



# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

*An implementation project for the Regional District of Nanaimo's  
Regional Growth Strategy*

## A SUITE OF OPTIONS FOR RURAL RESIDENTIAL AREAS

Prepared by

**IPS ISLAND PLANNING SERVICES &  
GEMELLA DESIGN INC.**

for **REGIONAL DISTRICT OF NANAIMO**

September 2012



REGIONAL  
DISTRICT  
OF NANAIMO

**HAVE YOUR SAY. HELP SHAPE YOUR FUTURE.**

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# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

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## THE CONSULTING TEAM

IPS Island Planning Services, together with Gemella Design, undertook this project for the Regional District of Nanaimo.

Primary consultants:

**Chris Hall**

**Beverly Suderman**

**Michael Kelly**

**Jessica Gemella**

Supporting team members:

**Sharon Jackson**, Jackson on the Moon (website design)

**Georgina Montgomery**, West Coast Editorial Associates



Island Planning Services

T: 250.737.1109

E: [contact.ips.v9l@gmail.com](mailto:contact.ips.v9l@gmail.com)

W: [island-planning.net](http://island-planning.net)



Gemella Design Inc.

T: 250.591.1976

E: [jessica@shawbiz.ca](mailto:jessica@shawbiz.ca)

W: [GemellaDesign.com](http://GemellaDesign.com)

# EXECUTIVE SUMMARY

This study was undertaken to assist the Regional District of Nanaimo (RDN) with creating a suite of options to support a more sensitive and sustainable approach to development in rural areas, specifically those areas identified in the “Rural Residential” land use designation, under the Regional Growth Strategy (RGS). RGS policy 5.13 sets the framework for the study, requiring that the recommended options not increase the overall density or total number of new lots, or compromise the servicing of new lots. It is anticipated that the RDN will use these ideas to stimulate discussion when conducting OCP review processes in the electoral areas.

The study focused on identifying ways to better protect rural values without compromising the existing development potential of land. The options highlight ways to achieve more open space, with the aim of minimizing development impacts on agricultural activity, silviculture (forestry) and other activities common to a working rural landscape.

The options presented are organized according to three approaches:

1. Design alternatives – how development can be grouped at various scales, leaving more open space
2. Density shifting – moving density from one property to another
3. Performance alternatives – encouraging developments to meet certain goals related to rural values through incentives or regulatory means

The conservation benefits of these options are critical for wildlife habitat, aquifer recharge, water quality and other purposes. Sensitive development, minimizing environmental degradation, is also important to protect streams, rivers and, ultimately, water quality in the ocean.

As part of this study, a series of open houses and meetings were held throughout the RDN, together with an online consultation process, to gather community feedback on the options. The consultants and RDN staff received feedback from attendees and online participants through one-on-one conversations, written correspondence and a questionnaire that addressed matters related to the proposed options. Community concerns focused primarily on minimizing the impact of existing development potential on the rural landscapes that are loved deeply. Based on the feedback received, the consultants “tweaked” the options that had been presented, so that they were clearer and better suited to the RDN overall.

All of the options presented in this study require a supportive policy, regulatory and enabling implementation framework. They can (and should) work together to achieve specific objectives in light of specific challenges or situations; they are not mutually exclusive.

## WHY IS THIS STUDY NEEDED?

Until very recently, rural subdivision was concerned with plotting basic road layouts and regularly shaped square or rectangular lots of a size according to the applicable land use bylaws. The outcome of such an approach is regular but distant spacing of houses in rural areas, creating what is sometimes characterized as “rural sprawl.” As one participant in a community workshop said, status quo rural subdivision “takes up too much land.”

**Looking at the images on the facing page :**

The first image, “Rural land before development,” shows a highly appealing rural landscape with views of mountain and lake, forest in the background and agricultural land uses in the foreground. There is some housing embedded in this landscape, but it is not highly visible and is associated with rural land uses.

The second image, “Conventional or Status Quo Rural Residential Development,” shows a large-lot subdivision situated in the same landscape. The view of the mountain is unimpaired, but the view of the lake is gone as is the mature vegetation. Long driveways and vast lawns of grass replace the agricultural landscape. Each lot is separated by fencing, supplemented by immature vegetation to provide privacy, and yet each house is visible from the neighbouring houses. Productive land has been replaced by high maintenance (and highly water-consumptive) yards, and high energy consumption lifestyles.

The third image “Alternative Residential Development” shows the same landscape with the same amount of new development as in the second image, but the development is clustered in one area rather than being situated in regularly shaped large lots. In this image, the views of the lake, mountain and agricultural landscape are only minimally impacted. Each home is situated to have a view of the lake (as is the case with the second image), but the homes are sited in such a way as to provide privacy between them, despite their closer proximity. The overall footprint of the development is reduced.

These images can help us to imagine the consequences of doubling the amount of residential development in the Rural Residential areas. Intensification of land use, through realization of existing development potential, can negatively impact the quality of life in those areas. How that development occurs can either transform those rural areas into sprawl or can reinforce and preserve the values that attract people to live in rural areas. The risk is that build-out can “love” the place to death, that is, development, undertaken insensitively, has the potential to destroy the very values, whether cultural, economic or environmental, that attract people to live in rural areas in the first place.

The alternatives outlined in this report are meant to assist the RDN in finding ways to encourage sensitive rural development: limiting sprawl, reducing fragmentation of ecological systems, maintaining rural landscapes, and encouraging more sustainable forms of subdivision.



**Rural Land Before Development**



**Conventional or Status Quo  
Rural Residential Development**



**Alternative  
Residential Development**

## RECOMMENDATIONS

The consultant team recommends that the RDN:

1. Make a commitment to embracing and supporting more environmentally sensitive ways of undertaking rural development.
2. Consider creating a visual build-out analysis of the Regional Growth Strategy (RGS) to better understand the current strategy's policy provisions and implications.
3. Use the options presented in this study as background information for future OCP review processes.
4. Work through details of the alternatives suggested in this report relative to the entire RDN policy framework to be sure that the options do not jeopardize other goals or policies of the RDN (e.g., servicing, strata conversion).
5. Continue discussions with the Ministry of Transportation and Infrastructure (MOTI) about a joint policy for alternative development standards in the rural areas of the RDN.
6. Revisit the reasons for establishment of the existing RGS policy related to community water and sewer, to determine whether these reasons remain valid in today's context and to determine whether there might be reasons to soften these provisions in light of other RGS goals, notably protecting the environment, and enhancing rural integrity.
7. Talk with the real estate community and other development professionals about the district's openness to alternative forms of rural development, and seek their advice and input as to how best to achieve the goals of the RGS.
8. Investigate the potential for using some of the options outlined here, where OCP policy changes are not required, to create incentives for more environmentally sensitive forms of rural development in the near term.
9. Consider increased use of community advisory committees in land use planning work.
10. Develop templates for conservation covenants.

### What is the Regional Growth Strategy?

The Regional Growth Strategy (RGS) is the RDN's response to concerns about the negative impacts of urban and rural sprawl. The ultimate aim of the RGS is to achieve an "outstanding quality of urban and rural life that is grounded in a strong commitment to protecting the natural environment and minimizing harm to life-sustaining ecological systems."

The first RGS was adopted by the RDN and its member municipalities of Nanaimo, Parksville and Qualicum Beach in 1997. Since then it has been updated twice, in 2003 and 2011. The key strategy for managing growth and development continues to be: (1) to encourage most growth to take place in designated growth areas; and (2) to limit new development outside those areas so as to protect the integrity of rural and resource areas, and the environment.



# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

## CHAPTER 1: PROTECTING RURAL VALUES

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During the review by the Regional District of Nanaimo (RDN) of its Regional Growth Strategy, many people expressed a desire to examine the policies relating to subdivision in rural areas so that the rural qualities they value could be better protected. One of the implementation projects for the 2011 RGS is this study to look at alternative forms of rural development, as part of the goal of “protecting rural integrity.”

Rural landscapes are highly valued by the residents. Those who participated had varying ideas about “rural values.” For some it was defined by large lots and privacy. For others it meant an abundance of trees and wildlife, or active agricultural operations. And for others still it meant open spaces and quiet.

These sentiments are similar to those noted in previous research conducted on Vancouver Island to characterize rural values.<sup>1</sup> According to that work, residents identified the following as being important values for rural living:

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<sup>1</sup> *North Cowichan Community Character Project* (2009), p. 34.  
The District of North Cowichan is located south of the RDN, in the Cowichan Valley Regional District

**This project has been undertaken by the Regional District of Nanaimo (RDN) as an implementation item for Policy 5.13 of the Regional Growth Strategy:**

Notwithstanding policy 5.2, in order to limit sprawl, reduce fragmentation of ecological systems and encourage more sustainable forms of subdivision on lands already zoned for rural residential use, an OCP may make provision to allow for smaller minimum parcel sizes outside the Growth Containment Boundary in the RGS Rural Residential Land Use Designation provided there is no increase in the overall density or the potential number of new lots, and provided that the new parcels can be served with potable water and wastewater disposal systems in a manner that does not degrade the environment or water sources. Potential options may include rezoning of land, clustered development, and/or density transfers. OCP policies that provide opportunities for alternative forms of rural residential development shall require the conservation of residual lands in perpetuity for agricultural, forestry, environmental or ecological purposes, or other public good purpose. Options for alternative forms of development shall be consistent with the sustainability principles and growth management policies of this RGS.

- **Scenic Views of Natural and Agriculture Landscapes:** These include partial or panoramic views of natural landscapes (forest, river and marine) and agricultural landscapes (farms, fields, rural roads) as seen from mountain tops, scenic roads, settlements and marine areas.
- **Working Agricultural Landscapes:** Working farms and the landscapes they create were consistently cited as an important dimension of a rural community. The presence of farm animals, crops, vineyards, hay fields and farm buildings, as well as the opportunity to purchase produce directly from growers, all play a role in this image, as does the idea of encouraging sustainable agricultural uses at all scales, wherever possible.
- **Proximity to Natural and Agricultural Areas:** What makes rural life special to many people is having easy access to the outdoors through a network of pedestrian-friendly roads, open spaces and trails, as well as living next to nature so that one can view farms, forests and fields, travel along narrow rural roads, hear bird song, encounter domestic animals and wildlife, see autumn colours, watch marine life, have natural forest in the backyard, and so on.

Rural landscapes are highly valued by the people who live in rural areas. These rural values could be at risk if future development is done in a way that is insensitive to rural values and lifestyles. The RDN's Land Inventory and Residential Capacity Analysis (2007) indicates that there are approximately 15,000 dwellings in the RDN's electoral areas, with development potential for more than double this number. Most of this development potential is found in those areas designated by the RGS as Rural Residential, the area of focus for this study. The risk is that the rural areas could be "loved to death", i.e. the very things that residents and prospective residents enjoy the most about rural living could be destroyed through insensitive

development.

### **THE PURPOSE OF THIS STUDY**

This study was undertaken to assist the RDN with creating a suite of options to support a more sensitive and sustainable approach to development in rural areas. The RGS set the policy framework for the study, requiring that the recommended options not increase the overall density or total number of new lots, or compromise the servicing of new lots.

A further requirement was that residual lands be protected in perpetuity for agricultural, forestry, conservation or other purpose that serves the public good.

The study focused on identifying ways to better protect rural values without compromising the existing development potential of land. The study was *not* about increasing the amount of development in rural areas. None of the options proposed in this study provides for more density. Some propose clustering density, or shifting it around within a specific area, but no additional density is proposed. The alternatives outlined in this report are meant to assist with limiting sprawl, reducing fragmentation of ecological systems, maintaining rural landscapes, and encouraging more sustainable forms of subdivision, all of which are consistent with the vision of the RGS.

It is anticipated that the study will be useful during OCP update discussions, by providing residents with the opportunity to discuss and consider the alternatives presented in this report. Within the existing policy context, the alternatives presented in this study may appeal to landowners and developers who wish to undertake a different form of development.

### **HOW THE STUDY FITS WITH THE REGIONAL GROWTH STRATEGY**

The new RGS provides direction for the RDN to consider policies in its electoral area Official Community Plans (OCPs) that allow alternative forms of development. Under the RGS policy (5.13), an OCP may make a provision to “allow for smaller minimum parcel sizes outside the Growth Containment Boundary in the RGS Rural Residential Land Use Designation provided there is no increase in the overall density or the potential number of new lots, and provided that the new parcels can be served with potable water and wastewater disposal systems in a manner that does not degrade the environment or

- **How was this study done?**
- 
- IPS Island Planning Services was retained by the RDN to undertake this study in March 2012. The first step was to develop a comprehensive set of options for review by RDN planning staff before going out for community consultation.
- In May and early June, a series of community open houses and meetings were held in various places throughout the RDN. The consultants and RDN staff received feedback from attendees and participants through one-on-one conversations, written correspondence (email and other handwritten notes) and a questionnaire that addressed matters related to the proposed options.
- 
- In the community meetings, responses to the questions were gathered using “clickers,” an audience response technology system on loan to the RDN from the Cowichan Valley Regional District. An online component asked identical questions to those that were asked in the community meetings. A “final comments” section of the online survey invited further observations from online participants. Online responses were collected with the community meeting responses, and all responses were aggregated for analytical purposes. Responses have been treated as anonymous, and are represented as such in this report.
- 
- The consultants collated and analyzed all notes and comments gathered from the online surveys, written communications received from community members, and conversations held during the open houses, looking for themes and concerns. Based on the feedback received, the consultants then “tweaked” the options proposed so that they were clearer and better suited to the RDN overall.
- 
- This report documents the final options being recommended, as modified in response to the community consultation process. Full documentation of the community consultation process, together with all written and survey responses can be found in the appendix to this report.

## Who were the participants?

Those who took part in the open houses, meetings and online surveys varied from foresters, farmers and real estate developers to rural residents, city dwellers and individuals from the public at large. All were interested in the future of rural development in the RDN.

A total of 111 people took part in the four community open houses/meetings and online participation. Most participants were aged 55+ (63%), and most had lived in the RDN for more than 10 years (64%). In terms of where in the RDN people lived, 82% lived in Electoral Areas, 12% in the municipalities of the RDN, and 1% from outside the RDN. In terms of participation by area within the RDN<sup>2</sup>, 27% were from Area A, with 18% from Nanaimo, 16% from Area C, 14% from Area H, and 11% each from Areas E and F.

water sources.”

This study is the first step in implementing policy 5.13, outlining possible alternative forms of development. The key values and sustainability goals underlying the study align with those of the RGS:

1. Protecting ecologically sensitive areas
2. Preserving forest and farm lands as a working landscape
3. Protecting rural character and lifestyle in rural areas
4. Not increasing overall density and the total number of new lots
5. Protecting residual lands in perpetuity for agricultural, forestry, conservation or other public good purposes.

## THE STUDY'S LIMITATIONS

This study was developed to address development needs in the Rural Residential Land Use Designation areas within the RDN. It is not applicable to other rural areas within the RDN. For example, any recommendations emerging from this study would not apply to lands that are in the Agricultural Land Reserve, or privately managed forest lands, or other lands designated as Resource in the RGS.

Given the generally low levels of participation by the public in this study, any findings related to public support must be treated with caution. The results, while they provide insights into the views of RDN residents, are not necessarily an accurate reflection of the views of all. No claims are made concerning the statistical validity of the results of the survey and other participatory methods undertaken.

## HOW THE RESULTS OF THE STUDY WILL BE USED

This study presents a variety of options for approaching rural development. It is anticipated that the RDN will use the ideas presented here as discussion starters when updating OCPs in the electoral areas. Because every electoral area is different, some of the options might be more favoured or suitable in some locations than others.

Before these ideas can be implemented, supporting OCP policy must be in place. Options which are quite different from the status quo, cannot be implemented until supporting policy has been adopted through an OCP process, and implementation measures are in place.

<sup>2</sup> Online participants only

## WHAT IS THE CONCERN WITH THE CURRENT DEVELOPMENT APPROACH?

Typical subdivision design focuses on plotting basic road layouts and regularly shaped square or rectangular lots of a size according to the applicable land use bylaws. As a result, lot lines often do not respect the woods, wetlands and ecology of the area, but run through these natural features (see Figures 1 and 2). The outcome is regular but distant spacing of houses in rural areas, creating what is sometimes characterized as “rural sprawl.”

Until very recently, this has been the conventional, or status quo, approach to rural development in the RDN, as well as most other Canadian jurisdictions. Eventually, however, taking such an approach becomes counter-productive. Environmental, socio-economic and demographic conditions change. Community interests, values and expectations shift. As one participant in a community workshop conducted for this study remarked, status quo rural subdivision “takes up too much land.”

For all these reasons, what worked in the past for planning rural subdivision becomes undesirable over the long term. Today, rural land use planning and development puts less priority on establishing tidy grids and greater priority on recognizing and preserving the natural features of a place – features key to making a desirable place to live. Communities today know that they can make better choices to preserve rural lifestyle, ecologically sensitive areas and viable working landscapes if development considers environmental factors and plans for open space and clustering of site activities, buildings, services and lots.

Taking a different approach offers many **benefits:**

- Ecologically sensitive areas can be protected.
- Forest and farm lands can be preserved as working landscapes.
- Rural character and lifestyle in rural areas can be protected.
- Land owners can have more options in managing their land.
- Important viewsapes can be maintained.

Figure 1: A large rural parcel before development

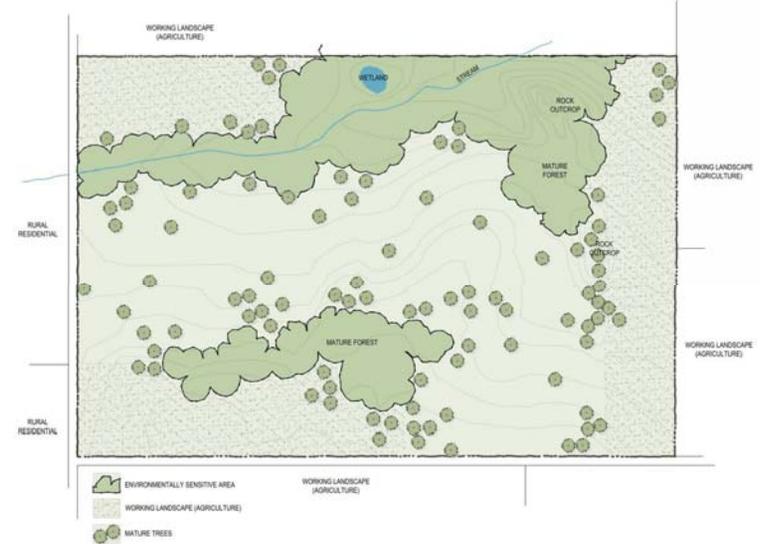
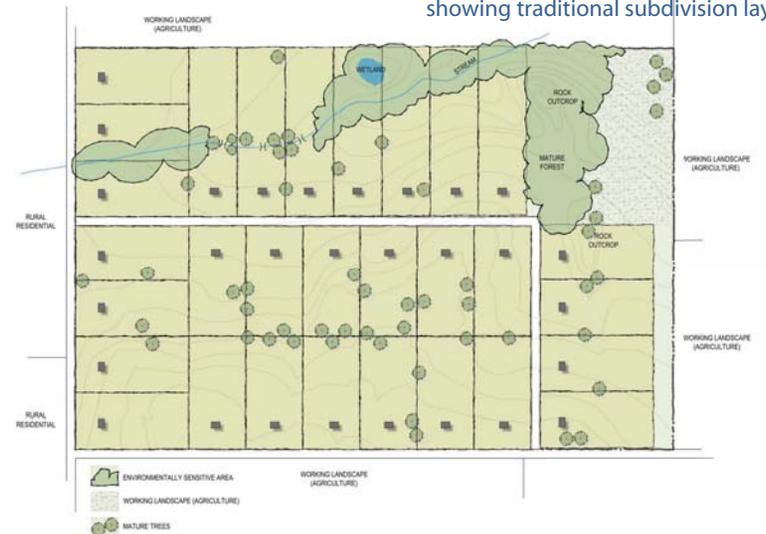


Figure 2: The same large rural parcel as in Figure 1, showing traditional subdivision layout



**Additional benefits of a development approach that differs from the status quo:**

- Improvements in air and water quality
- Soil conservation
- Protection of biodiversity and habitat
- Noise control
- Flood mitigation
- Protection of cultural and historical resources
- Connecting of people to nature
- Increased recreational opportunities
- Protection of natural beauty
- Enhanced property values
- Reduced infrastructure costs
- Improved lifestyle choices
- Tourist appeal

**WHAT IS A RURAL RESIDENTIAL AREA?**

The RGS defines a Rural Residential area as “land that is intended to accommodate primarily rural residential development... This designation mostly includes land that has already been subdivided into relatively small parcels for a rural area. It also includes land where modest future rural residential subdivision development could occur without affecting the rural economy or environmental quality.”<sup>3</sup>

Rural Residential areas are found in all electoral areas within the RDN. Totalling 11,043.2 hectares in all, these areas account for 5.6% of the entire land area of the RDN.

Of that area, 77% is considered to be developable – that is, not subject to constraints such as steep slopes, riparian setback areas, or designation as Agricultural Land Reserve or industrial land use. In terms of all developable area types within the RDN, Rural Residential areas account for 9.2% of the total.<sup>4</sup>

Rural Residential areas contain important agricultural lands that are outside of the ALR. According to an analysis undertaken as part of this project, there are 155 properties in the Rural Residential areas, with an area totalling 685 ha, that have farm status according to BC Assessment data.<sup>5</sup> In other words, these properties are working farms, outside of the ALR and inside of the Rural Residential areas.

3 RGS, p.50.

4 Based on the 2010 RDN Land Inventory and Residential Capacity Analysis report, prepared by The Sheltair Group: [http://www.shapingourfuture.ca/downloads/Regional\\_District\\_of\\_Nanaimo\\_Regional\\_Growth\\_Strategy\\_Review\\_Background\\_Report.pdf](http://www.shapingourfuture.ca/downloads/Regional_District_of_Nanaimo_Regional_Growth_Strategy_Review_Background_Report.pdf)

5 Personal communication via email, Stephen Boogaards, June 29, 2012.

# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

## CHAPTER 2: OPTIONS<sup>6</sup>

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This chapter presents a suite of options for the RDN's consideration for creating a policy framework that would encourage a more sensitive and sustainable approach to development in rural areas.

The options are organized according to three approaches:

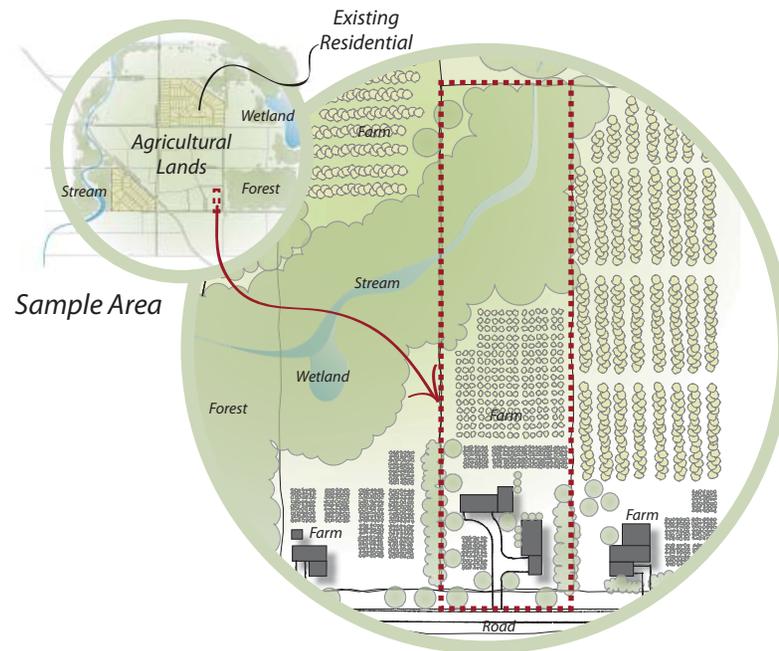
- 1. Design alternatives** – how development can be grouped at various scales, leaving more open space
- 2. Density shifting** – moving density from one property to another
- 3. Performance alternatives** – encouraging developments to meet certain goals related to rural values through incentives or regulatory means

The options highlight ways to achieve more open space, with an emphasis on the need to protect and preserve agricultural activity, silviculture (forestry) and other activities common to a working rural landscape. The consultants have also tried to show the conservation benefits of these options, where possible in our hypothetical scenarios. Conservation lands are critical for wildlife habitat, aquifer recharge, water quality, and other purposes. Sensitive development, minimizing environmental degradation, is also important to protect streams, rivers, and ultimately, water quality in the ocean.

<sup>6</sup> The options presented here have been modified from what was presented in community meetings and online, reflecting the concerns raised and the consultants' better understanding of the RDN context.

## ILLUSTRATIONS

A hypothetical sample area was developed to show some planning context, considerations and scales for the rural development options presented here. The example place, or site, is outlined with red dashed line. The arrow leads to a larger view to show more detail as to how the option might work on the land.



Lastly, the options highlight ways to protect rural viewsapes, providing the feeling of rural open space that people (residents and visitors) enjoy.

These options can work together; they are not mutually exclusive. They can be combined to achieve specific objectives in light of specific challenges or situations. All of the options depend on being supported by a comprehensive policy, regulatory and enabling implementation framework.

## **DESIGN ALTERNATIVES**

The first set of options includes five design alternatives, by which development can be planned and laid out on a site to achieve certain outcomes. For rural areas, the beneficial outcomes enhance the look and function of the working rural landscape, and its ecosystem services (such as groundwater recharge). None of these options reduces or increases development potential in rural areas.

The five design alternatives are described fully in the next few pages, and include:

1. Homestead
2. Open Space Conservation and Residential (OSCAR)
3. Flexible Residential Development (FRED)
4. Co-owned Open Landscapes (COOL) – formerly Eco-Village
5. Forestry and Large Open space conservation with Residential and Agricultural uses (FLORA) – formerly Hamlet

In these options, open space is conserved by encouraging development to cluster. Clustering does not mean creating city-sized lots in the rural areas. In some of the options discussed here, it is possible to have a large lot, but smaller than what is currently permitted by zoning (i.e., a 1-hectare lot instead of a 2-hectare lot), so that the best agricultural land is preserved for agriculture or so that groundwater recharge areas could be left undeveloped. The preserved open space can be protected in perpetuity through zoning, land dedication, conservation covenant or some other means.

# DESIGN ALTERNATIVES

## 1. HOMESTEAD

The “homestead” option clusters residential and other structures on a single lot. In BC, this option has been developed primarily to limit impacts on agricultural lands, but it can also be used to maintain other highly valued rural landscapes.

### DESCRIPTION

Clustering and possibly limiting the size of non-agricultural buildings will minimize the loss of productive lands. If the clustered buildings are near the road, it is possible to reduce the length of driveways. By limiting the size of residences and paved areas, it is possible to reduce the amount of impervious surface. By concentrating development, rainwater infiltration is enhanced for replenishing groundwater supplies. Often called a “home plate” policy because development is clustered in one area on a property, rather than being spread out.

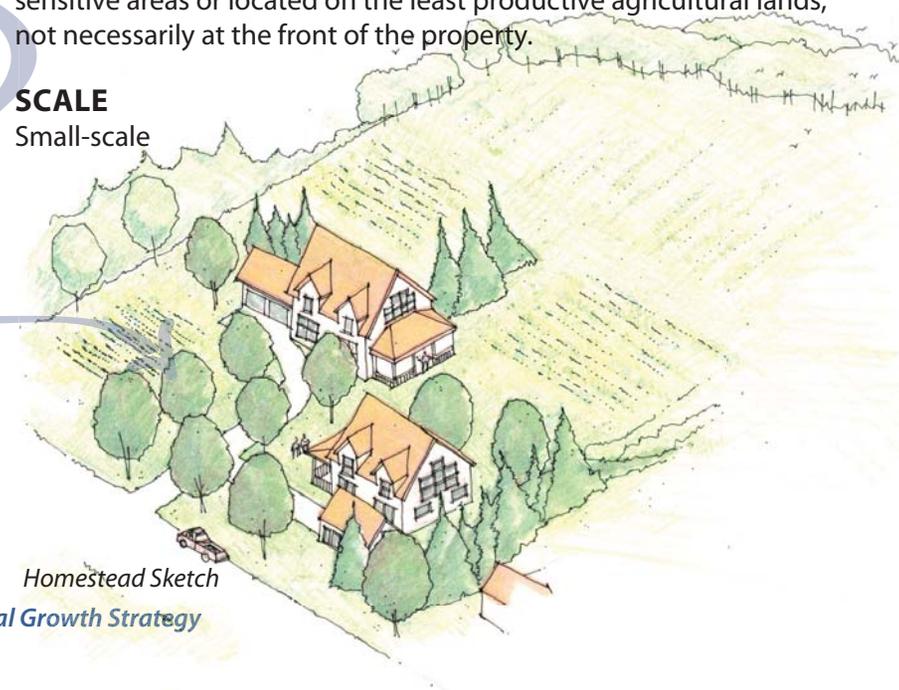
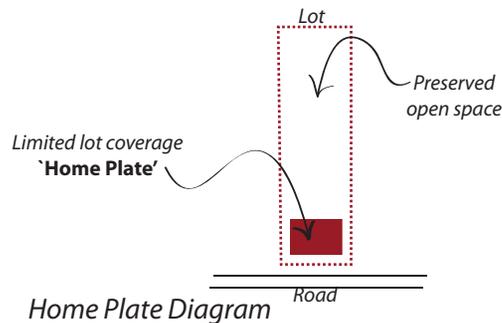
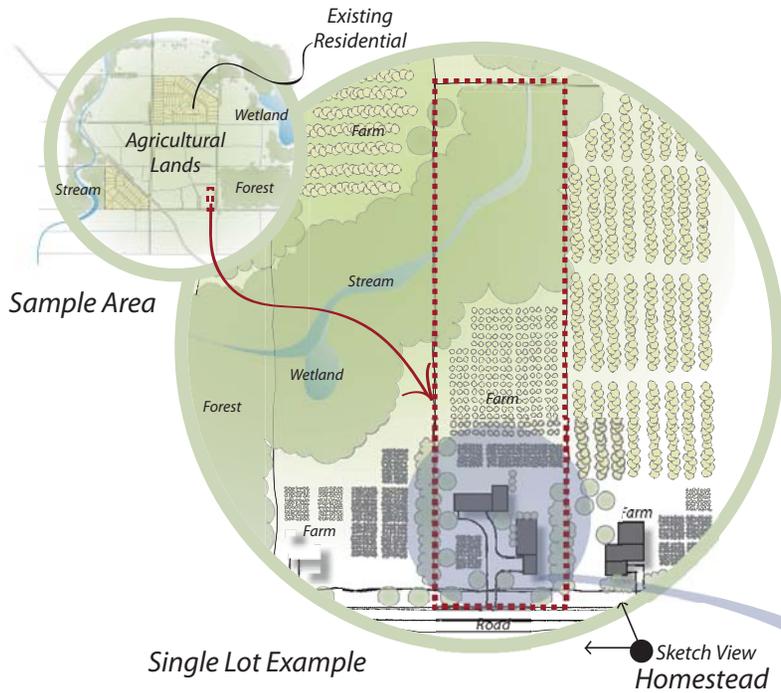
### CONSIDERATIONS

Works at the level of a single lot; privacy issues can be addressed through vegetation and design (building orientation).

Home plate areas should be located away from environmentally sensitive areas or located on the least productive agricultural lands, not necessarily at the front of the property.

### SCALE

Small-scale



**Existing Conditions Plan:**  
Existing Farm(not in the ALR).



**Large Home Option:**  
Zoning allows for 2 residences.



*The siting and large footprint of the new development increases costs, can conflict with adjacent agriculture practices, fragments the natural landscape and reduces the potential for agriculture.*

**Homestead Cluster Option:**  
2 residences - original farm house and new home.



*Residential buildings are located in an efficient arrangement near the road so that impacts to surrounding working landscapes and open space are limited.*

## IMPLEMENTATION

**OCP:** Requires supportive policy with regard to the clustering of rural residential housing and non-farm buildings.

Implementation could start with an awareness or education campaign to landowners. To be most effective, zoning provisions that stipulate home plate provisions could be adopted.

## SAMPLE OCP POLICY

Require all residential, non-farm buildings and improvements to be contained within a Home Plate area.

## COMMENTS

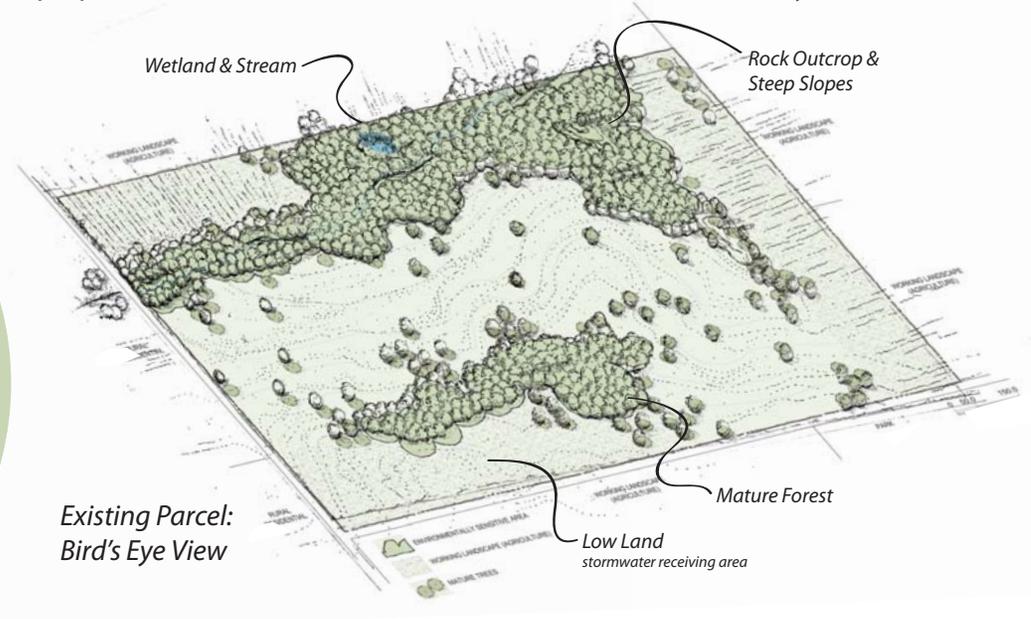
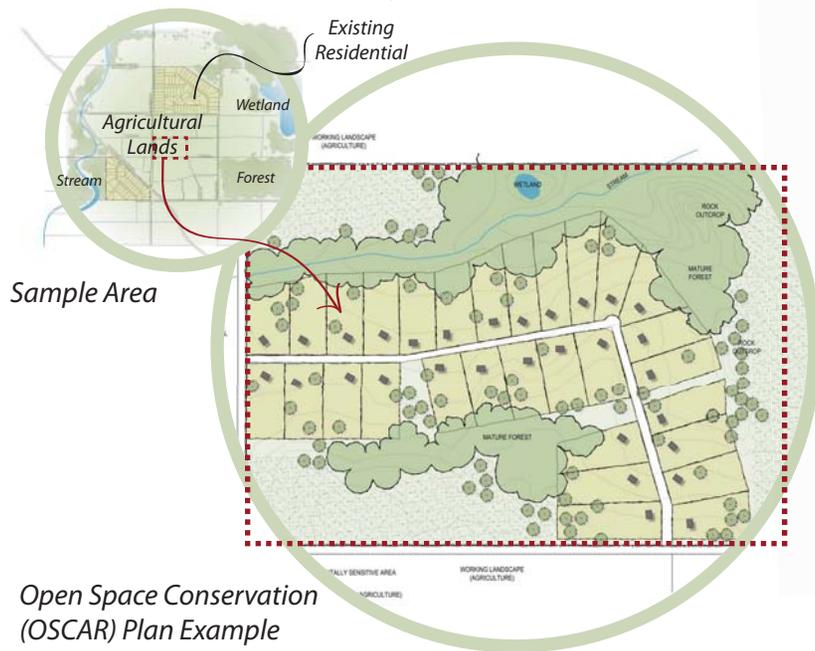
Home plate option generally applies to the construction of a permitted second dwelling and not to construction in relation to a conventional subdivision.

Communities that have developed Home Plate policies include Coldstream, Surrey, Delta, Abbotsford and Pitt Meadows. Research and guidance is available from the BC Ministry of Agriculture.

In some OCPs, rural building strata conversions are not supported. It may be possible to develop more supportive policy for such conversions on the condition that development was clustered around a home plate area.

## 2. OPEN SPACE CONSERVATION AND RESIDENTIAL (OSCAR)

In those areas with large minimum lot size provisions, the OSCAR option provides the opportunity for smaller fee-simple lots than what zoning permits while preserving a larger residual lot for agricultural, forestry or conservation purposes. The total number of lots is calculated in the same way as for traditional subdivision (no increase in density).



### CONSIDERATIONS

Need to ensure that the minimum parcel size is suitable for sustaining groundwater disposal of septic with on-site water supply, or that off-site septic disposal options are available.

### SCALE

Small-medium scale

### 2.A OPEN SPACE CONSERVATION AND RESIDENTIAL 1 (OSCAR 1)

#### DESCRIPTION

Fee simple lots on a community water system can be smaller with regular septic.

### 2.B OPEN SPACE CONSERVATION AND RESIDENTIAL 2 (OSCAR 2)

#### DESCRIPTION

If no water system is available, fee simple lots must be sized to accommodate regular septic and wells.



*Traditional Layout  
Bird's Eye View*



*OSCAR Layout  
Bird's Eye View*

## IMPLEMENTATION

**OCP:** Requires supportive policy for density averaging of rural residential development.

**ZONING:** Zoning: May require rezoning of parcels to permit smaller lots. Alternatively a regulation could be added to the zoning bylaw (or other appropriate bylaws) to make averaging a more general provision.

## COMMENTS

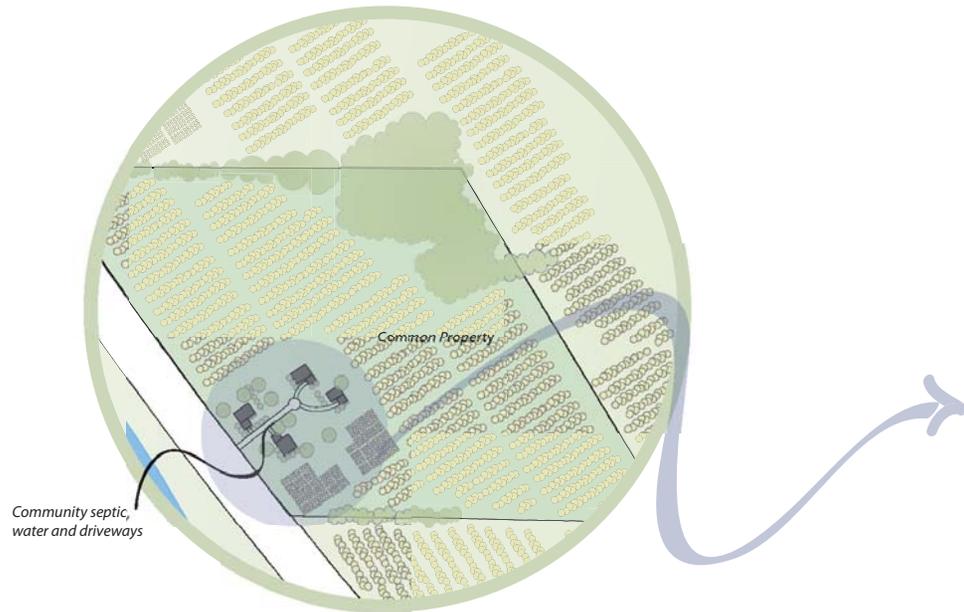
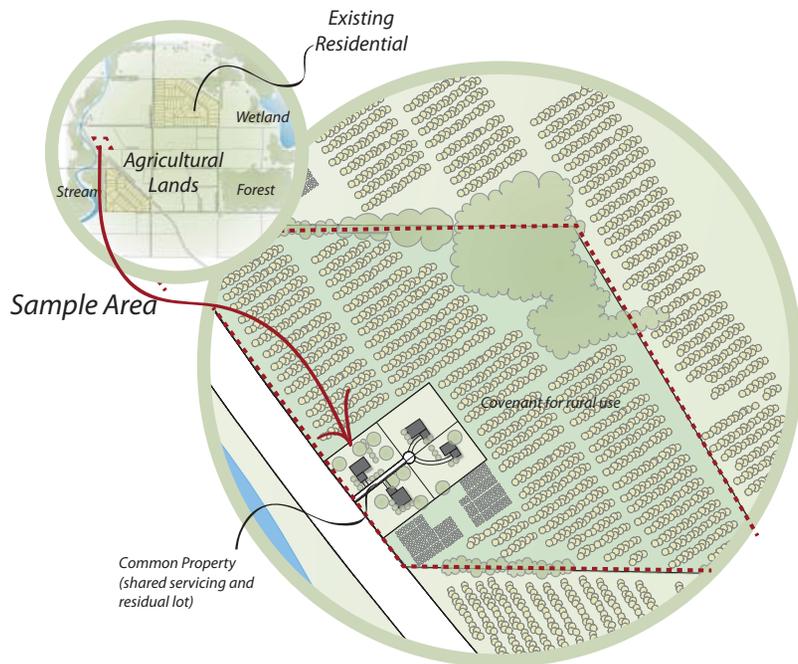
Provisions related to no further subdivision of the larger residual parcel required through the approval process. Depending on the specifics of the application, this may be done through covenant, zoning or land dedication.

## SAMPLE OCP POLICY:

Subject to being consistent with the RGS, the RDN may support the creation of more compact residential clusters, which may include smaller parcels provided the proposal does not result in more dwelling units and/or parcels than what is permitted at the time the application is made, and provided that the residual lands are protected from further subdivision and development.

# 3. FLEXIBLE RESIDENTIAL DEVELOPMENT (FRED)

Use strata land ownership options to conserve more open space by sharing servicing and road access.



*Flexible Residential Development (FRED 1) Plan Example*

## 3.A FLEXIBLE RESIDENTIAL DEVELOPMENT 1 (FRED 1)

### DESCRIPTION

Use bare land strata provisions to create smaller lots than would be permissible for fee-simple subdivision, thereby leaving open space as common property.

### CONSIDERATIONS (FRED 1)

This strategy is similar to fee- simple lot ownership by providing individual ownership choice in the development of the lots. Type of common services and use of common space is determined at time of strata subdivision. Any changes require consensus by strata owners. This technique is familiar to those well versed in land development, but is less familiar to the general population.

*Flexible Residential Development (FRED 2) Plan Example*

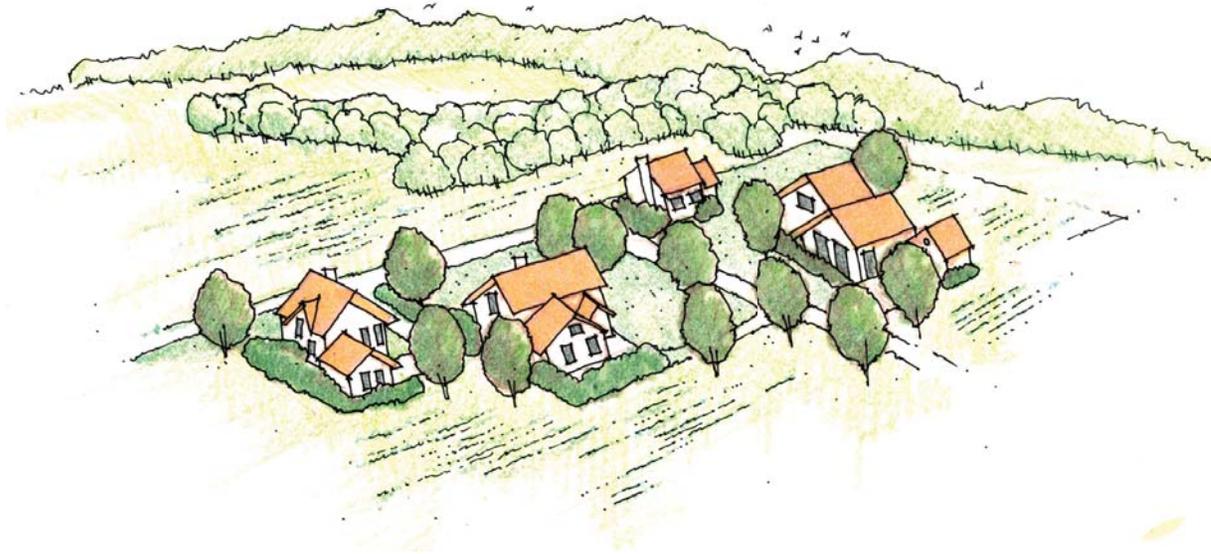
## 3.B FLEXIBLE RESIDENTIAL DEVELOPMENT 2 (FRED 2)

### DESCRIPTION

Building stratas are used to create individual housing units (instead of strata lots, as in FRED 1) while retaining the parent parcel under common ownership.

### CONSIDERATIONS (FRED 2)

This option will appeal to families or groups that share values related to the land and how it should be managed. Each member has individual title to their own homes, with shared ownership of the land and other assets such as driveways, community water and wastewater facilities. All open space, whether used for agriculture, forestry, aquifer protection or conservation is owned by the strata corporation. This option will protect more land overall than subdivision by bareland strata.



### **IMPLEMENTATION**

**OCP:** Requires supportive policy for density averaging of rural residential development.

### **SAMPLE OCP POLICY (ALSO USEFUL FOR OSCAR OPTION):**

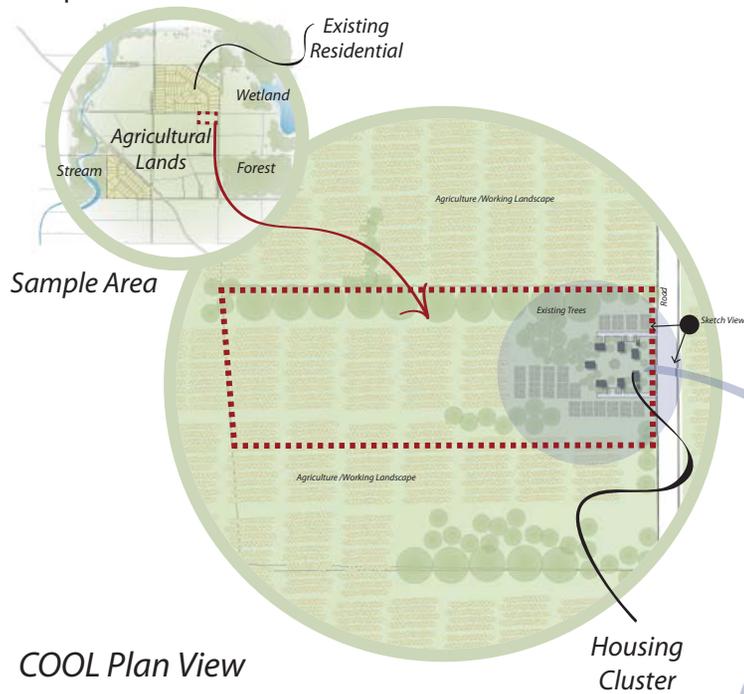
Subject to being consistent with the RGS, the RDN may support the creation of more compact residential clusters, which may include smaller parcels and/or a subdivision pursuant to the Strata Property Act, provided the proposal does not result in more dwelling units and/or parcels than what is permitted at the time the application is made, and provided that the residual lands are protected from further subdivision and development.

### **COMMENTS**

Regional examples: Fairbridge (Cowichan Valley); The Everwoods Trust for Sustainable Forestry (Cortes Island); Roberts Creek Cohousing (Sunshine Coast).

## 4. CO-OWNED OPEN LANDSCAPES (COOL)\*

Protect large parcels of agricultural or forestry land for such uses, while realizing development potential without subdivision through cooperative forms of land tenure.



### DESCRIPTION

Realize development potential without subdivision. Use a corporate form of land tenure (e.g., cooperative, private corporation, not-for-profit organization) to manage a large parcel for resource use, such as wood lot or agriculture. In case of wood lot, may also be open for trails or other recreation. Cluster the housing.

### CONSIDERATIONS

This option allows families or other groups with shared values to work together towards a common goal, such as forestry, farming or ranching while keeping the parcel intact. Residential development is permitted as an accessory use. Number of units is determined by subdivision potential.

Current OCP policy limits the number of dwellings per lot. This policy constraint must be addressed to implement this option.

### SCALE

Medium- to large-scale



\* Note: COOL was called "Eco-village" in the community engagement process.

## IMPLEMENTATION

**OCP:** Requires supportive policy for rural residential housing without subdivision to keep large parcels intact while providing adequate housing for the proposed use.

**Zoning:** Use of comprehensive development zones to set land uses throughout the parcel.

**SAMPLE OCP POLICY** For lands designated rural residential in the RGS and rural by this plan, the RDN may consider rezoning for an Eco-Village<sup>7</sup> or other form of intentional community, provided the proposal does not result in more dwelling units than what is permitted through maximum subdivision under the provisions of current zoning<sup>8</sup> at the time the application is made and that:

- a. the primary focus of the development is on sustainable forestry and/or agricultural production that promotes ecosystem function and biodiversity;
- b. the subject property is forested or proven to have agricultural potential that coincides with the agricultural uses being proposed;
- c. the residential component of the development, including accessory structures, is located on the least fertile portions of the land and does not negatively impact any sensitive ecosystems;
- d. residential use is accessory to the principal agricultural or forestry use and is located away from neighbouring property lines, where soils and site conditions warrant.

Traditional residential developments shall not be considered under this policy.

<sup>7</sup> Eco-Villages define themselves as intentional communities with the goal of becoming more socially, economically and ecologically sustainable. Some aim for a population of 50–150 individuals. Larger Eco-Villages of up to 2,000 individuals exist as networks of smaller sub-communities.

<sup>8</sup> The intent here is to show that the change in zoning that the policy allows will not increase density beyond the total number of potential lots inclusive of the number of units per new lot.

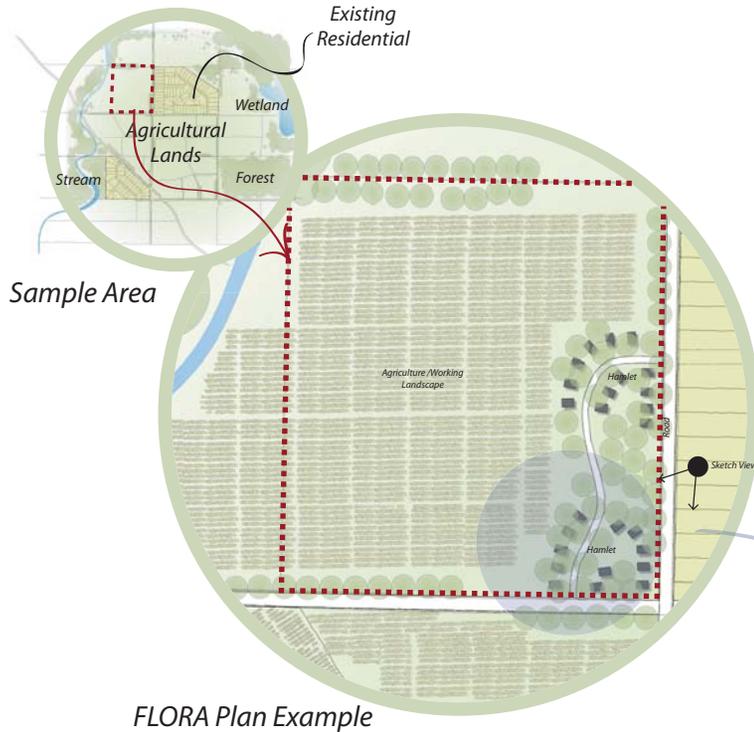
## COMMENTS

This option may be useful for family farms, non-profit organizations or cooperatives, including uses such as therapeutic or alternative communities where farming or other rural land use is part of the work of the organization.

Regional examples: Linnaea Farm (Cortes Island); OUR Ecovillage (Cowichan Valley)

# 5. FORESTRY AND LARGE OPEN SPACE CONSERVATION WITH RESIDENTIAL AND AGRICULTURAL USES (FLORA)\*

Achieving conservation goals on large parcels, employing a range of techniques through clustered housing development.



## DESCRIPTION

Use various land tenures (strata and fee simple) together with zoning protections to establish very high conservation results with good design.

## CONSIDERATIONS

The effort required is best expended where ecological or other landscape values are very high (e.g., in a large parcel with special attributes). Development can pay for the cost of protection.

## SCALE

Large-scale



\* Note: FLORA was formerly called "Hamlet" in the community engagement process.

## IMPLEMENTATION

**OCP:** New land designation will be required, with clear objectives based on parcel attributes.

**Zoning:** Use of comprehensive development zones to clarify land uses throughout the parcel.

## SAMPLE OCP POLICY

Within a FLORA land use designation, a minimum of 85%<sup>9</sup> of the total land area will be in a designated conservation area, to protect the ecological integrity and resource management of the land. Covenants will be registered on the land titles to protect the long-term ecological functioning of the land, provide long-term employment (eco-forestry and organic agriculture), ensure sustainable forestry practices and mitigate climate change impacts. Up to 15%<sup>10</sup> of the land base may be used for residential and other purposes. Development within these areas will incorporate low impact infrastructure, narrow roads and site designs that limit and contain the ecological footprint of the development.

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<sup>9</sup> The ratios could be determined through the OCP review process, either as a precise figure or as a range, ex. 70-90%. Alternatively, the policy could be written so that the ratio for any particular application could be set based on the results of an environmental assessment process.

<sup>10</sup> This ratio would also be determined through the OCP review process.

## COMMENTS

Should be supported by land dedication (in the case of conservation values), covenants related to no further subdivision and protection based on values such as agriculture, forestry or conservation, and/or comprehensive development zoning.

For such initiatives to work most effectively, some combination with density shifting (discussed as Option 6) may be appropriate to achieve the scale of development necessary to cover the costs of development.

Regional example: Elkington Forest (Cowichan Valley)

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## HIFTING DENSITY

Density shifting, also known as density reallocation or density transfer, enables local governments and landowners to protect quality land for its resource, historic or ecological values without losing the economic value of the land. Density shifting allows landowners to detach development potential from their properties, so that others can attach it to their properties. In other words, development potential is transferred from one property to another. Development potential can be donated or sold. The outcome is that current land use is protected, while development density is increased elsewhere. There is no net increase in the overall density of the region.

There are a variety of ways to accomplish this option, each requiring a different level of public or local government support. From the most simple to the more complex, density shifting options include:

6. Market driven
7. Neighbour to neighbour
8. Density registry
9. Density bank

Options 6 and 7 require only limited RDN involvement, although supportive policy must be in place through Official Community Plans (OCPs) and/or the RGS. Options 8 and 9 require significant policy development by the RDN, as well as political will and, potentially, the creation of incentives. Participation in any of the density shifting schemes is voluntary. In all cases, any density changes incurred through shifting of density must have adequate servicing to allow the development to move forward.

The density shifting options as presented here are intended to apply only to those areas designated as Rural Residential in the RGS. Should the RDN so desire, it would be possible to develop a density shifting scheme that was more broadly applied throughout the region. Such an arrangement was recently announced between the City of Seattle and King County, in an effort to protect rural areas, while increasing urban densities.

## 6. MARKET DRIVEN

### DESCRIPTION

A willing buyer and seller must come together to move development potential from one parcel to another.

### CONSIDERATIONS

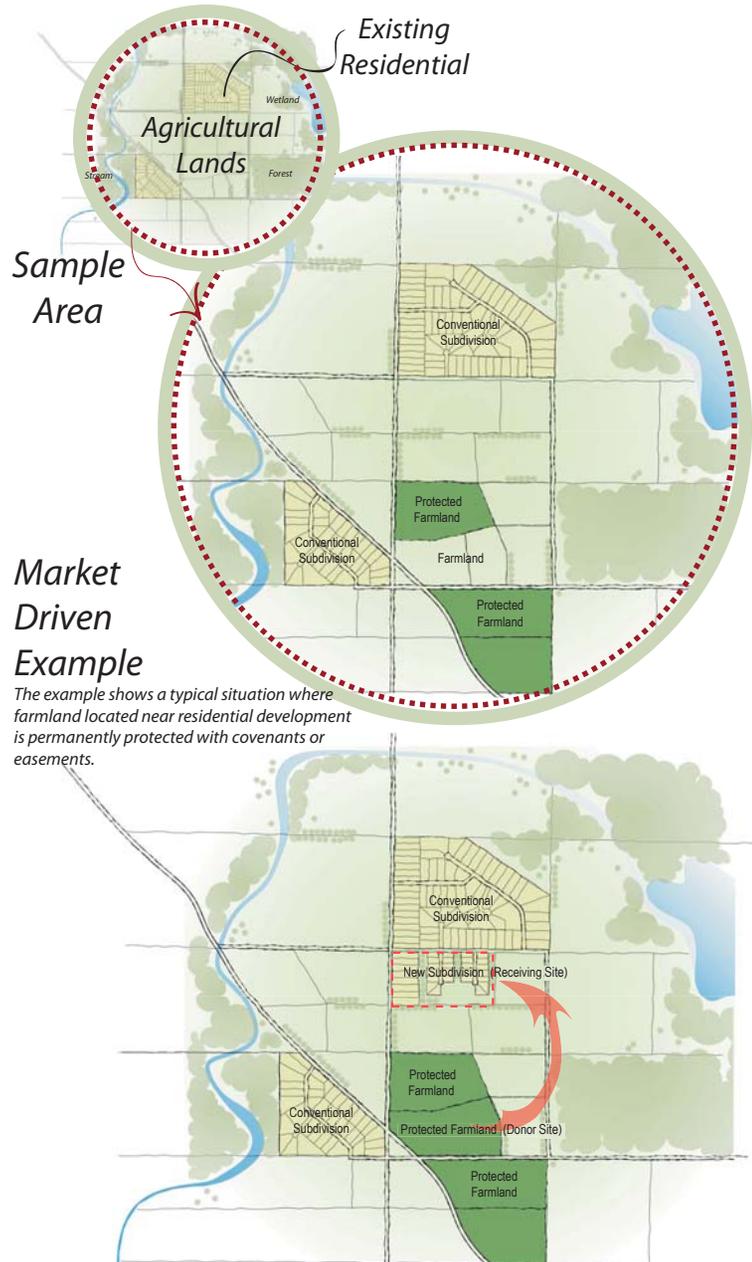
This is a voluntary measure by buyer and seller, with RDN engagement to ensure that the transaction is recorded. RDN roles may include:

- Rezoning;
- Covenant holder

### IMPLEMENTATION

**OCP:** Requires supportive policy, but otherwise the role of local government is to make sure that these agreements are recorded to protect the public interest, i.e. prevent future subdivision of the donor parcel. Could be accomplished through covenant or rezoning for donor parcel.

**Zoning:** “Receiving parcel” will require rezoning to higher density on a spot-zoning basis. Alternatively, a general provision could be written into the zoning bylaw, permitting a certain level of density transfer before rezoning is required, in accordance with supportive OCP policy.



The example shows a typical situation where farmland located near residential development is permanently protected with covenants or easements.

To maximize farmland protection, the example above illustrates an exchange of land use. Farmland is protected to form a continuous large tract. New residential development is transferred to another parcel in a more developed area. This development approach is more fitting with the land use pattern, benefiting new residents and farmers.

# 7. NEIGHBOUR TO NEIGHBOUR (landowner agreement)

### DESCRIPTION

Owners of adjoining properties plan their separate landholdings as a single entity to achieve conservation objectives as well as development objectives.

### CONSIDERATIONS

Voluntary measure, with limited RDN engagement (as compared with other density shifting options). In cases where there are agricultural lands or streams that warrant protection beyond normal standards, it might be possible for the RDN to take the initiative to suggest “neighbour-to- neighbour density reallocation” between adjacent parcels, so that local density is unaffected, but conservation and other open space goals are achieved.

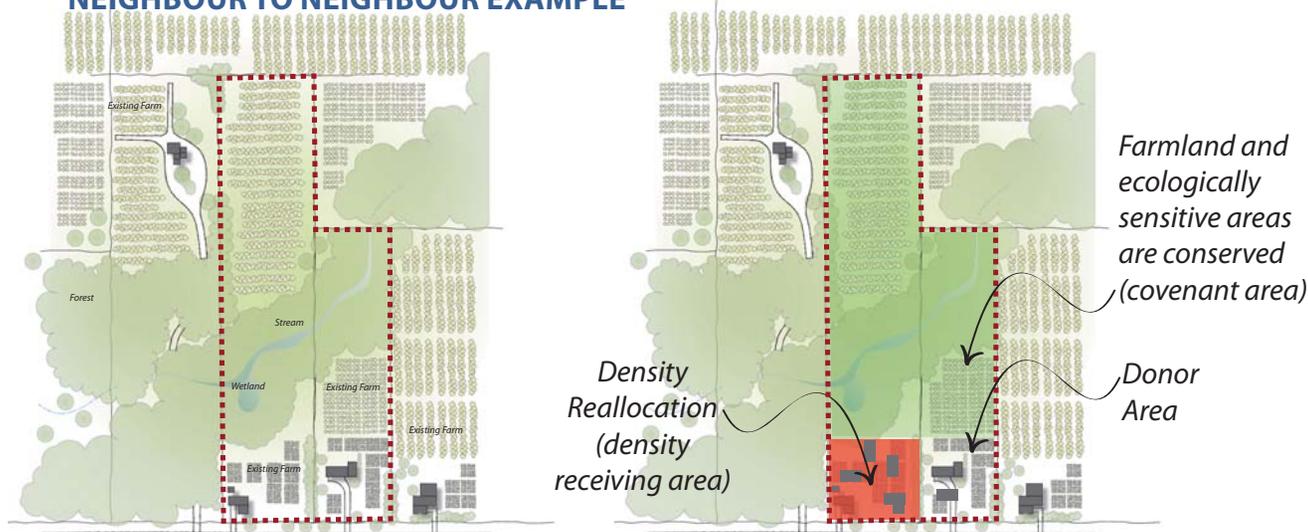
### IMPLEMENTATION

**OCP:** Requires supportive policy, but otherwise the role of local government is to make sure that these agreements are recorded to protect the public interest.

**Zoning:** “Receiving parcel” will require rezoning to higher density on a spot-zoning basis. Alternatively, a comprehensive development zone could be developed for the two parcels, and supported by covenants. Another alternative would be for the RDN to write a general provision into the zoning bylaw, permitting a certain level of density transfer before rezoning is required, in accordance with supportive OCP policy.

Landowner agreement also needed, specifying assets brought to the deal and how net proceeds will be distributed<sup>11</sup>. The RDN, in protecting the public interest, would want to have verification that such an agreement was in place prior to entertaining an application.

### NEIGHBOUR TO NEIGHBOUR EXAMPLE



Neighbour to neighbour transfer example: 2 lots, the zoning allows for a total of 6 residences.

Development potential is transferred to the adjoining property, with no net increase in the number of residential units. Remaining opens space areas are conserved.

11 Arendt, Randall (1994) Rural by Design, p. 242.

## 8. DENSITY REGISTRY

### DESCRIPTION

A registry of willing buyers and sellers of development potential is established so it becomes easier for buyers and sellers to find each other.

### CONSIDERATIONS

Ideally the registry should reside where those seeking development options would turn for advice and direction, i.e. the RDN. Alternatively, a regional real estate or other community-based organization could manage such a registry.

If a registry is established, its purposes could be broadened to include agricultural lands for lease, thereby linking farmers with land that is available for active management.

### IMPLEMENTATION

**OCP:** Requires supportive policy. Should a willing buyer and seller make use of the registry, RDN's responsibilities would be similar to those in the market-driven option.

## 9. DENSITY BANK

### DESCRIPTION

A "density bank" enables landowners in rural residential areas to sell or donate unused density to an organization without needing to find a land developer. It also serves as a ready source of development potential for land developers who require it.

To function effectively, there needs to be an organization willing to act as the "bank". Potential organizations need to have:

- a strong interest and commitment to local affairs and
- the fiscal capacity to hold (or 'bank') density for indeterminate periods.

Potential candidates for operating a density bank include: the local government (in this case, the RDN), credit unions, community foundations or land trusts.

### CONSIDERATIONS

The "density bank" concept has potential for a variety of additional benefits, as compared with other density shifting options. For example, some land owners may wish to donate density credits towards specific community objectives such as affordable housing schemes, or the preservation of land having high environmental or recreational values. Finally, the concept can reduce rural density if credits are transferred or used in village centres or urban areas where growth and density is needed and encouraged.

To be most effectively implemented, the concept of density banking requires policy that encourages the purchasing of density units. The biggest challenge is in ensuring that the market for units is as robust as possible, thereby reducing the risk to the organization acting as the "bank".

Although this project is concerned with Rural Residential areas only, it is likely that the most effective implementation of density banking requires that the option be broadened to include a larger part of the RDN. In that case, OCP policies would be needed to support the use of banked credits in rezoning applications particularly in village centre or urban areas. Such a policy might state that “rezoning to a higher density [in appropriate OCP designated areas] shall have at least XX% of density units acquired from the density bank or other density transfer mechanism.”

## IMPLEMENTATION

**OCP:** Requires supportive policy, political will and incentives for developers to access density from the bank.

## SAMPLE OCP POLICY:

### For options 6-9:

In principle, the transfer of residential development potential between properties to achieve the goals of this OCP is supported. On application by an owner of a donor site who agrees to grant a covenant in favour of the RDN to preserve and protect all or part of the donor site from future development, the RDN may consider rezoning both the donor area and the receiving site.

## The Gabriola Island Example

The Gabriola Island OCP has a policy of density banking based on donations only. “In this Plan, density banking refers to a process wherein unused residential densities are held by the Local Trust Committee for an unlimited time and for the purpose of enabling affordable multi-dwelling housing for low-income families and without any net increase to the allowed density on Gabriola Island. The deposit of one or more densities to the density bank takes place through bylaw amendments resulting from the rezoning of the property from which the density was removed for deposit into the density bank. Withdrawal of one or more densities from the density bank requires a similar amending bylaw and rezoning process.” Gabriola Island Official Community Plan, Bylaw 166, p. 17. (<http://www.islandstrust.bc.ca/ltc/gb/pdf/gbbylbaseocp0166.pdf>)

**To extend density shifting beyond the Rural Residential areas:**

In principle, the transfer of residential development potential between properties to achieve the goals of this OCP is supported. This may involve the designation of a “sending area” and a “receiving area,” showing those areas where less development is desirable (sending area), and those areas where more development potential will be acceptable (receiving area). The best means to preserve and protect a “sending area” will be considered on a case-by-case basis. On application by an owner of land in a sending area who agrees to grant a covenant in favour of the RDN to preserve and protect all or part of the sending area, the RDN may consider rezoning both the sending area and the receiving area. There will be no net increase in the number of residential units.

**COMMENTS:**

Depending on the density-shifting option selected, the OCP may require significant OCP implementation measures as well.

If it became necessary to designate sending areas, specific attributes or values would have to be identified that would determine the eligibility of a property to participate. These could include:

- All areas within a community watershed (drinking water);
- Other areas with high aquifer vulnerability, per the Vancouver Island Water Resource Vulnerability Mapping Project study conducted by Vancouver Island University
- Certain development permit areas; and/or
- Any area deemed by the RDN as worthy of preservation and protection.

The mechanisms for establishing a density bank would require careful consideration, but strong leadership by the RDN offers the best potential for success in shifting density. It is doubtful whether the real estate market is strong enough in the Rural Residential areas of the RDN alone, particularly in light of other growth management strategies, to generate significant demand for density transfers although even a small take-up of this idea in the Rural Residential areas may provide significant benefits. However, the RDN may wish to consider density transfer more broadly.

Regional examples: Salt Spring Island, Gabriola Island

# P PERFORMANCE ALTERNATIVES

This set of options looks at how to improve development performance by setting environmental performance goals. These goals could relate to a wide range of environmental objectives, such as rainwater infiltration, aquifer protection, reduction in greenhouse gas emissions, water or soil conservation, or all of the above and more.

One way to encourage better environmental performance in the development process is to provide incentives so that developers are rewarded for achieving or exceeding the set goals. Another way is to develop regulation that requires that certain standards are met. Each of these options has pluses and minuses.

It can be argued that these options do not constitute an “alternative form” of rural development, and therefore have no place in this study. It can also be argued that in light of the study’s purpose, “to prepare a suite of options to support a more sensitive and sustainable approach to development in rural areas within the RDN,” the absence of discussion on the various regulatory and incentive tools available to the District would be a disservice.

A mix of performance alternatives (both incentives and regulations), together with the flexibility of the various design alternatives and density shifting, may provide the optimal policy framework for the RDN to meet its RGS “rural integrity” goal.

## PERFORMANCE ALTERNATIVES

### **INCENTIVES:**

As policy instruments designed to create an environment in which certain types of goals are reached, incentives aim to provide value for effort. They stimulate action or greater effort in exchange for a reward of some type. They can be financial, with a monetary benefit that results from specific types of behaviour, or moral, where the benefit comes in the form of recognition and commendation. Incentives are an essential mechanism for the RDN to use in encouraging more sensitive and sustainable development in rural areas.

The incentive options presented in this report include the following:

10. Alternative development standards
11. Green Development Awards
12. Application fast-tracking or fee reductions
13. Property tax relief

# 10. ALTERNATIVE DEVELOPMENT STANDARDS

Development standards are the rules that guide the planning, design and construction of residential communities. They determine the size and arrangement of lots, the design of streets, the amount of parking, methods for managing storm water, and the location of sewer, water and utility lines.

Alternative development standards represent flexible and innovative approaches to shaping residential development in a way that is consistent with improved environmental performance of communities and with potential benefits for affordability, diversity, liveability and environmental health<sup>12</sup>. They may offer many benefits, both economic and environmental, for both the developer and the RDN.

## DESCRIPTION

Alternative development standards for roads and community servicing (water and sewer) may include:

1. Narrower road widths, which reduce development costs while better maintaining rainwater infiltration; and rural character on local roads.
2. The use of swales or ditches for rainwater management, rather than curbs, drains, and stormwater sewers.
3. Package treatment plants, which offer wastewater management options with lower land requirements.
4. Off-site and shared wastewater management options to reduce lot size requirements.

## CONSIDERATIONS

Requires agreement from Ministry of Transportation (MOTI), as the subdivision authority. May also require agreement from the Vancouver Island Health Authority, as the regulating agency for environmental health.

Alternative development standards would need to be developed, either by the developer, the RDN or MOTI. All parties would need to agree.

A full overview of RGS and OCP policies would be required to ensure that there are no barriers to the use of alternative development standards in the policy framework, with particular regard to the question of private water and wastewater systems. Any policy constraints would have to be addressed to implement this option.

## IMPLEMENTATION

OCP and RGS: Require supportive policy.

## RGS POLICY SUGGESTIONS:

In the context of the RDN's goals to "Protect the Environment" and "Enhance Rural Integrity," the RGS might reference alternative development standards for wastewater treatment to meet ecological needs, support land use designs (for clusters of density) that minimize the creation of impervious surfaces, and more. There are a range of areas where regional sustainability objectives might be bolstered by the use and implementation of green infrastructure designs and technology.

<sup>12</sup> Source: Affordability and Choice Today (ACT), a program of the Federation of Canadian Municipalities, *Alternative Design Standards: A Guide for Practitioners*, 2009.

## OCP POLICY SUGGESTIONS:

For achieving a green infrastructure approach, OCPs may include policies to address the following:

- minimizing impervious surface
- landscaping with native species to reduce the need for irrigation (also known as xeriscaping) and/or to protect existing vegetation during the development process
- diversion or reuse of waste streams
- alternative development standards for roads and wastewater treatment

OCP policy should state the community's objectives vis-à-vis the infrastructure (e.g., to reduce watershed impacts, make best use of the rainwater resources or reduce energy consumption) and identify some of the regulatory mechanisms that will support the infrastructure, such as zoning or development permit guidelines.

## COMMENTS

Example: Pine Haven, Sunshine Coast, BC:

- Community septic field
- Protection of native vegetation and biodiversity
- Viewscape protection along trails through the subdivision
- Gravel, rather than paved, roadways

Example: Rainforest Drive Subdivision, Ucluelet, BC:

- Narrowed asphalt road surface of 6.5 metres
- Pedestrian path separated from the road by elevation, rocks, trees and rock-filled swales (French drains)



Example: narrow road with separated pedestrian path, City of Vancouver.

# 11. GREEN DEVELOPMENT AWARDS

The key purpose of developing a “Green Development” recognition system is to showcase local examples of excellence in development and to provide an opportunity for the community to recognize good development. The developer can accrue marketing benefits from such recognition, while the RDN can accrue benefits in the form of greater awareness within both the development community and the RDN citizenry about more sensitive land development practices.

## DESCRIPTION

Awards recognize outstanding achievements and contributions by developers, groups and individuals in protecting or enhancing the environment.

## CONSIDERATIONS

RDN has a Green Building Recognition Program with two categories (homeowner and developer), based on results of sustainability checklist scores. This program could be expanded to recognize excellence for “green development, ” more broadly defined.

## IMPLEMENTATION

Categories and criteria for awards would need to be determined and resources put in place to staff the process, support the nominations and selection process, and organize publicity for awards event.

Can be a way to engage community through the establishment of an awards committee, where the committee members are responsible for selecting the winners.

Sustainability checklists or scorecards could be modified to assist with recognizing developments that merit recognition in a green development awards program.

## SAMPLE OCP POLICY:

None required.

## COMMENTS:

Regional examples: CRD’s EcoStar Awards; City of Nanaimo’s “Green Nanaimo” Awards; North Cowichan’s Community Planning Awards

## 12. APPLICATION FAST-TRACKING OR FEE REDUCTIONS

Because time is money in the world of real estate development, fast-tracking can be a powerful incentive to encourage development that is sensitive to rural values. However, it can also be tricky to implement, given the volume of development applications flowing through the system at any moment in time. A simpler alternative could be to offer fee reductions for excellent development applications that meet or exceed the RDN’s sustainability goals.

### DESCRIPTION

Application fast-tracking or application fee reductions are meant to reward excellent green development applications that reflect the RDN’s sustainability goals. These incentives are used to recognize the work that has gone into preparation of an application (above and beyond what is required), and rewards these applications by putting them at the “head of the queue” for application processing. Alternatively, they may be rewarded by fee reductions.

### CONSIDERATIONS

Existing legislation provides the RDN with authority to establish administrative policies for fast-tracking and fee reductions.

### IMPLEMENTATION

Would need to be undertaken in conjunction with sustainability checklists or other mechanism to determine whether an individual application met the criteria for either fast-tracking or fee reductions.

Clear criteria to be developed to determine which applications go “above and beyond” the basic requirements. Can use external standards such as LEED Neighbourhood or Build Green, or develop in-house standards.

Criteria should ensure that proposed developments: occur on sustainable site locations; consume less energy and water; produce less waste; use sustainable materials and resources; and create healthier communities and building environments.

Can also be applied to building permit applications.

### SAMPLE OCP POLICY:

None required.

### COMMENTS

Example: The City of Port Coquitlam uses a Sustainability Checklist as part of its development application process. Applications that score well on this checklist are fast-tracked through the rezoning and development permit approval processes.

# 13. PROPERTY TAX RELIEF

The key function of a property tax relief program would be to encourage the long-term private stewardship of high value conservation lands. According to the *Local Government Act*<sup>13</sup> Section 810, Regional Districts can offer tax relief for heritage properties, for a period of up to 10 years. This provision has applicability for ecologically valuable lands, if they are defined as lands with heritage value.<sup>14</sup>

This option offers an incentive to owners of property with high conservation values to save money on their property taxes, an incentive of particular value to long-term property holders who may no longer have much income.<sup>15</sup> However, it can be a complicated option to implement, both for the landowner and for the regional district. The Islands Trust example indicates that landowner participation costs can be quite high.

Despite this complexity, this option may be of assistance to the RDN in helping protect and preserve the ecological values of high conservation value lands by providing landowners an incentive to do so. This option may be beneficial beyond the Rural Residential land use designation, to other rural areas within the RDN.

Please note that this option is very different from the routine conservation measure of placing a covenant over a riparian area as part of a subdivision application. In those cases, the presence of the covenant may somewhat reduce land value assessments based on encumbrances on the land, which in turn has the potential to reduce the property taxes payable. In contrast, this option specifically waives a portion of the property taxes assessed for that part of the property with high conservation values. For example, the Islands Trust offers a 65% exemption on property taxes for the protected portion of a property (land value only) through its Natural Area Protection Tax Exemption Program. Thus, this option will have appeal primarily for committed property owners holding land with high conservation values, who are willing to forgo development potential on their land.

## DESCRIPTION

Relief from property taxes is a way to recognize, encourage and support the long-term private stewardship of conservation lands. Participating landowners retain full ownership and property rights, having voluntarily released development potential from their property.

## CONSIDERATIONS

This option is complicated to implement and would require legal advice as well as careful program development.

Property tax relief is not a revenue-neutral option, unlike the others.

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13 Section 809 addresses property tax exemptions generally, Section 810 addresses property tax exemptions for heritage properties, and Section 811 addresses property tax exemptions for riparian areas.

14 According to the *Local Government Act*, “heritage value” means historical, cultural, aesthetic, scientific or educational worth or usefulness of property or an area.

15 Both the federal and provincial governments have conservation incentive programs that offer income tax benefits to individuals who voluntarily conserve their lands.

### **IMPLEMENTATION**

**OCP:** Requires appropriate implementation measures to be identified in the OCP, to go along with the conservation goals.

Would need to set standards for the type of protection, as well as establishing a method of determining whether lands meet qualifying criteria for inclusion in the program. There are a number of bodies provincially, federally, and globally that have undertaken to set such standards. There is a wealth of information to work with to develop environmentally specific, legally defensible, and objective, measurable standards.

Due to the revenue implications, implementation needs to be linked to the RDN's corporate and strategic planning, as well as community planning processes.

Needs to be supported by conservation covenants, and may need monitoring. Could be implemented together with a 3rd party, such as a Land Trust or other conservation organization, which would be responsible for monitoring.

Implementation would be by bylaw. Specifics re the bylaw mechanism can be found in the Local Government Act, Section 810(3).

### **SAMPLE OCP POLICY:**

The RDN may consider implementing a program of property tax exemptions for voluntary conservation measures by private land owners on lands with high conservation values.

### **COMMENTS**

Regional examples: Natural Area Protection Tax Exemption Program (NAPTEP), Islands Trust, BC: offers 65% exemption on property taxes for the protected portion of a property (land value only).

### Regulation vs Voluntary Measures and Incentives

A number of policy instruments are available to local governments in BC to achieve their community goals: regulation, incentives, education/awareness programs, taxes, and voluntary measures. Of these, regulation is both the most unpopular and the most certain in terms of achieving the specified goals.

A significant amount of research exists on the question of regulation versus other types of policy measures.

While incentives and voluntary measures are a vital part of most environmental policy frameworks, other policy instruments such as regulation are needed to support the voluntary mechanisms. "Where persuasion and education fail, where enterprises are unwilling to improve their environmental performances voluntarily, and where economic instruments or voluntarism lack dependability, then regulation may be the only technique capable of exerting pressure and compelling resource users and others to protect biodiversity. Thus, even those who do not behave with economic rationality or respond to economic instruments can still be persuaded to halt destructive practices. A further advantage of regulation is the moral and educational influence that economic-based incentives lack. In some circumstances, proscription by law may be sufficient to create moral inhibitions against certain behaviour,"<sup>16</sup> thereby creating a new norm.

<sup>16</sup> Gunningham and Young, 1997, "Toward Optimal Environmental Policy: The Case of Biodiversity Conservation." Published in the *Ecology Law Quarterly*, Volume 24, pp. 278.

## REGULATORY MEASURES

Regulatory measures are another form of policy instrument. Using its land use regulatory powers, the RDN could take a tighter approach to development in Rural Residential areas to support RGS policies. The implication of regulation is that once it is developed and adopted, there will be consequences for failure to follow that direction.

The regulatory options presented in this report for the RDN's consideration include the following:

14. Redefining density – changing how development potential is defined in the zoning
15. Overlay Zone for Resource Protection – developing overlay zones to meet specific conservation goals in vulnerable areas
16. Development Permit Guidelines for various purposes

These proposed regulatory measures are meant to provide clear direction in support of more sensitive and sustainable development in rural areas. It may be that a combination of incentives and regulations would help create measures for ensuring better environmental performance by rural developments.

# 14. REDEFINING DENSITY

Existing RDN Zoning Bylaws establish the permitted density of a lot by identifying how many dwelling units are permitted per lot. However, these bylaws do not specify the building type(s) in which to accommodate those dwelling units. Aside from manufactured homes, the type of dwelling unit is generally not addressed for rural zones. This option proposes to tighten the footprint of the permitted dwelling units (not reduce the permitted number), thereby reducing their environmental impact.

### DESCRIPTION

Where two dwelling units are permitted on a lot, the zoning could require that those units be achieved through a single residential building, e.g. a single family dwelling with a suite or a duplex, rather than two separate single-family dwellings. The net effect is to permit the same number of dwelling units but reduce the number of structures, and thus, the building footprint.

### CONSIDERATIONS

This approach would encourage clustered development on individual properties by grouping dwelling units very closely and reducing the building footprint and impervious surface.

While there are many homes with suites in rural areas, this option may not reflect the community's ideas about rural living.

### IMPLEMENTATION

OCP: Requires supportive policy with regard to rural residential housing, and an implementation measure to update the zoning bylaw accordingly.

#### Zoning:

- Include definitions of various housing types.
- Include specific housing types as permitted uses in rural zones:
  - o Single family dwelling
  - o Suite (secondary, carriage house, garden suite)
  - o Duplex
- Specify maximum number of dwelling units per lot.

### SAMPLE OCP POLICY:

Where a lot in a rural residential area is permitted a maximum of two units, zoning shall require that both be accommodated in one residential structure (i.e., as a single family dwelling with suite or duplex). In cases where more than two units are permissible, at least one structure shall contain two dwelling units.

# 15. OVERLAY ZONES FOR RESOURCE PROTECTION

The purpose of zoning is to identify permitted land uses, and regulate the intensity of use, including things like lot coverage, building height, and so on. Overlay zoning is a regulatory tool that creates a special zoning district, which is placed over existing base zones (whether residential, commercial or industrial). It identifies special provisions to protect a specific resource or to guide development within a specific area (e.g., a heritage protection district, aquifer recharge area, or airport approach zone). The boundaries of the overlay zone area are determined by the resource to be protected, not by the underlying base zoning. The Agricultural Land Reserve (ALR) functions in many ways like an overlay zone.

Given specific concerns around aquifer vulnerability within the RDN<sup>17</sup>, this study proposes that overlay zones merit consideration as an option to protect aquifers and reduce their vulnerability to overexploitation or contamination.

## DESCRIPTION

Overlay zones provide additional performance regulations for developments to protect specific attributes. New developments would have to meet the standard of both the base zone and the overlay zone. Where there is a conflict in the requirements, the overlay zone would prevail.

## CONSIDERATIONS

Requires appropriate performance standards to be incorporated into a separate overlay zone regulation. Useful in areas with specific requirements, such as aquifer vulnerability areas where the standards apply irrespective of the type of land use permitted.

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<sup>17</sup> Vancouver Island University Vancouver Island Water Resource Vulnerability Mapping Project.

## IMPLEMENTATION

**OCP:** Requires policy or objectives that can be implemented through overlay zoning (e.g., aquifer protection). Designated areas would need to be shown on maps in the OCP.

**Zoning:** Requires development of overlay zones, with mapping. Zone descriptions would include performance regulations for new and existing developments based on land use. Certain land uses may be prohibited in overlay zones.

## SAMPLE OCP POLICY:

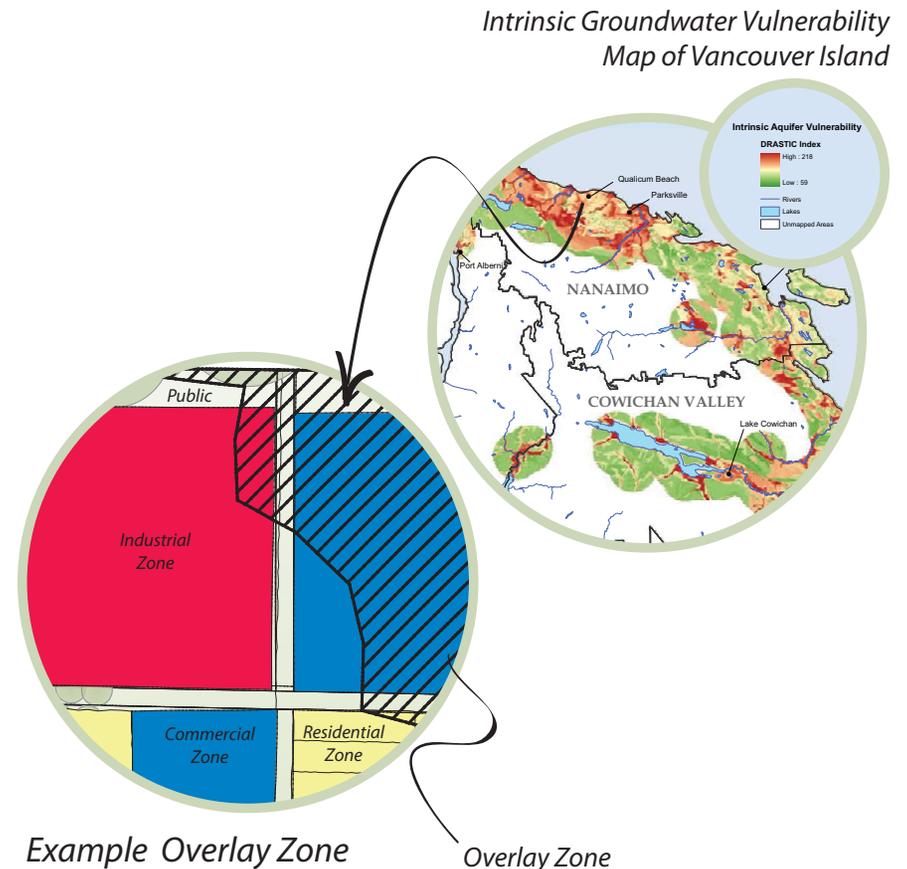
Designate an aquifer protection overlay zone to protect groundwater resources from potential negative effects of proposed development, such that incompatible land uses would not be permitted, and new development would be required to meet specific performance standards.

## COMMENTS

Overlay zones are rare in BC, but the Local Government Act, Section 903, is written in a way that supports their creation.

Examples: Corporation of Delta “Special Setbacks” section of Zoning Bylaw, to create an overlay zone to address future road widening projects; City of Prince George “Special Home Occupation” overlay zone; City of Regina’s Aquifer Protection Overlay Zone<sup>18</sup>

<sup>18</sup> The City of Regina’s aquifer protection overlay zone is designed to provide additional regulations to protect the Regina Aquifer system from contamination from development activities. This purpose is achieved by: (a) prescribing appropriate performance regulations, and allowing potential polluting land uses and operations only where the performance regulations can be fulfilled; or (b) prohibiting land uses and operations that create a risk of contaminating the aquifer. <http://www.regina.ca/opencms/export/sites/regina.ca/residents/bylaw/.media/pdf/chapter-10---overlay-zone-regulations.pdf>



Map Credit: [http://web.viu.ca/groundwater/PDF/IntrinsVulnerabilityLayout\\_Unclassed\\_PDF450.pdf](http://web.viu.ca/groundwater/PDF/IntrinsVulnerabilityLayout_Unclassed_PDF450.pdf)

# 16. DEVELOPMENT PERMIT AREAS

A Development Permit Area (DPA) is a set of development regulations pertaining to a specific area as specified by the Official Community Plan (OCP)<sup>19</sup>. The OCP must describe the special contributions or objectives that justify the DPA designation. Guidelines for how development proposed for that area can address the special condition or objectives must also be specified. Within a DPA, a property owner must obtain a development permit before subdividing land or constructing, adding to, or altering a building. A local government may issue a development permit (DP) that varies or supplements a subdivision or zoning bylaw.

Development permit areas may be established for a variety of reasons, as long as they fit with the purposes identified in the legislation. A variety of purposes may be combined into a single DPA<sup>20</sup>. Each community or jurisdiction can adopt DPAs in accordance with the needs and desires of the community.

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<sup>19</sup> The authority for local governments to establish DPAs is set out in the Local Government Act, Sections 919.1 and 920.

<sup>20</sup> Examples of combining DPA purposes:

1). Combining an environmental protection DPA with a climate action DPA can achieve broader rainwater management goals. A water conservation DPA might include strategies that reduce the demand for potable water (e.g., through low water use landscaping), and support on-site rainwater infiltration and rainwater capture for re-use.

2). Encouraging the construction of green pathways for alternative modes of transportation to reduce GHG greenhouse gas emissions, and together with connecting linked open spaces that support habitat and wildlife conservation, in turn protects the natural environment, saves energy and reduces GHG emissions. (Source: Development Permit Areas for Climate Action: A Guide for Energy Conservation, Water Conservation and GHG Emissions Reduction (2011) [http://www.toolkit.bc.ca/sites/default/files/dpa\\_guide.pdf](http://www.toolkit.bc.ca/sites/default/files/dpa_guide.pdf))

Specific purposes set out in the legislation that are relevant to this study include:

- protect development from hazardous conditions;
- protect agricultural land;
- protect the natural environment, its ecosystems and biological diversity;
- establish objectives for the form and character of intensive residential development;
- establish objectives to promote energy conservation, water conservation, and reduce greenhouse gases.

DPA guidelines are made up of objective principles, based on community policy, that need to be met in the process of approving a development application. They provide flexibility, which allows developers to respond to the guidance in a way that makes the most sense for the site. They provide comfort to community members and adjacent residents in terms of knowing what is and is not acceptable in terms of development in a particular area.

DPA's are used fairly extensively within the RDN, although the extent and nature of their use varies based on Electoral Area OCP provisions. The option presented here is that the RDN consider using the mechanism of DPAs more consistently throughout the Rural Residential areas, with a view to meeting the RGS' sustainability goals.

## DESCRIPTION

DPAs allow local governments to create site-specific requirements for development over and above basic zoning. DPA designation requires new development to conform to development permit guidelines. A permit must be obtained before a private land owner may subdivide, alter land, or construct or alter a building in a DPA.

## CONSIDERATIONS

The RDN makes use of DPAs to protect ecological values and farming in some electoral areas more than others. This mechanism, identified through OCPs, could be used more extensively within the RDN.

A permit may be able to encourage or require development to occur in areas with the least impact, or to be clustered. Could include variance to zoning provisions to support clustering.

## IMPLEMENTATION

**OCP:** Needs supportive policy, including designation of the area over which DPA guidelines must be followed, with mapping if appropriate.

**Zoning:** No change required.

## SAMPLE OCP POLICY

Designate a Development Permit Area in Section XX of this plan to protect ... [insert description of the desired area for protection], and develop guidelines to support the intent of the DPA<sup>21</sup>.

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21 Adapted from RDN Area A OCP, Section 4.3 and Section 4.4.

# COMMUNITY RESPONSES TO THE OPTIONS

As part of the community consultation process, community members were asked to respond to a consistent set of survey questions. In the community meetings, responses to the questions were gathered using “clickers;” almost everyone who attended the meetings participated in this way. The online survey asked identical questions to those that were asked in the community meetings. All responses were aggregated for analytical purposes. The numeric results, with some analysis and context information, are shown here. The verbal and written comments and concerns are addressed in the next chapter.

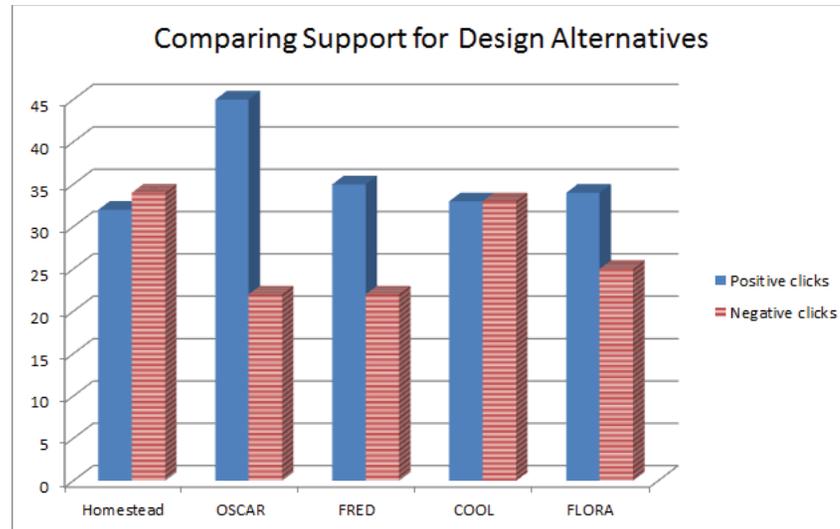
## DESIGN ALTERNATIVES

The design alternative options met with differing levels of support from community members, whether in the meetings or through the online survey. The response to the Homestead option was generally negative (46% of respondents responded to it negatively and 44% responding positively)<sup>22</sup>. This may have occurred because its implementation was presented as being through regulatory means.

The response to the Eco-Village option (now Co-owned Open Landscapes) was ambivalent, with 43% of respondents at the “Don’t like” end of the spectrum and 43% at the “I love it” end. Interestingly, in the South Wellington meeting, with the recently completed Area A OCP that contemplates the possibility of Eco-Villages, the response to this option was generally positive compared with responses from other parts of the RDN.

In contrast, the other design options were generally well supported:

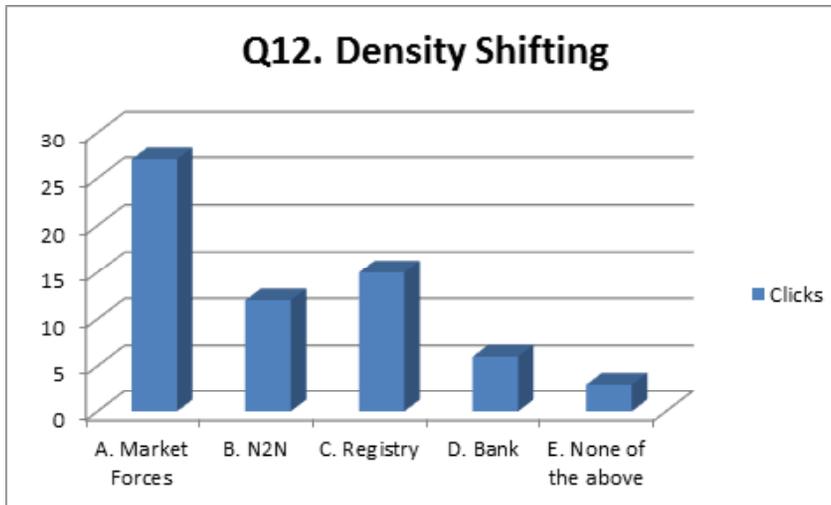
- Open Space Conservation and Residential (OSCAR): 60% positive, 29% negative
- Flexible Residential Development (FRED): 47% positive, 30% negative
- Forestry and Large Open space conservation with Residential and Agricultural uses (FLORA) – formerly Hamlet: 45% positive, 33% negative



<sup>22</sup> In reporting on the results, neutral responses were omitted. For this reason, the percentages do not equal 100%.

## DENSITY SHIFTING

Density shifting options were generally well received by the study's community participants. In response to the question as to whether or not they supported the idea of density shifting, 70% said they did. Of the proposed methods, the highest level of support (43%)<sup>23</sup> went to "leaving it to market forces." The neighbour-to-neighbour option received 19% support, and the density registry option received 24% support. The density registry option may have received the level of support it did because it is very close in nature to the market-driven option. The idea of density banking was received with scepticism: only 10% of participants selected this as the best way for the RDN to encourage density shifting. Meeting participants compared this option to carbon offset schemes, about which they also had reservations.



23 Participants were only permitted to select one option to this question.

## **PERFORMANCE ALTERNATIVES**

The options grouped together as performance alternatives are so different from one another that no summary statement can be offered.

### ***Alternative development standards***

In response to the question of whether or not the RDN should consider using alternative development standards, 66% of study participants said yes. The alternative road standards, in particular, appealed to participants.

### ***Green Development Awards***

In response to the question of whether or not the RDN should establish an awards system that recognizes green development, 60% of participants said yes.

### ***Property tax relief***

The idea of property tax relief for conservation purposes received very high levels of support among participants, with 75% in favour.

### ***Application fast-tracking or fee reductions***

Public opinion was mixed on the question of whether fast-tracking or fee reductions were fair and had merit, with 48% responding for and 38% against. At the meetings, some people suggested that all applications should be fast-tracked. This reflected the frustration many people have with the increased time requirements to process development applications. The reality is that the regulatory framework within which the RDN is functioning has become much more complex over the past decade, with significant “downloading” of what was formerly provincial responsibility onto local governments.

### ***Redefining density***

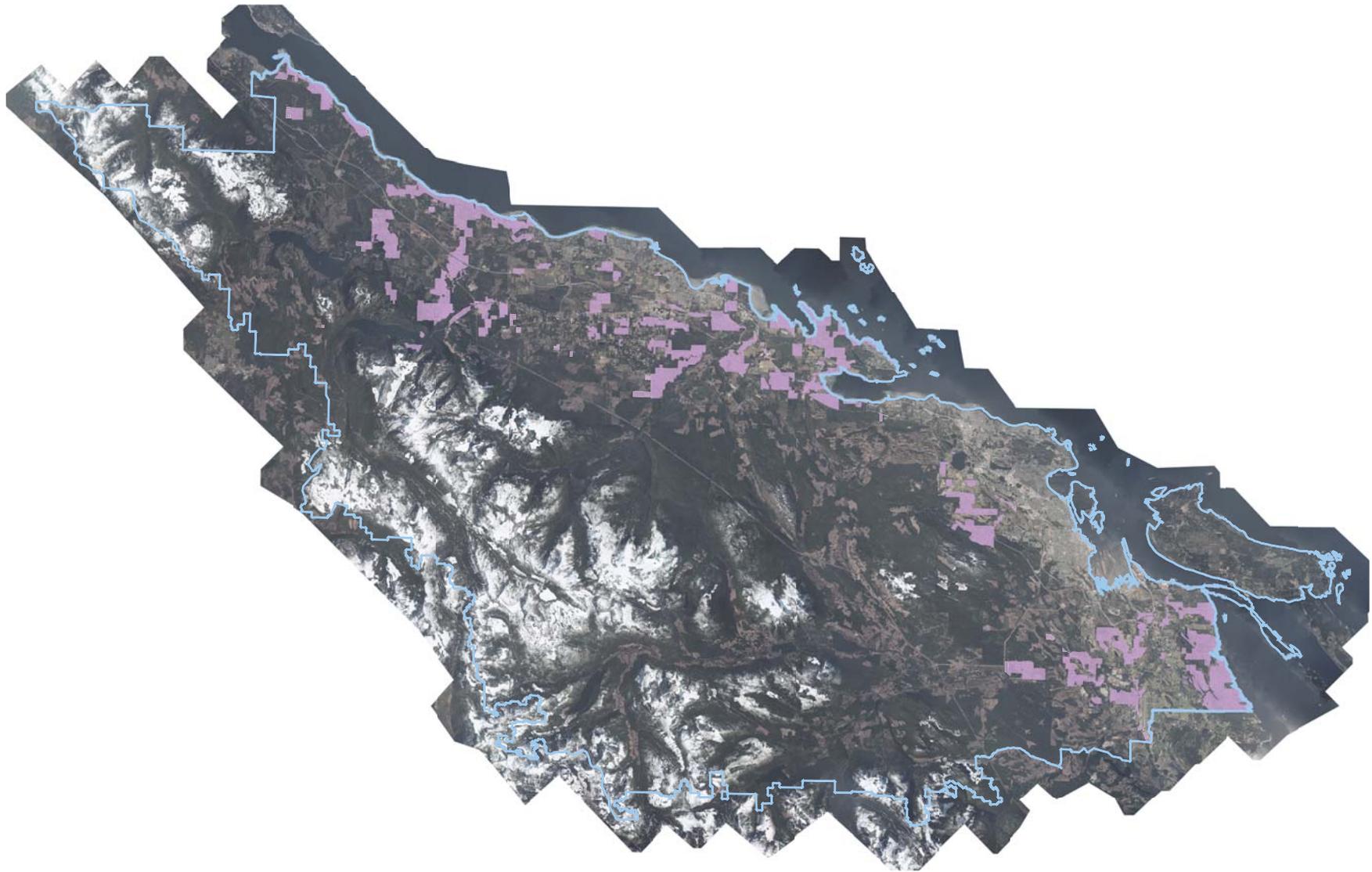
This option was highly unpopular, with 58% of participants indicating that this approach did not fit their idea of rural living. Suggestions emerging from participants included providing for alternative housing types, such as carriage suites, throughout the zoning bylaws, and considering the establishment of maximum house sizes to reduce the impact on the land.

### ***Overlay zones vs Development Permit Areas***

In the community meetings and the online questionnaire, participants were asked to evaluate the potential use of an overlay zone in comparison with greater use of Development Permit Areas. The two options were compared in terms of their respective advantages and disadvantages:

<b>OPTION</b>	<b>Advantages</b>	<b>Disdvantages</b>
<b><i>Overlay zone</i></b>	Can be addressed directly by the RDN together with regular development application review	Very complicated to anticipate every permitted use for every possible type of use; inflexible in its application
<b><i>Development Permit Area</i></b>	Provides flexibility in terms of how various standards are met (less prescriptive)	Requires an additional process step for development applications

When participants were asked which option they thought that the RDN should choose to meet conservation goals: 39% indicated that the RDN should use a combination of the two tools, suitable to the conservation goal that was being met; 12% were in favour of overlay zoning only; 14% were in favour of greater use of DPAs; and 35% said the RDN should do neither.



**Figure 3:** The map shows the RDN's Rural Residential areas in purple.



# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

## CHAPTER 3: THE COMMUNITY'S CONCERNS WITH RURAL DEVELOPMENT

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This chapter discusses the community's concerns, as expressed at the public open houses, during public meetings, as written input as part of the on-line survey, or direct email correspondence with the consultants or the RDN.

One of the challenges of the public consultation process, as became apparent in the public meetings, is that the average community member in the RDN is not clear about where the boundaries lie between the various RGS rural land use designations: Rural Village Centres, Rural Residential areas, and Resource Lands and Open Space. From the public's perspective, these boundaries are abstract, in that they do not relate to what they see and know from their own experience.

Another challenge is that most people begin to understand development potential only at the point at which it affects them directly, that is when their neighbour decides to develop. Before that, they may not know that their lot or their neighbour's has development potential, and if it does, how that development potential could affect their views and the rural surroundings.

Part of the challenge is the vast area which makes up the RDN, with its scattering of Rural Residential designated areas throughout the agricultural areas, and along the seashore. The map in Figure 3 shows the RDN's Rural Residential areas in purple.

## DEVELOPMENT POTENTIAL

The first and primary concern raised was the extent of development potential within the rural areas of the RDN, particularly the designated Rural Residential areas. Workshop participants saw the potential as being either overstated or understated. One person said that it was “hard to believe” that 18,000 dwelling units potential existed. Another noted that based on a study undertaken in Area A as part of that area’s recent OCP process, the RDN’s *Land Inventory and Residential Capacity Analysis* report may dramatically understate the development potential.

Many people said they wanted their community or neighbourhood to remain rural in nature, and they saw the options as foreshadowing dramatic and undesirable changes in community character. One participant stated unequivocally: “These options are all crap. Downzoning is needed to protect rural values.” Another wrote, “High density in rural areas only encourages sprawl. Why are you doing this? High density belongs in municipalities, not rural areas.”

**Consultants’ comments:** The various studies and analyses referred to have different assumptions for their analyses, which may explain the discrepancies in their results. But it is also possible that differences in results would emerge between a high-level analysis that was based on census and GIS data and a community-based research process that evaluated development potential parcel by parcel, using different assumptions.



## DENSITY

Density considerations were also of high concern to the community members providing feedback to this study. Use of the term, they said, felt almost like a contradiction in conjunction with the word “rural.” Density is typically associated with urban settings, which a number of participants said they had fled to seek the tranquility of rural living.

Some workshop participants voiced the opinion that “people want as much land as they can get.” By contrast, some land developers expressed the view that many of the people who were moving to the RDN were retirees who no longer wanted to maintain lots as large as those dictated by RDN bylaws yet wanted the benefit of the rural lifestyle on smaller lots.

Those who identified density as an issue focused on the question of how density would be calculated. Is it based on the maximum number attained through rough calculations or would it be based on the net developable areas of each site? The concern was raised that if it were based on the gross or theoretical density (the rough calculation), then more housing could result if the alternative options presented in this report were allowed rather than what would occur under current regulation.

*Some areas on large properties are unsuitable or are banned from building. The averaging scheme would allow the unsuitable areas to be counted towards a total build-out. – Online survey respondent, June 4, 2012*

**Consultants’ comments:** For the purposes of this study, the term “density” was used interchangeably with development potential. Under current RDN zoning, the development potential is calculated as follows: if a 20-hectare parcel were subdivided into the allowable 10 2-hectare lots, the development potential of that site is 10 dwelling units – or 20, if each single lot was permitted two dwelling units.

The RGS policy is clear: No additional density is permitted. That is, the alternative approaches cannot result in an increase in the number of lots that would be possible under conventional subdivision. The development potential for any site must be calculated in a consistent manner, whether using the conventional approach or the alternatives suggested in this report.

## PROTECTION OF AGRICULTURE AND OPEN SPACE

One of the most commented on rural values was that of the agricultural landscape. Many community members expressed concern about the viability of farming, the need to protect farm land, and the issue of food security.

*As climate change develops and fossil fuel difficulties multiply, the necessity for keeping tracts of arable land available for small-scale, local agriculture will become more evident. This necessity needs to be planned for now. – Online participant (response #2), May 23, 2012*

*Farm land needs to be preserved, sensitive areas need to be preserved. Very careful consideration of development must include long-term impact on health and food security of Island communities. – Online participant (response #3), May 23, 2012*

*I feel the RDN should NOT allow any more land out of the ALR [Agricultural Land Reserve]. Too much farm land is being taken up by housing and golf courses. It's my understanding at this time there isn't enough farm land to feed the current population of the Island. We must protect the land and farm land now. – Online participant, June 11, 2012*

*We must move constantly in the direction of protecting our water, land and air. We have [to] encourage and enforce a culture where people respect agricultural and parklands and build houses that are intelligently placed and built to minimize ecological impacts. The days of thoughtless suburban sprawl are over and we must legislate accordingly. – Online participant, June 11, 2012*

*If the property is held as strata, the counsel [sic] and voting members may decide in the future to dispose of some of the 'open space' property. – Online survey respondent, June 4, 2012.*

Another participant noted that UNESCO studies have found that 5 acres (about 2 hectares) is a viable size for agricultural activity.

**Consultants' comments:** Many of the Rural Residential areas are currently characterized by agricultural activity. An RDN Geographic Information System (GIS) analysis show that there are 155 properties with farm status in the Rural Residential areas, but outside the Agricultural Land Reserve, with an area totalling 685 ha. (This means that the agricultural income produced by the farm through the agricultural uses of the property is sufficient that the BC Assessment Authority awards farm status to the property owner for taxation purposes.)

While small-scale agriculture is a permitted use within Rural Residentially designated areas, Lantzville's recent experiences indicate how contested small-scale agricultural activity can be, particularly in areas that are characterized as "residential" in nature. It is out of the scope of this project to make recommendations as to how to better ensure food security. However, one of the goals of this study is to present alternative forms of development that have the effect of better protecting agricultural land.

Agricultural activity is varied; differing types of agriculture require different sizes of lot. Large animal husbandry or grain farming, for example, require considerably more land than orchard or truck garden types of farming operations. There are significant numbers of small lots available in the Rural Residential areas, where agriculture is permitted, to address the needs of small-scale or new farmers. Large lot agricultural land is most at risk for subdivision or use as a rural estate.

One of the directives of this project was that the residual open space created through the proposed alternative forms of development must be protected in perpetuity for rural uses. The RDN has influence over how the open space provisions of a newly formed strata are protected and maintained in perpetuity. A number of implementation measures are available to the RDN for protecting residual lands, including rezoning on a site-specific basis to prevent further development on the residual lands and instituting conservation covenants. More information about these protection options is provided in Chapter 4, "Implementation Considerations."

All the suggestions for alternative development contained in this report are predicated on appropriate provisions being made to protect residual lands from further development.



## TREES AND BUFFERS

Significant concern was expressed about trees in the rural areas, and their role in supporting wildlife, buffering properties from one another and providing privacy. One participant in the South Wellington meeting reported that she lived in the rural area because of wildlife, especially birds, and that trees were essential for maintaining bird habitat.

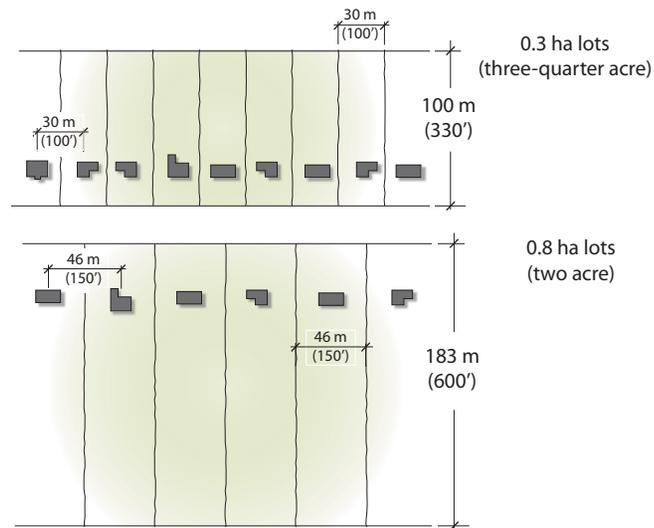
*Thank you to the RDN for caring about the environment and sustainable development. Large trees should be preserved and developers should be required to work with the environment, to build around large trees, streams, ponds, etc. – rather than destroying everything. – Online participant, June 6, 2012*

Another concern with the idea of clustering development was the impact on the neighbours, particularly if neighbouring development resulted in a major cluster of housing immediately adjacent to a relatively small rural lot.

*This clustering of housing may impact on neighbours' enjoyment of their own property. – Online survey respondent, June 4, 2012*



**Consultants' comments:** There is a widespread belief that large lots are necessary to ensure privacy in one's home or backyard. However, smaller lots in rural areas do not appreciably reduce the lot holder's enjoyment of privacy. Proper landscaping and buffering produces greater benefits related to privacy than the simple calculation of additional space. The most valuable landscaping is the preservation of mature vegetation in the development process.



*This sketch illustrates that larger lots do not necessarily provide privacy. Screening through vegetation and fences is necessary in both the 0.3 ha and 0.8 ha in examples above.*



## STRATA OPTIONS

There was lively debate as to whether or not strata options are in character with rural values.

*Condos or strata developments are not in harmony with a rural area.* – Online participant, May 23, 2012

Several meeting participants observed that only fee-simple types of development were in harmony with rural values and lifestyles. Other participants countered with information about how common strata developments are in rural areas, although they look the same as fee-simple developments, and the benefits of strata subdivisions, such as older residents having less yard work to do, but still being able to enjoy rural living.

**Consultants' comments:** In addition to servicing considerations, strata development in rural areas can offer benefits different from those in urban areas. As part of the research for this project, a number of examples were found in which strata corporations earned revenue on their common property (residual lot). In one case, the large residual lot area is leased out for agricultural purposes, enabling the strata corporation to derive income from that property, which then contributes to maintenance of the common areas and common water and septic systems. A side benefit is that the land is kept in agricultural production.

In another case, the strata corporation leases out the common open space, a forested wood lot, to a sustainable forestry trust that has the right to harvest wood. There is also a small mill on site so that the wood harvested can be processed there. Both activities contribute to the income stream of the strata corporation, covering its costs.

In both cases, the common areas are protected by conservation covenant to ensure that these uses are protected in perpetuity.

There is no doubt that strata ownership has advantages in rural situations, which can be maximized if there is a clear and shared sense of the values underlying the community created by the strata ownership mechanism and how that community proposes to treat "common" areas.

## ALTERNATIVE DEVELOPMENT STANDARDS

Alternative development standards for roads were strongly supported by workshop participants and online respondents. Generally, there was much support for narrower road widths with parallel off-road pedestrian corridors.

*I particularly liked the part that describes the narrower roads with less impervious material – make walkways gravel and separate them like in the photo with the lovely ditch between the road and walkway.* – Online participant, June 12, 2012

Sixty-four percent of survey respondents favoured the RDN pursuing discussions with the Ministry of Transportation and Infrastructure (MOTI) about alternative development standards. Concern was expressed, however, that the ministry may not be supportive of such changes.

*All the concepts suggested in this survey have a lot of merit. In conjunction with our clients we have been trying for almost 30 years to work with the RDN to implement some of these concepts. However, until the RDN becomes a District Municipality or some other form of governance where they have control and are responsible for roads, sewer, water, storm drainage etc. these concepts will be impossible to implement. For example - is MOTI going to allow changes to road standards etc for the RDN only? They are a province-wide jurisdiction and they are not going to have individual standards for specific areas.* – Online participant, June 7, 2012



*Example: alternative street design, Rainforest Drive Subdivision, Ucluelet, BC*

**Consultants' comments:** Salt Spring Island has an agreement with MOTI related to the OCP scenic and heritage roads designation policy. This agreement was recently updated to indicate road standards for designated bicycle routes as well. Similarly, the Vancouver Island Health Authority is able to make policy specific to its area of jurisdiction with regard to environmental health. It is possible to negotiate agreements for alternative development standards with other government departments.

Other than for roads, it appears that opportunities for alternative development standards in rural areas are more limited than in urban areas. For instance, while sanitary package treatment plants are available as an option for managing wastewater, the costs can be prohibitive for smaller developments.

Locating septic fields off-site is an option, as is establishing a shared septic system for several houses. If these options are pursued, they can have the added benefit of "watering" common areas and so are best suited to strata developments. Although current RGS policy requires that all systems be publicly owned, there is the potential for such a policy to be reviewed. In that case, strata corporation ownership of community wastewater treatment systems provides the RDN with the comfort of having a responsible party to manage the system.

## SERVICING: WATER, WASTEWATER AND ROADS

Development servicing received a lot of comment, because the availability of water or the need for wastewater treatment sets natural limitations on the extent of development that can go forward. In some areas, for example, the lack of water supply effectively puts the brakes on development. In other areas, poorly draining soils mean that septic fields must be engineered or lots must be much larger than perhaps originally intended.

*Will package treatment plants be allowed? Will the RDN now take on package treatment plants (they haven't in the past)? Water supply also becomes a concern. Will all properties be on wells? Will private water utilities be formed (this could create issues like Whiskey Creek)? Will properties be able to connect to RDN systems if the supply lines pass in front of their property? – Online participant, June 12, 2012*



**Consultants' comments:** In some cases, clustering can reduce servicing costs, particularly by reducing road lengths, which can be an incentive to a developer for choosing this option. Cluster development can also provide a scale and proximity of development where the use of package treatment plants or community water systems makes economic sense for the project. However, current RGS policy does not permit such systems to be developed.

One concern raised by the public is that the new servicing alternatives proposed (private roads, joint wastewater treatment and water systems) could change the fundamental basis for calculating development potential in a particular area or on a particular lot. However, the RGS policy (p. 41) states:

“10.2 [The Regional Growth Strategy does not] support the provision of new community water and/or sewer services<sup>24</sup> to land designated as Rural Residential or Resource Lands and Open Space.... The provision of community water and/or wastewater systems may be permitted provided that the:

- Full cost of service provision is paid by property owners; and
- Level of development permitted does not increase beyond the level supported by Policies [sic] 5.2 of this Regional Growth Strategy.”

The RGS policy clearly indicates that alternative servicing provisions would not increase development potential.

Prior to implementation of the alternative development standards options, a comprehensive review of the RDN's policies would have to be undertaken. Any which prevented the use of alternative development standards would have to be reviewed in light of the overall RGS direction, and changed if found to be out of alignment.

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<sup>24</sup> The RGS defines “community sewer service” as “a communal method of wastewater management. It consists of a wastewater treatment plant, recycling the treated liquid or releasing it to a waterbody or to the ground, and utilizing or disposing of the solid residues in an environmentally sound and approved manner.” The RGS defines “community water service” as “a communal method of providing domestic water. Community water systems typically include a water source (ground or surface water), treatment and/or disinfection facilities, and storage and distribution facilities”(p. 53). In both cases (water and wastewater), the services would be subject to provincial legislation or regulation.



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# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

## CHAPTER 4: IMPLEMENTATION CONSIDERATIONS

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The public consultation process provided a good indication of the range and variety of opinion amongst the RDN's citizens about the various options in support of alternative forms of rural development. However, there was no consensus on any of the options proposed. This is due to both differing views about what is appropriate for rural development, and differing needs. Different areas or situations need different approaches. For these reasons, no options have been eliminated from the discussion, so that a full palette of options is available for consideration by the RDN.

The Regional Growth Strategy (RGS) is a major policy document that has been accepted by all of the municipalities and area directors within the RDN. Primarily, RGS policy is implemented through OCPs. Therefore, the RGS provides direction for preparing or modifying OCPs so that these major policy documents are in accord with each other. In turn, OCPs may contain certain types of implementation measures (e.g., policy, DPA designations with guidelines), and give direction for the use or development of other types of implementation measures, such as zoning, other bylaws, and other programs. For its six electoral areas, the RDN has seven OCPs, some of which are quite new while others have not been updated for a while<sup>25</sup>.

This chapter summarizes key issues for the RDN to consider in contemplating the implementation of the proposed options. The focus of this chapter is on the role of OCPs in implementation of the options, both through policy and through measures to implement those policies.

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<sup>25</sup> Area A's OCP: 2011; Area G, 2008; Area E, 2005; Area H, 2003; Area F, 1999; Area C (Arrowsmith-Benson/ Cranberry-Bright), 1999; Area C (East Wellington/Pleasant Valley), 1997. It is generally good practice to review and update an OCP every five to seven years because of changing demographics, new provincial policy and other considerations.

## DESIGN ALTERNATIVES

The design alternatives presented in this report primarily address how development can be grouped at various scales to minimize the impact of development on the landscape. The five alternatives have been developed to provide different ways of protecting rural lifestyle and values without eliminating development potential. This is accomplished by reducing the footprint of development and infrastructure servicing, thereby leaving more open space for agriculture, forestry, conservation or other purposes that are compatible with the rural lifestyle. For these alternatives to be implemented, however, supportive policy must be in place, and any existing policies that might prevent the alternatives from being implemented must be modified.

It is important to note that the governing RGS policy for this project, Policy 5.13, indicates that “an OCP may make provision to allow for smaller minimum parcel sizes ... in the Rural Residential Land Use Designation provided there is no increase in the overall density or the potential number of new lots ...” The RGS does not define density. However, in the description of the Rural Residential land use designation, the RGS emphasizes minimum parcel size, and does not discuss dwelling units.

For the purposes of this study, the consultants have defined density in the Rural Residential areas as meaning the potential number of new lots that can be created under existing zoning. This definition assumes that should these lots be smaller than the minimum size required to be eligible for a second dwelling, then no second dwelling would be permitted.

Several policy issues to watch for in Rural Residential areas include those regarding community water and/or sewer services, minimum parcel sizes, number of dwelling units per parcel, density calculations and strata developments. We address these policy-related issues below.

## COMMUNITY WATER AND SEWER SERVICES

RGS policy 10.2 indicates that the RDN will “not support the provision of new community water and/or sewer services to land designated as Rural Residential ...” with a couple of exceptions. RGS policy 10.3 indicates that the RDN will “only support new community water and wastewater systems that are publicly owned.”

These policies present a major barrier for any of the options that require community water and/or sewer services, including a number of the design alternatives and the option related to alternative development standards. The RDN may wish to revisit the reasons for establishment of the existing policy framework, to determine whether these reasons remain valid in today’s context and to determine whether or not there might be reasons to soften these provisions in light of other RGS goals, notably protecting the environment, and enhancing rural integrity.

## MINIMUM PARCEL SIZES

The RDN’s OCPs are unanimous in their stated objectives to protect the rural lifestyle. Minimum parcel sizes vary by Rural Residential Land Use Designation, ranging from 2000 square meters (or five units per hectare) in Area H<sup>26</sup> to 8 hectares in size in Area G.<sup>27</sup>

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- 26 This policy assumes that community servicing is available.
- 27 Area G is unique in that it identifies three types of Rural Residential uses in its OCP:
1. Rural Residential 1 – Minimum parcel size of 1 hectare; maximum density of 1 dwelling unit per parcel.
  2. Rural Residential 2 – Minimum parcel size of 2 hectares; maximum density of 1 dwelling unit per 2 hectares to a maximum of 2 per parcel.
  3. Rural Residential 3 – Minimum parcel size of 8 hectares, with new residential development permitted at densities of 1 dwelling unit per 8 hectares to a maximum of 2 dwelling units per parcel.

To accommodate the various options for alternative forms of rural development proposed in this report, the OCPs must provide policy support for the option of smaller parcel sizes, by including a parcel size averaging provision, with no increase in total development permitted. The sample policies proposed for the OSCAR (Open Space Conservation and Residential) and FRED (Flexible Residential Development) design options could be modified to serve both situations as follows:

Subject to being consistent with the RGS, the RDN may support the creation of more compact residential clusters, which may include smaller parcels and/or a subdivision in keeping with the *Strata Property Act*, as long as the proposal does not result in more dwelling units and/or parcels than what is permitted at the time the application is made, and as long as the residual lands are protected from further subdivision.

The FLORA (Forestry and Large Open space conservation with Residential and Agricultural uses) option also requires that exceptions be made to the minimum parcel size requirements. However, in this case the overall complexity of the option is such that a unique type of policy is needed. The following is proposed:

Within a FLORA land use designation, a minimum of 85% of the total land area will be within a dedicated conservation area, to protect the ecological integrity and resource management of the land. Covenants will be registered on the land titles to protect the long-term ecological functioning of the land, provide long-term employment (eco-forestry and agriculture), ensure sustainable forestry practices and mitigate climate change impacts. Up to 15% of the land base may be used for residential and other purposes. Development within these areas will incorporate low impact infrastructure, narrow roads and site designs that limit and contain the ecological footprint of the development.

The policy proposed above was adapted from the South Cowichan OCP policy related to the Elkington Forest example, which used the percentages of 85% conservation lands and 15% development lands. Other authorities propose that major conservation gains can be achieved through ensuring 50% conservation lands and 50% development lands<sup>28</sup>. Representatives of major land holders within the RDN expressed concern about the economic implications of including percentages in the policy.

Before adopting a policy of this type, the RDN would have to go through an OCP review process. In such a case, the process would determine the appropriate percentages for allocation of land areas, or determine that the policy should be structured in such a way that the percentages are allocated through an environmental assessment in response to the specifics of the land parcel for which the designation is created.

Within the proposed developable land base in a FLORA-type of application, a variety of minimum lot sizes need to be available to suit the various land tenure types anticipated – fee simple, bare land strata and building strata – and accommodate the density within the limited land base. This can best be developed through Comprehensive Development (CD) zoning to capture all the details, including extent of open space and maximum number of dwelling units of the varying types.

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28 Randall Arendt , 1996, p. 167.

## NUMBER OF DWELLING UNITS PER PARCEL

In most areas of the RDN, one dwelling unit is permitted per parcel, with the potential for two dwelling units on parcels that are 2 hectares in size or larger. The COOL (Co-owned Open Landscapes, formerly Eco-Village) option, which focuses on non-residential uses of the land (agriculture or forestry), presents the idea of realizing development potential of the land without subdivision.

This option requires policy that is more flexible than what is currently in place. Such policy would provide the opportunity for the RDN to make exceptions to the maximum number of dwelling units permitted to accommodate the proposed land uses.

The sample OCP policy proposed for the COOL option is as follows:

For lands designated rural residential in the RGS and rural by this plan, the RDN may consider rezoning for an Eco-Village or other form of intentional community, provided the proposal does not result in more dwelling units than what is permitted through subdivision at the time the application is made and that:

- a. the primary focus of the development is on sustainable forestry and/or agricultural production that promotes ecosystem function and biodiversity;
- b. the subject property is forested or proven to have agricultural potential that coincides with the agricultural uses being proposed;
- c. the residential component of the development, including accessory structures, is located on the least fertile portions of the land and does not negatively impact any sensitive ecosystems;
- d. residential use is accessory to the principal agricultural or forestry use and is located away from neighbouring property lines, where soils and site conditions warrant.

Traditional residential developments shall not be considered under this policy.

This policy is adapted from that in Area A's OCP, policy 7.2.6, which addresses the potential for Eco-Villages in those areas designated as Rural Residential or rural in the plan.

In the policy proposed here, the number of dwelling units does not exceed the number that would be permitted if the parcel were to be subdivided to its full extent. However, the policy permits more dwelling units than would normally be allowed under current OCP policy (2 dwelling units per parcel) because the parcel is kept intact (i.e., not subdivided). The calculation of allowable units is based on the potential number in the case where the property is subdivided to its maximum extent.

Implementation would require development of a CD zone for the property, specifying:

1. where residential development can be located;
2. the number of units of each type permitted;
3. any other uses to be permitted on the property and their locations, noted on a sketch map to be included as part of the CD zone (which would be adopted by bylaw); and
4. any other agreements formed as part of the development of the CD zone.

Alternatively, the RDN may choose to use a conservation covenant to protect that portion of the property that is designated for open space, whether forestry or agriculture. The covenant could be between the property owner and a conservation or agricultural organization, with the RDN as a third party to the agreement.

Important to note: Unless exceptions are made to the existing policy regarding maximum number of dwelling units, there are serious limitations to the future use of the COOL option.

## STRATA POLICY

The FRED and FLORA options rely on the availability of policy supportive of rural strata subdivision, whether building strata or bare land strata, to better cluster development and minimize impact. These options may therefore be affected by existing RDN policies.

The RDN's strata development policies, as contained in a number of the RDN's OCPs, are summarized here:

SUPPORTIVE RURAL STRATA POLICIES		
OCP	Policy #	Policy
Area A – Cassidy, Cedar, Yellow Point, South Wellington	7.2.4	Subject to being consistent with the RGS and despite policy 7.2.2 or 7.2.3 above, the RDN may support the creation of more compact residential clusters through a rezoning on lands within this designation and designated Rural Residential in the RGS which may include smaller parcels and/or a subdivision pursuant to the Strata Property Act subject to the following ...
Area C – Arrowsmith Benson	Goal 3 2) d)	The use of the <i>Condominium Act</i> for the purpose of creating new property with separate title will be supported where feasible.
UNSUPPORTIVE RURAL STRATA POLICIES		
OCP	Policy #	Policy
Area A – Cassidy, Cedar, Yellow Point, South Wellington	7.1.5	The conversion of buildings into strata units pursuant to the Strata Property Act for the purposes of creating new property with separate titles is not supported.
Area A – Cassidy, Cedar, Yellow Point, South Wellington	7.2.7	Except where considered under policy 7.2.4 above, the conversion of buildings into strata units pursuant to the Strata Property Act for the purposes of creating new property with separate titles shall not be supported.
Area C East Wellington – Pleasant Valley	Section 4.3 4. 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 Bare Land Strata Regulations (British Columbia), shall not be supported. <sup>29</sup>
Area E – Nanoose Bay	Section 3.2 Policy 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. <sup>30</sup>

<sup>29</sup> This policy is interpreted to mean that building stratas are not supported

<sup>30</sup> This policy is interpreted to mean that building strata conversions are not supported.

The OCPs for Areas F, G, and H appear not to address the question of strata development in Rural Residential areas. Under provincial legislation, such developments would be permissible in these areas without the need for further policy development. Thus, the OCPs for Areas F, G, and H present no barriers related to strata policy for the proposed design alternatives that require strata subdivision.

In those areas where strata policies are in place, there may be some issues concerning the implementation of some of the design alternatives. For example, Area A's OCP policy 7.1.5, which applies only to strata conversions, may pose an issue where a property with an existing house is considered for the FRED option, which proposes additional strata development while keeping the existing house. The outcome would be that of creating a strata conversion for this house.

Area A's OCP policy 7.2.7, reads: "Except where considered under policy 7.2.4 above, the conversion of buildings into strata units pursuant to the Strata Property Act for the purposes of creating new property with separate titles shall not be supported."<sup>31</sup> There may be instances where strata conversions are beneficial (as in the FRED and FLORA options) without necessarily meeting all of the conditions of policy 7.2.4.

Another example of strata policy that may restrict the application of some of these alternatives is from Area A's OCP, policy 7.2.4 (d), which creates a limit on the size of strata lots. The policy reads: "With the exception of a building strata parcel, park, or public use, no parcel of less than 1.0 ha shall be created."<sup>32</sup> This policy would be interpreted as meaning that any bare land strata parcel must not be less than 1 hectare in size, which would restrict the use of the FRED 1 option (bare land strata).

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31 Area A OCP, p. 71.

32 Area A OCP, p. 70.

In its Rural Residential policies, the OCP for Area C (Arrowsmith Benson) seems to impose the most restrictive lot size policy in the RDN – "lots will have a minimum area of 2.0 hectares"<sup>33</sup> – while at the same time appearing to have the most supportive strata policy, suggesting that strata developments will be supported where feasible. It may be that in this case, feasibility is dependent on meeting the minimum lot size of 2 hectares while using the density averaging provisions of the legislation.

In contrast, the other OCP for Area C (East Wellington – Pleasant Valley), in its Development Strategy section, appears to be the most restrictive concerning strata developments. Policy 4 (c) reads:

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 Bare Land Strata Regulations (British Columbia), shall not be supported.<sup>34</sup>

This policy appears to support bare land strata developments but not building strata subdivisions. It does not present barriers to FRED 1, but would prevent the use of the FRED 2 alternative.

Clearly, the existing RDN policy framework with regard to strata development is diverse, varying significantly between electoral areas. Strata conversions seem to be discouraged as do building stratas, but bare land stratas are generally supported (assuming that the parcels created this way meet the minimum lot size).

Overall, we conclude that current policy may present barriers to any design alternatives that rely on strata development to achieve their full potential for open space protection. We anticipate that these matters would be addressed through the OCP review process in these areas.

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33 Area C (Arrowsmith Benson – Cranberry Bright) OCP, p. 6.

34 Area C (East Wellington - Pleasant Valley) OCP, p.32

## HOMESTEAD OPTION

The Homestead option addresses the construction of second residences on a single property. The option proposes that non-agricultural structures be clustered together into a “home plate,” so that the footprint of the developed area is minimized. Area A’s OCP policy 7.2.6 (c), developed for Eco-Villages, reflects a similar intent:

The residential component of the development must be located on the least fertile portions of the land and must not negatively impact the environment.

Home plate provisions, as proposed here, are a design option for an individual lot that is entitled to a second residential building. However, many communities set these provisions into the zoning regulation in order to regulate how the development of a second residential structure takes place. The RDN may wish to consider whether to strengthen this option through zoning provisions such as:

- Limited lot coverage for non-agricultural buildings
- Maximum residential size (square footage or number of bedrooms)
- Maximum footprint for built environment, excluding agricultural buildings
- Minimum and maximum front yard setbacks

Supportive OCP policy would be required before such zoning provisions would be developed.

This option may also be useful for landowners who want to ensure that their property is developed in a certain way. They would have the option of approaching the RDN to have their property rezoned in such a way that the appropriate provisions were put in place, specific to that property, so that future landowners would also be bound by those provisions.

## TREES AND BUFFERING

Trees are valuable in many ways in supporting ecosystem functioning and human habitation. They help maintain a sense of place and are integral to preserving rural identity. They also have a valuable role to play in carbon sequestration, and can help communities and local governments meet their climate change adaptation commitments.

Community participants identified the need for trees and visual buffering to assist with making the design alternatives more acceptable. Such provisions are equally valid for traditional subdivision strategies, to protect privacy and maintain rural character, as well as to provide habitat for birds and wildlife.

Many rural jurisdictions have hesitated to act to protect trees because of complexities with private forest lands, cultural traditions regarding the harvesting of wood, and concerns about intrusive regulation. However, in light of the role of trees and vegetative buffers in maintaining the look and feel of rural development, finding mechanisms to address this issue is desirable.

- One option is to have rezoning processes in rural areas require landscaping plans or other measures to address the environmental and aesthetic concerns raised by the community.
- Another option is to integrate environmental protection measures into all DPAs so that trees and vegetative buffering are mandatory elements of any development that requires a DPA.
- A third option is to require that the covenants that protect the open space in perpetuity include provisions to protect trees and buffering appropriately for the residential portions of the property. (Of course, such covenants would vary widely based on the proposed purposes for the open space.)
- Finally, if the RDN decides to move ahead with establishing a DPA for greenhouse gas emissions, applicable to subdivisions of three lots or more, the protection of natural vegetation could be built into those provisions.

### Density Shifting in Action

A Qualicum Bay meeting participant, who was familiar with a Salt Spring Island application related to transfer of development credits, spoke positively about the policy and its outcome. He related the instance of a large landowner who sold development units for \$25,000 each to a developer who needed additional density to make a project work financially.

When the landowner was questioned as to the low price for the units compared with what might have been a higher return had he developed the lots himself, the owner indicated that he was able to recoup a significant return without having to undergo the risks, time delays and processes involved in subdivision. It was a win also for the community because a large forested area was preserved.

### DENSITY SHIFTING

Generally speaking, there has not been much uptake in Canada<sup>35</sup> for the option of density shifting (also known as density transfer). However, highly successful density-shifting programs have been put in place in various jurisdictions, including Vancouver where the approach is used to conserve heritage buildings. On several of the Gulf Islands, density transfer provisions have been included in OCPs to protect the natural heritage of the islands.<sup>36</sup>

To be successful, the density-shifting options require an active real estate market. Nevertheless, evidence shows that even in small markets, density-shifting policies and procedures can lead to successful outcomes for the community, the landowner, and the developer.

In terms of the ways in which density shifting could be implemented, the market-driven option, while most popular with project participants, may not be the most effective way to implement such a policy. In the Salt Spring Island experience of using the market forces type of option, only six applications have been made since the policy was put in place, approximately 10 years. Bowen Island's experience is similar. Both are fairly small real estate markets.

Successful implementation of density shifting requires a mechanism for recording the transfer of development units so that no future landowner could argue that the land had additional development potential. This could be easily accomplished via zoning and/or conservation covenant. In the Salt Spring Island example, the two properties were rezoned as part of the density-shifting process, which is very costly and time-consuming, but has the advantage of providing the public with full notification of the proposed density changes. It also has the advantage of linking the two proposals, so that if the community wants the density shift in one area, there is peer pressure to accept it in the other area.

35 Rather than providing a framework for establishing development rights, zoning in Canada provides a framework for evaluating development potential, which is subject to other policy directives. – Source: Bowen Island OCP Update, Background Paper #3: Transfer of Density, p. 1

36 Salt Spring, Gabriola, and Bowen Islands have density transfer provisions written into their OCPs.

The disadvantage is that two rezoning processes are very costly, both in time and money, and introduce an element of uncertainty into the development process, making them unappealing. The RDN would have a number of options to address these concerns:

1. Treat the rezoning of the two properties as one process, to reduce costs and complexity; and/or
2. Initiate the rezoning processes on behalf of the applicant, absorbing the costs and the risk.

Policy discussions about how to implement density-shifting options most effectively can best take place as part of an OCP review process. The outcome of such discussions may make it possible to formulate a density-shifting policy within an OCP area that meets the needs of the local community. The sample policy proposed in this report is as follows:

In principle, the transfer of residential development potential between properties to achieve the goals of this OCP is supported. On application by an owner of a donor site who agrees to grant a covenant in favour of the RDN to preserve and protect all or part of the donor site, the RDN may consider rezoning both the donor area and the receiving site. There will be no net increase in the number of residential units.

Depending on the full intent of the community, and the outcomes of the OCP review discussions on this topic, the sample policy may need to be made more specific. For example, the community might analyze what percentage increase in density it would support, and then the OCP policy could reflect that. For instance, would it be acceptable for a property to have 50% more density than would normally be permitted under zoning, assuming that extra density was shifted there from other places? As an example: If a property was entitled to 10 dwelling units under one of these options, would it be acceptable to the community for that property to have 15 dwelling units, if 5 of those were obtained via density transfer? Or would 20–30% be more acceptable?

Further, the community might discuss what approach to density transfer would be acceptable. Would the community require that the “receiving parcel” be rezoned to higher density on a spot-zoning basis? Or both parcels be rezoned? Or would it be acceptable that a general provision be written into the zoning bylaw, permitting a certain level of density transfer before rezoning is required, in accordance with supportive OCP policy? If that were the case, what mechanisms would be put in place to protect the public interest?

The general feeling from the study’s participants is that they would rather see the density be moved from the Rural Residential areas into designated growth centres, keeping the rural areas at lower densities. The popularity of the density-shifting option can be read as meaning that density should be shifted out of the rural areas and put somewhere else.

Although the focus of this study is the Rural Residential areas only, the density shifting option is more likely to be successful if applicable to the entire RDN area. The RDN may wish to consider making it a district-wide policy so that density units from the rural areas could be transferred into the growth centres, providing increased density in the towns or village centres and transferring it out of the rural areas. This more comprehensive approach would have to be linked to the community amenity policies of the municipalities with regard to up-zoning of properties, such as agricultural land protection or other form of natural heritage protection. The larger discussion about whether or not to extend density shifting throughout the RDN would have to happen as part of an RGS review.<sup>37</sup>

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<sup>37</sup> It is important to note that increased density in the Village Centre areas is already supported by RDN policy without requiring a shift of development potential out of the rural areas. However, should the RDN decide to pursue density shifting as an option, it may also decide to encourage density transfer out of the rural areas and into areas where increased density is desirable.

## PERFORMANCE ALTERNATIVES

The last set of options relate to improving development performance, whether through incentives or regulation. At this point, public opinion favours incentives over regulation, but that pendulum could swing to the other extreme at any time.

Offering incentives is a way to encourage positive change, while regulation is a way of compelling change. Regulation also sets minimum standards that must be met, rather than providing incentives to promote performance that exceeds the minimum standard. As one meeting participant characterized the difference, “Incentives are carrots and regulations are sticks.”

Is it possible to have one without the other? Research shows that incentives work better when backed up with a system of supportive regulations.

## INCENTIVES

In this study, the positive change to be encouraged is more sensitive and respectful rural development, leading to more sustainable outcomes. The incentives presented here are meant to appeal to those aspects of human nature that respond to incentives: sense of duty to protecting the environment and community, pride in work well done, personal drive for recognition, financial rewards, and so on.

A number of these incentives can be implemented without waiting for OCP review processes because they do not require it:

- Investigation and negotiation of rural alternative development standards;<sup>38</sup> with a particular focus on rural road standards.
- Establishment of a system of Green Development Awards, building on the existing Green Building recognition programs.

38 Much work has been done over time devising alternative development standards in urban areas. However, the needs of rural areas have not received significant attention. For example, we found there is a gap in the literature about alternative development standards for slopes in rural areas. In this study, we therefore focused on development servicing rather than the challenges to developing in awkward places.

- Implementation of an application fast-tracking system for developments that score extremely well on the existing RDN sustainability checklist.

Some of the other incentives proposed would need OCP policy support before they could be implemented. For example:

- The idea of fee reductions can violate a fundamental principle, namely that development should pay for itself. Thus it would require supportive OCP policy and political will to implement.
- Implementation of a system of property tax relief for voluntary measures to reduce development potential in rural areas would need community support as well as political will and calculation of the financial implications, if any, related to the RDN’s ability to provide services.

With regard to the comments made by members of the public that the Ministry of Transportation and Infrastructure (MOTI) may be reluctant to develop alternative rural development standards: Based on the Salt Spring Island experience, it appears that the MOTI is willing to develop roads policy specific to a particular area. The Vancouver Island Health Authority (VIHA) may be willing to consider options for wastewater management as well.

## DEVELOPMENT REGULATION

The question of regulation is always controversial: A number of study participants thought that development regulation should be enhanced as soon as possible, to prevent further poor development choices. Others thought that the level of regulation should be kept as it is, and still others thought that current levels of regulation are excessive.

Zoning is the most common way of regulating development, in combination with subdivision and servicing bylaws. Any zoning change must go through a public process, which gives the community an opportunity to comment in support or in opposition to a change in land use or density. Zoning can also be effective in addressing the manner in which development takes place, although it does not generally have the flexibility of Development Permit Areas.

This study proposes only three regulatory options for the RDN's consideration:

1. Redefinition of density by changing the way that dwelling units are dealt with in the rural zones
2. Application of overlay zoning for specific resource protection
3. Greater use of the Development Permit Area mechanism, with associated guidelines, to encourage more sensitive development within Rural Residential areas

The RDN may also wish to address the "Homestead" design option through changes to the zoning bylaw, to assist with regulating the development of second residences in Rural Residential areas. Implementation of density shifting options may also require zoning bylaw modifications.

### REDEFINITION OF DENSITY

Existing RDN zoning bylaws establish the permitted density of a lot by identifying how many dwelling units are permitted on the lot. The potential for two dwelling units on a single parcel therefore results in the construction of two single-family homes.

The proposed option suggests that where two dwelling units are permitted on a lot, the zoning could require that those units be achieved through a single residential building (e.g., a single-family dwelling with a suite or a duplex) rather than two separate single-family dwellings. The net effect is to permit the same number of dwelling units but reduce the number of structures and thus the building footprint.

This option was highly unpopular with meeting participants. One reason might be that it is regulatory in nature (the regulatory options scored low). Another reason might be that living in a duplex or suite does not fit with people's ideas about rural living. However, the reality is that there are many suites in rural areas, so a third possibility is that the option was unpopular because it was perceived as potentially decreasing the density in Rural Residential areas by 50%. If each of the dwelling units on a parcel also has an (illegal) suite, then the permitted two dwelling units on a parcel quickly becomes four dwelling units. This concern was hinted at by one of the online participants:

*Once density averaging establishes clusters of housing held in fee simple, little control can be exercised to limit illegal or legal suites, thus doubling the population on the land. – On-line participant, June 4, 2012 (response #3).*

### APPLICATION OF OVERLAY ZONING

Given that the RDN does not have subdivision authority, zoning provides the strongest available mechanism for controlling development. Zoning controls land uses, certain conditions of subdivision, and (to a limited extent) site design and landscaping or buffering provisions.

The use of overlay zones is not common in British Columbia, but legislation supports its creation.<sup>39</sup> There are a number of steps involved:

1. Define the purpose of the overlay zone.
2. Map the area for the overlay zone.
3. Develop specific rules for the overlay zone, so that the purpose is achieved.

The overlay zone provisions must offer clear guidance to both property owners and the development approval body. They would include performance regulations for new and existing developments, such that existing non-compatible land uses are eventually phased out.<sup>40</sup> They must: apply equally to all properties within the overlay zone area; comply with any provincial or federal regulations; and be consistent with the governing OCP's goals, objectives and policies.

Successful development and implementation of overlay zoning requires that the local government seek technical advice related to the natural resource that is going to be protected, and involve the public to clarify issues and explain the reasons behind the zoning provisions and associated mapping of overlay zone boundaries. An educational program targeting developers and affected property

<sup>39</sup> The Local Government Act, section 903, deals with zoning bylaws.

<sup>40</sup> Certain land uses may be prohibited in overlay zones, while being permitted in the related base zones.

owners will help increase awareness and compliance with the new requirements. The process for adopting an overlay zone is the same as for any other zoning bylaw amendment.

As the City of Regina's experience shows, overlay zones are not simple to develop and, once developed, can be quite inflexible. This is both their power and their weakness.

### **GREATER USE OF DEVELOPMENT PERMIT AREAS (DPAS)**

In British Columbia, regulation of single-family housing developments – the most common type of housing in rural areas – is minimal. Aside from policy that prevents development in sensitive ecological areas or in hazardous areas (e.g., flood plains, areas with steep slopes), very little control exists over the placement of housing, architectural design or landscaping.

With recent legislative changes in the province, however, municipal and regional district governments can now establish Development Permit Areas (DPAs) for the purpose of reducing greenhouse gas emissions, conserving water and conserving energy, all of which can be made applicable to single-family dwellings. For these purposes, local governments can make requirements related to:

- landscaping (e.g., requiring drought-tolerant plantings);
- siting of buildings and other structures (e.g., requiring building orientation to capture solar energy);
- form and exterior design of buildings and other structures (e.g., requiring overhangs for shade);
- specific features in the development (e.g., requiring naturalized ponds that capture and store rainwater runoff); and
- machinery, equipment and systems external to buildings and other structures (e.g., requiring rainwater collection systems or geothermal systems).

Local governments can also make requirements related to development-wide features external to buildings, such as permeable surfaces, shared multi-purpose amenity spaces and ponds that capture and store rainwater. Such provisions can be applied to major subdivisions – that is, subdivisions that result in three or more lots – to require more ecologically sensitive development practices.

There has been little uptake of this option in the RDN's rural areas to date (Area A is an exception), perhaps because of the complexity of conserving energy in a context of rural development. Still, this mechanism provides the RDN with the possibility of acquiring new tools for addressing the challenges of status quo subdivision.

The RDN already uses DPAs, more in some parts of the district than in others. With many of the existing DPAs, single-family developments tend to be exempt from DPA provisions. In areas with newer OCPs (such as Area A), DPAs are more comprehensive and more frequently integrated.

Before deciding whether to move forward with increased use of DPAs, the RDN will need to consider the option's feasibility by assessing factors such as costs, benefits, risks and/or unintended consequences associated with undertaking a DPA. Consultation with stakeholders and professionals with specialized knowledge may assist with determining the responses to some of these questions.

### **IMPLEMENTATION MEASURES**

In considering various options to encourage alternative forms of rural development presented in this report, the RDN should take into account a number of implementation measures that are already in place, but that might need to be used more extensively or differently than they are currently:

1. increased or upgraded use of sustainability checklists
2. spot zoning of property
3. increased use of Comprehensive Development (CD) zones
4. land dedication
5. conservation covenants, and
6. development variance permits

### **SUSTAINABILITY CHECKLIST OR SCORECARD**

The purpose of a sustainability checklist or scorecard is to provide a shared basis, for applicant and the RDN, from which any individual application can be evaluated based on RGS and OCP policies. By providing sustainability criteria at the earliest development stage, the checklist/scorecard approach enables developers and their

consultants to create the most sustainable project possible, and to know the goal posts or targets they are encouraged to meet.

The RDN is already using sustainability checklists, linked to a system of Green Building financial and recognition incentives. The current focus of the RDN's sustainability checklist is on site design and building design/construction. This focus could be expanded, and the checklists could be used earlier in the process, to look at bigger questions addressed by the RGS, such as growth management, transportation connectivity, relationship to economic activity, environmental protections, and other matters related to whether or not a particular development contributes to the overall sustainability goals of the RDN.

One of the complexities of the RDN is the number of OCPs that are providing part of the policy framework, in addition to the RGS. So a question that arises is whether or not the same checklist can be applied to the whole region, or whether specific checklists should be developed for each area of the RDN, based on unique OCP policy in each area?

### **SPOT ZONING**

Spot zoning means that an individual property is subject to a zoning bylaw amendment process so that the property is specifically identified, usually by legal description, and the specifics related to the number of dwelling units permitted and the area of land to be protected are identified. The zone needs to be written in such a way that it is clear that the open space is to be protected in perpetuity.

The advantage of this method is that it is clear, and that it goes through a public process. The disadvantage, particularly for the property owner, is that it is costly and time-consuming. Extensive use of spot zoning can lead to administrative challenges if there is a significant amount of such activity, because there will be many more zones to manage.

### **COMPREHENSIVE DEVELOPMENT ZONES**

The importance of CD zones in the implementation of the various design alternatives is showcased in the "Design Alternatives" section of this chapter. CD zones are particularly effective for use with large parcels of land, where there will be multiple land uses operating in

various areas of the parcel. The adoption process is similar to other zoning bylaw amendments, in that a specific CD zone is added to the parent bylaw. Documentation of CD zones, at a minimum, includes a list of permitted uses in each area, a sketch map showing the location of these areas, together with any other agreements that are developed as part of the zone. In urban areas these agreements usually include things like the provision of affordable housing or community amenities such as parks. In the rural areas, the CD zones would be used primarily to protect the rural land uses, such as agriculture and forestry, from incursion by residential land uses.

### **LAND DEDICATION**

Land dedication involves transferring land from a private property owner to the provincial government, RDN or land trust for public use in exchange for certain development privileges, usually in association with a subdivision process. Most commonly, land is dedicated for parks or roadways, but land can also be dedicated for conservation purposes. It is important to note that when conservation values are particularly high, or an ecosystem is particularly sensitive, that land may need extra protection. Some properties owned by land trusts are not open to the public for such reasons.

### **CONSERVATION COVENANTS**

Conservation covenants are especially effective if the covenant is between the landowner and a land trust or other conservation organization, with the local government being a third party to the agreement. Any proposed change in land use or removal of the covenant requires the agreement of all three parties. Often these

covenants are structured so that one party takes responsibility for ongoing monitoring. Thus, if any unsanctioned change in land use is occurring, remedial action can be taken, whether through legal action or “rent” payments for the environmental damage.

Placing a covenant on land may lower its assessed value, by placing an encumbrance on the land: for example, preventing the landowner from subdividing or further developing the land. This encumbrance can reduce tax liability, in that the value assigned by the BC Assessment Authority may be lower than it would otherwise be, and therefore the amount of property taxes is also reduced.

To facilitate the use and review of conservation covenants, the RDN may wish to consider developing a standard template for these documents.

- Covenants are flexible in terms of what they can include, and therefore they can specifically respond to the particular needs of the land and the parties involved in the development of the covenant. They can be changed by the parties if required, and they can be applied to only a portion of any particular property rather than to the whole property.
- Under the Land Title Act, the following kinds of provisions can be included in a covenant:
  - provisions about the use of land or the use of a building on land;
  - requirements that land must be built on in accordance with the covenant, cannot be built on except in accordance with the covenant, or cannot be built on at all;
  - prohibitions against subdividing land at all or except in accordance with the covenant;
  - where the covenant applies to more than one parcel of land, provisions that parcels of land designated in the covenant and registered under one or more titles are not to be transferred separately; and
  - provisions that the land or a specified amenity in relation to the land be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state in accordance with the covenant and to the extent provided in the covenant. In this case, “amenity” includes any natural, historical, heritage, cultural, scientific, architectural, environmental, wildlife or plant life value relating to the land subject to the covenant.
- Covenants create long-term obligations for both the covenant holder and landowner. Covenant holders are often land trusts or other conservation organizations, which take responsibility for monitoring the covenant’s implementation. Often the local government is also a third party to these covenants, particularly if the covenant is one of the requirements of a land use application.
- Covenants can be used to protect lands with high conservation values. This works because the landowner, as the steward of these values, agrees to restrictions on the future use of the property to protect those conservation lands.
- Covenants can be used to restrict future uses, even if the land does not have high conservation values. An example of this would be to protect lands from further subdivision or to prevent further building on a lot in cases where clustered development was taking place.
- Covenants can incur costs and, if they are violated, they can also incur penalties for the landowner, payable to the covenant holder. Determining the violations requires monitoring, generally undertaken by the covenant holder.

## **DEVELOPMENT VARIANCE PERMITS (DVP)**

A Development Variance Permit (DVP) is an approval from the Regional District Board to vary the regulations(s) of the zoning, subdivision, development and servicing, or other bylaw for non-conforming development approvals. If a project does not conform to a bylaw regulation, a variance is required. In some instances it may be necessary to use a DVP to achieve certain clustering objectives or address parcel sizes to achieve some of the alternatives in this report.

NOTE: In some cases, DVPs may also require the approval of MOTI prior to issuance of the permit. A DVP cannot vary the land use or density. Once approved, a DVP is registered on title.

## **LINKING ALTERNATIVES**

As suggested earlier in this report, the alternatives suggested would be most effective if several were linked together. For example, to get the densities required to make development projects work from an economic point of view, the density-shifting option might allow a developer to pull together enough residential units to make the FLORA option work on a particular parcel.

Another example: If density-shifting and property tax relief options are in place, a landowner who has a parcel with both significant development potential and high conservation values might be enticed to sell the development potential, and take advantage of the property tax relief measures, which would offset the costs of entering into the necessary covenants.

The Homestead design option might have more uptake if combined with regulatory measures rather than simply being offered as an option for site design.

As the RDN works more closely with the alternatives presented in this report, more combinations will emerge, leading to creative solutions for the protection of rural areas from insensitive development.

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# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

## CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

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The purpose of this study was to look at alternative ways that development potential within the RDN’s Rural Residential areas could unfold, given the RGS growth management strategy. The development potential exists and is likely to be realized at some point in the future.

If that development potential is realized in ways that are more environmentally sensitive and proactive than what status quo subdivision requirements could lead to, the result will be, in our view, much better preservation of the rural values so important to the RDN and its communities.

The RDN has choices to make. It is our hope that the alternatives we have presented in this report will assist the district with visualizing what options and opportunities exist and making informed choices.

Key points:

- For these alternatives to be effective in achieving the community's goals, the RDN board and staff will need to demonstrate a broad commitment to doing rural development differently.

*There is the often repeated comment that we are not going to change anyone's land use designation. It is like we are all going to tiptoe around the issues and hope that everyone will volunteer to do the right thing. In the end there will need to be some changes to promote better development!*

– Email comment received May 29, 2012

- A critical part of this commitment is the need to ensure that using alternative forms of rural development, particularly the design options, is no more difficult than using traditional status quo subdivision. This means that the RDN will need to work through details of its other policies to be sure that the proposed options do not jeopardize, or are not jeopardized by, other goals or policies of the RDN (e.g., those related to rural servicing, and strata conversion).
- The provisions of the Development Approval Information bylaw should be helpful in ensuring that comparable information is received, whether for a traditional or alternative subdivision application, and therefore, that the density calculation basis is clear and transparent. This is particularly important since the RDN is not a subdivision authority in its own right, and therefore must have a clear policy foundation for the Ministry of Transportation and Infrastructure (MOTI) – which is the subdivision authority – to implement.

- To ensure the options are well understood and have a supportive policy framework, the RDN staff and Area Directors should engage development professionals and applicants, as well as other levels of government, in discussing the alternatives; and should get input from these many perspectives about ways and means to support the use of alternative forms of rural development.

*We must never forget that most people are entrenched in what they are familiar with. Those of us who are looking at alternative better ways of doing things are more open or receptive to new ideas. My reading of the audience was that, by and large, they did not understand why it was being suggested to look at other forms of development...they were rooted in the idea that we should have 1/2 acre lots from Port Hardy to Victoria and no one has given them a clear explanation that there might be better ways of doing things, with results that [are] better all round. – Email comment received May 29, 2012*

- Community advisory committees can be helpful in developing greater public awareness about what these alternatives mean, and the RDN may wish to engage the public more broadly by increasing use of such committees. The RDN has extensive experience with community advisory committees in many areas of its operations. In the area of land use planning, for example, community advisory committees are established to assist with the development of new OCPs. If the Green Development Awards option is pursued, community advisory committees can assist with identifying excellence in green development and raising awareness in the community about better forms of development.
- Several of the proposed incentive-type of alternatives can be implemented immediately, without needing to wait until supportive OCP policy is in place. For example, discussions are already underway with MOTI and Vancouver Island Health Authority (VIHA) about alternative rural development standards. Revisions to the sustainability checklist and implementation of an application fast-tracking system for worthy developments, based on the existing checklist, are both alternatives which could be implemented immediately.

## RECOMMENDATIONS

We recommend that the RDN:

1. Make a commitment to embracing and supporting more environmentally sensitive ways of undertaking rural development.
2. Consider creating a visual build-out analysis of the Regional Growth Strategy (RGS) to better understand the current strategy's policy provisions and implications.
3. Use the options presented in this study as background information for future OCP review processes.
4. Work through details of the alternatives suggested in this report relative to the entire RDN policy framework to be sure that the options do not jeopardize other goals or policies of the RDN (e.g., servicing, strata conversion).
5. Continue discussions with the Ministry of Transportation and Infrastructure (MOTI) about a joint policy for alternative development standards in the rural areas of the RDN.
6. Revisit the reasons for establishment of the existing RGS policy related to community water and sewer, to determine whether these reasons remain valid in today's context and to determine whether there might be reasons to soften these provisions in light of other RGS goals, notably protecting the environment, and enhancing rural integrity.
7. Talk with the real estate community and other development professionals about the district's openness to alternative forms of rural development, and seek their advice and input as to how best to achieve the goals of the RGS.
8. Investigate the potential for using some of the options outlined here, where OCP policy changes are not required, to create incentives for more environmentally sensitive forms of rural development in the near term.
9. Consider increased use of community advisory committees in land use planning work.
10. Develop templates for conservation covenants.

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# ALTERNATIVE FORMS OF RURAL DEVELOPMENT

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## SUPPORTING RDN POLICY

### Regional Growth Strategy, Goal 5 “Enhance Rural Integrity”

#### Area A Official Community Plan:

##### Section 4 – Protecting the Natural Environment

Policy 4.1.8 – Despite the minimum parcel sizes supported by this plan, the creation of new parcels less than the minimum parcel size supported by this plan and located within a smaller footprint of the parent parcel may be supported to protect and/or enhance an environmentally sensitive feature without an amendment to this plan, provided the overall number of parcels and density is consistent with the current zoning and the environmentally sensitive feature is permanently protected. Density and/or the number of potential parcels shall be based on the buildable area taking into account site constraints, not the overall parcel size. It is recognized that a rezoning and an amendment to the RGS may be required.

Policy 4.2.4 – Creative development proposals which enhance and/or provide protection to a watercourse shall be supported including clustering of development, density averaging, covenant protection, park land dedication over and above the minimum 5% requirement, providing green space and other methods. A rezoning and/or amendment to the RGS may be required.

##### Section 5 – Creating a local food system

Policy 5.1.13 – Despite policy 5.1.12 above, subject to approval from the Agricultural Land Commission, and subject to being consistent with the RGS, the RDN may support the creation of more compact residential clusters through a rezoning or Development Variance

Permit (DVP) on lands within this designation which may include smaller parcels and/or a subdivision pursuant to the Strata Property Act subject to the following [9 provisions follow].

Policy 5.1.14 – This plan supports the use of conservation covenants for the preservation of environmentally sensitive features. However, it is recognized that agricultural considerations must be taken fully into account when the use of a conservation covenant for the preservation of environmentally sensitive features is being contemplated.

Policy 5.1.15 – This plan supports a feasibility study looking at the use of conservation covenants and transfer of development credits for the preservation of farm land.

##### Section 7 “Protecting Rural Integrity and Functioning Rural Landscapes”

Section 7.1 Implementation Action – Conduct a public process for considering implementation of minimum parcel sizes (see appendix 3 of the Area A OCP for details)

Policy 7.2.4 – Subject to being consistent with the RGS and despite policy 7.2.2 or 7.2.3 above, the RDN may support the creation of more compact residential clusters through a rezoning on lands within this designation and designated Rural Residential in the RGS which may include smaller parcels and/or a subdivision pursuant to the Strata Property Act subject to the following: [7 provisions follow].

Policy 7.2.6 – For lands designated rural residential in the RGS and rural by this plan, the RDN may consider rezoning for an eco-village subject to the provisions contained in Policy 7.2.4 above and the following: [9 provisions follow].

## Section 8 - Creating a vibrant and sustainable economy

Policy 8.10.5 – It is recognized that an RGS amendment may be required to recognize the full extent of the South Wellington Rural Community Land Use Designation as an area where a limited amount of local commercial could be developed. This plan supports the RGS recognizing the lands within this designation as a local neighbourhood centre (a step below a village centre in terms of density and intensity of use) which is not intended to be provided with community water or community sewer for the purpose of facilitating additional development.

Area A OCP, Appendix 3 – “Controlling Growth on Lands Located Outside of the GCB’s”

### **Area G Official Community Plan**

#### Section 2 – Protecting the Natural Environment

##### Section 2.1 – Environmentally Sensitive Ecosystems

Policy 7 – Despite the minimum parcel sizes supported by this Plan, the creation of new parcels less than the minimum parcel size supported by this Plan and located within a smaller footprint of the parent parcel may be supported to protect and/or enhance an environmentally sensitive feature without an amendment to this Plan provided the overall number of parcels is consistent with the current zoning and the environmentally sensitive feature is permanently protected. It recognized that an amendment to the policies related to Goal 3 – Rural Integrity of the Regional Growth Strategy is required in order to permit parcel clustering.

Policy 8 – Density transfer from a parcel located outside of the UCB to a parcel inside the Urban Containment Boundary may be

supported without an amendment to this Plan subject to compliance with the Regional Growth Strategy in order to protect and enhance an environmentally sensitive feature.

#### Section 2.2 – Freshwater Management

Policy 8 – Rezoning to permit parcel averaging within the parent parcel(s) may be supported without an amendment to this Plan, subject to compliance with the Regional Growth Strategy, in order to protect and enhance an environmentally sensitive feature in accordance with the following: [5 provisions follow].

Policy 9 – Density Transfer from a parcel located outside of the Urban Containment Boundary to a parcel inside of the Urban Containment Boundary may be supported without an amendment to this Plan, subject to compliance with the Regional Growth Strategy in order to protect and enhance an environmentally sensitive feature.

Policy 11 – Creative development proposals which enhance a watercourse and/or provide protection to a watercourse shall be supported including clustering of development, density averaging, covenant protection, park land dedication over and above the minimum 5% requirement, providing green space, and other methods.

#### Section 2.8 – Sustainable Development Practices and Climate Change

Policy 8 – Comprehensive development proposals that consider the full life cycle of input materials and process by-products as well as seek to minimize energy and raw materials use, minimize waste, and that build sustainable economic, ecological and social

relationships (eco-industrial networking) are supported (may require a Regional Growth Strategy amendment).

### Section 3 – Containing Urban Sprawl

#### Section 3.1 Urban Containment Boundary

Policy 12 – Despite the maximum densities supported by this Plan on lands within the Urban Containment Boundary, additional density within the urban containment boundary may be considered where density is transferred from a parcel outside of the urban containment boundary to a parcel located inside [sic] the urban containment boundary in accordance with Policy 8 of Section 2.1 Environmentally Sensitive Features and Policy 9 of Section 2.2 Freshwater Management of this Plan. The suitability of the density transfer shall be determined through the rezoning purpose.

### Section 8 – Creating a vibrant and sustainable economy

#### Section 8.2 – Forestry

Policy 4 – Despite Policy 3 above, the RDN may consider applications to permit development within a smaller footprint and/or a density in accordance with Section 5.2 of this Plan. It is noted that a Regional Growth Strategy amendment is required.





Response 1: High density in rural areas only encourages sprawl. Why are you doing this? High density belongs in municipalities, not rural areas.

**June 13:**

Response 1: Deep Bay is governed by an OCP. We dont wish to change it. Developers and the RDN might like to...but the 1500 folks living here do not wish to do so. We dont want high density housing out here. We certainly dont need more camping spots; the ones we have never fill up in the peak of the season. We dont want street lights or side walks and we certainly do not want a sewage treatment plant. Septic systems are at the peak of efficiency, too bad one cannot say that about your one stage sewage plants that stink up Ladysmith, French Creek, Neck Point...WE LIVE RURAL IN DEEP BAY BECAUSE WE DO NOT WANT TO LIVE IN A CITY. our OCP speaks to large lots and thats the way we want it. SINGLE FAMILY HOMES. ok got it? leave it alone.

**June 12:**

Response 1: I think our idea of rural living is a bit skewed. In many places there are huge farms with clusters of buildings housing family, extended family, farm help and agricultural buildings close together. This leaves all the servicing and development in one area, with huge tracts of land free for agricultural use or forests, etc.

There is no reason NOT to cluster these homes/services/buildings together other than our desire for privacy and being 'away' from our neighbours. I think the kinds of developments proposed (hamlets, etc) would be beneficial in creating a community feel as well as leaving natural and agricultural open spaces for us all to enjoy.

I particularly liked the part that describes the narrower roads with less impervious material -- make walkways gravel and separate them like in the photo with the lovely ditch between the road and walkway.

Thank you for asking for my input. I actually live in Area F but on the boarder with H .. another weird thing where I live on Meadowood surrounded by Area G and H, but the back side of F comes up to catch my part of the street. I think the boundary should be reconsidered since I have less in common with Errington and Coombs than I do with my surrounding neighbourhoods of Dashwood, Qualicum Bay, etc.

Response 2: Some of the challenges and concerns area as follows:

- 1.) If density can be transferred (ie bought and sold) this somewhat equates to buying zoning therefore it needs to be very carefully thought through. Depending on the amount of density allowed to transfer, some properties could have significant density increases which could impact neighbours.
- 2.) Minimum parcel size becomes a discussion point. Any property under 1ha will require sewer. Will package treatment plants be allowed? Will the RDN now take on package treatment plants (they haven't in the past)?
- 3.) Water supply also becomes a concern. Will all properties be on wells? Will private water utilities be formed(this could create issues like Whiskey Creek)? Will properties be able to connect to RDN systems if the supply lines pass in front of their property?
- 4.) Density will increase on rural parcels even without density transfer. Many properties cannot be developed to their full development potential under current zoning due to limiting natural features such as creeks, steep topography, parcel shape etc.

Therefore more parcels will be able to be developed if they can be smaller and clustered to avoid these impediments.

**June 11:**

Response 1: We must move constantly in the direction of protecting our water, land and air. We have encourage and enforce a culture where people respect agricultural and parklands and build houses that are intelligently placed and built to minimize ecological impact. The days of thoughtless suburban sprawl are over and we must legislate accordingly.

Response 2: This is a very interesting survey, but care should be taken in writing the questions, some are slightly ambiguous and/or leading.

Response 3: I feel the RDN should NOT allow anymore land out of the ALR. Too much farm land is being taken up by housing and golf courses. It's my understanding at this time there isn't enough farm land to feed the current population of the Island. We must protect the land and farm land now.

**June 7:**

Response 1: All the concepts suggested in this survey have a lot of merit. In conjunction with our clients we have been trying for almost 30 years to work with the RDN to implement some of these concepts. However, until the RDN becomes a District Municipality or some other form of governance where they have control and are responsible for roads, sewer, water, storm drainage etc. these concepts will be impossible to implement. For example - is MOTI going to allow changes to road standards etc for the RDN only? They

are a province-wide jurisdiction and they are not going to have individual standards for specific areas. VIHA standards for subdivision are also province wide and not under the control of the RDN. RAR assessments are another provincial jurisdiction. The RDN is not an approving authority for subdivisions. The only way to implement what you are proposing is to incorporate into a District Municipality or some other self-governing entity where you would have control. Politically, That will never happen. the costs would be uneconomical.

We would be more than happy to provide input in ways to help facilitate rural development that fits within the concepts the RDN wants to implement. The concepts are great. The technical requirements to achieve these ideas needs a lot of input. The Strata Property Act and regulations achieves some of what is proposed. However, far more input is needed. Thanks. -- David W (contact information provided)

Response 2: The Hamlet idea is ok, but not with only 15% development. They should allow 80% development, we have lots of parks and green space on Vancouver island already. The densification concept is a good idea and needs to be accommodated into your bylaws.

**June 6:**

Response 1: Thank you to the RDN for caring about the environment and sustainable development. Large trees should be preserved and developers should be required to work with the environment, to build around large trees, streams, ponds, etc - rather than destroying everything. Some of the trailer parks in the Coombs/Errington area are devoid of any trees and must be rather depressing places to live. Please require developers to protect streams by not diverting them into culverts and covering them

over. Great ideas - I hope you can realise them before more poor development occurs.

**June 5:**

Response 1: keep zoning the way it is

**June 4:**

Response 1: There is nil information on how this applies to farmland. One of the poorest surveys that I have seen. Particularly poor since it is on such an important matter. How does clustering houses differ from the provincial government's 'averaging' process? If clustering or similar is to be allowed than it should apply only to rural residential lands. For ALR lands to use clustering, whether it is transferred to a neighbouring non-ALR property, such a practice puts more pressure on groundwater and allows a greater opportunity for septic systems to contaminate the groundwater. All these amenities require additional land that can't be used for other things. In respect of farms, this would allow someone to cut down all the trees in order to gain areas to grow crops. People need to understand that farms should have trees and other ecological features so that they don't become a single crop wasteland. Think of complete bio-systems.

Response 2: There needs to be more context in order to answer the questions. In particular, the first 7 questions and then others below. There is no distinction made between residential and Agricultural Land Reserve properties.

Response 3: This survey is inadequate in that there is the assumption that one must agree with one of the plans proposed. Density averaging will result in more housing in rural areas than would be built under present zoning. Some areas on large properties are unsuitable or are banned from building. The

averaging scheme would allow the unsuitable areas to be counted towards a total buildout.

Once density averaging establishes clusters of housing held in fee simple, little control can be exercised to limit illegal or legal suites, thus doubling the population on the land. If the property is held as strata, the counsel and voting members may decide in the future to dispose of some of the "open space" property. This clustering of housing may impact on neighbours' enjoyment of their own property. This proposal has too many if's and unknowns and lacks enforceable safeguards to remove present zoning. Who is asking for this?

**May 27:**

Response 1: Flexibility is critical here. While we are looking at the land utilization we also need to consider the infrastructure and improvement structures that will be built. If one only deals with the land component but does not support alternative infrastructure etc. we are only going part way. However one has to be careful with regards to the cost of such initiatives not only from a bureaucratic perspective but from an actual physical construction point.

**May 24:**

Response 1: I live in Area H of the Cowichan Regional District, but my property line is the border between Area A and Area H and my connections are with Cedar and Nanaimo, not Ladysmith.

**May 23:**

Response 1: ALR regulations and now the hated building permits are enough interference. Don't fix what is working. Water supplies are not unlimited. We have enough development and don't need more. Cedar village, Chase River and Ladysmith are close enough

and handle needs. No more villages needed. Condos or strata developments are not in harmony with a rural area. What we do need is BUS SERVICE if you are committed to doing something "geen". In Q14, why is there a question mark after my answer. I am not unsure and that is the implication to someone tallying the results. Q7 assumes I answered "yes" for Q6 and has left out the option "none" which is why I left it blank. Again, I find this an invalid way of making up a multiple choice question that allows for incorrect interpretation.

Response 2: As climate change develops and fossil fuel difficulties multiply, the necessity for keeping tracts of areable land available for small-scale, local agriculture will become more evident. This necessity needs to be planned for now.

Response 3: This questionnaire was poorly worded with ambiguous questions and weak answers. Farmland needs to be preserved, sensitive areas need to be preserved. Very careful consideration of development must include long term impact on health and food security of Island communities.

Response 4: I have lived in South Wellington for forty years. RDN 'planning' so far has left much to be desired - residential zoning across the street from heavy industrial land (land just pops up as industrial one morning with NO consultation with neighbours), no control whatsoever on the vehicle wrecking yards on Schoolhouse/Balsam Roads (just think of the decades worth of gas, oil, antifreeze and other pollutants that have seeped into our wells). Complaints are registered but the answer is always the same: "oh, we have no control over that". To hear you RDN folks talk, the impression is given that you have bylaws to control EVERYTHING. You are well paid - so do something to earn it. Don't try and ram your plans down our necks any longer because we've had more than enough. LISTEN to us.

ps: Why aren't there any 'NONE OF THE ABOVE' choices to the above questions?

## PROJECT COMMUNICATIONS

The purpose of the public consultation process was to share the options at the preliminary idea stage to determine whether or not the community might support some of these ideas, and to tweak them to be more appropriate to the RDN context.

## NOTIFICATION MEASURES

- Newspaper ads
  - *Nanaimo News*, May 22 only
  - *Parksville Qualicum News*, May 18, 22, and 29 (for Nanoose meeting only)
- Email to community groups from RDN planner, with request to distribute to networks
- RDN's email alert system for the RGS Review, sent by RDN website administrator. The alert system was used during the final year of the RGS review to alert community members about developments.
- Facebook postings to the RDN Facebook page
- Twitter: RDN tweeted about this project on May 30 ... No responses received

## FACEBOOK POSTING:

In total, 300 people saw the post:

- 248 saw the post in a news feed or ticker, or on the RDN page wall;
- 53 saw the post in a story from a friend;
- 45% of the 383 people who like the RDN page saw the post. 2 people like the post.

Comments:

- People value property that backs onto green spaces.... but often this is public park or undeveloped private land... how about including a green buffer/corridor within the footprint of the housing development. Something with a covenant on it perhaps? [May 30 at 10:33am](#) · Like · [1](#)
- yes, excellent points. Sustainable Development, Efficiency... [May 30 at 12:07pm](#)

Apparently the RDN's Facebook posting had the highest views to date, in comparison with other RDN postings.

## COMMUNITY ENGAGEMENT METHODS USED:

On-line engagement through *ruraldevelopment.ca*

- Materials (same as community meetings)
- Survey (same questions as at community meetings; different order; no test questions)

In-person community meetings held:

May 23<sup>rd</sup> – Arrowsmith Hall 1014 Ford Road Coombs

May 24<sup>th</sup> - Lighthouse Community Hall 240 Lion's Way Qualicum Bay

May 26<sup>th</sup> – Cranberry Hall 1555 Morden Road South Wellington – Saturday afternoon meeting

June 5<sup>th</sup> - Nanoose Community Hall (Library) 2489 Nanoose Road

## RESULTS/COMMENTS:

Coverage in the *Oceanside Star* newspaper, June 7, 2012. Article by Stewart Burnett entitled "Suite of options sought for rural development."

<http://www2.canada.com/oceansidestar/news/story.html?id=1df9abfd-7231-43b8-aa6b-4db7993d79d3>

## EMAIL COMMUNICATION

Email sent by RDN to lists: RGS contacts & community organizations

During the **REGIONAL GROWTH STRATEGY** review, many people expressed a desire to review the policies relating to subdivision in rural areas so that the rural values they love could be better protected.

You are invited to provide your thoughts on possible options for development that will offer an alternative to conventional subdivisions. These options are intended to:

- provide better protection for ecologically sensitive areas;
- maintain forest and farm lands as a working landscape;
- preserve rural landscapes and lifestyle; and,
- provide land owners with more options when it comes to subdividing their property.

There are multiple ways to engage with the process:

1. **Community Meetings** -- see below for a full listing of dates and places
2. **Online** -- see [www.ruraldevelopment.ca](http://www.ruraldevelopment.ca) to see the options and complete a short survey
3. **Email** at [contact.ips.v91@gmail.com](mailto:contact.ips.v91@gmail.com) or [growthmanagement@rdn.bc.ca](mailto:growthmanagement@rdn.bc.ca)
4. **Phone:** [250-390-6510](tel:250-390-6510) or District 69: [250-954-3798](tel:250-954-3798); Toll free: [1-877-607-4111](tel:1-877-607-4111)

We hope to hear from you, either in person or in another way. Please circulate to your network as well.

**Please join us in person at one of the following events:**

**May 23<sup>rd</sup> – Arrowsmith Hall, 1014 Ford Road, Coombs**  
4:00pm to 7:00pm – Open House  
7:00pm to 8:30pm – Workshop

**May 24<sup>th</sup> – Lighthouse Community Hall, 240 Lion’s Way, Qualicum Bay**

4:00pm to 7:00pm – Open House

7:00pm to 8:30pm – Workshop

**May 26<sup>th</sup> – Cranberry Community Hall, 1555 Morden Road, South Wellington**

12:30pm to 3:00pm – Open House

3:00pm to 4:30pm – Workshop

**June 5<sup>th</sup> – Nanoose Community Hall (Library), 2489 Nanoose Road, Nanoose Bay**

4:00pm to 7:00pm – Open House

7:00pm to 8:30pm – Workshop

Please let me know if you would like to be removed from this contact list.

Sincerely,

Stephen Boogaards

**Regional District of Nanaimo**

e-mail: [growthmanagement@rdn.bc.ca](mailto:growthmanagement@rdn.bc.ca)

Tel: [250 390 6510](tel:250-390-6510)

Toll Free: [1 877 607 4111](tel:1-877-607-4111)

RGS Website: [www.ruraldevelopment.ca](http://www.ruraldevelopment.ca)

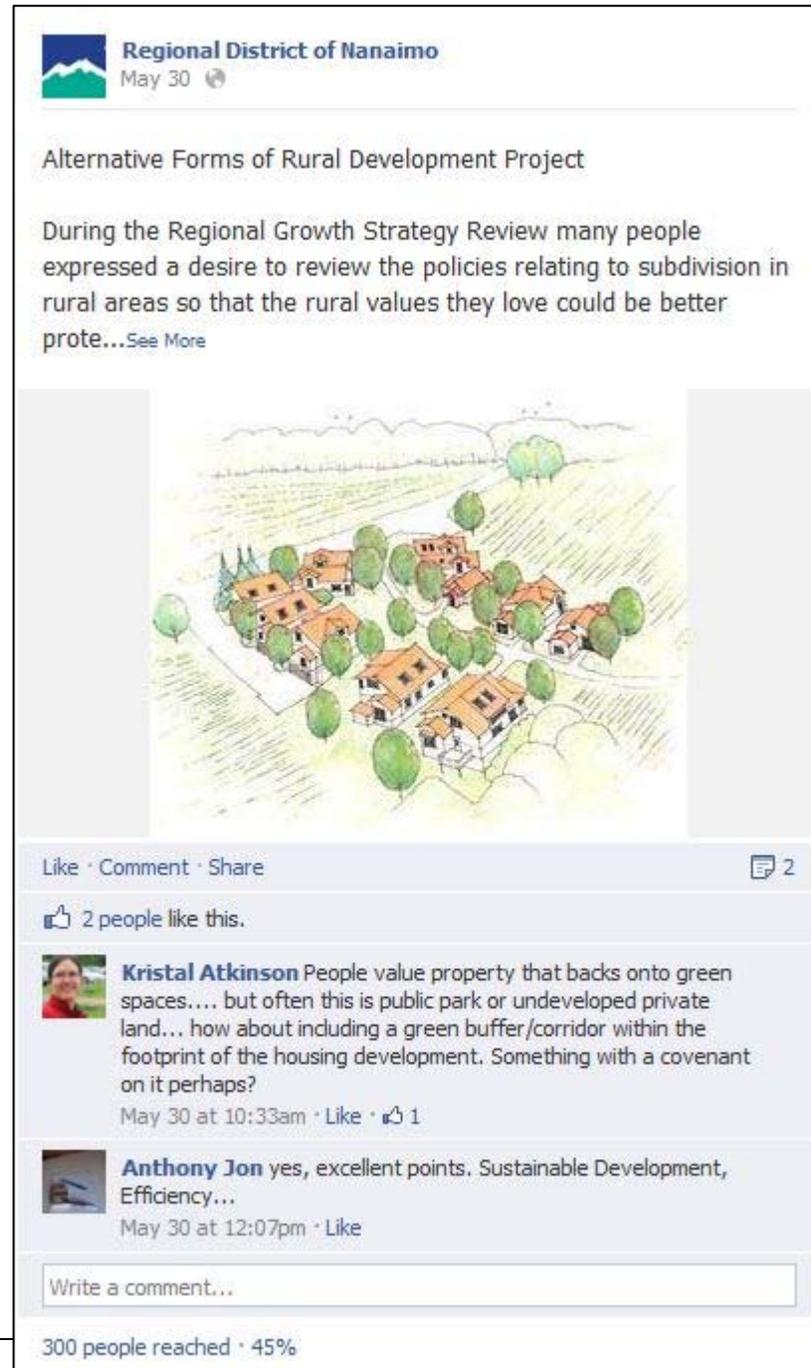
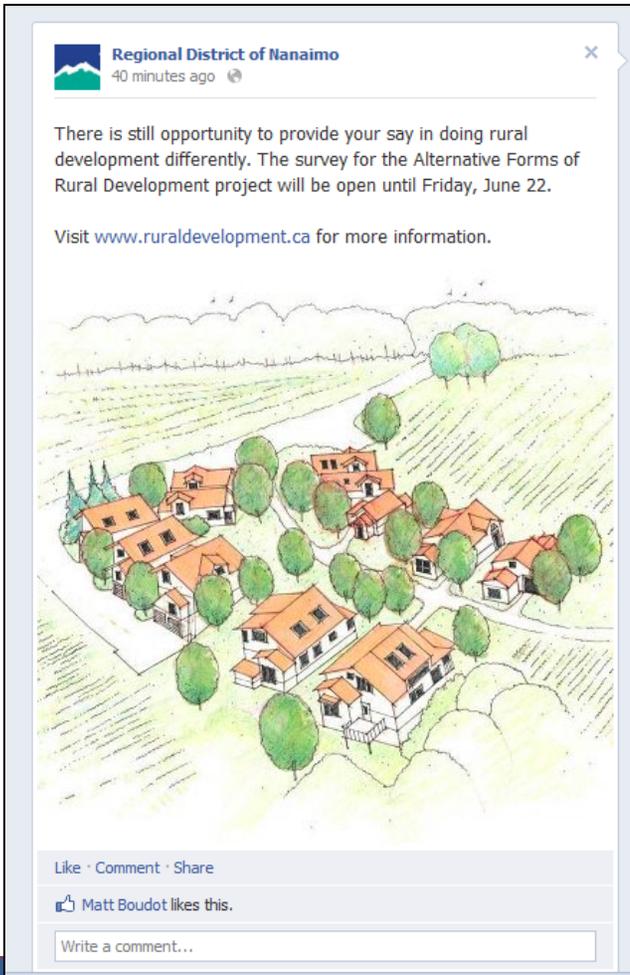
RDN web: [www.rdn.bc.ca](http://www.rdn.bc.ca)

**FACEBOOK ANNOUNCEMENTS:**

First notice posted – May 30<sup>th</sup>, 2012

Second Notice posted – June 11<sup>th</sup>, 2012

Third Notice posted - June 19<sup>th</sup>, 2012



## NORTH COWICHAN COMMUNITY CHARACTER STUDY: EXCERPTS

### Key Findings:

The importance of the rural setting to the image of North Cowichan as a place cannot be overstated, with virtually all participants citing natural or agricultural landscapes, views to forested mountains, fields or ocean, travel on rural roads, working farms and forests and the proximity and ready access to nature as being among the most highly valued aspects of community character. Generally, the less visual evidence of settlement and the more intact the forest or agricultural landscape the more it is perceived as rural.

When asked to identify things detracting from rural character the form of development of commercial, residential and industrial land uses dominated the participant responses. Broad themes identified include:

- Insensitive site planning and land development practices resulting in excessive site grading and loss of vegetation
- The form of development of industrial and other non-agricultural or residential uses (poor siting and design)
- Weak transitions and edges between rural and urban settings (sprawl)
- Visual impacts of forest and land development on visually sensitive slopes

Specific concerns identified include:

- Rural sprawl (loss of rural qualities resulting from higher density and suburban forms of development)
- Loss of forest and agricultural land to residential use
- Forest harvest practices (visual landscape design)
- Development on environmentally sensitive sites (lakeshore, foreshore, steep slopes, floodplain, rare ecosystems)

- Land use (industrial uses and their form of development)
- Rural estates (displacing agricultural use)

The tolerance for residential use in rural areas was generally higher where native trees and vegetation are retained on the site, agricultural uses are evident and large areas of field or forest dominate the view.

### Planning and Design Principles:

The project findings suggest seven principles for sustaining community character when planning for growth. These are:

1. Do as little as possible (e.g. site clearing, grading etc.)
2. Incorporate traditional patterns and form of settlement into new development
3. Sustain working landscapes / townscapes (agriculture, forestry and traditional town centres)
4. Lighten the footprint -- Keep urban boundaries firm and cores compact
5. Incorporate rural and natural qualities in the urban townscape
6. Strengthen the urban - rural edge
7. Use open space to provide structure and amenity to new intensive urban development.

## RDN LAND INVENTORY AND RESIDENTIAL CAPACITY

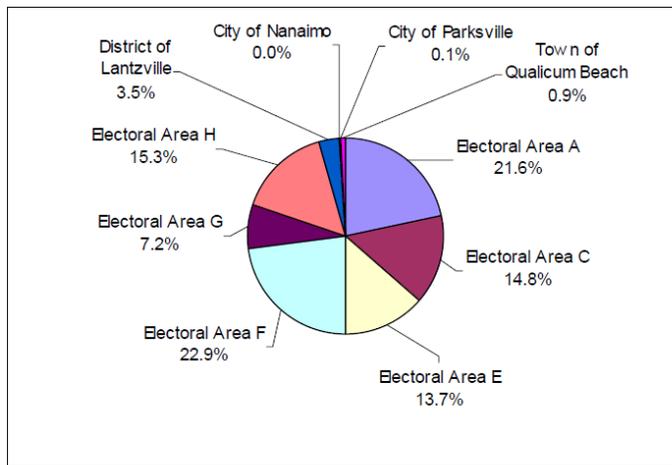
### ANALYSIS: EXCERPTS

Report prepared by The Sheltair Group, 2010

**Table 4-7: Area and Percentage of Developable Land Area for Rural Residential Lands**

Area	Net Rural Residential Land Area (ha)	Percentage of Net Land Area (%)	Developable Rural Residential Land Area (ha)	Percentage of Developable Land Area (%)
Electoral Area A	2,380.7	21.6%	1,831.6	21.6%
Electoral Area C	1,603.6	14.5%	1,257.0	14.8%
Electoral Area E	1,431.0	13.0%	1,164.0	13.7%
Electoral Area F	2,521.9	22.8%	1,938.6	22.9%
Electoral Area G	667.1	6.0%	613.6	7.2%
Electoral Area H	1,519.1	13.8%	1,300.6	15.3%
District of Lantzville	834.4	7.6%	292.9	3.5%
City of Nanaimo	3.5	0.0%	2.8	0.0%
City of Parksville	7.5	0.1%	7.5	0.1%
Town of Qualicum Beach	74.3	0.7%	74.0	0.9%
<b>Total Rural Residential Lands for RGS Study Area</b>	<b>11,043.2</b>	<b>100.0%</b>	<b>8,482.5</b>	<b>100.0%</b>
<b>Total Land Area of RGS Study Area</b>	<b>195,735.2</b>			
<b>Percentage of Total Net Land Area that is Rural Residential</b>		<b>5.6%</b>		

**Fig. 4-6: Percentage of Developable Land Area for Rural Residential Lands**



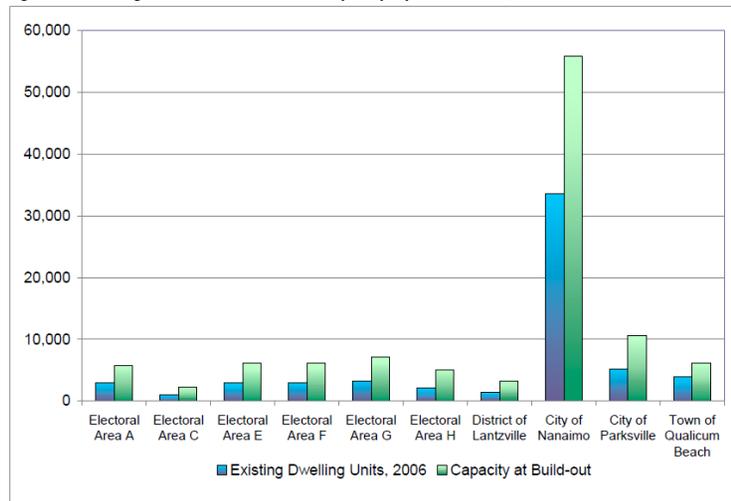
### 6.1.1 Land Inventory Results

The total gross land area for the Regional District of Nanaimo, excluding Indian Reserves and Electoral Area B (i.e. the RGS study area), is 200,787 ha. The total net land area for the RGS study area is 195,735 ha, net of existing roads and road right-of-ways. In terms of the net developable area, the results show that given constraints of steep slopes of 30% or greater, parks, and riparian setback areas, there are 92,393 ha of land that is developable in the RGS study area. Therefore, only 47% of the RGS study area is potentially developable.

The total net land area of the Urban Containment Boundary is 9,535 ha. Within the Urban Containment Boundary there is 8,080 ha of land that is already developed or potentially developable. This represents 9% of the unconstrained land in the RGS study area.

All of the lands that are designated as Urban Areas are located within the Urban Containment Boundary. Approximately 48% of the lands designated as Industrial Areas in the RGS are located within the Urban Containment Boundary. Only 1% of the lands designated Resource Lands and Open Spaces, and 0.3% of the lands designated Rural Residential are located inside the Urban Containment Boundary.

**Fig. 5-3: Existing Units and Residential Capacity by Jurisdiction, 2006 and Build-out**



## LIST OF RESOURCES

Affordability and Choice Today (ACT), A Program of the Federation of Canadian Municipalities (2009) *Alternative Design Standards: A Guide for Practitioners*.

[http://www.actprogram.com/CMFiles/ADS%20Docs/ADS\\_Guide\\_FinalEN.pdf](http://www.actprogram.com/CMFiles/ADS%20Docs/ADS_Guide_FinalEN.pdf)

Arendt, Randall (1994) *Rural by Design*. Published by the American Planning Association.

Arendt, Randall G. (1996) *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*. Published by Island Press, for the Natural Lands Trust, American Planning Association, and American Society of Landscape Architects.

Arendt, Randall (1999) *Growing Greener: Putting Conservation into Local Plans and Ordinances*. Published by Island Press, for the Natural Lands Trust, American Planning Association, and American Society of Landscape Architects.

BC Ministry of Community, Sport and Cultural Development (2011) *Development Permit Areas for Climate Action: A Guide for Energy Conservation, Water Conservation and GHG Emissions Reduction*.

[http://www.toolkit.bc.ca/sites/default/files/dpa\\_guide.pdf](http://www.toolkit.bc.ca/sites/default/files/dpa_guide.pdf)

Bowen Island OCP Update (no date) *Background Paper #3: Transfer of Density*.

Bowen Island OCP Update report, as submitted for First Reading, July 2010.

Campbell Jarvis Landscape Planning (2009) *North Cowichan Community Character Project: Summary Report*.

<http://cowichan2.iwebz.com/files/%7BFE58E3E9-9C55-40D2-BAA1-F9F949737B78%7DFinal%20version%20of%20Community%20Character%20project.pdf>

City of Regina (Office Consolidation Feb 2011) *Zoning Bylaw 9250, Chapter 10: Overlay Zone Regulations*.

<http://www.regina.ca/opencms/export/sites/regina.ca/residents/bylaw/.media/pdf/chapter-10---overlay-zone-regulations.pdf>

Cowichan Valley Regional District (Office Consolidation April 2012) *South Cowichan Official Community Plan (Areas A, B, and C)*.

Bylaw No. 3510, adopted July 13, 2011.

<http://www.cvr.d.bc.ca/index.aspx?NID=263>

Cowichan Valley Regional District (Office Consolidation 2010) *Electoral Area B Zoning Bylaw*. Bylaw No. 985, adopted 1986.

<http://bc-cowichanvalley.civicplus.com/DocumentView.aspx?DID=654>

District of Campbell River (1996) *Campbell River Infill Housing Study*.

Prepared by Chislett Manson & Company, Kasprisin-Pettinari Design, and the Spaxman Consulting Group.

Gunningham, Neil, and Mike D. Young (1997) "Toward Optimal Environmental Policy: The Case of Biodiversity Conservation," published in *Ecology Law Quarterly*, volume 24, pp. 243-298.

Islands Trust (2008) *Salt Spring Island Official Community Plan*. Bylaw No. 434, adopted October 2, 2008.  
<http://www.islandstrust.bc.ca/lrc/ss/bylaws.cfm>

Islands Trust Fund (2010) *Natural Areas Protection Tax Exemption Program Brochure*.  
<http://www.islandstrustfund.bc.ca/naptep.cfm>

Morris, Marya, General Editor (2009) *Smart Codes: Model Land-Development Regulations*. Published by the American Planning Association, Planning Advisory Service, Report Number 556.

Regional District of Nanaimo (2011) *Electoral Area 'A' Official Community Plan*. Bylaw No. 1620, adopted July 26, 2011.  
<http://www.rdn.bc.ca/cms.asp?wpID=402>

Regional District of Nanaimo (2011) *Shaping Our Future: Regional Growth Strategy*. Bylaw No. 1615, adopted November 22, 2011.  
<http://www.shapingourfuture.ca/>

Regional District of Nanaimo (Office Consolidation March 2012) *Land Use and Subdivision Bylaw No. 500, 1987*.  
<http://www.rdn.bc.ca/cms.asp?wpID=1419>

Sheltair Group (2010) *Regional District of Nanaimo Regional Growth Strategy Review Background Report: Land Inventory and*

*Residential Capacity Analysis*.

[http://www.shapingourfuture.ca/downloads/Regional\\_District\\_of\\_Nanaimo\\_Regional\\_Growth\\_Strategy\\_Review\\_Background\\_Report.pdf](http://www.shapingourfuture.ca/downloads/Regional_District_of_Nanaimo_Regional_Growth_Strategy_Review_Background_Report.pdf)

Vancouver Island University, *Vancouver Island Water Resource Vulnerability Mapping Project*. <http://web.viu.ca/groundwater/>

Vancouver Island University (2010) *Intrinsic Groundwater Vulnerability Map of Vancouver Island*.  
[http://web.viu.ca/groundwater/PDF/IntrinsicVulnerabilityLayout\\_Unclassified\\_PDF450.pdf](http://web.viu.ca/groundwater/PDF/IntrinsicVulnerabilityLayout_Unclassified_PDF450.pdf)



January 24, 2012

# Request for Proposal

## Regional Growth Strategy – Alternative Forms of Rural Development

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The Regional District of Nanaimo (RDN) is inviting firms to respond to the following request for proposal:

### Project Overview

The Regional District of Nanaimo is seeking the services of well - qualified, experienced consultants to assist in the preparation of a study in support of Regional Growth Strategy implementation. A new and revised Regional Growth Strategy was adopted at the end of 2011 and as part of the implementation strategy a number of assessments were identified to better inform decisions regarding future land use and development in the region. The Regional District of Nanaimo is requesting the services of qualified consultants **to conduct an assessment on alternative forms of rural development suitable for the electoral areas of the Regional District of Nanaimo that will result in less rural sprawl, reduced fragmentation of ecological systems and more sustainable forms of rural residential subdivisions.**

### Background

As a response to concerns about the negative impacts of urban and rural sprawl, the Regional District of Nanaimo and its member municipalities of Nanaimo, Parksville and Qualicum Beach adopted a Regional Growth Strategy (RGS) in 1997. Policies that guide development were adopted to encourage investment and development in designated growth areas in order to keep urban settlement compact, protect the integrity of rural and resource areas, protect the environment, increase servicing efficiency and retain mobility within the region. The RGS was based on a multi - nodal development scenario, in which the majority of new development would occur in designated growth areas where mixed uses would prevail with a limited amount of new development in rural areas. While the majority of new growth was intended for the urban areas within the municipalities, the electoral areas also have 14 areas designated for growth called Village Centres. The RDN adopted a new RGS on November 22, 2011 and the key strategy for managing growth and development on a region - wide basis remains as having designated growth areas. This means that the RDN and its member municipalities (which now includes District of Lantzville) have agreed to encourage the majority of growth in designated areas while taking steps to limit new development outside of the designated growth areas. One of the strategies for limiting development outside of designated areas is to not permit minimum parcel size for subdivision to be decreased below the minimum size established in the official community plan at the time of adoption of the RGS. While this effectively means that the potential number of new lots will not be increased in the rural areas it also means that there is very little opportunity to achieve other goals and objectives in the RGS such as protecting ecologically sensitive areas and preserving forest and farm lands.

The new RGS recognizes that a growth management policy (RGS Policy 5.13) based solely on minimum parcel size is extremely inflexible and it provides direction for the RDN to consider including policies in its electoral area OCPs that allow alternative forms of development in order to limit sprawl, reduce fragmentation of ecological systems, maintain rural landscapes and encourage more sustainable forms of subdivision. Key components of this policy are: that overall density and the total number of new lots are not increased; and, residual lands are protected in perpetuity for agricultural, forestry, conservation or other public good purposes.

Further information on the direction for this study and alternative rural development is provided in Attachment 1: *RDN RGS Goal 5 – Enhance Rural Integrity* and Attachment 2: *RDN RGS Map 4 Land Use Designations*. As well, additional background information on the Regional Growth Strategy can be viewed at [WWW.ShapingOurFuture.ca](http://WWW.ShapingOurFuture.ca).

### **Purpose**

To provide the RDN with a suite of options for supporting alternative forms of development in rural areas that will allow for some flexibility and better contribute to the RDN's sustainability goals. For each option this will include a draft policy to be included in the OCP and the subsequent method and/or tools for implementation.

### **Project Components**

The study shall consider the following items for each alternative form of rural development:

- Description – Provide a description of what it is and how it works;
- Strengths and Weaknesses – Outline its strengths and potential weaknesses including possible impacts on adjacent lands and whether it is best suited for achieving a particular type of community value (eg. farmland, forest, ecologically sensitive area, park, carbon storage, etc.);
- Contribution to Sustainability – How does it contribute to the RDN's sustainability and growth management goals as outlined in the RGS and OCPs;
- Policy – Provide a sample policy for inclusion in an OCP that will support the particular form of alternative rural development;
- Implementation – Provide details on how it is implemented including legal and procedural considerations;

### **Community Engagement**

Input from the community and other stakeholders will be sought throughout the study process.

Emphasis shall be placed on acquiring input from those who currently reside or own property in the Rural Residential land use designation. The results of the community engagement will be included and considered in the final report.

### **Final Report**

The Final Report shall include the methodology, process, public input and conclusions on which options for alternative forms of rural residential development would be the most appropriate for the electoral areas in the RDN.

## Presentation

A Power Point presentation summarizing the results of the study to be made to the RDN's Electoral Area Planning Committee.

## Project Budget

The RDN has budgeted approximately \$50,000 for the alternative rural development study.

## Deliverables

The consultants will deliver the products and information described herein to the RDN within the following parameters:

- 1 unbound original version of all written material and graphic matter in 8.5x11 format suitable for reproduction in black and white or colour;
- 1 digital version of the above in a format compatible with Microsoft Word;
- a digital version of all plans, land use mapping and related information;
- a digital version of all drawings and concepts. *Hand drawings must be provided as good quality high resolution scanned files or documents capable of large format printing;* and,
- a digital version of all presentations and public meeting materials, posters, exit surveys, etc.
- a copy of the Power Point presentation on the results of the study.

## Submission requirements

If you are interested in submitting a proposal, please provide the following information as part of your proposal:

- your understanding of the requested study;
- background information on your firm including the qualifications of the staff involved, a description of similar projects your firm has completed and your understanding of subdivision and development in regional districts;
- your approach to completing the assessment including a breakdown of the tasks and a timeline;
- your requirements of the RDN in terms of information and assistance; and,
- a detailed estimate of the cost to complete the assessment.

Responders are required to respond to all specifications in order to be considered a valid proposal. Responses clearly marked **Request for Proposal - Regional Growth Strategy Alternative Rural Development Study** will be received by email or hard copy until 4:30 pm on Friday, February 17, 2012. Emailed, PDF files delivered to [pthompson@rdn.bc.ca](mailto:pthompson@rdn.bc.ca) are preferred. (Digital files should be kept to 5MB or less. For larger files, contact [pthompson@rdn.bc.ca](mailto:pthompson@rdn.bc.ca) to make arrangements. Double - sided hard copies should be delivered to 6300 Hammond Bay Road, Nanaimo BC, V9T 6N2, Attention: Paul Thompson, Manager, Long Range Planning. If you submit your proposal by email, there is no need to mail or otherwise deliver a hard copy to our office. Responses may be withdrawn before the deadline upon written notice to the Manager of Long Range Planning at 6300 Hammond Bay Road, Nanaimo BC, V9T 6N2, fax: 250-390-7511.

Responses withdrawn may be replaced by alternative responses providing written notice is delivered to the Manager of Long Range Planning at least twenty - four hours before the deadline for closing noted herein.

Responses must remain valid for 14 days following the closing time and date. Responses are irrevocable after the closing time and date.

In the event that there is a discrepancy between any unit pricing and any written dollar amount in the proposal the unit pricing will prevail. Proposals having significant obvious errors will be rejected. In the event that the approved proponent does not enter into an agreement with the Regional District, the proponent agrees to pay the Regional District of Nanaimo the difference between this proposal and any greater sum, which the said corporation may expend or incur by reason of such default or failure to enter into an agreement.

The Regional District of Nanaimo reserves the right to reject any and all proposals for any reason or to accept any proposal in whole or in part on the basis of proposals received which the Regional District, in its sole unrestricted discretion deems most advantageous to itself. The lowest or any proposal may not necessarily be accepted. The proponent acknowledges the Regional District's rights under this clause and absolutely waives any right of action against the Regional District for the Regional District's failure to accept its proposal whether such right of action arises in contract, negligence, bad faith or any other cause of action. The acceptance of any proposal is subject to funds being legally available to complete this transaction and/or approval by the Board of the Regional District or the officer or employee of the Regional District having authority to accept the proposal.

Unless otherwise requested in writing by the herein designated Regional District employee, a proponent must not contact or communicate with any elected or appointed officer or employee of the Regional District other than the designated employee in relation to the proposal prior to the award of such proposal by the Regional Board, or alternatively the officer or employee of the Regional District having authority to accept the proposal. Any such communication will result in disqualification of the proposal from further consideration.

The Regional District of Nanaimo is subject to the provisions of *The Freedom of Information and Protection of Privacy Act*. As a result, while Section 20 of the *Act* does offer some protection for third party business interests, the Regional District cannot guarantee that any information provided to the Regional District can or will be held in confidence.

Further information regarding the specifications in this solicitation may be obtained from: Paul Thompson, Manager of Long Range Planning, 6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2; Email [pthompson@rdn.bc.ca](mailto:pthompson@rdn.bc.ca); Telephone (250) 390 - 6510.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Thompson', with a stylized flourish at the end.

Paul Thompson  
Manager, Long Range Planning

## Attachment 1

### Regional Growth Strategy, November 22, 2011 Goal 5 Enhance Rural Integrity

**Goal 5 – Enhance Rural Integrity** – Protect and strengthen the region’s rural economy and lifestyle.

Most of the region is comprised of lands intended for agricultural, shellfish aquaculture, forestry and other primary industries and activities conducted in a rural environment (Map 5). A key focus of this strategy is to protect the long-term viability of these industries. Complementary uses that are also located in rural areas include rural residential, parks, open space, environmental protection and recreation. New residential development that is not associated with natural resource based economic activities, such as farming and shellfish aquaculture, needs to be carefully considered in order to reduce potential land use conflicts. Note that issues and policies regarding agricultural lands are also addressed by policies for Goal 8 Food Security.

Rural areas are characterized by large parcel sizes, on-site servicing, limited transportation infrastructure and a limited range of community services (e.g. fire protection). Typically, rural residents travel to urban communities to gain access to a broad range of goods and services though a limited range of goods and services may be offered at a nearby rural village centre. One of the challenges the region faces in becoming more sustainable is the large number of rural residential lots that have the potential to subdivide and create new housing located in areas that require residents to depend upon private automobiles to meet their daily needs for basic services, amenities and facilities (e.g. schools, grocery stores, employment opportunities, medical services). Traditional patterns of rural residential development are typically not consistent with effective growth management policies guided by sustainability principles. Achieving more sustainable development patterns requires a concerted effort to focus more of the region’s growth inside GCBs. Increasing the proportion of growth within GCBs has proven to be very difficult while abundant low-density residential development opportunities still exist in rural areas.

Promoting alternative approaches to subdivision and development, such as conservation design, clustering or density transfer, for lands already zoned for rural residential development, can reduce some ecological impacts and land use conflicts. For example, appropriate siting of housing can reduce fragmentation of ecological systems and land use conflicts can be reduced with the provision of buffer zones between incompatible land uses (e.g. rural residential and agriculture, forestry, shellfish aquaculture, and aggregate mining).

Finally, changing economic conditions gives rise to the need to pay particular attention to the long-term viability of the forestry industry. This will require a collaborative effort with the industry, First Nations and the Province to ensure that potential land use issues can be addressed in a manner that protects the long-term value of the lands for forestry, ecological conservation, recreation, greenspace, and other compatible uses.

## **Policies**

The RDN and member municipalities agree to/that:

- 5.1 Land intended for rural forms of land use and development on large land holdings are designated on Map 4 in one of the following categories:
  - Resource Lands and Open Space; or
  - Rural Residential.
- 5.2 The minimum parcel size of lands designated Resource Lands and Open Space or Rural Residential, will not be decreased below the minimum size established in the relevant official community plan in place at the time of adoption of this RGS.
- 5.3 A change of designation from Resource Lands and Open Space to Rural Residential is not supported.

### **Resource Lands and Open Space**

- 5.4 Lands designated as Resource Lands and Open Space are primarily intended to accommodate agricultural activities, forestry, aggregate mining and other primary industries, and for recreational and/or environmental protection purposes.
- 5.5 Encourage land uses that complement agricultural, forestry, primary natural resource uses and recreation provided such uses enhance the economic viability of the primary uses and/or contribute to the protection of environmentally sensitive lands. Such uses may include, but are not limited to, nature-based tourism activities and development, small-scale food processing industries and value-added wood product industries.

### **Forestry**

- 5.6 Work collaboratively with the forestry industry, First Nations, the Province and other stakeholders to identify ways to protect the land base to ensure the long-term viability of forest management activities.

### **Aggregate Resources**

- 5.7 Seek an agreement with the Province regarding where aggregate resource development should take place.
- 5.8 Small and large scale aggregate resource development will only be supported on land designated by the RGS as Resource Lands and Open Spaces and when it is designed to minimize impacts on watercourses, sensitive ecosystems, and adjacent land uses.
- 5.9 Reclamation plans should be in accordance with provincial requirements and should restore natural ecosystems, wildlife habitat, and watercourses.
- 5.10 Small-scale aggregate removal will only be permitted on lands designated as Rural Residential, Rural Village Area, or Urban Area where the removal is part of an approved land use development (i.e. building or structure).

### **Rural Residential**

- 5.11 Lands designated as Rural Residential are intended to accommodate residential development on larger parcels of land that may or may not be serviced with community water and sewer systems.
- 5.12 Official Community Plans should include provisions that prevent the designation of additional Rural Residential lands.

**5.13** Notwithstanding policy 5.2, in order to limit sprawl, reduce fragmentation of ecological systems and encourage more sustainable forms of subdivision on lands already zoned for rural residential use, an OCP may make provision to allow for smaller minimum parcel sizes outside the Growth Containment Boundary in the RGS Rural Residential Land Use Designation provided there is no increase in the overall density or the potential number of new lots, and provided that the new parcels can be served with potable water and wastewater disposal systems in a manner that does not degrade the environment or water sources. Potential options may include rezoning of land, clustered development, and/or density transfers. OCP policies that provide opportunities for alternative forms of rural residential development shall require the conservation of residual lands in perpetuity for agricultural, forestry, environmental or ecological purposes, or other public good purpose. Options for alternative forms of development shall be consistent with the sustainability principles and growth management policies of this RGS.

#### **Rural-Urban Interface**

5.14 In the spirit of neighbourliness, new land use designations that abut a GCB should acknowledge the potential for conflict between rural and urban land uses. The rules governing development in the new land use designation should ensure that appropriate measures are taken to minimize the potential for negative impacts on existing land uses and development located on the other side of the existing GCB.

