



**ZONING AMENDMENT APPLICATION NO. PL2022-093
1035 SHAYLA ROAD, ELECTORAL AREA H
AMENDMENT BYLAW 500.438, 2023 – INTRODUCTION**

Please note: The recommendations were varied by the Committee as follows:

- 1. That the Board receive the Summary Report of the Public Engagement.**
- 2. That the Board introduce and give two readings to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.438, 2023”.**
- 3. That the Board direct that the conditions set out in Attachment 7, be completed prior to the consideration of adoption of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.438, 2023”.**
- 4. That the Board delegate the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.438, 2023”, to the Director of Electoral Area H.**

RECOMMENDATIONS

1. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.438, 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 Community Engagement as provided in Attachment 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Prism Land Surveying Ltd., on behalf of Willy Christoffel Rycquart and Barbara Edith Rycquart, to rezone the subject property to permit a four-lot subdivision. The subject property: legally described as Lot 11, Block 360, Alberni District, Plan 35982, is approximately 8.04 hectares in area and contains a dwelling unit, guest cabin, wood shop, garden shed, shop and garage (see Attachment 3 – Proposed Plan of Subdivision). The property is located north of Spider and Illusion Lakes, south of Horne Lake Road and Island Highway intersection, east of Horne Lake Road and west of Turnbull Road and is surrounded by large rural lots (see Attachment 1 – Subject Property Map and Attachment 2 – Current and Proposed Zoning Map).

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. 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 'B' (8.0-hectare minimum parcel size) to RU6 zone, Subdivision District 'D', (2.0-hectare minimum parcel size) to support the ability to for the applicant to pursue a four-lot subdivision (See Attachment 2 – Current and Proposed Zoning Map and Attachment 3 - Proposed Plan of Subdivision).

As the property is subject to the Eagle and Heron Nesting Tree and Freshwater and Fish Habitat Development Permit Areas (DPA) per the Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2017" (Area H OCP)", a development permit application will be required for each of these DPAs unless specifically exempt under the exemption provisions of the individual development permit area, prior to land alteration or subdivision approval.

Official Community Plan Implications

The subject property is designated Rural pursuant to the Area H OCP. The Rural designation supports a minimum parcel size of 4.0 hectares for the subdivision of land and 2.0 hectares where the applicant can meet several criteria, which includes limiting each proposed lot to one dwelling unit. The application as submitted, along with the applicant requirement to meet the conditions of approval, is consistent with Area H OCP policies.

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). As such, the applicant has provided a Preliminary Hydrological Assessment prepared by Kalwij Water Dynamics Inc. (KWD), dated November 27, 2022, and Site Assessment prepared by Gibson and Sons Consulting Ltd., dated March 22, 2022.

These reports conclude the proposed development will be able to meet Board Policy B1.21 and Area H OCP policies by confirming the lands have the capability to service the proposed development for water quality and quantity and onsite sewage disposal. The proposal is consistent with the Community Value Statement as the proposal will maintain the rural character of the area and protect the underlying aquifers by protecting water quality and quantity through hydrogeological reporting and associated recommendations.

For additional information, please review Attachment 6 - Planning Implications and Attachment 7– Conditions of Approval.

Land Use Implications

The applicant has submitted a proposed plan of subdivision by Prism Land Surveying Ltd., dated May 11, 2022. The current zoning permits two dwellings and two secondary suites on the 8.0 ha subject property. If the zoning amendment is approved, a four-lot subdivision of 2.0 hectare lots would be permitted. The proposed Rural 6 zone would permit only one dwelling unit and one secondary suite on each parcel. If subdivided into four

parcels, the overall increase to the number of dwelling units is two dwelling units and two secondary suites. Additional land use implications are discussed within Attachment 6 - Planning Implications.

To ensure compliance with Area H OCP policies and bylaw regulations, several Conditions of Approval are provided in Attachment 7. Proposed "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.438, 2023" is presented in Attachment 8.

Provided the Conditions of Approval in Attachment 7 are met, the proposal is deemed consistent with RDN Policies, and it is recommended that the Board approve the recommendations as presented.

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/pl2022-093. The Get Involved webpage also provided information and professional studies that previously were only available at a scheduled 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 for visitors who are aware, informed and engaged, wherein engaged and informed are subsets of aware. The report identified 53 aware visitors who have visited the website at least once, though may not have clicked on any information; 18 informed visitors who viewed the attached information; and 0 engaged visitors who participated in the webpage content.

Two comments were received from community members via e-mail in opposition to the proposal. Both comments were related to not supporting additional development in the Spider Lake area citing concern for impacts on wildlife habitat. (See Attachment 4 – Summary Report of the Community Engagement Process and Attachment 5 - Public Submissions Received).

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
L. Grant, General Manager, Development & Emergency Services
D. Holmes, Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. Current and Proposed Zoning Map

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File No. PL2022-093

3. Proposed Plan of Subdivision
4. Summary Report of the Community Engagement
5. Public Submissions Received
6. Planning Implications
7. Conditions of Approval
8. Proposed Amendment Bylaw No. 500.438, 2023