
TO: Electoral Area Services Committee **DATE:** January 8, 2019

FROM: Angela Buick
Planner **FILE:** PL2018-092

SUBJECT: **Zoning Amendment Application No. PL2018-092**
2995 Ridgeway Road – Electoral Area C
Amendment Bylaw 500.423, 2019 – Introduction
Lot 1 of Section 11, Ranges 3 and 4 and of Section 12, Range 4, Mountain
District, Plan 31326

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on November 6, 2018.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.423 being considered for adoption.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.423, 2019”, be introduced and read two times.
4. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.423, 2019”, be waived in accordance with Section 464(2) of the *Local Government Act*.
5. That staff be directed to proceed with notification in accordance with Section 467 of *The Local Government Act* of the Board’s intent to consider third reading of “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.423, 2019” at a regular Board meeting to be held on March 26, 2019

SUMMARY

The applicant proposes to amend the zoning for the property from Rural 1 (RU1), Subdivision District ‘D’ to RU1 Zone, Subdivision District ‘F’, to allow the subdivision of the subject property into two lots. A Public Information Meeting was held on November 6, 2018 where no objections were raised by the public. It is recommended that Amendment Bylaw No. 500.423, 2019 be granted first and second reading, that the public hearing for the bylaw be waived in accordance with Section 464(2) of the *Local Government Act* given that the proposal is consistent with the applicable Official Community Plan (OCP) policies, and that the conditions of approval are to be completed by the applicant prior to the Board’s consideration of the bylaw for adoption (see Attachment 2).

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Douglas Holme of JE Anderson & Associates Ltd. on behalf of David and Elaine Seymour to rezone the subject property in order to permit a two-lot subdivision. The subject property is approximately 2.25 hectares in area and contains one dwelling unit and one accessory building (see Attachment 4 – Proposed Plan of Subdivision). The property is located north west of Ridgeway Road and south of Jameson Road and is surrounded by large Rural 1 (RU1) zoned lots (see Attachment 1 – Subject Property Map and Attachment 3 – Current Zoning Map).

Proposed Development

The applicant proposes to rezone the subject property from RU1 Zone, Subdivision District 'D' to RU1 Zone, Subdivision District 'F' to allow the subdivision of the property into two 1.0 hectare lots (see Attachment 3 – Current and Proposed Zoning Map). Proposed Lot A is currently serviced by an existing well and an on-site septic system, while proposed Lot B will be serviced with a new well and on-site septic system.

Official Community Plan Implications

The subject property is designated as Rural Residential pursuant to the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997” (OCP). The Rural Residential designation supports the subdivision of a parcel that existed prior to the adoption of the OCP. In this case, the subject property was created in 1978 and therefore qualifies under this provision. However, the application must meet a number of criteria to avoid an OCP amendment. One of these criteria is that no new parcels can be smaller than 1.0 hectare in size. As Bylaw 500 allows parcel averaging, the applicant will be required to register a Section 219 Covenant requiring all parcels within the subdivision to be no less than 1.0 hectare in size (see Attachment 2 – Conditions of Approval). The OCP also requires a Section 219 Covenant to prevent further subdivision under the *Land Title Act* or *Strata Property Act*. Since the proposed plan of subdivision shows each parcel of land with more than 1.0 hectare in area, and provided that the applicant satisfies the Conditions of Approval prior to adoption, the proposed amendment is consistent with the OCP policies.

Land Use Implications

The existing RU1 zoning of the subject property allows agriculture, aquaculture, home-based business, produce stand, silviculture, secondary suite, and residential use. Currently two dwelling units are permitted on the subject property, as the parcel area is greater than 2.0 hectares. The proposed subdivision is consistent with OCP policy as it relates to density supported of one dwelling unit per one hectare of land (see Attachment 6 – Proposed Amendment Bylaw 500.423, 2019).

The applicant has submitted a proposed plan of subdivision to show the potential parcel shape and dimensions (see Attachment 4 – Proposed Plan of Subdivision). The proposed plan was prepared to comply with the 1.0-hectare minimum parcel size requirement and accommodate the existing buildings, driveway access and parking area.

The proposed zoning amendment is required to demonstrate compliance with Policy B1.21 and OCP policy to provide verification of onsite sewage disposal capability and that potable water sources are sufficient to service the proposed development. In support of this, the applicant has

provided a Preliminary Hydrogeological Assessment prepared by GW Solutions Inc. dated June 5, 2018 which provides an assessment of the hydrogeological conditions of the subject property and provides a professional opinion on the suitability of a potable water source for the proposed subdivision. The report anticipates that a well on each proposed lot could sustain the required water supply of 3.5 m³ per day provided that the water is used for domestic use only and that water conservation measures are taken (e.g. use of native plants, xeriscaping, rain water collection, no lawn watering using automatic sprinkling systems). Provided these measures are taken, a new well drilled for residential use on proposed Lot B will not have an adverse impact on surrounding wells, groundwater resources and receiving waters.

The applicant has also provided a soils summary to determine the suitability for onsite sewage on proposed Lot B. The summary concludes that the lot will be suitable for a low-pressure type 1 system. However, this will be verified by Island Health by way of a septic approval through the subdivision approval process.

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.

Environmental Implications

Prior to land alteration and/or final approval for subdivision, the applicant shall be required to determine if the subject properties will be subject to the Fish Habitat Development Permit Area per the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1998". If it is determined that there is a watercourse subject to the *Riparian Area Regulations*, a development permit application will be required prior to subdivision approval.

Intergovernmental Implications

The application was referred to the local Fire Chief and RDN Water and Wastewater Services who expressed no concerns. The Ministry of Transportation and Infrastructure expressed no concerns, however all comments pertaining to the subdivision would be provided at the time of subdivision. Island Health has also commented that a subdivision application will require septic approval at the time of subdivision, which will need to be witnessed by the Environmental Health Officer. The City of Nanaimo was sent a referral as well because there is a right-of-Way (ROW) for a historic power generation connection between Westwood and Witchcraft Lakes intersecting a small portion of the proposed Lot A at the corner of Jameson and Ridgeway Roads. The City of Nanaimo's Parks department supports re-routing the ROW as necessary to provide privacy to the subject property owners. It was noted that this ROW provides a unique opportunity for a future trail/greenway development in an existing corridor and that re-routing may occur at any point in the future between the land owner and the City of Nanaimo would be supported. It is recommended to the applicant to consider this re-routing at the time of subdivision if desirable.

Public Consultation Implications

A Public Information Meeting (PIM) was held on November 6, 2018. Nine members of the public attended, and no written submissions were received prior to the PIM (see Attachment 5 – Summary of Minutes of the 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. PL2018-092, consider first and second reading of the Amendment Bylaw and waive the Public Hearing.
2. To not proceed with the Bylaw amendment.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the application supports the Board 2016-2020 Strategic Plan's strategic priorities Focus on the Environment and Focus on Service and Organizational Excellence 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
December 18, 2018

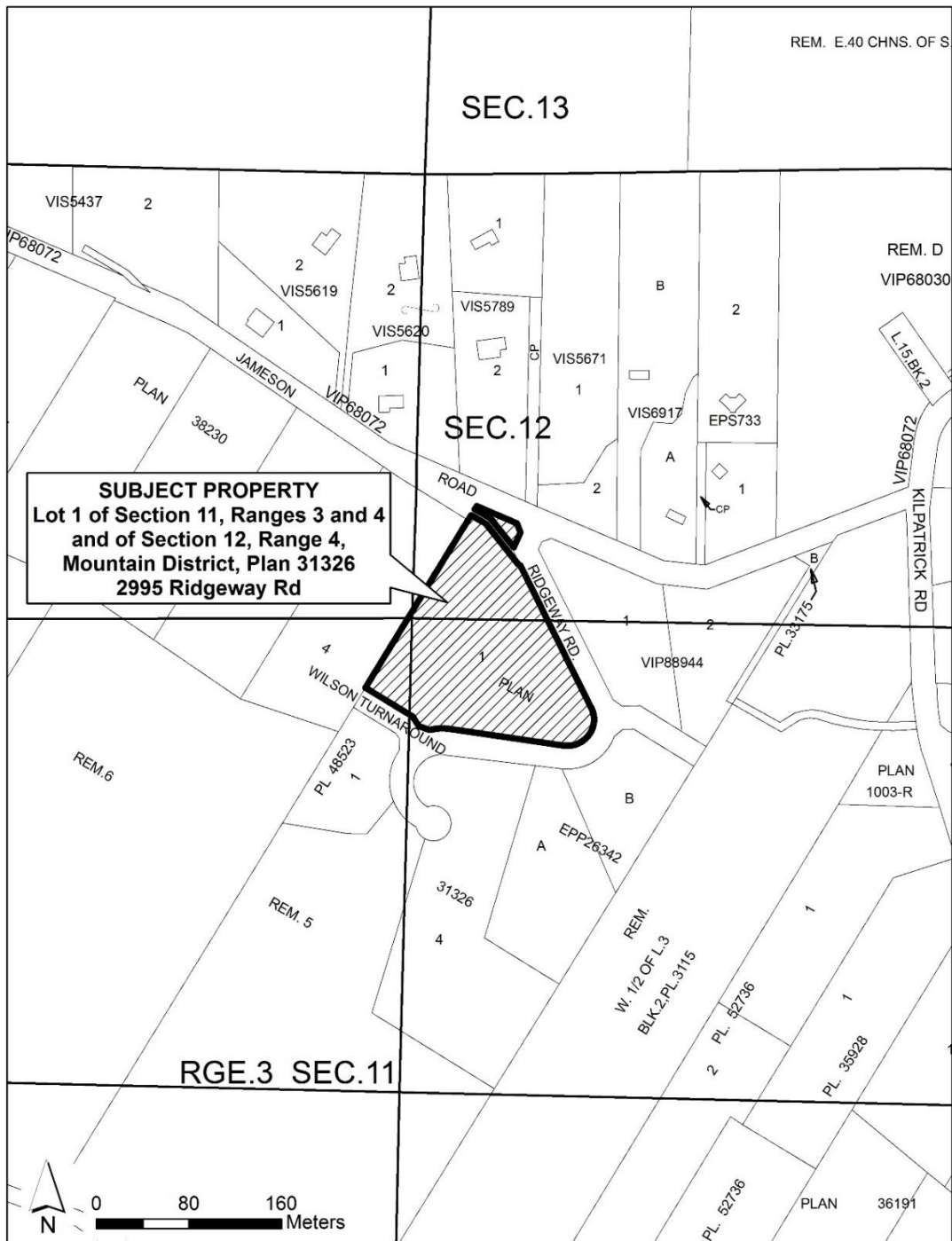
Reviewed by:

- P. Thompson, 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 Report of the Public Information Meeting
6. Proposed Amendment Bylaw No. 500.423, 2019

Attachment 1 Subject Property Map



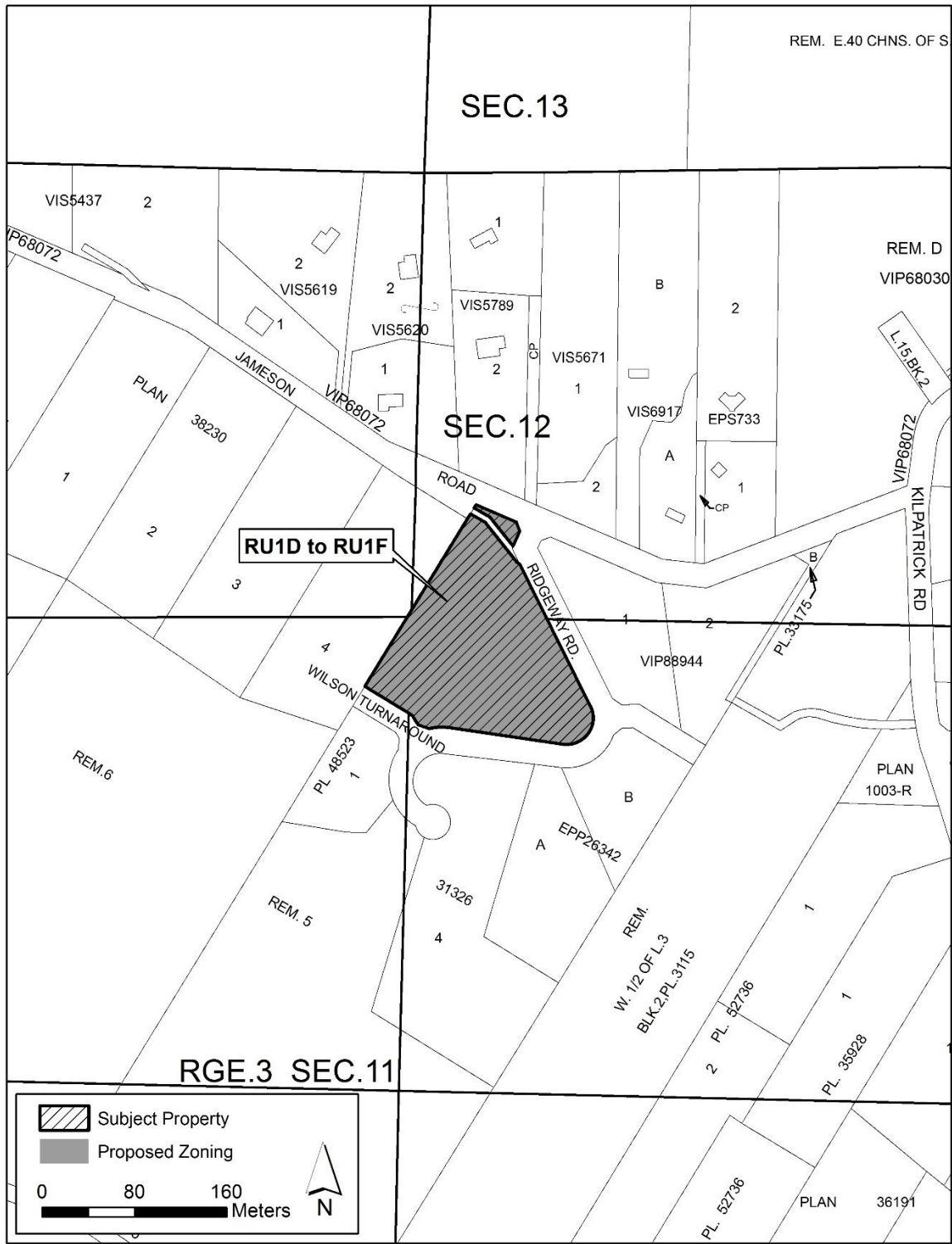
Attachment 2 Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.423, 2019” being considered for adoption:

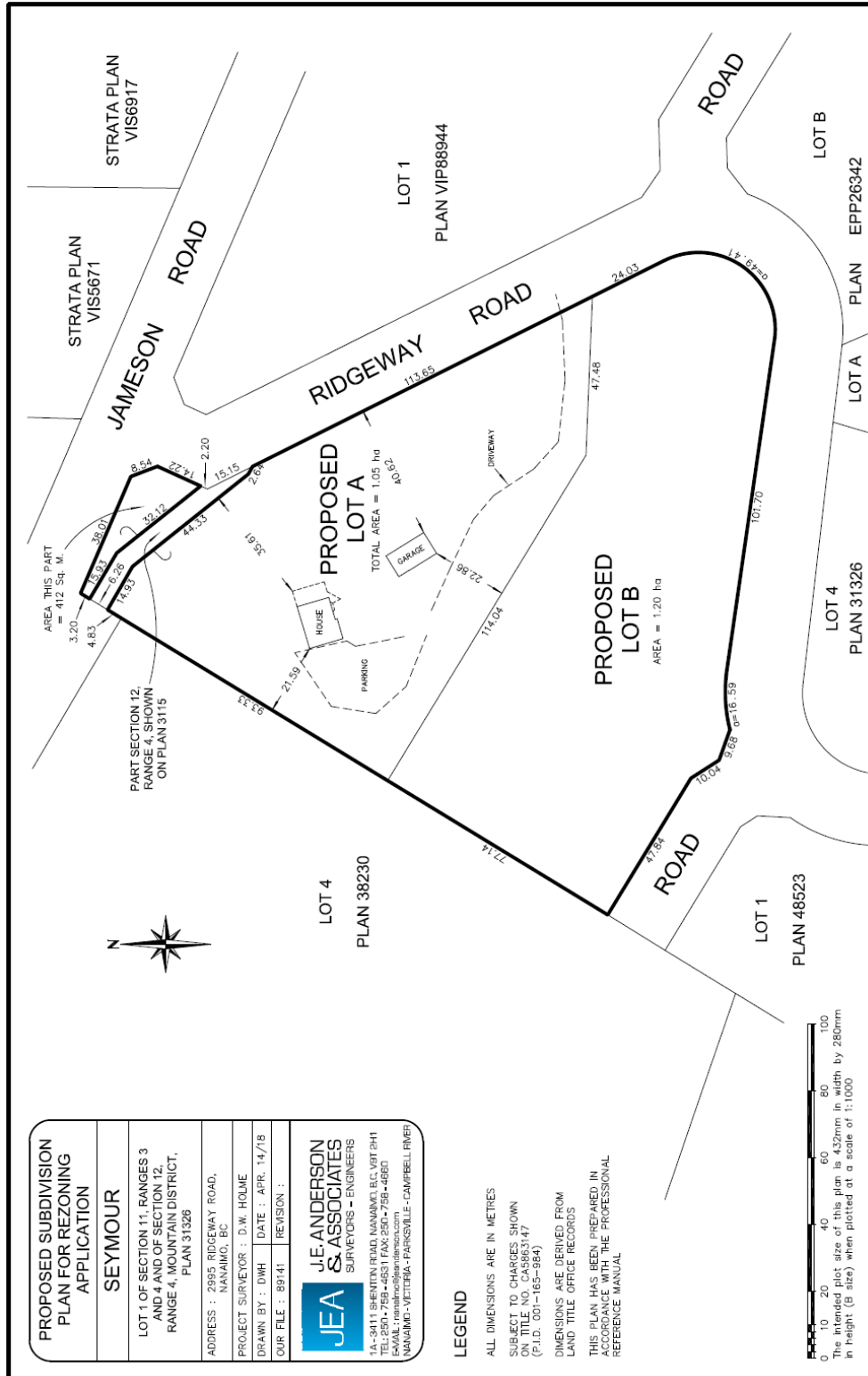
Conditions of Approval

1. The applicant shall register, at the applicant’s expense, a Section 219 Covenant on the property title requiring any new parcel created through subdivision to be 1.0 hectare or greater in area.
2. The applicant shall register, at the applicant’s expense, a Section 219 Covenant on the property title to prohibit the subdivision of the new parcels.
3. The applicant shall register, at the applicant’s expense, a Section 219 Covenant on the property title requiring the development of the land occur in a manner consistent with the Preliminary Hydrological Assessment report prepared by GW Solutions Inc., dated June 5, 2018.
4. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property title stating that the wells be constructed and tested, and a report from a Professional Engineer (registered in BC) be submitted to the Regional District of Nanaimo prior to final approval of subdivision in accordance with “Board Policy B1.21 – *Groundwater – Application Requirements for Rezoning of Un-serviced Lands*”. 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.

Attachment 3
Current and Proposed Zoning Map



Attachment 4
Proposed Plan of Subdivision



Attachment 5
Summary of Report of a Public Information Meeting
Held at Mountain View Elementary School – Multi-purpose Room
2480 East Wellington Road, Nanaimo
November 06, 2018 at 6:05 PM
RDN Application PL2018-092

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 nine members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Maureen Young, Electoral Area C (the Chair)
Charlie Pinker, Alternate for Electoral Area C
Angela Buick, Planner handling the development application
Sarah Preston, Planning Technician, Recording Secretary

Present for the Applicant:

Doug Holme, JE Anderson & Associates Ltd.
David and Elaine Seymour, Subject Property Owners

The Chair opened the meeting at 6:05 pm, outlined the evening's agenda, and introduced the Regional District of Nanaimo (RDN) staff and the applicant(s) 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.

Director Young provided a brief summary of the proposed Zoning Amendment application, supporting documents provided by the applicant, and the application process.

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

Doug Holme, JE Anderson & Associates Ltd. presented an overview of the proposal.

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

Peter Wright, 2940 Jameson Road, asked to clarify the total density after re-zoning.

The Chair explained that there would be two dwelling units and that there could be up to one suite associated with each house, per the new secondary suites bylaw. The application does not increase the density.

Tim Miller, 3000 Ridgeway Road, asked if there was going to be more small lot subdivisions in the area.

Charlie Pinker, Alternate, explained that there will not be any high-density subdivisions in the area. At the time the Official Community Plan (OCP) was reviewed in 1997, the residents wanted the option to rezone properties that predated the bylaw to support 1.0-hectare minimum parcel sizes with one dwelling unit, provided they met the OCP policies in this regard.

David Seymour, 2995 Ridgeway Road, explained that the OCP designation was the reason they purchased the property as they had a plan to develop the land. If approved, they will have the option to keep it or sell it to help realize their dream of being mortgage free.

Peter Wright, 2940 Jameson, noted he would be in support of the application as long as it didn't result in a loss of the area's rural character.

Laura McDonough, 3000 Ridgeway Road, announced that the water was good but asked what this application means for overland flow.

Doug Holme, Agent, explained that drainage is dealt with at the time of subdivision.

David Seymour, 2995 Ridgeway Road, announced that they had all the overland flow coming from the mountain, and that Ministry of Transportation and Infrastructure (MOTI) diverted it to the other side of the road.

Laura McDonough, 3000 Ridgeway Road, noted that MOTI did some work to improve their side of the road but there are now erosion issues. They also asked if there was enough water capacity to serve another dwelling unit.

Doug Holme, Agent, referenced the geotechnical engineers' report which concluded that there would be enough water to support a new well for single family residential use and confirmed that the subdivision will not be approved if there isn't enough water when the well is drilled.

Laura McDonough, 3000 Ridgeway Road, announced her concern about wells running low but stated that perhaps this only effects properties on Jameson Road.

Doug Holme, Agent, reiterated that the report concluded that there would be sufficient water for another dwelling unit.

Ian Higgs, 2962 Ridgeway Road, expressed his concern for the re-routed drainage beside his property. It has eroded his driveway and devastated the ditch, washing it away. Asked why MOTI hasn't utilized ditches on both sides of the road?

The Chair, asked if the ditch is on Ian's property or on MOTI land?

Ian Higgs, 2962 Ridgeway Road, explained that MOTI says it's partially his land and their land. The previous owner had completed some non-standard rockwork that was done as landscaping by a prior owner. MOTI came out with a grader and cut off the vegetation which had caused major erosion issues.

David Seymour, 2995 Ridgeway Road, explained that MOTI admitted they made a mistake and took some fault because they would have to buy a portion of the property, so they laid a rock ditch to help

but it eroded away. David offered to work together with Ian in connection with MOTI to help solve the erosion issue at the 2962 Ridgeway Road ditch.

Laura McDonough, 3000 Ridgeway Road, explained that some of the drainage is moving down her driveway and toward her house.

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 6:35 pm.



Sarah Preston, Recording Secretary

Attachment 6
Proposed Amendment Bylaw No. 500.423, 2019