MEMORANDUM

TO: Paul Thompson  
Manager of Long Range Planning  

FROM: Lisa Bhopalsingh  
Senior Planner  

DATE: August 15, 2013  

FILES: PL2011-060  

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

PURPOSE

To update the Board on the status of information requested for RGS and OCP Amendment Application No. PL2011 – 060 and to consider alternatives for next steps in the application review process.

BACKGROUND

On April 23, 2013 the RDN Board adopted the following resolution:

That the Board support a review of the application of the Baynes Sound Investments for a new Rural Village Centre at Deep Bay and that the application proceed through the process to amend the Electoral Area ‘H’ Official Community Plan and the Regional Growth Strategy.

Immediately after the Board meeting the Applicant was advised of the Board’s decision and asked to submit additional information in support of their application. The Applicant committed to providing the RDN with all requested information by July 31, 2013. This date was integral to the schedule for consultation activities outlined in the Consultation Plan adopted by the Board on July 23, 2013.

The Consultation Plan indicates that the timing of consultation activities is dependent upon “receipt of outstanding information from the Applicant by July 31, 2013”.

The schedule for the actions outlined in the Consultation Plan is no longer achievable as the Applicant failed to provide all the required information by July 31, 2013. A summary of the information received as of August 15, 2013, and a preliminary evaluation of its adequacy based on RDN requirements is outlined in the table below. Depending upon Board direction, a more detailed evaluation of the information provided by the Applicant will be conducted.
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<th>Information Requested</th>
<th>Status – August 15, 2013 and Adequacy for Proceeding with Public Consultation</th>
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| 1. A land inventory demand and supply analysis that shows there is a need to include additional land inside the Growth Containment Boundary (GCB). | Received Aug 6, 2013  
Adequate  
The study does provide a land inventory demand and supply analysis. However, staff have concerns with the methodology used and concluded that it fails to provide justification for a new village centre. |
| 2. An analysis of the potential impacts from the proposed development on the development of land inside GCBs located elsewhere in the region. In particular those RVCs in Electoral Area ‘H’ and the Urban Areas of Parksville and Qualicum Beach. | Received Aug 6, 2013  
Not Adequate  
The study does present the potential impacts from the proposed development on other lands within the GCB from a housing perspective, forecasting a low impact from the proposed development. However, it does not address the impacts on retail/commercial particularly for the nearby Bowser RVC. There is also no discussion on the need to expand the GCB for an RV park nor the impacts of this land use on tourist accommodation in other RVC’s in Area ‘H’ and the Urban Areas of Parksville and Qualicum Beach. |
| 3. Additional information on the method of sewage treatment and wastewater disposal including more detail on the location of facilities and the measures that will be taken to protect the aquifer, surface water and the marine environment. An environmental impact assessment as recommended in the feasibility report. | Received Aug 6, 2013  
Wastewater Management Preliminary Feasibility Report-Draft by Mangat Environmental Solutions, dated July 31, 2013  
Not Adequate  
While several tasks (as identified in the RDN’s scope of work for the additional sewage treatment information) appear to be addressed to a reasonable level, some tasks are partially completed and others not completed. There is no environmental impact assessment done for Option 1 which involves an onsite wastewater treatment facility for the subject property only. There is no analysis to support the conclusion that discharge to ground or surface water (a local creek or wetland) is feasible. |
4. Address how the proposed ownership of the sewage treatment facility will be consistent with RGS Policy 10.4 that requires that new community sewer systems must be publically owned.

   Received Aug 6, 2013
   See page 67 - Wastewater Management Preliminary Feasibility Report-Draft by Mangat Environmental Solutions, dated July 31, 2013

   **Adequate**
   Report contains language clearly indicating the intent for the proposed wastewater treatment plant to be owned and operated by the RDN following design, installation and commissioning.

5. A report on the measures that will be taken and the potential impacts of the development on watershed function including recharge capacities and surface runoff.

   Received Aug 6, 2013

   **Not Adequate**
   In this section, the report provides a general overview of theory and principles of water use technologies including:
   - Greywater reuse
   - Stormwater recycling system & rainwater harvesting

   Common risks associated with grey water reuse are listed and pro & cons are listed for different storm water practices. Best management practice(s) are listed and promoted. This section is limited to generalities related to water use technologies; potential impacts on the subject aquifer resulting from the proposed development have not been identified or quantified.

6. An evaluation of the impacts of the proposed development on the provision of emergency services.

   **NOTE** - This report needs to include: an evaluation of the impacts on community vulnerability to disasters and impacts upon the provision of emergency services; (as per RGS Policy 4.3)

   Received Aug 6, 2013 – Inadequate more information needed
   Letter from Boulevard Transportation Group dated July 22, 2013

   **Not Adequate**
   The letter deals primarily with emergency access to the proposed development.

   The letter indicates that anticipated impact on BC Ambulance Service due to the seniors units is low. There was no discussion of impacts as a result of the overall increase in population on Ambulance, Fire, Police and other Emergency Support Services. Furthermore there is no evaluation of the impacts to
<table>
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<th>Community vulnerability to disasters relating to known hazards (e.g. wildfire, motor vehicle and earthquake).</th>
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<td>It does not appear that any First Response and other Emergency Support Services were involved in providing information as part of this evaluation.</td>
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7. An inventory of aggregate deposits within the subject properties.

Note: the Applicant is not proposing mining of aggregates. The request for aggregate information is part of the RGS requirements for GCB expansions and a requirement of the LGA to maintain access to known sources of aggregates.

**Received Aug 6, 2013**


**Not Adequate**

The report provides an inventory of the aggregate deposits on the subject properties noting that the "aggregates form part of the regional aquifer" and that an environmental impact should be done prior to any mining.

The report indicates that there is aggregate material that could be mined; however there is no conclusion about whether or not this aggregate resource should be extracted given the volumes estimated, accessibility and relationship to the aquifer.

8. Additional information on how the proposed development will affect demand for transit service.

**Received August 8, 2013**

**Adequate**


Section 7.2 (page 14) of the report provides information on how the proposed development will affect demand for transit service. It concludes that *approximately five residents* will use transit (based on an assumed 0.7% transit use by future residents of the proposed development). Based on current service the ‘result is ten one-way trips each service day (currently only Tuesday) and approximately 500 new annual trips.’
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<th>Requirement</th>
<th>Status</th>
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<td>9. Confirmation that the Ministry of Transportation and Infrastructure (MOTI) will accept the proposed connection to Highway 19A.</td>
<td>Received July 4, 2013 Adequate MOTI e-mail confirms acceptance of the proposed connection to Highway 19A at the location identified, and site data included in the Traffic Impact Assessment for Deep Bay Development on Highway 19A, January 14, 2011, Boulevard Transportation Group.</td>
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<tr>
<td>10. Need written confirmation that Deep Bay Improvement District (DBID) can provide water and fire service for the proposed development.</td>
<td>Not Provided as of Aug 15, 2013 Information on water and fire service is central to the review of this application and proceeding with public consultation. Water provision and impacts of the development on water supply is of high interest to community members. Based on conversations between RDN staff and DBID there appears to be a strong likelihood that the DBID Board will not be able to consider providing confirmation of water provision to BSI in time for use within the proposed schedule of consultation activities outlined in the Consultation Plan.</td>
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<tr>
<td>11. Confirmation from Island Corridor Foundation (ICF) regarding Railway Crossing.</td>
<td>Not Provided as of August 15, 2013</td>
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<td>12. Proposal of OCP policy changes that BSI is requesting/would support.</td>
<td>Received August 13, 2013 RDN Staff will assist BSI planning consultants as needed.</td>
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<td>13. Replacement Binder (with Applicant information on the proposed development) for the one submitted by RDN to the Bowser Library in May 2013.</td>
<td>Received Aug 6, 2013 Adequate</td>
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As documented in the table above, the RDN received only one of the required pieces of information – see #a – received July 4, 2013. Some of the required information was submitted on August 6, 2013. To date, key information remains either outstanding or incomplete, this includes the following:

- Confirmation of the availability of water for household use and fire protection remains one of the key outstanding items.
- The additional information provided for wastewater treatment is not sufficient and requires further work in order to meet the RDN’s requirements. This includes completing an environmental assessment of the treatment option proposed for the subject property.
• Information on the anticipated impacts on watershed function including recharge capacities and surface runoff and specific mitigation measures.

Confirmation of water and wastewater service and measures to protect watershed function (including aquifer protection) is an essential part of the RDN’s due diligence for considering a change of this magnitude to the RGS and Area ‘H’ OCP. This information is also of great importance to the public consultation process. Proceeding with public consultation without this information will compromise the public consultation process and as such is not considered a viable option.

The timing for starting public consultation was determined by the Applicant when they chose and committed to July 31, 2013 as the date by which they would provide the RDN with all the required information. This deadline has not been met. Key information is outstanding and some of the information submitted will need substantial revisions in order to meet the RDN’s requirements. To date a substantial amount of staff time has been spent on processing this application. Ongoing delays in receiving the required information will result in greater costs to the RDN in staff time and resources not covered by the application fees.

ALTERNATIVES

1. Establish a deadline of September 19, 2013, for receipt of all the required information to the satisfaction of the RDN.
   a. If the required information is not provided to the satisfaction of the RDN by September 19, 2013, the Applicant be advised that failure to provide all required information will result in the Board reconsidering the application.
   b. If the required information is provided by the deadline then develop a new Consultation Plan with a revised timeline for approval by the Board.

2. Postpone public consultation for Application No. PL2011-060 to amend the RGS and Area ‘H’ OCP to create a new RVC in Deep Bay until all the required information is provided to the satisfaction of the RDN, and develop a new Consultation Plan with a revised timeline for approval by the Board.

3. Withdraw support for a review of Application No. PL2011-060 and not proceed through the process to amend the RGS and Area ‘H’ OCP.
   a. Discuss options with the Applicant about developing the site consistent with the RGS and OCP direction.
   b. Work with Vancouver Island University to explore creative alternatives that support the objectives of the Deep Bay Marine Field Station.

FINANCIAL IMPLICATIONS

This section addresses financial implications for the RDN relating to the alternatives presented above.
Alternative 1

This alternative has the greatest financial impact in the short term should the Applicant meet the established deadline and the Application proceed through the review process. As the Electoral Area Planning Committee (EAPC) chose to sponsor the application, the RDN incurs all costs not covered by application fees related to processing the bylaw amendments. As outlined in the March 27, 2013, staff report, processing an application to amend the RGS requires a significant amount of staff time. This is particularly the case for a major amendment where public interest is high.

Delaying the public consultation until all information has been provided to the satisfaction of the RDN will avoid the need to repeat consultation activities (as would be necessary should consultation activities proceed with incomplete information). Providing a clear deadline and consequence for failing to meet it ensures clear expectations for both the Applicant and the community. This will also help ensure that the process remains fair and the Applicant is provided with an opportunity to provide the required information. It will also ensure that RDN staff time and resources are not unnecessarily wasted by having an unlimited timeframe for meeting requirements. Should the Applicant fail to meet the extended deadline and the Board withdraw support for a review then this alternative would have relatively low financial impact.

Alternative 2

This alternative would have similar costs to Alternative 1 and potentially higher depending on when the RDN receives the information and how much discussion is needed with the Applicant regarding the provision of complete information to the satisfaction of the RDN. Delaying the public consultation until all information has been provided will avoid the need to repeat consultation activities as would be otherwise necessary should the process proceed with incomplete information. However without a clear deadline and consequence, the process could be extended indefinitely and staff time significantly increased.

Alternative 3

This alternative would have the least costs to the RDN in the immediate to near future. This would enable staff resources to be redirected back to the 2013 Long Range Planning work plan items. This alternative also allows for the RDN to work with the Applicant to explore options for developing the subject property within the parameters of existing RDN Bylaws. Vancouver Island University (VIU) has identified a number of obstacles related to the Deep Bay Marine Field Station that can be addressed through further discussions with RDN staff.

LAND USE IMPLICATIONS

The March 27, 2013, staff report provides a detailed discussion of the implications for land use, sustainability, the environment and, servicing that provides a solid background to this report. This report is provided in Attachment 2. Depending on Board direction, a full review of the implications for land use, sustainability, the environment, and servicing will be conducted once all of the requested information is received and RDN staff have had sufficient time to review the materials.
Public Consultation Implications

As noted above, the Board approved the Consultation Plan in July 2013, following a decision to support a review of the Application. The Consultation Plan identifies opportunities for the public to provide informed feedback on the proposed amendment. The Plan was based upon the Applicant providing information by July 31, 2013. The Applicant failed to provide the required information by July 31, 2013, and although some information has been provided as of August 15, 2013, information continues to be outstanding or inadequate for water, wastewater, watershed protection and other items.

A failure to meet the July 31, 2013, deadline means that the schedule of actions in the Consultation Plan approved by the Board cannot be achieved and a new Plan with a revised timeline will have to be considered by the Board in order to proceed with public consultation.

Attempting to proceed with the public consultation in the absence of key information will cause frustration on the part of community members and lead to increased costs for the RDN associated with having to repeat consultation activities as information becomes available. Staff recommends that the RDN first receive all the outstanding information prior to approving a new Consultation Plan.

SUMMARY/CONCLUSIONS

Following the April 23, 2013, motion of the Board to support a review of the RGS and OCP amendment application in Deep Bay and subsequent approval of the related Consultation Plan the Applicant has been unable to provide the RDN with all of the required information by their own deadline of July 31, 2013.

The Consultation Plan approved by the Board is based on the RDN receiving all the required information from the Applicant by July 31, 2013. As this has not happened, meeting the schedule for the actions in the Consultation Plan is no longer achievable and a new one will need to be approved should the RDN Board wish to proceed with public consultation activities. The Board originally supported a review of the Application without establishing a firm deadline for the Applicant to provide information. The subsequent adoption of the Consultation Plan did not specifically state whether there would be any consequences for failing to meet the established deadline.

Moving forward, staff recommends that the Board extend the deadline for providing all the outstanding information as deemed sufficient by RDN staff to September 19, 2013, and clearly state that the consequences of failing to meet this deadline will be that the Board will consider withdrawing support for a review of the application and not proceed through the RGS and OCP amendment process.

In light of the information presented in this report staff recommends the Board choose Alternative 1.
RECOMMENDATIONS

1. That the Board not proceed with public consultation for Application No. PL2011-060 at this time and that should the process proceed, a new Consultation Plan with revised timelines be considered for approval.

2. That a deadline of September 19, 2013, be established for receipt of all required information to the satisfaction of the RDN for Application No. PL2011-060.

3. That the Applicant be advised that failure to provide all required information to the satisfaction of the RDN by September 19, 2013, will result in the Board reconsidering the application.

Report Writer  General Manager Concurrence

Manager Concurrence  CAO Concurrence
Attachment 1
Location of Subject Properties in Deep Bay Development Proposal
Attachment 2
RDN Staff Report March 27, 2013