
TO: Regional District of Nanaimo Board **DATE:** December 4, 2018

FROM: Greg Keller
Senior Planner **FILE:** PL2018-043

**SUBJECT: Official Community Plan and Zoning Amendment Application No.
PL2018-043
1723 Cedar Road – Electoral Area A
OCP Amendment Bylaw No. 1620.04, 2018 - Adoption
Zoning Amendment Bylaw No. 500.419, 2018 - Adoption
Block 9, Sections 15 and 16, Range 8, Cranberry District, Plan 2041**

RECOMMENDATIONS

1. That the Board adopt “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.04, 2018”.
2. That the Board adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.419, 2018”.

SUMMARY/CONCLUSIONS

The proposed Official Community Plan (OCP) Amendment Bylaw No. 1620.04 and Zoning Amendment Bylaw 500.419 would permit the property to be used for a water treatment facility and a potential future location for its administration office. The applicant has completed the conditions of approval for proposed “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.04, 2018” and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.419, 2018”.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Seward Developments Ltd. on behalf of the North Cedar Improvement District (NCID) to amend the Electoral Area A OCP by re-designating the subject property from Residential to a new land use designation called Community Services; and by adding new exemptions from the Cedar Main Street Development Permit Area guidelines that apply to unattended and attended public utilities. The application also proposes to rezone the subject property from Residential 2 (RS2) to Public 1 (PU1) in order to allow the property to be used for a water treatment facility and a potential future location for its administration office.

OCP Amendment Bylaw 1620.04 and Zoning Amendment Bylaw 500.419 were introduced and given two readings on July 24, 2018 (see Attachments 2 and 3). The public consultation plan

approved by the Board at its July 24, 2018 meeting has been fulfilled. A public hearing was held on August 16, 2018, and the bylaws received third reading on September 4, 2018. The Ministry of Transportation and Infrastructure approved bylaw 500.419 on September 5, 2018.

Following the close of a public hearing no further submissions or comments from the public or interested persons can be accepted by members of the Board, as established by legal precedent. In accordance with Section 470 of the *Local Government Act*, a Board member who was not present at the public hearing may vote on the adoption of a bylaw if an oral or written report of the hearing has been given to the member by an officer or employee of the local government or the delegate who conducted the public hearing. As the public hearing and third reading of the bylaw occurred prior to the 2018 local government elections, the Delegates Report of the public hearing held on August 16, 2018 is included with this report for information only (see Attachment 1). As such, having received the minutes of the public hearing, eligible Board members may vote on the bylaws.

As a condition of rezoning approval, and prior to the adoption of the bylaw, the applicant was required to complete the following:

- Submit a survey delineating the 30.0 metre riparian area established by the Biophysical Assessment prepared by Aquaparian Environmental Consulting Ltd., dated March 2018.
- Register a Section 219 Covenant on the property title requiring that the riparian area be replanted and that permanent fencing be installed prior to final Regional District of Nanaimo Building Department approval for the proposed water treatment plant and requiring that the property be developed in accordance with the Biophysical Assessment, prepared by Aquaparian Environmental Consulting Ltd., dated March 2018.
- Submit a survey and register a statutory right-of-way to the satisfaction of the Regional District of Nanaimo to permit public access to the Nanaimo River.
- Register a Section 219 Covenant that prohibits the removal of vegetation within 5.0 metres of Cedar Road.
- Register a Section 219 Covenant that requires the owner to design and install a sidewalk or other roadside improvements along the entire Cedar Road frontage to the satisfaction of the Regional District of Nanaimo within 24 months from the date that the water treatment plant is approved as operational or January 1, 2023, whichever occurs first.

The applicant has satisfied the conditions of approval. As such, the bylaws are presented to the Board for consideration for adoption.

ALTERNATIVES

1. To adopt “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.04, 2018” and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.419, 2018”.
2. “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Amendment Bylaw No. 1620.04, 2018” and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.419, 2018”.



Greg Keller
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November 13, 2018

Reviewed by:

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

Attachments

1. Delegate's Report of the Public Hearing
2. Proposed OCP Amendment Bylaw No. 1620.04, 2018
3. Proposed Zoning Amendment Bylaw 500.419, 2018