



**ZONING AMENDMENT APPLICATION NO. PL2022-035
4652 & 4660 ANDERSON AVENUE, ELECTORAL AREA H
AMENDMENT BYLAW NO. 500.439, 2023 – INTRODUCTION**

RECOMMENDATIONS

1. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.439, 2023” not be held in accordance with Section 464(2) of the *Local Government Act*.
2. That the Board direct staff to complete the required notification in accordance with Section 467(2) of the *Local Government Act*.
3. That the Board receive the Summary Report of the Virtual Engagement as provided in Attachment 3.

BACKGROUND

The Regional District of Nanaimo has received an application from the property owners, Brian and Rhonda Bonnici, to rezone the subject property from Rural 1 Zone (RU1), Subdivision District ‘CC’ to Rural 6 (RU6), Subdivision District ‘D’ to reduce the minimum parcel size to permit a two-lot subdivision.

The subject property; legally described as Lot 1, District Lot 109, Newcastle District, Plan EPP85265, is 4.38 hectares in area and is surrounded by Anderson Avenue to the north, rural parcels to the east and west and a large parcel of Crown land to the south (see Attachment 1 – Subject Property Map). The property contains one dwelling unit and several accessory buildings and is serviced by an existing on-site well and on-site septic system.

A zoning amendment must follow the procedures outlined in Division 3 of Part 14 of the *Local Government Act* (the Act). In accordance with Section 464 (2) of the Act, the Board may choose to not hold a public hearing if there is an Official Community Plan (OCP) in effect for the area subject to the zoning bylaw and the bylaw is consistent with the OCP. In this instance, the proposed zoning amendment is consistent with the OCP, and no interest has been expressed by the community with respect to the proposed amendment. Therefore, the Board can decide to not hold a public hearing and provide a motion to proceed with the notification of first reading in accordance with Section 467(2) of the *Local Government Act*. Following second reading, the process for completing the amendment is to give third reading and adoption. Under the new legislated process for bylaw amendments with no public hearing, the timing of the final two readings is to be confirmed. Either the final two readings can be done together at the same Board meeting or they may require readings at two separate meetings. In either case, the conditions for approval must be satisfied prior to bylaw adoption.

Proposed Development

The applicant proposes to rezone the subject property from Rural 1 (RU1), Subdivision District ‘CC’ (4.0 hectare minimum parcel size) to Rural 6 (RU6), Subdivision District ‘D’, (2.0 hectare minimum parcel size) to support a

two-lot subdivision (See Attachment 2 – Current and Proposed Zoning Map and Attachment 3 - Proposed Plan of Subdivision).

As the property is subject to the Aquifers, Freshwater and Fish Habitat, and Eagle and Heron Nesting Trees Development Permit Areas per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2017”, a development permit application will be required unless specifically exempt, prior to subdivision compliance.

Official Community Plan Implications

The subject property is designated Rural pursuant to the OCP. The Rural designation supports a minimum parcel size of 2.0 hectares where the proposal meets a set of criteria including restrictions on the number of dwelling units, form of subdivision, frontage relaxation, and no further road dedication as well as proof of adequate servicing. The proposed amendment is intended to facilitate a two-lot subdivision with a minimum parcel size of 2.0 hectares in accordance with OCP policy.

The proposed zoning amendment is required to demonstrate compliance with “Board Policy B1.21 Hydrological (groundwater) Assessment Requirements for Rezoning of Un-serviced Lands and for Development Permits” (Policy B1.21). A portion of the parent parcel was rezoned in 2017, and subsequently subdivided in 2018, to create three parcels plus a remainder. At the time of the previous rezoning, a preliminary hydrogeological assessment was submitted, and a covenant was registered on title as a condition of the zoning amendment to confirm that adequate, potable water could be provided to the proposed lots based on the maximum number of dwelling units permitted in the zoning regulations. As there is an existing hydrogeological assessment that addresses servicing for future development of the properties and a covenant to secure the provision of adequate potable water at the time of subdivision, both registered on title, the intent of the Rural land use designation policies and Policy B1.21 have been satisfied (see Attachment 5 – Planning Implications).

Land Use Implications

The current RU1 zoning permits two dwelling units on the subject property as it is greater than 2.0 hectares in size. In this case, as the Rural land use designation limits the number of dwelling units to one per parcel, the total number of dwelling units allowed after subdivision will remain the same as currently permitted on the subject property. The proposed RU6 zone only allows one dwelling per parcel. The applicant has submitted a proposed plan of subdivision to show the proposed size and location of the new parcels.

Conditions of approval are provided in Attachment 5 and proposed “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.439, 2023” is included in Attachment 6.

Provided the requirements of the covenants already registered on title, recommendations in the preliminary hydrogeological assessment, and the Conditions of Approval are met, the proposal is considered consistent with RDN Policies and is recommended that the Board approve the recommendations as presented. Additional land use implications are discussed in Attachment 4 - Planning Implications.

Community Engagement

Community engagement was conducted online through the RDN’s Get Involved site with notices sent to all properties within 200 metres and a notice published in the newspaper. The public was invited to provide feedback and submit questions about the proposed zoning amendment application through the Get Involved page at www.getinvolved.rdn.ca/pl2022-035. The Get Involved webpage also provides information and professional studies that were only previously available at a Public Information Meeting or by viewing the

material at the RDN Administration Office. The Get Involved program tracks statistics on the traffic to the website in terms of visitors who are aware, informed and engaged, in which engaged and informed are subsets of aware. The report identified 49 aware visitors who have visited the website at least once though may not have clicked on any information; 17 informed visitors who have viewed the attached information; and 2 engaged visitors who participated in the webpage content. There were no community comments received in support or against the proposal (see Attachment 3 – Summary Report of the Virtual Engagement)

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2022-2026 Financial Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development has been reviewed and has no implications for the 2019 – 2022 Board Strategic Plan.

REVIEWED BY:

P. Thompson, Manager, Current Planning

K. Fowler, Acting General Manager, Development & Emergency Services

L. Grant, Acting Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. Proposed Plan of Subdivision
3. Summary Report of the Virtual Engagement
4. Planning Implications
5. Conditions of Approval
6. Proposed Zoning Amendment Bylaw No. 500.439, 2023