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Official Community Plan and Land Use Implications

The subject property is designated Rural pursuant to the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2017” (OCP). The Rural designation supports a minimum parcel size of 2.0 hectares for the subdivision of land where the proposal meets the following criteria: one dwelling unit per parcel; bare land strata subdivision is not permitted; no frontage relaxation is required; no further road dedication to accommodate parcel frontage; and provision of a proposed plan of subdivision and a report prepared by a recognized professional to assess the suitability of the subdivision from a servicing perspective.

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 that are sufficient to service the proposed development. In this case, a portion of the parent parcel was rezoned in 2017 (Application PL2016-007), and subsequently subdivided in 2018, to create three parcels with a minimum parcel size of 4.0 hectares and a remainder parcel approximately 3.7 hectares in area. At the time of the previous rezoning, a Preliminary Hydrogeological Assessment was prepared by Lewkowich Engineering Associates Ltd., dated June 15, 2016 (Assessment). The Assessment notes that three of the proposed lots, including the subject property, would be permitted to have two dwelling units and that a total of nine dwelling units would be permitted in the overall subdivision, all of which would be serviced by groundwater wells. The Assessment indicates that the proposed subdivision of the parcel would have negligible effect on the drinking water aquifer (Aquifer #416) and groundwater resource and concludes that new wells in this area will be able to meet the minimum required volume of 3.5 m³ per day due to the nature of the aquifer. In addition, the hydrogeologic regime is not expected to be significantly affected by the installation of eight additional groundwater wells within the parent parcel. The Assessment also includes recommendations for septic disposal fields to be properly designed and maintained in accordance with design standards and approved by Island Health.

The RDN State of Our Aquifers 2017 Groundwater Levels Edition report characterizes Aquifer 416 as low demand, moderate vulnerability, and high productivity and indicates an increasing trend in water levels. Currently, there is no record of concern with groundwater supply in this area.

As a condition of the previous zoning amendment, the Assessment was registered on title as a S. 219 Covenant (CA6049824) to ensure development of the land is in accordance with the Assessment. At the time of re-zoning, a Section 219 Covenant (CA6049825) was also registered on the property title requiring the wells be constructed and tested, and a report from a Professional Engineer (registered in BC) to be submitted to the Regional District of Nanaimo prior to final approval of subdivision in accordance with Policy B1.21. At the time of the previous subdivision, the applicant constructed and tested a new well on the parent parcel, Lot 3, and submitted a report in accordance with Policy B1.21 and Covenant CA6049825. This report confirmed that the well on Lot 3 (proposed Lot A) significantly exceeds the minimum yield of 3.5 m³ per day and that

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while some parameters, including total coliform concentrations and iron concentration were above the guidelines, treatment is possible to ensure potability. Both covenants will apply to the future subdivision of the parcel; therefore, if the zoning amendment application is successful, the applicant will be required to construct and test a new well on proposed Lot B in accordance with the Covenant CA6049825 and Policy B1.21. This will include the submission of a report prepared by a Professional Engineer (registered in BC) to the satisfaction of the Regional District of Nanaimo confirming that a well has been constructed on proposed Lot B and has been pump tested and certified including well head protection, and that the water meets Canadian Drinking Water Standards prior to final approval of subdivision. The pumping test will include monitoring of nearby wells in accordance with the protocols outlined in the BC Guide to Conducting Pumping Tests.

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 in the course of rezoning. The applicant is proposing a voluntary one-time community amenity contribution in the amount of \$2,000 to Phase B implementation of the Lions Community Park Master Plan (pump track, bike trails, trail loop and storage building). The provision of this voluntary amenity contribution is recommended as a Conditions of Approval in Attachment 5.

Environmental Implications

The subject property is subject to the Aquifers, Eagle and Heron Nesting Tree and Freshwater and Fish Habitat Development Permit Areas, per the OCP. A development permit application for Aquifer protection will be required at the time of subdivision as the OCP lists Aquifer 416 as having moderate demand and moderate vulnerability; therefore, none of the exemption criteria can be met.

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, stormwater management and geotechnical implications.

The application was referred to Island Health who confirmed they have no concerns with the proposed subdivision provided that adequate groundwater can be provided to all new parcels.

At the time of previous subdivision, MOTI and Island Health required a covenant to be registered on title noting that a water sample from the on-site well was found to contain a total coliform count above the maximum allowable concentration and that it must be treated to a safe level. The covenant requires that coliform bacteria be treated in water from the well, such as with an over-the-counter ultraviolet light and ongoing monitoring of the coliform bacteria level in the well. All other health related parameters were found to be within the Guidelines for Canadian Drinking Water Quality. MOTI has confirmed that the presence of this covenant does not affect re-zoning or future subdivision and that an updated water quality test would be required at the time of future subdivision.

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