

## Section III

# A DIVERSITY OF LAND USES

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*...from coast residential lots to resource and agricultural lands, Nanoose Bay's citizens treasure the preservation of the unique aspects of each neighbourhood. Above all, residents have indicated that change in the community should contribute to, not detract from, the quality of life enjoyed in Nanoose Bay, and that growth will be limited to defined areas.*

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The purpose of a land use designation is to 'match' the lands in a Plan Area to the goals, objectives, policies and community's vision as established in the Official Community Plan. The Land Use Designations are shown on Map No. 2.

It is noted that, in the future, commercial, institutional, recreational facilities and higher density residential development will be directed toward the village and neighbourhood centres. It is intended that, by focusing higher densities and higher impact land uses to these Urban Containment Boundary Areas, the remainder of the Plan Area will be maintained for larger lot residential, rural, resource, and existing commercial land uses.

To the extent that the RDN is authorized under Part 26 of the *Local Government Act*, the subdivision or use of land for any means other than those uses and densities clearly supported in the relevant provisions of the RDN's Land Use and Subdivision Bylaw No. 500, 1987 is not supported.

It is noted that at the writing of this OCP, the RDN does not have Board-endorsed policies on affordable, rental, or special needs housing. However, this OCP supports the provision of affordable housing and

does not prohibit rental or special needs housing in any zone land use designation and pursuant to the relevant provisions of the RDN's Land Use and Subdivision Bylaw No. 500, 1987.

In addition, in recognition of the value placed on groundwater and surface water resources by residents in Nanoose Bay, it is emphasized that the availability of community sewer and water services will not increase the development potential of any land uses beyond the densities outlined below.

The objectives and policies for the Red Gap Village Centre, the Schooner Cove Neighbourhood Centre and the future Fairwinds Village Centre are contained in Section IV- Defined Village Centres and Neighbourhoods. All land uses outside of these Urban Containment Boundary Areas are described below, and all land use designations are illustrated on Map No. 2.

### 3.1 COAST RESIDENTIAL

Coast Residential Lands are the residential areas located in close proximity to the Strait of Georgia and Nanoose Bay. The lots are characterized by this ocean orientation, the topography of the land. Residents value the

peacefulness, green space and distance from intensive urban activities.

Coast Residential Neighbourhoods may be provided some level of community water and sewer services in the future to resolve environmental or health problems. Generally, the development potential of Coast Residential neighbourhoods is limited to the in-fill of undeveloped single dwelling unit properties as well as the potential subdivision of a small number of larger parcels. It is recognized that the provision or expansion of community sewer and water local service areas may also result in minor infill through increased subdivision potential. To ensure that connections to community services do not result in increased development beyond current densities, it is noted that services will only be provided in conjunction with the limits of subdivision permitted with the current level of service in the RDN's zoning bylaw. Parcels within this designation are within the Restricted Community Water and Sewer Service Planning Areas.

**Objectives:**

1. *Preserve* the peaceful and natural characteristics of these neighbourhoods.
2. *Recognize* the need to reconcile land use issues with wastewater disposal.
3. *Minimize* the subdivision of land within these neighbourhoods.
4. *Encourage* sensitive redevelopment that preserves the existing natural environment and the historical character of the neighbourhoods.

**Policies:**

1. Coast Residential Lands are designated on Map No. 2.
2. The subdivision of lands designated Coast Residential shall have a minimum parcel size of 1600 m<sup>2</sup>. However, this is

not intended to prevent parcel averaging as set out in the applicable zoning bylaw.

3. Permitted uses shall be residential uses and uses accessory to residential uses.
4. The lands designated as Coast Residential Lands shall be designated as within the Restricted Community Sewer and Water Service Planning Areas.
5. The relevant provisions of the RDN's Land Use and Subdivision Bylaw No. 500, 1987 shall be amended to ensure that the regulations that facilitate residential development are compatible with the form and character of existing residential development in Coast Residential Lands. Zoning amendment proposals that have the potential to impact the quantity or quality of water resources shall be accompanied by a hydrological impact assessment report prepared by a professional engineer with experience in hydrologic analyses. The amendment proposal must also ensure that impact is not made on viable fish habitat and the receiving waters, including channel stability and flow maintenance.

**3.2 RURAL RESIDENTIAL LANDS**

Rural Residential Lands include Dorcas Point and areas inland from the Coastal Residential Lands. Rural Residential Neighbourhoods are located in neighbourhood pockets between lands designated Rural Lands and Resource Lands. Some properties within the Rural Residential Neighbourhood designation may currently be provided with a community water service connection. The expansion of local water or sewer service areas in these areas is not supported by this OCP except for health or environmental reasons. However, as most lands within the Rural Residential Lands designation are

self-sustaining, it is anticipated that they will not require community water or sewer services.

**Objectives:**

1. *Preserve* the rural character of these neighbourhoods.
2. *Minimize* the subdivision of land within these neighbourhoods.
3. *Encourage* sensitive redevelopment that preserves the existing natural environment and the historical character of the neighbourhoods.

**Policies:**

1. Rural Residential Lands are designated on Map No. 2.
2. The subdivision of lands designated Rural Residential shall have a minimum parcel size of 1.0 ha. However, this is not intended to prevent parcel averaging as set out in the applicable zoning bylaw.
3. The conversion of buildings pursuant to the *Strata Property Act* for the purpose of creating new property with a separate title shall not be supported.
4. Permitted uses shall be rural residential uses and uses accessory to residential uses.
5. Zoning amendment proposals that have the potential to impact the quantity or quality of water resources shall be accompanied by a hydrological impact assessment report prepared by a professional engineer with experience in hydrologic analyses. The amendment proposal must also ensure that impact is not made on viable fish habitat and the receiving waters, including channel stability and flow maintenance.

**3.3 RURAL LANDS**

Rural Lands are valued for their larger parcel sizes, greater privacy and lower residential densities.

Rural Lands are typically larger properties of 2.0 hectares or greater in size and often buffer different potentially incompatible uses from each other, such as Coast Residential Lands from Resource Lands.

The properties are often used as 'hobby farms' or for less intensive agricultural uses than those found on lands within the ALR.

Provincial legislation and local government land use regulations have resulted in the fragmentation of some Rural Lands into smaller parcels than would otherwise be permitted pursuant to this OCP. Maximum number of dwelling units provisions, combined with the use of the *Strata Property Act* to create building strata parcels smaller in size than permitted by the zoning bylaw, is of particular concern. The community has indicated that the minimum parcel size provisions of the RDN's Land Use and Subdivision Bylaw No. 500, 1987 must be upheld to protect the remaining Rural Lands.

**Objectives:**

1. *Preserve* and *enhance* the rural character of the Rural Lands.
2. *Minimize* conflicts between residential development and agriculture, silviculture, and resource extraction activities.

**Policies:**

1. Rural Lands are designated on Map No. 2.
2. Lands designated Rural Lands shall have a minimum parcel size of 8.0 hectares. Notwithstanding this, the Plan acknowledges that there are existing parcels zoned for a minimum parcel size of 4.0 hectares and 2.0 hectares that will continue to be recognized. Further, this policy is not intended to prevent parcel averaging as set out in the applicable zoning bylaw.
3. The number of dwelling units per parcel shall be limited to 2. However, the Land Use and Subdivision Bylaw shall be revised for the purpose of preventing the stratification of the second dwelling unit and developing maximum size limitations on the second dwelling unit. The conversion of buildings pursuant to the *Strata Property Act* for the purpose of creating new property with separate title shall not be supported.
4. Permitted uses shall be rural uses, rural residential uses and uses accessory to rural and rural residential uses.
5. Notwithstanding Policy 2 (above), parcels may be considered for rezoning to permit a minimum parcel size of 4.0 hectares provided that the rezoning proposal:
  - a) limits residential development to one dwelling unit per parcel;
  - b) does not propose a bare land strata subdivision or building strata conversions;
  - c) provides verification that the potable water and septic disposal needs for each proposed parcel can be met on each proposed parcel;
  - d) is submitted in conjunction with an environmental impact assessment report, prepared by a professional engineer with experience in hydrogeological engineering, that indicates the proposed subdivision will not have a detrimental impact on groundwater and drainage regimes;
  - e) includes the registration of a restrictive covenant that limits residential development to one dwelling unit per parcel, prohibits the bare land strata subdivision of the parcel, and declares the number of parcels to be created; and
  - f) addresses any issues that may arise through the referral process to various regional, provincial, and federal jurisdictions and that these issues can be satisfactorily resolved.
6. Land may be considered for rezoning to a non-commercial recreational use, public use or resource harvesting use or extraction use. The following criteria will be given due consideration in the assessment of such applications:
  - a) impact of the proposed use on adjacent agricultural or forestry uses;
  - b) compatibility of the proposed use with adjacent rural residential or rural uses;
  - c) impact of the proposed use on the natural environment, including wildlife and all environmentally sensitive areas;
  - d) intensity of the proposed use; and
  - e) ability to conduct the proposed use on land elsewhere in the community.
7. Zoning amendment proposals that have the potential to impact the quantity or quality of water resources shall be accompanied by a hydrological impact assessment report prepared by a professional engineer with experience in hydrologic analyses. The amendment proposal must also ensure that impact is not made on viable fish habitat and the receiving waters, including channel stability and flow maintenance.

### 3.4 RESOURCE LANDS<sup>1</sup>

The Resource Lands designation applies to lands that are valued for their agricultural use, forestry use, natural resource extraction capability, yet also valued for their environmental attributes, as these lands provide habitat for indigenous species on Vancouver Island.

This land use designation includes all those lands within the Agricultural Land Reserve (ALR) and lands that were in the former provincially designated Forest Land Reserve (FLR). It also includes lands with known and active resource uses that may or may not be in the ALR or FLR, and other large holdings including large recreational holdings and those used for federal or provincial purposes.

Agriculture is a permitted use in a large proportion of the Nanoose Bay Plan Area. It represents a primary and secondary source of income for some Nanoose Bay residents. Land management practices, which preserve agricultural land and the sustainable production of food, are supported and encouraged in this OCP.

Forestry is a dominant component of the Nanoose Bay economy. In addition to its economic value, residents appreciate the recreational opportunities, ecological and wildlife values afforded by the forested landscape.

In recognition of their value to the community, residents have expressed a desire to protect forestry lands and related activities. Also supported are sustainable and environmentally sound harvesting and logging practices and the restriction of intensive processing activities in proximity to established or future residential development.

Forest lands are predominantly managed through private forestry interests or through the Crown Provincial Forest.

Lands within this designation are part of the Nanaimo coal bearing formations while other areas, particularly south of the Island Highway, have very good potential for aggregates such as sand and gravel. Management of mineral resources falls principally within the jurisdiction of the province. 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 process.

#### *Objectives:*

1. *Support* and maintain the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value or potential.
2. *Protect* the agricultural land resources for present and future food production.
3. *Recognize* and *protect* agricultural operations on ALR lands.
4. *Encourage* sustainable and environmentally sound farming practices, which protect surface water, groundwater and soil quality.
5. *Recognize* and *protect* the groundwater needs of agriculture.
6. *Support* silviculture activities on productive forestry land.
7. *Protect* the forest land resources for harvesting and reproduction.
8. *Recognize* and *protect* the needs and activities of forestry operations when considering non-forestry operations on adjacent land.

<sup>1</sup> Bylaw 1400.05, adopted December 4, 2018

9. *Support* the public's use of forest lands for recreational enjoyment and education.
10. *Protect* lands with aggregate or mineral resources from development that would render the resource unviable or inaccessible.
11. *Seek* methods of minimizing conflicts between extraction activities and adjacent land uses.
12. *Minimize* the impact of extraction activities on the natural environment.
13. *Support* provincial requirements for site rehabilitation and reclamation of mined landscapes for future productive use and for environmental and aesthetic considerations.
14. *Minimize* the impact of resource operations and activities on the natural environment and on neighbouring land uses and development.
15. *Protect* sensitive ecosystems and features on Resource Lands.

***Policies:***

1. Resource Lands are designated on Map No. 2.
2. Lands designated Resource Lands that are forest and/or crown lands or large recreational holdings shall have a minimum parcel size of 50.0 hectares. All other Resource Lands shall have a minimum parcel size of 8.0 hectares. However, this is not intended to prevent parcel averaging as set out in the applicable zoning bylaw.
3. Notwithstanding Policy No. 2 (above), lands designated as Resource Lands and entirely within the provincial Agricultural Land Reserve shall have a minimum parcel size of 8.0 hectares. The provision of community water and sewer services to lands within this

designation is not supported by this OCP.

4. Permitted uses on Resource Lands shall be compatible with existing agricultural and resource uses.
5. It is acknowledged that the Department of National Defence operates facilities within this designation that are provided with community water and sewer services.
6. The Agricultural Land Commission's (ALC) mandate of preserving and encouraging agricultural production shall be supported.
7. The retention of large land holdings within the ALR shall be encouraged to maintain the option and feasibility of farm use.
8. The locations and construction of new roads, utility or communication rights-of-way shall be sited to avoid the ALR wherever possible. Where agricultural land is required, these rights-of-way should be sited in a manner that will cause minimal impact on agricultural operations. Alignments should be established in consultation with affected local landowners.
9. In order to reduce conflicts between agricultural uses and non-agricultural uses a Farm Land Protection Development Permit Area has been established on lands adjacent to lands within the Agricultural Land Reserve.
10. Measures which buffer new development adjacent to land within the ALR shall be encouraged to reduce the potential for land use conflicts. These measures may include restrictive covenants to protect naturally established buffers, dedication of park land where in compliance with the parks policy strategy of the Plan, or the use of landscaping and/or fencing in

accordance with the ALC's "Landscape Buffer Specifications" along property lines.

11. The regulation of intensive agricultural operations on non-ALR land within the Plan Area shall be supported in order to recognize the potential that these operations have to generate significant impacts on the natural environment and surrounding lands and development.
12. Where land is within the ALR 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 within this section of the Plan.
13. Where land is removed from the ALR, the Resource Lands within the ALR designation shall remain.
14. The processing of aggregate resources shall generally be limited to areas 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.
15. The province shall be encouraged to provide due consideration to the RDN's response to referrals on potential mining operations, and to possible impacts on neighbouring land and the natural environment prior to approving 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, traffic volumes and traffic dynamics. The province is encouraged to make this information available to the Regional District and surrounding landowners for comment prior to a decision.

### 3.5 TOURIST COMMERCIAL LANDS

Land within the Tourist Commercial Lands designation is currently used for a variety of resort, condominium, commercial and industrial uses. Coastal uses are oriented toward ocean and marine related tourist activities. The inland commercial uses have historically been oriented toward the highway as opposed to the current strategy to locate commercial uses within Village and Neighbourhood Centres.

In most cases, the Tourist Commercial Lands have more intensive land uses than found on surrounding lands and therefore present the possibility of creating land use conflicts.

The Nanoose Bay Official Community Plan recognizes the importance of commercial and industrial uses and tourism to the economy consistent with the Regional Growth Strategy. Existing resort condominium developments are recognized as an important part of Nanoose Bay's economy. It is also recognized that these developments must be compatible in character with surrounding residential areas. Over the long term, it is anticipated that these resort condominium developments may be developed to the extent permitted by their current zoning and the existing level of services. The provision of an increased level of community water and sewer servicing to facilitate increased development potential for lands currently zoned for resort

condominium development is not supported in this OCP.

Existing inland commercial activities away from the coast or outside the centres are intended to evolve into less intensive tourist commercial uses primarily serving the tourism market or travelling public rather than providing local convenience services. It is anticipated that, over time, these inland commercial and industrial uses will become more consistent in character with the coastal commercial uses with a focus on tourism.

**Objectives:**

1. *Provide* goods and services for the local population and tourists.
  2. *Minimize* the impact of commercial development on rural integrity and the natural environment.
  3. *Direct* commercial development to Village Centres and Neighbourhood Centres.
  4. *Encourage* new development or redevelopment of existing commercially zoned lands to be sensitive to the natural environment.
  5. *Support* the development of recreational uses that maintain and enhance rural integrity.
  6. *Support* the continued operation of existing resort condominium/hotel developments.
  7. *Minimize* the impact of resort condominium/hotel development on surrounding residential areas.
  8. *Encourage* resort condominium/hotel developments to be sensitive to the natural environment.
1. Tourist Commercial Lands are designated on Map No. 2.
  2. Community water and community sewer services shall not be provided to facilitate more intensive uses of Tourist Commercial Land than otherwise permitted.
  3. The permitted uses of Tourist Commercial Lands shall be recreation and tourist facilities and uses accessory to these uses that draw on the surrounding environment for their character and use.
  4. Where lands are used for commercial or industrial uses at the time of adoption of the community plan as a bylaw, these uses may remain.
  5. Development or redevelopment of land designated Tourist Commercial Lands may require the issuance of a Development Permit.

**3.6 INDUSTRIAL LANDS**

One parcel within the Plan Area is designated as Industrial Lands. Generally, industrial lands have a long history of intensive land uses and were established primarily because of their proximity to existing natural resources extraction activities.

The Regional Growth Strategy recognizes the necessity of industry to the economy of the Regional District of Nanaimo and industrial areas are designated in the RGS. New industrial growth is to be directed to these regionally significant industrial areas to reduce potential land use conflicts and enhance the operating efficiency of industrial uses. It is not anticipated that industrial land uses outside of the regionally significant areas would expand in scale or land base.

**Policies:**

**Objectives:**

1. *Minimize* the impact of industrial land uses on the rural character of the community.
2. *Limit* further industrial development.
3. *Minimize* any negative impact on the safe operation of the highway.
4. *Minimize* the potential for damaging impacts on the natural environment.

**Policies:**

1. Industrial Lands are designated on Map No. 2.
2. No more land shall be designated as Industrial Lands.
3. Community water and community sewer services shall not be provided to facilitate more intensive uses of Industrial Lands than otherwise permitted.
4. The permitted use of Industrial Lands shall be uses associated with the marshalling, shipping, and transportation of resources compatible with the protection of rural integrity and the natural environment.
5. Development or redevelopment of land designated Industrial Lands may require the issuance of a Development Permit.

**3.7 PARK LANDS**

Park Lands include provincial parks, community parks, lands restricted for park use by covenant, lands that have been donated to the crown for park use, and licences to occupy for park purposes held by the RDN.

There are 29 parks in Nanoose Bay. These parks are identified on Map No. 4. Of these parks, there is one provincial park, one regional park, and 27 community parks.

Formal recreation facilities and activities are provided in the adjacent municipalities of Nanaimo, Parksville and Qualicum Beach.

In 2001, a Parks and Open Space Plan for Nanoose Bay was prepared and provides a comprehensive approach to conserving elements of the natural landscape valued by local residents.

Formal recreation facilities and activities are also provided in Nanoose Bay by private enterprises (such as Schooner Cove and the Fairwinds Recreation Centre), non-profit organizations (such as the Nanoose Place Community Hall), and by the Regional District in partnership with School District No. 69 (such as Jack Bagley Field).

It is noted that, while this OCP does not specify plans for the RDN-held lands on Claudet Road, this OCP does recommend that these lands be held and maintained as open space pending further investigation of the community-desired use for these lands.

Land designated as Park Lands are illustrated on Map No. 2.

**Objectives:**

1. *Recognize* the goals and objectives as stated by the community in the Nanoose Bay Parks and Open Space Plan.
2. *Recognize* the importance of regionally significant parks and natural features.
3. *Recognize* and commend the efforts of the Nanoose Bay Parks and Open Space Advisory Committee.
4. *Protect* or secure access to important landscape features.
5. *Support* the construction of trails and linkages in Nanoose Bay, particularly connections to the Regional Trail.
6. *Support* the protection of existing beach accesses.

7. *Explore* new opportunities for obtaining beach accesses as part of future OCP amendment, rezoning or subdivision applications.
8. *Support* appropriate public use opportunities on provincial, federal and RDN lands.
9. *Encourage* the availability of the area's forested lands for recreational enjoyment that does not conflict with the resource capacity of these lands.

***Policies:***

1. Although existing parks are included in this Park Land designation, future parks obtained through subdivision or other means are permitted in any land use designation.
2. Pursuant to the *Local Government Act*, at the time of subdivision of lands where park land is required, the Regional District shall determine whether the owner of land being subdivided shall:
  - a. Provide, without compensation, useable park land equivalent to 5% of the parcel size and in a location acceptable to the RDN; or
  - b. Pay to the Regional District an amount that equals the market value of the land that may be required for park purposes; or
  - c. Provide a combination of land and cash to the satisfaction of the Regional Board.
3. At the time of subdivision of land where parkland is proposed to be dedicated one or more of the following preferred park criteria shall guide acquisition of land for parks:
  - a. the land improves access to waterfront lands, including the sea and watercourses;
  - b. the land links or expands parks and greenways, forming interconnected natural corridors, and connects neighbourhoods to parks, schools and cultural resources;
  - c. the land connects community focal features and the waterfront;
  - d. the land includes areas for the protection of environmentally sensitive lands to be retained in a natural, undisturbed state or archaeological features to be protected;
  - e. the land includes viewpoints and opportunities for nature appreciation;
  - f. the land includes focal features such as a public square or community gathering space in nodal centres;
  - g. the land is an area deemed to be a significant site by the Regional District's Parks System Plan; or
  - h. land that is a single contiguous parcel(s) is preferred where other parkland acquisition criteria are not considered to offer a greater community benefit.
5. The location of community recreation facilities on land within Urban Boundaries shall be supported and encouraged.
6. Partnerships to benefit Park Lands with non-governmental organizations, non-profit groups, community associations, or interested residents are supported.
7. The community's use of the pathways and trails within the Fairwinds development is noted and appreciation is expressed for this ongoing use.
8. A comprehensive parkland acquisition strategy shall be developed by citizens and the Nanoose Bay Parks and Open Space Committee and will consider the Parks and Open Space Plan for Nanoose Bay and will include working with

provincial and federal agencies to examine the issue of protection and possible acquisition of District Lot 137, Wallis Point, Notch Hill, the Enos Lake Corridor and other significant features as identified in the Nanoose Bay Parks and Open Space Plan.

9. The Plan supports the creation of a regional parks development cost charge bylaw to assist in achieving the acquisition objectives of the Regional Parks and Trails Plan 2005-2015.
10. This Plan encourages appropriate agencies to allow public access or use of corridors intended as public utility rights of way or transportation corridors.
11. This plan does not support the construction of structures on the foreshore that impedes or limits public access or navigation.

### **3.8 TRANSPORTATION CORRIDOR**

The E&N Rail Line passes through Nanoose Bay and links communities along the eastern corridor of Vancouver Island. The protection of this corridor is important to the citizens of Nanoose Bay as the corridor may provide alternative transportation opportunities or function as a link to the regional trail system. Any initiatives will be coordinated with the Nanoose Bay Parks and Open Space Committee, RDN Transit Services, and the community.

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

1. *Support* the development of alternative transportation opportunities for the citizens of Nanoose Bay.
2. *Encourage* railway transportation services in the Plan Area.
3. *Protect* the E&N Rail Line as a continuous linear transportation

corridor by designating the lands as Transportation Corridor.

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

1. The E&N Rail Line Corridor shall be designated Transportation Corridor and no further subdivision is supported.
2. The community supports the development of a commuter rail station at the Red Gap Centre.
3. A mix of alternative transportation uses shall be encouraged for the Transportation Corridor.