

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, OCTOBER 9, 2007

6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 2 **Chuck and Linda Addison**, re Rezoning/OCP Amendment Application No. A00604 – 2610 Myles Lake Road – Area ‘C’.

MINUTES

- 3-5 Minutes from the meeting of the Electoral Area Planning Committee held September 11, 2007.

BUSINESS ARISING FROM THE MINUTES

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 6-12 Development Permit Application No. 60734 – Fern Road Consulting Ltd., on behalf of C. Redman and J. Prescott – Redman & Malcolm Roads – Area ‘F’.

OTHER

- 13-18 Terms of Reference – Electoral Area ‘A’ Official Community Plan Land Inventory.
- 19-22 Proposed Board Policy – Expression of Parcel Area in Land Use Bylaws.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

ADJOURNMENT

Lee, Clair

From: L Addison [mclean2691@yahoo.com]

Sent: October 3, 2007 11:03 AM

To: Lee, Clair

Subject: Request to speak at EAP meeting

Good morning Claire,

We would like to be put on the speaker's list for the EAPC meeting on Tuesday, October 9 at 6:00 pm. This is regarding application # A00604 - rezoning/OCP ammendment - 2610 Myles Lake Rd. Nanaimo

I am not sure if we may need a computer with projector for pictures for a slide show.....and possibly an overhead projector.... if they are available.....We're still working on the format of the presentation.

Please call us at 753-3650 if you have any questions.

Thank you

Chuck & Linda Addison

Boardwalk for \$500? In 2007? Ha!

[Play Monopoly Here and Now](#) (it's updated for today's economy) at Yahoo! Games.

03/10/2007

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 11, 2007, AT 6:00 PM
IN THE RDN BOARD CHAMBERS

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Alternate	
Director F. Van Eynde	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
G. Garbutt	Manager, Current Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Biggemann, SECONDED Director Young, that the minutes of the special Electoral Area Planning Committee meeting held July 24, 2007 be adopted as amended to reflect Director Stanhope's attendance.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60624 – Fern Road Consulting Ltd. on behalf of A.G. Project Management Inc. – Lot A, McColl Road – Area H.

MOVED Director Burnett, SECONDED Director Stanhope, that Development Permit Application No. 60624, to vary the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for the property legally described as Lot A, District Lot 85, Newcastle District, Plan VIP82060 be approved subject to the conditions outlined in Schedules No. 1, 2, 3, 4 and 5 and subject to the notification requirements of the *Local Government Act*.

CARRIED

Development Permit Application No. 60709 – Wood/Mason – 5003 Thompson Clarke Drive West – Area H.

MOVED Director Burnett, SECONDED Director Biggemann, that Development Permit Application No. 60709, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", for the property legally described as Lot 1, District Lot 28, Newcastle District, Plan 34851, be approved subject to the conditions outlined in Schedules No. 1, 2, 3, 4 and 5 and the public notification requirements of the *Local Government Act*.

CARRIED

Development Permit Application No. 60718 – Fern Road Consulting Ltd. on behalf of Joseph Walters – Jamieson Road & Island Highway No. 19A – Area H.

MOVED Director Burnett, SECONDED Director Van Eynde, that Development Permit Application No. 60718 submitted by Fern Road Consulting Ltd., on behalf of Joseph Walters, in conjunction with the subdivision on the parcel legally described as Lot 4, District Lot 40, Newcastle District, Plan 43604 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60722 – Fern Road Consulting Ltd. on behalf of D & K Radke – Lot A Kenmuir Road – Area H.

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. 60722 submitted by Fern Road Consulting Ltd., on behalf of D & K Radke, in conjunction with the subdivision on the parcel legally described as Lot A, District Lot 19, Newcastle District, Plan VIP62179 and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60724 – Davenport – 985 Surfside Drive – Area G.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. 60724, to permit the replacement of an existing wooden seawall with a rubble rock seawall on the property legally described as Lot 17, Block 1, District Lot 9, Newcastle District, Plan 15370 on Surfside Drive, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90626 – Albers – 941 Shorewood Drive – Area G.

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit Application No. 90626, to vary “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”, for the property legally described as Lot C, District Lots 1 & 181, Nanoose District, Plan 10875, be approved subject to the conditions outlined in Schedules No. 1, 2, 3 and 4 and subject to the Board’s consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90712 – Eilers/Allen – 3410 Carmichael Road – Area E.

MOVED Director Van Eynde, SECONDED Director Young, that Development Variance Permit Application No. 90712, to permit the height of a single residential dwelling with a maximum height of 8.6 m on the subject property legally described as Lot 5, District Lot 78, Nanoose District, Plan VIP78139 on Carmichael Road, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and the notification requirements of the *Local Government Act*.

CARRIED

ADDENDUM

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60729 – Fern Road Consulting Ltd., on behalf of Todsens Design & Construction Ltd. and McTay Holdings Ltd. – Stead Road & Island Highway No. 19A – Area H.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit Application No. 60729 submitted by Fern Road Consulting Ltd., on behalf of Todsens Design & Construction Ltd. & McTay Holdings Ltd., in conjunction with the subdivision on the parcels legally described as Lot 1, Plan 17597 and Lot 6, Plan 12132, Both of District Lot 32, Newcastle District and designated within the Environmentally Sensitive Features Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that the park land proposal, in the amount and location as shown on Schedule No. 2 of the staff report, be accepted subject to the conditions set out in Schedule No. 4 of the staff report.

CARRIED

ADJOURNMENT

MOVED Director Van Eynde, SECONDED Director Biggemann, that this meeting terminate.

CARRIED

TIME: 6:15 PM

CHAIRPERSON



RDN REPORT	
CAO APPROVAL	
EAR	<i>[Signature]</i>
COW	
OCT 01 2007	
RHD	
BOARD	

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: October 1, 2007

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60734
c/r 3320 30 26538

SUBJECT: Development Permit Application No. 60734
Applicant: Fern Road Consulting Ltd., on behalf of C Redman & J Prescott
Electoral Area 'F', Redman and Malcolm Roads

PURPOSE

To consider a development permit with variance to facilitate a 2-lot subdivision proposal on property located in Electoral Area 'F'.

BACKGROUND

The applicant's agent has requested that the minimum lot frontage requirement be relaxed for one of the proposed parcels as part of a 2-lot subdivision proposal for the property legally described as The Northwest ¼ of Parcel A (DD4504-N) of Lot 9, Cameron District, Except Part in Plans 16020 and VIP55971 and located adjacent to Redman and Malcolm Roads in the Electoral Area 'F' (*see Attachment No. 1 for location of parent parcel*).

The subject property is zoned R-1 (Rural 1) pursuant to the "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002". The applicant is proposing to subdivide the parent lot into two lots - a section 946 parcel proposed to be 1.6 ha in size and a fee simple parcel proposed to be 2.1 ha in size. Both proposed lots will meet the minimum lot sizes requirements pursuant to Bylaw No. 1285 (*see Schedule No. 2 for proposed plan of subdivision*).

There are currently 2 dwelling units and accessory buildings located on the parent lot. Surrounding uses include R-1 (Rural 1) zoned lots to the north and west, Redman Road and an A-1.21 (Agricultural 1.21) zoned lot located within the Provincial Agricultural Land Reserve to the east and a P-1 (Parks and Open Space) zoned lot (Crown Lands). A portion of Whisky Creek crosses the parcel lot in the south to north direction.

The parent lot is designated within the following development permit areas pursuant to the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999:

- The Watercourse Protection Development Permit Area, in this case for the protection of Whisky Creek and its riparian area which is 15 metres from the natural boundary or if there is a bank within 15 metres of the natural boundary, 15 metres from the top of the bank. As the proposed lots are located within the development permit area, a development permit is required; and
- The Fish Habitat Protection Development Permit Area for the purposes of protecting riparian areas for the protection of fish habitat which was adopted on January 23, 2007. However,

pursuant to section 943 of the *Local Government Act*, the subdivision application has in-stream status until January 23, 2008. At that time, if the subdivision is not finalized, the provisions of this development permit area will come into effect for this application.

Therefore, as the applicants are proposing to develop the site, a development permit concerning the Watercourse Protection Development Permit Area is required.

The lots are proposed to be served by individual private septic disposal systems and private water wells.

The parent lot is situated outside an RDN Building Services Area.

Proposed Variance

Proposed Lot 1, as shown on the plan of subdivision submitted by the applicant, will not be able to meet the minimum lot frontage requirement pursuant to section 4.13.3c) of Bylaw No. 1285. The requested variance to the minimum frontage requirement is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>
1	70.0 m	40.0 m

ALTERNATIVES

1. To approve Development Permit Application No. 60734, as submitted, subject to the conditions outlined in Schedules No. 1 and 2.
2. To deny the development permit as submitted and provide staff with further direction.

DEVELOPMENT IMPLICATIONS

Lot Configuration / Development Implications

Lot 1 is currently accessed off Malcolm Road via a section 4 Highway (non dedicated, travelled road) which crosses the northwest corner of the Crown Park Land lot. The applicants' agent originally proposed a panhandle to access proposed Lot 1 from Redman Road, but as this would require a creek crossing; this proposed access was not supported. The applicants' agent then applied to have the section 4 road dedicated as part of the subdivision application process. Ministry staff has indicated that due to the location of Whisky Creek, a maximum of 40 metres dedicated road width would only be considered. As a result, the configuration of the future road limits the availability to provide the full minimum frontage requirement for this proposed lot. Despite the narrower frontage, this is the present access that is being used to support the existing dwelling units. It is noted that one of the existing houses does not meet minimum setback requirements of the R-1 zone; however as this building was constructed prior to the enactment of Bylaw No. 1285, it is considered to be non-conforming in terms of siting only and is not an issue of this subdivision application.

Ministry of Transportation staff has indicated that they will support this request for relaxation of the minimum lot frontage requirement for this proposed lot.

The section 4 road proposed to be dedicated will cross the north west corner of the Provincial Crown Land which the Regional District has a License of Occupation to use as park land. (It is noted that the Crown Land was granted to the Crown to be used for park land.) Recreation and parks staff are concerned that the dedication of this road will not provide a suitable alternative access to the park as Whisky Creek crosses

the park land next to the proposed road dedication. Despite these comments, the dedication of this section of road will not add to any negative implications concerning access to the Crown / Park Land. Ministry staff has noted that this section 4 road was to have been dedicated previously and therefore is considered a housekeeping issue. As a result, Ministry staff support road dedication across this corner of the Crown / Park Land.

Environmental Implications

The applicants have offered to register a section 219 covenant for the protection of Whisky Creek and its riparian area a width of 30 metres from each side of the creek to restrict the removal of vegetation and the location of future buildings or structures. This will meet the guidelines of the development permit area. It is noted that there are some existing uses within the 30 metre setback area (septic field). These uses may remain, but will not be able to be expanded into the future covenant area.

VOTING

Electoral Area Directors – one vote, except Electoral Area ‘B’.

SUMMARY


This is a development permit with variance application to relax the minimum lot frontage requirement for one of the proposed lots as part of a 2-lot subdivision proposal for property located adjacent to Redman Road in Electoral Area ‘F’. The requested variance is outlined in *Schedule No. 2* of this report.


The parent lot is split by Whisky Creek, therefore access to proposed Lot 1 across the creek is not suitable from an environmental perspective. Proposed Lot 1 currently has access via a section 4 road from Malcolm Road which crosses the Crown / Park Land which the Regional District has a current License of Occupation for the purposes of providing park land. As part of the subdivision proposal, the applicants’ agent has requested that this road be dedicated. While there is concern that the proposed dedication of the road will not provide suitable access to the Crown / Park Land, it is staff’s understanding that the road is considered to be a section 4 road and was supposed to be dedicated previously. Despite the proposed narrower frontage, the lot will continue to support two dwelling units as permitted in the R-1 zone. The Ministry of Transportation staff has indicated they have no objection to the request for relaxation of the frontage requirement. Despite the requirements of the Fish Protection Habitat Development Permit Area not coming into effect for this application until January 2008, the applicants’ agent has offered to provide a section 219 covenant for the protection of the portion of Whisky Creek which crosses the parent parcel. This condition of approval is set out in *Schedule No. 1* of the staff report.

Given that the applicant has offered to protect the riparian area of Whiskey Creek; that the reduced frontage will not negatively impact the permitted residential density for proposed Lot 1; and as the Ministry of Transportation staff has no objection to this request; staff recommends Alternative No. 1 to approve Development Permit No. 60734 subject to the conditions set out in Schedules No. 1 and 2 and to the notification procedures pursuant to the ***Local Government Act***.

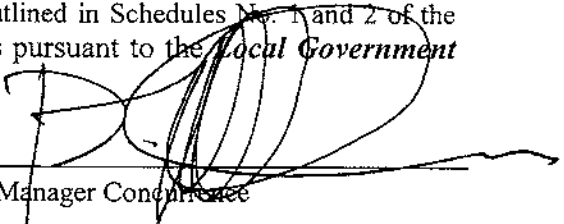
RECOMMENDATION

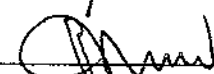
That Development Permit Application No. 60734 submitted by Fern Road Consulting Ltd., on behalf of C Redman and J Prescott, in conjunction with the subdivision on the parcel legally described as The Northwest ¼ of Parcel A (DD4504-N) of Lot 9, Cameron District, Except Part in Plans 16020 and VIP55971 and designated within the Watercourse Protection Development Permit Area pursuant to OCP Bylaw No. 1152, 1999, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act* with respect to the proposed variance.



Report Writer


Manager



General Manager Concurrence


CAO Concurrence

COMMENTS:
devsvs/report/2007 dp60734 oc fern road redman.doc

Schedule No. '1'
Development Permit No. 60734
Conditions of Approval / Requested Variance

Conditions of Approval:

The following sets out the conditions of approval:

1. Subdivision

The subdivision of the lands shall be in substantial compliance with Schedule No. '2' (to be attached to and forming part of DP 60734).

2. Section 219 Covenant

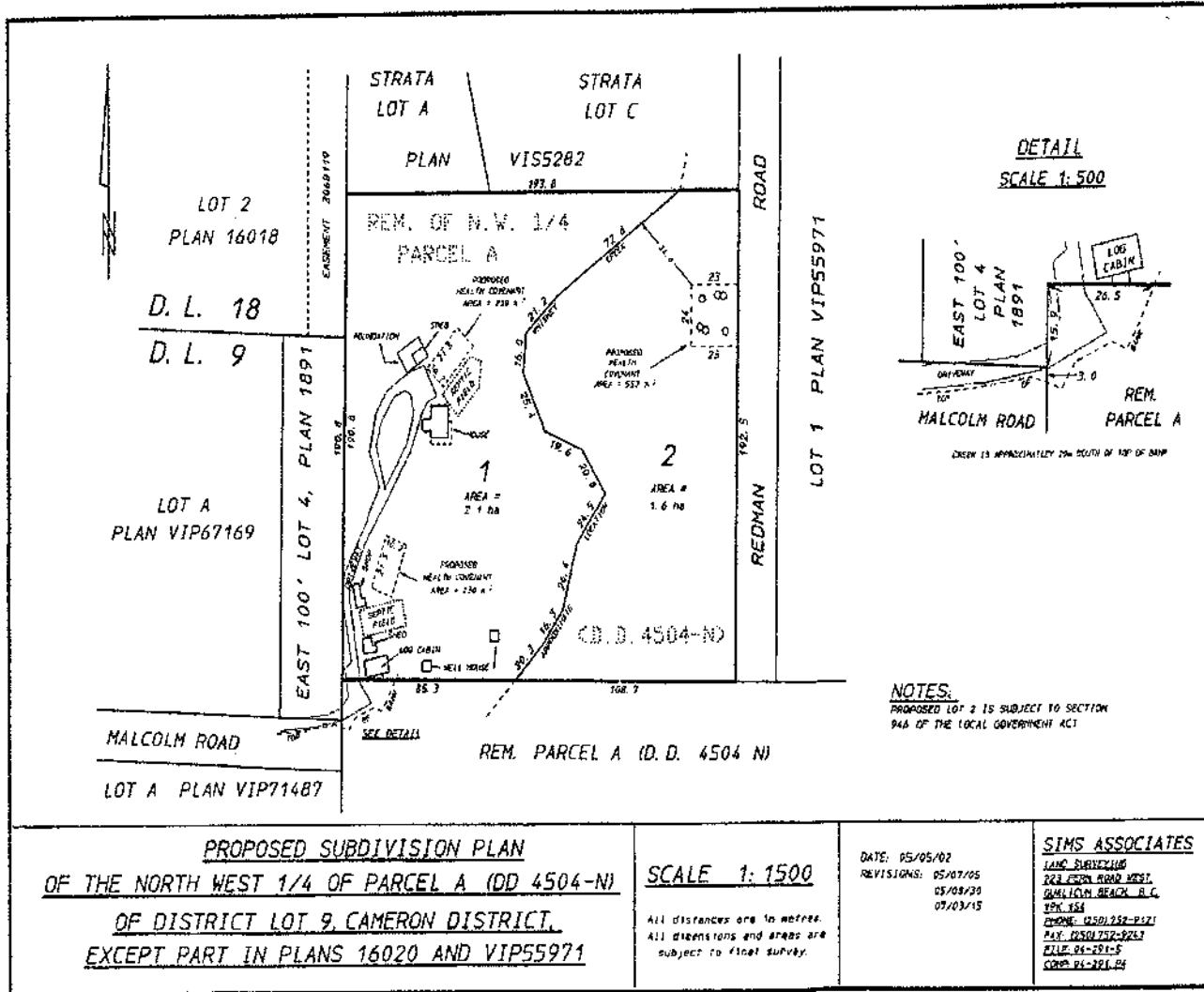
Applicant to prepare and register a section 219 covenant restricting the removal of vegetation and placement of future buildings, structures, or alteration of land by the hand of man for the protection of Whisky Creek and its riparian area as measured on each side of the creek 30.0 from the natural boundary. Draft covenant to be submitted to RDN for review prior to registration of document concurrently with the plan of subdivision. Applicants' solicitor to submit a legal letter of undertaking to register section 219 covenant document.

Requested Variance:

With respect to the lands, the Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002, the following variance is proposed:

1. pursuant to section 4.13.3c) the minimum lot frontage is proposed to be varied from 70 metres to 40.0 metres for Proposed Lot 1 as shown on the plan of subdivision on Schedule No. '2'.

Schedule No. '2'
 Development Permit No. 60734
 Proposed Plan of Subdivision
 (as submitted by applicant / reduced for convenience)



PROPOSED SUBDIVISION PLAN
OF THE NORTH WEST 1/4 OF PARCEL A (DD 4504-N)
OF DISTRICT LOT 9, CAMERON DISTRICT,
EXCEPT PART IN PLANS 16020 AND VIP55971

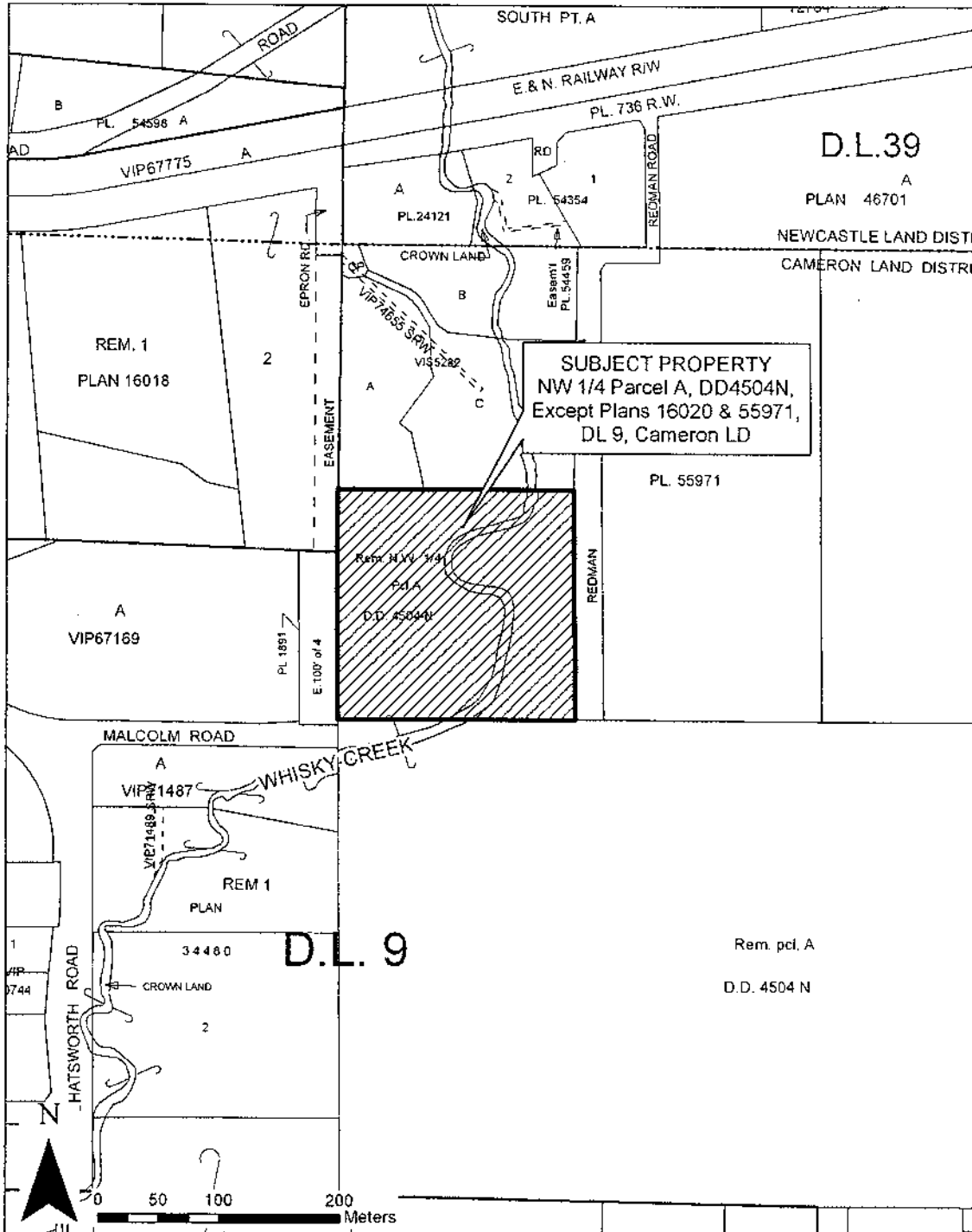
SCALE 1:1500

All distances are in metres.
 All dimensions and areas are
 subject to final survey.

DATE: 05/05/02
 REVISIONS: 05/07/05
 05/08/05
 07/03/15

SIMS ASSOCIATES
 LAND SURVEYING
 242 FERN ROAD WEST
 MALCOLM BRACK B.C.
 V0K 1S0
 PHONE: (250) 252-9121
 FAX: (250) 752-8267
 FILE: 04-291-5
 COMP: 04-291-04

Attachment No. 1
Location of Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	✓ Oct 9m
COW	
OCT 02 2007	
RHD	
BOARD	

MEMORANDUM

TO: Paul Thompson
 Manager Long Range Planning

DATE: October 1, 2007

FROM: Greg Keller
 Senior Planner

FILE: 6480 40 EA A Land Inv

SUBJECT: Electoral Area 'A' Official Community Plan Land Inventory Terms of Reference

PURPOSE

To introduce and consider a proposed Terms of Reference for a land inventory of the Cedar Village Centre and the Suburban Residential land use designation within Electoral Area 'A'.

BACKGROUND

The last review of the Electoral Area 'A' Official Community Plan was completed in 2001. Since the last review, there has continued to be a number of subdivision activities mostly involving the creation of 2000m² parcels, even inside the Urban Containment Boundary.

Of special concern is the rezoning of a large parcel of land within the Cedar Village Centre known as Cedar Village Estates to permit residential development and personal care. This development has raised the question of whether or not there is an adequate supply of commercial, residential, institutional, and recreational lands available within the Cedar Village Centre to support the needs of the community.

In preparation for the next Official Community Plan review which is anticipated to start in 2008, a land inventory is proposed to determine whether there is an adequate supply of land available for commercial and other uses and whether there is a need for more land to accommodate both the increase in population in the immediate vicinity and the future needs of the Plan Area..

ALTERNATIVES

1. To receive the proposed Terms of Reference attached as Schedule No. 1 and direct staff to proceed with the land inventory as proposed.
2. To receive the proposed Terms of Reference attached as Schedule No. 1 and provide staff with further direction.

DISCUSSION

The final product is proposed to be a report that provides an inventory of the existing and potential commercial and residential uses in the Cedar Village Centre and the Suburban Residential Lands designation. The report will also provide recommendations for consideration during the next review of the Electoral Area 'A' Official Community Plan. Finally, the report will provide an assessment of whether more commercial land/floor area should be provided to serve the community's needs over the next 5 to 10 years.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

CONCLUSION

It has been approximately 7 years since the last Official Community Plan review in Electoral Area 'A'. Land use changes within the Cedar Village Centre have raised the question of whether or not there is an adequate supply of land available for commercial and other uses and whether there is a need for more land to accommodate both the increase in population in the immediate vicinity and the future needs of the Plan Area.

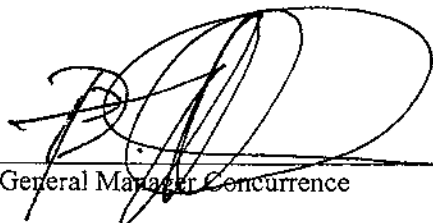
The proposed land inventory as outlined in the attached Terms of Reference is intended to address the land supply concerns within the Cedar Village Centre as well as to provide a foundation for the Electoral Area 'A' Official Community Plan review which is proposed to be considered at a later date.

RECOMMENDATION

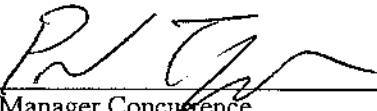
That the proposed Terms of Reference attached as Schedule No. 1 be received and that staff be directed to proceed with the land inventory as proposed.




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Schedule No. 1
Proposed Terms of Reference
Land Inventory for the Cedar Village Centre and Suburban Residential Land Use Designation

Electoral Area 'A' Official Community Plan

LAND INVENTORY Cedar Village Centre and Suburban Residential Lands



TERMS OF REFERENCE



REGIONAL DISTRICT OF NANAIMO
SEPTEMBER 2007

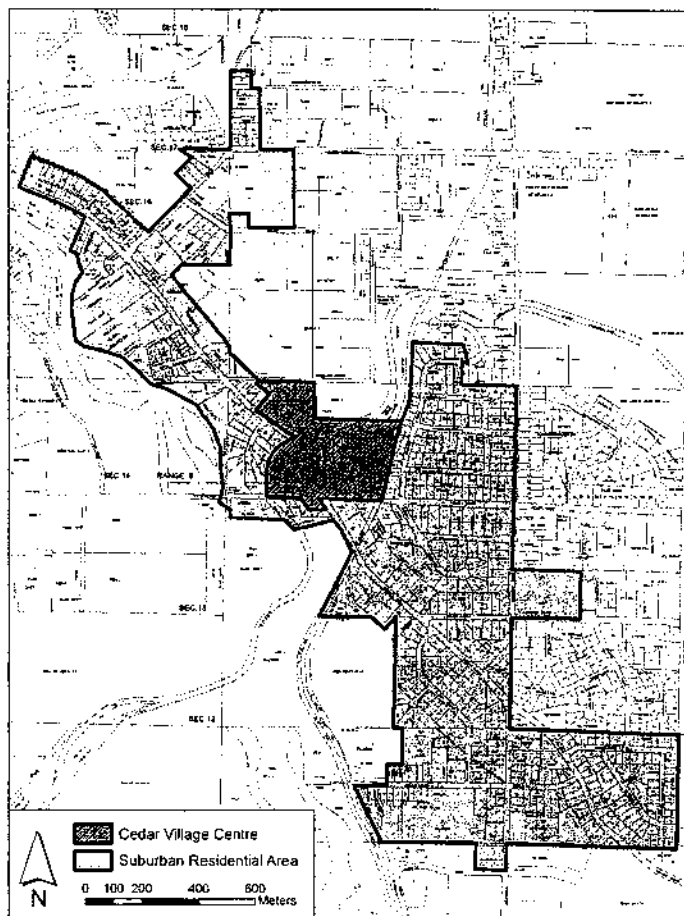
BACKGROUND

The Electoral Area 'A' Official Community Plan specifies two village centres: the Cassidy Village Centre and the Cedar Village Centre. The latter is intended to be the primary service centre for the Plan Area. A recent amendment to the Zoning Bylaw to permit the construction of single detached dwellings and 75 personal care units within the Cedar Village Centre has raised the question of whether there is an adequate supply of land available for a mix of uses including commercial, institutional, residential, and recreational and whether there is a need for more land to accommodate both the increase in population in the immediate vicinity and the future needs of the Plan Area.

PURPOSE

The purpose of this document is to outline a proposed terms of reference and work plan for a land inventory of the Cedar Village Centre and the Suburban Residential Lands Designation. As part of this project, staff will be looking at the following:

1. the role of the Cedar Village Centre as a service centre;
2. the population served by the Cedar Village Centre;
3. the road capacity;
4. limitations to development such as Environmentally Sensitive Features and hazardous areas;
5. how much land, how many units, and how much floor area is currently being used for commercial uses within the Cedar Village Centre;
6. how much additional commercial floor area is required to meet the anticipated needs of the community; and,
7. how much residential development potential remains within the Suburban Residential Lands designation.



The Terms of Reference provides the work program and serves as a 'checklist' to ensure the project successfully achieves its goals and provides an approach for obtaining community input.

It should be noted, however, that as the project progresses, the review process or time frames may need to be amended to recognize new issues or allow for more in-depth review and discussion on certain issues. This flexibility is important to ensure that the planning process remains responsive to evolving circumstances thereby meeting the needs of all participants.

PROCESS

The Cedar Village and Suburban Lands land inventory involves a four stage approach that includes a land use inventory, a commercial needs assessment, an open house, and a final analysis by staff. Each stage in the project is outlined below.

Land Use Inventory

A Zoning and Official Community Plan land use review will be undertaken to determine the permitted uses and densities in the study area.

A build out table will be created using excel for both the Cedar Village Centre and the Suburban Residential land use designation. The GIS department will be requested to provide the following data in an excel spreadsheet for each parcel within the study area:

1. PID number
2. Area (m²)
3. Address and Street name
4. Developed or Vacant
5. Zoning Designation
6. Subdivision District
7. Official Community Plan land use designation
8. Subdivision Potential (number of additional lots taking into account roads, park, and environmentally sensitive features)

Floor area, unit data, and parcel coverage will be added to each existing commercial parcel located in the Cedar Village Centre based on air photo interpretation and the floor area calculations provided by previously issued building permits.

This information will be used to determine the availability of lands for future commercial development in the Cedar Village Centre and future residential development within the Suburban Residential Lands Designation.

Commercial Needs Assessment

Staff will conduct research on the commercial floor space to population ratio in order to gain a better understanding of the future commercial floor area requirements of the study area. Population statistics will also be obtained from Statistics Canada in order to identify trends in population and demographics.

The Ministry of Transportation will be contacted to discuss the road capacities in the Cedar Village Centre Area as well as potential road improvements should additional commercial uses be developed.

Questionnaire

A questionnaire will be developed internally by Regional District of Nanaimo staff in order to obtain feedback from the community on a number of issues including:

1. the catchment area for the Cedar Village Centre;
 2. the commercial needs of the community;
 3. support for additional commercial development within the Cedar Village Centre;
 4. to find out where the community obtains the majority of its commercial services;
 5. the effectiveness of the Cedar Village Centre;
 6. the strengths, weaknesses, and opportunities for the Village Centre;
 7. the desire for additional commercial development within or adjacent to the Cedar Village Centre;
 8. to identify what the communities concerns are over development in the Cedar Village Centre;
- and,

9. to identify what community amenities may be desirable in association with additional commercial development.

The questionnaire will be designed and conducted using an on-line survey service called "Survey Monkey" (www.surveymonkey.com) and will incorporate a few different question formats including multiple choice, rating scale, and open ended. The Regional District of Nanaimo website will be used to provide a link to the survey and a laptop will be made available for those who do not have their own computer with internet access.

In order to advertise the questionnaire, notices will be published in the Take 5 and the Nanaimo News Bulletin. Unaddressed mail will also be used to send an informational brochure to all properties within the Study Area.

Open House

An open house will be held to present the preliminary findings of the land inventory, the questionnaire, and to obtain additional community input.

Final Analysis

Based on the findings of the land use inventory and commercial needs assessment, questionnaire, and open house, staff will prepare the report and provide recommendations for consideration during the next Electoral Area 'A' Official Community Plan review.

DELIVERABLES

The final product will be a report that provides an inventory of the existing and potential commercial and residential uses in the Cedar Village Centre and the Suburban Residential Lands designation. The report will also summarize the results of the questionnaire and open house and provide recommendations for consideration during the next review of the Electoral Area 'A' Official Community Plan. Finally the report will provide an assessment of whether more commercial land/floor area should be provided to serve the community's needs over the next 5 to 10 years.

WORK PLAN

The following table outlines the schedule of events and publications and sets out the key elements of each step in the Land Inventory process.

Date	Task
October	Draft Report to EAPC introducing Cedar Village Centre and Suburban Residential Lands Land Use Inventory, Conduct Phase 1 - Land Use Inventory
October	Commercial Needs Assessment
October - November	Develop and implement Questionnaire
November-December	Open House
December-January	Final Report

RESOURCES AND BUDGET

All of the work related to this project will be completed by RDN staff as outlined in the 2007 RDN budget.

TO: Geoff Garbutt
Manager of Current Planning

DATE: October 2, 2007

FROM: Odete Pinho
Planner, Development Services

FILE: 3360 30 0709

SUBJECT: Expression of Parcel Area in Land Use Bylaws

PURPOSE

The purpose of this report is to receive the Board's direction with respect to the expression of parcel area in the Regional District of Nanaimo zoning bylaws.

BACKGROUND/ HISTORY

Over the past number of years, the Regional District has, by informal policy, accepted surveyor certificates which express the parcel areas up to four decimal places (2.0001 hectares for example). In the past, this practice has not had significant impacts due to the nature of subdivisions and the relatively small number of properties this practice has been applied to. In recent years however, this trend has increased significantly and it is now important to clarify the appropriate and standard method for expressing parcel areas.

RDN staff has consulted with representatives at the Land Title Office and the Association of BC Land Surveyors and there is standard practice for the registration of plans. It is our understanding that the requirement for significant figures on areas was originally part of the Surveyor General's Regulations, and now this requirement is outlined in the General Survey Instruction Rules (Part 3) administered by the Association of BC Land Surveyors. The rules for plan deposits are as follows:

Parcel Size	No. Decimal Places Accepted
up to 0.1 ha	quote to 0.1m ²
from 0.1 ha up to 1ha	quote to 0.001 ha
from 1 ha up to 10 ha	quote to 0.01 ha
from 10 ha up to 100 ha	quote to 0.1 ha
from 100 ha and over	quote to 1 ha

When determining the requirement for provision of parkland or cash-in-lieu of parkland at the time of subdivision, s. 941(5)(b) of the Local Government Act states that where the smallest lot being created is larger than 2 hectares, no provision of parkland is required. In addition, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" govern the use and siting of buildings, and the subdivision of lands in the electoral areas of the Regional District. These two bylaws include regulations that use a minimum parcel area (i.e. 2.0 hectares) to permit a second dwelling on a parcel. To date, these zoning bylaws do not include an interpretation section which specifies the number of decimal places that are accepted in order to determine parcel areas.

The past practice of accepting parcel areas up to four decimal places has important implications for the provision of parkland at the time of subdivision and densification of rural areas through the proliferation of second dwellings and subdivision within the electoral areas of the Regional District.

ALTERNATIVES

1. To make no amendments to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” with respect to the expression of parcel areas.
2. To adopt a Regional District of Nanaimo Board Policy to establish the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in Regional District of Nanaimo Bylaws and to amend Regional District Zoning Bylaw to include Interpretation Sections that adopt the General Survey Instruction Rules for Plan Deposits as the method to determine parcel areas.

LAND USE and LEGAL IMPLICATONS

The *Local Government Act* requires the dedication of five per cent of land being subdivided as parkland (or cash in lieu), unless the subdivision creates fewer than three additional lots, or creates lots, each of which is larger than two hectares in size. The clarification of lot area calculations will be useful in defining parkland acquisition at the time of subdivision.

Currently, many residential and rural zones in the two zoning bylaws permit second dwellings on “parcels having an area greater than 2.0 hectares”. Second dwellings effectively double the density of rural areas. Clarifying lot area calculations is useful in better defining lots that are permitted second dwellings.

The Land Titles Office accepts the “General Survey Instruction Rules” administered by the Association of BC Land Surveyors in the deposit of survey plans (see table above). Parcels from 1 hectare in size to 10 hectares in size are accepted with a maximum of only two decimal places. Specifying the number of decimal places accepted in minimum lot size calculations would be consistent with the intent of the Land Titles Office.

As outlined above, staff has consulted with representatives of the Land Titles Office and the Association of BC Land Surveyors and there is standard practice for the registration of plans. Based on this contact, it appears that issues related to the expression of parcel areas are particular to the structure of Bylaw 500 and to a lesser extent, Bylaw 1285 and the adoption of the General Survey Instruction Rules for Plan Deposits reflects Land Titles policy and is in keeping with standard practice for the Association of BC Land Surveyors.

Staff has consulted with the RDN’s solicitor and they have advised that given the change in the informal policy of accepting four decimal places for the expression of parcel area that the RDN should adopt bylaw amendments in addition to formal Board Policy which outlines the requirements for the expression of parcel areas.

CONCLUSIONS

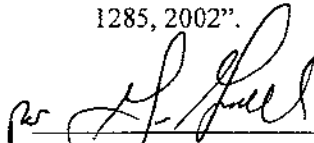
This staff report summarizes the land use implications associated with the clarification of how parcel areas are described in the Regional District’s zoning bylaws. Parcel area expressions have implications for rural densification and parkland acquisition in the rural areas of the Regional District.

Given the issues outlined above, staff recommend that as a first step, the Regional District of Nanaimo Board adopt a Board Policy to establish the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in relevant Regional District of Nanaimo Bylaws and direct staff to amend “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”


and "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" to include Interpretation Sections that adopt the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas. These amendments would be considered along with related minor housekeeping amendments and save staff time and expenses related to advertising pursuant to the notification requirements of the Local Government Act.

RECOMMENDATION


1. THAT the Board of the Regional District of Nanaimo, adopt the attached Board Policy to establish the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in relevant Regional District of Nanaimo Bylaws.
2. THAT the Board of the Regional District of Nanaimo, direct staff to proceed to include Interpretation Sections to adopt the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002".




Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

POLICY

SUBJECT:	<i>Expression of Parcel Areas in Regional District of Nanaimo Regulatory Bylaws</i>	POLICY NO:	B-1 xx
		CROSS REF.:	
EFFECTIVE DATE:		APPROVED BY:	Board
REVISION DATE:		PAGE	1 of 1

PURPOSE

To establish that the General Survey Instruction Rules for Plan Deposits as the method to determine the expression of parcel areas in relevant Regional District of Nanaimo Regulatory Bylaws

POLICY

For the purpose of determining parcel areas in Regional District of Nanaimo Regulatory Bylaws, including but not limited to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”, the Regional District of Nanaimo will use “Table 1 – Expression of Parcel Areas” below from the General Survey Instruction Rules for Plan Deposits.

Table 1 – Expression of Parcel Areas

Parcel Size	No. Decimal Places Accepted
up to 0.1 ha	quote to 0.1m ²
from 0.1 ha up to 1ha	quote to 0.001 ha
from 1 ha up to 10 ha	quote to 0.01 ha
from 10 ha up to 100 ha	quote to 0.1 ha
from 100 ha and over	quote to 1 ha