ensure~~ that parks and recreational uses form an integral part of the community infrastructure.
2. ~~Recognize~~ the importance of regionally significant parks and natural features.
3. ~~Support~~ the parkland acquisition strategies of the Regional District's Regional Parks and Trails Plan and the Community Parks and Trails Strategy.
4. ~~Support~~ public open space opportunities on Provincial, Federal, and Regional District park lands.
5. ~~Improve~~ public beach-water access, to and linear recreational connections along creeks and river corridors as well as waterfront areas.
6. ~~Identify, maintain and improve~~ wildlife corridors.
7. ~~Maintain close cooperation with~~ Work with public and private institutions to encourage-facilitate integration of institutional uses such as schools, community halls, the E&N Rail Corridor, and associated open space as an integral part of the community parks and open space system-and where possible, available for public use.
8. ~~Encourage~~ the availability of the area's forest lands for recreational enjoyment and education while safeguarding recreational appeal-private forest land owners to continue to make their land available for public recreation.

**Commented [CS8]:** Policies added to this section based on feedback from RDN Parks staff to contribute to a more effective and clear process for parkland dedication.

~~4. The designation of Parkland may also protect those lands that are noted as environmentally sensitive in the Plan Area. Although park land is supported for the protection of environmentally sensitive features, protection of these features should be in addition to the minimum 5% park land dedication in the Local Government Act.~~

~~4-5. Parkland proposals should provide a benefit to the community and lands with no benefit to the community should not be accepted.~~

~~6. It is strongly preferred that land being considered for parkland be maintained in its original state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which requires cleared lands.~~

~~5-7. Pursuant to the Local Government Act, at the time of subdivision the Regional District shall determine whether the owner of land being subdivided shall:~~

- ~~a. provide without compensation, useable park land equivalent to 5% of the parcel size and in a location acceptable to the Regional District Board, or~~
- ~~b. pay to the Regional District an amount that equals the market value of the land that may be required for park purposes, or~~
- ~~c. provide a combination of land and cash to the satisfaction of the Regional District Board.~~

~~8. In areas where parkland is desired, developers are encouraged to dedicate greater than 5% parkland.~~

~~6-9. Known priorities and criteria for park acquisition must be considered and given priority at the time of park dedication such as those indicated in this Plan or by any other Plan of the Regional District such as the Community Parks and Trails Strategy, the Regional Parks and Trails Plan, or Active Transportation Plan. At the time of adoption of this Official Community Plan, key priorities for parkland acquisition and development in the Plan Area include:~~

- ~~a. "Olympic Torch Relay Trail" that would connect the Lighthouse Country Regional Trail through Bowser Village Centre;~~
- ~~b. Historic Horne Lake Trail;~~
- ~~c. Trails in Oakdowne Park through License of Occupation with the Province;~~
- ~~d. Connection between the Bowser Elementary at the end of Faye Road and the Thompson Clark Ocean Trail Community Trail via unconstructed Jackrabbit Road;~~
- ~~e. Those identified in Section 2.1 Sensitive Ecosystems Policy 78 of this Plan; and~~
- ~~f. Those identified in Goal 4.1 of Schedule B, the Bowser Village Centre Plan.~~

~~10. The Regional District shall evaluate the suitability of parkland proposals and may also consider parks and publicly accessible open space provision through means other than subdivision approval in accordance with Policy 11 of this Section.~~

~~11. The Regional District may consider accepting parkland at the time of subdivision or rezoning on any land within the Plan Area where there is an opportunity for park dedication to meet one or more of the following preferred park criteria:~~

- ~~a. The land improves access to water including the ocean, a lake and any other watercourse.~~
- ~~b. The land is identified for parkland, trail, or conservation area by this Plan or any other RDN parks and trails plan.~~

- c. The land connects parks and natural areas, contributing to an interconnected greenways network that links neighbourhoods to parks, schools and cultural resources.
  - d. The land includes areas for the protection of environmentally sensitive areas to be retained in a natural, undisturbed state or archaeological features to be protected, although generally the protection of environmentally sensitive lands or archaeological features should be in addition to the minimum parkland dedication requirements pursuant to the *Local Government Act*.
  - e. The land includes viewpoints and opportunities for nature appreciation and/or focal features such as a public square or community gathering space in village centres.
  - f. Land that is a single contiguous parcel is preferred where other parkland acquisition criteria are not considered to offer a greater community benefit.
  - g. The subject property contains a locally or regionally significant feature or ecosystem that if preserved or managed would result in a net benefit to the community
  - h. Notwithstanding lands deemed appropriate for environmental protection by a qualified environmental professional, the land in question must be useable land that would be suitable for a multitude of recreational uses such as baseball diamonds, tennis courts, children’s tot lots, and basketball courts.
  - i. Preference shall be given to the acquisition of those lands identified in Map No. 3 for future community and regional parks, trails and corridors, and natural areas, and Map No. 2b for well protection areas and recharge areas for community water systems. However, other lands may be considered in accordance with the criteria outlined in this policy.
12. The Regional District will not support encroachment applications into rights of way to beach areas, the foreshore, streams, or watercourses in the Plan Area.
- 7-13. All trails proposed on lands located within the Agricultural Land Reserve shall require approval from the Agricultural Land Commission and should be developed and used in accordance with the Ministry of Agriculture’s publication titled “A Guide to Using and Developing Trails in Farm and Ranch Areas”.
- 8-14. When responding to referrals from the Ministry of Transportation and Infrastructure for road closure applications, the Regional District will:
- a. consider the value of retaining the right-of-way as public land for recreation and active transportation purposes;
  - b. refer to its parks and trails and active transportation plans and strategies, and
  - c. not support the closure if retaining the right-of-way as public land will benefit parks and trail development or active transportation.
- 9-15. This Plan supports the creation of a parks development cost charge bylaw to support acquisition and development of select Community Park amenities.
- 10-16. The Regional District recognizes that public involvement is essential in the planning, acquisition, and development of the community and regional parks. Consultation with the public, as well as parks and recreation commissions, volunteer groups and service organizations is encouraged and is considered vital for the success of the Parks System.

## ADVOCACY POLICIES

- ~~11. The Regional District shall support the Province in the designation and protection of candidate areas identified through the BC Protected Areas Strategy Process. The Provincial Government has included an expansion of Horne Lake Caves Provincial Park and an ecologically sensitive wetland known as “Gainsburg Swamp” west of Deep Bay as candidates for its Protected Areas Strategy.~~
17. The Regional District shall encourage management of Crown lands as Parks/Reserve ~~or BC Forest Recreation sites~~ south and west of Bowser along Nile Creek, Thames Creek, Lymn/Chef Creek, Gainsburg Swamp, Annie’s Woods and the unconfined aquifer on Crown Land in District Lot 86 (see Map No. 2).
- ~~12-18.~~ The Regional District shall support the prohibition of motors on Spider Lake to protect the water quality and the existing character of human-powered recreation.
- ~~13-19.~~ The Regional District shall encourage the Province and forest companies to ~~protect the natural woodlands and landscape features of the area and~~ provide opportunities for controlled use of trails and private logging roads during non-operation periods for outdoor recreation except during times of high and extreme fire hazard.
- ~~14. The Regional District shall encourage appropriate agencies to allow public access or use of corridors intended as public utility rights-of-way or transportation corridors.~~
- ~~15-20.~~ The Regional District shall encourage and support volunteer assistance in the development and management of community parks, Streamkeeper projects and trails.
- ~~16-21.~~ Partnerships among residents, landowners, business owners, and government agencies to improve Park Lands are encouraged and supported by this Plan.

**Commented [SC9]:** The Protected Areas Strategy was implemented through the Vancouver Island Land Use Plan in 2000, so this policy not relevant. Bowser Ecological Reserve was established through this program, and Horne Lake Park expansion and Gainsburg Swamp are identified in section 2.1.

**Commented [SC10]:** Camping should not be encouraged in the areas upslope of water system wells. Annie’s Woods may not be as sensitive for groundwater purposes but does not seem suitable for forest rec site.

**Commented [SC11]:** Forestry is encouraged on forest lands in section 3.2.

**Commented [SC12]:** In current OCP but found to be unclear.

## 4.2 Community and Institutional

### INTRODUCTION

Community and institutional uses include facilities such as schools, universities, religious and service organizations, community halls, community care facilities, fire halls, ambulance stations, and marinas and wharfs in the Plan Area.

Institutional uses are permitted in all designations of this Plan, and these uses generally require appropriate institutional zoning prior to the use of land for such purposes.

School District No. 69 has jurisdiction for the Bowser Elementary School, the single public school within the Plan Area (high school students attend school in Qualicum Beach or Courtenay). With current school enrollment and population trends, there is no anticipated need for additional school facilities over the next 10 years.

Community fire protection is provided by three volunteer fire departments in the Plan Area. The Deep Bay Volunteer Fire Department is administered and financed by the Deep Bay Improvement District, and the Bow-Horn Bay and Dashwood are volunteer fire department societies financed by property taxes collected through the Regional District.

While current community and institutional facilities are found throughout the Plan Area, future uses shall be encouraged to locate within the Rural Village Centres. Some of the key existing community and institutional facilities are illustrated on Map No. 3.

### COMMUNITY AND INSTITUTIONAL POLICIES

1. Institutional uses will be permitted in all land use designations in this Plan but may require rezoning to institutional use.
2. The Regional District shall encourage the integration of future school sites into Rural Village Centres and integrate their location with the parks, trails and open space network.
3. This Plan supports the continued service of Bowser Elementary School. The Regional District shall work with School District No. 69 on the long-term plans for this school.
4. The Regional District will consider future agreements with the School District to implement the School Site Acquisition Provisions in the *Local Government Act*.
5. The Regional District shall encourage new proposals for institutional facilities to be situated within the Rural Village Centres, except where a location outside of a Village Centre is demonstrated to be more appropriate or essential to its use.
6. Establishment of a cemetery in the Plan Area is supported subject to rezoning and adherence with applicable provincial requirements.

### OBJECTIVES

1. **Work with School District No. 69 in planning for the future needs of the community and coordination of school site and parks and open space planning.**
2. **Encourage community use and support of community facilities.**
3. **Direct the location of new institutional facilities for public assembly, for educational, religion, cultural and service organizations to Village Centres.**
4. **Recognize the existing emergency services provided within the Plan Area.**
5. **Support coordination for providing emergency services for existing and future residents.**
6. **Support the strategic location of fire halls and future ambulance and police stations to serve the growing needs within the Plan Area.**

7. The Plan recognizes the location of existing fire halls, and fully supports the valuable volunteer fire fighting and emergency services provided by the Deep Bay, Bow Horn Bay, and Dashwood Volunteer Fire Departments.
8. The Regional District will continue to develop coordination, ~~and communication, and information sharing~~ with Improvement Districts and volunteer fire departments to ensure that adequate fire fighting services are able to accommodate the future development of the Rural Village Centres at Dunsmuir, Qualicum Bay, and Bowser and to improve fire protection service to rural areas, to include, but not be limited to, development of emergency evacuation plans and encouragement of community emergency preparedness, in coordination with the appropriate federal and provincial government agencies.
9. The Regional District will coordinate with fire departments in planning for future growth and development and in review of applications to amend this Plan and the zoning bylaw.
10. At the time of updating this Plan in 2017, the Regional District is coordinating an expansion of a Crown lease area at the end of Shayla Road near Spider Lake for the Bow-Horn Bay Volunteer Fire Department to construct a new hall. This Plan supports consideration of expansion of the Bow-Horn Bay Volunteer Fire Department service area to the south-west up to and including the properties around the shores of Horne Lake.

#### ADVOCACY POLICIES

11. The Regional District encourages public consultation with District 69 School Trustees on any future plans or uses for area schools.
12. The Regional District shall encourage the School District to complement other community facilities by continuing to be make available schools and school grounds for recreation, cultural activities, and educational programs during non-school hours.
- ~~12.13.~~ The Regional District encourages Vancouver Island University to continue community programming and events at its Marine Research Station and to integrate its future growth and development with the surrounding community.
- ~~13.14.~~ The Ministry of Transportation and Infrastructure is encouraged to request that all proposed subdivision plans are reviewed by the relevant fire department.

## 4.3 Community Water and Sewer Systems

### INTRODUCTION

There are three community water systems that serve the developed coastal area. These are Deep Bay Water District, Bowser Water District, and Qualicum Bay Horne Lake Water District. The Plan Area relies on groundwater resources in the vicinity of Bowser and Dunsmuir. These areas have an undefined quantity of water in unconfined Quadra Sands and associated aquifers. The water quantity and quality continues to be sufficient and is expected to remain so if precautions are taken to protect this valuable resource.

#### *Deep Bay Improvement District:*

A 2016 *Aquifer and Well Protection Plan for the Deep Bay Improvement District* by Payne Engineering Geology identifies a well protection area for the District's wells. Approximately 80% of the well protection area is within the Coastal Douglas Fir land use order area which is designated for ecosystem protection and therefore effectively also offers some protection for the Deep Bay Improvement District wells. The rest of the well protection area is on private property within the Agricultural Land Reserve.

#### *Bowser Waterworks:*

A 2015 *Aquifer and Wellhead Protection Plan for Bowser Waterworks District* by Payne Engineering Geology identifies a wellhead protection area for the District's wells in close proximity to its wells on Crosley Road. The wellhead protection well capture zone area extends from the wells lease area on Crosley Road, south and west through Crown Land that was formerly the Bowser Seed Orchard, and including private properties on Cowland Road. All of the wells and some of the protection area are within the Coastal Douglas Fir land use order area which effectively offers some protection. The site of the former Bowser Seed Orchard is not protected by the Coastal Douglas Fir land use order area and any proposed future use of that property should be considered in relation to potential contamination of the water supply for Bowser Waterworks.

#### *Qualicum Bay Horne Lake Water District:*

A 2017 Well Protection Plan for The Qualicum Bay Horne Lake Water District's Waterworks identifies a well protection area for the District's wells that extends upslope to Highway 19. The well capture zone extends further up slope, and both of these areas include rural and agricultural properties, as well as the inland highway. The Well Protection Plan also identifies an area at risk of artesian conditions below its wells, which requires care during development to protect from uncontrolled artesian flow. wells are located on Horne Lake Road between Thorpe and Olympic Roads. It is generally understood that a well capture zone extends uphill. At the time of

### OBJECTIVES

1. **Encourage** the efficient location of public utilities to serve the needs of residents.
2. **Liaise** with the local water purveyors to ensure water quantity and quality is sufficient and can be sustained for **current and future development options**.
3. **Identify and protect** groundwater recharge areas.
4. **Advocate** the environmentally safe and economically feasible development of community sewer systems.
5. **Prepare** strategies for provision of community wastewater services within Village Centres, in coordination with the Qualicum First Nation for Dunsmuir and Qualicum Bay.
6. Support provision of community sewer outside of village centres where there is a threat to public health or the environment due to the wastewater management method being used.
7. **Support** provision of community water and sewer outside of village centres where necessary to support other goals of this plan related to alternative forms of rural development

~~updating this Plan in 2016, the Water District was in the process of having an Aquifer and Well Protection Plan prepared, which will delineate a well protection area.~~

## COMMUNITY WATER AND SEWER SYSTEM POLICIES

1. The Regional District recognizes the important role played by Improvement Districts in providing community water and will liaise to ensure adequate quantity and quality of water is available for any future development.
- ~~2.~~ Where identified, groundwater recharge areas and well protection areas shall be protected through land use regulation and development permit area.
3. ~~Except for agriculturally-designated lands, the Regional District does not support the drilling of wells for domestic purposes where community water services exist and have adequate capacity to meet reasonable domestic demand.~~
- ~~2.4.~~ ~~In the absence of a groundwater protection bylaw that otherwise recommends such development, the creation of new parcels, serviced by private wells within community water services areas, is not supported.~~
- ~~3.5.~~ This Plan supports the comprehensive development of community sewer systems within the Rural Village Centres.
- ~~4.6.~~ This Plan supports provision of community sewer outside of Rural Village Centres where there is a threat to public health or the environment due to the wastewater management method being used.
- ~~5.7.~~ Provision of community water and sewer outside of Rural Village Centres is supported where necessary to achieve other objectives of this plan related to alternative forms of rural development, and where ~~the small systems~~ are not proposed to be owned by the Regional District. Implementation of this policy is subject to amendment ~~of~~ the Regional Growth Strategy.
8. This Plan supports locating future community infrastructure ~~only~~ where it will have the least impact avoid disturbing to environmentally sensitive areas ~~and will pose no negative impact on and~~ the environment.
- ~~6.9.~~ This Plan supports establishing a mandatory septic maintenance program in all areas not served by community sewer system in order to protect the environment including surface, marine and ground water from contamination.
- ~~7.~~ ~~The Regional District requires written confirmation from the area water utility that there is a sustainable quantity and quality of water supply available for any development to be considered.~~

**Commented [SC13]:** Added in response to Deep Bay Improvement District concern about impact of future development within their service area drilling wells instead of or in addition to connecting to their water system.

**Commented [SC14]:** Will look to define a threshold for small systems in consultation with RDN Wastewater department prior to adoption of bylaw.

**Commented [SC15]:** Adequately covered in Development Guideline Criteria section 5.1



## 4.4 Transportation Network

### INTRODUCTION

The effective integration of transportation modes such as automobile, transit, cycling and walking creates well connected communities and results in other significant benefits. Communities that have good active transportation facilities that are well connected with other modes such as public transit, have lower rates of obesity and chronic illness. In addition, transportation networks that provide alternatives to automobile travel help reduce greenhouse gas emissions. The recreational trail system is addressed in section 4.1 of this Plan and is part of the overall transportation network. Movement around the Plan Area by foot or bicycle can include a combination of road shoulders and off-road trails.

Island Highway No. 19A had long been the sole vehicular route connecting north and south Island communities until the completion of the Inland Island Highway No. 19 in the late 1990's. Today, both of these highways accommodate passenger, freight and service transportation up and down the Island. The Plan Area includes two major intersections connecting the Inland Island Highway with Island Highway No. 19A: at Horne Lake Road and Cook Creek Roads. The highways and major roads in the Plan Area are shown on Map No. 3.

Emergency access to neighbourhoods with only one road in and out is a concern for residents. New road connections are desired in two key locations where Gainsburg Road is the only access: new access connecting Highway 19A with the western portion of Gainsburg Road, and a connection between Thompson Clark Drive and Ocean Trail.

### TRANSPORTATION NETWORK POLICIES

1. The Regional District supports improvements to the efficiency, ~~effectiveness,~~ and safety of Island Highway No. 19A including the safety of those travelling by foot, bicycle or other non-vehicular means on the road shoulders.
2. The Regional District supports the eventual upgrading of Inland Island Highway No. 19 intersections to overhead interchanges at Horne Lake and Cook Creek Roads.
3. The Regional District shall ~~seek the opportunity to~~ coordinate with the Ministry of Transportation and Infrastructure for developing bicycle and pedestrian routes along Island Highway No. 19A and other roads to implement the Active Transportation Plan, 2017.
4. Known priorities for active transportation facilities in the Active Transportation Plan, 2017 must be considered at the time of rezoning for community amenity contribution pursuant to policies in Section

### OBJECTIVES

1. **Accommodate safe, and efficient, and effective passenger, freight, and service transportation throughout the Plan Area.**
2. **Enable safe, non-vehicular mobility through improved walking and cycling trails or routes between neighbourhoods, schools and commercial areas.**
3. **Improve safe bicycle and pedestrian routes on Island Highway No. 19A.**
4. **Support the visual protection of the Inland Island Highway Corridor with buffer areas including setbacks, greenways, and landscaping requirements.**
5. **Encourage appropriately located wayfinding and tourist and attraction signage on Island Highway Nos. 19 and 19A.**
6. **Encourage second road accesses to neighbourhoods with only one way in and out.**

6.2 of this Plan. At the time of adoption of this Plan, key priorities for active transportation facilities include:

- a. Pedestrian crossings of Highway 19A in Bowser near Magnolia Court, at Coburn Road, and near Lions Way
  - b. Paved shoulder on all of Highway 19A with a higher priority on the section from Crosley Road to just north of Fisheries Road
  - c. Improvements to safety of walking and cycling on ~~Creation of advisory lane on~~ Faye Road
  - d. Trail construction on unopened Jackrabbit Road that connects the end of Faye Road to the Thompson Clark Ocean Trail Community Trail
  - e. Shoulder widening on Gainsburg Road
5. Preserve the natural visual character of the rural portions of Highway Corridors on Highways 19, and 19A.

#### ADVOCACY POLICIES

6. The Ministry of Transportation and Infrastructure is encouraged to improve bicycle and pedestrian routes on Highway No. 19A in coordination with the Regional District and pursuant to the Active Transportation Plan, 2017.
7. The Ministry of Transportation and Infrastructure is encouraged to coordinate with the Regional District and local business community to ensure that wayfinding and tourist and attraction signage is current and best serves the needs of the local community and travelling public.
8. The Ministry of Transportation and Infrastructure is encouraged to construct or require through subdivision, roads that provide a second access to neighbourhoods with only one way in and out.
9. The Ministry of Transportation and Infrastructure is encouraged to improve the safety of Horne Lake Road between the Highway 19 and Highway 19A which may include realignment if the opportunity exists.

## 4.5 Public Transportation

### INTRODUCTION

As of the 2017<sup>6</sup> review of this Plan, VIA Rail's passenger train service has not run through the Plan Area for several years and its future is uncertain. The E&N rail corridor remains a valuable community asset that if not used for rail, should be used for as a non-vehicular (active) transportation and recreation corridor.

In 2014, Regional District of Nanaimo Transit Services began operating a bus to and from Deep Bay and connecting to Nanaimo via Qualicum Beach in the morning and afternoon on Tuesdays. The service is planned for expansion to 5 days per week in September, 2017. It is a long standing desire for this community to have public transit connection north into the Comox Valley Regional District, where many residents travel to regularly for work, shopping and appointments as it is often more convenient than travelling to Nanaimo. Transit service in the Comox Valley Regional District currently goes as far south as Fanny Bay, less than 10 km from where transit service ends in Deep Bay. Focussing growth and development in Rural Village Centres will make continued expansion of the frequency of service more viable.

### PUBLIC TRANSPORTATION POLICIES

1. The E&N Railway corridor lands shall be designated Transportation Corridor ~~with a minimum parcel size of 2 ha where subdivision is not supported.~~
2. The Regional District shall support the development of public transportation nodes in Rural Village Centres such as bus shelters in strategic locations linked with active transportation facilities.
3. Should rail transportation services cease to exist, this Plan supports the establishment of walking and cycling trails on the E&N railway corridor.
4. The Regional District shall encourage the development of alternative transportation opportunities such as mini-bus commuter services, carpooling, and park and ride connections to Regional District Transit routes in consultation with Regional District Transit Services.
5. The Regional District supports accessibility in public transportation; an accessible transportation system works to support aging place, and the independence, comfort, self esteem, and security of everyone, including people with disabilities.

### ADVOCACY POLICIES

6. BC Transit and the Comox Valley Regional District are encouraged to work with the Regional District of Nanaimo to develop a public transit connection between the Deep Bay area and transit in the Comox Valley Regional District.

### OBJECTIVES

1. *Support existing transit service in Area 'H' and encourage expansion.*
2. *Support the development of commuter transportation opportunities for residents of Area 'H' in addition to the current transit service.*
3. *Protect the E&N railway line as a continuous linear transportation corridor by designating the lands as a transportation corridor for rail travel and for non-vehicular mobility options.*

## 4.6 Marine Transportation

### INTRODUCTION

The Deep Bay Harbour provides opportunities for recreational and commercial marine transportation. Commercial fishing, shellfish aquaculture, and recreational boat travel are accommodated within the Deep Bay Harbour.

The Government Wharf provides facilities for commercial fishing, shellfish aquaculture and recreational vessels, and the adjacent private marina is home to the Deep Bay Yacht Club which shares a floating clubhouse with the Lighthouse Country Marine Rescue Society. The Deep Bay Harbour Authority manages the federal government wharf on behalf of DFO Small Craft Harbours Program. There is a privately owned boat ramp adjacent to the parking lot for the Harbour.

There are no publically-owned boat launches in the Plan Area, however there is a private boat launch open to the general public to the south of the marina parking lot.

### OBJECTIVES

1. **Recognize** the role of the Deep Bay Harbour Authority in managing the federal government wharf at Deep Bay.
2. **Encourage** opportunities for recreational and commercial marine transportation from Deep Bay Harbour.
3. **Support** solutions to marina parking lot overflow for vehicles and trailers.

### MARINE TRANSPORTATION POLICIES

1. The Regional District encourages the tourist, recreational, fishing and aquaculture industries to continue their use of Deep Bay Harbour.
2. The Regional District recognizes the importance of existing private boat launches in the Plan Area for recreation, tourism, and emergencies, but does not support development of new private boat launches due to their impact on the foreshore environment-
3. This Plan supports development of new public boat launches in ~~appropriate~~ locations with minimal environmental impact and sufficient trailer parking, and subject to development permit area guidelines.
4. The Regional District shall develop a plan in coordination with the Deep Bay Harbour Authority and local businesses for accommodating overflow parking for the harbour.
5. The Regional Board shall not consider rezoning the surface of the water in Deep Bay Harbour without consultation with the Deep Bay Harbour Authority and local residents.

### ADVOCACY POLICIES

6. The Regional District encourages the Deep Bay Harbour Authority to provide additional off-street parking to reduce reliance on the nearby road shoulders for boat trailer parking during the busy season.

## SECTION 5 – THE DEVELOPMENT STRATEGY

5.1 Development Guideline Criteria

5.7 Recreation

5.2 Resource

5.8 Deep Bay

5.3 Rural

5.9 Affordable and Accessible Housing

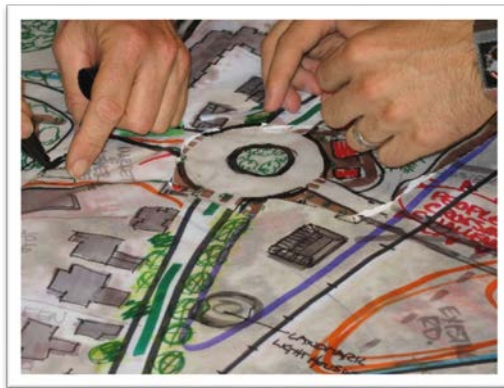
5.4 Rural Residential

5.10 Alternative Forms of Rural Development

5.5 Rural Village Centres

5.11 Temporary Use Permits

5.6 Tourist Commercial



The Development Strategy is a key component of the this Plan and sets the parameters for development within the community. The development strategy provides a framework for focusing future growth into Rural Village Centres ~~and growth containment areas~~ and protecting rural character ~~outside of them~~. The strategy for this Plan is driven by the Community Values Statement (see Section 1 of this OCP) and the Development Guideline Criteria (paragraph 5.1) and is consistent with the Regional Growth Strategy (RGS). Where revisions during the 2016/17 review of this Plan added policies that require changes to the RGS, the actions or uses identified in the policies shall not be supported unless there is an amendment to the RGS.

The Development Strategy is illustrated through mapped 'Land Use Designations' that match the written objectives and policies to land uses, densities and parcel sizes. These Designations are shown on Map No. 5.

There are three designated Rural Village Centres in this OCP: Dunsmuir, Qualicum Bay, and Bowser. In addition, the area near Deep Bay Harbour is an important focal point for marine, aquaculture, and tourism industries, and neighbourhood services for local residents.

This Plan encourages and supports Home Based Businesses as an economic activity conducted as an accessory use on any parcel consistent with zoning regulations.

## 5.1 Development Guideline Criteria

In Electoral Area 'H', prior to considering an application to amend this Official Community Plan or the applicable zoning bylaw, an applicant must show that the proposal:

1. ~~Reflects~~ is consistent with the Community Values Statement, ~~objectives of the~~ rest of the Official Community Plan and ~~the policies of~~ the Regional Growth Strategy;
2. Preserves and protects the rural character of the area and contains urban development to the Rural Village Nodes;
3. Protects and promotes natural, environmental, and geographic features through an environmental impact study.
4. Where outside a community water service area, identifies a source of water with sufficient quantity and quality for the proposed use and mitigation measures for any anticipated impacts on the aquifer or surface water in a manner that does not negatively impact the relevant watershed and/or aquifer through a hydro-geologic ~~impact review and/or assessment~~ on the water supplies of adjacent properties and on any nearby surface water resources in accordance with the Board Policy on "Groundwater – Application requirements for rezoning of un-serviced lands" as amended from time to time.
5. Preserves, enhances, and dedicates useable parkland that provides linkages to public lands, and integrated trail system and waterfront access where appropriate;
6. Minimizes greenhouse gas emissions resulting from the development through energy efficient ~~building~~ and site design, and consideration of active transportation where applicable.
7. Proposes a comprehensive approach to management and disposal of sewage and/or septage;
8. Proposes a comprehensive approach to drainage and management of rainwater demonstrating that impervious surfaces are minimized, slowing, detaining and infiltrating rainwater is considered, and that there is no increase to rainwater flow onto adjacent lands;
9. Protects and conserves archaeological sites through adherence to the provincial *Heritage Conservation Act*;
10. Has been presented to the community for review and comment on the overall proposal including any studies prepared to satisfy the above.

Where development is within a community water service area:

11. ~~the~~ the Regional District will refer the application to the local water provider for comment ~~to ensure that sufficient quality and quantity of potable water is available for the development.~~

### **DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS**

12. Applicants for zoning amendment, development permit, or temporary use permit in all designations of this Plan may be required to provide development approval information.
13. This Plan attempts to embrace compatible development while at the same time maintaining the values that are fundamental to the health and prosperity of the community. In order to achieve the goals of this Plan and ensure compatibility with the Community Values Statement and the Development Guideline Criteria, future land use and development decisions must consider the anticipated impacts of proposed development on the environment and community resources; the Plan Area is designated a development approval information area. Development approval information may be required to ensure that development may be adequately serviced and accommodated in a manner that sustains natural resources, environmentally sensitive areas and protects rural character while containing urban development to Rural Village nodes. Development approval information may be required to help the Regional District of Nanaimo determine appropriate uses, density and siting of future development.

## 5.2 Resource

### INTRODUCTION

This land use designation applies to lands that are used and valued for agriculture, land-based components of aquaculture, forestry, natural resource extraction, or environmental conservation. All lands within the Agricultural Land Reserve are in this land use designation. Lands that are classified as Private Managed Forest Lands and large parcel Crown lands (other than those designated as Park Lands) are also within this land use designation.

Where land is in the Agricultural Land Reserve and is proposed for subdivision or a non-farm use, approval must first be obtained from the Agricultural Land Commission.

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

### RESOURCE POLICIES

1. Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.
2. Lands within the Agricultural Land Reserve are designated “Resource – Agricultural”, and an 8.0-hectare minimum permitted parcel size ~~shall be is supported by this Plan.~~
3. Notwithstanding Resource Policy 2 above, any lands within the Agricultural Land Reserve having a minimum permitted parcel size of less than 8.0 hectares pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 at the date of adoption of this Official Community Plan shall retain that minimum parcel size.

### ADVOCACY POLICIES

4. Areas with environmentally sensitive or significant ecological resources within the Resource Lands designation are identified on Map No. 3. Protection of these areas shall be encouraged through federal, provincial, Regional District or private initiatives and incentives. The Regional District may consider proposals for increased development on a portion of a property to facilitate conservation of the environmentally sensitive areas elsewhere on the property, where the proposal meets the values, criteria, objectives and policies of this Plan.
5. All development in the Resource designation is encouraged to follow FireSmart recommendations to reduce the susceptibility of buildings and property to fire.

### OBJECTIVES

1. **Maintain the renewable natural resource land base and protect it from activities that may diminish resource value and potential.**
2. **Encourage more comprehensive management of the resource land base.**
3. **Protect the environment.**
4. **Encourage and protect outdoor recreational opportunities.**
5. **Encourage farm activities on productive agricultural lands.**
6. **Protect agricultural lands for present and future food production.**

## 5.3 Rural

### INTRODUCTION

This land use designation applies to large lots, not located within the Agricultural Land Reserve, and generally 2.0 hectares or more in size. These lands are intended to provide for traditional rural pursuits, and serve as a buffer between Resource Lands and the more urbanized areas of Electoral Area 'H'. This designation also applies to lands in the Spider Lake Area, where larger parcel sizes are the typical form of development and where residents in the area promote the retention of large parcel sizes to protect each individual property's privacy and rural quality of life.

Rural lands are characterized by the suitability to accommodate unserviced rural activities. These parcels typically have an adequate water supply and wastewater can be treated and disposed of through on-site ground disposal systems.

### RURAL POLICIES

1. Lands within the Rural designation shall have a minimum permitted parcel size of 4.0 hectares.
2. Notwithstanding Rural Policy 1, any lands within the Rural designation having a minimum permitted parcel size of less than 4.0 hectares pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 at the date of adoption of this Official Community Plan shall retain that minimum permitted parcel size (these parcels are illustrated on Map No. 5).
3. In addition, notwithstanding 5.3.2, lands within the Rural land use designation may be considered for a rezoning to the 2.0 hectare minimum permitted parcel size where the proposal meets the following criteria:
  - a) One dwelling unit per parcel
  - b) Bare land strata subdivision shall not be permitted
  - c) No frontage relaxation required
  - d) No further road dedication to accommodate parcel frontage or additional parcels (as verified as of the date of adoption of this Plan)
  - e) Provision of a comprehensive plan for subdivision of the area being rezoned with a report from a recognized professional with geotechnical and geohydraulic experience indicating an assessment of the environmental suitability of the subdivision that is accepted by the RDN, Water, Land and Air Protection, and the Environmental Health Officer.
- ~~3.4.~~ New residential development shall be permitted at a maximum density of 1 dwelling unit per 2.0 hectares to a maximum of 2 per parcel. Allowing two dwellings on a lot in rural areas supports affordable housing and aging in place.
- ~~4.5.~~ Secondary suites are supported in the Rural designation and regulated by the applicable zoning bylaw. Secondary suites are not included in the count of dwellings for the purpose of determining permitted dwelling density in this Plan.
- ~~5.6.~~ While this Plan recognizes an existing Industrial parcel within the Plan Area that is currently zoned for Industrial use, this Plan does not support additional heavy industrial zoning within the Rural designation. This Plan does support rezoning for additional light industrial use, or "service

### OBJECTIVES

1. **Preserve** the rural character of lands within the Plan Area
2. **Contain** the extent of growth of urban and suburban lands
3. **Encourage** alternative subdivision design to help limit sprawl, reduce fragmentation of ecological systems, and create more sustainable land use patterns
4. **Support** Tourist Commercial and service commercial development that is compatible with the local area and adjacent properties

**Commented [SC16]:** This policy is in the current OCP and had been removed in the previous draft with the intent that Alternative Forms of Rural Development policies in Section 5.10 would take its place. It is returned to the OCP based on community input and analysis that there are very few lots remaining to which it would apply.



commercial” use in the Rural designation provided it is a value-added shellfish aquaculture use or small scale and suitable to the location by demonstrating the following:

- a) does not negatively impact ground or surface water or sensitive ecosystems;
- b) does not unduly affect neighbouring properties through its scale and impacts such as noise, odour and significant increase to traffic;
- c) is visually screened from neighbouring properties and roads; and
- d) provides a community need that is not provided elsewhere in the Plan Area or where its location is essential-optimal to the use.

6.7. This Plan supports rezoning for Tourist Commercial uses in the Rural Designation provided it complies with policies in section 5.6 of this Plan.

#### ADVOCACY POLICIES

All development in the Rural designation is encouraged to follow FireSmart recommendations to reduce the susceptibility of buildings and property to fire.

Commented [SC17]: Removed due to repetition.

## 5.4 Rural Residential

### INTRODUCTION

The Rural Residential designation recognizes the existing pattern of smaller lots primarily along the coastal areas ~~on the ocean side near of Highway No. 19A. The density of development in this area is established at 5 units per hectare provided that the lot is served by a community water system.~~ All lots in the Rural Residential designation are served by one of the three improvement districts: Deep Bay Improvement District, Bowser Waterworks District, and Qualicum Bay Horne Lake Waterworks District.

Most lots in this designation are subdivided to their full potential with some infill subdivision potential remaining. However, the potential of some of the larger parcels may be constrained due to ground and soil conditions. It is essential that further infilling be provided in compliance with Ministry of Health regulations.

### RURAL RESIDENTIAL POLICIES

1. The Rural Residential designation maintains the existing single ~~and duplex family~~ residential and neighbourhood characteristics of the area.
2. ~~Lands in the Rural Residential designation shall have a minimum permitted parcel size of 2000 m<sup>2</sup>.~~
- ~~2-3.~~ Residential development on Rural Residential designated lands shall be permitted at a maximum density of 1 dwelling unit per 2000 m<sup>2</sup> (5 units per hectare) with community water service ~~to a maximum of two dwelling units per lot.~~
- ~~3-4.~~ Secondary suites are supported in the Rural Residential designation and regulated by the zoning bylaw. Secondary suites are not included in the count of dwellings for the purpose of determining permitted dwelling density in this Plan.
- ~~4-5.~~ Existing small scale commercial uses in Rural Residential areas shall be recognized for their benefits including accessibility and social contribution to the character of their neighbourhoods.

### ADVOCACY POLICIES

5. ~~All development in the Rural Residential designation is encouraged to follow FireSmart recommendations to reduce the susceptibility of buildings and property to fire.~~

### OBJECTIVES

1. *Protect and enhance* the characteristics of the Rural Residential neighbourhoods.
2. *Ensure* that the rural residential areas with natural hazards along the coastal shore of the Plan Area are identified and that development is protected from hazardous conditions.
3. *Ensure* that environmentally sensitive areas along marine and ~~riverine riparian~~ coastlines within rural residential areas are protected from impacts associated with development.
4. *Encourage* alternative subdivision design to help limit sprawl, reduce fragmentation of ecological systems, and create more sustainable land use patterns

Commented [CS18]: Repeat of policy 3.

## 5.5 Rural Village Centres

### INTRODUCTION

Dunsmuir, Qualicum Bay and Bowser are designated as Rural Village Centres, which are the mixed-use ‘focal points’ of the Plan Area, and are intended to support a variety of commercial, recreational, community and professional services, as well as residential development. It is anticipated that future residential growth in the Plan Area will be accommodated within the Rural Village Centres, which will include a range of housing types. The objectives and policies below are intended to guide the development of these centres as strong community focal points. The Bowser Village Centre Plan (Schedule B) should be referred to for objectives and policies for that Rural Village Centre.

The Bowser Village Centre Plan is the principal guiding document for all land use decisions within the Bowser Village Centre boundary. The Bowser Village Centre Plan forms a part of this Plan as a schedule to the Electoral Area ‘H’ OCP. Where a particular issue is not covered by the Bowser Village Centre Plan, the Electoral Area ‘H’ OCP will be consulted for direction. Where a conflict exists between the OCP and the Bowser Village Centre Plan, the designations and/or policies of the Bowser Village Centre Plan will take precedence within the designated Bowser Village Centre Plan Area.

For Qualicum Bay and Dunsmuir Rural Village Centres, the Rural Village Centre land use designation encourages further mixed use, residential and commercial zoning of land as part of comprehensive development of the centres. Existing local commercial sites may be redeveloped over time which will benefit the viability, character and form of the Rural Village Centres.

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

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

### RURAL VILLAGE CENTRES POLICIES

1. New commercial sites shall only be located within Rural Village Centres with the exception of [service commercial and](#) Tourist Commercial uses [pursuant to Rural Policies 4 and 5](#).
2. Lands within the Rural Village Centres are designated as Development Permit Areas for revitalization of [an area in which a commercial use is permitted, areas](#) and [to establish objectives for the](#) form and character of [commercial and industrial](#) development.

### OBJECTIVES

1. **Concentrate** compatible uses within the Rural Village Centres.
2. **Promote** the provision of full community services (sewer and water) to parcels within the Rural Village Centre Designation.
3. **Encourage** development of mixed commercial uses in the Rural Village Centre designation.
4. **Avoid** conflicts between residential and commercial uses.
5. **Ensure** that the type and scale of commercial development follows community preferences.
6. **Encourage** the location of commercial development and services to support Rural Village Centres and serve the needs of local residents and the traveling public.
7. **Accommodate** a range of housing types and sizes, including affordable housing.

3. Bowser Village Centre is the primary commercial and service centre of the Plan Area. All land use within the Bowser Village Centre boundary must be consistent with the Bowser Village Centre Plan.
4. Affordable housing is encouraged to be located within the Rural Village Centre designation through secondary suites where suitable, and through amenity contribution at the time of rezoning.
5. Development within Rural Village Centres must be consistent with the objectives and policies of this section and with Section 5.1 Development Guideline Criteria.
6. In order to achieve a compact form of development in Village Centres, rezoning for low-density residential development generally less than 15 units per hectare will not be supported. Incremental development over time is supported where an initial phase or phases are clustered on a portion of a property to allow for future development on the rest of the property.
- 6.7. Rezoning which includes a privately owned wastewater treatment system must be accompanied by a covenant requiring connection to a Regional District sewer service should one be established.
- 7.8. A future review of this Plan should consider reducing the area of Qualicum Bay and Dunsmuir Village Centres and re-designating them as Local Service Areas in order to focus the commercial mixed-use centre of the area in Bowser, and encourage local services or tourist commercial uses in the other two Village Centres.

## 5.6 Tourist Commercial

### INTRODUCTION

Beyond the boundaries of the Rural Village Centres, it is recognized that there are commercial uses that cater to the traveling public and are generally located along the Highway No. 19A corridor and near Deep Bay Harbour. These tourism-related commercial uses include a variety of facilities: marinas, cabins, boat launches, small resorts, motels, and recreational vehicle parks. In recent years, many of the tourist accommodation businesses have closed or converted to year-round housing and community members have expressed a need for more tourist accommodation.

### TOURIST COMMERCIAL POLICIES

1. This Plan recognizes existing tourist commercial uses in the Plan Area. These uses will be encouraged to continue and the Regional District will consider rezoning applications for expansion of such facilities subject to Development Permit Area guidelines.
2. Lands designated as Tourist Commercial shall be within designated development permit areas.
3. This Plan supports rezoning for new, small-scale, tourist commercial use in the Rural ~~Lands~~ designation provided it:
  - a) is primarily accommodation intended to serve the travelling public and may include associated tourism services
  - b) ~~does~~ is not expected to negatively impact ground or surface water ~~or~~ sensitive ecosystems;
  - c) ~~does~~ does not unduly affect neighbouring properties through its scale and impacts such as noise and significant increase to traffic; and
  - d) ~~complies~~ complies with the objectives and policies of this Plan.
4. The Regional District shall not support strata conversion of tourist commercial uses to residential uses where it would reduce opportunities for tourism.
5. Proposals for new or expanded tourist commercial accommodation should consider providing staff housing on site, and the Regional District will consider securing the staff housing through housing agreement.

### OBJECTIVES

1. **Recognize existing tourist commercial uses in the Plan Area.**
2. **Encourage the development of the coastal zone of the Plan Area as a tourist commercial destination in a manner that does not detract from Qualicum Bay Village Centre and the Bowser Village Centre as the focus for tourism services.**
3. **Ensure that the type and scale of new tourist commercial development follows community preference as determined through public consultation.**

## 5.7 Recreation

### INTRODUCTION

The Plan Area includes various Recreation Land uses that may be distinguished from Tourist Commercial Land uses by their orientation to recreational-type activities benefiting from rural environmental settings. At the time of writing this Plan there are three areas with this designation: Arrowsmith Golf course, Spider Lake Springs Resort, and the seasonal, off-grid strata community around the shores of Horne Lake. The latter two such Recreation Lands provide regular seasonal use opportunities to a longer-term resort population than would normally be associated with hotels, motels, overnight campgrounds or RV parks.

### OBJECTIVES

1. *Recognize existing recreation resort uses in the Plan Area.*
2. *Ensure that recreation resort uses are developed in a manner that does not have negative impact on the environment.*
3. *Consider conditions under which Horne Lake Strata could be re-designated for residential use.*

### RECREATION POLICIES

1. Lands designated as Recreation Lands shall be within designated Development Permit Areas in order to assure that the type and scale of future expansions or alterations to the recreational development does not impact on the environment or the character of surrounding neighbourhoods.
2. This Plan supports a study of the impacts and benefits of re-designating ~~on~~ of the Horne Lake Strata properties (legally described in Strata Plan VIS5160) to residential use. If the considerations listed in this policy are addressed to the satisfaction of the Regional District, this Plan supports the re-designation, subject to the results of a study of the benefits and impacts to the environment, public health, and the development strategy of this Plan. During the 2016/17 review of this Plan, many Horne Lake Strata property owners indicated they would like to make their recreational home their primary residence and be permitted to live there year-round. The following should be included in the study, as well as any other relevant considerations, and the study will be completed by the property owner(s) in consultation with the Regional District:
  - a) Analysis of the impacts and benefits to the region of the loss of 400 recreational lots; this change could put pressure on other areas for new recreational development.
  - b) Analysis of the impacts and benefits to the region of adding 400 residential lots outside the Growth Containment Boundary. While these lots are existing and there are some similarities between the impact of recreational and residential use, the study should provide an understanding of the increased expectation of services by residents such as school bussing, road improvements, and solid waste collection. The analysis should also include, and how the new market of year-round residential dwellings and lots at Horne Lake would affect the market demand inside the Growth Containment Boundary.
  - c) Consultation with the Ministry of Environment and Fisheries and Oceans Canada, and an analysis of the impacts and benefits to ~~on~~ the watershed of increasing the intensity of use to full-time with recommended mitigation measures. Horne Lake is within a significant watershed that includes the Big Qualicum River and supports salmon populations, and the existing recreational lots are located within a sensitive riparian area.
  - d) Consultation with Island Health regarding the potential need for community water and wastewater treatment to be established. The existing methods of wastewater disposal and provision of potable water were established for seasonal occupancy; wastewater disposal is

through pump and haul, and provision of water is under water license for individual intakes from Horne Lake.

e) Access, road condition, emergency, utilities

e)f) Assessment of the expansion of hydro service to the properties.

e)g) Analysis of improvements required for emergency services, including a Analysis of expansion of the Bow-Horn Bay fire service area to include the Horne Lake Strata.

## 5.8 Deep Bay

### INTRODUCTION

The Deep Bay Harbour is a focal point of the Plan Area with several existing properties designated as Tourist Commercial. It is the only natural harbour in the Plan Area, is important to the aquaculture industry and for pleasure craft, and includes a marina operated by the Deep Bay Harbour Authority and adjacent private marina. It is an important local commercial area, and small-scale growth and development of the area is encouraged to support economic development including marine, aquaculture, tourism, and services for local residents while maintaining the primarily residential character beyond the immediate area of the marina.

Deep Bay is at the southern end of Baynes Sound which is a significant and economically important shellfish aquaculture area, has cultural significance as a major settlement for First Nations people in the past, and is ecologically important, designated as an Important Bird Area.

There is a strong sense of community identity, and the area covered by the Deep Bay Improvement District is often referred to by residents as what they consider to be the boundaries of the community of “Deep Bay”.

As identified at a community workshop in September, 2016, the vision for the Deep Bay community includes many things that are shared with the rest of the Plan Area such as protection of the natural environment and drinking water, and some that are unique to the local neighbourhood. The objectives and policies in this section of the Plan are intended to reflect the community vision unique to the Deep Bay area.

The presence of archaeological sites is a limiting factor for future development, as is sea level rise and climate change impacts particularly on the Deep Bay Spit.

The Vancouver Island University Marine Field Station is a recent addition to Deep Bay and draws students, researchers, and tourists to the area. Services and accommodations that are complimentary to the Marine Station could be developed to support it and to better connect it with the rest of the Deep Bay community.

Two large, undeveloped lots located between the developed portion of Deep Bay and the Marine Station known as Deep Bay Southwest, have been identified for possible additional development. Policies related to the development of these lots are found in this section.

### OBJECTIVES

1. **Support a diversity of businesses related to the marine, aquaculture and tourism industries.**
2. **Encourage growth of marine recreational opportunities.**
3. **Encourage commercial development of the area near the Deep Bay Harbour in a way that compliments and supports marine, aquaculture, and tourism activities, or provides services for local residents, while supporting Bowser Village Centre as the commercial and service centre for the area.**
4. **Recognize and protect archaeological sites.**
5. **Improve road connections.**
6. **Ensure compatibility and support for the Vancouver Island University Marine Station.**
7. **Maintain and enhance the sense of community, safe walking routes and trails, and natural environment.**
8. **Provide housing options for different ages and income levels.**
9. **Ensure wastewater disposal and rainwater management does not negatively impact the water quality of Baynes Sound.**
- 8-10. **Recognize the constraints to redevelopment of small waterfront lots, particularly on Deep Bay Spit.**



### DEEP BAY POLICIES

1. Redevelopment in the existing Tourist Commercial designation in the Deep Bay area is encouraged where it compliments and supports the marine, aquaculture and tourism industries centred around the harbour, and where sufficient off-street parking is provided.
2. Rezoning proposals for tourist commercial use in the Rural Residential or Rural designations near the Deep Bay Harbour may be supported if the proposal compliments and supports the marine, aquaculture or tourism industries, provides sufficient off street parking, is consistent with Tourist Commercial policies in section 5.6, and is of a scale consistent with the primarily residential character of the area.
3. When new roads are constructed or existing roads are improved, they should be designed to allow for safe walking and cycling on the shoulder or a separated path.
4. A second public boat launch in Deep Bay is supported, subject to development permit area guidelines to ensure that environmental impact is minimized, and subject to sufficient off-street trailer parking being provided.

### ADVOCACY POLICIES

5. Fisheries and Oceans Canada is encouraged to ensure derelict vessels are removed before they become an environmental or navigational hazard.
6. The Deep Bay Harbour Authority is encouraged to communicate with local residents and the Regional District regarding plans for expansion or other changes to facilities.
7. The Provincial government is encouraged to communicate with local residents regarding permits for beach cast seaweed harvest, and to consider the impact of the harvest on the enjoyment of waterfront property and on the marine and intertidal ecosystems and on archaeological sites when considering issuing and renewing permits.
8. The Provincial government and the shellfish aquaculture industry are encouraged to monitor water quality of Baynes Sound in order to determine if poorly-functioning onsite wastewater treatment systems are having an impact on the marine environment.

**DEEP BAY SOUTHWEST**

“Deep Bay Southwest” is a land use designation of this Plan comprised of two lots totaling approximately 75 hectares. ~~This Plan envisions Deep Bay Southwest is envisioned as a clustered residential development with tourist commercial and service commercial uses that mixed use development focused on residential, tourist commercial and service commercial uses complement the Deep Bay Harbour, existing tourist commercial uses, residential neighbourhoods, and the Deep Bay Marine Field Station. and Development of Deep Bay Southwest must meeting the objectives of the Deep Bay Section 5.8 of this Plan and is pursuant to the following policies 9 to 2518 of this section as well as and~~ all other relevant policies in this Plan.

**Table 2 Dwelling and tourist accommodation maximums and secondary suite estimate for Deep Bay Southwest**

Type of Unit	Fixed maximum	Estimated within maximum of 240	Possible scenario	Total
Dwelling unit through cluster (policy 10)		50		50
Dwelling unit through transfer (policy 11)		190		190
Tourist accommodation unit (policy 15)	40			40
Secondary suite			60 <sup>1</sup>	60
<b>Total</b>	<b>40</b>	<b>240</b>	<b>60</b>	<b>340</b>

**Commented [SC19]:** A first draft of the Deep Bay Southwest policies was included in the document “Draft Version 2 Explained: Property-Specific Development Requests” dated June 19, 2017

**RESIDENTIAL POLICIES FOR DEEP BAY SOUTHWEST**

9. ~~The objectives and policies of the Rural designation in Section 5.3 apply to Deep Bay Southwest, and the policies in this section 5.8 support further development if specific access, servicing and amenities are provided.~~

10. ~~In the Deep Bay Southwest designation, up to 300 clustering residential dwelling units potential may be supported pursuant to Alternative Forms of Rural Development Policies in Section 5.10 of this Plan through reduction of minimum lot size. Adjacent parcels may be considered as a single parcel for the purposes of design of the development.~~

11. ~~The Deep Bay Southwest designation is an eligible receiver area for through transfer of dwelling unit potential pursuant to Alternative Forms of Rural Development Policies in Section 5.10. and Despite the maximum increase in number of dwelling units to receiver parcels in Section 5.10, Deep Bay Southwest may have a total of 240 residential units. For clarity, this does not include secondary suites, which are permitted in addition to this number. reduction of minimum lot size, and consistent with the following:~~

9.12. ~~The form of residential development must be consistent with the following:~~

a) ~~dwelling units must include a mix of housing choices including single-family, townhouses to a maximum of a four-plex, and courtyard housing; and~~

b) ~~secondary suites are only permitted within single-family dwelling units;~~

c) ~~residential building height is limited to 2 storeys and 11 metres; and~~

13. ~~Residential development is designated a development permit area for establishment of objectives for the form and character of intensive residential and multi-family residential development Area in accordance with Section 488.1 of the Local Government Act.~~

**Commented [SC20]:** Policy 10 will allow approximately 50 dwellings on 50 lots, plus secondary suites, in a clustered pattern of development. The number of approximately 50 is arrived at by taking net dwelling potential from lots A, B and C.

Without the new policies in this section, the maximum development supported is 22 lots on Lots A & B combined, each with two dwellings. Lot C is in the ALR and under current zoning could have 3 lots of at least 20 ha, but the OCP supports rezoning to 8 ha lots which could result in another 7 lots.

**Commented [SC21]:** This is better set at the rezoning stage.

<sup>1</sup> This possible scenario is for illustrative purposes and is based on 50% of dwellings being single (120) and therefore permitted a secondary suite, and 50% of those permitted being constructed (60).

~~10.14.~~ ~~In the case of s~~For subdivision of Deep Bay Southwest under the current zoning regulations, the following should be provided: Approving Officer is requested to require the following:

- a) road access from Gainsburg Road to the development through the portion of Lot A that splits Deep Bay Creek 2 Community Park to ensure that the existing driveway extending beyond Crome Point Road and to the Deep Bay Marine Station is not used as the public access; ~~and~~
- b) ~~road dedication from Highway 19A and construction to a level for emergency road access from Highway 19A;~~
- c) ~~upgrades to Gainsburg Road necessary due to increased traffic which may include improvements for safety for of bicycle and pedestrian travel;~~
- d) high level of wastewater treatment to ensure protection of the water quality of Baynes Sound;
- e) ~~connection to the existing Deep Bay Waterworks community water system in accordance with Improvement District bylaws; and~~
- ~~b)f) rainwater management designed to ensure protection of the water quality of Baynes Sound.~~

**Commented [SC22]:** New – responds to community and DBID concern about condition of Gainsburg.

**Commented [SC23]:** Request from Deep Bay Improvement District

#### TOURIST COMMERCIAL POLICIES FOR DEEP BAY SOUTHWEST

~~11.15.~~ In Deep Bay Southwest, the following tourist commercial uses ~~include~~ are supported pursuant to Tourist Commercial Policy 3 in Section 5.6:

- a) small-scale, 2 storey lodge-type accommodations with up to 20 rooms and up to 20 small cabins not exceeding 50 m<sup>2</sup> in gross floor area, which provide temporary accommodation to the travelling public as well as students and researchers and the adjacent Vancouver Island University Deep Bay Marine Field Station; and
- b) restaurant, small-scale recreation facilities, and other amenities related to tourism services and that are not expected to compete with Bowser Village Centre as the commercial centre of the area.

**Commented [SC24]:** Support for these tourist commercial uses is in addition to the residential clustering, and is unique to Deep Bay Southwest (ie no other property would be able to rezone for both residential clustering AND tourist commercial use).

~~12.16.~~ In Deep Bay Southwest, ~~In Deep Bay Southwest, t~~tourist commercial ~~development uses is are~~ designated a Development Permit Area for establishment of objectives for the form and character of commercial development in accordance with Section 488.1 of the *Local Government Act*.

#### SERVICE COMMERCIAL POLICIES FOR DEEP BAY SOUTHWEST

~~13.17.~~ In Deep Bay Southwest, ~~service commercial uses~~ that complement and enhance the aquaculture industry, aquaculture research, and marine tourism and business are supported, pursuant to Rural Policy 4 ~~of this Plan~~ in Section 5.3 that supports rezoning for service commercial use.

**Commented [SC25]:** As noted on policy 11, support for this additional use is unique to Deep Bay Southwest.

#### ENVIRONMENTAL DESIGN AND CLIMATE CHANGE POLICIES FOR DEEP BAY SOUTHWEST

~~14.18.~~ In Deep Bay Southwest, in addition to meeting Development Guideline Criteria in section 5.1 of this Plan, development proposals must also demonstrate that:

- a) site design establishes areas to remain free from development and disturbance including the marine coastline, steep slopes, wetlands, ravines and watercourses, archaeological sites, and environmentally sensitive areas including eagle nest and perch trees;
- b) approximately 40% of the area of each lot in which development is proposed (Lot A or Lot B) is free from development for environmental protection and/or public use in perpetuity;
- ~~b)c) on the portion of Lot C that is within the well protection area for the Deep Bay Improvement District wells, no uses that have the potential to contaminate the aquifer should be permitted,~~

~~subject to approval from the Agricultural Land Commission for any proposed restrictions to agricultural use;~~

~~e)d) the area described in 1863b above is intended to meet the requirements of Alternative F forms of Rural Development policies in Section 5.10 in order to allow for smaller minimum lot sizes and/or transfer of potential dwelling units; and~~

~~e)e) site design retains trees and vegetation where possible in and around the housing and tourist commercial development areas;~~

~~15-19.~~ In Deep Bay Southwest, commercial and residential development is designated a development permit area for establishment of objectives to promote the reduction of greenhouse gas emissions, to promote water conservation and to promote energy conservation in accordance with section 488.1 of the *Local Government Act*.

#### ACCESS AND SERVICING POLICIES FOR DEEP BAY SOUTHWEST

~~16-20.~~ Development proposals for Deep Bay Southwest must meet Development Guideline Criteria in Section 5.1 of this Plan. In addition, a high standard of wastewater treatment must be met in order to protect the waters of Baynes Sound from contamination, ~~which is to include a sewer collection and treatment system.~~

~~17-21.~~ In Deep Bay Southwest, road layout and design must emphasize pedestrian and bicycle mobility over vehicles in order to promote active transportation, and all ~~internal~~ roads must include roadside paths or trails for safe walking and cycling.

~~18-22.~~ ~~Development in Deep Bay Southwest is likely to occur in phases, and access may also be developed in phases. The following lists access requirements for different thresholds of development:~~ As a condition of any rezoning under Alternative Forms of Rural Development policies in Section 5.10, or to permit tourist commercial or service commercial use under Section 5.3 and Section 5.6:

- a) road access must be constructed from Gainsburg Road to the development through the portion of Lot A that splits Deep Bay Creek 2 Community Park to ensure that the existing driveway extending beyond Crome Point Road and to the Deep Bay Marine Station is not used as the public access;
- b) a road must be dedicated ~~from through~~ the development ~~and~~ directly to Highway 19A and constructed to a level suitable for emergency access from the Deep Bay area ~~and service vehicle access during construction;~~ and
- c) a road must be dedicated to the Vancouver Island University Deep Bay Marine Station property.

~~a) As a condition of any rezoning to permit additional residential units that would take the total number of residential units in Deep Bay Southwest to greater than 50, the road access directly to Highway 19A must be constructed to a level suitable for service vehicle access during construction.~~

~~19-23.~~ As a condition of any rezoning to permit additional residential units that would take the total number of residential units in Deep Bay Southwest to greater than ~~15050~~, the road access directly to Highway 19A must be constructed to Ministry of Transportation and Infrastructure standards as a public road, and must include a separated trail for active transportation.

#### COMMUNITY AMENITY POLICIES FOR DEEP BAY SOUTHWEST

~~20-24.~~ ~~Several The following specific~~ community amenities have been identified ~~by the community~~ as desirable in the Deep Bay area in general and on the Deep Bay Southwest properties specifically. ~~In anticipation of a phased development of Deep Bay Southwest, in addition to Section 7.2, which~~

**Commented [SC26]:** Feedback from community is that Gainsburg Road must be avoided for construction vehicles.

identifies community amenity contributions, the following must be provided at the time of rezoning of Deep Bay Southwest, with the extent of amenity contributions being related to the additional value conferred on the land. ~~desired community amenities will be phased with the scale of residential and commercial development.~~

a) For rezoning pursuant to policy 10 (clustering):

- i. ~~c~~Construction of a comprehensive trail and park system that is connected to the rest of Deep Bay trail system, to the existing Deep Bay community, the Vancouver Island University Marine Research Station and waterfront viewing and picnic areas. The trail network must be publically owned or with legal public access. The trail network should be designed with areas along the trail in appropriate locations of a width suitable to be developed into playgrounds or meeting areas.
- ii. ~~a~~An area for boat trailer parking located as near to the Deep Bay Harbour as possible. At the time of writing this Plan, the portion of Lot A approximately 0.65 ha in area between Gainsburg Road and a portion of Deep Bay Creek 2 Community Park is identified as a suitable location. Other potential locations can be explored at the time of rezoning application.

b) For rezoning pursuant to policy 15 (tourist commercial), policy 17 (service commercial), or policy 11 (transfer) or combination thereof:

- ~~iii~~i. a small scale, ~~community-publically~~ accessible recreational building as part of the tourist commercial development;
- ~~iv~~ii. provision of affordable housing secured by housing agreement, or contribution to a Regional District affordable housing fund, should one be established;
- ~~v~~iii. development of the parking area indicated in Policy 24a)ii above including clearing, grading, surfacing, and any other associated improvements to create a trailer parking area; and
- ~~vi~~iv. contribution to construction of a new fire hall for Deep Bay Improvement District taking into account the existing community's contribution through taxation to raise the required funds.

c) Additionally, for rezoning pursuant to policy 11 (transfer):

- i. a sewage collection, treatment and disposal system for the development, to be owned and operated by the Regional District, capable of expansion to at least 320 additional connections outside of Deep Bay Southwest which represents the number of existing dwellings accessible by road from Gainsburg Road.

Commented [SC27]: Based on 2016 dwelling count.

REGIONAL GROWTH STRATEGY AMENDMENT FOR DEEP BAY SOUTHWEST

25. Subject to an amendment to the Regional Growth Strategy, Deep Bay Southwest may have up to 240 residential dwelling units without the requirement to transfer the residential dwelling unit potential from eligible donor parcels. The development must be in accordance with policies 9-24 above, the full extent of access, servicing and community amenities identified in these policies must be provided, and in addition:

- a) ten percent of dwelling units must be affordable as secured by housing agreement, and the form of affordability may be rental or affordable home ownership; and

b) the sewer collection system must also be constructed to the satisfaction of the Regional District, beyond the boundaries of Deep Bay Southwest to include at least the lots on Crome Point Road, Deep Bay Drive and Burne Road. This is to include all costs and works associated with design and approvals.

FUTURE REVIEW OF DEEP BAY SOUTHWEST POLICIES

26. During a future review of this Plan, the policies for Deep Bay Southwest should be reviewed in consideration of housing demand, growth patterns, and community need.

## 5.9 Affordable and Accessible Housing

### INTRODUCTION

Area 'H' has a high retirement population with most of the recent population growth in the 50 – 70 age group. Increasing housing options to enable seniors ~~to~~ stay within the community as they age, and to allow people of all ages and abilities with moderate or low incomes to find adequate housing are important goals for this community.

Housing is more affordable in the Plan Area than the rest of the Regional District and the province, ~~yet 24% of households spend over 30% of their household income on housing, a commonly accepted measure of housing affordability (2011 Census).~~ A 2009 Regional District-wide housing needs study identified that there is an insufficient supply of affordable housing throughout the region. A 2010 Affordable Housing Action Plan made recommendations for OCPs that have been included in objectives and policies in this section.

There is currently one seniors housing development in the Plan Area owned and operated by the Qualicum Bay Lions with 20 units, 10 of which are subsidized. In 2012, two Crown parcels in Bowser Village Centre were leased by the Regional District for several community purposes including a seniors supportive living housing complex. The Bowser Seniors Housing Society is currently developing plans to construct and manage such a facility on these lots.

### AFFORDABLE AND ACCESSIBLE HOUSING POLICIES

1. This Plan supports the provision of affordable housing and does not prohibit rental ~~housing or special needs housing community care facilities under Section 20 of the Community Care and Assisted Living Act,~~ in any land use designation in or any future zone created to implement this Plan.
2. Secondary suites are supported in the Rural, Rural Residential and Rural Village Centre land use designations.
3. Multi-unit seniors and affordable housing developments should be located in Rural Village Centres to be close to community amenities and transit.
4. The Regional District should use housing agreements ~~entered into by bylaw,~~ to secure new affordable housing stock.
5. Notwithstanding Agriculture and Aquaculture Policies 3 and 4, the Regional District supports the expansion of the seniors' subsidized housing development operated by the Qualicum Bay Lions, at the end of Lions Way.

### OBJECTIVES

1. *Support and facilitate the provision of affordable, attainable and accessible housing.*
2. *Increase the supply of housing to meet the needs of seniors, youth, those with special needs, those with moderate or low incomes, and the homeless.*
3. *Encourage universal design of all housing for accessibility to people with disabilities and older people.*

**Commented [SC28]:** 2016 Census number for housing affordability will be released October 25.

6. Acquire affordable housing through provision of community amenity contributions at the time of rezoning, either through the housing itself or contribution to a Regional District affordable housing fund should one be established.

*ADVOCACY POLICIES*

7. The Regional District is supportive of partnerships between all levels of government and community groups to provide sufficient housing to meet the needs of a diverse community.
8. The Regional District encourages that all new housing, particularly secondary suites and rental housing, are constructed to universal design standards for accessibility to people with disabilities and older people.
9. The Regional District supports the Bowser Seniors Housing Society in their work to establish seniors supporting housing the Bowser Village Centre.
10. The Regional District supports energy retrofits to existing housing stock through education and rebates.



## 5.10 Alternative Forms of Rural Development

### INTRODUCTION

In order to encourage more sustainable forms of rural development outside the Growth Containment Boundary (Rural Village Centres), this section provides opportunities for flexibility in minimum lot size and for transfer of ~~potential~~ dwelling unit ~~potentials~~ where the overall number of potential dwelling units does not increase outside the Rural Village Centres.

Flexibility in minimum lot size and transfer of dwelling unit potential facilitates moving future ~~residential~~ development from sensitive and important areas to other areas more suited to development. These sensitive or important areas can be protected for a number of purposes such as ~~groundwater recharge~~ aquifer protection, ecological conservation, agriculture, ~~forestry~~, or public parks, ~~and trails and facilities~~.

### ALTERNATIVE FORMS OF RURAL DEVELOPMENT POLICIES

1. Rezoning to permit subdivision with a smaller minimum lot size than otherwise set in this Plan is supported in the Rural Residential and Rural designations provided the proposal does not result in more dwellings than what is permitted by this Plan or the zoning bylaw at the time the application is made, and where it meets the following criteria. Where more than one dwelling unit is permitted on a lot by the current zoning bylaw, each dwelling unit can be counted as a lot where subdivision is designed pursuant to this policy.
  - a) Residential development is clustered on an area of land that has the best capacity for residential development and the least value for agriculture, ecological protection, aquifer protection, or another public good purpose.
  - b) An area of significance (the “protected parcel”) is protected in perpetuity for agricultural, ~~forestry~~, ~~environmental or~~ ecological, aquifer protection, ~~purposes~~ or other public good purposes. No further subdivision of the protected parcel is permitted and this is ensured through rezoning and either covenant, transfer of ownership to a public body, or both.
  - c) The protected parcel must meet one of the following criteria:
    - If protected for agriculture, the parcel is suitable for farming as confirmed by an Agrolgist, and included in the ALR.
    - If protected for ecological values, a report from a Registered Professional Biologist must indicate the ecological values that warrant protection, and recommend the size and location of the protected parcel to protect those values.
    - If protected for aquifer protection, the parcel must be within the groundwater recharge area or well protection area of a community water system and a hydrogeological report indicates that moving the residential use to another part of the development is expected to have a positive impact on aquifer protection.

### OBJECTIVES

1. **Encourage** creativity in forms of rural development without increasing the overall number of dwelling units permitted outside the Growth Containment Boundary.
2. **Support** the transfer of potential dwelling units in rural areas where residual lands are conserved in perpetuity for agricultural, ~~forestry, environmental or~~ ecological, aquifer protection purposes or other public good purposes.
3. **Support** retention of large land holdings for agriculture and

- If protected for other public good purposes, proposals may include donation of land for a community need such as a fire hall, school, playing field, or other community or institutional use, where an organization or government body has agreed to own and manage the parcel for that use.
- d) The minimum lot size of the residential lots is sufficient to provide onsite wastewater disposal in a manner that does not degrade from the environment or water sources. In areas that are not within an existing community water system, the minimum lot size must also be sufficient for onsite provision of water.
- b)e) Subject to Regional Growth Strategy amendment, shared wastewater disposal and shared provision of water are supported in the Rural Residential designation of this Plan in order to allow for smaller lot sizes, residential lots and a larger protected parcel.
- f) In the Rural Residential designation, single and duplex One dwelling units is are permitted, and in the Rural designation, dwelling units may only be single per parcel.
- e)g) Adjacent parcels may be considered as a single parcel for the purpose of subdivision design under this section.
2. Rezoning to permit transfer of dwelling unit potential involving lands outside the Growth Containment Boundary is supported by this Plan provided the proposal does not result in more dwellings than what is permitted by this Plan or the zoning bylaw at the time the application is made and where the proposal meets the following criteria is consistent with the following. The parcel of land from which the dwelling unit potential is removed is referred to as the “donor parcel”, and the parcel of land to which the dwelling unit potential is transferred is referred to as the “receiver parcel”.
- a) Donor parcels shall be in the ~~Resource~~ Resource – Agricultural, Rural or Rural Residential land use designations.
- a)b) Removing or reducing development potential will benefit agriculture, ecological protection, aquifer protection, archaeological protection, or provide another public good purpose.
- c) Receiver parcels shall be in the Rural and Rural Residential land use designations and only in the area eastward of Highway 19.
- d) The portion of the receiver parcel to be developed ~~should~~ shall not be include a sensitive ecosystem, hazardous area, archaeological site, or be within a groundwater recharge area well protection area or well capture zone for a community water system.
- e) In the Rural Residential designation, the maximum number of potential dwelling units on a receiver parcel is equal to ~~twice~~ the number of potential dwelling units on the receiver parcel before the transfer.
- f) In the Rural designation, the maximum number of potential dwelling units on a receiver parcel is equal to 1.5 times the number of potential dwelling units on the receiver parcel before the transfer.
- b)g) The transfer is achieved by simultaneously amending the zoning on the donor and receiver parcels to reflect the changed subdivision potential or permitted number of units on each. For the donor parcel, rezoning is required to reflect the reduced number of parcels permitted.
- e)h) A portion of lands involved in the proposal ~~The donor parcel or the portion of the donor parcel~~ with no residential development potential must be conserved in perpetuity for agricultural, forestry, environmental or ecological ecological protection, archaeological site protection, aquifer protection, or other public good purposes.

**Commented [SC29]:** All of the OCP Rural Residential designation is within a water service area, so limiting allowing shared wastewater to that designation (and not in the Rural designation) will keep the the form appearing more “rural” in rural areas.

**Commented [SC30]:** There are already duplex units in Area H, so this will provide opportunities consistent with an existing development, more clarity, but limited to Rural Residential.

**Commented [SC31]:** This is another way of allowing transfer between adjacent parcels in the context of clustering. It is added here because it relates more closely to the concept of clustering than to the concept of transfer from two separate areas.

**Commented [SC32]:** Resource designation removed as eligible donor area to respond to community concern over a high number of potential dwellings being available for transfer from these areas where residential development is unlikely. Community response is that there is not seen to be value to the transfer as there would be if a sensitive ecosystem, park, or something with immediate perceived community benefit were protected.

**Commented [SC33]:** Added in response to community feedback that there should be a limit to the density increase to provide certainty about what a neighbourhood can expect.

In some of the Rural Residential designations there are existing lots that are as small as 1000 m2 yet today's subdivision district is 2000 m2. If we aim to limit receiver parcel density to that which is not too out of scale with the surrounding neighbourhood, doubling the number of dwellings on a lot makes sense. May only be possible with shared wastewater.

**Commented [SC34]:** In the Rural designation there is less of a rationale for doubling. Existing smaller lot subdivisions in rural areas are already designated Rural Residential (ie at Boorman and Fowler Roads).

- 4) If all of the potential dwelling units are transferred from the donor parcel or a portion of the donor parcel that is intended to become a separate lot, ownership of that lot must be transferred to a public body.
3. Calculation of the number of potential dwelling units available for reduction of minimum lot size in Policy 1 or transfer from a donor parcel in Policy 2, will be through the following steps:
- Step 1:** The area of the donor parcel is divided by the minimum average lot size for the zone in which the donor parcel is located (in the absence of a minimum average lot size, the minimum lot size shall be used).
- If this calculation results in 4 or more lots, it will be re-calculated reducing the parcel area by 20% before dividing by the minimum average or minimum lot size. This is to account for such requirements as road, sensitive areas, and park dedication that would likely be required if the donor parcel itself were to be subdivided.
- If one dwelling unit is permitted per lot in the applicable zone for the donor parcel, then the number of potential dwelling units available for transfer equals the number of potential lots calculated in Step 1.
- Step 2:** If more than one dwelling unit is permitted per lot in the applicable zone for the donor parcel, then another step is required as follows. To the resulting number of potential dwelling units from Step 1, the additional number of dwelling units permitted on each lot is added to the total number of potential dwelling units available for transfer. For clarity, a secondary suite is not counted as a dwelling unit for the purposes of this section.
4. ~~The future use of a protected parcel or donor parcel in Policy 1 or 2 must be ensured through zoning that allows a reduced level of development or only a public use, registration of covenant to ensure the land will be conserved for the intended use in perpetuity, and one of the as-followings:~~
- a) ~~Where a protected parcel or donor parcel is intended to be transferred to a conservation organization, rezoning approval is conditional on the conservation organization agreeing to accept the donor parcel and the Regional District considering the parcel suitable for conservation purposes. Dedication to a public body or non-governmental conservation organization~~
  - b) ~~Where the protected parcel or donor parcel is intended as park, the rezoning approval is conditional on the Regional District or other relevant government agency agreeing to accept the donor parcel for a park and the Regional District considering the protected parcel suitable for park purposes.~~
  - b) ~~Where the protected parcel or donor parcel is intended to be conserved for agriculture, forestry, inclusion in the Agricultural Land Reserve~~
  - c) ~~Heritage designation as outlined in Section 611 of the Local Government Act~~
  - d) ~~Protection mechanisms developed in consultation with First Nations where there are sites of significance to First Nations.~~
  - e) ~~or other public good purpose, rezoning is conditional on the Regional District considering the parcel suitable for the proposed purpose and, in addition to the required zoning change, registration of a covenant to ensure that the land will be conserved for the intended use in perpetuity.~~
5. Applications where the donor parcel or protected parcel is in the Agricultural Land Reserve will be subject to the approval of the Agricultural Land Commission. If the existing zone regulations Potential for at least two dwelling units must remain on a donor parcel in the Agricultural Land Reserve allows

**Commented [SC35]:** Changes to this section to simplify and clarify, to address feedback indicating lack of clarity.

for two dwellings, potential for two dwellings units must remain in order to be consistent with the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* that permits up to two dwelling units on a parcel where the second dwelling meets certain conditions.

6. Applicants for a zoning amendment to reduce minimum lot size or transfer potential dwelling units may be required to provide Development Approval Information for the special conditions outlined in Section 5.1 of this Plan.
7. Applicants shall hold a community information meeting prior to submitting a rezoning application in order to gauge community support, and to have the opportunity to incorporate changes suggested from the community before making a formal application. The Regional District will be notified of the meeting, and a record of the meeting must be kept and submitted with the application.
- 7.8. Transfer of dwelling potential may involve lands covered by other Official Community Plans of the Regional District of Nanaimo, subject to supportive policies in the relevant plan.

#### GUIDELINES FOR APPLICATIONS FOR TRANSFER OF DWELLING POTENTIAL

1. Generally, applications should demonstrate the overall unsuitability of the donor parcel for the zoned dwelling potential and the overall suitability of the receiver parcel for an increase in dwelling potential.
2. The Regional District should give consideration to the suitability of the receiver parcel for the proposed level of development. The following criteria, as appropriate, should be used in assessing the suitability of the land for development:
  - a) environmental values are identified prior to site clearing and design.
  - b) development is located away from areas with high environmental values, and natural buffers placed between the development site and sensitive features.
  - c) development is concentrated in areas with lower environmental values.
  - d) development is located away from areas that may be subject to erosion, flooding, wildfires, and wildlife conflicts.
  - e) the impacts of roads are minimized and development is located in proximity to and accessible to existing services, constructed roads and transit, and the development should have the potential to contribute to reducing community dependence of travel by automobile.
  - f) the fragmentation of habitat is minimized.
  - g) potable water quality is maintained and an adequate supply is available to support the permitted level of development.
  - h) air quality is maintained and energy efficient design, greenhouse gas emissions and climate change adaption are considered.
  - i) energy- and water-efficient development is designed to conserve natural resources.
  - j) that the development would not compromise archaeological, First Nations cultural, historical, heritage sites or significant or outstanding landscape features.
  - k) that the development would be located away from groundwater recharge areas or well protection areas of a community water system.

3. Applications should be accompanied by a site plan that shows how the transferred development potential will be arranged to reduce impacts on the surrounding neighbourhood.

## 5.11 Temporary Use Permits

### INTRODUCTION

To maintain and encourage a vibrant and sustainable economy and provide flexibility in zoning regulations, this plan supports the issuance of temporary use permits within the Plan Area as described below.

The Regional District may issue a permit by resolution that allows commercial or industrial activities to take place under the conditions specified in the permit, including the posting of security to ensure compliance with the terms of the permit. Notice of the intent to consider the issuance of a permit must be given. Under a temporary use permit the specified uses may be carried out for a period of up to three years and the permit may be renewed for up to a further three years. Applicants may be required to provide development approval information pursuant to sections 5.1.10 and 5.1.11 of this Plan.

### OBJECTIVES

1. **Support appropriate commercial and industrial development both inside and outside Village Centres on a temporary basis.**
2. **Ensure that the integrity of an existing neighbourhood would not be adversely disrupted should an application for a temporary uses permit be approved.**

### TEMPORARY USE PERMIT POLICIES

1. The Regional District will consider issuance of temporary use permits on any parcel to temporarily allow a use not permitted by the relevant zoning bylaw. The following general conditions will guide the consideration of such applications. The Regional District may waive any of the following should they be deemed to not be relevant, and may give consideration to additional conditions relevant to the specific proposal.
  - a) The applicant demonstrates how any anticipated impact on the surrounding area will be mitigated (for example: noise, light, hours of operation, dust, odour, vibration, aesthetic impact, etc.).
  - b) The applicant provides a projection of anticipated impact on local road networks, and proposes mitigating measures if necessary.
  - c) The applicant provides an assessment of the impact of the proposed use on the natural environment, including groundwater, wildlife, and environmentally sensitive areas.
  - d) The applicant provides a rationale for the suitability of the location and the inability to conduct the use in another area where the use is already permitted.
  - e) The Regional District may specify conditions in a permit including, but not limited to, environmental protection measures, odour abatement, hours of operation, buffering, and groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the conditions of the permit.
  - f) Submission of a satisfactory decommissioning and reclamation plan, which may require a security deposit to be held by the RDN until completion of the proposed works.
  - g) The proposal addresses concerns related to visual integrity and buffering of the Inland Island Highway if applicable.
  - h) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.

2. Notwithstanding any other policy in this plan, should a temporary use continue to prove satisfactory upon completion of the terms of the renewed permit, a rezoning to permit the continued use of the subject property for the use authorized by the temporary use permit may be supported without an amendment to this plan. Note that an amendment to the RGS may be required.
3. The RDN may require security and/or an undertaking to secure the conditions of the permit in accordance with the *Local Government Act*.



## SECTION 6 – FIRST NATIONS AND RECONCILIATION

6.1 Partnerships and Economic Opportunities

6.2 Heritage Site Protection



## 6.1 Partnerships and Economic Opportunities

### INTRODUCTION

For at least 8,000 years, the area covered by this Plan has been home to Aboriginal people and is part of their traditional territory. Traditional territory describes the ancestral and contemporary connections of Indigenous peoples to a geographical area. Territories may be defined by kinship ties, occupation, seasonal travel routes, trade networks, management of resources, and cultural and linguistic connections to place.

There are several First Nations who assert Aboriginal ~~title and~~ rights in this area, and who the Regional District engages with on land use planning initiatives. —Aboriginal rights are practices, customs or traditions integral to a distinctive culture of a First Nation and they may be historically connected to a particular area of land. Examples may include hunting, fishing, plant gathering and use of wood for domestic purposes. More than one First Nation may have rights in the same area and the types of rights may vary across communities. An important sub category of Aboriginal rights is Aboriginal title. Aboriginal title refers to Aboriginal rights to land based on long-standing land use and occupancy by contemporary Indigenous peoples and their ancestors as the original peoples in Canada.

The Qualicum First Nation has a federally-designated Reserve at the mouth of the Big Qualicum River where their home community is located today. The Plan Area does not include Federal lands such as this Reserve, but it surrounds these lands. For the purposes of community planning and this OCP, the Qualicum First Nation community is recognized as part of the fabric of the Plan Area. The Qualicum First Nation operates a large campground on their Reserve lands which is a significant portion of the tourist accommodation in the area.

In 2016, the Qualicum First Nation and the Regional District signed a cooperation protocol. The Qualicum First Nation is seeking economic development opportunities in the area.

### OBJECTIVES

1. *Recognize* that First Nations assert Aboriginal title and rights within the Plan Area.
2. *Encourage* Qualicum First Nation's economic development initiatives.
3. *Seek* partnerships with Qualicum First Nation related to Regional District servicing.

### POLICIES

1. The Regional District will engage with First Nations on land use planning initiatives and amendments to this Plan.
2. The Regional District will continue to provide street numbering service to the Qualicum First Nation.
3. The Regional District will work with Qualicum First Nation to explore the coordination of community services. These areas may include recreation programming, infrastructure services such as water and liquid waste, and public transit.
4. The Regional District encourages economic development initiatives of the Qualicum First Nation to advance the process of reconciliation at the local level.
5. In accordance with Board commitment to reconciliation, the Regional District supports economic development initiatives of the Qualicum First Nation on lands that are added or intended to be added to Reserve, without amendment to this Plan.

**OR**

~~6. When implementing this Plan, the Regional District will work collaboratively on matters of mutual interest with Aboriginal peoples, and will respect Aboriginal Rights of Section 35 of the Canadian Constitution.~~

## 6.2 Heritage Site Protection

### INTRODUCTION

First Nations heritage sites include archaeological sites as well as other places of cultural importance that do not necessarily have any physical marker. Archaeological sites consist of the physical remains of past human activity and are essential to understanding and appreciating the cultural history of the region.

Archaeological sites are protected under the *Heritage Conservation Act*, and it is illegal to disturb them without a permit. The Regional District contributes to protection of archaeological site by informing property owners who make land use application or enquiry if their proposed development is on or near an identified archaeological site, or if it is within an area of high potential to encounter an unrecorded archaeological site.

~~In 2017, the Regional District undertook an Archaeological Overview Assessment for the Plan Area, which is housed with the BC Archaeology Branch and accessed by Regional District staff in. This Assessment will be used to inform a property owner order to determine~~ if a proposed development is in an area of high archaeological potential. In this area, high archaeological potential is mainly found close to water bodies including the sea, lakes, and rivers as well as between Horne Lake and Port Alberni which is a historic travel route.

### OBJECTIVES

1. **Encourage protection of archaeological sites and other sites of First Nations significance.**
2. **Improve public awareness of the importance of protecting archaeological sites.**

### POLICIES

1. All development applications will be reviewed for the presence of recorded archaeological sites, and for having high potential to contain unrecorded archaeological sites. Applicants will be notified if the proposed development is in conflict with a recorded archaeological site or in an area with significant potential to contain an unrecorded, protected archaeological site. Notification may include direction to contact the BC Archaeology Branch for more information, or direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.
2. In order to protect and preserve archaeological sites or a First Nations heritage site when planning for development, this Plan supports measures available to property owners and the Board including applications to change or vary zoning, setbacks or parking requirements.
3. When considering applications to amend this Plan or the zoning bylaw for land with a known archaeological site, other First Nations heritage site, or area of high archaeological potential, the Regional District may require development approval information to assess the impacts of the proposal. This Plan does not support proposed development where there are unavoidable conflicts with significant archaeological sites, unless measures are required to manage the impacts.
4. Where possible, applicants should modify or revise development proposals to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of an archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.
5. The Regional District should, in cooperation with the Qualicum First Nations and ~~other relevant~~ agencies, develop improved methods of determining and assessing impacts on potential

archaeological sites, or other First Nations heritage sites, when it is considering development applications.

## SECTION 7 – IMPLEMENTATION

### 7.1 Implementation Actions

### 7.2 Community Amenity Contributions



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

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

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

## 7.1 Implementation Actions

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

- Immediate (to be initiated and/or completed in 2018)
- Short Term (to be completed within 5 years, prior to the next scheduled review of this Plan)
- Long Term (to be completed over the next 20 to 25 years, as part of the implementation of the Regional Growth Strategy)
- Ongoing (to be initiated in the short term with no planned date of completion).

Action Item	Timing	Responsibility Of:		
		Senior Gov.	RDN	Community
Update and improve sensitive ecosystem mapping	Ongoing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Implement Community Wildfire Protection Plans	Short Term	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Undertake a study on the impacts of sea level rise and prepare options for mitigation and adaptation	Immediate	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Promote and incentivize Green Shores shoreline development <a href="#">and amend Floodplain Bylaw</a>	Short Term		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Provide community education about FireSmart	Ongoing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Support stream restoration	Ongoing		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Prepare climate change adaptation plan	Short Term		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Adopt a regional parks development cost charge bylaw	Short Term		<input checked="" type="checkbox"/>	
Develop existing and acquire new parks and trails	Ongoing		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Explore expansion of Bow-Horn Bay Fire Department Service Area to include Horne Lake	Immediate		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Implement top priorities of Active Transportation Plan	Immediate	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Improve signage for businesses on Inland Island Highway	Immediate	<input checked="" type="checkbox"/>		
Connect Regional District of Nanaimo Transit to Comox Valley Regional District Transit from Deep Bay area	Short Term			
Increase off street boat trailer parking in Deep Bay	Short Term	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Improve knowledge and protection of aquifers	Ongoing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<a href="#">Ensure site of Bowser Seed Orchard protected for groundwater recharge</a>	<a href="#">Short Term</a>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Review the location, size and boundaries of Rural Village centres and consider changes.	Short Term		<input checked="" type="checkbox"/>	
Create plans for all Rural Village Centres	Long Term		<input checked="" type="checkbox"/>	
Create affordable and accessible housing	Ongoing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<a href="#">Provide education on wildfire protection</a>	<a href="#">Short Term</a>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## 7.2 Community Amenity Contributions

### INTRODUCTION

To facilitate the acquisition and development of amenities of value to the residents of Electoral Area 'H'; this section provides a framework for negotiating amenities in consideration of changes to the zoning bylaw for increased development potential. The basic premise of development amenities is that the increased value, often conveyed with the approval of a new zoning designation, should be shared between the community and the developer. Negotiating public amenities as a part of an application to develop land can be a "win-win" arrangement, in which both the community benefits from acquiring these amenities while the developer benefits from the increased value associated with having those amenities on or nearby the site.

### OBJECTIVES

1. **Acquire and develop public amenities of value to Plan Area residents in conjunction with development.**

### COMMUNITY AMENITY CONTRIBUTIONS POLICIES

1. In recognition of the increased value usually conferred on land in the course of rezoning, and the need for new development to contribute to the amenities and services from which they will also benefit, development proposals that include rezoning should generally be requested to include some public amenity as a part of the completed project.
2. In determining the appropriate amenities, the provisions of this section as well as any other applicable sections of this OCP or policies and plans of the Regional District will provide guidance.
3. Amenities should be customized for each rezoning proposal with consideration of various factors such as the following:
  - a. Developer and community input
  - b. Location of project
  - c. Increase in density
  - d. Projected burden on community infrastructure and facilities
  - e. Financial viability
4. The following list of potential amenities should be considered, not in any order of priority:
  - a. Affordable housing
  - b. Transit stop infrastructure such as pull-outs and shelters
  - c. Trails and paths, particularly those that are identified in existing Regional District plans
  - d. Emergency response facilities and equipment
  - e. Entrance / Gateway signage, infrastructure and beautification
  - f. Rest stop at Horne Lake Road and Highway 19A
  - g. Tourist information signage, area, or facility
  - h. Parks, conservation lands, outdoor gathering spaces and play areas (in the case of subdivision, in excess of 5% required under the *Local Government Act*)
  - i. Cross walks
  - j. Green building features including energy efficient and net-zero-ready construction
  - k. Design amenities

[k1](#) Electric vehicle charging station



## SECTION 8 – DEVELOPMENT PERMIT AREAS

### General Policies and Exemptions

DPA 1 – Freshwater and Fish Habitat Protection

DPA 2 – ~~Environmentally Sensitive Areas~~ Eagle and Heron Nesting Trees

DPA ~~3~~ - Aquifers

~~DPA 4~~ – Marine Coast

DPA ~~5~~4 – Steep Slope Hazard

DPA ~~6~~5 – Farmland Protection

DPA ~~7~~6 – Rural Commercial

DPA ~~8~~7 – Qualicum Bay and Dunsmuir Village Centres

DPA 9 – Deep Bay Southwest

In addition to the objectives and policies stated in the Plan, the Regional District has, pursuant to Section 488 and 489 of the *Local Government Act* designated certain lands as Development Permit Areas.

In general terms, the purpose of a development permit area is to regulate certain aspects of development that are not directly addressed in the zoning bylaw or building bylaw, and where the Regional District considers that special conditions exist in accordance with one or more of the following categories:

- a. Protection of the natural environment, its ecosystems and biological diversity;
- b. Protection of development from hazardous conditions;
- c. Protection of farming;
- d. Revitalization of an area in which commercial use is permitted;
- e. Establishment of objectives for the form and character of commercial, industrial, multi-family or intensive residential development; and
- f. To promote conservation of water and energy and the reduction of greenhouse gas (GHG) emissions.

## General Policies and Exemptions

### INTRODUCTION

The following general policies and exemptions apply to all development permit areas. In addition, specific guidelines and exemptions that apply to each development permit area follows.

### GENERAL POLICIES

1. Designated development permit areas are shown on Map Nos. 6, 7 and 8.
2. Where land is designated within a development permit area, a landowner is required to obtain a development permit prior to either subdivision of the land, the construction of, addition to or alteration of a building or structure on the land, or the alteration of the land within a development permit area, except where exemptions apply.
3. Where land is ~~included~~ within more than one development permit area ~~designation~~, only one development permit application is required, and the application will be subject to meeting the guidelines of all applicable development permit areas.
4. To minimize development within development permit areas, the Board may consider variances to or support exemptions from the land use and subdivision bylaw in accordance with Regional District Board Policy No. B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Exemptions Application Evaluation”, as amended from time to time.

### GENERAL EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Development or alteration of land to occur outside the designated development permit area, as determined by a BC Land Surveyor or by the Regional District.
- ~~2.~~ The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*, and is a permitted farm use as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedures Regulations*, and where the works are required for farm use and the lands are assessed as “farm” under the *BC Assessment Act*. The farm operation of land clearing is only exempt from the requirement of a development permit if conducted in accordance with a current Environmental Farm Plan (less than 5 years old); otherwise, land clearing as part of a farm operation is not exempt. Note that other provincial legislation such as the *Waste Management Act* and the *Water Sustainability Act* may apply to farm operation activities.
- ~~2.3.~~ Interior alterations or renovations to existing buildings or structures within the existing building footprint.
- ~~3.4.~~ Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:
  - a. Emergency flood or protection works;
  - b. Clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences;
  - c. Any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the Federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District or Ministry must be reported to the Regional District and applicable Ministry immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

4.5. Removal of trees deemed hazardous by a certified arborist or Registered Professional Forester that pose an immediate threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or blue heron nest is exempt only if a Registered Professional Biologist has confirmed that no eagle or great blue heron activity is present as of the most recent April 30th permit under the Wildlife Act has been obtained.

5.6. The small-scale, manual removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation on a small scale conducted in accordance with 'Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014' published by the B.C. Ministry of Environment, or any subsequent editions.

6.7. Except for where the *Riparian Areas Regulation* applies, the removal of invasive plants or noxious weeds or planting of non-invasive, native vegetation at a large scale involving machinery, for the purpose of enhancing the habitat values and/or soil stability, provided:

- a. the works are conducted in accordance with a re-vegetation plan prepared by a qualified professional (e.g., biologist, QEP or landscape architect);
- b. the planting is carried out in accordance with the guidelines provided in "Develop With Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2014", published by Ministry or any subsequent editions;
- c. the Regional District is notified of works commencing; and
- d. sediment control measures are established to prevent discharge into a stream, as required.

7.8. Works conducted and/or approved by the Regional District, Department of Fisheries and Oceans and/or Ministry of Environment with respect to trail construction, stream enhancement, fish and wildlife habitat restoration and in-stream works as defined by Section 119 of the Water Sustainability Act.

8.9. All forest management activities on lands subject to the *Forest Act* or *Private Managed Forest Land Act* and classified as "Forest Lands" on the property assessment.

10. Works conducted by the Regional District or its agents where appropriate measures have been undertaken to satisfy the applicable development permit area Guidelines as determined by the Regional District.

9.11. Subdivision where no land alteration is to occur and involving only line adjustment or lot consolidation.

## DPA 1 – Freshwater and Fish Habitat Protection

### DESIGNATION

The Freshwater and Fish Habitat Protection Development Permit Area is shown on Map No. 6, and applies to all mapped and unmapped streams subject to the *Riparian Areas Regulation* (RAR) of the *Riparian Areas Protection Act*, and all other mapped and unmapped lakes, wetlands, ponds and watercourses. Specifically, the Development Permit Area is defined as follows:

#### *Where the RAR applies:*

All mapped and unmapped “streams” and “riparian assessment areas: as defined in the RAR as follows:

- a) for a stream, a 30 metre strip on both sides of the stream measured from the [natural boundary high water mark](#);
- b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
- c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the [natural boundary high water mark](#) to a point that is 10 metres beyond the top of the ravine bank.

#### *Where the RAR does not apply:*

- a) For Lakes, Wetlands, and Ponds – the development permit area shall be 15 metres as measured from the [natural boundary high water mark](#).
- b) For all other Watercourses – the development permit area shall be 15 metres as measured from the [high water mark or top of the bank, whichever is greater](#).

This development permit area also applies in estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in these areas the Marine Coast Development Permit Area also applies.

### AUTHORITY

The Freshwater and Fish Habitat Protection Development Permit Area is designated a development permit area for the protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

Terms used in this development permit area that are defined in the provincial *Riparian Areas Regulation* (RAR), of the *Riparian Areas Protection Act*, [which may be obtained from the provincial Ministry of Forests, Lands and Natural Resource Operations or from the BC Laws website](#), are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time. [This Regulation and Act may be obtained from the provincial Ministry of Forests, Lands and Natural Resource Operations or from the BC Laws website](#).

### JUSTIFICATION

Freshwater and riparian ecosystems perform a number of valuable services to humans, plants and animals alike. They support a diversity of plants and animals, provide important refuges and migration routes for birds and wildlife, and support fish life processes. Vegetation in riparian areas moderates the volume and rate of water flowing through the watershed [contributing to effective rainwater management](#) and stabilizing stream banks by holding soil in place. Plant root systems enhance the soil’s ability to absorb water by making it more porous. This allows water to be stored and released slowly into the watercourse, reducing erosion and

flooding. Soils also filter impurities and sediment from runoff water, improving water quality in the stream channel.

Riparian vegetation provides food and shelter for fish. Shade from trees within the riparian area regulates water temperatures within the stream, which is critical for salmon, trout and other fish species that need cool water to survive. Logs and other woody debris fall into streams from the riparian area influencing stream channel morphology, dissipating the stream's natural erosive energy and providing habitat for a diverse range of species. Erosion of banks and slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation can reduce this hazard.

Land use practices including land clearing, road building, construction of buildings and structures, and location of wastewater disposal systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of the Plan Area. Land use practices can also change the hydraulic flow of a stream and create or exacerbate a flooding hazard.

Furthermore, the Province of British Columbia's *Riparian Areas Protection Act*, requires that local governments establish regulations to protect riparian areas, and not allow development to proceed until the requirements of the Riparian Areas Regulation are met. ~~For areas covered by the Riparian Areas Protection Act, local governments must not approve or allow a development to proceed until the local government has been notified by the Ministry of Environment, and that the Ministry of Environment and Fisheries and Oceans Canada have been notified of the development proposal and have been provided with a copy of the assessment report prepared by a Qualified Environmental Professional (QEP).~~

## OBJECTIVES

1. To protect freshwater ecosystems to maintain their natural habitat and environmental quality.
2. To restore freshwater ecosystems to improve their natural habitat and environmental and hazard mitigation quality if they have been previously degraded.
3. To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.
4. To protect development from flood and slope hazard.

## APPLICABILITY

A development permit is required for the following activities wherever they occur within this Development Permit Area, unless specifically exempted:

1. removal, alteration, disruption, or destruction of vegetation;
2. disturbance of soils; including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-impervious surfaces;
5. flood protection works;
6. construction of roads, trails, docks, wharves, and bridges; and
7. subdivision of land.

The following specific activities require a development permit where the Riparian Areas regulation applies:

- ~~7-8~~ provision and maintenance of sewer and water services;

~~8.9.~~ development of drainage systems; and

~~9.10.~~ development of utility corridors; and

Commented [CS36]: 7-9 are applicable activities in the RAR.

## EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Area – General Exemptions.

### *Exemptions Applicable to all Watercourses:*

2. Where Provincial and Federal approvals have been obtained for Stream Enhancement and Fish and Wildlife Habitat restoration, notification to the Regional District has been given and the works are carried out in compliance with Provincial and Federal legislation.
3. All park or parkland ancillary uses not containing commercial, residential, or industrial activities.
- 3.4. Changes in and about a stream approved under Section 11 of the Water Sustainability Act, provided there are no associated upland works outside of Section 11 approval.

### *Exemptions Applicable to Streams under the Riparian Areas Regulation only:*

~~4.5.~~ For streams subject to the RAR, in the case where a simple assessment is submitted which assign a Streamside Protection and Enhancement Area (SPEA), a development proposed outside of the Streamside Protection and Enhancement Area (SPEA) where:

- a. the assessment report has been completed by a Qualified Environmental Professional (QEP) in accordance with the Riparian Areas Regulation Assessment Methods; and
- b. notification of the assessment report has been received by the Ministry of the Environment provincial ministry responsible; and the Regional District; and

~~5.6.~~ Subdivision where:

- a. a QEP has determined there are no streams subject to the RAR, or their associated riparian assessment areas, on the subject property, or
- b. no new parcel lines or amendments to existing parcel lines are being proposed within the Riparian Assessment Area, the minimum lot size is met exclusive of the SPEA, and no works are proposed within the Riparian Assessment Area.

### *Exemptions Applicable to this development permit area where the RAR does not apply:*

~~6.7.~~ Where the *Riparian Areas Regulation* does not apply, a property owner may construct a single trail within this development permit area in accordance with the principals and standards of “Access Near Aquatic Areas” of the Stewardship Series published by the provincial and federal governments, and subject to the following conditions:

- a. the trail provides the most direct route of feasible passage through the development permit area;
- b. sensitive habitat will not be negatively impacted by the presence of the trail and where there is limited excavation and removal of native soils;
- c. the ground is stable, i.e. erodible stream banks or other erosion prone areas shall be avoided;
- d. no motorized vehicles are permitted on the trail;
- e. the trail is not to exceed a maximum width of 1.5 metres;

f. no trees, which are greater than 5 metres in height and 10 centimetres in diameter, are to be removed; instead limbing and, pruning ~~and topping~~ of trees shall be done, where necessary, to facilitate the construction of the single trail;

g. the trail's surface shall only be composed of pervious materials.

2. ~~An~~ Where the *Riparian Areas Regulation* does not apply, minor additions to existing buildings or structures to a maximum of 25% of the ground floor area, provided that the addition is located on the side or part of the building or structure most distant from the waterbody or stream.

3. Where the *Riparian Areas Regulation* does not apply, second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.

4. The construction of a small accessory building or structure such as a pump house, gazebo, garden shed or play house if all the following apply:

a) the building is located within an existing landscaped area;

b) no native trees with a diameter at breast height of 20 cm or greater are removed;

c) there is no permanent foundation;

d) the building is located a minimum of 10 metres from the high water mark or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and

e) the total area of the small accessory building is less than 10 metres square.

## GUIDELINES

Development permits shall be issued in accordance with the following:

1. An assessment must be prepared by a Registered Professional Biologist (a Qualified Environmental Professional for streams applicable the RAR) with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The assessment should list which of the guidelines in this development permit area are applicable and how the proposed development is consistent with them and should indicate on a site plan, areas to remain free from development. See Guideline 12 for additional requirements of this report for streams applicable to the RAR.

1-2. If development or alteration of land is proposed within the development permit area, it shall be located where it will cause the least impact on the stream or waterbody. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided.

2-3. Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works, the Regional District may require the applicant to submit a landscaping plan and a security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified ~~person~~ professional to the satisfaction of the Regional District.

3-4. For the Streamside Protection and Enhancement Area (SPEA) or ~~where~~ where the applicant's biologist or other qualified professional recommends other specific areas that must remain free from development ~~and/or identifies a natural feature for protection~~:

- a. the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
- b. prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within the ~~development permit area~~ areas to be protected through to the completion of the development.

4-5. The applicant's biologist or QEP may be required to provide confirmation to the Regional District that the property has been developed in accordance with the QEPs recommendations.

***Guidelines Related to Rainwater Management and Protection of Development from Hazardous Conditions***

5-6. Treated effluent and diverted rainwater collection and discharge systems on commercial, industrial, multi-residential, intensive residential and other developments where there is potential for silt and petroleum-based contaminants to enter a watercourse directly or infiltrate into the ground will require the provision for grease, oil, and sedimentation removal facilities and the on-going maintenance of these facilities.

6-7. Directing drainage of rainwater from development sites into the Stream Protection Enhancement Area (SPEA) and other watercourses and water bodies shall be avoided. Instead, rainwater is to be managed on-site with an emphasis on infiltration approaches to management. If impacts cannot be avoided through on-site infiltration, a sediment and erosion control plan may be required, and grading plan may be required where fill is placed near the freshwater feature.

7-8. In low-lying areas subject to flooding, development should not increase the flood risk on the subject property or on adjacent or nearby properties.

9. Where there is a slope greater than 30% over a minimum horizontal distance of 10 m, an assessment report prepared by a Professional Engineer with experience in geotechnical engineering ~~shall~~ may be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development. The geotechnical report will form part of the Development Permit terms and conditions, and may include registration of a Section 219 Covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

***Additional Guidelines Applicable to Streams Subject to the Riparian Area Regulations (RAR)***

10. ~~No development shall take place within any SPEA except where: the Minister of Fisheries and Oceans Canada has authorized works, undertakings or activity which will result in serious harm to fish as part of commercial, recreational or Aboriginal fishery, or fish that support a fishery in a riparian assessment area.~~

a. a QEP has determined that no serious harm is likely to occur or that it can be mitigated by following prescribed measures; or

a.b. the owner has obtained an authorization under subsection 35(2) the Fisheries Act.

8-11. The Regional District shall require the applicant to retain a qualified environmental professional (QEP), at the expense of the applicant, for the purpose of preparing an assessment report, pursuant to Section 4(2) of the *Riparian Areas Regulation* (RAR) and the RAR Assessment Methodology Guidebook, and the assessment report must be electronically submitted to the ~~Ministry of Environment~~ provincial ministry responsible, via the Riparian Area Regulations Notification System, and a copy must be provided to the Regional District.

**Commented [CS37]:** Changes to the Fisheries Act require this updated language as they are no longer issuing authorizations or letters of comfort unless the QEP says there will be serious harm and it can't be mitigated. <http://www.dfo-mpo.gc.ca/pnw-ppe/pol/index-eng.html#ch82>



~~9.12.~~ In addition to implementing the measures in the assessment report, to ensure the integrity of the SPEA the Regional District and landowner may consider the following:

~~b.c.~~ dedicate back to the Crown or Regional District all or part of the SPEA,

~~e.d.~~ gift to a nature preservation organization all or part of the SPEA, or

~~d.e.~~ register a restrictive covenant or conservation covenant on title securing the measures prescribed in the assessment report.

~~10.13.~~ For the purpose of subdivision design, proposed lot configuration should consider the protection of the SPEA. The proposed lot configuration should demonstrate that enough developable land is available on each lot to establish a development envelope that includes a reasonable yard area outside of the SPEA.

~~14.~~ In the case of a proposed subdivision within the development permit area, minimum parcel size should be met exclusive of the SPEA.

~~11.15.~~ Permanent fencing and/or other means of clearly delineating the SPEA boundary such as signage must be installed to the satisfaction of the Regional District prior to land alteration and in the case of subdivision prior to the Regional District notifying the Approving Officer that the conditions of the development permit have been met. Fencing must be designed to allow for the free and uninterrupted movement of organisms between riparian and upland ecosystems and must be maintained in good order.

## DPA 2 – ~~Environmentally Sensitive Areas~~ Eagle and Heron Nesting Trees

**Commented [SC38]:** DPA 2 formerly included aquifers which are now separated into their own development permit area.

### DESIGNATION

The Eagle and Heron Nesting Trees Development Permit Area is shown on Map No. 6. The development permit area is defined as follows:

- a) For **Bald Eagle Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing bald eagle nests and is a 60 metre radius from the nesting tree; ~~the known as the~~ “nesting tree area”.
- b) For **Great Blue Heron Nesting Trees** – the development permit area applies to all mapped and unmapped trees containing great blue heron nests, and shall be a 60 metre radius from the nesting tree; ~~the known as the~~ “nesting tree area”.

The location and characteristics of the eagle and heron nesting trees identified on Map No. 6 of this plan are intended to provide an approximate location only. Ground-truthing may be required by a Regional District staff, a Registered Professional Biologist or British Columbia Land Surveyor to accurately determine the geographical location and characteristics of the features identified.

### AUTHORITY

The Eagle and Heron Nesting Trees Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

### JUSTIFICATION

Nesting birds ~~such as the Great Blue Heron and Bald Eagle~~ are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, now and for the future.

Pacific Great Blue Herons are a Species of Special Concern in Canada and ~~are~~ Blue-listed in British Columbia. There are only about 500 nests on Vancouver Island and the Gulf Islands. Bald Eagles are territorial and generally require 1000 meters between nesting sites. Both species nest near lakes, rivers and shorelines throughout BC ~~where they are close their food source~~. The loss of available nesting habitat near their food source, as well as disturbance from human presence, reduces the birds’ ability to thrive and successfully raise their young. While Section 34 of the *Wildlife Act* provides for the protection of Bald Eagles and Pacific Great Blue Herons and several other at risk bird species, this development permit protects the nesting habitat essential to ensuring breeding populations are maintained.

### OBJECTIVES

1. To implement Regional Growth Strategy Policy 2.14 ~~by adopting this development permit area~~ to protect ~~groundwater aquifers and environmentally~~ sensitive ~~eagle and heron nests areas~~ from the impacts of development.
2. To ~~pursue~~ reflect the Community Value in this Official Community Plan of “support for development regulations to protect environmentally sensitive areas, natural hazard lands, the marine/freshwater foreshores, and aquifer recharge areas”.

## APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of natural features, including mature and native vegetation;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

## EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Area – General Exemptions.
2. The landowner has offered and entered into a restrictive covenant to maintain an acceptable no disturbance buffer as determined by a registered professional biologist.
3. A registered professional biologist with relevant experience has confirmed in writing that no Bald Eagle, or no Great Blue Heron has established a nest and is present during the breeding and nesting season. In general terms, this is from February to June for Great Blue Herons; and January to September for Bald Eagles
4. ~~Land clearing including the R-~~Removal, trimming or alteration of ~~any~~ vegetation other than the nest tree; ~~demolition activities; site grading;~~ onsite sewage disposal system installations and well drilling within the nest tree development permit area is permitted without an environmentally sensitive areas development permit where:
  - a) the activity is conducted entirely outside of the nesting season which is from February to June for Pacific Great Herons and January to September for Bald Eagles, or
  - b) a registered professional biologist with relevant experience has confirmed in writing that the activity will not negatively impact the nest tree and/or nesting tree area.

## GUIDELINES

Development permits shall be issued in accordance with the following:

1. Development shall be located where it will cause the least impact to the environmentally sensitive areas. It should be demonstrated that locating development entirely outside of the development permit area has been considered, and a description of why that is not being proposed should be provided.
2. Where the applicant's biologist or other qualified professional recommends specific areas that must remain free from development and/or identifies a natural feature for protection:
  - a. the Regional District may require a Section 219 covenant to be prepared at the applicant's expense, to the satisfaction of the Regional District, to ensure that the identified areas remain free from development; and
  - b. prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protection area is required to avoid encroachment within any area to be protected through to the completion of the development.

3. The Regional District, as a condition of the issuance of a development permit, shall, where feasible require compliance with any or all conditions and recommendations in the assessment report prepared by the registered biologist or other qualified professional.
4. The Regional District will require the applicant to provide a biophysical assessment prepared by a registered professional biologist with relevant experience to assess the potential impact of the proposed development on the function of the nest tree and alteration within the 60 metre development permit area (or that portion of the ~~60-metre buffer-development permit area~~ on the subject property). The report should include, but is not limited, to the following:
  - a. define the study area and the proposed activities in relation to the nesting tree area, including map(s) identify the location of nesting trees, 60 metre ~~buffer-nesting tree~~ area and proposed or existing buildings and structures;
  - b. identify the breeding season;
  - c. assess the impacts of the proposed activities in relation to the resident birds (i.e., Bald Eagle or Great Blue Heron) and prescribe appropriate measures to preserve, protect, restore or enhance the function of the nesting tree area and any alteration of the 60 metre development permit area (or that portion of the ~~60-metre buffer-development permit area~~ on the subject property);
  - d. provide recommendations on how to mitigate negative impacts during and after construction, if permitted under the *Wildlife Act*, to protect the long term integrity of the nesting habitat.
  - e. In ~~the~~ developing recommendations and best practices for the protection of the nesting tree and nesting tree area, the biologist should review and reference '*Guidelines for Ecosystem and Species Protection*' and/or '*Guidelines for Raptor Conservation during Urban and Rural Land Development in BC*' found in '*Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*', published by the B.C. Ministry of Environment, or any subsequent editions.
5. Where a biophysical assessment report is required, the recommendations will form part of the Development Permit terms and conditions, and may include registration of a Section 219 Covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
- ~~5.6.~~ The applicant's biologist may be required to provide confirmation to the Regional District that the property has been developed in accordance with their recommendations.

## DPA 3 – Aquifers

### DESIGNATION

The Aquifers Development Permit Area is shown on Map No. 6 and applies to the land above all known aquifers.

### AUTHORITY

The Aquifers Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity, pursuant to Section 488(1)(a) of the *Local Government Act*.

### JUSTIFICATION

Aquifers are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, and community value as a drinking water source now and for the future.

Aquifers and surface water are connected and interact with each other ~~since-as~~ typically, surface waters recharge aquifers in months with precipitation and snow melt. The groundwater system contributes to baseflow in rivers and streams, maintaining habitat for fish, wildlife and plants and is the sole domestic water supply for many residents. Maintaining both water quality and quantity requires careful management for the long-term sustainability of ecosystems and drinking water values. Within the Big Qualicum Water Region, the sand and gravel aquifers are productive, though vulnerable to surface contamination. Significant surface water features in the water region include the Big Qualicum River, Rosewall Creek, Thames Creek, Nile Creek and Horne Lake and Spider Lake.

Care must be taken in construction methods, excavation, surface drainage and the storage, handling and manufacture and use of products on parcels of land within this DPA to avoid contamination of the underlying aquifer and to protect and promote its sustainable use as a drinking water source. Penetration of the aquitard that confines the aquifer could cause an uncontrolled release of large volumes of groundwater under artesian pressure.

### OBJECTIVES

1. To implement Regional Growth Strategy Policy 2.14 ~~by adopting this development permit area~~ to protect groundwater aquifers and environmentally sensitive areas from contamination and reduced supply caused by from the impacts of land use and development activities.
2. To ~~pursue the~~reflect Community Value in this Official Community Plan of “support for development regulations to protect environmentally sensitive areas, natural hazard lands, the marine/freshwater foreshores, and aquifer recharge areas”.
- ~~2-3.~~ To protect the integrity of the low-permeable till layer (the aquitard) in the area identified as at risk of artesian conditions.

### APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of natural features, including mature and native vegetation;

2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; ~~and~~
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*; ~~and~~
6. excavation or sub-surface disturbance in the sub-area defined as “risk of artesian conditions”.

## EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Area – General Exemptions.
2. Construction, renovation, repair or addition to a single dwelling unit, duplex dwelling unit, secondary suite, accessory building, or structures, except for excavation of a depth greater than 1.5 m in the area of “risk of artesian conditions”.
- ~~2-3.~~ Onsite wastewater disposal system installation meeting the requirements of the *Sewerage System Regulation of the Public Health Act*, ~~ed by a qualified professional.~~
- ~~3-4.~~ Subdivision of land where a maximum of three parcels are proposed, including the remainder, where the subject property has a “low” vulnerability as identified on Map No. 6 - Environmentally Sensitive Development Permit Areas.
- ~~4-5.~~ Subdivision of land where the application is limited to lot line adjustment and no ~~new additional~~ parcels are created.
- ~~5-6.~~ Subdivision of land where each lot has an approved connection to a community water system.

## GUIDELINES

Development permits shall be issued in accordance with the following:

1. ~~Where the possibility of an impact to groundwater quantity or quality exists, the Regional District shall require the applicant to provide a~~ A report must be prepared by a Professional Engineer or Geoscientist with experience in hydrogeology. The report should follow the Regional District “Guidelines for Preparation of Hydrogeological Reports” as amended from time to time, and should also include, but is not limited, to the following:
  - a. definition of the study area and the relationship of the proposed development to the protected aquifer, including map(s) indicating ~~Water District~~ community water well locations;
  - b. recharge area and capture zone analysis for existing and proposed new wells;
  - c. an assessment of the ability of the aquifer to accommodate additional groundwater demand proposed by the development, which shall include the anticipated water demand of the proposed uses based on the development potential of the subject property based on the current zoning;
  - d. identification of potential impacts on adjacent properties and land uses; and
  - e. recommendations on what measures are required to ensure the quality and quantity of water in the aquifer is protected.
2. Where a proposed development will include any of the purposes or activities listed in Schedule 2 of the Contaminated Sites Regulation, (B.C. Reg. 375/96), a report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology shall be required to confirm the protection of the aquifer in relation to the intended uses. The report should include, but is not limited, to the following:

- a. define the study area and the relationship of the proposed development to the protected aquifer, including map(s) indicating well locations, proposed or existing above ground or underground fuel storage tanks, abandoned or operational water wells, and underground utilities, such as water, sanitary, and storm water drainage or natural gas lines;
  - b. assess the potential for contamination and the expected results should a spill occur;
  - c. identify appropriate site-specific groundwater protection measures;
  - d. address site design, and best management practices for site drainage, sewage disposal and hazardous material use, handling, storage, disposal and spill response; and
  - e. provide recommendations, a conclusion and a reference site layout plan.
3. Where a proposed development is within the sub-area “risk of artesian conditions”:
- a. the professional report shall determine the depth of the overlying till aquitard, and provide recommendations for its protection during excavation, well drilling, and construction; and
  - b. wells must be drilled by a registered well driller who is qualified to control artesian flow.
4. Where a proposed development is within the well protection area or well capture zone of a community water system as shown for information on Map 2b, the professional report must refer to the relevant well protection plan and provide recommendations for the development to ensure mitigation of any potential risk to the community water source.
- ~~3.5~~ Where a professional report is required, its Recommendations within the professional report will form part of the Development Permit terms and conditions, and may include registration of a Section 219 cCovenant, prepared at the applicant's expense and to the satisfaction of the Regional District.
- ~~4.6~~ Developments that are found to pose detrimental impact(s) on either the quality or quantity of groundwater which cannot be adequately mitigated shall not be supported by the Regional District.

## DPA ~~43~~ – Marine Coast

### DESIGNATION

The Marine Coast Development Permit Area is shown on Map No. 6 and applies to all lands 30 metres seaward of the present natural boundary, and 15 metres upland from the present natural boundary. In estuarine areas, it applies upstream, both on land and water, to the extent of tidal influence. For clarity, in estuarine areas the Freshwater and Fish Habitat Development Permit Area also applies.

### AUTHORITY

The Marine Coast Development Permit Area is designated a development permit area for protection of the natural environment, its ecosystems and biological diversity and for the protection of development from hazardous conditions, pursuant to Section 488(1)(a) and (b) of the *Local Government Act*.

### JUSTIFICATION

The marine coast of the Plan Area is primarily composed of high and low bank sand and gravel shorelines, with estuarine coastline found in Deep Bay. Except for the protected harbour of Deep Bay, the shoreline is exposed to significant wave energy from prevailing winter storms from the southeast. The combination of a sand and gravel shoreline and high wave energy means the shoreline is actively changing; some areas are eroding while others are accreting. The intertidal and nearshore biological communities of sand and gravel shores are dominated by burrowing invertebrates such as worms and clams that live in the sediment, and attract large concentrations of birds. Eelgrass, an important habitat, often grows in sand/mud substrates and is sensitive to disruption of sand and gravel shores.

The Plan Area's shorelines have high ecological value and need to be carefully managed to avoid potential negative impacts of development. They are particularly sensitive to human activities that disrupt sediment processes, such as seawalls, or upland development that is poorly sited, including vegetation clearing for yard areas. Upland development over the years has significantly altered the native coastal vegetation so that in many areas there is little habitat and natural erosion protection value left. Backshore vegetation (dune grass, salt adapted plants and shrubs) forms a distinct habitat zone and is important in stabilizing the upland sediments and preventing erosion.

~~The intertidal and nearshore biological communities of sand and gravel shores are dominated by burrowing invertebrates such as worms and clams that live in the sediment, and attract large concentrations of birds. Eelgrass, an important habitat, often grows in sand/mud substrates and is sensitive to disruption of sand and gravel shores. Backshore vegetation (dune grass, salt adapted plants and shrubs) forms a distinct habitat zone and is important in stabilizing the upland sediments and preventing erosion.~~

### OBJECTIVES

1. To work towards the “protection of the environment” goal of the Regional Growth Strategy, in particular by following the policy to “minimize impacts of development in coastal zones by ensuring use of low impact development”.
2. To pursue the Community Value in this Official Community Plan of “support for development of regulations to protect environmentally sensitive areas, natural hazard lands, the marine/freshwater foreshore, and aquifer recharge areas”.
3. To plan and regulate new development in a manner that preserves, protects and restores the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.



4. To balance development opportunities with the ecological conservation and restoration of the shoreline environment.
5. To maintain the public's safe use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline ~~or put users at undue risk.~~

## APPLICABILITY

A development permit is required for the following activities wherever they occur within this development permit area, unless specifically exempted:

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils, including grubbing, scraping and the removal of top soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-pervious surfaces; and
5. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

## EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

- ~~2-5.~~ Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
- ~~3-6.~~ The placement of impermanent structures such as benches, tables and garden ornaments.
- ~~7.~~ Repair, maintenance, or alteration ~~or reconstruction~~ of existing legal buildings, structures or utilities except for shoreline protection structures, provided ~~there is no alteration of undisturbed land or vegetation footprint of the building is not expanded~~ (a building permit may still be required). For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as rip rap and stacked rocks, requires a development permit whether or not they meet the definition of “structure” in other bylaws of the Regional District.
- ~~8.~~ An Minor additions to an existing buildings or structures that would increase the size of the building or structure by less than to a maximum of 25-10% of the ground floor area, provided that the addition is located on the side or part of the building or structure most distant from the foreshore and where the addition does not extend the building or structure further into the development permit area (towards the sea).
- ~~4-9.~~ A second storey addition, excluding cantilevered construction, to a legally sited structure, provided the second storey addition is within the existing footprint of the existing structure.
- ~~5-10.~~ Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.
- ~~6-11.~~ Construction of a fence so long as no native trees with a diameter at breast height of 20 cm or greater are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence.
- ~~7-12.~~ Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
- ~~8-13.~~ The construction of a small accessory building or structure such as a pump house, gazebo, garden shed or play house if all the following apply;

~~a)f)~~ The building is located within an existing landscaped area;

~~g)~~ No native trees with a diameter at breast height of 20 cm or greater are removed;

~~b)h)~~ There is no permanent foundation

~~c)i)~~ The building is located a minimum of 10 metres from the natural boundary of sea or, where the bank has a slope greater than 3:1, 10 metres from the top of the bank; and

~~d)j)~~ The total area of the small accessory building is less than 10 ~~metres-square metres~~.

~~9-1. An addition to a building or structure that would increase the size of the building or structure by less than 10% of the ground floor area, and where the addition does not extend the building or structure further into the development permit area (towards the sea).~~

~~10-14.~~ The installation of mooring buoys.

~~11-15.~~ Aquaculture operations.

## GUIDELINES

### General Guidelines

1. Development within the development permit area should be limited and not negatively impact the ecological health of the immediate area, disrupt coastal sediment transport processes, or impede public access along the shore.
2. ~~An~~ biophysical assessment must be prepared by a Registered Professional Biologist with the objectives of identifying sensitive biophysical features on or near the property and providing recommendations and conditions for development to avoid or mitigate impacts to these features. The ~~biophysical~~ assessment should list which of the guidelines in this development permit area are applicable and how the proposed development is consistent with them and should indicate on a site plan, areas for yard and driveway and areas to remain free from development.
3. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion:
  - a. Dune grass is particularly sensitive to foot traffic and often keeping foot traffic away through fencing or signage can result in regeneration in short time periods. Replanting of dune grass and associated plants where it has been previously disturbed may be a condition of a development permit.
  - b. Coniferous trees provide important perches for eagles, and older trees may be used by eagles for nests. It is important that some trees are retained or replanted within and close to the development permit area when properties are developed, even if the trees are young.
  - c. Trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading, storage of fill or building materials, and other development activities.
  - d. Temporary fencing at a prescribed distance from the natural boundary or top of bank should be required to protect the shoreline vegetation.
4. New or additions to upland buildings and structures should be located and designed to avoid the need for shore protection works throughout the life of the building or structure. Only if all options to locate and design without the need for shore protection measures are exhausted should such works be considered.

5. Shore protection measures shall not be allowed for the sole purpose of reducing the setback pursuant to the Floodplain Bylaw.
6. Where shoreline protection works are proposed they ~~will~~ shall be designed by a Professional Engineer and:
  - a. be limited to that necessary to prevent damage to existing structures or established uses on adjacent upland;
  - b. be the 'softest' possible shore protection measure that will still provide satisfactory protection; ~~and~~
  - c. not be expected to cause erosion or other physical damage to adjacent or down-current properties;
  - d. address compatibility with any adjacent shore protection words; and
  - ~~e. in compliance with the Regional District's Marine Retaining Wall Policy B1-09, as amended or replaced from time to time.~~
7. Where protection from erosion is proposed as either new works or replacement, every effort will be made to design shoreline protection in accordance with the *Green Shores* programs of the Stewardship Centre of BC. These programs provide resources for, and examples of, shoreline erosion protection involving creation or maintenance of low-angle slopes allowing for dissipation of wave energy, retaining native plants and habitat, and providing a natural appearance. Some *Green Shores* approaches rely on use of the beach below the natural boundary, which requires permission from the Province.
8. Where erosion protection works are proposed below the natural boundary, they should not obstruct public access along the foreshore or beach.
7. ~~Heavy equipment shall not be permitted on the beach unless existing conditions do not permit upland access and, if required, mitigation methods acceptable to the RDN shall be identified as part of the application. Procedures shall be in compliance with the Regional District's Marine Retaining Wall Policy B1-09, as amended or replaced from time to time.~~
- 8-9. For commercial and multi-family developments, the *Green Shores for Coastal Developments* program of the Stewardship Centre of BC should be reviewed and referenced and every effort made to design the development in accordance with its recommendations and best practices.
- 9-10. Entirely 'hard' structural shore protection measures such as concrete walls, lock block, or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
  - a. the erosion is not being caused by upland conditions, such as the loss of vegetation and drainage associated with upland development;
  - b. All possible on-site drainage solutions away from the shoreline edge have been exhausted;
  - c. Green Shores non-structural or structural measures are not feasible or not sufficient to address the stabilization issues;
  - d. The shore protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and

- e. All shore protection structures are installed upland of the present natural boundary of the sea.

~~10-11.~~ Where the installation of a hydrothermal and geotexchange unit is proposed, the Regional District will require the applicant to provide a report by a Registered Professional Biologist with experience in marine ecology, to assess the potential impact of the proposed installation on the marine environment, public users of the foreshore, the anchoring of vessels, and First Nation shellfish harvesting, and provide recommendations to restore or enhance those areas impacted by the proposed development.

~~12.~~ Where the applicant's biologist or other qualified professional recommends revegetation and/or enhancement works within the development permit area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a Landscape Architect or other qualified ~~person~~ professional.

~~14-13.~~ The applicant's biologist or engineer may be required to provide confirmation to the Regional District that the property has been developed in accordance with their recommendations.

#### *Guidelines Applicable to Subdivisions and New Development*

~~12-14.~~ Subdivisions shall be designed so that the new lots will not require shore protection measures in order for useable, safe building sites to be created when considering ~~0.8 m of local~~ sea level rise, over a 100 year time horizon.

~~13-15.~~ New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

~~14-16.~~ New driveways, parking lots, and wastewater disposal systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the design and construction of the road, parking lot or wastewater disposal system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met. These works may be required to be completed prior to final approval of the subdivision.

#### *Guidelines Applicable to Vegetation Management, Restoration and Enhancement*

~~15-17.~~ If the area has been previously cleared of native vegetation or is cleared during the process of development, replanting should be required in accordance with these guidelines and according to the recommendations of a Registered Professional Biologist. Where it is not practical to replace all vegetation that is or has been removed, replanting should be focused on the areas of highest ecological value such as foreshore dune grass ecosystems, trees suitable for eagle perching, or other areas identified in the biophysical assessment. Areas of undisturbed bedrock exposed to the surface of natural sparsely vegetated areas should not require planting.

~~16-18.~~ Vegetation species used in replanting, restoration or enhancement should be salt and wind tolerant, and selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or wildlife habitat values as needed. A minor amount of suitably adapted, non-invasive, non-native vegetation may also be considered acceptable subject to supportive recommendations in a biophysical report.

~~17-19.~~ All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense within that time in the next regular planting season.

*Guidelines Applicable to Beach Nourishment and Upland Fill*

~~18-20.~~ Fill on land above of the natural boundary greater than 10 cubic metres in volume should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills should be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration, and the Regional District may require a sediment and erosion plan.

~~19-21.~~ Fill below (seaward of) the natural boundary should be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. This would also require permission from the Province.

*Guidelines Applicable to Commercial and Industrial Development*

~~20-22.~~ New boating facilities that provide moorage shall not be constructed unless access is available to adequate and convenient facilities for pump-out of holding tanks.

~~21-23.~~ New boat maintenance and repair facilities shall be designed, located and operated in a way that ensures there will be no discharge of toxic materials from boats (fuels, oils, maintenance by-products, etc.)

~~22-24.~~ In order to minimize the impact on aquatic life, lighting of commercial and industrial developments built over the water surface should be kept to the minimum necessary for safety and visibility. Light fixtures on such sites should focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures should not result in glare when viewed from areas that overlook the sea. Low-glare fixtures with a high-cutoff angle should be used. Full-spectrum fixtures are preferred. Neon lighting should not be used outside buildings.

~~23-25.~~ Signs on commercial and industrial developments built over the water surface should not move or be audible and should not incorporate lighting that moves or flashes or gives the impression of doing so.

*Guidelines Applicable to ~~Private and/or Public~~ Boat Launch Facilities or Ramps*

~~24-26.~~ Boat launch ramps are the least desirable of all water access structures and ~~will be considered~~ may only be located if they can be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes. The ramp width should be minimized, and paved strips versus a full concrete pad is preferable. Development Permit applications must demonstrate all applicable provincial and federal guidelines have been followed and approvals are in place.

~~Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek opportunities to use public ramps or to share existing private ramps.~~

Commented [CS39]: Moved to OCP Section 4.6 Policy 2 and 3

## DPA 54 – Coastal Steep Slope Hazard

### DESIGNATION

The Coastal Steep Slope Hazard Development Permit Area is shown on Map No. 8 and applies to those lands within the development permit area with a slope angle of 30 percent or greater for a minimum horizontal distance of 10 metres along the marine coast.

### AUTHORITY

The Coastal Steep Slope Development Permit Area is designated a development permit area for the protection of development from hazardous conditions, pursuant to Section 488(1) (b) of the *Local Government Act*.

### JUSTIFICATION

Steep slopes are generally found along the marine and riverine coast as well as the Horne Lake Road and the Mount Mark slide area. The threat of landslides is particularly concerning in areas where homes have been constructed near the edges or below unstable slopes.

The development permit area boundaries were derived from 2 metre contour and digital elevation mapping obtained by the Province of BC in 2017. The Regional District isolated areas where this mapping shows a slope of 30% or greater along the marine coast, to improve the boundaries of the for inclusion in the previous Hazard Lands Development Permit Area. The “Mount Mark Slide” area and other, isolated areas of 30% slope are shown on Map No. 8 for reference but do not form part of this development permit area. Riverine slope hazard is addressed in Development Permit Area 1 and the Horne Lake area slope hazard has been addressed through the subdivision of the Horne Lake Strata in the early 2000’s.

### OBJECTIVES

1. To minimize the risk to people and property from slope hazard;
2. To develop safely and minimize the impacts on or near steeply sloped lands, including the potential run out area below steep slopes;
3. To reduce slope hazards and landslide risk to people and property by carefully managing development and construction practices on or near steeply sloped lands;
4. To avoid alteration of steeply sloped lands that may cause increased instability of the land or adjacent areas;
5. To encourage ongoing maintenance and monitoring of steep slopes.

### APPLICABILITY

A development permit is required for the following activities wherever they occur within a development permit area, unless specifically exempted:

1. alteration of land, placement of fill, disturbance of soils, including grubbing, scraping and the removal of top soils;
2. construction or erection of buildings and structures;
3. creation of non-structural impervious or semi-pervious surfaces;
4. subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.

## EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Where a building permit is required for the proposed development, the Regional District building inspector has either required an assessment report by a Professional Engineer with experience in geotechnical engineering or determined that one is not required, and no other land alterations, buildings or structures, is proposed.
3. Subdivision where land alteration such as installation of driveways or services, is not required as part of the subdivision.
4. Subdivision where no new parcel lines or amendments to existing parcel lines are proposed within the development permit area.
5. Where there is no steep slope hazard, confirmation of which may require a letter from a Professional Engineer with experience in geotechnical engineering.

## GUIDELINES

1. An assessment report prepared by a Professional Engineer with experience in geotechnical engineering shall be required to assist in determining what conditions or requirements shall be included in the development permit so that proposed development is protected from the hazard and no increase in hazard is posed to existing development.
2. No unnecessary disturbance of the steep slope shall be permitted. Site development shall preserve natural vegetation on steep slopes and retain the natural terrain, topography of the site, and minimize cutting into the slopes.
3. Prior to construction commencing, the installation of temporary fencing or flagged stakes marking any areas to be avoided due to hazardous conditions, is required.
4. The geotechnical report will form part of the Development Permit terms and conditions, and may include registration of a Section 219 Covenant, prepared at the applicant's expense and to the satisfaction of the Regional District.

## DPA ~~65~~ – Farmland Protection

### DESIGNATION

The Farmland Protection Development Permit Area is shown on Map No. 7 and applies to all properties adjacent to lands designated within the Provincial Agricultural Land Reserve (ALR).

### AUTHORITY

The Farmland Protection Development Permit Area is designated a development permit area for the protection of farming, pursuant to Section 488(1)(c) of the *Local Government Act*.

### JUSTIFICATION

This development permit area concerns lands adjoining or adjacent to land within the ALR. The Regional District acknowledges that development of land adjoining or in close proximity to farmlands may compromise the agricultural use of ALR lands. As such, these lands require special treatment in order to protect the long-term agricultural potential of these areas.

### OBJECTIVES

1. To pursue the Community Value in this Official Community Plan of “protection of resource lands for sustainable resource use”.
2. To protect the agricultural land resource of the Plan Area for present and future production of food and other agricultural products.

### APPLICABILITY

A development permit is required for the following activities wherever they occur within the Development Permit Area, unless specifically exempted:

1. Subdivision of land as defined in the *Land Title Act* or bare land strata under the *Strata Property Act*.

### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Lands within the ALR
3. Lot line adjustment or where subdivision does not result in an increase in the number of potential dwelling units.
4. Subdivision of land for public utility, nature reserve, or park use.

### GUIDELINES

1. Subdivision design must minimize the impacts that may occur between farm and non-farm uses on adjacent ALR lands including but not limited to the following:
  - a. Site design to allow the clustering of lots, buildings or structures away from ALR lands.
  - b. Avoid road endings or stubs which point directly into the ALR, and half roads along the ALR boundary, except where required for access by farm vehicles.



- c. Where a parkland dedication is required, the dedication should be located next to the ALR boundary and include the required vegetated buffer outlined in Development Permit Area Guideline No.3 below.
2. For land to be ~~developed-subdivided~~ that is adjacent to or adjoining an ALR boundary, a 15 metre wide vegetated buffer should be retained, or established and maintained. All buffer areas shall generally be designed and landscaped using materials set out in *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions.
3. Within the vegetated buffer area mature trees shall be preserved and where possible integrated with the new landscaping. The planting of trees is strongly encouraged.
4. Plant layout, spacing and support shall generally be in accordance with *Guide to Edge Planning: Appendix B*, published by the BC Ministry of Agriculture, or any subsequent editions. The planting material should include non-invasive, low maintenance, native vegetation which can thrive with little or no fertilizer.
5. No new buildings and structures, except for fencing, shall be situated within the 15 metre vegetated buffer area.
6. A Section 219 covenant as per the *Land Title Act* for the vegetation buffer area may be required which restricts the removal of vegetation and the construction of any buildings or structures other than fencing within the buffer area.
7. Where the introduction of vegetation is required within the Development Permit Area, the Regional District may require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.

## DPA ~~7~~6 – Rural Commercial

### DESIGNATION

The Rural Commercial Development Permit Area is shown on Map No. 7, and applies to those lands designated Resort Commercial and Tourist Commercial, which are outside of Village Centres, and also applies to lands rezoned for Tourist Commercial and Service Commercial uses in the Rural designation.

### AUTHORITY

The Rural Commercial Development Permit Area is designated a development permit area to establish objectives for the form ~~and~~ character of commercial and industrial development, for protection of the natural environment, its ecosystems and biodiversity, for establishment of objectives to promote energy conservation, water conservation and reduction of greenhouse gas emissions pursuant to Section 488(1)(a)(f)(h)(i) and (j) of the *Local Government Act*.

### JUSTIFICATION

Outside of the Village Centres, commercial uses generally cater to the traveling public and are generally located within a short distance of the Highway No. 19A corridor. The variety and intensity of uses associated with tourism-related commercial uses and service commercial uses may compromise the aesthetic appeal of the rural landscape, cause conflict with adjacent residential uses and impact environmental values.

### OBJECTIVES

1. To ensure that new or additional commercial and service commercial uses outside of Rural Village Centers are developed in a manner that is consistent with and enhances the rural character of the area and minimizes negative impacts on the natural environment and ~~near~~ residential uses.

### APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 meters ~~s~~ in height.
2. Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

### EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
3. Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
4. Construction of a building or structure ~~involving with~~ a total floor area of 10 square meters or less which is not visible from a public roadway.

5. Addition to an existing building or structure that is screened from view from ~~not visible from~~ a public roadway or other public space by the existing building or structure.
6. Subdivision of land as defined in the *Land Title Act* or *Strata Property Act*.
7. Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
8. Construction of unpaved driveways and walkways not exceeding 4 meters in width.

## GUIDELINES

1. The character of the development will generally:
  - a. be designed to utilize the existing topography and vegetation in a manner that is visually unobtrusive and blends into the surrounding landscape,
  - b. be designed to mimic the natural water balance by maximizing infiltration of uncontaminated rainwater,
  - c. integrated with and enhance the character of existing development to avoid mass and character that would be overwhelming to adjacent non-commercial properties, and
  - d. include ~~public~~ gathering places such as ~~small~~ seating areas, patios, garden entry areas that are visible and accessible and encourage pedestrian uses, where possible.
2. Incorporating natural materials to create a “west coast” style into the design is encouraged.
3. Where buildings present an aspect to the highway or to highly visible areas, continuous blank wall surfaces (longer than 5 meters) shall be avoided. Consider using building articulation, visually-interesting rooflines (e.g., variations in cornice lines and roof slopes); architectural elements (e.g., balconies, bay windows, cupolas, dormers), and other detailing that creates rhythm along the lines of the building.
4. Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s *Community Parks and Trails Strategy*, *Regional Parks and Trails Plan*, or *Active Transportation Plan*, and any subsequent editions.
5. Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
6. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas.
7. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
8. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
- 8-9. For land to be developed where it abuts a residential zoned property(s), a landscaped buffer shall be retained or planted to provide a visual screen.

- ~~9-10.~~ Porous and permeable surfaces should be used where practical and techniques such as rain gardens and vegetative swales to assist in the treatment of rainwater runoff from a site are encouraged in accordance with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of Environment, or any subsequent editions. The Regional District may require a rainwater management plan prepared by a professional engineer or other qualified professional.
- ~~10-11.~~ Mature trees shall be preserved and, where possible, integrated with new landscaping. The planting of trees is strongly encouraged.
- ~~11-12.~~ Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions.
- ~~12-13.~~ Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified ~~person~~ professional to the satisfaction of the Regional District.
- ~~13-14.~~ Exterior lighting shall be low intensity, pedestrian-orientated with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lightening is encouraged.
- ~~14-15.~~ All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.
- ~~15-16.~~ Signage should be visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage that is complementary to the scenic qualities of the area and requires a minimal amount of lighting to be effective. Animated, flashing, oscillating or moving signs and roof top signs shall be avoided to retain a rural appearance and not be distracting to drivers.

## DPA ~~8-7~~ – Qualicum Bay and Dunsmuir Village Centres

### DESIGNATION

The Qualicum Bay and Dunsmuir Village Centres Development Permit Area is shown on Map No. 7, and applies to Qualicum Bay and Dunsmuir Village Centres.

### AUTHORITY

The Qualicum Bay and Dunsmuir Village Centres Development Permit Area is designated a development permit area for revitalization of an area in which a commercial use is permitted, to establish objectives for the form or character of ~~intensive residential development and commercial, and industrial or multi-family~~ development, for protection of the natural environment, its ecosystems and biodiversity, for establishment of objectives to promote energy conservation, water conservation and reduction of greenhouse gas emissions pursuant to Section 488(1)(a)(d)(~~e~~)(f)(h)(i) and (j) of the *Local Government Act*.

### JUSTIFICATION

The Regional Growth Strategy recognizes three areas as the Village Centres for Electoral Area 'H'. (The Bowser Village Centre is subject of its own Plan and DPA, so is not included here.) Village Centres are included within a development permit area due to the existing commercial activities and in recognition of the opportunity to integrate multi-family residential and tourist oriented commercial, institutional, service commercial development or mixed-use development into one or more of these locations.

In establishing these centres, it is important to ensure compatibility of development with adjacent land uses, to recognize the importance of visual appearance and design of development, and to ensure that future development within the villages has a positive impact on the long-term needs of the community. The Village DPA guidelines focus on village commercial, institutional, and residential themes while maintaining the rural and residential characteristics of the surrounding communities.

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

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

### OBJECTIVES

1. To pursue the Community Values in this Official Community Plan to "support for a diversified economy, focusing on small scale commercial, human service sectors, and tourism within the Rural Village Centres.
2. To provide a safe and cohesive village area that enhances the relationship between the built and natural environment through building design and landscaping.

### APPLICABILITY

A development permit is required for the following activities wherever they occur within the development permit area, unless specifically exempted:

1. Construction, erection, renovation or addition of buildings or structures on the land, including signage over 1.0 meters in height.
2. Alteration of land, removal of vegetation, disturbance of soils, including grubbing, scraping and removal of top soil.

## EXEMPTIONS

The following activities are exempt from any requirement for a development permit:

1. Exemptions listed in Section 8.3 Development Permit Areas – General Exemptions.
2. Construction, renovation, or addition to single dwelling unit, duplex dwelling unit, or accessory residential buildings.
3. Alterations or additions to a building which does not require a building permit. This exemption excludes new signage.
4. Addition to an existing building or structure that is not visible from a public roadway or other public spaces.
5. Subdivision of land ~~as defined in the Land Title Act or Strata Property Act~~ except for intensive residential which for the purpose of this exemption, means any residential development with an average minimum parcel size less than 2000 m<sup>2</sup> or density greater than 5 dwellings per ha whether fee simple or strata.
6. Maintenance of existing landscaping, existing roads, parking areas, paths and trails.
7. Construction of unpaved driveways and walkways not exceeding 4 meters in width.

## GUIDELINES

1. For Qualicum Bay Village Centre, tourist and business frontage for the Village shall be encouraged to be oriented toward the central portion of District Lot 20, Newcastle District and shall provide linkage and integration with the existing commercial lands along the Island Highway No. 19A and institutional uses including the Lighthouse Community Hall, seniors housing and park land.
2. For Dunsmuir Village Centre, the tourist and business frontage for the Village shall be encouraged to be oriented toward Horne Lake Road and existing commercial areas along the Island Highway No. 19A. New development ~~and~~ shall provide pedestrian and vehicle linkages with the existing residential areas and currently vacant lands adjacent to Horne Lake Road.
3. The character of commercial development will generally:
  - a. be integrated with and enhance the character of the existing development,
  - b. be designed with a mix of commercial building styles, and constructed as small scale, low-rise structures that are clustered together,
  - c. be oriented toward adjacent streets where possible, and
  - d. be designed to have separate buildings or buildings that appear as small, individual buildings rather than a single large building.
5. The character of multi-family development will generally:
  - a. be in keeping with the village character and surrounding residential or rural areas,
  - b. provide a range of housing types,
  - c. be clustered in small groups,
  - ~~d.~~ provide pedestrian linkages to areas beyond the development,
  - ~~e.~~ be ground oriented wherever possible; and

- e.f. incorporate landscaping to separate residential clusters.
6. Incorporating natural materials to create a “west coast” style into the design is encouraged.
  7. Safe pedestrian and cycling routes that connect the property with the waterfront, open spaces and active transportation networks shall be identified and where applicable, constructed in accordance with the Regional District’s Community Parks and Trails Strategy, Regional Parks and Trails Plan, or Active Transportation Plan, and any subsequent editions.
  8. Walls, fences, shrubs, grade changes or other site features should not obscure the vision of vehicle drivers with respect to pedestrians or bicycle routes.
  9. Development shall not be separated or ‘gated’ with walled or fenced enclaves.
  10. Off-street parking and off-street loading areas shall be located to the rear of buildings wherever possible, shall be complimentary to the development, and shall be screened with landscaping. Small clustered parking areas are preferable to large paved areas.
  11. Off-street parking and off-street loading areas, located adjacent to residential or rural land uses, shall be adequately screened from the residential uses.
  12. All outdoor refuse and storage areas shall be screened with a combination of landscape plants and fencing, and wherever possible, located to the rear of the buildings or in unobtrusive locations. For waterfront properties, consideration should also be given to screening these areas from the beach front.
  13. ~~Design Sites~~ and buildings must be designed to use best practices for integrated rainwater management and water conservation techniques, including appropriate source controls such porous and permeable surfaces, bioswales, absorbent landscaping, infiltration facilities, ~~and~~ re-use systems and other techniques. Water quality should be maintained by ensuring that no deleterious substances enter ground or surface water. Rainwater should be managed onsite wherever possible, and management approaches should be aligned with *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*, published by the B.C. Ministry of Environment, or any subsequent editions. The Regional District may require a rainwater management plan prepared by a professional engineer or other qualified professional.
  14. Applicants are encouraged to refer to the most recent edition of the British Columbia Landscape Standards published by the BC Society of Landscape Architects when creating their plan. Landscaping should be used in site design to achieve the following list of objectives:
    - a) retain existing healthy, mature trees to provide shading and enhance the streetscape;
    - b) new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions;
    - c) utilize a variety of native plants that are drought tolerant suitable to local growing conditions;
    - d) enhance the pedestrian experience (e.g., aesthetics, weather conditions, safe movement throughout site and visual separation from and between uses) and compliment the development and surrounding area;
    - e) add texture and three dimensional components to the site (e.g., ground level planting, raised beds, shrubs, tree canopy) and avoid creating areas that are predominately bark mulch, gravel or other similar materials;

- f) minimize water consumption through conservation techniques such as micro-irrigation and xeriscaping;
- g) respect required sightlines from roadways and enhance public views;
- h) help screen parking areas, electrical and mechanical features, and refuse and recycling facilities; and
- i) contribute to a sense of personal safety and security.
- ~~14. Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions. Otherwise, landscaping shall generally be in accordance with the current land use bylaw landscape regulations.~~
15. Where the introduction of vegetation is required within the development permit area, the Regional District may require the applicant to submit a landscape plan and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person to the satisfaction of the Regional District.
- ~~16. Mature trees shall be preserved and, where possible, integrated with new landscaping. The planting of trees is strongly encouraged.~~
- ~~17.~~ 16. Exterior lighting shall be low intensity, pedestrian-oriented with an emphasis on public safety and the prevention of glare onto adjacent properties, roads or sky. The use of solar power lighting is encouraged.
- ~~18.~~ 17. All new or replacement exterior lighting in commercial areas shall use Full-Cut Off/Flat Lens (FCO/FL) lighting fixtures on exterior to light roads, parking, loading and pedestrian areas.
- ~~19.~~ 18. Signs should be visually unobtrusive, grouped wherever possible and primarily pedestrian-oriented, designed at a pedestrian scale. Handcrafted signs of a professional quality, designed to be effective with minimal lighting and integrated into the overall design of the building and landscape are preferred.
- ~~20.~~ 19. For land to be developed where a commercial property abuts residential zoned property(s), a landscaped ~~a~~ buffer area should be provided between the commercial property and the residential property(s) to provide a visual screen.
- ~~21.~~ 20. For land to be developed that is adjacent to or adjoining an Agricultural Land Reserve boundary a buffer area containing vegetation or fencing or a combination of both shall be retained, or established and maintained. All buffer areas shall generally be designed and landscaped using materials set out in Guide to Edge Planning: Appendix B, published by the BC Ministry of Agriculture, or any subsequent editions.

Commented [CS40]: Covered in new guideline 14

Commented [CS41]: Covered in new guideline 14



## DPA 9 – Deep Bay Southwest

Commented [SC42]: New DPA designation

### DESIGNATION

The Deep Bay Southwest Development Permit Area is shown on Map No. 7, and applies to the Deep Bay Southwest land use designation.

### AUTHORITY

The Deep Bay Southwest Development Permit Area is designated a development permit area to establish objectives for the form or character of intensive residential development and commercial, industrial or multi-family development; for protection of the natural environment, its ecosystems and biodiversity; and for establishment of objectives to promote energy conservation, water conservation and reduction of greenhouse gas emissions pursuant to Section 488(1)(a)(e)(f)(h)(i) and (j) of the *Local Government Act*.

### JUSTIFICATION

Deep Bay Southwest is envisioned as a clustered residential development with tourist commercial and service commercial uses that complement the Deep Bay Harbour, existing tourist commercial uses, residential neighbourhoods, and the Deep Bay Marine Station.

In the development of Deep Bay Southwest, it is important to ensure compatibility with adjacent land uses, to recognize the importance of visual appearance and design. Pedestrian connections, active transportation, accessible design, and housing for different ages and income levels are all important. The development should be progressive in its design and construction resulting in a high standard of water conservation, energy conservation, low greenhouse gas emissions, and conservation and restoration of sensitive ecosystems and mature trees and vegetation.

### OBJECTIVES

1. To create residential neighbourhoods and commercial areas that emphasize pedestrian and bicycle mobility over vehicles.
2. To achieve a form and character that includes a variety of housing types in a clustered pattern preserving greenspace, sensitive ecosystems and trails on the remainder.
3. To connect with the existing nearby residential and commercial areas in form and character and through bicycle, pedestrian and road connection(s).
4. To conserve energy and water and minimize greenhouse gas emissions.

*Note: the applicability, exemptions and guidelines for this development permit area will be adopted in the zoning bylaw through a future rezoning process for Deep Bay Southwest.*