
TO: Regional District of Nanaimo Board **DATE:** April 23, 2019

FROM: Kristy Marks
Planner **FILE:** PL2019-069

SUBJECT: **Zoning Amendment Application No. PL2019-069**
Pitt Road – Electoral Area H
Amendment Bylaw 500.425, 2019 – Introduction
Lots 1 and 2, District Lot 36, Newcastle District, Plan 2076 Except That Part
Shown Outlined In Red On Plan 1104-R And Except That Part Lying North Of
The Island Highway As Said Highway Is Shown On Said Plan

RECOMMENDATIONS

1. That the condition set out in Attachment 2 of the staff report be completed as a condition of Amendment Bylaw No. 500.425, 2019 being adopted.
2. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.425, 2019”, be introduced and read two times.
3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.425, 2019”, be waived and notice of the Board’s intent to consider third reading and adoption be given in accordance with Section 467 of the *Local Government Act*.

SUMMARY

The applicant proposes to amend the Lighthouse Villa Comprehensive Development Zone 52 (CD52) to remove the requirement for seniors housing to be serviced by community sewer. It is recommended that Amendment Bylaw No. 500.425, 2019 be granted first and second reading and that the public hearing be waived.

BACKGROUND

The Regional District of Nanaimo (RDN) has initiated an application on behalf of the Bowser Seniors Housing Society to amend the existing Lighthouse Villa Comprehensive Development Zone 52 (CD52) by removing the requirement that seniors housing must be serviced by community sewer. The CD52 zone, which applies to the northern portion of the subject properties, was adopted by the RDN Board on December 4, 2018. The zoning requires that seniors housing be connected to community water and community sewer. Given that the Bowser Village Centre Sewer Servicing project has been discontinued, due to schedule and cost constraints, and community sewer will not be available to the subject properties in the foreseeable future, this amendment is required to allow the seniors housing development to proceed.

These two parcels of Crown land, currently held under lease by the RDN, are approximately 4.2 hectares total in area and are currently vacant and treed. The RDN lease was granted by the

Province in 2012 for a term of 20 years for the purpose of providing a “seniors supportive living complex, sewage treatment facility and waste water management system purposes”. The Bowser Seniors Housing Society is currently in the process of separating their lease from that of the RDN. Through the amendment to the existing lease and sponsored Crown grant application the Province has advised that it will amend the existing lot line between the two parcels from north/south to east/west to reflect the amended tenure agreements and proposed uses.

The properties are located within the Bowser Village Centre (BVC) and are surrounded by developed commercial property (Magnolia Court) to the north, undeveloped residential zoned lands to the east, unconstructed road and Crown land to the south and west and rural zoned lands within the BVC to the northwest (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to amend the existing Lighthouse Villa Comprehensive Development Zone 52 (CD52) to remove the requirement that seniors housing must be serviced by community sewer. The proposed development will be required to be serviced by community water and must provide confirmation of on-site wastewater disposal through the building permit process. The development is proposed to be serviced by community water from the Bowser Waterworks District. Access to and from the subject properties would be from Pitt Road. In support of the application, the developer has submitted a Concept Site Plan (see Attachment 3 – Concept Site Plan).

The properties are subject to the Aquifer Protection, Bowser Village Centre, Watercourse and Fish Habitat Protection and Eagle and Heron Nesting Trees Development Permit Area per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2017”. A development permit will be required prior to the development of the subject properties.

Official Community Plan Implications

The subject properties are designated Civic and Cultural pursuant to the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2017” (OCP) and the Bowser Village Centre Plan (BVCP). The OCP recognizes that the subject properties were leased to the RDN in 2012 for the purpose of a seniors supportive living facility and includes advocacy policies that the RDN support the Bowser Seniors Housing Society in their work to establish seniors supportive housing in the BVC. Consistent with this vision, the OCP includes objectives to increase the supply of housing to meet the needs of seniors and to provide 40 units of seniors housing with the BVC. The plan policies encourage seniors housing to be integrated with the rest of the community and located close to shops, services, transit and public amenities.

The OCP includes policy related to development within rural village centres which requires rezoning applications that are proposed to be serviced by a privately owned wastewater treatment system to be accompanied by a covenant requiring connection to a Regional District sewer service should one be established. To address this policy the developer is required to register, at their expense, a Section 219 Covenant on the property titles requiring the subject properties be connected to a Regional District community sewer service should one become available (see Attachment 2 – Conditions of Approval).

Land Use Implications

The existing Lighthouse Villa Comprehensive Development Zone 52 (CD52) permits up to 40 units of seniors housing and residential use in addition to accessory uses including a medical office, personal service use and public assembly. The proposed amendment would allow seniors housing to be serviced with an on-site sewage disposal system (see Attachment 4 – Proposed Amendment Bylaw 500.425, 2019).

As a condition of the previous zoning amendment application (PL2017-202), the developer (Bowser Seniors Housing Society) is required to provide at their expense, a stormwater management plan, including detailed drawings and recommended maintenance provisions, prepared by a qualified Engineer to ensure post-development flows do not exceed pre-development flows. This plan is to be submitted to the satisfaction of the General Manager of Strategic and Community Development, RDN prior to the issuance of a building permit.

In addition, the developer is required to secure access to, and use of, water storage tank(s) and other required firefighting equipment (as recommended by the qualified Engineer through building permit application) including an obligation to maintain such equipment in good working order to the satisfaction of RDN Fire Services and the General Manager of Strategic and Community Development, Regional District of Nanaimo prior to the issuance of a building permit.

Intergovernmental Implications

The previous zoning amendment application (PL2017-202) was referred to the Ministry of Transportation and Infrastructure, local fire department, Bowser Waterworks District, and the Qualicum First Nation. Items identified by these referral agencies were addressed through the previous application and it is not anticipated that the proposed change to allow the seniors housing development to be serviced by on-site sewage disposal system will impact previous comments provided by any of these agencies. If Amendment Bylaw No. 500.425, 2019 is granted first and second reading the application will be forwarded to Island Health for their review and comment.

Public Consultation Implications

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 Official Community Plan. It is assessed that the proposed development is consistent with the OCP. 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

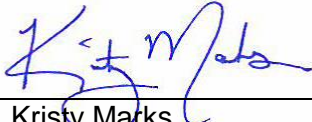
1. To proceed with Zoning Amendment Application No. PL2019-069, consider first and second reading of the Amendment Bylaw and waive the public hearing.
2. To not proceed with the Amendment Bylaw readings.

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 proposal will support RDN strategic priorities related to planning for the impact of our aging population by securing housing for seniors as well as recognizing the importance of community mobility and active transportation options. In addition, this application reinforces the Plan's objectives related to focusing on relationships by partnering with the Province and a local non-profit society to support and secure housing for seniors.



Kristy Marks
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April 10, 2019

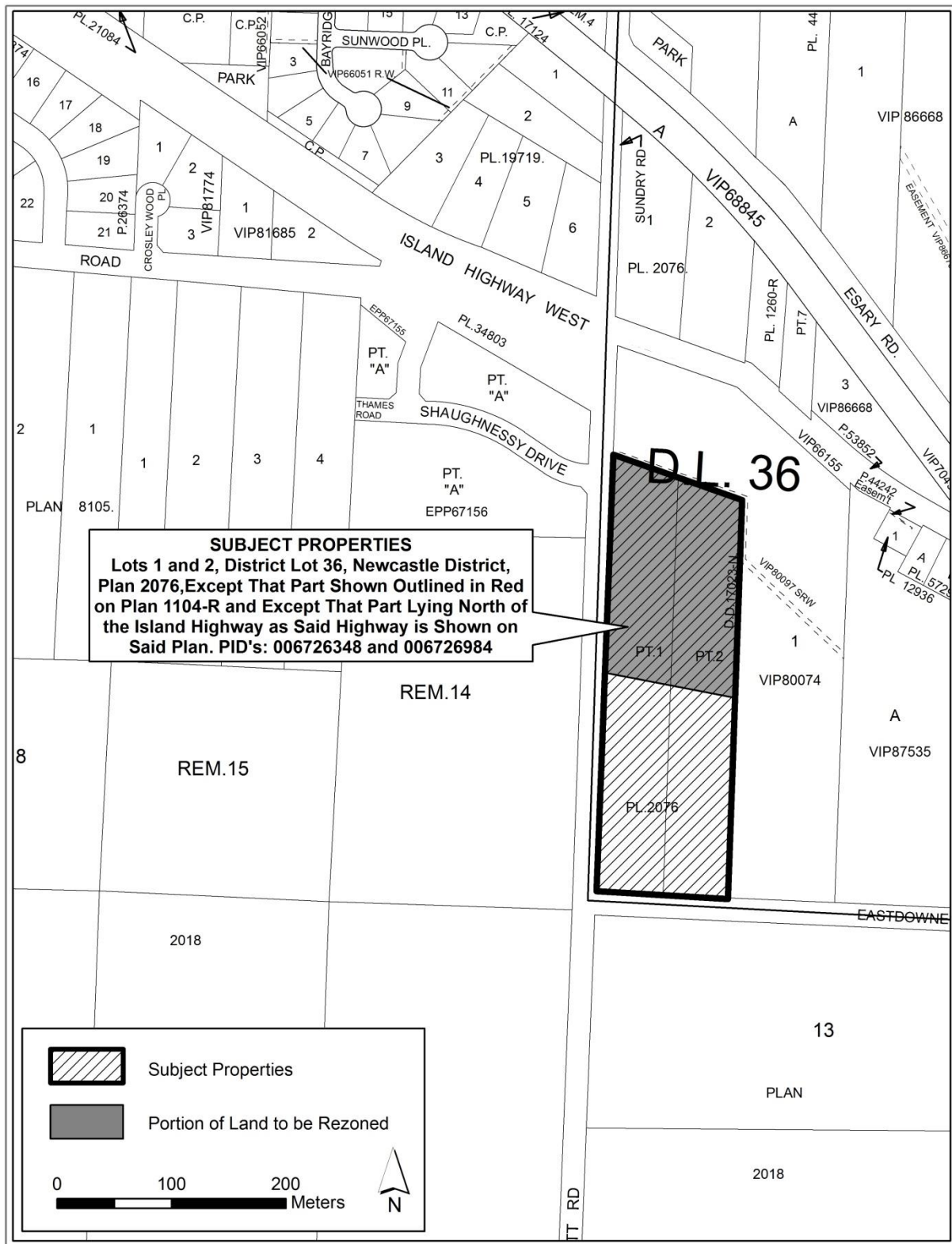
Reviewed by:

- 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. Concept Site Plan
4. Proposed Amendment Bylaw No. 500.425, 2019

Attachment 1
Subject Property Map



Attachment 2
Conditions of Approval

The following requirement must be addressed by the Bowser Seniors Housing Society, developer, prior to development of the subject properties as a condition of the adoption of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500.425, 2019”:

1. The developer (Bowser Seniors Housing Society) is required to register, at their expense, a Section 219 Covenant on the property titles requiring that the subject properties be connected to a Regional District of Nanaimo community sewer service should one become available.

[illegible]

Attachment 4
Proposed Amendment Bylaw No. 500.425, 2019