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

FROM: Angela Buick
Planner **FILE:** PL2018-062

SUBJECT: **Zoning Amendment Application No. PL2018-062**
850, 860, 870 Spider Lake Road – Electoral Area H
Amendment Bylaw No. 500.421, 2018 – Adoption
Lot 10, Block 347, Newcastle and Alberni District, Plan 34021

RECOMMENDATION

That the Board adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018”.

SUMMARY

The proposed “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.421, 2018” (Bylaw 500.421) would amend the zoning of the subject property in order to facilitate a three-lot subdivision. The applicant has satisfied the conditions of approval for Bylaw 500.421.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Barry Bartzen on behalf of Brookwater Homes Inc., 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 Bylaw No. 500.421 and waived the requirement to hold a public hearing in accordance with Section 464(2) of the *Local Government Act*. The bylaw received third reading on September 4, 2018 (see Attachment 1 – Amendment Bylaw No. 500.421, 2018).

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

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 \$5,000. This is to be directed 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 RDN 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 is established on the parcel the existing building resides on.

The applicant has satisfied the conditions of approval as outlined above. As such, the bylaw will be presented to the Board for consideration for adoption.

ALTERNATIVES

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



Angela Buick
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November 13, 2018

Reviewed by:

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

Attachments

1. Proposed Amendment Bylaw No. 500.421, 2018

Attachment 1
Proposed Amendment Bylaw No. 500.421, 2018