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**TO:** Regional District of Nanaimo Board      **DATE:** September 4, 2018  
**FROM:** Angela Buick  
Planner      **FILE:** PL2018-062  
**SUBJECT:** **Zoning Amendment Application No. PL2018-062**  
**860, 870 and 890 Spider Lake Road - Electoral Area H**  
**Amendment Bylaw 500.421, 2018 –Third Reading**  
**Lot 10, Block 347, Newcastle and Alberni District, Plan 34021**

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## RECOMMENDATION

That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018” be read a third time.

## 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 (OCP). The Board at its July 24, 2018 regular meeting gave first and second reading to the amendment bylaw and waived the requirement to hold a public hearing in accordance with Section 464(2) of the *Local Government Act*. As the notification requirements of the *Local Government Act* have been satisfied, it is recommended that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018” be considered for third reading.

## BACKGROUND

On April 24, 2018, the Regional District of Nanaimo (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 Space to Rural Residential to recognize the property’s removal from the Agricultural Land Reserve in 2008 and subsequent designation to Rural in the OCP.

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 and 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.

### ***Procedural Considerations***

If a local government waives the holding of a public hearing under the *Local Government Act*, it must give notice of the waiver in accordance with Section 467 of the *Act*. In order to meet the statutory notification requirements notification of the Board's waiver of the public hearing and intent to consider third reading of the bylaw was published in the August 28 and August 30 editions of the Parksville Qualicum Beach News. Notices were also mailed to owners and tenants in accordance with "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1432, 2005". As the notification requirements of the *Local Government Act* have been satisfied, it is recommended that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018" (Bylaw 500.421) be considered for third reading (see Attachment 2 – Amendment Bylaw 500.421).

As the public hearing was waived, in accordance with the *Local Government Act*, any delegations wishing to speak to Bylaw 500.421 should be required to limit comments to matters related to the consistency of Bylaw 500.421 with the Official Community Plan and the waiver of the public hearing. Delegations wishing to speak to other aspects of Bylaw 500.421 should not be permitted.

### **ALTERNATIVES**

1. To give third reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018".
2. To not give third reading to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018".



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Angela Buick  
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August 15, 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. Amendment Bylaw No. 500.421

### Attachment 1 Subject Property Map

