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Official Community Plan Implications

The subject property is designated Rural pursuant to the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2017” (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 a number of criteria can be met. This application is to reduce the minimum parcel size to 2.0 hectares, as such, this application must meet the following criteria:

- 1) One dwelling unit per parcel
- 2) Bare land strata subdivision shall not be permitted
- 3) No frontage relaxation is required
- 4) No further road dedication to accommodate parcel frontage for additional parcels
- 5) A comprehensive plan for subdivision of the area being rezoned is provided with a report from a recognized professional with geotechnical and hydrogeological experience indicating an assessment of the environmental suitability of the subdivision.

To comply with criteria number one, the subject property is proposed to be rezoned to Rural 6 (RU6), Subdivision District D. The RU6 zone permits one dwelling unit per parcel, and Subdivision District D permits a 2.0-hectare minimum parcel size. To comply with criteria two to four, a Section 219 Covenant is required to be registered on the title to ensure any future subdivision proposal occurs consistent with the above criteria; namely, no bare land strata subdivision shall be permitted, and no road dedication or frontage relaxation will be required to accommodate any future subdivision where 2.0-hectare minimum parcel sizes are proposed.

Criteria number five will be satisfied in conjunction with the applicant’s requirements to demonstrate compliance with “Board Policy B1.21 Hydrological (groundwater) Assessment Requirements for Rezoning of Un-serviced Lands and for Development Permits” (Board Policy B1.21) and Area H OCP policy to provide verification of potable water sources and onsite sewage disposal capability sufficient to service the proposed development (see Attachment 7 – Conditions of Approval).

To comply with criteria number five and Board Policy B1.21, the applicant has provided a Preliminary Hydrogeological Assessment prepared by Kalwij Water Dynamics Inc. (Report), dated November 27, 2022, that provides an assessment of the hydrogeological conditions of the subject property and a professional opinion on the suitability of a potable water source to service the proposed subdivision.

The Report identifies the site is likely underlain by an unconfined, late glacial outwash aquifer (Aquifer 661). This aquifer is assessed with high vulnerability, moderate productivity, and classified at a moderate stress level. Additionally, a deeper confined aquifer, identified as a Quadra Sand aquifer (Aquifer 662) is assessed with low vulnerability, moderate productivity and moderate demand.

The Report notes the assessments pertaining to water supply adequacy, water quality, and potential impacts from the proposed use focusses on the confined Aquifer 662. The assumption is made that the proposed new wells will be drilled to access the confined Aquifer 662.

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Unlike Aquifer 661, where Spider Lake is considered the major point of recharge, Aquifer 662 re-charge varies based on location. It is suggested some areas are predominately recharged via infiltration of precipitation, and therefore, vary seasonally. Other areas are assumed to be hydraulically connected and influenced by the Big and Little Qualicum rivers, and Aquifer 661, and therefore, re-charge varies between groundwater, precipitation or a combination of the two.

The Report provides a preliminary assessment of the adequacy of water supply based on the requirement of 3.5 m³ per day (0.04 L/s) for each residential parcel proposed, in accordance with Policy B1.21. Based on an Adequacy of Supply analysis of Aquifer 662, the Report summarises the median yield of wells correlated to Aquifer 662 equals 43.2 m³ (0.5 L/s), based on 278 wells. Assessment yields for the wells within the 500-meter radius of the subject property range from 43.2 m³ per day (0.5 L/s) and 82.1 m³ per day (0.95 L/s). Based on these analyses, the Report confirms the aquifer should be able to support the additional average groundwater withdraw of 3.5 m³ per day (0.04 L/s) for each of the of the proposed residential parcels.

Based on the preliminary analysis of drawdown predictions, the Report concludes the proposed new wells will not likely have any adverse impacts on existing groundwater users. The Report, however, recommends offsetting additional groundwater demand by implementing indoor and outdoor water conservation measures and applying best management practices, such as using water-smart landscaping and irrigation, and recovering rainwater for outdoor uses.

Based on this information, it is recommended that water conservation measures be implemented as a Section 219 covenant for the future development of each parcel. Terms of the covenant shall include a rainwater harvesting system plan to be developed by a qualified professional in accordance with the RDN's Rainwater Harvesting Best Practices Guidebook for indoor and outdoor water demands, and drought tolerant landscaping in accordance with the Guidebook and RDN's FireSmart and WaterSmart Landscaping Guide.

A water storage plan and a landscaping plan developed by a qualified professional in accordance with the above guidebooks, shall be submitted for approval by the General Manager Development and Emergency Services at the time of building permit application. Confirmation by a qualified professional that the system has been installed and functional, including installation of low flow fixtures, shall be submitted and approved prior to obtaining an occupancy permit for any new dwelling unit associated with any newly created parcel.

Prior to the Board's consideration to adopt Bylaw 500.438, the applicant is required to register the Report as a Section 219 covenant on the property title. The covenant shall state no subdivision shall occur until a report from a Professional Engineer (registered in BC) has been completed to the satisfaction of the Regional District of Nanaimo (RDN), confirming the wells have been pump tested and certified, including compliance with well head protection measures; and, that the water meets Canadian Drinking Water Standards in accordance with Policy B1.21. Any new well is to be constructed, tested, and a final well report submitted to the satisfaction of the RDN prior to final approval of subdivision.

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Additionally, a Site Assessment summary was prepared by Gibson and Sons Consulting Ltd., dated March 22, 2022, to determine the suitability for onsite sewage disposal to service the proposed subdivision. The summary concludes the soils onsite should be sufficient to allow wastewater systems to be designed and installed in accordance with the Sewerage System Regulation and the Sewerage System Standard Practice Manual, Version 3. This will be verified by Island Health by way of a septic approval through the subdivision approval process.

The Electoral Area H OCP includes direction that zoning amendments should include a community amenity contribution as part of the approval process, in recognition of the increased value of the land through the course of rezoning and increased demand on community services through additional development. The applicant is proposing a voluntary one-time community amenity contribution of \$6,000 toward the implementation of Regional District of Nanaimo's Phase B of the Lions Community Park master plan in Electoral Area H. The provision of this amenity contribution is recommended as a Condition of Approval in Attachment 7.

The proposed amendment is considered consistent with the Area H OCP Rural designation policies and is supported as presented, given the proposal will:

- Meet the criteria in the Area H OCP to support a 2.0-hectare minimum parcel size;
- Require the applicant to satisfy the Area H OCP direction confirming the lands can support the proposed amendment for hydrogeological and geotechnical capacity to service the proposal;
- Meet the provisions set out in Board Policy B1.21;
- Voluntarily provide a community amenity contribution consistent with the official community plan.

Land Use Implications

The current RU1 zoning of the subject property permits agriculture, aquaculture, home-based business, produce stand, silviculture, secondary suite, and residential uses. Where a parcel is greater than 2.0 hectares in size, two dwelling units are permitted on each parcel.

The proposed RU6 zoning permits the same uses as RU1 but limits the number of dwelling units per parcel to one unit, regardless of the parcel size.

If the zoning amendment is successful, the subject property would be re-zoned to RU6, which limits the number of dwelling units to one on the subject property. The proposed amendment of subdivision district B (8.0-hectare minimum parcel size) to D subdivision district (2.0-hectare minimum parcel size), however, would permit the subject property to pursue a four, 2.0-hectare parcel subdivision, where each parcel is permitted to construct one dwelling unit as per the RU6 zoning.

The proposed plan of subdivision shown in Attachment 3 is conceptual. A final plan must be approved through the subdivision approval process and may be different. The zoning change only decreases the minimum parcel size from 8 ha to 2 ha. The final plan of subdivision must comply with all Subdivision Regulations in Bylaw 500.

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Environmental Implications

The subject property is subject the Eagle and Heron Nesting Tree and Freshwater and Fish Habitat Development Permit Areas, per the Area H OCP. A development permit application will be required, unless specifically exempt, prior to any land alteration and/or final approval for subdivision.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI), who indicated they have no objections to the rezoning proposal. As part of the formal subdivision application review, MOTI will also consider access, stormwater management and geotechnical implications.

The application was referred to Island Health (VIHA) who identified septic disposal must comply with the Sewerage System Regulations and VIHA subdivision standards. Furthermore, the preliminary assessment provided by the applicant appeared to meet the Island Health Subdivision Standard (February 2020) requirements. Any future proposed subdivision will only be recommended for approval where there is confirmation of all Island Health regulations being met.

The application was referred to the Bow Horn Bay Fire Department with no concerns being identified, and no comments submitted.