

Attachment 5
Planning Implications
(Page 1 of 4)

Official Community Plan and Land Use Implications

The subject property is designated Commercial/Industrial within the Bellevue/Church Road Rural Separation Area pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999” (OCP). This designation indicates that future commercial, industrial, public utility and community service uses should be directed to lands within the rural separation boundaries and supports a compatible mix of uses within this area. Through the previous zoning amendment application (PL2019-033), community feedback indicated that a mix of commercial/industrial uses in this location was not supported and that residential use would be more in keeping with adjacent land uses. Given that the OCP supports a compatible mix of uses within this land use designation and that the property is currently zoned for residential use with a maximum density of one dwelling per hectare, the proposal is considered consistent with 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) and OCP policy to provide verification of potable water sources sufficient to service the proposed development. In support of this, the applicant has provided a Groundwater Supply Feasibility Investigation prepared by Western Water Associates Ltd. (Report), dated December 16, 2022, that includes an assessment of the hydrogeological conditions of the subject property and a professional opinion on the suitability of a potable water source for the proposed subdivision.

The report identifies that the northern half of the site is underlain by Aquifer 216, a confined sand and gravel aquifer, while the southern portion of the site is underlain by Aquifer 220, a fractured bedrock aquifer. In addition, Aquifer 220 likely extends north beneath Aquifer 216 within the site.

The Report indicates that records for 23 wells within 300 metres of the subject property were reviewed in addition to two existing, unregistered wells located on the lot. Reported well yields are noted to be higher for wells completed into Aquifer 216 than for Aquifer 220 with all wells completed in Aquifer 216 exceeding the minimum 3.5 m³/day requirement. For Aquifer 220, 79% of the wells have a reported yield of greater than 3.5 m³/day with a median reported yield for bedrock wells of 8 m³/day. A 64-metre deep well located in the southwest corner of the property was pump tested in 2019 and has a calculated yield of 9.5 m³/day. The other well, located in the northeast corner of the property, was drilled at a depth of 64 metres as an exploratory well and no significant aquifer was encountered in the unconsolidated sediments. However, the Report notes that if sufficient water-bearing sediments are encountered during the drilling process prior to subdivision, prospects are good for obtaining the minimum supply required. The Report concludes that based on the assessment of nearby wells within 300 metres of the site, it is anticipated that wells drilled in the next phase as part of the subdivision process will be able to provide each proposed lot with the required minimum year-round potable water supply of 3.5 m³/day. With respect to water quality, the Report concludes that water produced from supply wells in the area typically meet the Guidelines for Canadian Drinking Water; however, treatment

Attachment 5
Planning Implications
(Page 2 of 4)

is an adequate option to address water quality concerns at the time of the Final Well Report and subdivision stage.

The Report further includes an assessment of the potential for well interference to occur because of the proposed development. This assessment concludes that well interference is not likely to be an issue and impacts to adjacent surface watercourses or hydraulic regime are not expected to be a concern. In addition, the report notes that wells on proposed lots must be sited in accordance with the *Health Hazards Regulation* and *Groundwater Protection Regulations* (GWPR) which requires wells to be at least 15 metres from existing water supply wells and 120 metres from a cemetery. Given the required setback distance for wells from the adjacent cemetery, the proposal is to service proposed Lot 5 with a separate well that would be located on proposed Lot 4, with access secured through a water easement that would be registered at the time of subdivision.

Prior to the Board's consideration to adopt Bylaw 1285.39, the applicant is required to register the Report as a Section 219 Covenant on the property title. In accordance with Policy B1.21, 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.

With respect to sewage disposal, the applicant has provided a letter prepared by Canadian Sewage Solutions Inc., dated February 17, 2023, which states that a site assessment was completed to ensure that each of the proposed five lots are able to support an on-site sewage disposal system. The assessment confirms that primary and reserve areas for each proposed lot were determined using a daily design flow of 23,000 L/day which could support two separate dwelling units or up to five bedrooms based on typical residential sewage flow and strength.

The applicant has also provided a Storm Water Management Report prepared by Newcastle Engineering Ltd., dated December 14, 2022, which outlines preliminary design concepts for the storm water management systems to be incorporated at the time of development to ensure that rainfall run off is maintained to pre-development levels. In general, the report recommends that detention ponds or infiltration trenches are utilized to contain peak flows as well as flow restrictor manholes, and that flow calculations and storage requirements should be updated at the time of building permit. To ensure runoff has been treated to remove any silts and oils, the report recommends that flow restrictor manhole sumps and absorbent landscaping be used to capture sediment and contaminants. Manhole sumps are to be cleaned twice a year to ensure they continue to function to design capacity. Final details and sizing of the systems are to be determined at the building permit stage but are to be in general compliance with the recommendations contained in the report. Therefore, it is recommended

Attachment 5
Planning Implications
(Page 3 of 4)

that the applicant be required to register a Section 219 Covenant on title requiring development to occur in accordance with the Storm Water Management Report, including a requirement that individual stormwater management systems are to be designed and submitted to the RDN prior to building permit issuance.

The OCP includes direction that zoning amendments should generally be requested to include a public amenity as part of the completed project, in recognition of the increased value conferred on the land through rezoning. The applicant is proposing a voluntary one-time community amenity contribution in the amount of \$8,000 to the Errington Community Park for the concession building and market improvements. The provision of this voluntary amenity contribution is recommended as a Conditions of Approval in Attachment 6.

Environmental Implications

The subject property is subject to the Freshwater and Fish Habitat Development Permit Area, per the OCP. The applicant has submitted a Riparian Areas Protection Regulation (RAPR) Assessment (Assessment) prepared by Toth & Associates Environmental Services, dated August 29, 2022, establishing a Streamside Protection and Enhancement Area (SPEA) of 10 metres for Shelley Creek and a 2.0 metre SPEA for the existing seasonal ditch located along the southeastern boundary of the property. The Assessment notes that Shelley Creek has been channelized adjacent to and through the property and the seasonal ditch does not have a direct surface connection to Shelley Creek. In addition, the Assessment notes that a *Water Sustainability Act* (WSA) Notification for the proposed culvert replacement on Shelly Creek has been reviewed and approved by the province and that a condition of the Notification was that the culvert replacement would need to be located further to the east to provide a minimum 15-metre buffer from the pond, which is part of Shelley Creek and located on the adjacent property to the west.

A development permit application for Freshwater and Fish Habitat protection will be required at the time of subdivision.

Intergovernmental Implications

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

The application was referred to Island Health who confirmed they have no concerns with the proposed subdivision provided that the requirements outlined in the *Sewerage System Regulation* are met. In addition, they noted that groundwater wells servicing more than one dwelling unit or accessory building located on any proposed lot may constitute a drinking water system and these systems would be regulated under the *Drinking Water Protection Act*.

Attachment 5
Planning Implications
(Page 4 of 4)

The application was also referred to the Errington Volunteer Fire Department who confirmed they do not have any concerns with the proposed development.

As the property contains a BC Power Commission right-of-way, comments were received from BC Hydro indicating they have no concerns with the proposed zoning amendment application and advising that the landowner will be required to apply to BC Hydro with preliminary plans for the area in relation to the transmission line right-of-way, such as road dedication and future building construction.