
TO: Electoral Area Services Committee **DATE:** April 14, 2020
FROM: Courtney Simpson **FILE:** 6780-30
Senior Planner,
Long Range Planning
**SUBJECT: Electoral Area A and H Housekeeping OCP Amendments
Amendment Bylaws No. 1620.07 and 1335.08 – Introduction**

RECOMMENDATIONS

1. That the Board approve the proposed Consultation Plan as outlined in Attachment 1.
2. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.07, 2020”.
3. That the Board give second reading to “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.07”, having considered the impact on the current Financial Plan and Solid Waste Management Plan.
4. That the Board introduce and give first reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.08, 2020”.
5. That the Board give second reading to “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.08, 2020”, having considered the impact on the current Financial Plan and Solid Waste Management Plan.
6. That the Board direct the public hearing on “Regional District of Nanaimo Electoral Area A Official Community Plan Amendment Bylaw No. 1620.07, 2020 and “Regional District of Nanaimo Electoral Area H Official Community Plan Amendment Bylaw No. 1335.08, 2020”, be delegated to Director Wilson.

SUMMARY

These housekeeping amendments to the Electoral Area A Official Community Plan (OCP) and the Electoral Area H OCP are to complete the Development Permit and Temporary Use Permit (TUP) Area Standardization project that omitted making two changes to the Electoral Area A OCP and two changes to the Electoral Area H OCP. Correcting these technical errors will provide clarity for development applicants as was intended by the project.

With restrictions on gatherings due to COVID-19, it is not currently possible to hold a public hearing, so it will be scheduled after the restrictions are lifted or if the Province changes requirements for public hearings.

BACKGROUND

A DPA and TUP Area Standardization project in 2018 omitted making two changes to the Area A OCP and two changes to the Area H OCP. The draft amendments can be considered “housekeeping” as they correct technical omissions and do not represent any changes to policy or regulation. For the Electoral Area A OCP, the TUP section is deleted as that section is now located in the zoning bylaw, and a mapping error is corrected to make consistent with the OCP text. For the Electoral Area H OCP, the portions of two DPAs are deleted that are now located in the zoning bylaw. The OCP amendments are recommended to proceed at the same time as the proposed Electoral Area A OCP amendment bylaw for the Nanaimo Airport. This will allow for one set of agency and First Nation referrals and one public hearing.

Proposed Bylaw Amendment

The following amendments to the Electoral Area A OCP are proposed:

- Delete sub-section 8.9 Temporary Use Permits.

The TUP guidelines for Electoral Areas A, C, E, G and H were previously consolidated into Section 3.17 of Zoning Bylaw 500, removing TUP guidelines from individual OCPs. Deleting the TUP guidelines from the Area A OCP was missed in the amendment bylaw.

- Add the South Wellington Light Industrial and Commercial Area to the Aquifers DPA shape in Map No. 9 - Development Permit Areas for the Protection of the Natural Environment.

The OCP text designating the Aquifers DPA accurately describes the South Wellington Light Industrial and Commercial Area, but this area needs to be included in the Aquifer DPA on Map No. 9.

The following amendments to the Electoral Area H OCP are proposed:

- Delete the applicability, exemptions and guidelines sub-sections in DPA 5 – Hazard Lands, and the Bowser Village Centre DPA.

While the designation, justification and objectives of DPAs remains in individual OCPs, as required by the *Local Government Act*, the DPA applicability, exemptions and guidelines for Electoral Areas A, C, E, G and H were previously consolidated into Part 5 of Zoning Bylaw 500. Deleting these sub-sections from the Hazard Lands and Bowser Village Centre DPAs in the Area H OCP was missed in the amendment bylaw.

Land Use Implications

Correcting these technical errors will result in improved clarity for development applicants as was intended in the DPA and TUP standardization project.

Environmental Implications

By improving clarity, the amendment bylaws will ensure the Regional District of Nanaimo’s ability to protect aquifers in the South Wellington Light Industrial and Commercial Area, Hazard Lands in the Electoral Area H OCP, and protect the environment when considering TUP applications in Electoral Area A.

Intergovernmental Implications

As part of developing an OCP or the repeal or amendment of an OCP, Section 475 of the *Local Government Act* requires local governments provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. A housekeeping amendment is not exempt from this requirement. This consultation is in addition to the public hearing required under Section 477 of the *Local Government Act*.

Consultation for Amendment Bylaws 1620.07 and 1335.08 will meet the *Local Government Act* requirements for consultation during an OCP amendment and are proposed to occur in conjunction with referrals and the public hearing for Bylaw 1620.06, which amends the Electoral Area A OCP for the Nanaimo Airport lands (Attachment 1 – Consultation Plan). Extensive public, stakeholder and agency consultation was part of the Development Permit and Temporary Use Permit Area Standardization project in 2018. The housekeeping amendments bring the Electoral Area A and H OCPs into alignment with that project.

Public Consultation Implications

No public information meeting is proposed for the Housekeeping Bylaw. With restrictions on gatherings due to COVID-19, it is not currently possible to hold a public hearing. The public hearing will be scheduled after these restrictions are lifted, or if the Province changes requirements for public hearings.

ALTERNATIVES

1. To proceed with the housekeeping OCP amendment, consider first and second reading of the Amendment Bylaws and proceed to a public hearing.
2. To not proceed with the Amendment Bylaw readings and public hearing.

FINANCIAL IMPLICATIONS

Section 477 of the *Local Government Act* requires local governments to consider an OCP amendment in conjunction with its financial plan and any applicable waste management plan. Finance and Solid Waste staff advised the proposed OCP amendments do not have any implications for the current (2020-2024) Financial Plan or the Solid Waste Management Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the application in consideration of the Board's 2019-2022 Strategic Plan and have not identified any implications.



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April 1, 2020

Reviewed by:

- K. Fowler, Manager, Long Range Planning, Energy & Sustainability
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Consultation Plan
2. Proposed Amendment Bylaw No. 1620.07, 2020
3. Proposed Amendment Bylaw No. 1335.08, 2020