
TO: Electoral Area Services Committee **MEETING:** July 10, 2018
FROM: Angela Buick
Planner **FILE:** PL2018-062
SUBJECT: **Zoning Amendment Application No. PL2018-062**
860, 870, 890 Spider Lake Road – Electoral Area ‘H’
Amendment Bylaw 500.421, 2018 – Introduction
Lot 10, Block 347, Newcastle and Alberni District, Plan 34021

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on June 11, 2018.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.421, 2018, being considered for adoption.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018”, be introduced and read two times.
4. That the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

SUMMARY

The applicant proposes to rezone the subject property from Rural 1 (RU1) B to Rural 6 (RU6) D and Rural 1 (RU1) CC in order to facilitate a three-lot subdivision in a manner consistent with the policies of the Electoral Area ‘H’ Official Community Plan. A Public Information Meeting was held on June 11, 2018, and no concerns were raised regarding the proposed zoning amendment. It is recommended that Amendment Bylaw No. 500.421, 2018 be granted first and second reading, the public hearing for the Bylaw be waived, and the conditions of approval outlined on Attachment 2 be completed prior to the Board’s consideration of adoption of the Bylaw.

BACKGROUND

On April 24, 2018, the RDN Board adopted a number of minor amendments to the Regional Growth Strategy (RGS) as a result of the Electoral Area ‘H’ OCP review. One of these amendments was to change the RGS land use designation of the subject property from

Resource Lands and Open Spaces to Rural Residential to reflect the property's removal from the Agricultural Land Reserve in 2008.

The applicant, Barry Bartzon on behalf of Brookwater Homes Inc., has applied to rezone the subject property in order to facilitate a three-lot subdivision. The subject property is approximately 8.4 hectares in area is currently vacant with the exception of an outbuilding that was accessory to a previous residential use on the property. The property is located in an area of large rural lots on Spider Lake Road (see Attachment 1 – Subject Property Map). The proposal is consistent with OCP policy and will result in subdivision that is consistent with the rural character of the area.

Proposed Development

The applicant proposes to rezone the subject property from Rural 1 (RU1) B to Rural 6 (RU6) D and Rural 1 (RU1) CC (see Attachment 3 – Current and Proposed Zoning Map). The development is proposed to be serviced by three existing wells and onsite septic systems.

The property is subject to the Freshwater and Fish Habitat and Aquifer Development Permit Areas per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2018”, and a development permit application will be required prior to subdivision approval.

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”. Rural designation supports a minimum parcel size of 4.0 hectares and also supports a minimum parcel size of 2.0 hectares where a development proposal meets the following criteria:

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

In order to comply with the above criteria, the portion of the property proposed for future subdivision into minimum 2.0 hectare parcels will be rezoned to RU6, which will limit the number of dwellings units permitted on new lots to one. A Section 219 Covenant is also recommended to be registered on the title prohibiting Bare Land Strata subdivision as per the *Strata Property Act* and to ensure that subdivision of the land occurs in a manner consistent with the proposed plan of subdivision (see Attachment 2 – Conditions of Approval). Consistent with the above criteria, no road dedication or frontage relaxation will be required to allow the subdivision of the portion of the land proposed for a 2.0 hectare minimum parcel size.

OCP policies include direction that zoning amendments should generally be requested to include some public amenity in recognition of the increased value conferred on land through rezoning. In this case, the applicant is proposing a \$5,000 contribution to be allocated to the RDN capital funds for building and construction costs of a Bow Horn Bay Satellite Fire Hall. The applicant's proposal will directly benefit the Spider Lake community by supporting the provision

of emergency service facilities, and is consistent with community amenity contributions supported by the OCP.

Land Use Implications

The existing Rural 1 (RU1) zoning allows agriculture, aquaculture, home-based business, produce stand, silviculture, and residential use with two dwellings currently permitted on the subject parcel. The property is currently within Subdivision District 'B' which allows an 8.0 hectare minimum parcel size.

Abandoned buildings were recently removed from the property under demolition permit. The subject property currently contains one outbuilding, which was accessory to a previous residential use on the property. As there is one outbuilding remaining on the parcel without an established principle residential use, it is recommended that the applicant be required to ensure the outbuilding remains unused until such time as a principle use is established by way of registration of a Section 219 Covenant.

The applicant proposes to retain the RU1 zoning on the western half of the subject property, and to rezone from Subdivision District 'B' to 'CC' in order to reduce the minimum permitted parcel size from 8.0 hectares to 4.0 hectares. This would permit two dwelling units on one 4.0 hectare parcel in a manner consistent with the OCP. The eastern portion of the property is proposed to be rezoned from RU1 to Rural 6 (RU6) with a change in the subdivision district from 'B' to 'D' in order to reduce the minimum permitted parcel size from 8.0 hectares to 2.0 hectares. This would allow future subdivision of parcels as small as 2.0 hectares with one dwelling unit permitted per parcel (see Attachment 3 – Current and Proposed Zoning, Attachment 4 – Proposed Plan of Subdivision and Attachment 6 – Proposed Amendment Bylaw 500.421, 2018). The proposed development is not anticipated to have any negative impacts on the community provided the conditions of approval are met (see Attachment 2 – Conditions of Approval).

Environmental Implications

The proposed zoning amendment is required to demonstrate compliance with "Board Policy B1.21 Groundwater – Application Requirements for Rezoning Un-Serviced Lands" and OCP policy for the environmental suitability of the subdivision. The applicant has provided a Preliminary Hydrogeologic Report prepared by H2O Environmental Ltd. and dated March 30, 2018 which provides a groundwater potential review and hydrological impact assessment of potential negative impacts to local aquifers in relation to subdivision of the property. The report anticipates that a well on each proposed lot could sustain the required water supply of 3.5 m³ per day and that the use of these three wells will not have an adverse impact on the aquifer, surrounding wells or the receiving waters.

Prior to the Board's consideration of adoption of the amendment bylaw, it is recommended that the applicant be required to register a Section 219 Covenant with a clause requiring wells to be constructed and tested at subdivision stage consistent with Board Policy B1.21.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure for review and comment and the Ministry advised that it does not have any concerns with the proposed zoning amendment.

Public Consultation Implications

A Public Information Meeting (PIM) was held on June 11, 2018. Three members of the public attended and zero written submissions were received. (see Attachment 4 – Summary of Public Information Meeting).

In accordance with Section 464 of *The Local Government Act*, the Board may waive the holding of a public hearing if the proposed amendment bylaw is consistent with the OCP. It is assessed that the proposed development is consistent with the OCP and no concern has been expressed by the community with respect to the proposed amendment. Therefore, it is recommended that the Board waive the public hearing and direct staff to proceed with the notification requirements outlined in Section 467 of the *Local Government Act*.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2018-062, consider first and second reading of the Amendment Bylaw and proceed to public hearing.
2. To not proceed with the Amendment Bylaw readings and public hearing.

FINANCIAL IMPLICATIONS

In recognition of the increased land value as a result of this zoning amendment application, the applicants have offered a one-time \$5,000 community amenity contribution to the Bow Horn Bay Building Reserve Fund to be used specifically for the building design and construction of the Bow Horn Bay Satellite Fire Hall project as identified within the Board 2018-2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the Board 2016-2020 Strategic Plan's strategic priorities Focus on the Environment and Focus on Service and Organizational Excellence are supported respectively through commitments to groundwater protection and the applicants proposed community amenity contribution to support of local emergency services.



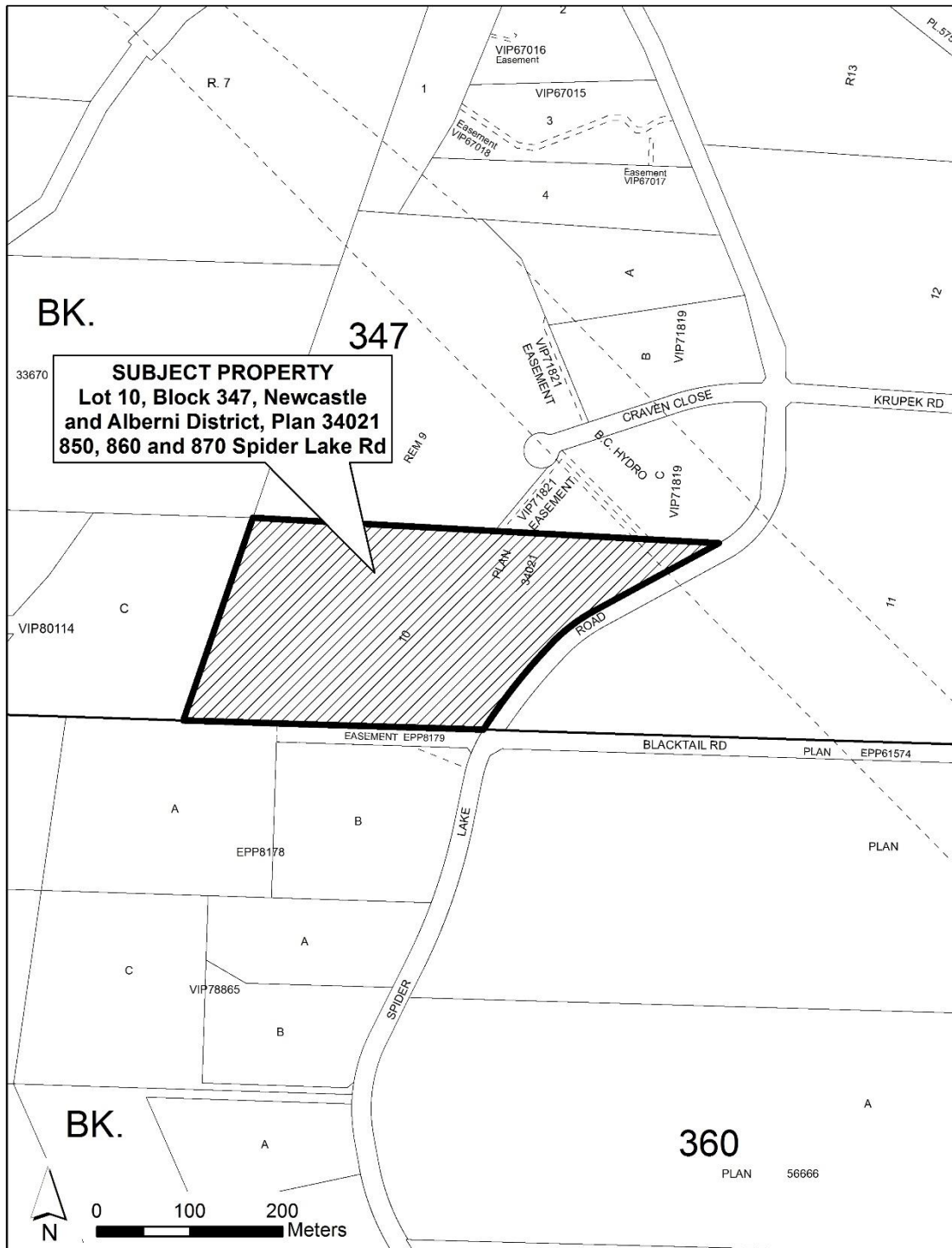
Angela Buick
abuick@rdn.bc.ca
June 26, 2018

Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Approval
3. Current and Proposed Zoning Map
4. Proposed Plan of Subdivision
5. Summary of the Public Information Meeting
6. Proposed Amendment Bylaw No. 500.421, 2018



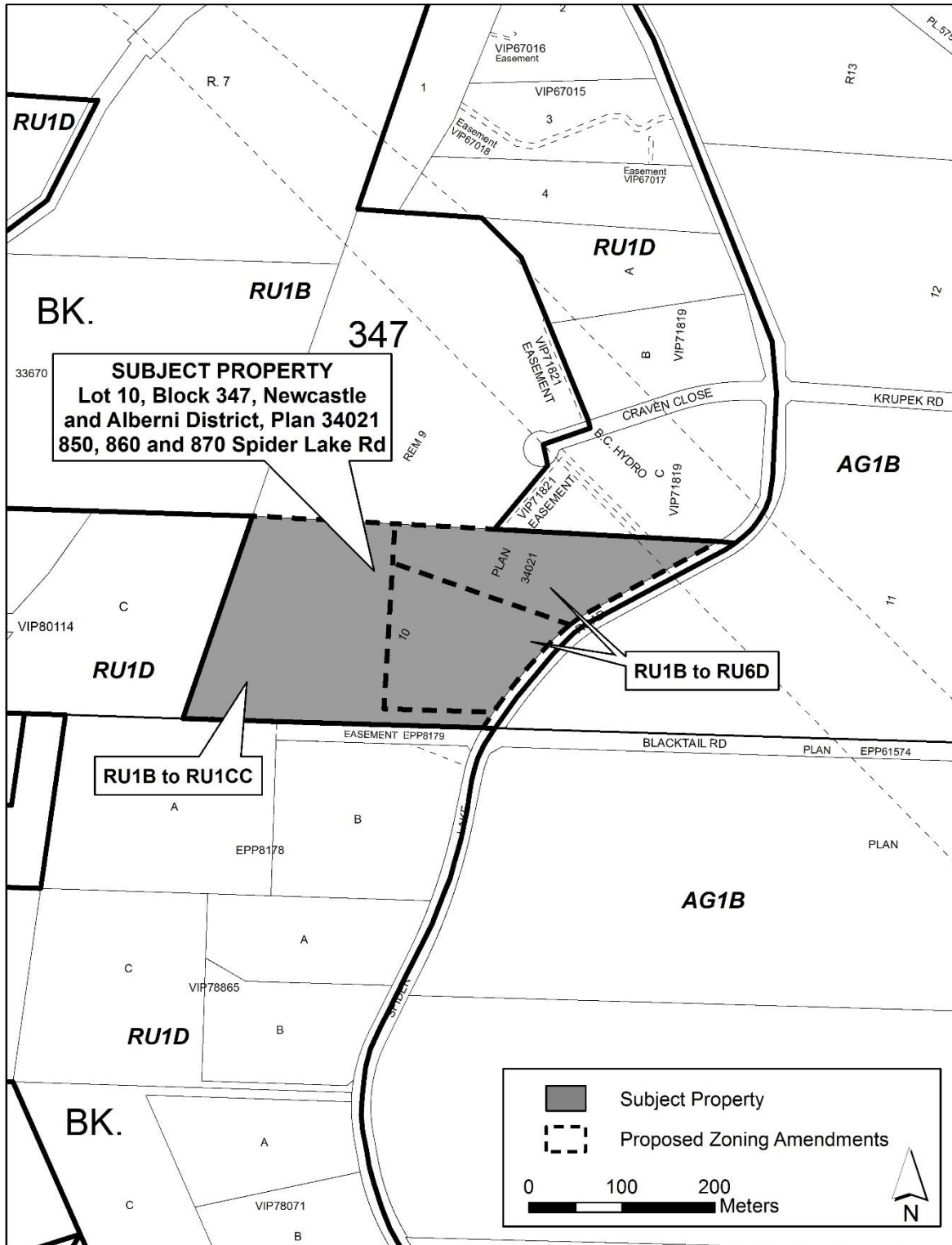
Attachment 2

Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018” being considered for adoption:

1. The applicant shall register, at the applicant’s expense, a Section 219 Covenant on the property title requiring that the subdivision of the land shall be in general compliance with the proposed Plan of Subdivision and that no bare land strata subdivision as per the *Strata Property Act* shall be permitted.
2. The applicant shall register, at the applicant’s expense, a Section 219 Covenant on the property title stating that the applicant shall provide, prior to subdivision approval, a voluntary one-time community amenity contribution in the amount of \$5000 to the Regional District of Nanaimo Bow Horn Bay Building Reserve Fund to be used specifically for the building design and construction of the Bow Horn Bay Satellite Fire Hall project.
3. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property title stating that wells be constructed and tested in accordance with Board Policy B1.21, and that no subdivision shall occur until such time that a report from a Professional Engineer (registered in BC) has been completed to the satisfaction of the Regional District of Nanaimo confirming that the wells have been pump tested and certified including well head protection, and that the water meets Canadian Drinking Water Standards.
4. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property title stating that the existing accessory building remain unused until such time as a principle use established on the parcel the existing building resides on.

Attachment 3
Current and Proposed Zoning Map



Attachment 4

Proposed Plan of Subdivision

Attachment 5
Summary of the Public Information Meeting
Held at Royal Canadian Legion - Bowser
7035 Island Hwy W, Bowser
June 11, 2018 at 6:00 pm
Regional District of Nanaimo Application PL2018-062

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There were three members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director, Bill Veenhof, Electoral Area 'H' (the Chair)
Angela Buick, Planner handling the development application
Jeremy Holm, Manager of Current Planning

Present for the Applicant:

Barry Bartzen (owner and agent of Brookwater Homes Inc.)
Tracy Bartzen

The Chair opened the meeting at 6:00 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Angela Buick provided a brief summary of the proposed Amendment, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Barry Bartzen on behalf of Brookwater Homes Inc. presented an overview of the proposal.

Following the presentation, the Chair invited questions and comments from the audience.

Susan Peyton, 900 Spider Lake Road, confirmed that the proposal was for residential use and the number of dwelling units being two on one lot and one on the other two smaller lots. Director Veenhof clarified that the OCP was clear on maintaining the rural character of this area.

Paul and Susan Peyton, 900 Spider Lake Road, requested clarification on who the Spider Lake Community Association was as they have been identified as a possible recipient of a \$5000 community amenity contribution. Barry Bartzen clarified the how the association contributed to the community.

The Chair asked if there were any further questions or comments.

Being none, the Chair thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:19 pm.

A handwritten signature in cursive script, appearing to read 'Angela Buick', positioned above a horizontal line.

Angela Buick
Recording Secretary

Attachment 6
Proposed Amendment Bylaw No. 500.421, 2018