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

**FROM:** Greg Keller  
Senior Planner      **FILE:** PL2015-084

**SUBJECT:** **Zoning Amendment Application No. PL2015-084**  
**Springhill and Angel Roads – Electoral Area F**  
**Amendment Bylaw 1285.32, 2019 – Third Reading**  
**Lots A – D, District Lot 103, Nanoose District, Plan EPP68815**

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## **RECOMMENDATION**

That the Board give third reading to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019”.

## **SUMMARY**

The applicant proposes to increase the maximum lot coverage permitted in the 1805 Church Road (CD-1) zone in order to permit the subject properties to have a larger building footprint. A Public Information Meeting (PIM) was held on July 12, 2018. There were no members of the public in attendance. The Board at its June 25, 2019 meeting received the minutes of the PIM, 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*. Notification of the Board’s intent to consider third reading of the Amendment Bylaw on July 23, 2019, has been completed pursuant to Section 467 of the *Local Government Act*.

The requirements set out in the Conditions of Approval are to be completed by the applicant prior to the Board’s consideration of the bylaw for adoption (see Attachment 1 – Conditions of Approval). As the notification requirements of the *Local Government Act* have been satisfied, it is recommended that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019” (Bylaw 1285.32) be given third reading.

## **BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson and Associates on behalf of Springhill Holdings Ltd., T. Shepherd Holdings Ltd., 488395 BC Ltd., and Levesque Enterprises Ltd. to rezone four lots in order to increase the maximum lot coverage. If approved, the proposed rezoning would allow larger building footprints on the subject properties.

Amendment Bylaw No. 1285.32 was introduced and given first and second reading on June 25, 2019 (see Attachment 2). The Board waived the requirement for a Public Hearing in accordance with Section 464 of the *Local Government Act* as the proposal is consistent with the Electoral Area ‘F’ Official Community Plan.

### ***Procedural Considerations***

If a local government waives the holding of a public hearing under the *Local Government Act*, it must give notice of its intent to consider third reading of the bylaw in accordance with Section 467 of the *Act*. In order to meet the statutory notification requirements for the amendment bylaw, notification of the Board's intent to consider third reading of the bylaw at the regular Board meeting on July 23, 2019, was published on July 16 and 18, 2019 in 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. 1776, 2018".

As the Public Hearing was waived, any delegations wishing to speak to Bylaw 1285.32 must limit comments to matters related to the consistency of Bylaw 1285.32 with the Official Community Plan and the waiver of the Public Hearing. Delegations wishing to speak to other aspects of Bylaw 1285.32 should not be permitted.

### **ALTERNATIVES**

1. To give third reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019".
2. To not give third reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019" and to provide alternate direction.



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Greg Keller  
[gkeller@rdn.bc.ca](mailto:gkeller@rdn.bc.ca)  
July 4, 2019

#### Reviewed by:

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

#### Attachments:

1. Conditions of Approval
2. Proposed Amendment Bylaw No. 1285.32, 2019

## **Attachment 1**

### **Conditions of Approval**

The following is required prior to the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.32, 2019” being considered for adoption:

1. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property titles requiring that the development of the land occur in a manner consistent with the Desktop Aquifer Protection Assessment prepared by WSP Canada Inc. dated October 28, 2016 and which provides for the following:
  - a. Prior to the issuance of a Building Permit, the applicant shall submit a rain water management and aquifer protection plan prepared by a qualified Engineer or Geoscientist, to the satisfaction of the RDN, that includes measures for aquifer protection and recharge. Rain water management designs should include the following measures for storing rain water and encouraging infiltration:
    - i. Absorbent landscape soils a minimum of 30.0 centimetres in depth across the property.
    - ii. Permeable paving/permeable pavers.
    - iii. Native vegetation should be retained/replanted in contiguous clusters rather than in discontinuous patches.
    - iv. Bioswales or other agreed upon and engineered methods to store, filter, improve water quality, and infiltrate rain water.
    - v. Appropriate spill containment and response plan.
  - b. The following high water use activities shall not be permitted unless they are connected to an approved community water system:
    - i. Garment and textile manufacturing.
    - ii. Seafood canning and processing.
    - iii. Vegetable and fruit canning and processing.
    - iv. Aggregate production.
    - v. Food and beverage manufacturing.
    - vi. Water bottling, filtration, and purification.
    - vii. Primary metal, chemical, and petroleum manufacturing.
  - c. The owner agrees that no manufacturing, wash pads, or wash bays, or vehicle washing areas shall be established unless a water consumption and re-use plan is prepared by a qualified Engineer or other agreed upon qualified professional and is fully implemented concurrently with the establishment of the use.

2. That the applicant demonstrate a groundwater license for a non-domestic water use on each lot has been obtained in accordance with the *Water Sustainability Act*.
3. That the applicant demonstrate source approval for a potable water source on each lot has been obtained in accordance with the *Drinking Water Protection Act*, where applicable.
4. The applicant shall submit a landscaping security deposit in the amount of \$10,280.00.
5. The site is developed in accordance with the Replanting Sketch prepared by Vancouver Island Tree Service Ltd. and attached as Attachment 4 in the 1<sup>st</sup> and 2<sup>nd</sup> reading report dated June 11, 2019 using trees that meet or exceed the following standards:
  - a. Spacing is to be a maximum of 3.0 metres on centre.
  - b. Minimum pot size 15 gallons.
  - c. Minimum tree height 2.0 metres with a minimum diameter of 6.0 centimetres.
6. The applicant shall provide a voluntary community amenity contribution in the amount of \$17,500.00 to be earmarked for use towards water storage for firefighting purposes within the Errington Fire Protection Area.

**Attachment 2**  
**Proposed Amendment Bylaw No. 1285.32, 2019**