

REGIONAL DISTRICT OF NANAIMO

***EAST WELLINGTON - PLEASANT VALLEY  
OFFICIAL COMMUNITY PLAN  
BYLAW NO. 1055***

Prepared by the  
Regional District of Nanaimo Planning Department

***Consolidated December 2018***

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1055**

**A BYLAW TO ESTABLISH THE EAST WELLINGTON - PLEASANT VALLEY  
OFFICIAL COMMUNITY PLAN**

**WHEREAS:**

- A. Under section 882 of the *Municipal Act* the Board may adopt a community plan by bylaw.
- B. The Board of the Regional District has:
  - (a) examined the plan in conjunction with its most recent capital expenditure program under section 329 of the *Municipal Act* and is assured of consistency between them; and
  - (b) referred the plan to the Provincial Agricultural Land Commission for comment; and
  - (c) referred the plan to the Council of the City of Nanaimo for comment;and the Board has received those comments.
- C. A Public Hearing has been held on the plan on the 12th day of June, 1997, being not less than 20 days after the plan has been referred to the City of Nanaimo.

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

1. Title

This Bylaw may be cited as “Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1997.”

2. Application

This Bylaw is applicable within that portion of Electoral Area 'D' of the Regional District of Nanaimo as shown outlined in Schedule 'A' of this Bylaw.

3. Community Plan

The community plan attached to this Bylaw as Schedule 'A' is adopted as the Official Community Plan for that area as shown outlined in Schedule 'A'.

4. Repeal

“Regional District of Nanaimo East Wellington, Pleasant Valley, Lantzville Official Community Plan Bylaw No. 716.01, 1988”, is repealed.

Introduced and read two times this 13th day of May, 1997.

Public Hearing held pursuant to Section 882 (5) of the **Municipal Act** this 12th day of June, 1997.

Read a third time this 14th day of October, 1997.

Received approval pursuant to Section 883 of the **Municipal Act** this 10th day of December 1997.

Adopted this 13th day of January, 1998.

George Holme  
CHAIRPERSON

Carol Mason  
SECRETARY

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***EAST WELLINGTON - PLEASANT VALLEY  
OFFICIAL COMMUNITY PLAN***

***BYLAW NO. 1055***

Schedule 'A'

**SECTION 1 - INTRODUCTION**

***1.1 PURPOSE OF THE OFFICIAL COMMUNITY PLAN***

*A Community Plan is a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements in the area covered by the plan (s.876 (1) Municipal Act).*

The purpose of the East Wellington - Pleasant Valley Official Community Plan is to provide a comprehensive set of policies and guidelines for managing existing and future uses of land in the Plan Area. These are intended to provide its citizens and the Regional District of Nanaimo with a framework for decision-making in light of pressures of growth and change.

The Plan's fundamental aim is to preserve the unique characteristics which define the Plan Area while recognizing a minimal level of growth which is compatible with, and compliments, the existing rural, agricultural, open space and resource uses within the Plan Area.

The Plan Area is influenced by several significant influences: its historical development as an area of agricultural and resource extraction activities; development of large-lot subdivisions; the presence of environmentally-sensitive creeks, rivers, lakes and associated floodplains; a significant land base designated as Agricultural Land Reserve (ALR) and Forest Land Reserve (FLR); the close proximity of the City of Nanaimo; and, the development of the Nanaimo Parkway. All of these factors have been critical in developing this Plan.

An Official Community Plan reflects local interests as well as regional, provincial and, in some cases, federal interests. The Plan recognizes the objectives, direction and philosophy of the Regional Growth Management Plan and other plans which may have direct implications on the preferred pattern of land use and development within the Plan Area.

It is important to distinguish the Community Plan from regulatory zoning and subdivision bylaws. The Community Plan will act as the guiding document for the Regional District Board and other agencies in determining the best uses for land and water surfaces in the community and the means by which these will best be managed. It provides direction and the foundation for the preparation of related bylaws to regulate and control the type, degree and timing of land use and development. The Plan also provides residents and other interested individuals or groups with a framework against which development proposals and actions can be assessed.

## **1.2 THE PLAN AREA**

The East Wellington - Pleasant Valley Official Community Plan Area is located in the Regional District of Nanaimo's Electoral Area 'D.' As of 1991, its population was 955 (Source: Census Canada), representing an increase of 20% over the previous five-year period, or an annual increase of 4%. It is anticipated that the population will continue to grow at a similar rate in the future.

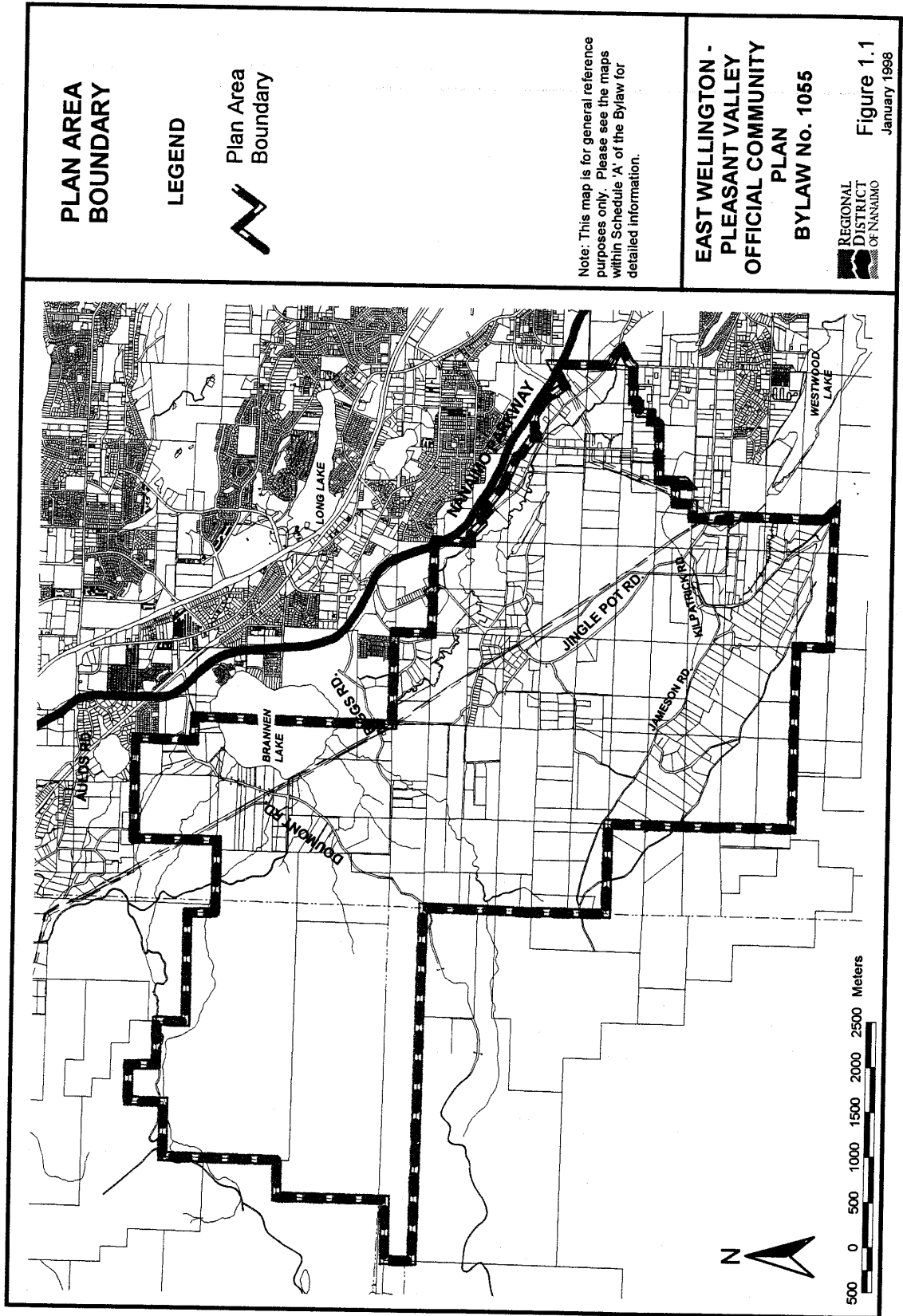
Encompassing a land area of approximately 3330 ha, the Plan Area is bounded to the north by the Lantzville Official Community Plan Area, to the east by the City of Nanaimo, to the south by Electoral Area 'C,' and to the west by Electoral Areas 'C' and 'E' (see Figure 1.1). It is characterized by a diverse mix of natural landscapes and features and a pervading rural atmosphere attributable to rural and agricultural land uses.

Many of the Plan Area's diverse natural landscapes and features, such as the Millstone River system (including various lakes, creeks, streams, and wetlands) are considered sensitive to human activity and land development. These not only serve as valuable natural habitat for animals, birds and fish but also provide local residents with considerable recreational opportunities. Other areas of recreational importance include Mount Benson<sup>1</sup>, the Lantzville Foothills and the Regional District of Nanaimo's only regional park, Benson Creek Falls Regional Park.

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<sup>1</sup> It should be noted that the majority of Mount Benson is located in Electoral Area 'C.'

Figure 1.1





### **1.3 COMMUNITY OBJECTIVES**

In developing the East Wellington - Pleasant Valley Official Community Plan a number of broad objectives were identified through the public consultation process. Although these represent general visions and aspirations of the community, they assist in identifying the more specific objectives and policies set out in the Plan:

- *Strengthen* the characteristics that make East Wellington - Pleasant Valley an attractive living and working community.
- *Preserve* the rural character and natural amenities in the Plan Area.
- *Ensure* that human activity and development respects the integrity of the natural environment.
- *Ensure* protection to life and property from natural hazards.
- *Manage* further growth and development in a manner compatible with the community preferences identified in the Plan so as not to jeopardize established lifestyles and activities.
- *Preserve* and protect lands that have agricultural and/or natural resource value.
- *Strengthen* responsiveness to community concerns and preferences.

### **1.4 PUBLIC CONSULTATION**

The Regional District of Nanaimo recognizes that residents within this Plan Area wish to be informed of, and contribute to, planning issues, which affect their community. To this end, the Regional District will work actively to ensure community access to information on planning issues.

The importance of public awareness and understanding of the policy framework set out in this Plan, as well as in the various methods used in its implementation, are stressed as a broadening of public understanding and participation in decision-making lead to lasting benefits for the community and the District as a whole. Residents of the Plan Area, through their support of the Community Plan and participation in the planning and public hearing processes, are the final arbiters of community values.

Residents of the Plan Area have had a direct influence over this Plan through a broad-based public consultation process. Resident values, preferences and concerns have been determined through community meetings, workshops and a survey. The Area's Advisory Planning Commission has also reviewed and assessed the Plan<sup>2</sup>.

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<sup>2</sup> Bylaw No. 1055 Adopted June 13, 2000.

## **1.5 THE PLAN PERIOD**

The East Wellington - Pleasant Valley Official Community Plan is intended to provide direction as to how the Plan Area will develop over the next five (5) to ten (10) years. A general review of the Plan is not contemplated until the community and the Board of the Regional District find that it no longer serves community needs. The Plan may, however, be subject to periodic review by the Board in order to address any major revisions to legislation, new planning issues, or changes to the Regional Growth Management Plan that may have implications in the Plan Area. All reviews and amendments will be in accordance with community wishes.

## **1.6 LEGISLATIVE FRAMEWORK**

### **1.6.1 Implementation**

The East Wellington - Pleasant Valley Official Community Plan has been prepared in accordance with the provisions of the *Municipal Act* of British Columbia. The Community Plan's policies are reflected in land use designations outlined on Map No. 3, which is attached to and forms part of this Plan. The Plan is implemented by the regulatory bylaw of the Regional District, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and amended as required to reflect its direction and policies.

### **1.6.2 Subdivision Approval**

The subdivision approving authority within the Regional District is the Approving Officer for the Ministry of Transportation and Highways. A proposal to subdivide must be consistent with the Official Community Plan as well as with the Land Use and Subdivision Bylaw. To ensure that the public interest is served, the Provincial Approving Officer is requested to carefully consider the direction, objectives and policies of the Plan in the subdivision approval process. The City of Nanaimo's Approving Officer is also requested to consider the Plan when reviewing subdivision proposals located in proximity to the Plan Area. In the event that the Regional District assumes the subdivision approving authority in the future, its approving officer shall similarly be requested to carefully consider the Plan in the approval process.

### **1.6.3 Adoption**

This Official Community Plan has been prepared and adopted pursuant to Part 26, Division (2) of the *Municipal Act*. All bylaws, permits issued and works undertaken within the Plan Area shall be consistent with the provisions of this Plan.

#### **1.6.4 Amendment**

Subject to the *Municipal Act* and the terms of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” application may be made to amend this Official Community Plan.

This Plan Area is a development approval information area.<sup>3</sup>

### **1.7 REGIONAL GROWTH MANAGEMENT PLAN**

The Growth Management Plan for the Regional District of Nanaimo was adopted in January 1997. This Official Community Plan has been developed in recognition of the Growth Management Plan and the philosophy, direction and approach that it advances. Generally, this Plan supports the broad goals of urban containment, protection of rural integrity, protection of environmentally significant features, improved mobility, the creation of a vibrant and sustainable rural economy, efficient services and resource use, and cooperation among jurisdictions. Specifically, this Plan promotes the establishment and maintenance of an urban containment boundary, the protection of rural lands for rural uses, the protection of valuable agriculture, forestry and other resource lands, and the protection of the environment, particularly water resources.

The Regional Board shall ensure that proposed amendments to this Plan are consistent with the goals and policies of the Regional Growth Management Plan.

### **1.8 PLAN INTERPRETATION**

The Plan is divided into a number of sections each dealing a different element of the community, including natural resource management, development strategy and parks and open space. Some sections are further divided into sub-sections, such as agriculture in the case of natural resource management. Each section and sub-section is comprised of specific objectives and policies.

Objectives are an expression of community values and long-term aspirations. They are the community’s statement of what is important and its vision of the future. In this sense, objectives are the official community plan’s foundation, establishing its overall direction and focus. The time necessary to fulfill objectives may vary considerably. Some may require a significant amount of time that extends beyond this Plan’s timeframe, necessitating an on-going commitment. Others demand less of a time commitment and can be implemented in the short term.

Successful attainment of the Plan’s objectives requires a combination of individual and policy initiatives. The actions and decisions of individuals have a tremendous impact on the realization of community values and aspirations, while an effective and well-crafted

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<sup>3</sup> Bylaw No. 1055 adopted June 13, 2000

set of policies complement their actions. Policies establish the framework that guides decision-making by the Regional District. Each of the policies in this Plan relate directly to stated objectives. Some policies may be highly specialized and address specific issues, situations or conditions while others may have a more generalized applicability.

In the context of this Plan, policies can generally be categorized as either an *action* or *development activated*. Policies throughout the Plan have been arranged into these categories in an effort to enhance understanding of their rationale and implications. The two policy types are described as follows.

*Action policies* represent the basis of the Plan's decision-making framework by providing clear direction on particular issues, establishing a favoured course of action or stating a preferred scenario, circumstance, set of conditions or outcome. Generally, these policies provide guidance to the Regional District and other levels of government when addressing planning-related issues or situations.

*Development activated* policies apply specifically to proposed changes in land use or development where the likelihood of change or impact on the broader community, including the environment, is considered the greatest. The policies are designed to address these potential impacts by setting out assessment criteria. They remain 'silent' until such time that a change in land use or development is proposed. Once this occurs the policy is 'activated' and its requirements must be fulfilled. Otherwise, the policy has no effect.

## SECTION 2 - THE NATURAL ENVIRONMENT

The natural environment, consisting of diverse populations of flora and fauna and freshwater systems, is an important feature of the East Wellington - Pleasant Valley Plan Area that has a considerable effect on its overall character and livability. Water resources, including both ground and surface water, are especially important as they provide habitat for fish, birds and animals as well as potable water for residential development and agricultural activities. Residents of the Plan Area recognize the value of a healthy and vital natural environment and support its long-term protection and enhancement.

Community greenways represent an integrated planning approach to help to achieve this objective. Greenways, defined as green linear corridors that connect natural areas, are intended to balance the needs of humans with those of natural systems. In practice, they are physical linkages, or corridors, between human development and important ecological or natural systems. A greenway planning approach coincides with the direction and objectives of this Plan. It supports sensitive development, the protection of valuable agricultural and forestry lands and environmental features and resources, and enhancement of rural character and open space. The long-term attainment of these objectives cannot occur without the on-going support and involvement of the community.

Environmental protection, as established in this section of the Plan, emphasizes community stewardship (as embodied in its objectives) where residents assume responsibility for protecting the environment through individual and community efforts. The section also includes policies intended to respond to community objectives where proposed changes in land use or development have the potential to impact the environment. These policies have been designed to minimize these impacts.

### ***General Objectives:***

- *Protect and conserve* the natural environment.
- *Encourage and support* community stewardship of the natural environment.
- *Support* an integrated planning approach to environmental protection and management.
- *Support* the coordination and harmonization of efforts among the public, stakeholders and all levels of government in the protection of the natural environment.
- *Encourage* the application of the *Forest Practices Code* to both provincial forest and the Forest Land Reserve.
- *Encourage* the harmonization of the Regional District's land use and subdivision regulations with the *Land Development Guidelines for the Protection of Aquatic Habitat* and *Stream Stewardship: A Guide for Planners and Developers* manuals.

- *Consider* the principles and guidelines of the *Land Development Guidelines for the Protection of Aquatic Habitat* and *Stream Stewardship: A Guide for Planners and Developers* manuals when assessing zoning amendment or subdivision applications.
- *Ensure* that development proposals conform to all provincial policies and regulations intended to protect the natural environment.

## **2.1 WATER MANAGEMENT**

The East Wellington - Pleasant Valley Plan Area contains an extensive and complex water system comprised of both surface- and groundwater resources. Surface water includes many naturally occurring rivers, creeks, streams, lakes and wetlands, providing important wildlife and fish habitat, recreation opportunities, and irrigation and potable water supplies. The integrity and health of these resources are often threatened by development, agricultural, forestry and mining practices and excessive recreational use.

The Millstone River System is the largest watershed in the Plan Area, encompassing an area of approximately 100 square kilometres. The Millstone River originates at Brannen Lake and flows south and east through the Plan Area into the City of Nanaimo and ultimately into the City's harbour. It is fed by an extensive system of creeks and streams, some of which originate outside the Plan Area's boundaries. The Millstone River and several of its tributaries are an important fisheries resource and provides habitat for a variety of migrating and wintering waterfowl.

Groundwater is that part of a broader hydrological cycle that occurs below the water table. As an integral part of this cycle, what happens on the surface has a direct impact on its quantity and quality. Quantity is reduced when water is withdrawn at a faster rate than it is replenished or when it is diverted through surface water bodies. Quality is compromised by the introduction or presence of natural or synthetic contaminants into the system. As both the quality and quantity of groundwater is impacted by the manner in which land is used, land use and development must be carefully planned in order to minimize impacts on groundwater sources. Effective planning maintains a safe and sufficient groundwater supply for use by the community. While extensive knowledge regarding the location, mechanisms and status of groundwater and recharge areas within the Plan Area is presently unknown, their protection remains a priority.

### ***Objectives: Water Management***

- *Encourage* the long-term conservation, protection and enhancement of water resources.
- *Encourage* cooperation in water resources matters between landowners, stakeholders and local and provincial authorities.

- *Support* only sensitive and appropriate development and land uses in proximity to water resources.
- *Identify* all groundwater resources in the Plan Area for the purpose of their long-term protection and conservation.

***Policies: Water Management***

*Action:*

1. The establishment of land uses which would have a long-term negative impact on the quality or quantity of water resources shall be opposed. Specifically, land uses or development that may result in changes to the hydraulic regime of Brannen Lake and/or the Millstone River shall be opposed.
2. The preservation of natural vegetation adjacent to all surface water shall be encouraged.
3. The Regional District shall encourage the Province to enact enabling legislation regarding the management and protection of groundwater. In the event that this occurs this Plan shall be reviewed to ensure consistency with the legislation, where appropriate and applicable.

*Development Activated:*

4. The Approving Officer shall be requested to require that subdivisions be designed to protect water resources by maintaining the hydraulic regime of streams, providing for sufficient drainage, preventing the intrusion of erosion material or other pollutants, into surface water and maintaining levels of groundwater recharge.
5. When considering zoning amendment proposals where a proposed change in density and/or intensity of land use has the potential to impact the quantity or quality of water resources, the Regional District may require a hydrological impact assessment. In the case of groundwater, the assessment should address the long-term reliability of on-site groundwater and the potential for impact on groundwater supplies of adjacent properties. The assessment shall be undertaken by a qualified professional with proven knowledge and experience in this type of impact assessment.

## 2.2 ENVIRONMENTALLY SENSITIVE AREAS

Environmentally sensitive areas are areas of land or water that may be sensitive to human presence and activities or land development. Included within the Plan Area are naturally occurring water resources (including rivers, streams, creeks, lakes, wetlands and groundwater) and natural habitats that can be considered environmentally sensitive. Sites of historical, archaeological or scientific significance may also be considered as environmentally sensitive areas. The valuable contribution that these features make to the character and natural beauty of the Plan Area cannot be overlooked; they need to be recognized and protected from potentially damaging land uses and activities.

While the community advocates the preservation and protection of environmentally sensitive areas through individual- and community-based stewardship initiatives, public policy can serve a useful role of complementing these efforts. Stated policies in this section relate directly to the attainment of community objectives and guide not only the decision making of the Regional District but other government agencies as well; these agencies often rely on official community plans to define community priorities and decision-making parameters.

"Development permits are useful tools in protecting the natural environment, which complement conventional mechanisms (such as setbacks) by addressing the negative aspects of development or land use on a site-specific basis. In recognition of the community's desire to assume the primary responsibility for environmental protection, this Plan proposes the use of development permits only where the potential for environmental impact, as a result of land use change or development, is the greatest; as such, development permits are only required on environmentally sensitive land designated as Rural Residential in this Plan (see Section 4)." However, notwithstanding the above, as of March 31, 2006, Local Governments are required by the *Fish Protection Act* to protect all 'streams', as defined in the *Riparian Areas Regulation*. Therefore, development permit areas are designated adjacent to all watercourses within this plan area (see Section 4).<sup>1</sup>

### **Objectives: Environmentally Sensitive Areas**

- *Identify, preserve and protect* environmentally sensitive areas, including fish and wildlife habitat and conservation corridors.
- *Advocate* new land uses and development that are compatible with environmentally sensitive areas.
- *Advocate* existing land uses, development and activities to continue in an environmentally responsible manner.

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<sup>1</sup> Bylaw No. 1055.03 adopted January 23, 2007



- *Recognize* that lands within the Agriculture and Forest Land Reserves shall not be subject to development permit requirements for environmentally sensitive areas and instead be preserved and protected through community and individual stewardship initiatives.
- *Advocate* and *support* stewardship of the natural environment through community and individual initiative and public education.

***Policies: Environmentally Sensitive Areas***

*Action:*

1. In recognition of the community's objective of preserving and protecting the natural environment and in order to provide focus and direction for community and governmental stewardship initiatives, land or water, which is sensitive to human presence, or is of historic, archaeological or scientific significance is deemed, for the purpose of this Plan, to be an environmentally sensitive area. These areas are indicated on Map No. 1, attached to and forming part of this Plan.
2. Environmentally sensitive areas as shown on Map No. 1 may not be limited to the areas indicated. The Regional District may undertake periodic amendments to these areas to recognize new information, changing on-site conditions or more comprehensive environmental assessments.
3. "All watercourses which meet the definition of 'stream' in the *Riparian Areas Regulation*, shall be included within a Development Permit Area in this Plan."<sup>2</sup>
4. The Regional District shall encourage the protection of land, which is deemed to be environmentally sensitive and shall oppose harmful development.

*Development Activated:*

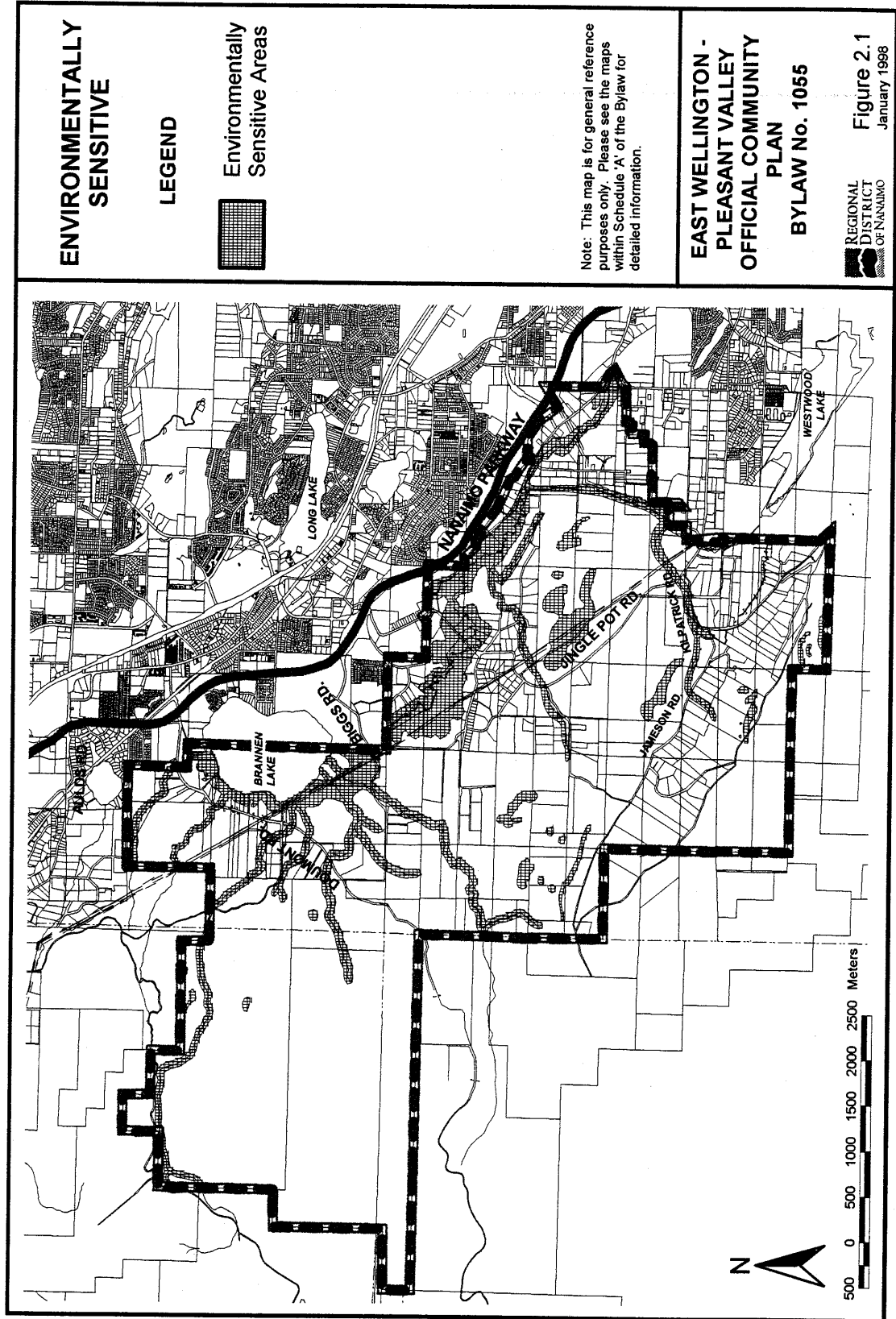
5. The Regional District shall only support a zoning amendment application or the subdivision of land within or adjacent to an environmentally sensitive area provided that reasonable and acceptable evidence is provided that the proposed development will not adversely affect the environmentally sensitive area. In evaluating development proposals the Regional District shall give due consideration to:
  - a) soil stability, natural vegetation or ground cover;
  - b) wildlife and fish habitat;
  - c) quality and quantity of surface drainage and/or groundwater; and
  - d) adjacent land uses.

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<sup>2</sup> By-law No. 1055.03 adopted January 23, 2007

6. Zoning amendment or development proposals shall be reviewed in relation to existing and potential archaeological sites and where sites are apparent, such applications shall be referred to the Heritage Conservation Branch of the Ministry of Municipal Affairs for comment.

Figure 2.1



## 2.3 NATURAL HAZARD AREAS

Natural Hazard Areas within the Plan Area consist of lands, which are subject to flooding or erosion. For example, the Millstone River can be regarded as a potential hazard to development based on the possibility of flooding. The removal of vegetation or alteration of land within its floodplain may consequently increase the probability of damage.

In order to protect development from potential hazards this Plan advocates the use of development permits to complement other regulatory devices, such as setbacks and flood controls. Development permits offer the flexibility to customize development standards to reflect specific on-site conditions. Associated guidelines are designed to minimize the impact potential of a hazard on persons and property.

### ***Objectives: Naturally Hazard Areas***

- *Minimize* the potential for personal injury or loss of property from natural hazards or impacts to environmental values.
- *Encourage* mitigation measures which are compatible with the needs of local residents and which are sensitive to the natural environment.

### ***Policies: Naturally Hazard Areas***

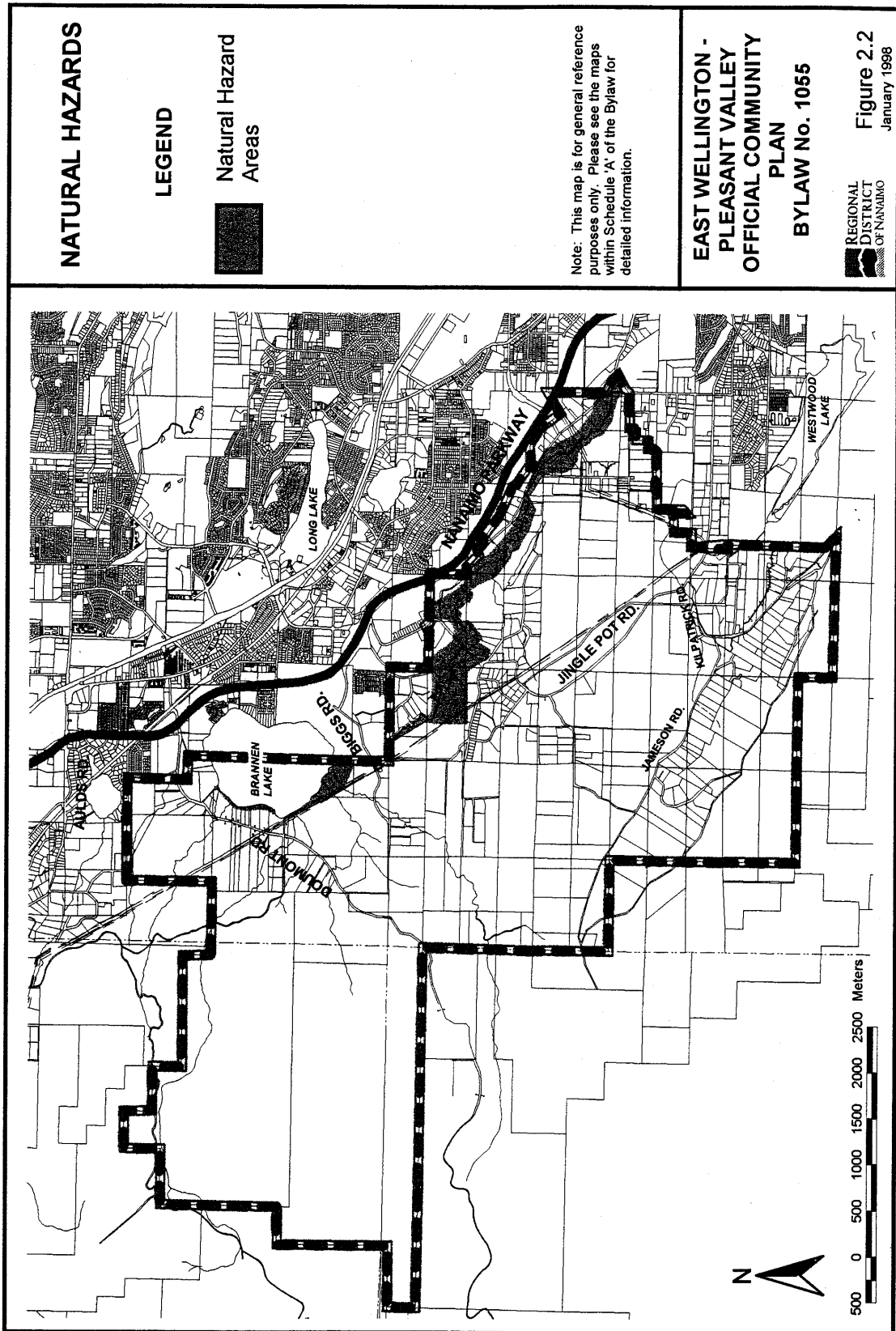
#### *Action:*

1. In recognition of the community's objective of minimizing the potential for personal injury or loss of property from natural hazards, land susceptible to flooding or high rates of erosion is deemed, for the purpose of this Plan, to be a potential Natural Hazard Area. These areas are indicated on Map No. 2, attached to and forming part of this Plan.
2. Natural Hazard Areas, as shown on Map No. 2, may not be limited to the boundaries indicated. The Regional District may undertake periodic amendments to the boundaries to recognize new information, changing on-site conditions or more comprehensive assessments.
3. In an effort to assist in minimizing the potential for personal injury or loss of property from hazardous conditions, those areas indicated as Natural Hazard on Map No. 2, shall be included within a Development Permit Area of this Plan.

*Development Activated:*

4. The Regional District shall only support a zoning amendment or subdivision proposal which is wholly or partially included within an Natural Hazard Area when reasonable evidence is provided that measures can and will be taken to ensure that the proposed land uses or development is able to withstand the effects of the hazard.

Figure 2.2



## **SECTION 3 - NATURAL RESOURCE MANAGEMENT**

The East Wellington - Pleasant Valley Plan Area contains a variety of lands with natural resource value, including those for agriculture, aggregates and forestry. These lands have historically played a significant role in shaping the character of the Plan Area as well as providing important economic benefits. Their long-term viability and productivity is increasingly threatened by urban encroachment and the spread of incompatible uses, necessitating special attention and protective measures. It cannot be overlooked that operations and activities related to these resources can have equally significant consequences on the natural environment and existing residents and development. It is important to achieve a balance.

The policies in this section define the community's intentions and priorities with respect to the long-term management and use of lands with natural resource value. Where stated policies relate to matters beyond the jurisdiction of the Regional District, they are only intended to compliment, guide and assist senior governments in their decision-making processes.

### ***General Objectives:***

- *Protect and maintain* the agricultural, forestry and aggregate land base and associated activities.
- *Minimize* the impact of agriculture, forestry and aggregate-related activities on both the natural environment and other land uses and development.
- *Support* sustainable and best management practices for the resource base.
- *Advocate* comprehensive resource management decision-making where resource lands are in conflict with other lands.

### **3.1 AGRICULTURE**

Agriculture plays an integral role in defining the rural character of the Plan Area. Agricultural lands establish limitations on the extent of development, provide buffer areas between established residential areas and represent both a primary and secondary source of income for some Plan Area residents. The Regional District supports and encourages land management practices, which preserve agricultural land and the sustainable production of food.

Approximately 24% of the total area, equating to approximately 790 hectares of land, has been designated Agricultural Land Reserve (ALR) under the provincial *Agricultural Land Commission Act*. The Agricultural Land Commission is one of the main agencies responsible for managing the use and subdivision of ALR lands and, along with the Ministry of Agriculture, is also an important agency for promoting agricultural activities. The ALR's integrity is often threatened at the interface with urbanized development.

**Objectives: Agriculture**

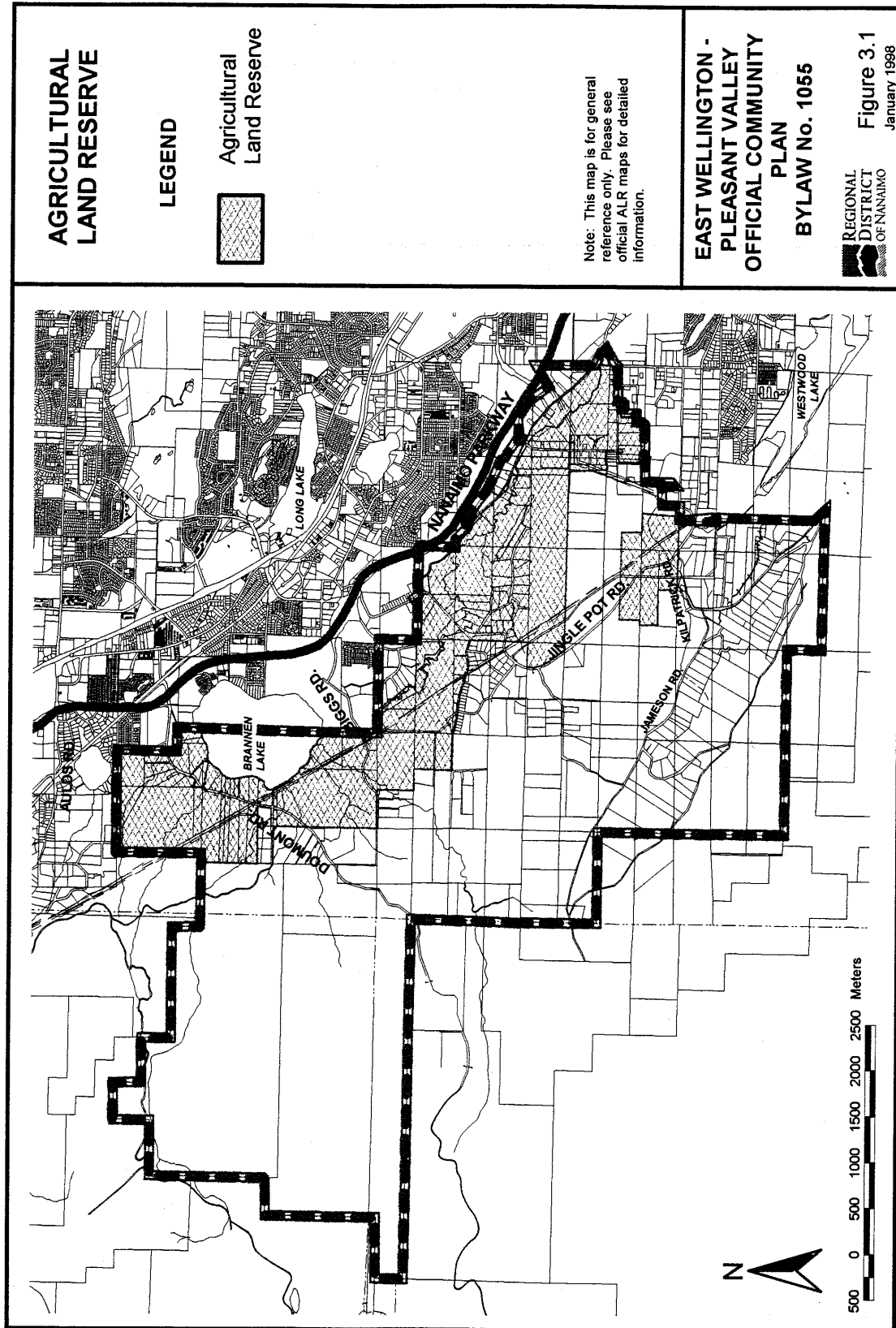
- *Protect and maintain* the agricultural land resources of the Plan Area for present and future food production.
- *Recognize and protect* the needs and activities of agricultural operations when considering non-agricultural uses on adjacent lands.
- *Encourage* sustainable and environmentally sound farming practices.
- *Ensure* that the availability and quality of water supply is protected and seek ways and means of improving water availability for irrigation purposes.

**Policies: Agriculture***Action:*

1. Lands within the Agricultural Land Reserve, as well as all other lands considered to be agricultural in character or supportive of agriculture, shall generally be designated as *Rural* in this Plan.
2. Broad-based agricultural activities, including agricultural, livestock and horticultural uses and the processing, production, distribution and sale of locally grown products, shall be encouraged and supported on agricultural lands both within and outside the Agricultural Land Reserve. It is recognized that the regulation of intensive agricultural operations located on land outside the Agricultural Land Reserve, which may that may be detrimental to the natural environment and surrounding lands, may be necessary.
3. The retention of large land holdings within the Agricultural Land Reserve shall be encouraged to maintain the option and feasibility of farm use.
4. The Regional District shall encourage adjacent land uses to be compatible with existing farm uses and to minimize impacts on agricultural lands.
5. The Regional District shall support the Agricultural Land Commission's mandate of preserving and encouraging the use of agricultural land for agriculture. The Regional District may support the use of agricultural land for non-farm purposes provided that the Agricultural Land Commission first grants permission for the proposed use and the use is compatible with surrounding land use patterns and development.



Figure 3.1



### 3.2 FORESTRY

Forestry is a dominant land use in the Plan Area, enhancing its character and providing many economic and recreational benefits and opportunities. In recognition of its value to the community residents have expressed a desire to protect forestry lands and related activities. Residents, also recognizing that improper forest practices can significantly impact the Plan Area, further support sustainable and environmentally sensitive harvesting practices and the restriction of intensive processing activities in proximity to established residential development.

Forestlands within the Plan Area are either owned by the Crown or by private forestry companies - approximately 535 hectares is Crown land while private forestry companies own approximately 630 hectares. Crown land and private holdings designated as 'managed forest' or 'tree farm' are subject to the *Forest Land Reserve Act* and included within the Forest Land Reserve (FLR). The FLR was established to regulate the manner in which the forestland base is utilized and to prevent its conversion to non-forestry uses. The *Act* is not intended to regulate forestry operations.

Although lands within the FLR are not subject to local land use regulations, the Regional District wishes to minimize conflicts that may arise between forestry activities and surrounding land uses. 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 forestlands.

#### **Objectives: Forestry**

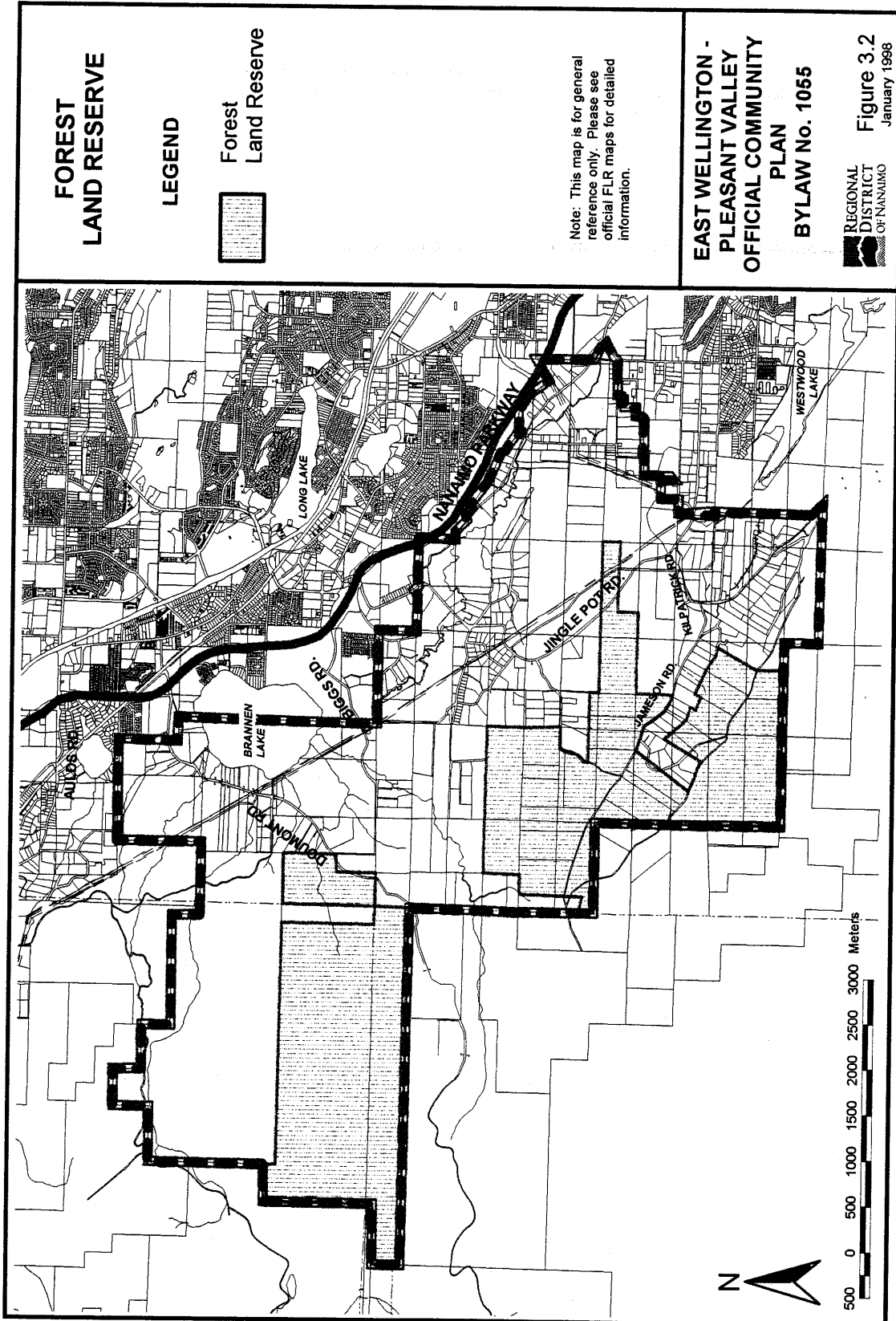
- *Ensure* that forestlands are protected from activities, which may disrupt their renewable resource potential.
- *Oppose* the conversion of productive, high capability forestland for other land uses or activities.
- *Minimize* the impact of forestry-related activities on surrounding lands, the natural environment and transportation routes.
- *Encourage* environmentally sound harvesting and reforestation activities.
- *Encourage* the application of the Forest Practices Code to both provincial forest and the Forest Land Reserve.
- *Encourage* the retention of productive forestlands within the managed forest classification.
- *Support* the public's use of forestlands for recreational enjoyment and education.

***Policies: Forestry***

*Action:*

1. Lands with forestry resource potential shall generally be included within the *Resource* designation of this Plan.
2. Lands designated as Forest Land Reserve and which are bounded by and/or adjacent to lands designated as Agricultural Land Reserve or *Rural Residential* in this Plan, shall generally be included within the *rural* designation of this Plan.
3. The retention of large holdings with forestry potential shall be encouraged in order to maintain options for future silviculture activities.
4. The subdivision of lands designated as Forest Land Reserve shall be opposed.
5. The Regional District shall support the protection of lands designated as Forest Land Reserve pursuant to the *Forest Land Commission Act*. Forestry-related uses shall be given priority on FLR lands, although, the following subordinate uses may be permitted on these lands:
  - a) passive outdoor recreational activities, where such uses are approved by the Forest Land Commission and the landowner, and which do not contribute to the degradation of the quality of the local environment nor negatively impact adjacent properties; and/or
  - b) mineral and aggregate extraction and processing on lands designated as *Resource* in this Plan or mineral and aggregate extraction on lands designated *Rural* if permitted by the Forest Land Commission, approved by Ministry of Employment and Investment (Energy and Minerals Division) and which do not contribute to the degradation of the quality of the local environment nor negatively impact adjacent properties.
6. The Regional District shall not support the use of lands designated as Forest Land Reserve for the storage or recycling of waste or garbage materials or other industrial uses, except for those industrial-type uses directly related to legitimate forestry activities.
7. Notwithstanding Policy 3.2.5, the Regional District shall generally not support intensive forestry processing uses on land designated *Rural* in this Plan.

Figure 3.2



### **3.3 AGGREGATE RESOURCES**

Currently there are six gravel pits operating in the Plan Area. They are generally located at the end of Doumont and Andres Roads. Recently, aggregate extraction and processing activities have increased considerably as a result of the construction of the Nanaimo Parkway. As a result, many residents of the Plan Area have experienced increased heavy truck traffic on local roads. Concern has also been directed towards the environmental impact of these operations, particularly with respect to surface water.

The management of aggregate and mineral resources falls primarily within the jurisdiction of the Ministry of Employment and Investment (Energy and Minerals Division). The Ministry is responsible for issues generally relating to public/worker safety, environmental protection and reclamation of aggregate operations. The Regional District often has the opportunity to formally comment on proposals to establish or expand aggregate operations.

Where stated policies relate to matters beyond the jurisdiction of the Regional District, they are intended to serve only as broad objectives to help guide senior governments in their decision-making processes.

#### ***Objectives: Aggregate Resources***

- *Protect* lands with aggregate or mineral resources from development, which would render them unviable or inaccessible.
- *Minimize* conflicts between extraction activities and adjacent land uses.
- *Minimize* the impact of extraction activities on the natural environment.
- *Support* site rehabilitation and reclamation of mined landscapes for future productive use and for environmental and aesthetic considerations.

#### ***Policies: Aggregate Resources***

##### *Action:*

1. Lands with aggregate or mineral resource potential shall generally be included within the *Resource* designation of this Plan.
2. The processing of aggregate resources shall generally be limited to land where such operations would have a limited impact on residential development, other land uses and the natural environment, and where permitted by the Land Use and Subdivision Bylaw.

3. The Ministry of Employment and Investment (Energy and Minerals Division) shall be encouraged to provide due consideration to possible impacts on neighbouring land and the natural environment prior to initiating new mining operations or re-establishing a derelict pit. Particular attention should be focused on assessing the potential impacts of resource removal on the quantity or quality of surface and groundwater, residential development and other land uses, and traffic volumes and dynamics. The Ministry is encouraged to make this information available to the Regional District and surrounding landowners for comment prior to a decision.
  
4. Environmentally-sound and aesthetically-sensitive reclamation and conservation practices should be undertaken at all aggregate and mineral resource extraction operations within the Plan Area. Where a mining operation may cause significant disturbance to the surface of the land or where environmental damage is a possibility, the Ministry of Employment and Investment (Energy and Minerals Division) shall be encouraged:
  - a) require that a performance bond be posted to ensure that all required reclamation works are fully and properly completed in a timely manner; and,
  - b) ensure that reclamation works are undertaken on an on-going basis so that mining activities are not actively undertaken on not more than a maximum of 2.0 hectares of a mining site, at any given time.

## **SECTION 4 - DEVELOPMENT STRATEGY**

The Development Strategy is a key component of the East Wellington - Pleasant Valley Official Community Plan. The Strategy represents a long-term approach to the future development of the community by establishing parameters around how land within the Plan Area is to be used and, if applicable, how new development, or redevelopment, will take place.

The Development Strategy has evolved from three primary sources: the expressed objectives, issues and concerns of the Plan Area's residents as established through consultation initiatives; physical influences and characteristics of the Plan Area, including existing land use and development patterns; and the Regional Growth Management Plan.

Residents have clearly expressed their desire and commitment to preserving the Plan Area's dominant rural character. They are concerned about the impact of further growth and development on this character, the overall ability of lands to accommodate such growth and development in an environmentally sensitive manner, the protection of lands with agricultural and silvicultural value, and the protection of the natural environment. Accordingly, the Strategy emphasizes maintenance of the *status quo* and provides for only limited growth and development.

The Plan Area is characterized by rural holdings and extensive agricultural, forestry and resource lands. Significant urbanization has been avoided due primarily to established silvicultural and agricultural land uses, physical constraints (including topography, watercourses and associated floodplains, and other environmental features) and to limited servicing capability; it is not anticipated that full urban services will be introduced into the Plan Area in the future. The Plan Area is also influenced by the close proximity of the City of Nanaimo and the Nanaimo Parkway.

The Regional Growth Management Plan recognizes the rural character and dominance of traditional land uses and large rural holdings within the Plan Area by emphasizing designations and policies which support and encourage agricultural and forestry activities, the rural economy, the protection and stewardship of the natural environment, and which limit growth and development pressures.

The Strategy does not include provisions for the expansion of industrial land uses or the introduction of commercial land uses into the Plan Area. Generally, residents utilize industrial and commercial services located in Lantzville and the City of Nanaimo. As such, these types of land uses are to be directed to other areas with appropriate servicing capabilities.

It is recognized that the interests, assumptions or expectations of some landowners or developers for policy change to facilitate future development may in some circumstances conflict with the Development Strategy's policy direction. The Strategy does not attempt to satisfy development expectations, which may be in conflict with the stated preferences and values of the community nor with the Regional District of Nanaimo planning process.

The Development Strategy consists of land-use designations identified on the Land Designation Map (Map No. 3) and by companion objectives and policies. Land use designations are intended to reflect a future development pattern while objectives and policies represent the mechanism to achieve it. Action-oriented policies define the long-term use of land in terms of appropriate parcel sizes, residential development densities and permitted uses. They also represent a decision-making framework and establish future courses of action in terms of regulatory or land use changes. Development activated policies establish the parameters under which proposed changes in land use or new development are to be evaluated. These are used by the Regional District and individuals when considering and assessing the feasibility and appropriateness of new proposals and their compatibility with stated objectives.

### ***General Objectives:***

- *Preserve and enhance* the rural character of the Plan Area and the integrity of rural land uses, resources and the natural environment.
- *Identify and implement* a balanced mix of rural land uses that meet the requirements of existing and future residents and which reinforce the Plan Area's character.
- *Establish, protect and maintain* greenways and buffers within the Plan Area, especially between it and the Nanaimo Parkway and intensive urban land uses located within the City of Nanaimo.
- *Preserve and enhance* natural amenities including the landforms, green spaces, lakes, rivers and streams.
- *Accommodate* alternative forms of residential development in a manner compatible with rural character, the natural environment and the capabilities of the land.
- *Direct* new urban and related uses away from the Plan Area to the City of Nanaimo and other urban areas.
- *Ensure* that of zoning amendment and development applications are reviewed and assessed by provincial and federal ministries and agencies.

### ***General Policies:***

#### *Action:*

1. The following land use designations shall be identified on the Land Use Designation Map (Map No. 3) attached to and forming part of this Plan: *Resource, Rural, Rural Residential and Industrial*.
2. Natural state and/or landscaped buffering to protect or enhance farming, forestry or environmentally sensitive areas shall be encouraged.



3. Land with any of this Plan's land-use designations may be considered for rezoning to recreational, institutional or public assembly uses without its amendment provided that the proposed land use is compatible with surrounding land uses.
4. Notwithstanding Regional District regulations and/or policies related to home-based businesses, this Plan recommends that the Land Use and Subdivision Bylaw be amended to permit more intensive home-based businesses on larger properties where the impact of such activities would be minimal on surrounding lands.
5. Notwithstanding that the Agricultural Land Commission may have indicated approval of, or no objection to this Plan as it relates to Agricultural Land Reserve lands, the Commission is obliged to consider individual applications on their own merit under the mandate of the *Agricultural Land Commission Act* and is not obliged to approve applications that comply with or, alternatively, to refuse applications that do not comply with the land use standards of this Plan.
6. Where land is within the Forest Land Reserve, and is proposed for subdivision or non-forestry related uses, approval must first be obtained from the Forestry Land Commission pursuant to the *Forestry Land Commission Act*. Non-forestry uses within the FLR shall comply with the forestry objectives and policies in Section 3.2 - Forestry of this Plan and the *Forest Practices Code*.

*Development Activated:*

7. New zoning amendment or subdivision proposals shall be considered in the context of the overall Plan Area and their relationship to community character, implications on agricultural and forestry lands, ability to preserve open space and create greenway linkages, sensitivity to the natural environment, capabilities of on-site servicing, impact on public services, and with the Regional Growth Management Plan.

#### **4.1 RESOURCE**

The Resource designation generally applies to those lands, which have a natural resource value and capability in terms of harvesting or extraction. This may include lands within the Forest Land Reserve (FLR), Crown Forest or private forestlands that have managed forest or tree farm status, as well as lands, which may contain minerals or aggregates of a commercial value. Within the Plan Area there is approximately 535 hectares of Crown land, accounting for 16% of its total area. The majority of this land is under the jurisdiction of the Ministry of Forests. Forest companies own approximately 630 hectares, or 19% of the total land base. There are six gravel pits in operation in the Plan Area.

**Objectives: Resource**

- *Support and maintain* the long-term viability of the natural resource land base and *protect* it from activities and land uses, which may diminish its resource value or potential.
- *Encourage* the comprehensive management of the resource land base.
- *Minimize* the impact of resource operations and activities on the natural environment and neighbouring land uses and development.

**Policies: Resource<sup>1</sup>**

*Action:*

1. Land within the *Resource* designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 50.0 hectares.<sup>2</sup>
2. On land in the *Resource* designation, residential development shall be limited to one (1) dwelling unit per four (4) hectares, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Resource* designation shall generally be associated with those activities involving natural resource harvesting or extraction, primary processing and passive recreational uses, including campgrounds. This shall not preclude the Regional District Board from amending the Land Use and Subdivision Bylaw to either include or exclude other uses, which are deemed to be compatible or incompatible with the *Resource* designation.

*Development Activated:*

5. Where land designated as *Resource* is proposed to be subdivided, the Regional District shall encourage the Approving Officer to give due consideration to the protection of any adjacent forestry and/or agricultural lands, including active and *bona fide* farming operations not located within the Agricultural Land Reserve, by encouraging buffers and subdivision road layout designs which minimize intrusive points of access.

## **4.2 RURAL**

The Rural designation applies to lands with recognized agricultural or forestry value and which are designated as either Agricultural Land Reserve or Forest Land Reserve. These

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<sup>1</sup> Bylaw No. 1055.05, adopted December 4, 2018

<sup>2</sup> Bylaw No. 1055.02 adopted January 24, 2006

lands, which account for approximately 29% of the Plan Area's land base (950 hectares), significantly contributes to its predominant rural character by supporting traditional rural activities, large parcels and green spaces. FLR lands designated as Rural are generally in close proximity to lands used primarily for residential purposes and presently do not support intensive processing operations. The Rural designation is intended to protect agricultural and forestry lands and associated operations by relieving development pressures.

**Objectives: Rural**

- *Support and encourage* agricultural activities on productive agricultural lands.
- *Support* silviculture activities on productive forestry lands.
- *Preserve and enhance* the Plan Area's rural character and environmental quality.

**Policies: Rural**

*Action:*

1. Land within the *Rural* designation, as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares except those lands that as of the date of this amendment are designated as **Crown Lands** (forest) or where for taxation purposes are designated as **Managed Forest Class** shall have a minimum parcel size of 50.0 hectares.<sup>3</sup>
2. On land in the *Rural* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. On land in the *Rural* designation, the creation of parcels having an area less than two (2) hectares by way of subdivision pursuant to the *Condominium Act* (British Columbia), with the exception of subdivision pursuant to the *Bareland Strata Regulations* (British Columbia), shall not be supported.
4. Permitted uses within the *Rural* designation shall generally be limited to traditional rural activities, including those associated with normal agriculture and silviculture practices. Intensive forestry processing uses shall not be supported on lands designated as *Rural* in this Plan.
5. Where land is removed from the Agricultural Land Reserve or the Forest Land Reserve the *Rural* designation shall remain unless redesignated by amendment to this Plan and permitted uses shall be generally be limited to traditional rural activities.

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<sup>3</sup> Bylaw No. 1055.02 adopted January 24, 2006

*Development Activated:*

6. Where land is within the Agricultural Land Reserve and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, except where additional dwellings are necessary for farm purposes subject to the *Agricultural Land Commission Act*. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 3.1 - Agriculture of this Plan.

**4.3 RURAL RESIDENTIAL**

The Rural Residential designation reflects lands characterized by large lots and low population density and which are not within the Agricultural Land Reserve or Forest Land Reserve. Traditional rural activities such as agricultural operations, hobby farms and large-lot residential uses predominate. The Rural Residential designation assists in maintaining the rural character of the community and providing large pockets of green space within the community. Approximately 1000 hectares of land are within the Rural Residential designation, representing approximately 30% of the total Plan Area.

***Objectives: Rural Residential***

- *Preserve and enhance* the Plan Area's rural character and environmental quality.
- *Support* traditional rural land uses and activities within the Plan Area.
- *Provide* for some flexibility in the form and character of rural subdivision development.

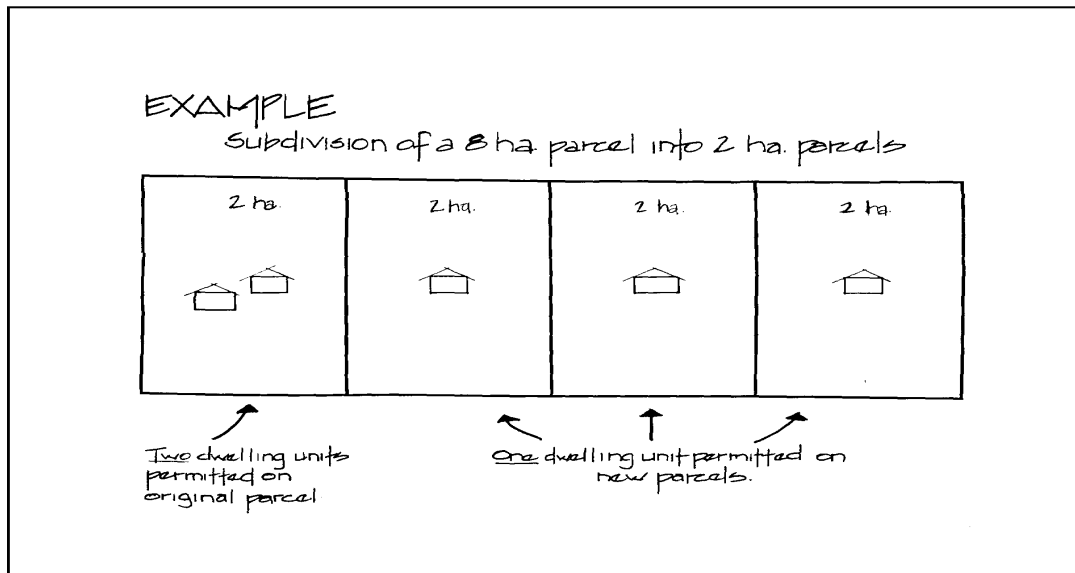
***Policies: Rural Residential****Action:*

1. Land within a *Rural Residential* designation as shown on Map No. 3, attached to and forming part of this Plan shall have a minimum parcel size of 2.0 hectares.
2. On land in the *Rural Residential* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Rural Residential* designation shall generally be limited to traditional rural activities and passive recreation.
4. Notwithstanding Regional District regulations and/or policies related to the maximum number of dwellings per parcel, this Plan recommends that the Land

Use and Subdivision Bylaw permitting a maximum of two (2) dwelling units on parcels greater than 2.0 hectares be amended as follows:

- a) residential development shall be permitted to a maximum density of two (2) dwelling units on parcels of greater than 2.0 hectares, which existed prior to the adoption of such an amendment to the Land Use and Subdivision Bylaw;
- b) residential development shall be limited to a density of not more than one (1) dwelling unit per two (2) hectares, to a maximum of two (2) dwelling units per parcel, for parcels created subsequent to the adoption of such an amendment to the Land Use and Subdivision Bylaw (see Figure 4.1); and
- c) the creation of parcels having an area less than two (2) hectares by way of subdivision pursuant to the *Condominium Act* (British Columbia), with the exception of subdivision pursuant to the *Bareland Strata Regulations* (British Columbia), shall not be supported

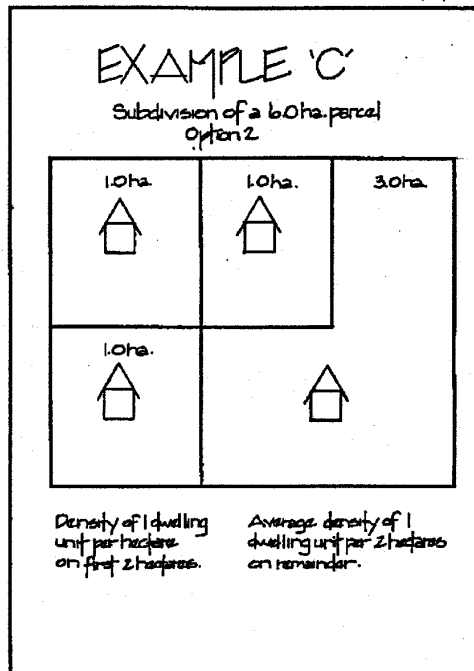
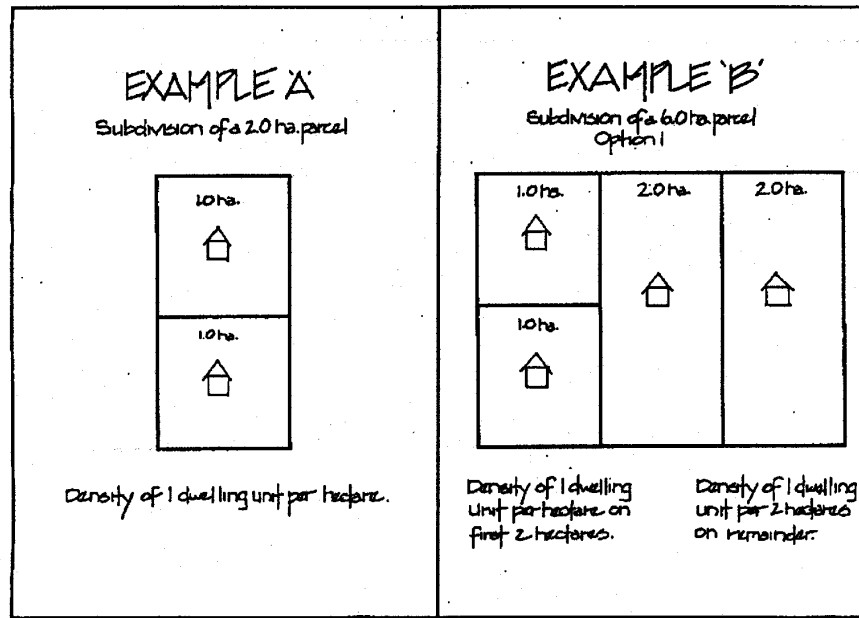
**Figure 4.1**



*Development Activated:*

5. Notwithstanding Policy 4.3.1, the subdivision of a parcel, which existed prior to the adoption of this Plan, to parcels less than 2.0 hectares in area shall be permitted within the *Rural Residential* designation without amendment to this Plan provided that:
  - a) the Land Use and Subdivision Bylaw is amended to accommodate the proposed development;
  - b) new parcels are not less than 1.0 hectare in area;
  - c) a gross density of one (1) dwelling unit per one (1) hectare on two (2) hectares of the parcel and one (1) dwelling unit per two (2) hectares, or greater, on the remaining portion of the parcel is evident (see Figure 4.2);
  - d) registration of a restrictive covenant prohibiting the further subdivision (pursuant to either the *Land Title Act* [British Columbia] or the *Condominium Act* [British Columbia]) of all new parcels greater than 1.0 hectare in area;
  - e) the subdivision of land does not adversely affect the character and/or environmental quality of surrounding lands and, where possible and appropriate, demonstrates significant advantages to the natural environment, protection of existing vegetation, optimum utilization of open space and park land requirements and the buffering of road right-of-ways and adjacent lands, especially those used for agricultural and resource purposes; and
  - f) verification that on-site septic disposal capability and potable water sources are sufficient to service the proposed development.

Figure 4.2



#### **4.4 INDUSTRIAL**

The Plan Area presently has a limited amount of industrial development. The majority of industrial-type land uses are related to resource extraction and processing activities. As industrial development reflects a more intensive use of land, that often generates heavy traffic, noise, dust and odour, lighting, and a demand on water services, it is not consistent with the Plan Area's pervading rural character. For this reason, strict limitations on industrial development are essential to fulfilling this Plan's objectives.

***Objectives: Industrial***

- *Discourage* the designation of land for industrial uses.
- *Avoid* conflicts between traditional rural and residential uses and industrial uses.

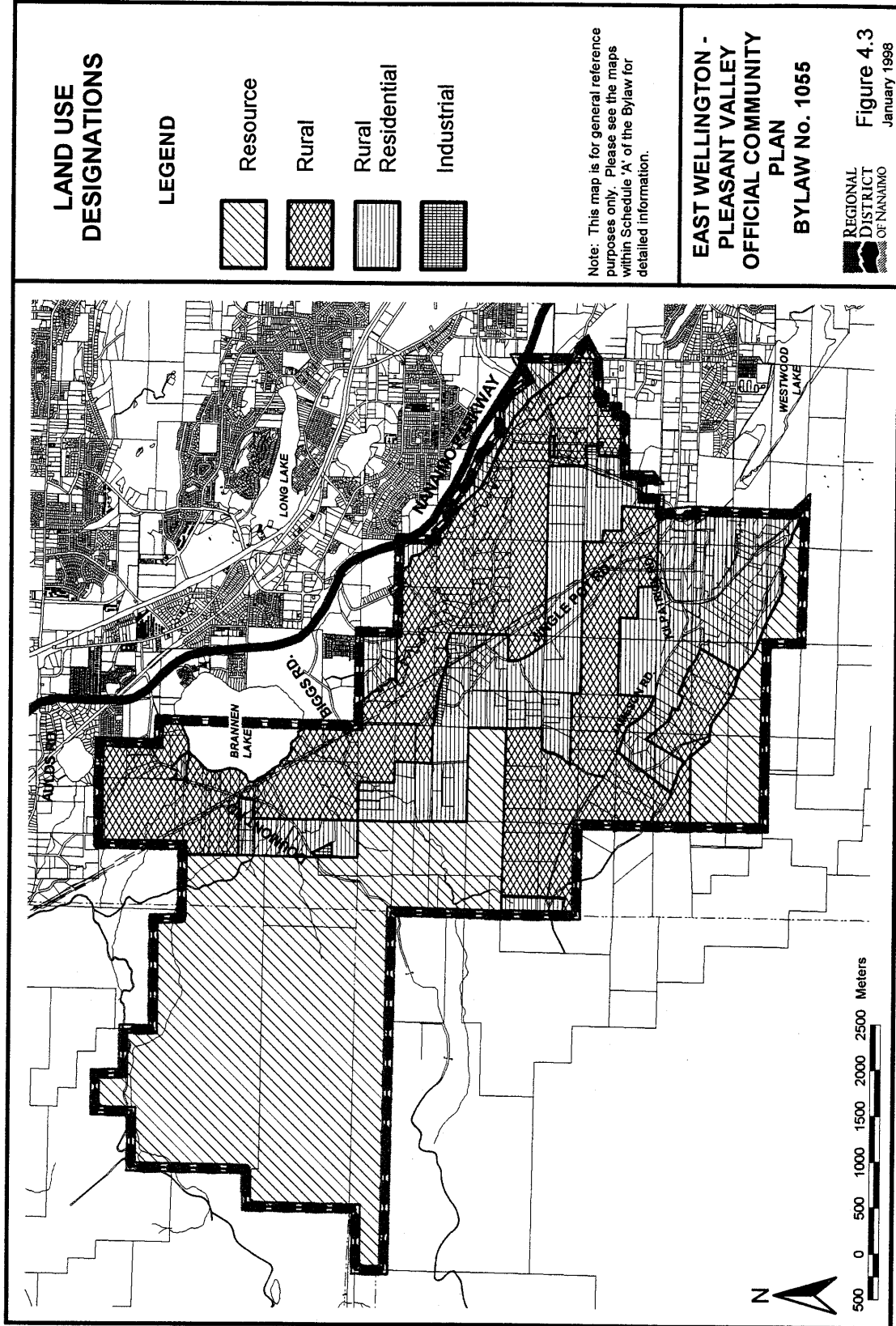
***Policies: Industrial***

*Action:*

1. Expansions to the *Industrial* designation as shown on Map No. 3, attached to and forming part of this Plan shall not be considered.
2. On land designated as *Industrial* in this Plan, the Regional District shall only permit the establishment of light industrial uses that do not involve processing, manufacturing, storage, collection or recycling activities.
3. Subdivision of land designated as *Industrial* shall not be permitted. The Land Use and Subdivision Bylaw shall be amended to reflect this policy.
4. All land designated *Industrial* shall be included in a Development Permit area in order to achieve community objectives and guidelines for the form and character of industrial development.



Figure 4.3



## SECTION 5 - PARKS AND OPEN SPACE

East Wellington - Pleasant Valley residents take advantage of the many outdoor recreation opportunities available within the Plan Area, including Benson Creek Falls Regional Park located at the convergence of Benson and Flynfall Creeks. Approximately 22 hectares in size, the park is secured under a long-term lease from the Province. Other areas used by residents include Mount Benson<sup>1</sup>, the Lantzville Foothills, Brannen Lake and the top of Doumont Road. For more formalized or active recreation activities residents use facilities located in the City of Nanaimo.

Community Greenways are an integrated planning approach intended to balance the needs of humans with those of natural systems. Besides providing long-term protection of open space and environmentally sensitive lands, greenways further benefit a community by enhancing recreational and public access opportunities. Public access to, and through, greenways should generally be limited to non-motorized modes of transportation (such as walking, biking, riding etc.) and located within public rights-of-way, such as those for roads or utility corridors. They must be designed, managed and maintained to ensure that their ecological integrity is not diminished and that the rights of landowners are respected.

Policies in this section are intended to guide park acquisitions during subdivision or rezoning processes by establishing the suitability of potential park sites. The selection of parkland, or the payment of cash-in-lieu, will be in compliance with the parkland acquisition strategy of this Plan.

### ***General Objectives:***

- *Develop* a parkland and open space system, which complements community recreational, needs.
- *Implement* a cohesive and effective parkland acquisition strategy.
- *Encourage*, where appropriate, public access and linear connections on public lands.
- *Respect* the rights of landowners when considering acquisition or development of parkland or open space.
- *Ensure* that the design, development and management of parks, linear corridors and recreational facilities respect the rights of landowners and the natural environment and are compatible with established land uses.
- *Encourage* the use of forestlands for recreational enjoyment and education.

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<sup>1</sup> It should be noted that the majority of Mount Benson is located in Electoral Area 'C.'

**General Policies:***Action:*

1. Parkland shall be permitted in all land use designations of this Plan.
2. The Regional District shall support, where suitable and appropriate, the acquisition of parkland and open space for community recreation, nature preservation, linear connections and greenway purposes.
3. Linear connections should be designed to provide for a variety of users (including equestrians, cyclists and pedestrians) and located to connect identified recreation areas, parks or areas with aesthetic, distinct and diverse topography or vegetation.
4. Notwithstanding Policy 5.3, linear connections shall not be established along the Millstone River corridor, unless suitable agreements with landowners are reached, and means to preserve environmental values are found.
5. The Regional District shall encourage the Ministry of Forests and major forest companies to protect the natural woodlands and landscape features on lands adjacent to existing or identified recreation or open space areas and provide opportunities for controlled use of private logging roads during non-operation periods for outdoor recreation except during times of high and extreme fire hazard.
6. The Regional District shall encourage the retention of Mount Benson, Westwood Ridge and the Lantzville Foothills in a natural state for public use and enjoyment and recognize these areas as priority acquisitions as regional parks.

*Development Activated:*

7. Where parkland is required under Section 941 of the *Municipal Act* (i.e., a subdivision where more than three (3) new lots are created and the smallest of these lots is less than 2.0 hectares in area) the Regional District shall determine whether the owner of land being subdivided shall:
  - a) provide, without compensation, parkland equivalent to five percent (5%) of the parcel size in a location acceptable to the Regional Board; or
  - b) pay to the Regional District cash-in-lieu equal to the market value of the land that may be required for park purposes determined pursuant to Regional Board policy on calculating value; or
  - c) provide a combination of land and cash-in-lieu to the satisfaction of the Regional Board.

Where cash-in-lieu of parkland is received from development within the East Wellington - Pleasant Valley Plan Area, it shall be reserved for parkland acquisition within the Plan Area.

## SECTION 6 - TRANSPORTATION

A network of roads presently serves the East Wellington - Pleasant Valley Plan Area. These roads are classified as major highways, major roads, secondary roads or local roads. These are illustrated on Map No. 4 - Network Road Plan. The Nanaimo Parkway represent a major highway while Jingle Pot, Biggs and Doumont Roads are considered major roads, Andres and Kilpatrick Roads secondary roads, and Allsop and Munroe Roads local roads. The road classification system recognizes the different roles and functions that a road may serve in terms of the type, speed and volume of expected traffic. The standard to which a road is constructed is also a function of its classification.

Although the new Nanaimo Parkway is not located within the Plan Area's boundaries, it has the potential to create significant impacts on the Plan Area in the form of visual and aesthetic effects, intensified development pressures and road network planning. In meeting the overall objectives of this Plan it is vital that strip development, including commercial or residential uses, along the Parkway be discouraged, the visual integrity of landscapes be promoted and the appearance and natural beauty of the rural countryside and natural features along the Parkway be preserved.

In combination, this section's objectives and policies represent a long-term transportation strategy for the Plan Area. The strategy recognizes current conditions and shortcomings and future expectations and demands. Stated policies serve this strategy by establishing future direction and a decision-making framework, not only for the Regional District but for senior governments as well.

### ***General Objectives:***

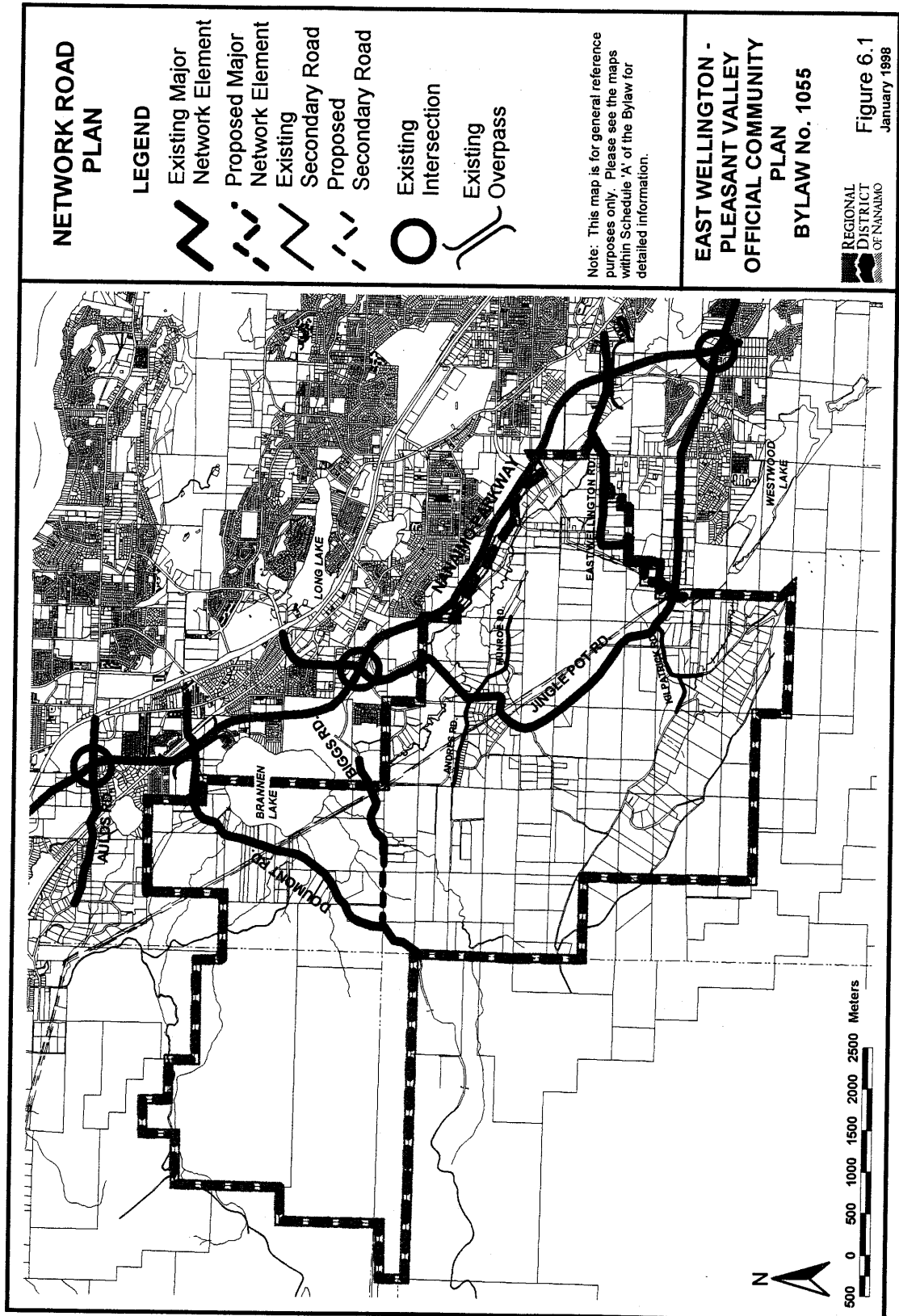
- *Development* of a safe and efficient passenger and service transportation network.
- *Provide* for vehicular and pedestrian linkages, which assist in creating a unified community.
- *Minimize* the visual and noise impact of roads and traffic.
- *Minimize* negative impacts associated with the Nanaimo Parkway.
- *Encourage* the establishment and use of alternative modes of transportation.

**General Policies:**

*Action:*

1. When the subdivision of land occurs in proximity to a major road as identified on the Map 4 - Network Road Plan, attached to and forming part of this Plan, the road layout should minimize direct access points onto the major road.
2. The retention and/or establishment of natural buffers or greenbelts within and adjacent to all road right-of-ways in the Plan Area shall be encouraged. Special emphasis shall be given in this regard to the Nanaimo Parkway.
3. The expansion of public transportation service and the establishment of pedestrian, cycling and equestrian facilities and infrastructure, which enhance commuting and recreation opportunities in the Plan Area, shall be encouraged.
4. The Regional District, in consultation with the Ministry of Transportation and Highways, shall encourage the development, maintenance and upgrading of roads to a standard which accommodates the demands of both motorized and non-motorized modes of transportation (i.e., pedestrian, cycling and equestrian) and which enhances improved mobility within and beyond the Plan Area. The Ministry shall be encouraged to give consideration to wider rights-of-ways than would otherwise be required in an effort to accommodate these demands.
5. The Ministry of Transportation and Highways shall be encouraged to give due consideration to protection of environmentally sensitive lands and lands designated as either Forest Land Reserve or Agricultural Land Reserve during the subdivision approval process and/or during the planning, design and construction of network roads.
6. The Regional District shall not support development applications for higher density residential, commercial or industrial development on land adjacent to the Nanaimo Parkway.
7. The Regional District shall support the development of interchanges at each of the Jingle Pot Road intersections with the Nanaimo Parkway; it shall not support zoning amendment or development proposals, which would affect and/or limit the future development of the interchanges.
8. The Regional District shall support the extension of Biggs Road through to Doumont Road.

Figure 6.1



## **SECTION 7- DEVELOPMENT SERVICING STANDARDS**

### **7.1 WATER SERVICE**

Land and development within the Plan Area are serviced by individual water sources including groundwater wells and surface water from lakes and rivers. An existing campground facility provides users with water from a private system. This Plan does not anticipate the development of either public or private community water systems.

***Policies: Water Service***

*Action:*

1. The Regional District shall not support the development of public or private community water systems for residential development within the Plan Area.
2. Notwithstanding Policy 7.1.1, the Regional District shall require the development of a private water system of an appropriate standard for campground developments with greater than 50 campsites.
3. The Regional District will ensure that applications for development or subdivision of land proceed only where evidence of the appropriate water supply is provided and necessary approvals are attained.

### **7.2 SEWERAGE TREATMENT**

Conventional on-site septic fields are presently the primary method of effluent treatment used in the Plan Area. This situation will continue into the future, as it is not anticipated that a publicly funded community sewerage system will be developed within the Plan Area. The ability to develop land and the density at which it is development can be limited by the capacity of the soil to absorb septic effluent. Rigorous regulations as well as a strong desire to protect the quality of groundwater sources have resulted in the creation of acceptable development and density standards.

***Policies: Sewerage Treatment***

*Action:*

1. The Regional District shall not support the development of sewerage package treatment plants other than for individual dwellings on individual parcels and encourages the Ministry of Environment and the Central Vancouver Island Health Board to give due consider to this position during their approval processes.

2. The Regional District shall encourage the Central Vancouver Island Health Board to continue to consider the cumulative impact of the establishment of new septic field systems within the Plan Area in their subdivision review process.
3. The Regional District will continue to monitor technological advances in sewerage disposal and may review the density and servicing requirements of this Plan and the Land Use and Subdivision Bylaw in conjunction with changes in technology or provincial sewerage disposal regulations.
4. Community sewer service shall not be extended into the Plan Area, except in response to public health necessity.

### **7.3 SOLID WASTE MANAGEMENT**

The Regional District currently provides garbage collection and recycling services in the Plan Area. The Regional District of Nanaimo Waste Management Facility serves as the base of the waste management program for the District. A solid waste management strategy is currently being developed by the Regional District, which will indicate alternative sites for future solid waste management operations.

#### ***Policies: Solid Waste Management***

##### *Action:*

1. The siting and development of a region-serving landfill and/or recycling facility within the Plan Area shall not be supported.<sup>1</sup>
2. The Regional District shall promote efficient and cost-effective delivery of garbage and recycling services in the Plan Area.

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<sup>1</sup> *Note to Reader:* Any policies in this plan that relate to the siting of a landfill and/or recycling facility within the plan area can be superseded by the Waste Management Plan of the Regional District of Nanaimo through provisions in the *Waste Management Act* of the Province of British Columbia.



#### **7.4 FIRE PROTECTION**

A number of community services are supplied by or administered through organizations other than the Regional District. The Mountain Fire Protection District provides fire protection for East Wellington while Pleasant Valley receives fire protection from the City of Nanaimo through a specified area administered by the Regional District. Although present facilities appear adequate to serve the immediate needs of the area, it is anticipated that an expansion of services may be required in response to an increasing population.

**Policies: Fire Protection**

*Action:*

1. The Regional District supports efficient and cost-effective fire protection service, which maximizes the safety of area residents and their property.
2. The Regional District supports the expansion of fire protection service should population growth necessitate it.

#### **7.5 EDUCATION**

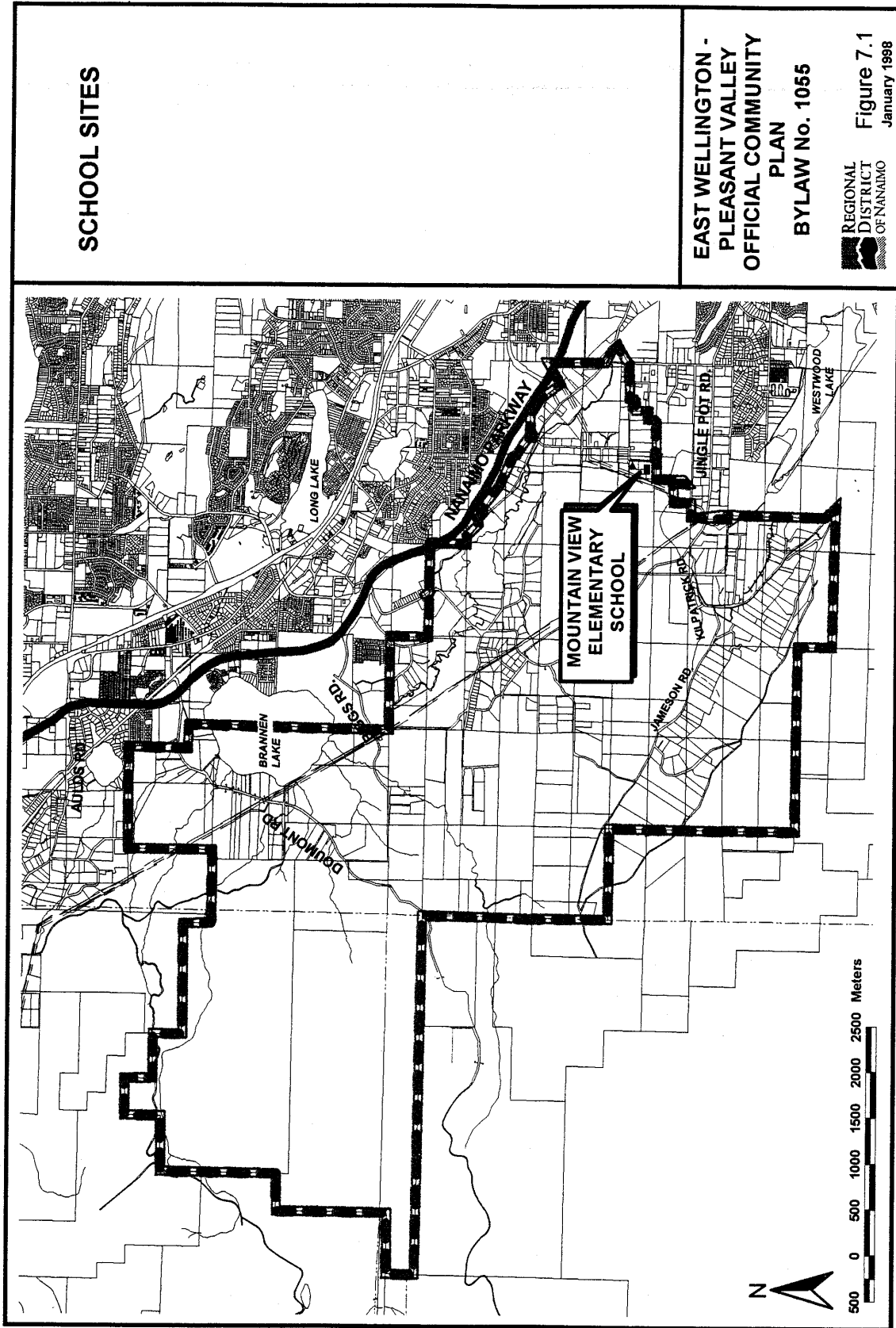
Nanaimo School District No. 68 is responsible for the administration of one elementary school within the Plan Area - Mountain View Elementary in East Wellington. The Regional District encourages long-range planning of community's educational needs and supports additional facilities should population changes warrant it. School District No. 68 has identified the need for an additional facility to serve new population in Lantzville and the north end of the City of Nanaimo. To date, no specific site or location has been selected.

**Policies: Education**

*Action:*

1. The Regional District Board shall consult with the School District on an annual basis and shall request input on the size, number and location of potential school sites, the type of school anticipated, the timing for providing new school facilities and how existing and proposed school facilities relate to existing and proposed community facilities in the area.
2. The Regional District shall coordinate school site and parks and open space planning and acquisition with the School District.

Figure 7.1



## **SECTION 8 – CLIMATE CHANGE AND ENERGY<sup>1</sup>**

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

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

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

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

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

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

### **Policy Target**

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

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<sup>1</sup> Bylaw 1055.04 adopted May 25, 2010

## **Policies**

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

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

### ***Actions***

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

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

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

### ***Actions***

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

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

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

***Actions***

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

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

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

***Actions***

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

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

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

***Actions***

- Review the zoning bylaw to reduce obstacles to maintaining efficient farming operations, agricultural processing or compatible land uses;
- Support the provision of services and infrastructure necessary to the efficient and sustainable farming operations;
- Support the development and provision of resources to support agricultural sales;

- Encourage the retention of land in the Agricultural Land Reserve and other productive farm lands.

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

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

***Actions***

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

## SECTION 9 - DEVELOPMENT PERMIT AREAS<sup>1</sup>

In addition to the objectives and policies stated in the Plan, the Regional District may, pursuant to the *Municipal Act* designate an area or areas as a Development Permit Area where it considers that special conditions or priorities exist in accordance with one or more of the following categories:

- A. Protection of the natural environment.
- B. Protection of development from hazardous conditions.
- C. Protection of farmland.
- D. Revitalization of an area where commercial use is permitted.
- E. Establishment of objectives and guidelines for the form or character of commercial, industrial or multi-family residential development.
- F. Protection of provincial heritage sites, pursuant to the *Heritage Conservation Act*.

The Regional District must also describe the special conditions or objectives that justify such a designation and specify guidelines respecting the manner by which the conditions will be alleviated or the objectives will be achieved. For development permit areas designated in this Plan, the guidelines are located in the zoning bylaw.<sup>2</sup> It should be noted that a development permit might not be the only requirement for development approval; senior government approval may also be required for some types of development.

In recognition of existing conditions and future expectations, the community has stated both its preference and concern regarding the protection of the natural environment, especially water resources, and person and property from natural hazards. Attainment of these broad community objectives is aided through the application of development permits. These offer the flexibility to customize development proposals and to make limited alterations or variations to development standards (as prescribed in the Land Use and Subdivision Bylaw) to reflect site-specific conditions.

A development proposal is assessed and, if necessary, modified in consideration of stated guidelines in the zoning bylaw<sup>3</sup> which have been designed to specifically address either the protection of environmentally sensitive areas or the minimization of the impact potential of natural hazards. By definition, a certain degree of flexibility is evident in the interpretation and implementation of these guidelines, provided that the broader community objectives that they are intended to support are not compromised.

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<sup>1</sup> Bylaw 1055.04, adopted May 25, 2010

<sup>2</sup> Bylaw No. 1055.05, adopted December 4, 2018

<sup>3</sup> Bylaw No. 1055.05, adopted December 4, 2018

Development permits are only required in areas that are explicitly designated as a development permit area in this Plan and the zoning bylaw<sup>4</sup>. Within these areas there are certain types of development, activities or situations, which are exempt from a development permit requirement, if associated implications or impact potential are anticipated to be negligible. Exemptions are clearly stated in the zoning bylaw.<sup>5</sup>

"As of March 31, 2006, Local Governments are required by the *Fish Protection Act* to protect all 'streams', as defined in the *Riparian Areas Regulation*. Therefore, development permit areas are designated adjacent to all watercourses within this plan area. With respect to natural hazard areas, this Plan specifies the use of development permits only within the floodplain of the Millstone River. This is considered the most significant natural hazard in the Plan Area. The Plan also requires development permits for development on industrial land.

Development Permit Areas are outlined on Maps No. 5 and 6, attached to and following part of this Plan."<sup>6</sup>

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<sup>4</sup> Bylaw No. 1055.05, adopted December 4, 2018

<sup>5</sup> Bylaw No. 1055.05, adopted December 4, 2018

<sup>6</sup> Bylaw No. 1055.03 adopted January 23, 2007



## **9.1 FRESHWATER AND FISH HABITAT DEVELOPMENT PERMIT AREA<sup>7</sup>**

### ***Designation:***

The Freshwater and Fish Habitat Development Permit Area is shown on Map No. 5, and applies to the riparian assessment areas of mapped and unmapped streams subject to the *Riparian Areas Regulation* (RAR) of the *Riparian Areas Protection Act*, as well as all other mapped lakes, wetlands, ponds and watercourses not subject to the RAR. Specifically, the Development Permit Area is defined as follows:

1. All mapped and unmapped 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 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 high water mark to a point that is 10 metres beyond the top of the ravine bank.
2. All mapped watercourses, lakes, wetlands, and ponds, that are not subject to the RAR; 15 metres as measured from the natural boundary or top of ravine bank, whichever is greater. This includes estuarine areas (areas of tidal influence) of all watercourses and streams. For clarity, in estuarine areas the Marine Coast Development Permit Area also applies.

The following definitions are used for the purpose of defining the development permit area as above:

**‘ravine’** means a narrow, steep-sided valley that is commonly eroded by running water and has a slope grade greater than 3:1;

**‘stream’** includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook;
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph a) or b);

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

### ***Authority:***

The Freshwater and Fish Habitat 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*.

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<sup>7</sup> Bylaw No. 1055.05, adopted December 4, 2018

***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 stabilizes 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 steep slopes can also pose a hazard to development, and maintaining and enhancing natural features and vegetation and siting buildings and structure appropriately, 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.

The objectives of this development permit area are:

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.

## **9.2 HAZARD LANDS DEVELOPMENT PERMIT AREA<sup>8</sup>**

### ***Designation:***

This Development Permit Area is applicable to lands that may be susceptible to flood or erosion in the floodplain of Brannen Lake and the Millstone River as shown on Map No. 5.

### ***Authority:***

The Hazard Lands 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:***

Lands susceptible to mass movement or erosion have been identified in the Plan Area. The development of land or removal of vegetation may destabilize such areas and create potential danger to life. In order to minimize the hazard potential of these areas, the construction of buildings or structures or the subdivision or alteration of land requires regulation. The objective of this development permit area is to protect property from flooding and potential loss of land and property due to high water, erosion and instability.

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<sup>8</sup> Bylaw No. 1055.05, adopted December 4, 2018

### **9.3 EAST WELLINGTON – PLEASANT VALLEY INDUSTRIAL<sup>9</sup>**

***Category:***

‘E’ - Industrial development.

***Area:***

This Development Permit Area is applicable to all lands designated Industrial in Map No. 3, attached to and forming part of this Plan.

***Justification:***

*Form and character of industrial development.*

It is the objective of this designation to minimize the impacts of industrial uses on the surrounding properties and to improve the visual impact of such uses.

*Protection of the natural environment.*

It is also the objective of this designation to protect water resources from industrial activity.

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<sup>9</sup> Bylaw No. 1055.05, adopted December 4, 2018

## **SECTION 10 - IMPLEMENTATION AND ADMINISTRATION<sup>1</sup>**

The implementation of the policies contained within this Plan is key to ensuring that its objectives are realized. The implementing bylaws of the Regional District, including the Land Use and Subdivision Bylaw, the Building Bylaw and the Floodplain Management Bylaw, are critical in achieving this.

The implementation of the Plan must maintain consistency with Regional District of Nanaimo initiatives including the Regional Growth Management Plan, water supply, liquid waste and solid waste management plans and other regional strategic initiatives. Implementation will also require continued coordination of the planning initiatives with the City of Nanaimo and adjoining plan areas and electoral areas.

The administration of the Plan will require constant monitoring of federal and provincial policies and legislation as well as maintaining an understanding of changing attitudes and lifestyles of area residents and the pressures that may affect the land base.

### ***General Policies:***

#### *Action:*

1. All development within the Plan Area must be consistent with the objectives of this Plan.
2. The Regional Board will work with area residents to ensure a process of joint consultation on community development issues.
3. In order to implement the policies contained within this Plan, amendments to the Land Use and Subdivision Bylaw shall be initiated by the Board and community as prioritized by this Plan.
4. The Regional District shall request all necessary studies or documentation from an owner or developer of land that are essential in evaluating development proposals where the Board deems it to be necessary. The Regional District shall work towards ensuring that the developer of land is aware of these requirements early in the development approval process.
5. This Plan may be amended in accordance with the *Municipal Act*.
6. Proposed amendments to this Plan shall be assessed against the Regional Growth Management Plan prior to approval.
7. Implementation of this Plan shall be coordinated with government agencies.

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<sup>1</sup> Bylaw 1055.04, adopted May 25, 2010