

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, NOVEMBER 13, 2012

6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 3** **Ken Tanguay**, re Development Variance Permit Application No. PL2012-149 – Ken Tanguay – Redden Road, Electoral Area 'E'.

MINUTES

- 4 - 6 Minutes of the regular Electoral Area Planning Committee meeting held Tuesday, October 9, 2012.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 7 - 14 Development Permit Application No. PL2012-088 – Fern Road Consulting Ltd. – 783 Mariner Way, Electoral Area 'G'.

- 15 - 21 Development Permit Application No. PL2012-122 – Tomm's Food Marketing Group, Inc. – 6990 Island Highway West, Electoral Area 'H'.

- 22 - 27 Development Permit Application No. PL2012-143 – Guy Robertson – 902 Barclay Crescent South, Electoral Area 'G'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 28 - 32 Development Variance Permit Application No. PL2012-147 – Gray – 1815 Settler Road, Electoral Area 'F'.

- 33 - 39 Development Variance Permit & Frontage Relaxation Application No. PL2012-126 – Avis – 2940 & 2950 Dufferin Road, Electoral Area 'E'.

40 - 48 Development Variance Permit Application No. PL2012-149 – Ken Tanguay – Redden Road, Electoral Area ‘E’.

49 - 56 Development Variance Permit and Frontage Relaxation Application No. PL 2012-146 – Shepheard – 853 Miller Road, Electoral Area ‘G’.

OTHER

57 - 61 Relaxation of the Minimum 10% Perimeter Frontage Requirement – Ferguson – 6368 Island Highway West, Electoral Area ‘H’.

62 - 65 Alternative Forms of Rural Development Study (*Study Distributed Separately*).

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

O'Halloran, Matt

From: Ken Tanguay <tanguay@telus.net>
Sent: Friday, November 02, 2012 12:09 PM
To: O'Halloran, Matt
Subject: Delegation at the EAPC meeting on November 13

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Matt

Just sending you an email to confirm the request for a delegation at the EAPC meeting on November 13th at 6:30 PM.

I will be speaking on behalf of my Clients Chris and Mariana Gill about the request for a height variance to build on their property Lot 14, DL 78, Plan VIP53134 Nanoose District. Pid 19722471

Kind Regards

Ken Tanguay
STRUCTURE DESIGN
574 Hazelwood Place
Qualicum Beach, BC
V9K 1A1
PH: 250 752 1920
Fax: 250 752 2190

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 9, 2012 AT 6:30 PM IN THE
RDN BOARD CHAMBERS

In Attendance:

Director G. Holme	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director M. Young	Electoral Area C
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G
Director W. Veenhof	Electoral Area H

Also in Attendance:

P. Thorkelsson	A/ Chief Administrative Officer
J. Harrison	Director of Corporate Services
D. Trudeau	Gen. Mgr. Transportation & Solid Waste
T. Armet	Mgr., Building, Bylaw & Emergency Planning Services
J. Hill	Manager of Administrative Services
L. Rowett	Senior Planner
T. Nohr	Recording Secretary

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the regular Electoral Area Planning meeting held September 11, 2012.

MOVED Director Stanhope, SECONDED Director Fell, that the minutes of the regular Electoral Area Planning meeting held September 11, 2012, be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2012-100 - Kjell, Olive, David, and Penny Aalhus - 5996 Island Hwy W, Electoral Area 'H'.

MOVED Director Veenhof, SECONDED Director McPherson, that Development Permit No. PL2012-100 to permit a resort vehicle park consisting of ten (10) recreational vehicle sites and improvements to two existing dwellings to create an office/washroom facility, caretaker's residence and landscaping and signage improvements be approved subject to the conditions outlined in Schedules 1 to 4.

CARRIED

Development Permit Application No. PL2012-121 - Beverly Briggs - 4803 Ocean Trail, Electoral Area 'H'.

MOVED Director Veenhof, SECONDED Director Stanhope, that Development Permit No. PL2012-121 to permit the construction of an addition to a single family dwelling be approved subject to the conditions outlined in Schedules 1 to 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2012-108 - Melvyn Scott - 1061 Troy Place, Electoral Area 'G'.

MOVED Director Stanhope, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit No. PL2012-108 to reduce the minimum front line setbacks from 8.0 metres to 5.0 metres for a proposed dwelling unit, and to reduce the minimum rear lot line setback from 2.0 metres to 0.0 metres for an existing retaining wall be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

Development Variance Permit Application No. PL2012-115 - Trevor & Bonnie Demynn - 1809 Northwest Bay Road, Electoral Area 'E'.

MOVED Director Stanhope, SECONDED Director McPherson, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director McPherson, that Development Variance Permit No. PL2012-115 to reduce the minimum required setback from the front lot line from 8.0 metres to 6.6 metres be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2012-083 – D & D Pacific Developments Ltd., Inc. No. BC0934466 - 3745 Melrose Road, Electoral Area 'F'.

MOVED Director Fell, SECONDED Director Veenhof, that staff be directed to complete the required notification.

CARRIED

MOVED Director Fell, SECONDED Director Veenhof, that Development Permit with Variance No. PL2012-083 to permit subdivision of the subject property be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

ADJOURNMENT

MOVED Director Veenhof, SECONDED Director Young , that this meeting terminate.

CARRIED

TIME: 6:44 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
NOV 01 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: October 29, 2012

FROM: Kristy Marks
Planner

FILE: PL2012-088

SUBJECT: Development Permit Application No. PL2012-088 – Fern Road Consulting Ltd.
Lot B, District Lot 181, Nanoose District and Part of the Bed of the Strait of Georgia, Plan
VIP72453 – 783 Mariner Way
Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit to permit the construction of a dwelling unit and recognize an existing retaining wall and landscaping works within the Hazard Lands and Environmentally Sensitive Features Development Permit Areas within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of R 504 Enterprises Ltd. to permit the construction of a dwelling unit and recognize an existing retaining wall and landscaping works within the subject property. The subject property is approximately 0.17 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for subject property map).

The subject property is currently vacant and is bordered by developed residential lots to the east and west, Mariner Way to the south, and the Strait of Georgia to the north.

The proposed development is subject to the following applicable development permit areas pursuant to "Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008":

- Hazard Lands; and
- Environmentally Sensitive Features for Coastal Protection.

Proposed Development

The applicant is seeking approval of a Development Permit to allow the construction of a dwelling unit and recognize existing landscaping works and a retaining wall, which were installed in June of 2012 without the required development permit. The landscaped area is located in the northern portion of the property and the retaining wall is located along the eastern property line (see Schedules 2 and 3 for survey and landscaping plans). The retaining wall is less than 1.0 metre in height and is therefore not considered a structure, as defined by "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", and does not require any variances or building permit.

The proposed dwelling unit will be constructed within the southern portion of the lot, more than 30.0 meters from the present natural boundary (See Schedule 2 Site Plan and Attachment 2 for Building Elevations). As such, the proposed dwelling unit is outside of the Environmentally Sensitive Features development permit area but within the Hazard Lands development permit area.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2012-088 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Permit Application No. PL2012-088.

LAND USE IMPLICATIONS

Development Implications

To address the Hazard Lands Development Permit Guidelines, the applicant submitted a Geotechnical Hazards Assessment for the proposed dwelling unit prepared by Ground Control Geotechnical Engineering Ltd. dated September 27, 2012. This report concludes that the proposed development is considered 'safe' for the intended use, provided the recommendations in the report are followed. In addition, the applicant has provided a Geotechnical Hazards Assessment specific to the existing retaining wall and landscape works also prepared by Ground Control Geotechnical Engineering Ltd. dated July 13, 2012. Both reports conclude that the proposed development, existing concrete retaining wall and landscaping works are not expected to have a significant detrimental impact on the site, adjoining properties, or public infrastructure from a geotechnical-hazards perspective. As per the DPA guidelines, staff recommends that the applicant be required to register a Section 219 covenant that registers both reports prepared by Ground Control Geotechnical Engineering Ltd. on title, and includes a save harmless clause that releases the RDN from all losses and damages as a result of potential geotechnical hazards.

To address the Coastal Protection Development Permit Guidelines, the applicant provided landscaping plans, including a summary of planting, prepared by Macdonald Gray dated July 5, 2012. The landscaping plan includes a mix of native and non-native plants, split rail fence less than 1.0 metre in height, river/beach cobble, and stone/concrete walkway (see Schedule 3). The applicant has also submitted an environmental review prepared by Toth and Associates Environmental Services dated September 27, 2012. This review concludes that there has been minimal disruption of native vegetation as a result of the landscaping the improvements.

Sustainability Implications

Staff reviewed the development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the landscaping works and retaining wall were completed in a way that minimized disruption to native vegetation on the site, and is mitigated through replanting of native vegetation on the property. In addition, the proposed dwelling unit will be located more than 30.0 metres from the natural boundary to further protect the environmentally sensitive areas.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to permit the construction of a dwelling unit and recognize an existing retaining wall and landscaping works on the subject property within the Hazard Lands and Environmentally Sensitive Features Development Permit Areas. To address the Development Permit Guidelines, the applicant provided Geotechnical Hazards Assessment reports that address all existing and proposed improvements, landscaping plans, and an environmental assessment of the existing landscaping works. These reports conclude there are no geotechnical or environmental impacts on the property or surrounding lots as a result of the existing or proposed improvements and dwelling construction.

RECOMMENDATION

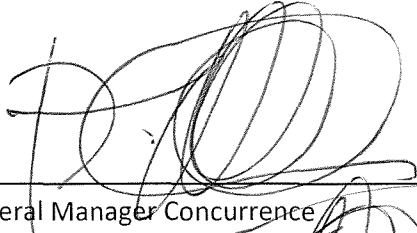
That Development Permit Application No. PL2012-088 to permit the construction of a dwelling unit and recognize an existing retaining wall and landscaping works within the subject property be approved subject to the conditions outlined in Schedules 1 to 3.



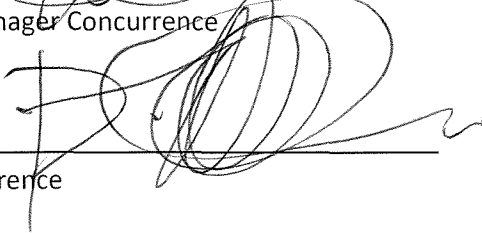
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

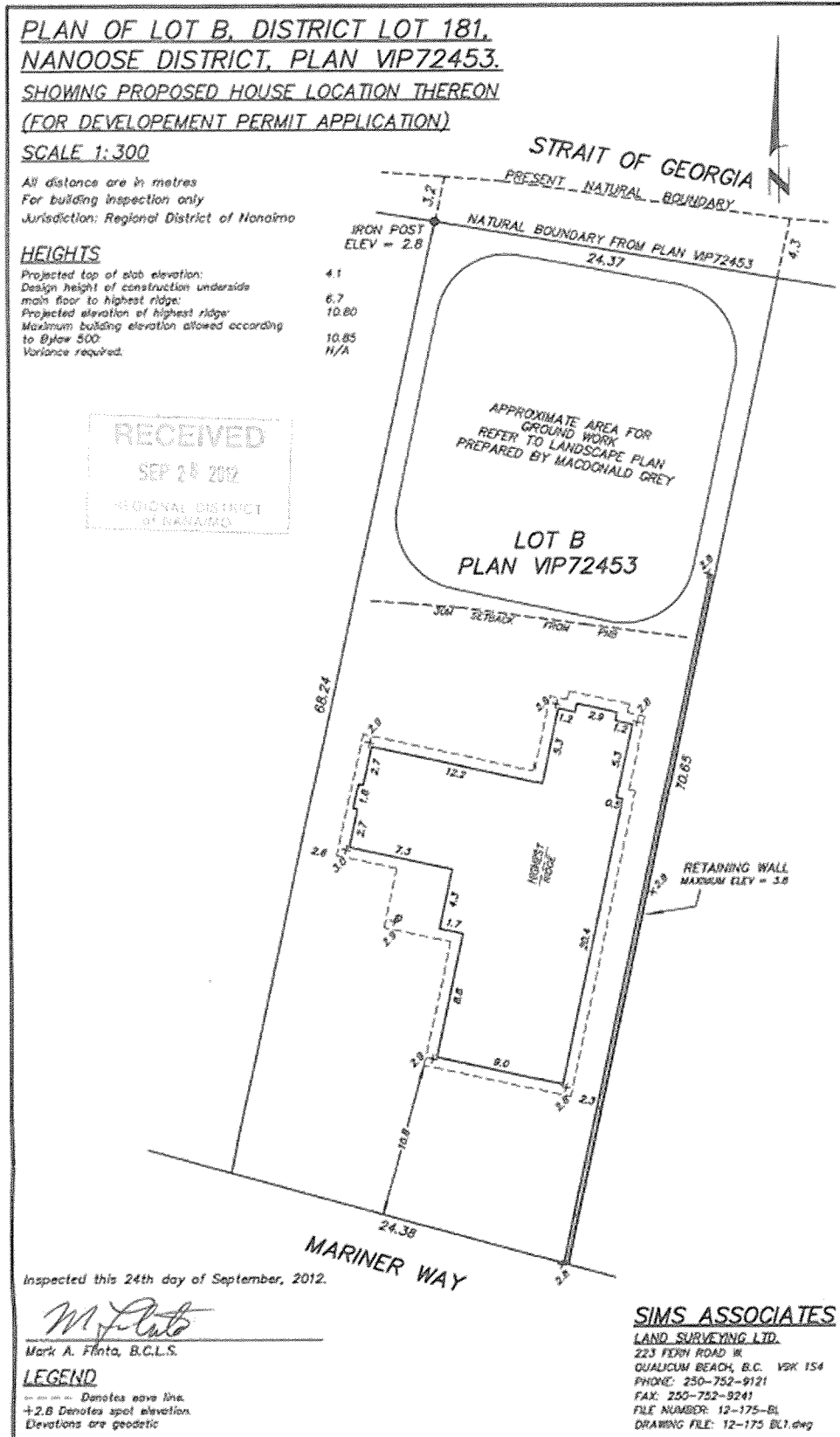
Schedule 1
Terms and Conditions of Development Permit

The following sets out the terms and conditions of Development Permit Application No. PL2012-088:

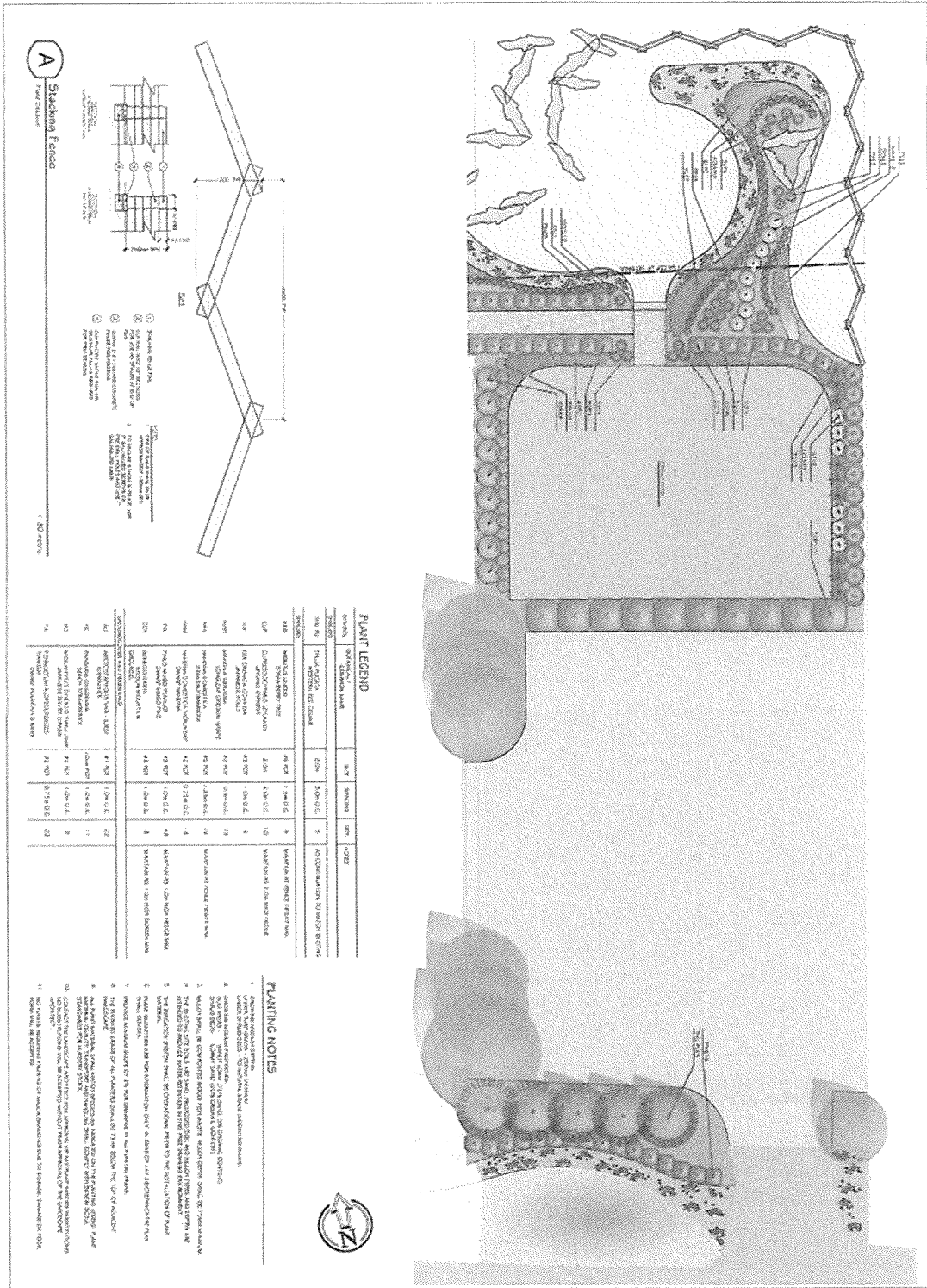
Conditions of Approval

1. The dwelling unit shall be sited in general accordance with the site plan prepared by Sims Associates dated September 24, 2012, attached as Schedule 2.
2. The landscaping works shall be completed and maintained in substantial compliance with the Landscaping Plans prepared by Macdonald Gray dated July 5, 2012 and attached as Schedule 3.
3. The subject property shall be developed in accordance with the Environmental Review prepared by Toth and Associates Environmental Services, dated September 27, 2012.
4. The dwelling unit shall be constructed in accordance with the Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010.
5. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Hazards Assessment reports prepared by Ground Control Geotechnical Engineering Ltd. dated July 13, 2012 and September 27, 2012, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

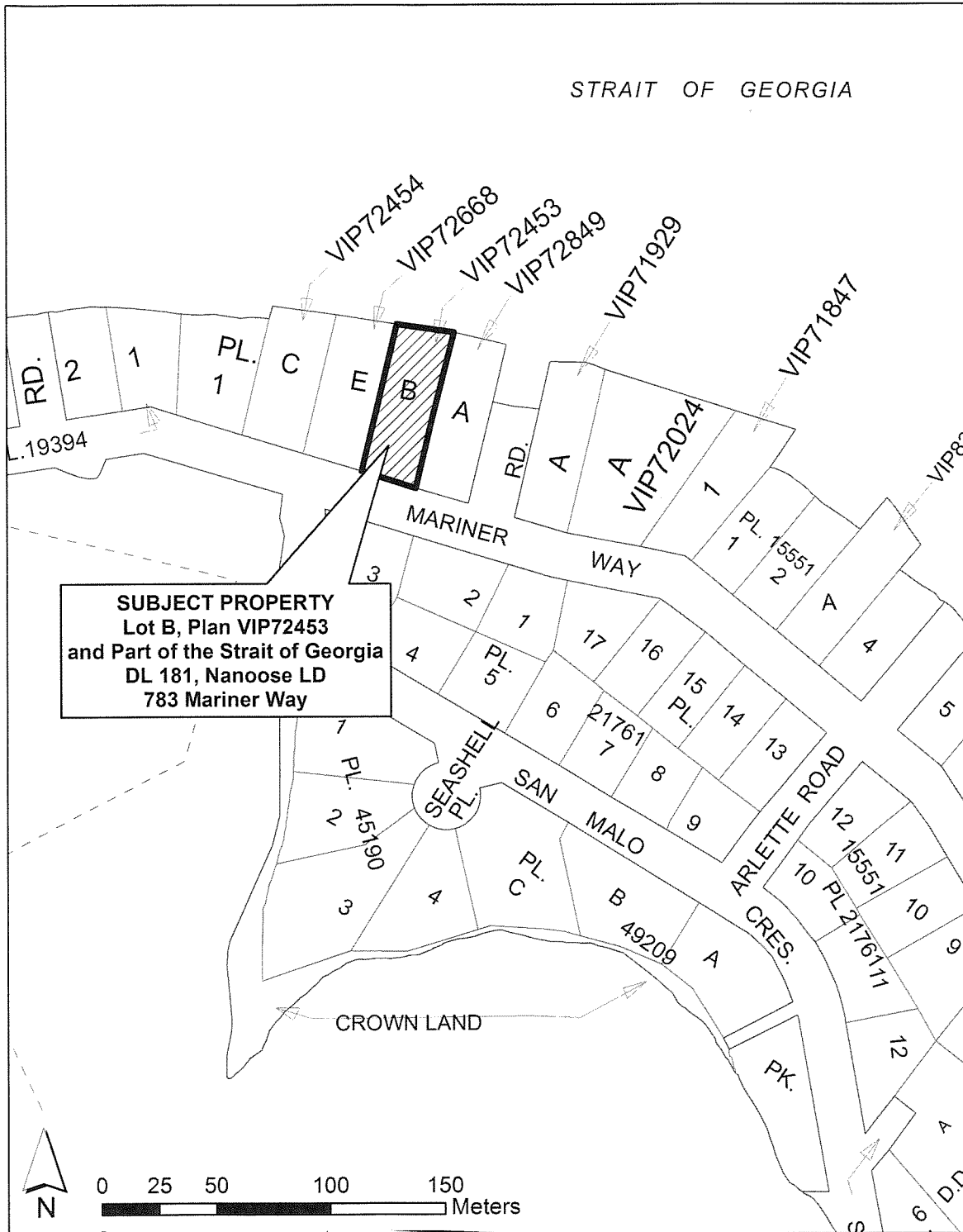
Schedule 2
Site Plan



Schedule 3
 Landscaping Plan

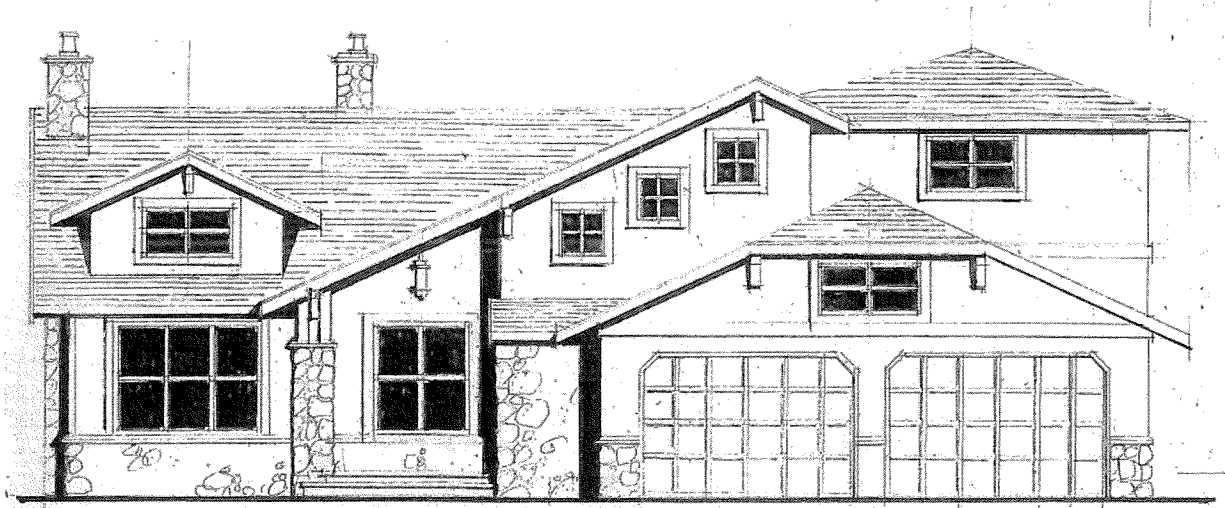


Attachment 1
Subject Property Map

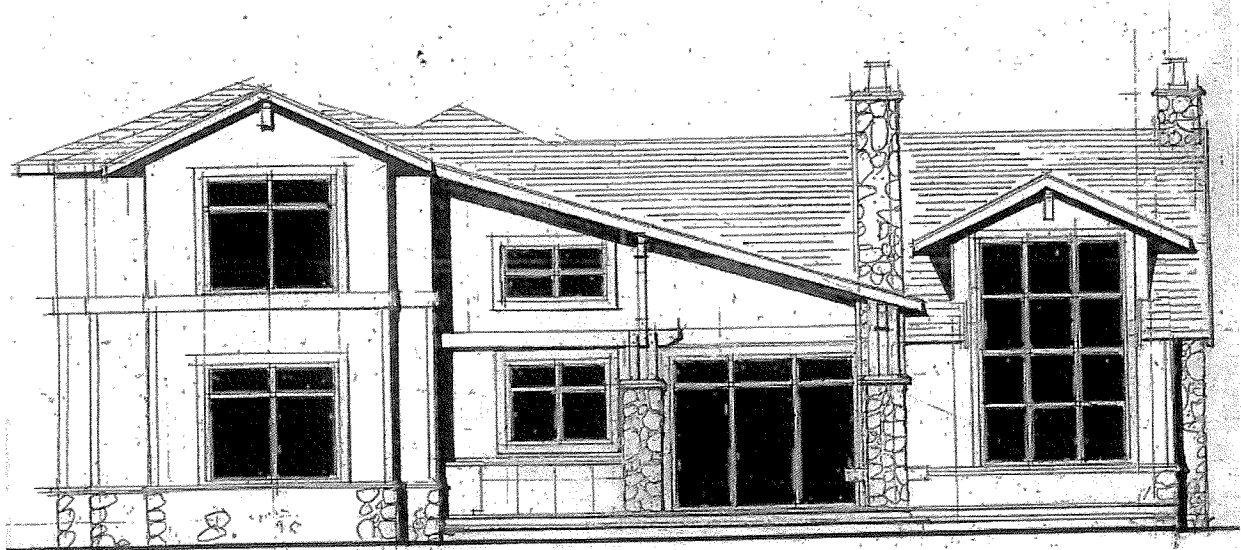


BCGS MAPSHEET: 92F.039.2.3

Attachment 2
Building Elevations



SOUTH ELEVATION VERSION 2.0



NORTH ELEVATION VERSION 2.0



RDN REPORT	
DCAO APPROVAL	
EAP	✓
COW	
NOV 01 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: October 29, 2012

FROM: Angela Buick
Planner

FILE: PL2012-122

SUBJECT: Development Permit Application No. PL2012-122 – Tomm’s Food Marketing Group, Inc. No. 527160
Lot A, Plan VIP87535, District Lot 36, Newcastle District – 6990 Island Highway West Electoral Area ‘H’

PURPOSE

To consider an application for a Development Permit to allow the construction of an addition to a commercial building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Edith Quint and Angelika Quint in order to permit the construction of an addition to a commercial building. The subject property is approximately 3.4 ha in area and is split zoned Commercial 4 (CM4) and Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

The proposed development is subject to the Bowser Village Center Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

The subject property is bound by residential parcels to the east, south and west, and commercially zoned property to the northwest and north. The property currently contains Tomm’s Food Village, a local retail grocery store.

Proposed Development

The applicants are proposing to construct an addition of 70 m² in floor area to an existing commercial building in order to accommodate for additional storage space (see Schedules 2 and 3 for site plan and building elevations). The proposed addition will be located on the south side of the property. As the addition is minor in nature, will be located at the rear of the existing building, and will not be visible from the Island Highway, the application is not required to address Form and Character components outlined within the Bowser Village Center Development Permit Area. However, the application is required to address the guidelines relevant to the Bowser Village Center Development Permit Area for Rainwater and Aquifer Protection.

ALTERNATIVES

1. To approve the Development Permit No. PL2012-122 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Permit No. PL2012-122.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted a report titled "Review of Stormwater Issues" (dated July 19, 2012), to satisfy the Bowser Village Centre Development Permit Area guidelines.

The report concludes that the existing building's drainage system would be sufficient in handling the predicted increased rainwater (roofwater) flow captured once the addition is constructed. Therefore, the proposed addition is not expected to negatively impact the existing stormwater management on site. In addition, the report includes a recommendation to excavate and replace the oversized material in the existing swale/rockpit with new rocks as the existing material was installed many years ago.

With respect to landscaping, the existing landscaping buffer abutting the Island Highway which contains shrubs, bushes and small trees, will be retained and maintained as an aesthetic feature for travelers and pedestrians as well as a visual buffer from the highway.

Although this application will not be subject to the form and character development permit area guidelines it is important to mention that the addition is consistent with the existing building's form and character.

With respect to parking, the existing number of parking stalls are adequate in relation to the existing floor area. As the addition is to accommodate for storage only, and there will be no increase in the retail space for the public, there is no requirement to increase the number of parking stalls at this time.

Sustainability Implications

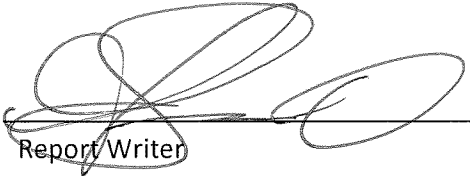
Staff reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed development will allow an increase in the efficiency of use of an existing developed commercial building. The applicant has also advised that construction will include energy reducing materials.

SUMMARY/CONCLUSION

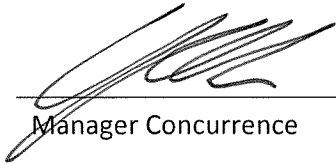
This is an application for a Development Permit to permit the construction of an addition to a commercial building within the Bowser Village Centre Development Permit Area. The applicant has provided a site plan, building elevations and stormwater management review report in support of the application. In staff's assessment, this proposal is consistent with the Bowser Village Development Permit Area.

RECOMMENDATION

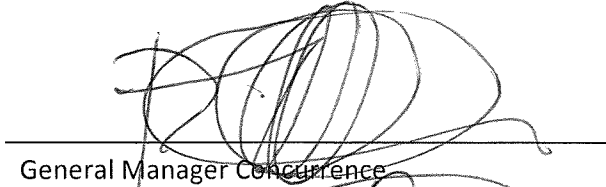
That Development Permit No. PL2012-122 to permit the construction of an addition to a commercial building be approved subject to the conditions outlined in Schedules 1 to 3.



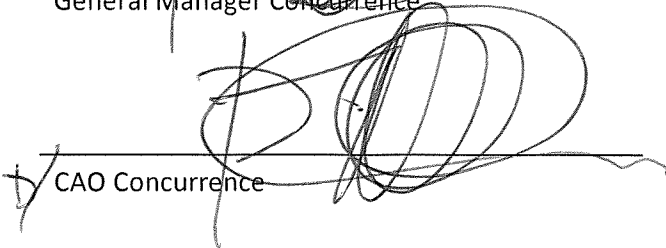
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

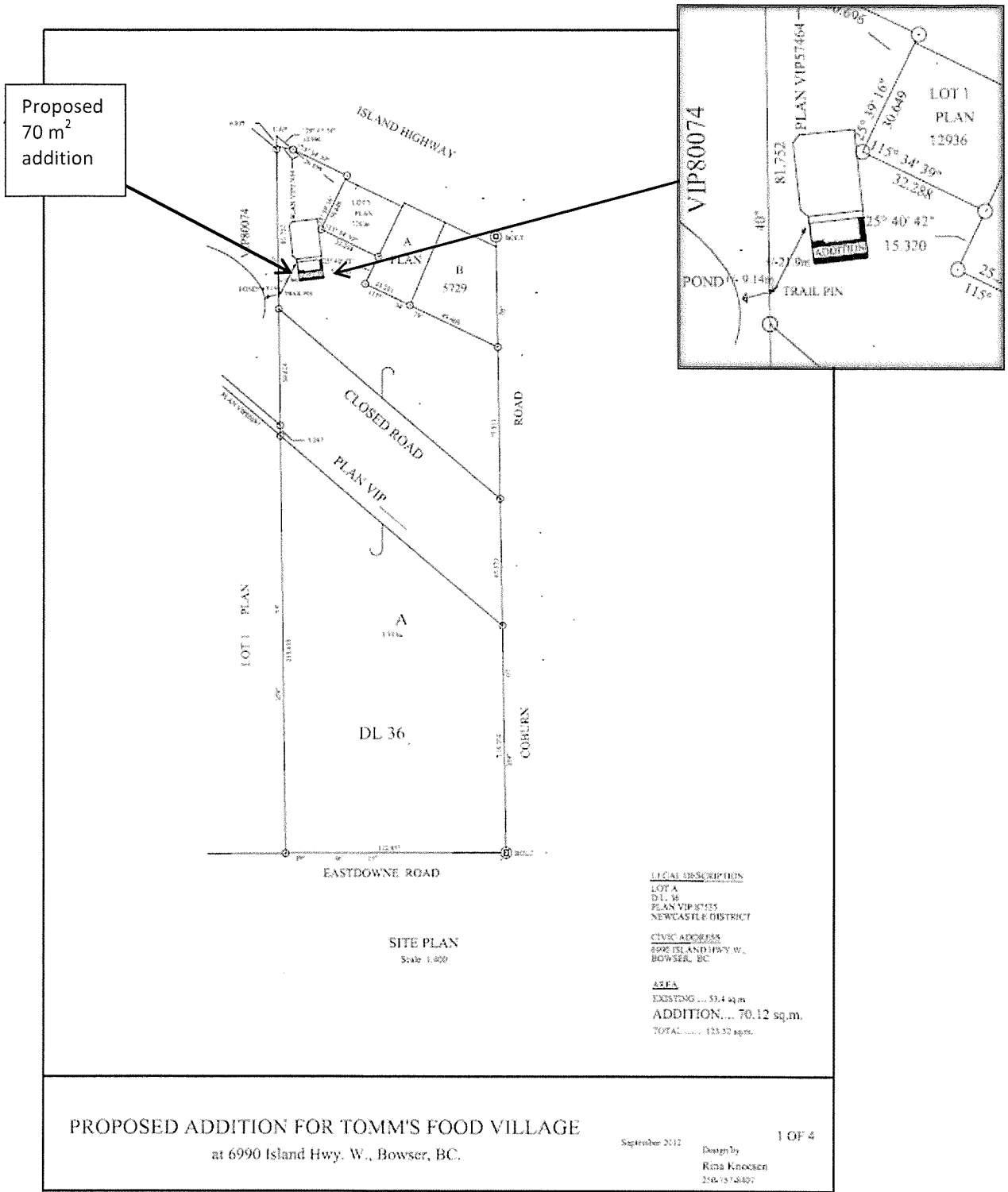
Schedule 1
Terms and Conditions of Development Permit

The following sets out the terms and conditions of Development Permit No. PL2012-122:

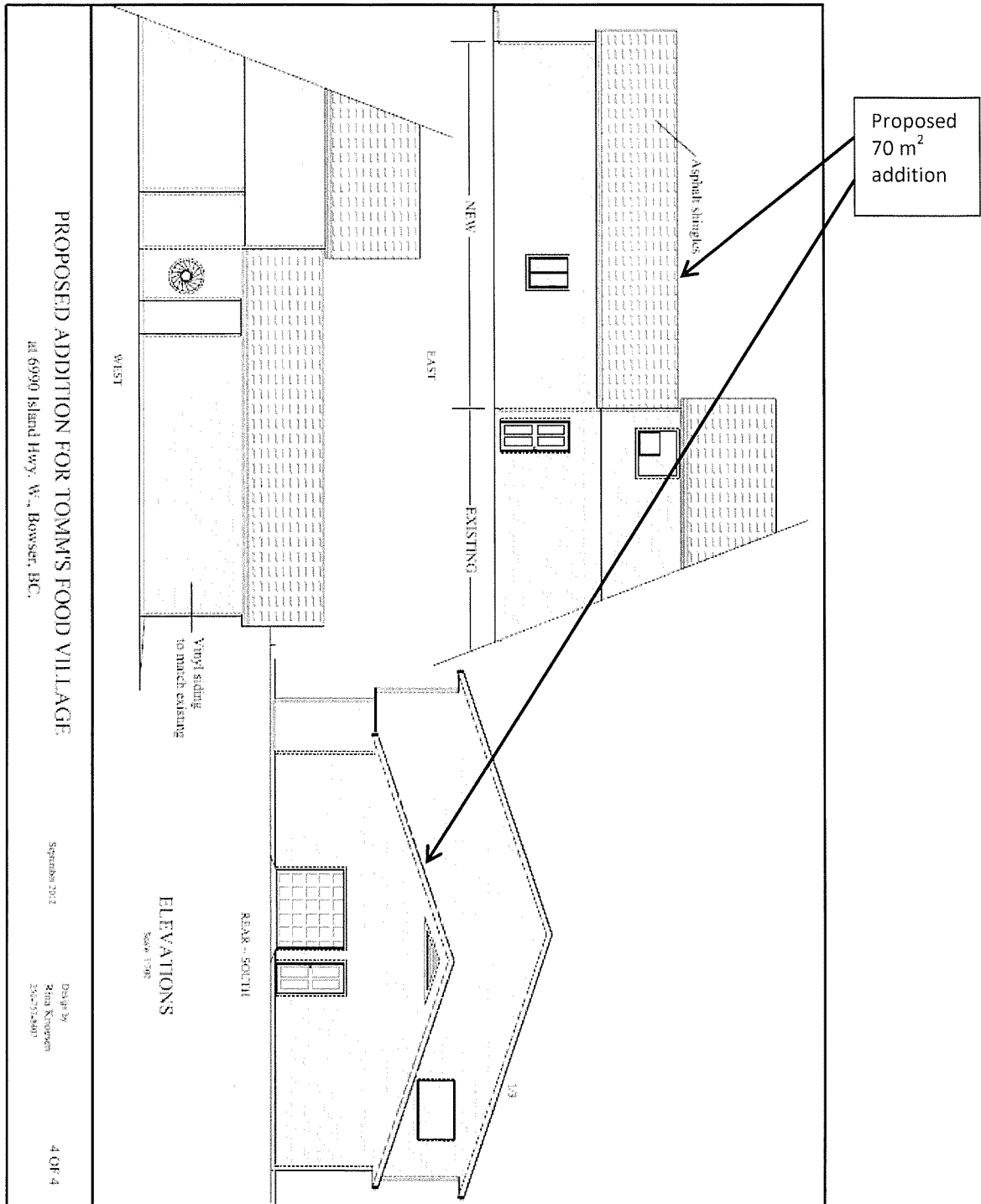
Conditions of Approval

1. The addition shall be sited in accordance with the site plan prepared by Rina Knoesen, dated September 2012, attached as Schedule 2.
2. The addition shall be constructed generally in accordance with the building elevation drawings attached as Schedule 3.
3. The Lands shall be developed in accordance with the Review of Stormwater Issues report prepared by Dick F Stubbs Consulting and dated July 19, 2012.

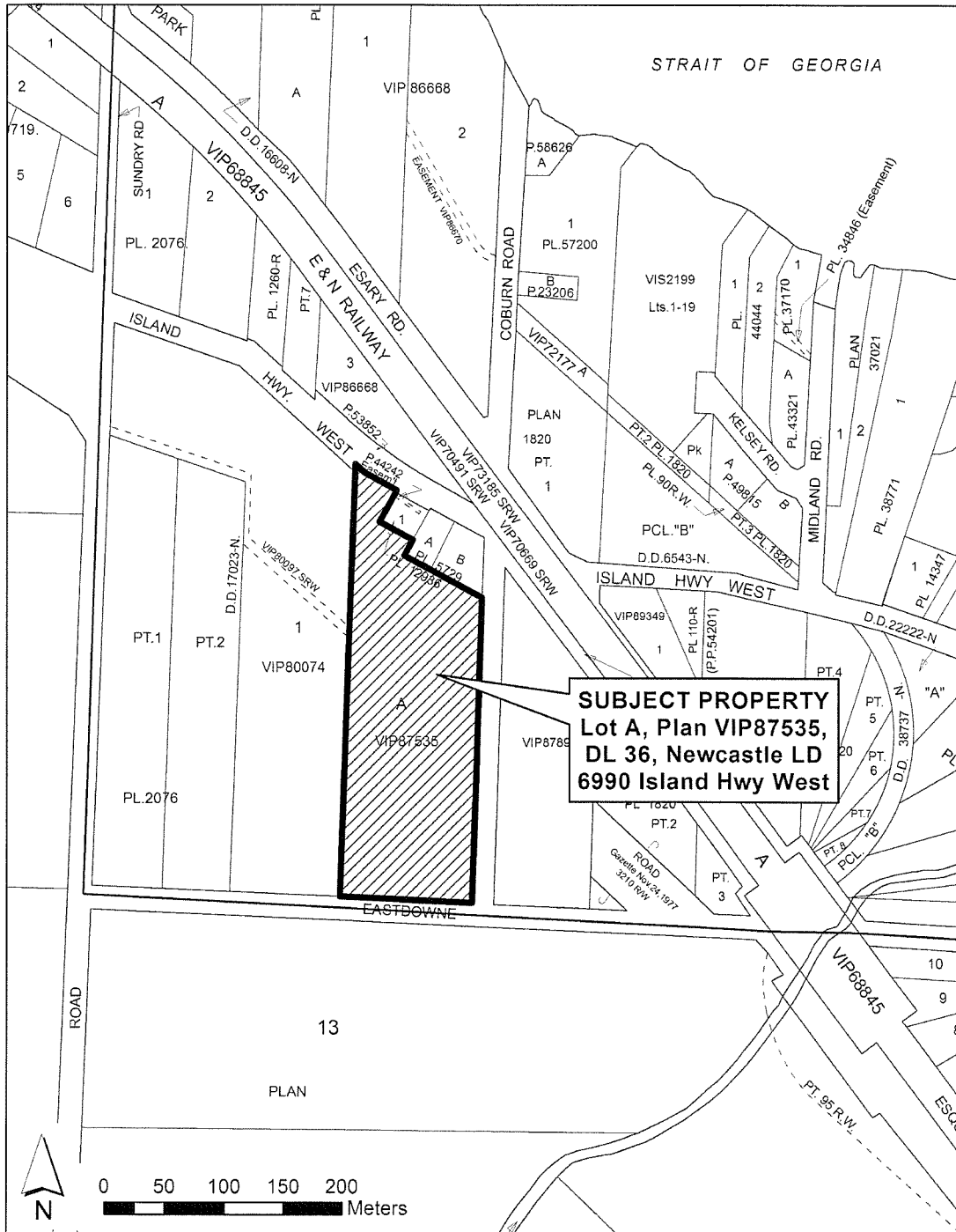
Schedule 2
Site Plan



Schedule 3 Building Elevations



Attachment 1 Subject Property





RDN REPORT	
CAO APPROVAL	
EAP	
COW	
NOV 01 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: November 1, 2012

FROM: Kim Farris
Planner

FILE: PL2012-143

SUBJECT: Development Permit Application No. PL2012-143 – Guy Robertson
Lot 82, District Lot 28, Nanoose District, Plan 26472 – 902 Barclay Crescent South
Electoral Area ‘G’

PURPOSE

To consider an application for a Development Permit to allow the construction of a detached accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Guy Robertson to construct a detached garage on the subject property. The property is approximately 1,063 m² in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 for subject property map).

The subject property is bordered by Barclay Crescent South to the west and residential parcels to the north, east and south. The natural boundary of French Creek is located approximately 48.0 metres from the subject property’s northern lot line. An existing dwelling unit is located on the property.

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) in accordance with the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” as the property is located within the Little Qualicum River Floodplain.

Proposed Development

The applicant is proposing to construct a detached garage on the subject property (see Schedules 2 and 3 for site plan and elevation drawings). The proposed garage is located within the French Creek Floodplain and there is currently no mapping to determine the required Flood Construction Level (FCL). The “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” states that where land is within a distance of 200 metres of French Creek the Flood Construction Level shall be 3.0 metres above the natural boundary of the watercourse. The present natural elevation of French Creek is 47.1 metres and the top of the foundation footings is 49.6 metre (0.5 metres below the FCL).

The proposed garage meets the General Flood Construction Level Exemptions as stated in section 16(c) of the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006":

- A building or that portion of a building to be used as a garage, carport, or storage building not used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment.

ALTERNATIVES

1. To approve the Development Permit Application No. PL2012-143 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Permit Application No. PL2012-143.

LAND USE IMPLICATIONS

Development Implications

The applicant submitted a Geotechnical Report prepared by Lewkowich Engineering Associates Ltd. dated October 10, 2012, to satisfy the Hazard Lands Development Permit Area Guidelines. The Engineer recommends temporary flood protection methods such as sand bag protection to reduce potential floodwater intrusions into the garage. The report concludes that the property is safe and suitable for the proposed development under normal circumstances and provided the recommendations are followed, flooding issues would not have a detrimental impact on the environment or adjacent properties.

While the report states that the development is considered safe, staff recommends the applicant be required to register a Section 219 covenant on the property title that includes the Geotechnical Report and a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential geotechnical and flood hazards. In addition, the covenant must stipulate a building or that portion of a building to be used as a garage, carport, or storage building must not be used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment.

The proposed detached garage will meet the minimum setback requirements of the RS1 zone as set out in the submitted site plan prepared by Sims Associates, attached as Schedule 2. As shown on the surveyed site plan, the height of the garage is proposed to be 6.0 metres which is the maximum height permitted for accessory buildings. The applicant must provide proof to the satisfaction of the Building Department at the building permit stage that the garage is within the 6.0 metre height requirement.

Sustainability Implications


In keeping with Regional District of Nanaimo Board policy, staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist" and note that the proposed garage will not have a detrimental impact on the natural environment.

SUMMARY/CONCLUSION

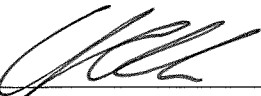
This is an application for a Development Permit to permit the construction of a detached garage within the Hazard Lands Development Permit Area. In staff's assessment, this proposal is consistent with the applicable Development Permit Area Guidelines, and staff recommends that the Board approve the Development Permit.

RECOMMENDATION


That Development Permit Application No. PL2012-143 to permit the construction of a detached garage be approved subject to the conditions outlined in Schedules 1 to 3.



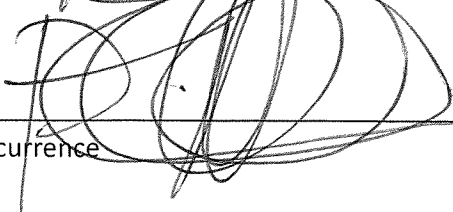
Report Writer



Manager Concurrence



General Manager Concurrence



D/ CAO Concurrence

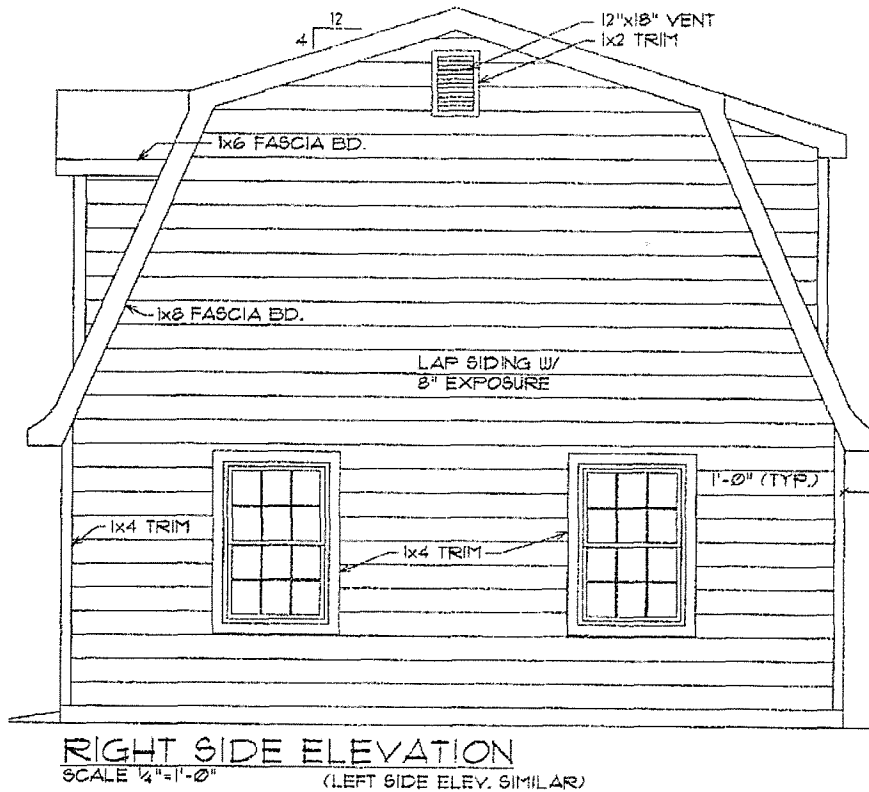
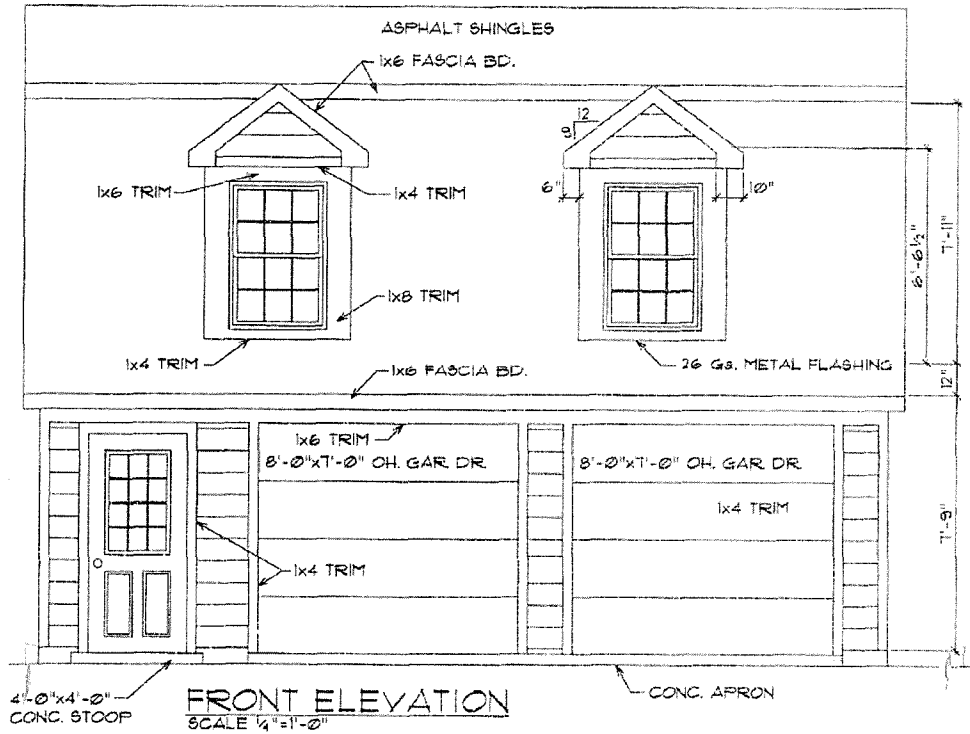
Schedule 1
Conditions of Development Permit

The following sets out the terms and conditions of Development Permit No. PL2012-143:

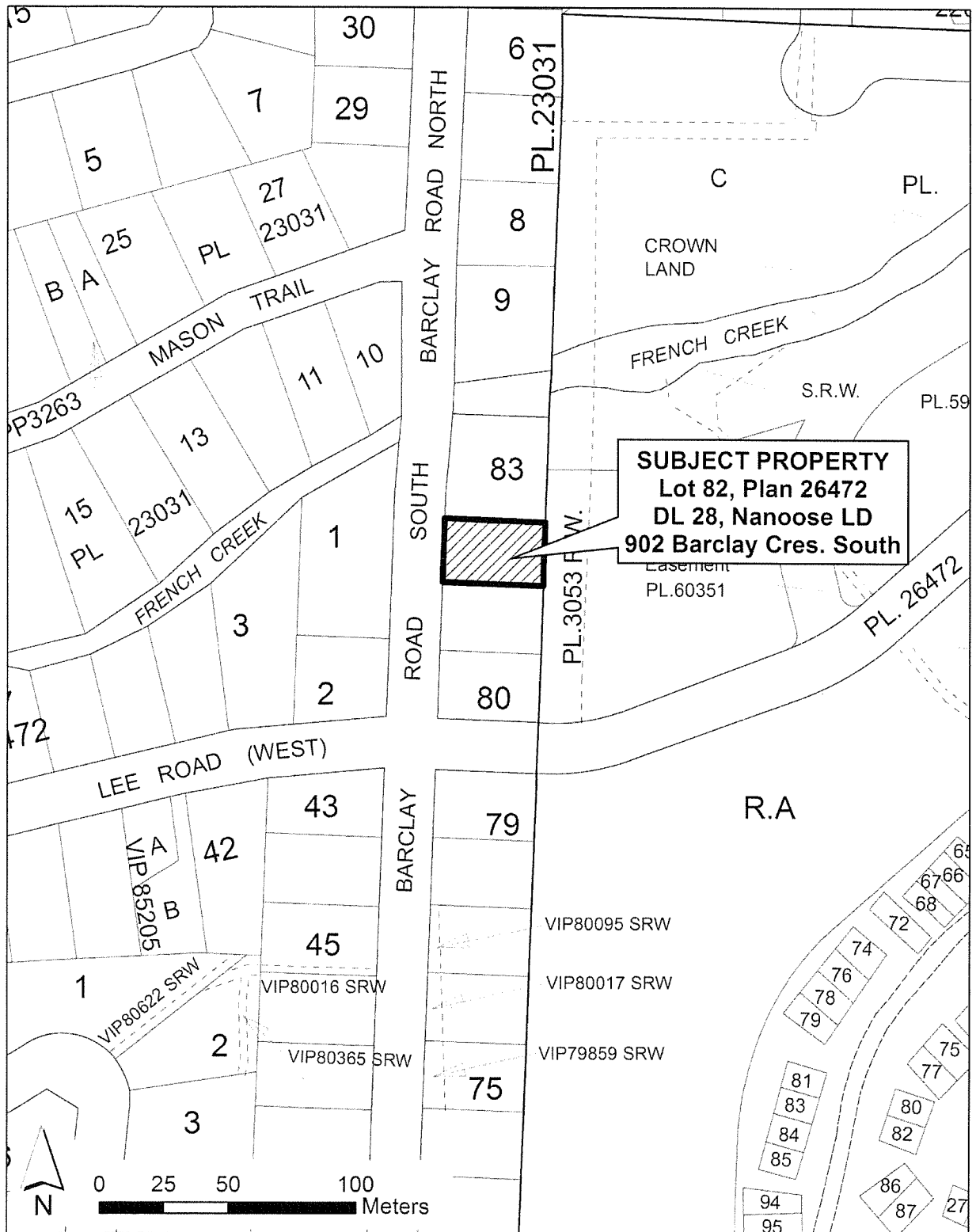
Conditions of Approval

1. The garage shall be sited in accordance with the site plan prepared by Sims Associates dated October 25, 2012 attached as Schedule 2.
2. The garage shall be constructed generally in compliance with the elevation drawings attached as Schedule 3.
3. The Lands shall be developed in accordance with the Geotechnical Report prepared by Lewkowich Engineering Associates Ltd. dated October 10, 2012.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Engineering Associates Ltd. dated October 10, 2012, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard. In addition, the covenant must stipulate a building or that portion of a building to be used as a garage, carport, or storage building must not be used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment.

Schedule 3 Building Elevations



Attachment 1
Subject Property Map





RDN REPORT	
CAO APPROVAL	
EAP	✓
CDW	
NOV 01 2012	
RHD	
BOARD	

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: October 29, 2012

FROM: Kristy Marks
Planner

FILE: PL2012-147

SUBJECT: Development Variance Permit Application PL2012-147 – Gray
Lot 4, Block 359, Newcastle District, Plan VIP64696 – 1815 Settler Road
Electoral Area ‘F’

PURPOSE

To consider an application for a Development Variance Permit to reduce the minimum frontage requirement for the subject property in conjunction with a proposed two lot subdivision.

BACKGROUND

The Regional District of Nanaimo has received an application from Bruce and Tania Gray to vary the minimum lot frontage requirement in conjunction with a two lot subdivision. In 2012, the Regional Board approved a similar variance request for the adjacent property, reducing the frontage to 6.5 metres in conjunction with a two-lot subdivision.

The subject property is approximately 2.4 hectares and is zoned R-2 (Rural Residential 2) which supports a minimum lot size of 1.0 ha, pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (see Attachment 1 for location of subject property). The subject property is surrounded by rural residential uses and currently contains a dwelling unit and multiple accessory buildings.

Proposed Development and Variance

The applicant proposes to subdivide the parent parcel into two fee simple lots which meet the minimum parcel size requirements of Bylaw No. 1285, 2002 (see Schedule 2 for Proposed Plan of Subdivision). Proposed Lot B is a panhandle lot and does not meet the minimum 40.0 metre lot frontage requirement of the R-2 zone in Bylaw No. 1285, 2002. Therefore, the applicant proposes a variance to reduce the frontage from 40.0 metre to 6.2 metre in order to facilitate the proposed subdivision.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2012-147 subject to the conditions outlined in Schedule 1.
2. To deny Development Variance Permit No. PL2012-147.

LAND USE IMPLICATIONS

Development Implications

The proposed 6.2 metre wide panhandle (Lot B) does not meet the minimum 40.0 metre lot frontage of the R-2 zone; however, despite the reduced road frontage the lot meets the minimum lot size exclusive of the panhandle area and there is sufficient buildable site area available to support the permitted uses. The proposed panhandle lot also fronts onto a cul-de-sac road and would not have any further subdivision potential, so it complies with the criteria set out in the bylaw for consideration of reduced frontage.

Public Consultation Implications

As part of the required public notification process, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

Sustainability Implications

Staff have reviewed the proposed development with respect to the "Regional District of Nanaimo Sustainable Development Checklist". The creation of the panhandle lot will facilitate an infill subdivision and enable more efficient use of the land.

Intergovernmental Implications

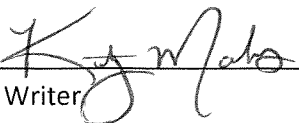
With respect to access, Ministry of Transportation and Infrastructure (MOTI) staff have issued a Preliminary Layout Approval and require the applicant to rough-in the panhandle access for proposed Lot B to confirm that proposed width is sufficient for the driveway, ditches and utilities. As a condition of this permit, the panhandle must have a minimum width of 6.2 metres and the proposed subdivision shall be in general accordance with the survey plan attached as Schedule No. 2.

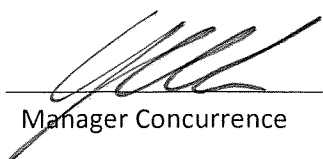
SUMMARY/CONCLUSIONS

The applicant proposes to subdivide the subject property into two residential lots, with a variance to reduce the lot frontage from 40.0 metre to 6.2 metre for a proposed panhandle lot (Lot B). Despite the reduced frontage, the lot will have sufficient site area to support the uses permitted in the R-2 zone. In addition, MOTI staff have issued a Preliminary Layout Approval for the proposed subdivision and will require the applicant to demonstrate adequate access to the proposed panhandle lot prior to subdivision approval.


RECOMMENDATION

That Development Variance Permit No. PL2012-147 be approved subject to the conditions outlined in Schedule 1.


Report Writer


Manager Concurrence

General Manager Concurrence


CAO Concurrence

Schedule 1
Terms and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2012-147:

Bylaw No. 1285, 2002 Variance

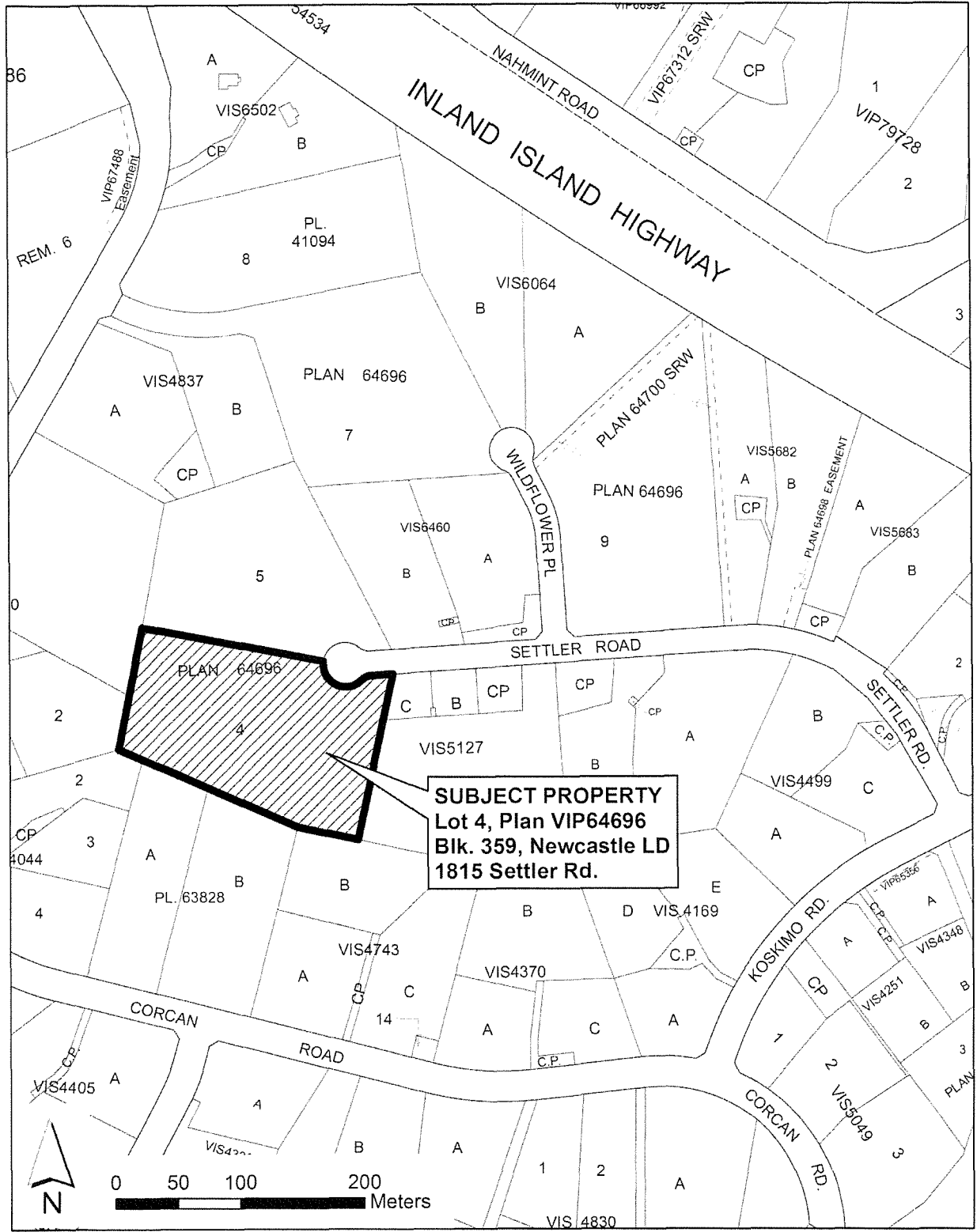
With respect to the lands, the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" is requested to be varied as follows:

Section 4.14.3c) Minimum Lot Frontage is reduced from 40.0 metres to 6.2 metres for proposed Lot B as shown on the proposed plan of subdivision in Schedule 2.

Condition of Approval

The proposed subdivision shall be generally in compliance with the survey plan prepared by JE Anderson & Associates dated April 16, 2012, attached as Schedule 2.

Attachment 1
Location of Subject Property





RDN REPORT		#
CAO APPROVAL		
EAP	✓	
COW		
NOV 05 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: October 31, 2012

FROM: Kristy Marks
Planner

FILE: PL2012-126
PL2012-125

SUBJECT: Development Variance Permit & Frontage Relaxation Application No. PL2012-126 - Avis Lot 6, Block 668, Nanoose District, Plan 33913
2940 & 2950 Dufferin Road
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to reduce the setback for an existing garage to a proposed panhandle lot line and to relax the minimum 10% perimeter frontage requirement in conjunction with a proposed two lot, Section 946 subdivision.

BACKGROUND

The Regional District of Nanaimo has received an application from Fern Road Consulting on behalf of Joanne Avis to reduce the minimum setback for an existing garage to a proposed panhandle lot line and relax the minimum 10% perimeter frontage requirement in conjunction with a proposed two lot, Section 946 subdivision (PL2012-125). The subject property is approximately 2.6 ha in area and is zoned Rural 5 (RU5), Subdivision District 'D' (2.0 ha minimum parcel size) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property).

The subject property is bordered by developed rural residential parcels to the north and east, a resource management zoned parcel to the south, and Dufferin Road to the west. The property currently contains two dwelling units and multiple accessory buildings.

The subject property contains a wetland in the southwest corner that forms the headwaters of an unnamed tributary to Nanoose Creek. The applicant provided a Riparian Areas Assessment prepared by Toth and Associates dated January 31, 2011 when the existing dwelling unit and garage located on proposed Lot B were constructed. The Qualified Environmental Professional (QEP) established a Streamside Protection and Enhancement Area of 15.0 metres and included recommendations to protect the SPEA during construction. The proposed subdivision is exempt from the requirements of the Watercourse Protection Development Permit Area given that all proposed new lot lines are greater than 30.0 metres from the natural boundary of the watercourse.

Proposed Development and Variance

The applicant proposes to subdivide the parent parcel into two fee simple lots under the provisions of Section 946 of the *Local Government Act* (subdivision for a relative). The proposed subdivision will result in a 0.606 ha lot and a 2.05 ha remainder (see Schedule 2 for proposed plan of subdivision). Both parcels are proposed to be served with individual private water wells and septic disposal systems.

In order to allow the garage to remain in its current location and legalize its siting in relation to a proposed panhandle lot line the applicant is requesting a variance to reduce the setback from 8.0 metres to 3.3 metres for the existing garage (see Schedule 2).

Minimum 10% Perimeter Frontage Requirement

Proposed Lot A, as shown on the plan of subdivision (Schedule 2) does not meet the minimum 10% perimeter lot frontage requirement pursuant to Section 944 of the *Local Government Act*. The applicant has requested to reduce the frontage requirement as follows:

Proposed Lot No.	Required Frontage	Proposed Frontage	% Perimeter
A	81.6 metres	6.0 metres	0.7

ALTERNATIVES

1. To approve the Development Variance Permit Application No. PL2012-126 and request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot A subject to the conditions outlined in Schedule 1.
2. To deny the Development Variance Permit Application No. PL2012-126 and request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot A.

LAND USE IMPLICATIONS**Development Implications**

The applicant has requested a variance to reduce the setback from 8.0 metres to 3.3 metres to legalize the siting of an existing garage in relation to a proposed panhandle lot line. The dwelling unit and garage on proposed Lot B were constructed within the last two years and are located within a limited building site given that the parcel contains a watercourse and steep terrain. The applicant has stated that when the garage was constructed it was positioned in the only area available between the existing driveway and house.

The proposed 6.0 metre wide panhandle (Lot A) does not meet the minimum 10% lot frontage; however, despite the reduced road frontage the lot meets the minimum lot size exclusive of the panhandle area and there is sufficient buildable site area available to support the permitted uses. The proposed panhandle lot would not have any further subdivision potential, so it complies with the criteria set out in the bylaw for consideration of reduced frontage.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

Sustainability Implications

Staff have reviewed the proposed development with respect to the “Regional District of Nanaimo Sustainable Development Checklist” and note that the proposed subdivision will not have any negative impacts on the watercourse.

Intergovernmental Implications

With respect to access, Ministry of Transportation and Infrastructure (MOTI) staff have issued a Preliminary Layout Approval and require the applicant to rough-in the panhandle access for proposed Lot A to confirm that the proposed width is sufficient for the driveway, ditches and utilities. As a condition of this permit, the proposed subdivision shall be in general accordance with the survey plan attached as Schedule 2.

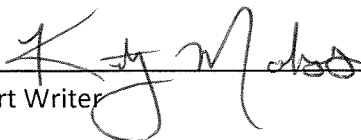
SUMMARY/CONCLUSIONS

The applicant proposes to subdivide the subject property into two residential lots, with a relaxation of the minimum 10% frontage requirement. Despite the reduced frontage for proposed Lot A, the lot meets the minimum lot size exclusive of the panhandle area and there is sufficient buildable site area available to support the permitted uses. In addition, MOTI staff have issued a Preliminary Layout Approval for the proposed subdivision and will require the applicant to demonstrate adequate access to the proposed panhandle lot prior to subdivision approval.

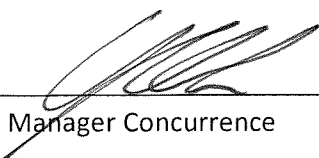
The applicant is also requesting a variance to the setback from 8.0 metre to 3.3 metre to legalize the siting of an existing garage in relation to a proposed panhandle lot line. The applicant has submitted a site plan and rationale in support of the application. Given that the requested variance would allow for the continued use of a pre-existing structure and there are no anticipated impacts or view implications for adjacent properties staff are of the opinion that the application meets the guidelines of Board Policy No. B1.5 for the evaluation of Development Variance Permit applications.

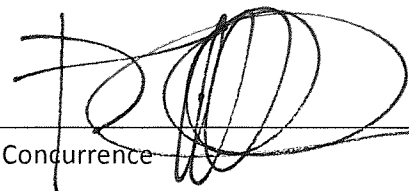
RECOMMENDATIONS

1. That Development Variance Permit Application No. PL2012-126 to reduce the setback from 8.0 metres to 3.3 metres for an existing garage to a proposed panhandle lot line be approved subject to the conditions outlined in *Schedule 1*.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot A, be approved.


Report Writer

General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule 1
Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2012-126:

Bylaw No. 500, 1987 - Variance

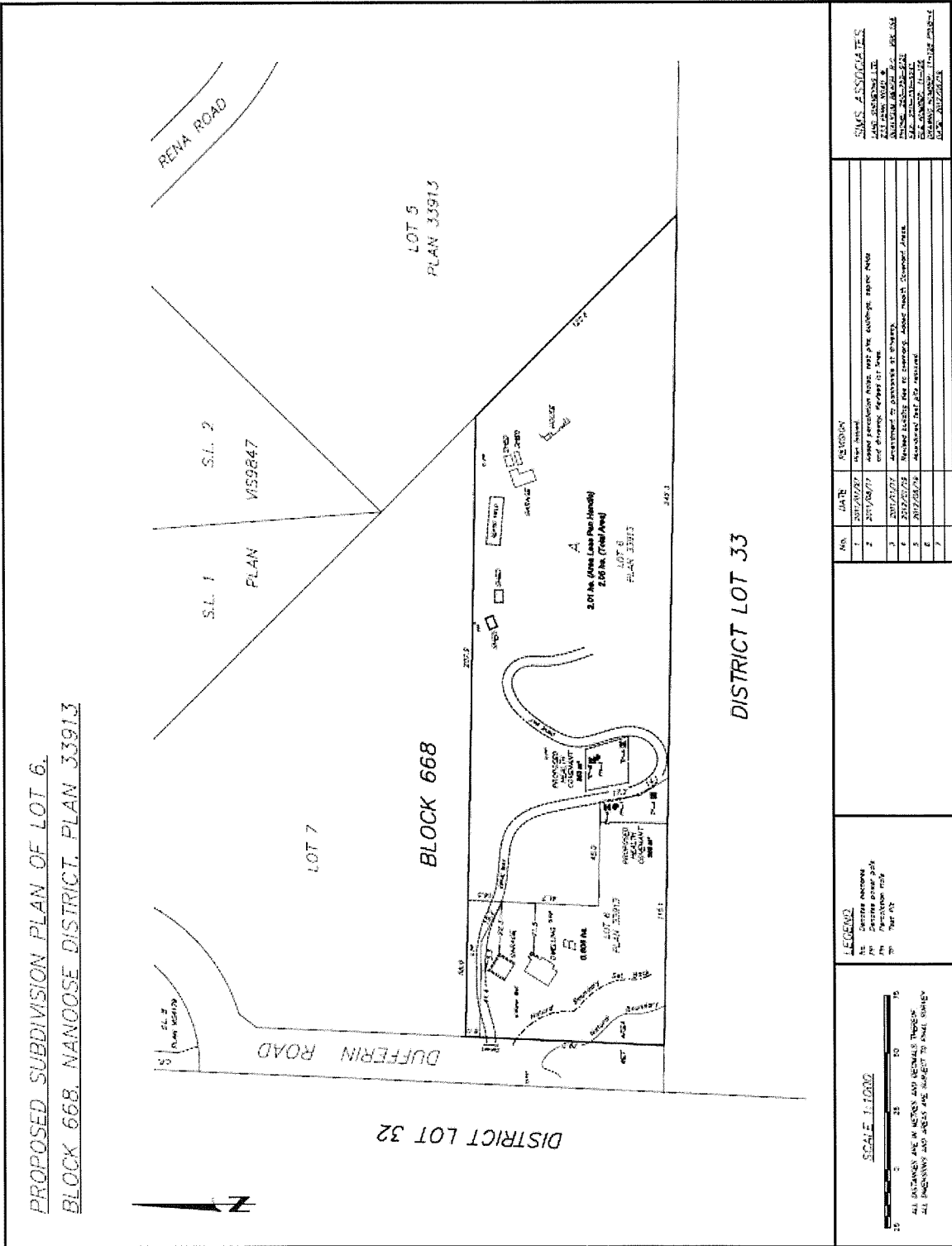
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.85 Rural 5 - Minimum Setback Requirements by reducing the minimum setback requirement from 8.0 metres to 3.3 metres for an existing deck to a proposed panhandle lot line as shown on Schedule 2.

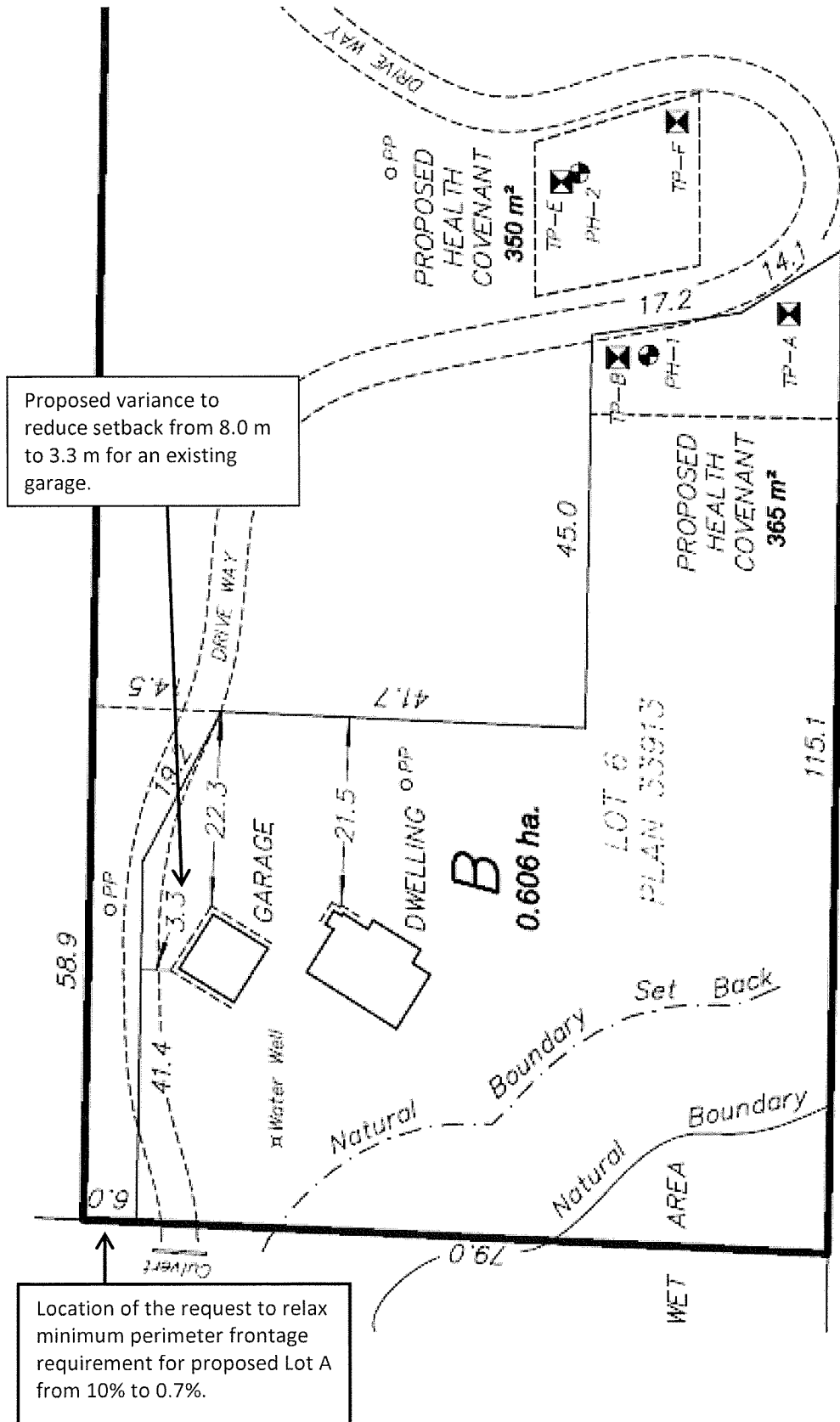
Conditions of Approval

The subdivision of the lands shall be in substantial compliance with the plan of subdivision prepared by Sims Associates dated June 19, 2012 as shown in Schedule 2.

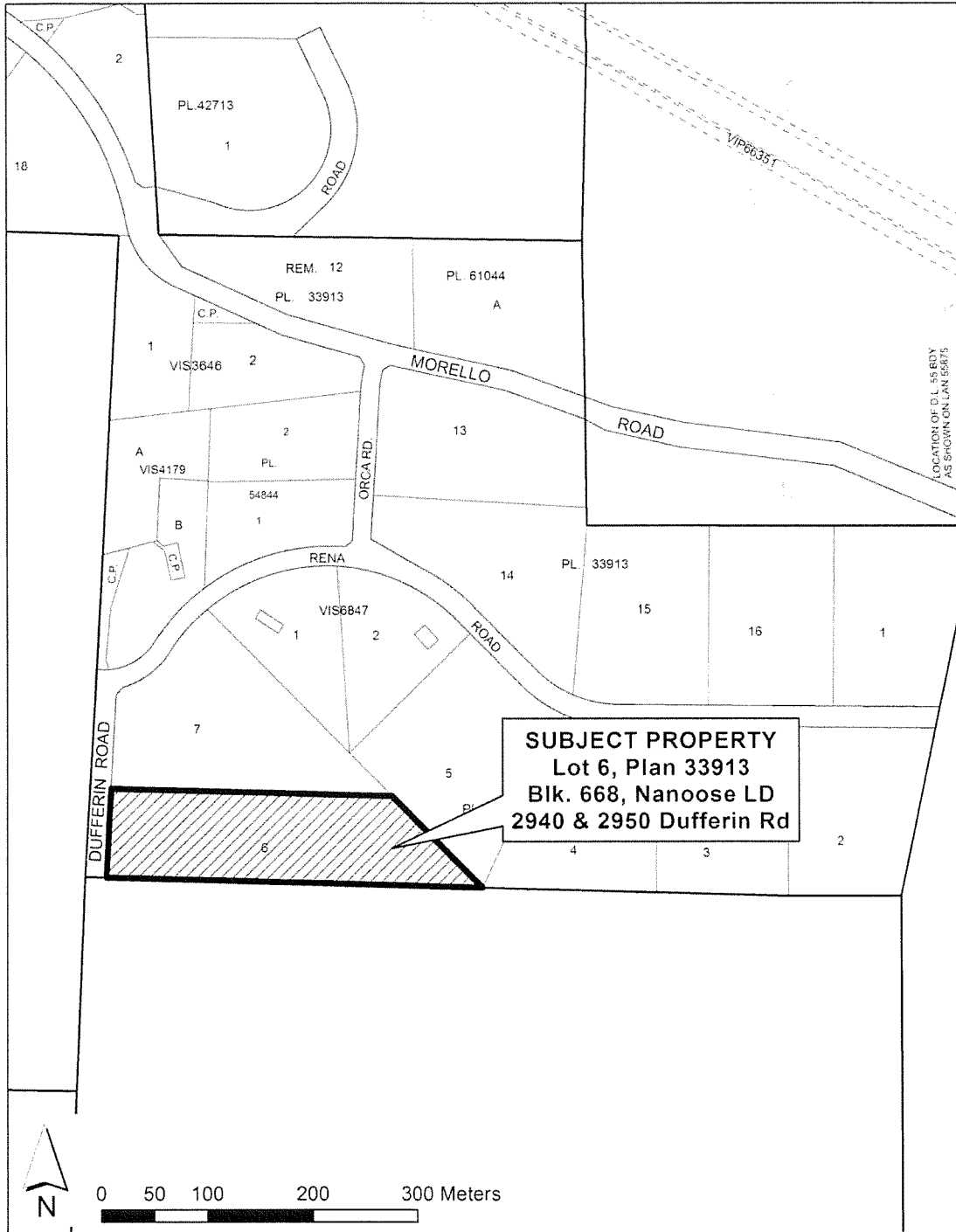
Schedule 2
 Site Plan (Page 1 of 2)



Schedule 2
 Site Plan - Detail (Page 2 of 2)



Attachment 1
Location of Subject Property



BCGS Map Sheet No 92F 029 4.2



RDN REPORT		###
D CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW		
NOV 05 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: October 31, 2012

FROM: Kim Farris
Planner

FILE: PL2012-149

SUBJECT: Development Variance Permit Application No. PL2012-149 - Ken Tanguay
Lot 14, District Lot 78, Nanoose District, Plan VIP53134
Redden Road
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to increase the maximum permitted height to allow the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Ken Tanguay on behalf of Christopher Gill and Mariana Gill in order to permit the construction of a dwelling unit on the subject property. The subject property is approximately 0.308 hectares in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is surrounded by residential zoned properties, Redden Road to the south, and Dolphin Drive to the north (see Attachment 1 for subject property map). The subject property is irregularly shaped and features a steep topography with numerous Garry Oak trees.

Proposed Development and Variances

The applicant is proposing to construct a two-storey dwelling unit on the subject property and has provided a detailed letter of rationale for the siting and requested variance. The topography of the lot, which significantly slopes from Redden Road down towards Dolphin Drive, creates considerable limitations on the buildable site area, and also creates challenges to meeting the 8.0 metre height restriction of the RS1 zone. The panhandle driveway, with access off of Redden Road, currently has a grade of 20 percent. The applicant indicates that if the required height restriction is applied, the dwelling unit would need to be excavated down into the hillside and the driveway would need to be lowered (increasing the slope to approximately 30 percent) to enter into the proposed garage. A driveway with a slope greater than 20 percent can be considered unsafe especially in winter months.

The applicant believes to construct a driveway with a 30 percent grade in order to access the dwelling unit without a variance would have a significant impact to a neighbouring retaining wall. The removal of material to achieve a steeper driveway will jeopardize the stability of the retaining wall therefore the applicant would like to maintain the existing grade of the driveway. The applicant has also indicated there is a significant number of healthy Garry Oak trees which the property owners would like to retain.

The desired building envelope would require the removal of one Garry Oak tree which is located in the centre of the building site.

To achieve a practical building envelope, the applicant is requesting a variance to increase the maximum permitted height from 8.0 metres to 10.7 metres for the proposed dwelling unit.

ALTERNATIVES

1. To approve Development Variance Permit Application No. PL2012-149 subject to the conditions outlined in Schedules 1 to 3.
2. To deny the Development Variance Permit Application No. PL2012-149.

LAND USE IMPLICATIONS

Development Implications

The applicant has supplied a geotechnical opinion regarding the driveway prepared by Ground Control Geotechnical Engineering Ltd. dated September 13, 2012 in support of the application. The Engineer recommended that increasing the slope of the driveway is not recommended as it has the potential to destabilize the neighbouring rock wall and will also create a driving surface that is too steep for safety. The report concludes that the geotechnically preferable option is to raise the building enough that the existing driveway configuration can be used in its approximate current location and gradient.

The applicant has indicated that the highest ridge of the proposed dwelling unit is 7.5 metres lower than the elevation of the main floor of Lots 15 and 16 (see Schedule 2).

Staff are of the opinion that the applicant has supplied sufficient rationale for requesting the variance, given the limitations that the topography of lot creates for siting a dwelling unit in accordance with the height provisions of Bylaw No. 500.

Sustainability Implications

Staff have reviewed the proposed development and note that the proposed dwelling unit will incorporate green environmental features such as a closed cell soy-based spray foam insulation, LED lighting, and a rainwater collection system.

Public Consultation Process

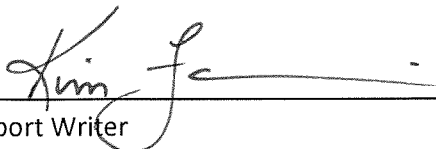
As part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSION

This is an application for a Development Variance Permit to vary the maximum permitted height from 8.0 metres to 10.7 metres for a proposed dwelling unit. The applicant has submitted a site plan, elevation drawings of the proposed dwelling unit, and geotechnical opinion in support of the application. Staff are of the opinion that the justification provided by the applicant for requesting the variance is consistent with Board Policy No. B1.5 for the evaluation of Development Variance Permit applications.

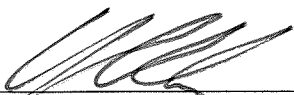
RECOMMENDATION

That Development Variance Permit Application No. PL2012-149 to increase the maximum permitted dwelling unit height be approved subject to the conditions outlined in Schedules 1 to 3.

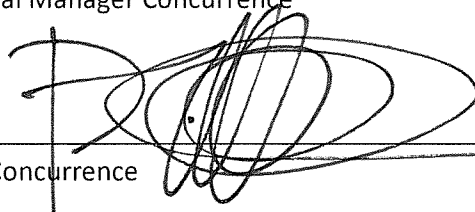


Report Writer

General Manager Concurrence



Manager Concurrence



D/ CAO Concurrence

Schedule 1
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2012-149:

Bylaw No. 500, 1987 – Variance

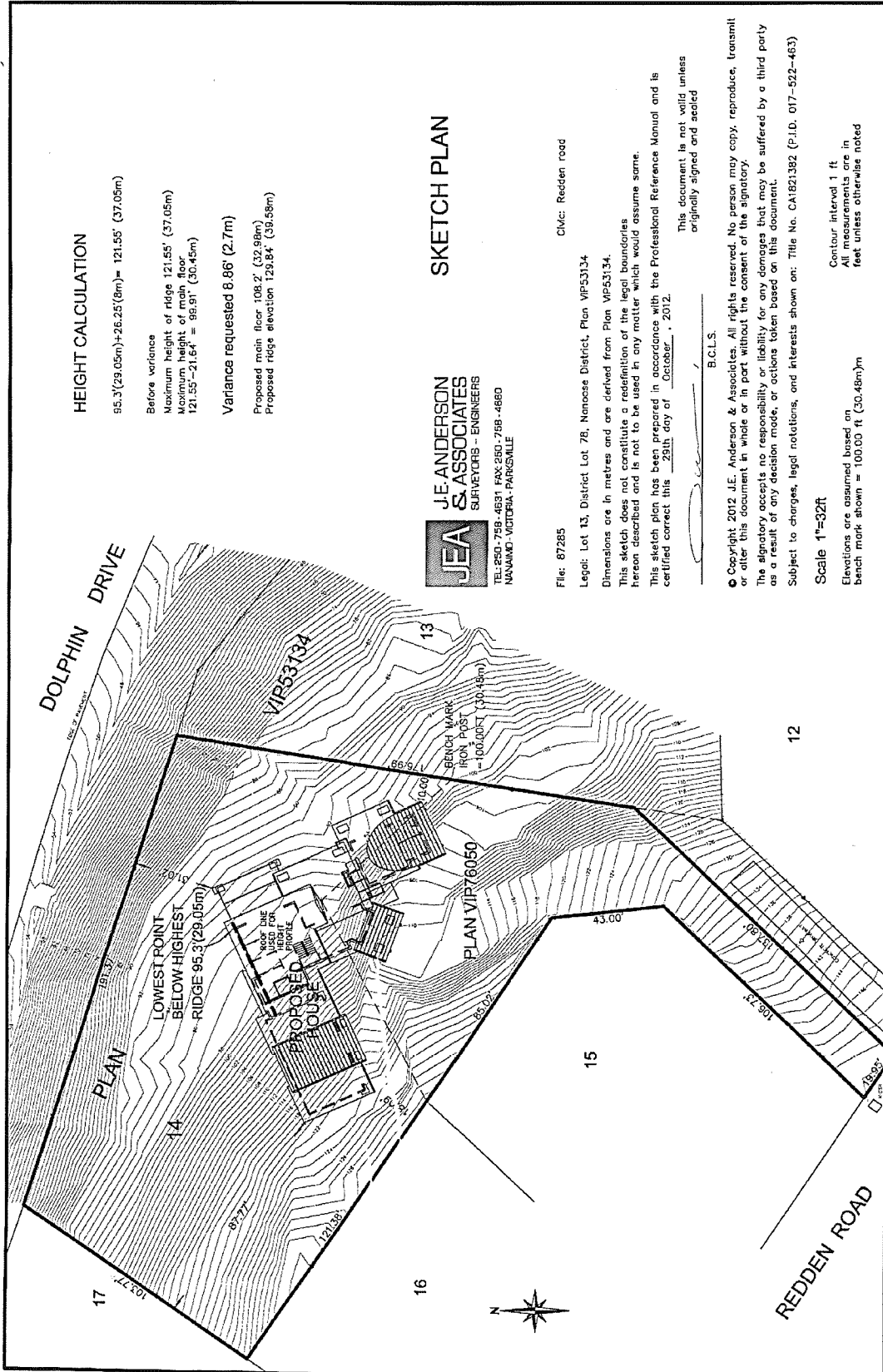
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied as follows:

1. **Section 3.4.61 Dwelling Unit Height** is requested to be varied by increasing the maximum permitted height from 8.0 metres to 10.7 metres for a proposed dwelling unit as shown on Schedule 3.

Conditions of Approval

1. The proposed dwelling unit and accessory building shall be sited in accordance with the site plan prepared by J.E. Anderson & Associates dated October 29, 2012 attached as Schedule 2.
2. The proposed dwelling unit and accessory building shall be constructed in accordance with the elevation drawings prepared by Structure Design dated October 25, 2012 attached as Schedule 3.

Schedule 2
 Site Plan



HEIGHT CALCULATION

95.3(29.06m)+26.25(8m)= 121.55' (37.05m)

Before variance

Maximum height of ridge 121.55' (37.05m)

Maximum height of main floor

121.55'-21.64' = 99.91' (30.45m)

Variance requested 8.86' (2.7m)

Proposed main floor 108.2' (32.98m)

Proposed ridge elevation 129.84' (39.56m)

SKETCH PLAN



J.E. ANDERSON & ASSOCIATES
 SURVEYORS - ENGINEERS
 TEL: 250-758-4631 FAX: 250-758-4660
 NANAIMO - VICTORIA - PARKSVILLE

File: 87285

CMC: Redden road

Legal: Lot 13, District Lot 78, Nanose District, Plan VIP53134

Dimensions are in metres and are derived from Plan VIP53134

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 29th day of October, 2012.

This document is not valid unless originally signed and sealed

B.C.L.S.

© Copyright 2012 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory. The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

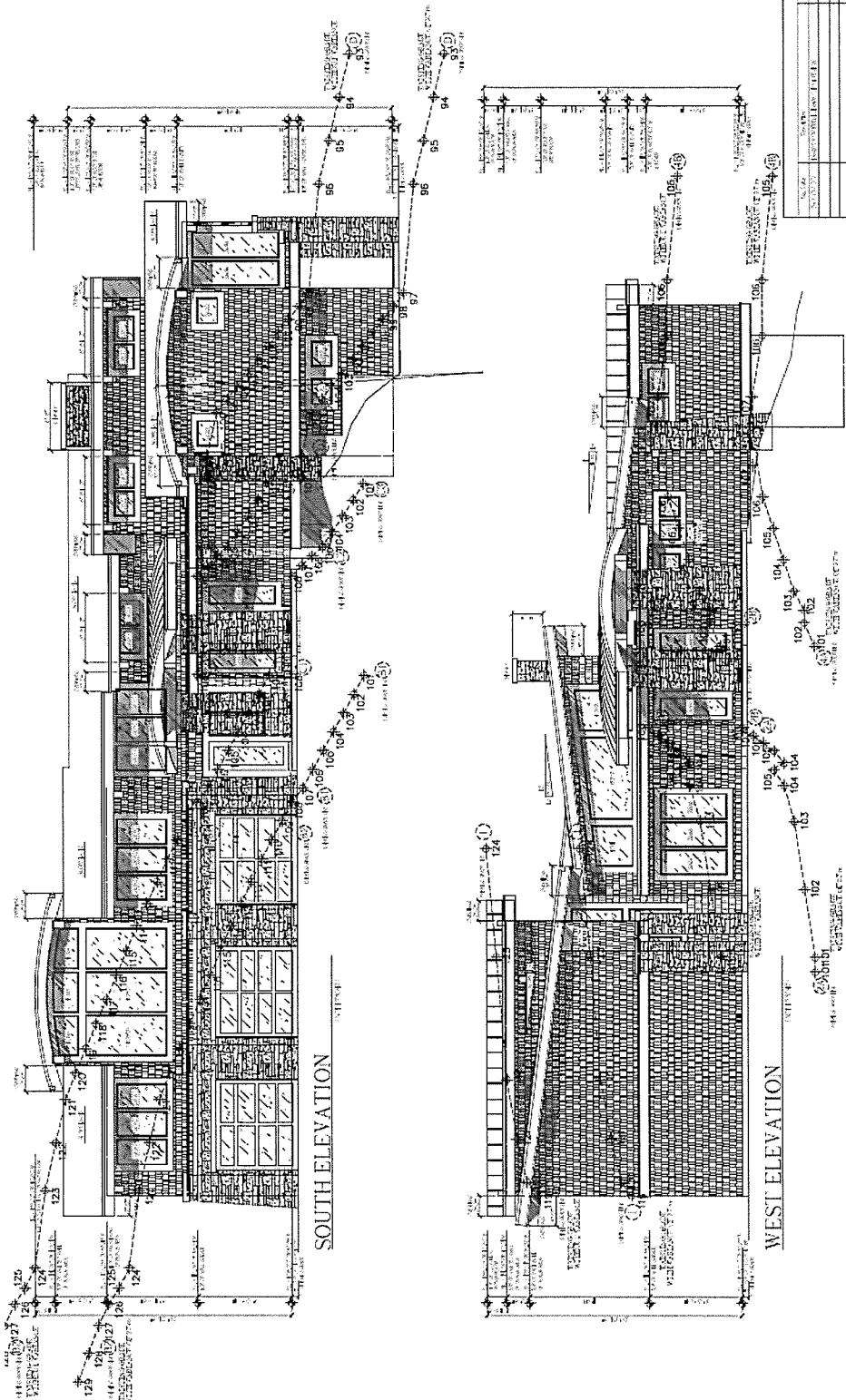
Subject to charges, legal notations, and interests shown on: Title No. CA1821382 (P.I.D. 017-522-463)

Scale 1"=32ft

Elevations are assumed based on bench mark shown = 100.00 ft (30.48m)

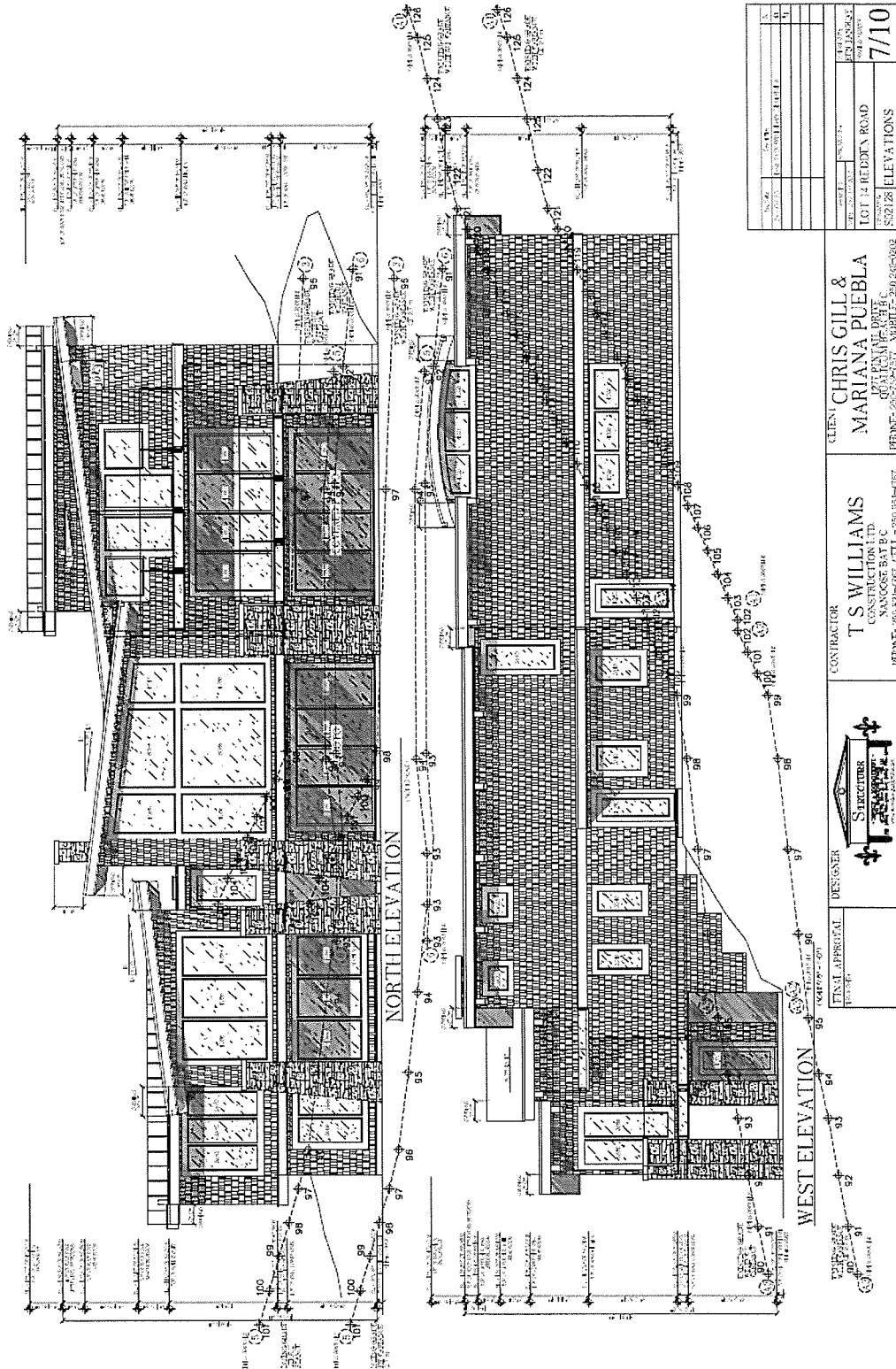
Contour interval 1 ft
 All measurements are in feet unless otherwise noted

Schedule 3
Elevation Drawings (Page 1 of 2)

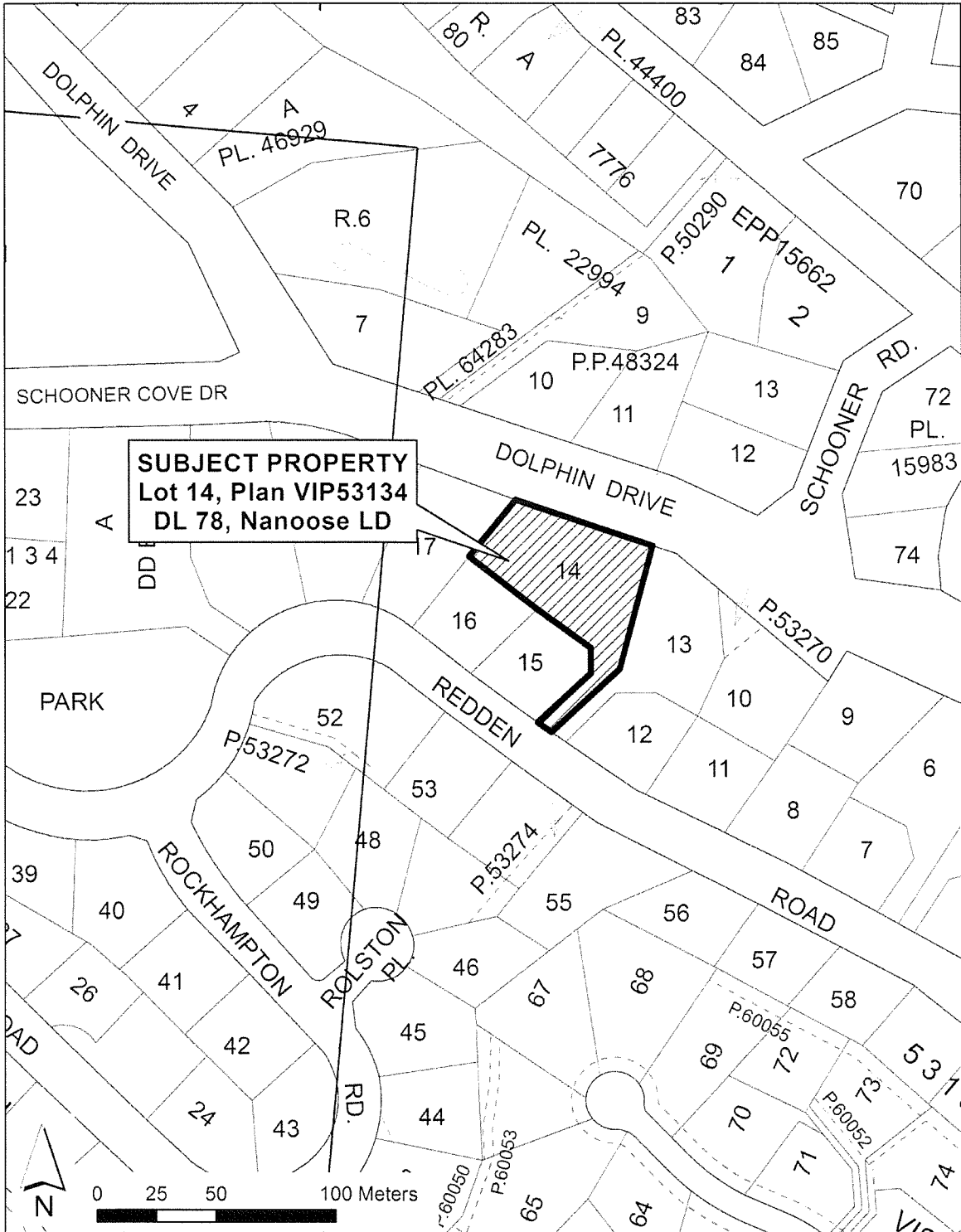


<table border="1"> <tr><td>DATE</td><td>10/31/12</td></tr> <tr><td>SCALE</td><td>AS SHOWN</td></tr> <tr><td>SHEET NO.</td><td>552128</td></tr> <tr><td>TOTAL SHEETS</td><td>6/10</td></tr> </table>	DATE	10/31/12	SCALE	AS SHOWN	SHEET NO.	552128	TOTAL SHEETS	6/10	<table border="1"> <tr><td>CLIENT</td><td>CHRIS GILL & MARIANA PUEBLA</td></tr> <tr><td>ADDRESS</td><td>10114 REDDEN ROAD</td></tr> <tr><td>CITY</td><td>MANASSAS, VA</td></tr> <tr><td>STATE</td><td>VA</td></tr> <tr><td>COUNTY</td><td>FAUQUIER</td></tr> <tr><td>PROJECT NO.</td><td>552128</td></tr> <tr><td>DATE</td><td>10/31/12</td></tr> </table>	CLIENT	CHRIS GILL & MARIANA PUEBLA	ADDRESS	10114 REDDEN ROAD	CITY	MANASSAS, VA	STATE	VA	COUNTY	FAUQUIER	PROJECT NO.	552128	DATE	10/31/12
DATE	10/31/12																						
SCALE	AS SHOWN																						
SHEET NO.	552128																						
TOTAL SHEETS	6/10																						
CLIENT	CHRIS GILL & MARIANA PUEBLA																						
ADDRESS	10114 REDDEN ROAD																						
CITY	MANASSAS, VA																						
STATE	VA																						
COUNTY	FAUQUIER																						
PROJECT NO.	552128																						
DATE	10/31/12																						
<table border="1"> <tr><td>DESIGNER</td><td>T S WILLIAMS ARCHITECTS MANASSAS, VA PHONE: 703-521-6922 CELL: 703-521-1417</td></tr> <tr><td>CONTRACTOR</td><td>CHENI CHRIS GILL & MARIANA PUEBLA PHONE: 703-521-6922 CELL: 703-521-1417</td></tr> </table>	DESIGNER	T S WILLIAMS ARCHITECTS MANASSAS, VA PHONE: 703-521-6922 CELL: 703-521-1417	CONTRACTOR	CHENI CHRIS GILL & MARIANA PUEBLA PHONE: 703-521-6922 CELL: 703-521-1417	<table border="1"> <tr><td>DESIGNER</td><td>T S WILLIAMS ARCHITECTS MANASSAS, VA PHONE: 703-521-6922 CELL: 703-521-1417</td></tr> <tr><td>CONTRACTOR</td><td>CHENI CHRIS GILL & MARIANA PUEBLA PHONE: 703-521-6922 CELL: 703-521-1417</td></tr> </table>	DESIGNER	T S WILLIAMS ARCHITECTS MANASSAS, VA PHONE: 703-521-6922 CELL: 703-521-1417	CONTRACTOR	CHENI CHRIS GILL & MARIANA PUEBLA PHONE: 703-521-6922 CELL: 703-521-1417														
DESIGNER	T S WILLIAMS ARCHITECTS MANASSAS, VA PHONE: 703-521-6922 CELL: 703-521-1417																						
CONTRACTOR	CHENI CHRIS GILL & MARIANA PUEBLA PHONE: 703-521-6922 CELL: 703-521-1417																						
DESIGNER	T S WILLIAMS ARCHITECTS MANASSAS, VA PHONE: 703-521-6922 CELL: 703-521-1417																						
CONTRACTOR	CHENI CHRIS GILL & MARIANA PUEBLA PHONE: 703-521-6922 CELL: 703-521-1417																						

Schedule 3
 Elevation Drawings (Page 2 of 2)



Attachment 1
Location of Subject Property



BCGS Map Sheet No 92F.030.3.4

**Attachment 2
Building Drawings**



South front view of proposed dwelling unit



East rear view of the proposed dwelling unit



RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP	[Handwritten checkmark]	
COW		
NOV 08 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: October 31, 2012

FROM: Greg Keller
Senior Planner

FILE: PL2012-146

SUBJECT: Development Variance Permit & Frontage Relaxation App. No. PL2012-146 – Sheppard Lot 19, District Lot 28, Nanoose District, Plan 26472 - 853 Miller Road Electoral Area 'G'

PURPOSE

To consider an application for a Development Variance Permit and 10% minimum frontage relaxation in conjunction with a proposed three lot subdivision.

BACKGROUND

The Regional District of Nanaimo has received an application from Fern Road Consulting on behalf of Arlene and Gary Sheppard to relax the minimum panhandle width provisions pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw No. 500) and relax the minimum 10% frontage requirement in conjunction with a proposed three lot subdivision (Application No. PL2011-186).

The subject property is approximately 3,462 m² in area and is zoned Residential 1 Subdivision District 'Q' (RS1Q) (700m² minimum parcel size with community water and sewer) pursuant to Bylaw No. 500 (see Attachment 1 for location of subject property). The subject property is located within the Environmentally Sensitive Features (for Aquifer Protection); Hazard Lands; and, Fish Habitat Protection Development Permit Areas pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" (Bylaw No. 1540). Therefore, in addition to this Development Variance Permit and Frontage Relaxation Application, a Development Permit will also be required prior to subdivision.

The subject property is located within a well-established residential neighbourhood and was developed as a large suburban residential parcel prior to the establishment of community sewer services. The subject property is currently developed with a dwelling unit and two accessory buildings and is bordered by Miller Road to the east, French Creek to the west, and developed residential lots to the north and south.

Minimum panhandle width has been the cause for considerable discussion between staff and the applicant. The current proposal represents a compromise that is acceptable to the applicant and addresses the majority of staff's concerns.

Proposed Development

The applicant is proposing to subdivide the subject property (see Schedule 2 proposed plan of subdivision) into three parcels serviced with community water and sewer. Two of the proposed parcels are panhandle lots with back to back 4.0 metre wide panhandles. The area of the proposed lots is as follows:

- Lot A: 1,388 m² (excluding the panhandle)
- Lot B: 983m² (excluding the panhandle)
- Lot C: 702 m²

Both panhandles are proposed to be located on the north side of the parent parcel.

The existing dwelling unit located on proposed Lot B will be maintained in its current location as it meets the minimum setback requirements. The applicant is proposing to remove the two existing accessory buildings on proposed Lot A prior to final subdivision approval as the buildings would become a non-lawful use without an established principle use on the proposed property.

Proposed Variances

The applicant is requesting to vary the minimum panhandle width requirement pursuant to Part 4 Section 4.5(3)(b) of Bylaw No. 500 for lots where further subdivision is not possible from 6.0 metres to 4.0 metres for proposed Lots A and B.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot A and B as shown on the submitted plan of subdivision do not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*. The applicant has requested a relaxation of the frontage requirement as follows:

Proposed Lot No.	Perimeter (m)	Required Frontage (m)	Proposed Frontage (m)	% Perimeter
Lot A	281.3	28.1	4.0	1.4
Lot B	193.1	19.3	4.0	2.0

ALTERNATIVES

1. To approve Development Variance Permit Application No. PL2012-146 and the request for the relaxation of the minimum 10% frontage requirement.
2. To deny Development Variance Permit Application No. PL2012-146 and relaxation of the minimum frontage requirement.

LAND USE IMPLICATIONS

Development Implications

The subject property is located within the Neighbourhood Residential Land Use Designation pursuant to "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008 " (OCP) and the proposed infill densification is consistent with the policies in OCP.

Bylaw No. 500 requires a minimum panhandle width of 6.0 metres where further subdivision of the panhandle parcel is not possible. In staff's opinion, 4.0 metre wide panhandles may not provide adequate access for each individual parcel. To address this concern, the applicant is proposing to register a reciprocal access agreement over both panhandles. This would create a shared 8.0 metre wide access which is expected to accommodate the proposed development. In addition, a shared access would minimize additional driveway access points on to Miller Road and potentially provide additional separation distance between the proposed panhandles and the adjacent property.

The applicant's rationale for the proposed variance is that the subject property is level, the variance would provide more yard space surrounding the existing dwelling unit, and that densification as supported by the OCP is encouraged on the subject property.

Regional District of Nanaimo Development Variance Permit, Development Permit with Variance, and Floodplain Exemption Application Evaluation Policy (Policy B1.5) provides staff with direction when evaluating requests for Development Variance Permits. Staff is of the opinion that the applicant's rationale does not demonstrate that the extent of the proposed panhandle width variance is necessary as the proposed subdivision could proceed with a reduced variance (two back to back 5.0 metre wide panhandles). In addition, staff is of the opinion that the requested variance is not supported by a strong land use justification such as a topographical constraint or hazardous condition and little effort has been given to reduce the requested variance. In addition, the subject property could support a two lot subdivision without a variance to Bylaw No. 500. Therefore, it is staff's position that the proposed variance is not consistent with Policy B1.5.

Despite the above, the Regional District of Nanaimo does not have an established policy with respect to the creation of panhandle lots. Bylaw No. 500 includes regulations that pertain to panhandle width however, these regulations are limited to providing general direction that does not address specific situations where back to back panhandles are proposed. It is staff's opinion that Bylaw No. 500 contemplates the creation of 5.0 metre wide back to back panhandles by permitting 10.0 minimum widths where further subdivision is possible and 6.0 metre widths where it is not. In staff's opinion this implies that there may be situations where panhandle widths less than 6.0 metres may be necessary to facilitate further subdivision.

In the absence of an established RDN panhandle policy staff considered guidance from other resources in relation to this application. The Local Government Management Association 2012 Guide for Approving Officers includes guidelines for the creation of panhandle lots. Although the guide recognizes that panhandle width may be governed by a Local Government bylaw, it suggests that the minimum width of a panhandle lot that can be further subdivided into two parcels should be 12.0 metres. The guide also supports back-to-back 3.0 metre wide panhandles where further subdivision is not possible and a reciprocal access easement is provided.

The Ministry of Transportation and Infrastructure Guide to Rural Subdivision Approval takes a more generalized approach to the creation of panhandle lots by not specifying minimum width requirements

and instead stating “panhandles should be of sufficient width to serve the intended use. If the lot can be further subdivided, the panhandle should be wide enough to contain a public road”.

In this case, subdivision of the subject parcel would not require additional road dedication as there is no further subdivision potential (based on current zoning) and access is provided off of Miller Road. It should be noted that neither of the above resources address panhandle length which is a parameter that should be considered in the future development of panhandle policy.

Based on the above two resources, a panhandle width of 4.0 metres may be appropriate as it is unlikely that additional road dedication would be required and adequate access can be provided through a reciprocal access agreement. It also appears that proposed Lots A and B have adequate lot area (1388 m² and 983 m² respectively) and dimensions to support permitted uses. In addition, there are no significant constraints impacting the use of proposed Lots A and B such as water courses, environmentally sensitive features or natural hazards.

Based on the above rationale, staff recommends *Alternative No. 1* – that the Board approve Development Variance Permit Application PL2012-146 and the request for the relaxation of the minimum 10% frontage requirement and direct staff to proceed with the required notification.

Although the subject property is located more than 30.0 metres from the natural boundary of French Creek, due to relatively flat topography, proposed Lots A and C will not be located above the minimum Flood Construction Level required by “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (Bylaw No. 1469). Bylaw 1469 specifies that no building or structure be constructed, reconstructed, moved, extended, or located where the underside of any wooden floor system or top of a slab or pad of any habitable area is located below three (3) metres above the Natural Boundary of French Creek where that land is within a distance of 200 metres from French Creek. The elevation of French Creek adjacent to the subject property is 9.5 metres. Therefore, the minimum flood construction level specified by Bylaw No. 1469 is 12.5 metres. The elevation of the subject property, where a future dwelling unit might be proposed, ranges from 12.2 metres on proposed Lot A to 10.9 metres on proposed Lot C. Therefore, the underside of any future dwelling units would be required to be elevated by approximately 0.3 metres on proposed Lot A and 1.6 metres on proposed Lot C. Although not directly related to the requested panhandle width variance, the Board should be aware that approving the variance would create two parcels with limited vertical building envelopes. Proposed Lot C may be limited to the construction of a single storey dwelling unit as a two storey dwelling unit would likely be over height, as a result of meeting the minimum flood construction level, and require a height variance.

Sustainability Implications

Staff reviewed the proposed development with respect to the “Regional District of Nanaimo Sustainable Development Checklist” and note that the proposed development will utilize an existing serviced lot within the Growth Containment Boundary and proposes residential densification which is consistent with the OCP.

Intergovernmental Implications

The Ministry of Transportation and Infrastructure has advised that they support the proposed panhandle subdivision pending RDN Board approval of the required variance and frontage relaxation. The Ministry will review the subdivision to ensure adequate access is provided prior to subdivision approval. Staff recommends that a reciprocal access easement be required between Lots A and B as a condition of approval.

Public Consultation Process

If *Alternative No. 1* is approved by the Board, in accordance with the *Local Government Act*, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to reduce the minimum required panhandle width from 6.0 metres to 4.0 metres for two proposed panhandle lots and to relax the minimum 10% perimeter frontage requirement to facilitate a proposed three lot subdivision.

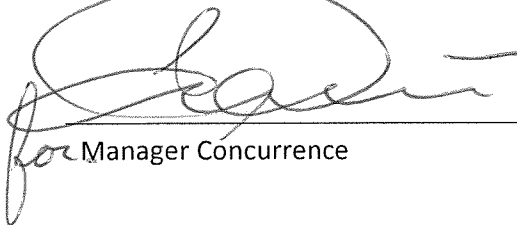
The proposed subdivision is consistent with the policies in the OCP in regard to density and the applicant is proposing the use of a reciprocal access agreement to ensure adequate access is provided for proposed Lots A and B. Therefore, based on the rationale provided in this report and in the absence of a specific RDN panhandle policy, staff recommends *Alternative No. 1* – that the Board approve Development Variance Permit Application PL2012-146 and the request for the relaxation of the minimum 10% frontage requirement and direct staff to proceed with the required notification.

RECOMMENDATIONS

1. That the Board approve Development Variance Permit Application PL2012-146 to relax the minimum panhandle width from 6.0 metres to 4.0 metres subject to the conditions outlined in Schedule 1 and 2.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and B be approved.

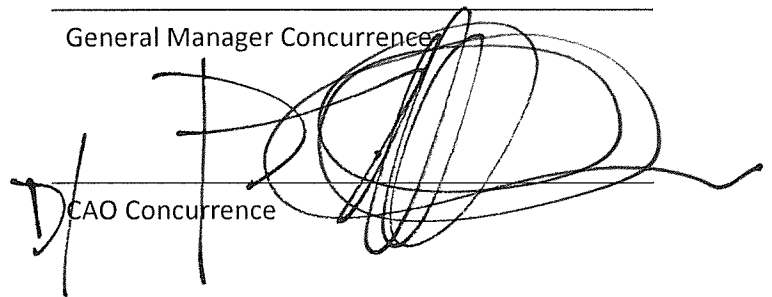


Report Writer



for Manager Concurrence

General Manager Concurrence



CAO Concurrence

Schedule 1
Terms and Conditions of Development Variance Permit

The following sets out the terms and conditions of Development Variance Permit Application No. PL2012-146:

Variance

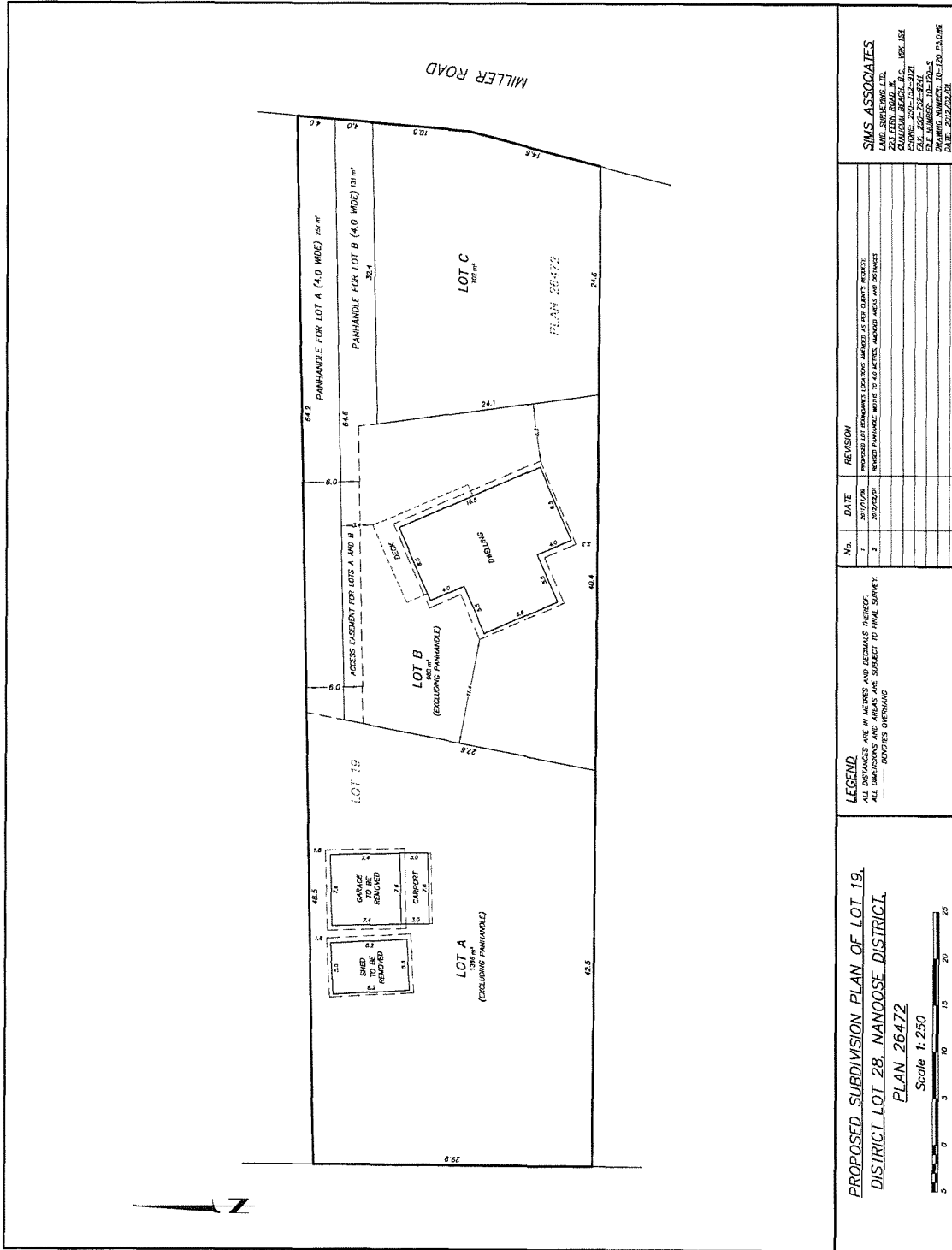
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Part 4, **Section 4.5.3(b) Parcel Shape and Dimensions** (*Panhandle Width*) is varied by reducing the minimum required panhandle width for a lot where further subdivision is not possible from 6.0 metres to 4.0 metres for proposed lots A and B as shown on Schedule 2.

Conditions of Approval

A reciprocal access easement between Lots A and B will be required to be registered on title to proposed Lots A and B concurrent with subdivision approval.

Schedule 2
Proposed Plan of Subdivision



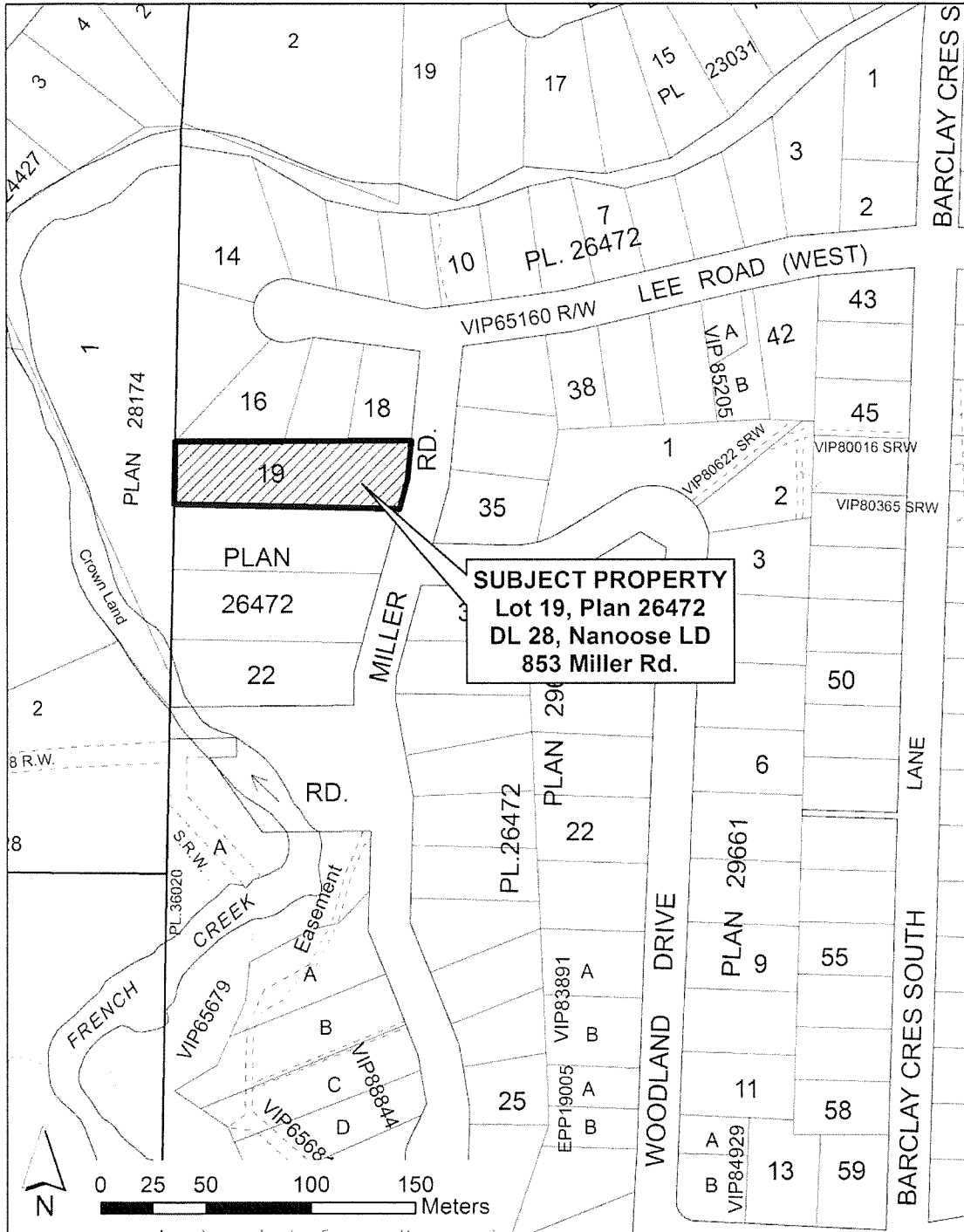
No.	DATE	REVISION
1	2012/10/31	PROPOSED LOT BOUNDARIES LOCKING MARKET AT PER CLARITY RECORDS
2	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
3	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
4	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
5	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
6	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
7	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
8	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
9	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
10	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
11	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
12	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
13	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
14	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
15	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
16	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
17	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
18	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
19	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
20	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
21	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
22	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
23	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
24	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
25	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
26	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
27	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
28	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
29	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
30	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
31	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
32	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
33	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
34	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
35	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
36	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
37	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
38	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
39	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
40	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
41	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
42	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
43	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
44	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
45	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
46	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
47	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
48	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
49	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES
50	2012/10/31	REVISED PANHANDLE WIDTHS TO 4.0 METRES, MARKED AREAS AND DISTANCES

LEGEND
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
ALL DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY.
--- DENOTES OVERLAP

SIMS ASSOCIATES
LAND SURVEYORS LTD.
221 LEEN ROAD W.
SCOTSDRUM BRIDGE B.C. V6R 1S4
TEL: 250-252-2441
FAX: 250-252-2441
REG. NUMBER: 10-170-3
DATE: 2012/02/01

**PROPOSED SUBDIVISION PLAN OF LOT 19,
DISTRICT LOT 28, NANOOSE DISTRICT,
PLAN 26472**
Scale 1:250

Attachment 1
Location of Subject Property



BCGS MAPSHEET: 92F.039.1.3



RDN REPORT		
<input checked="" type="checkbox"/>	CAO APPROVAL	###
EAP	<input checked="" type="checkbox"/>	
COW		
NOV 01 2012		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager of Current Planning

DATE: October 26, 2012

FROM: Kim Farris
Planner

FILE: PL2012-091

SUBJECT: Relaxation of the Minimum 10% Perimeter Frontage Requirement - Ferguson Parcel 'A' (DD EB42118) of Lot 2, District Lot 22, Newcastle District, Plan 5622
6368 Island Highway West
Electoral Area 'H'

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in conjunction with a two lot subdivision within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a request to relax the minimum 10% perimeter frontage requirement in conjunction with a two lot subdivision (Application No. PL2012-091) from Fern Road Consulting on behalf of Catherine and Kenneth Ferguson. The parent parcel is approximately 4953 m² in area and is zoned Residential 2 (RS2), Subdivision District 'M' (2000 m² minimum parcel size with community water) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property). The subject property is bordered by residential parcels to the north and south, an undeveloped road right-of-way to the west, and Island Highway West to the east. An existing dwelling unit and accessory buildings are located on the parent parcel.

Proposed Development

The applicant is proposing to subdivide the parent parcel into two fee simple lots and intends to continue to use them for residential purposes (see Schedule 1 for Proposed Plan of Subdivision). Proposed Lot A does not meet the minimum lot size of 2,000 m² (if community water service connections are provided) as the proposed lot size is 1,750 m². However Section 4.3.4 of Bylaw No. 500, 1987 allows parcels within land to be subdivided to be reduced to 80% of the required minimum parcel size, provided the average parcel size of all parcels within the subdivision conforms with the minimum parcel size permitted in the applicable subdivision district. The average parcel size of both lots is 2,481.5 m² which exceeds the minimum parcel size of 2,000 m² as required in the Subdivision District 'M'. Proposed Lots A and B are to be serviced by community water. In order to facilitate the subdivision, the applicant is requesting to reduce the minimum 10% perimeter frontage requirement.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot A, which fronts on Rose Park Road as shown on the submitted plan of subdivision, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The applicant has requested to reduce the frontage requirements as follows:

Proposed Lot No.	Required Frontage	Proposed Frontage	% Perimeter
A	19.1 metres	14.6 metres	7.5

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot A.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS

Development Implications

Despite the reduced frontage for proposed Lot A, the lot configuration will provide adequate access and sufficient site area to support the permitted uses.

Inter-governmental Implications

The Ministry of Transportation and Infrastructure has indicated that they have no concerns with respect to the reduced frontage for the proposed subdivision and the applicant must demonstrate adequate access to all of the proposed lots prior to subdivision approval to the satisfaction of the Approving Officer.

Sustainability Implications

Staff have reviewed the proposed development with respect to the “Regional District of Nanaimo Sustainable Development Checklist” and note that the proposed subdivision will facilitate infill development where community water is available.

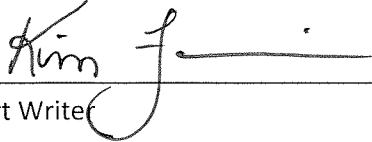
SUMMARY/CONCLUSIONS

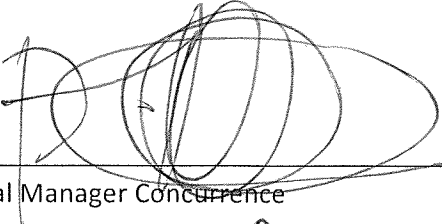
The applicant has requested the relaxation of the minimum 10% perimeter frontage requirement for one lot within a proposed two lot subdivision of the subject property. Despite the reduced frontage, Lot A will be able to accommodate the proposed residential uses permitted in the zoning. Ministry staff indicated that they have no objection to the request for relaxation of the frontage for the parcel.

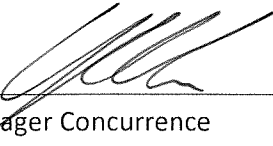
As the reduced frontage will not negatively impact the intended uses of the proposed parcels, and as the Approving Officer will require demonstration of adequate access to all of the proposed lots prior to subdivision approval, staff recommends approval of the request to relax the minimum 10% perimeter frontage requirement.

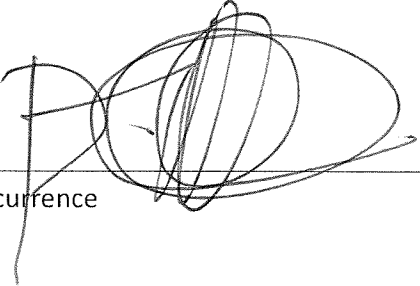
RECOMMENDATION

That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot A, be approved.

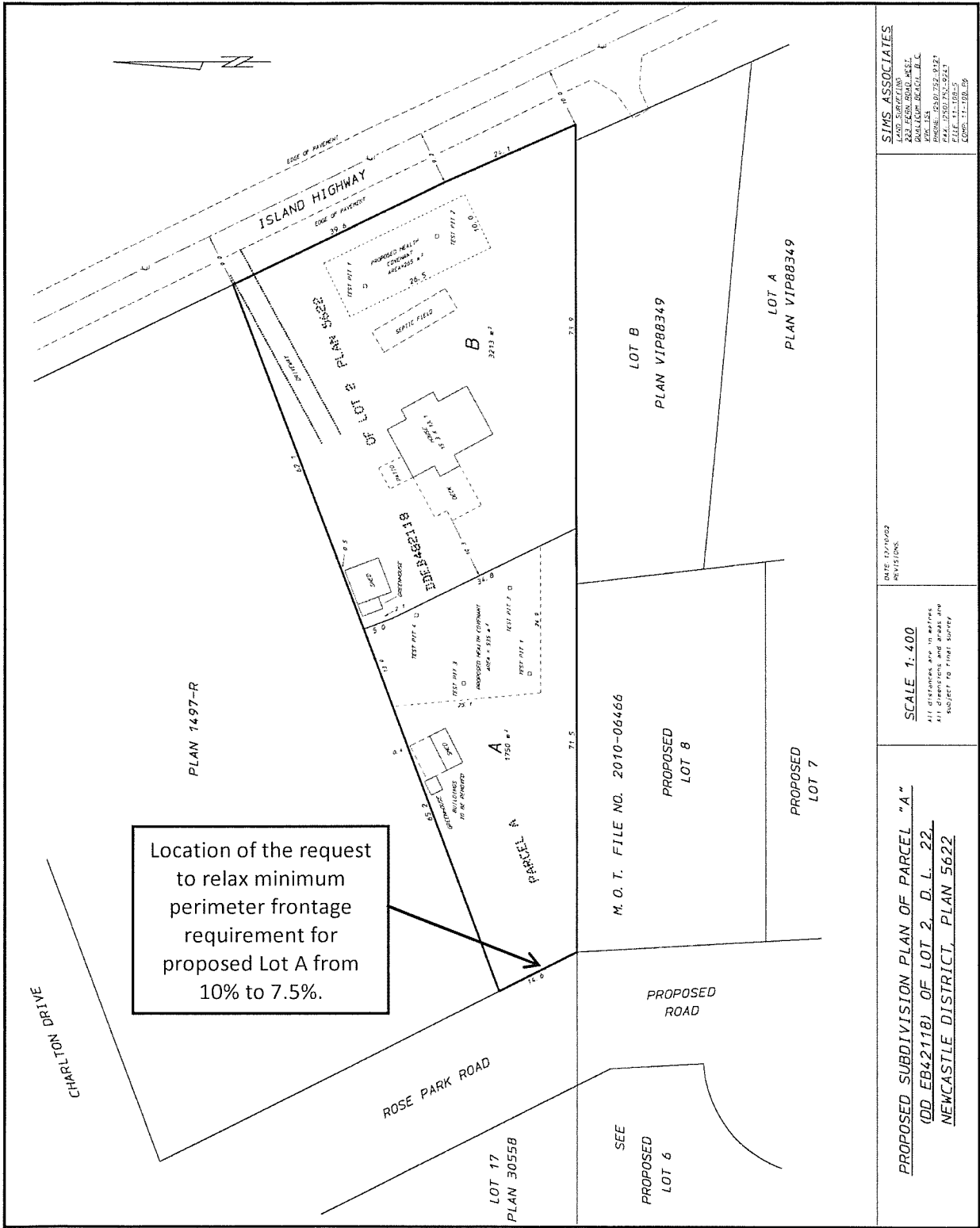

Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Schedule 1
 Plan of Proposed Subdivision



Location of the request to relax minimum perimeter frontage requirement for proposed Lot A from 10% to 7.5%.

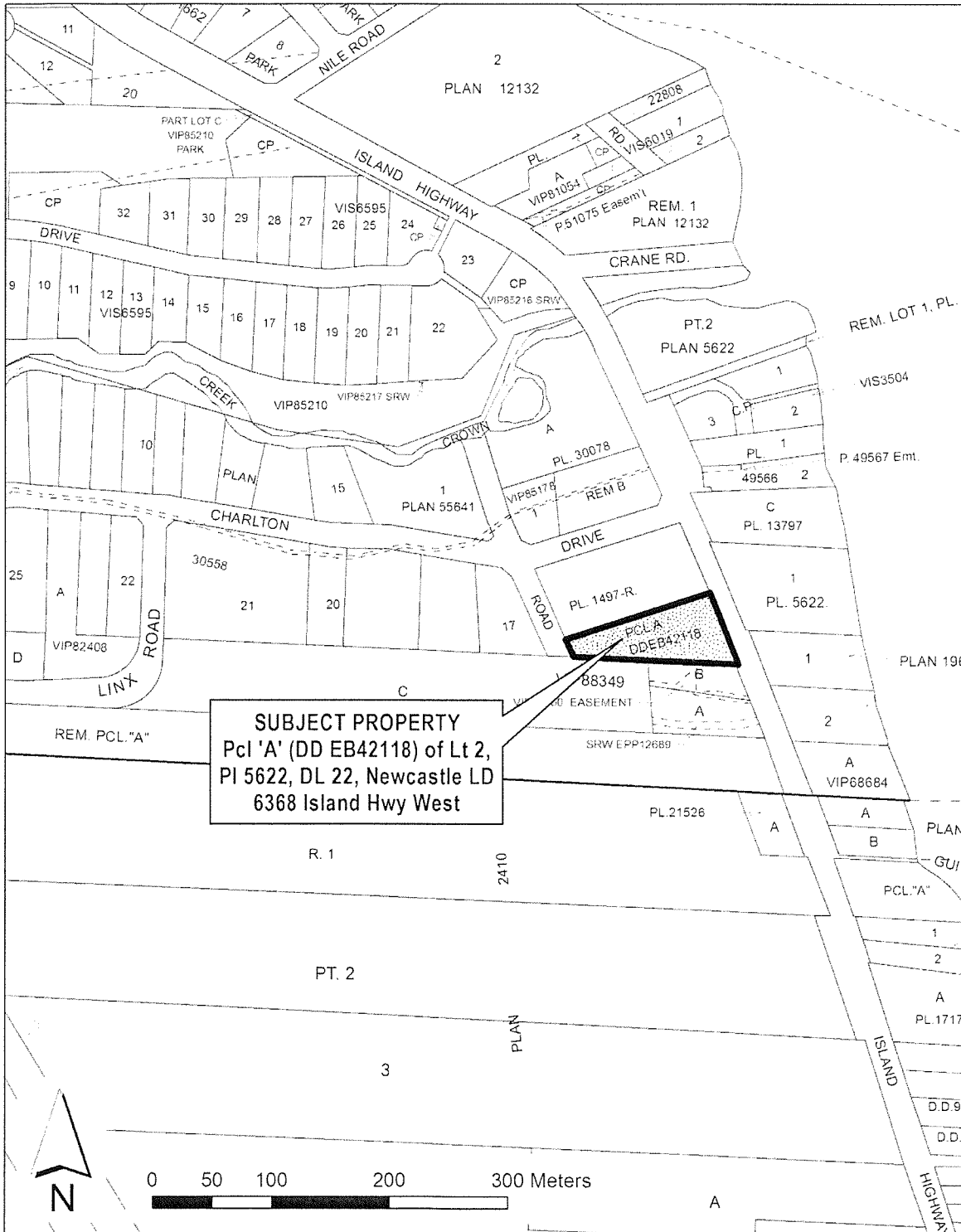
SIMS ASSOCIATES
 1100 S. 10th Street
 222-2420, 2040, 2432
 000-1000, 0001, B.C.
 1000
 PHONE: 250-752-9277
 FAX: 250-752-9243
 FILE: 11-188-5
 CORR: 11-188-29

NOTE: EXHIBIT
 PROVISIONS

SCALE 1:400
 ALL DIMENSIONS ARE IN METERS
 UNLESS OTHERWISE NOTED
 SUBJECT TO FINAL SURVEY

PROPOSED SUBDIVISION PLAN OF PARCEL "A"
 (DD_EB42118) OF LOT 2, D. L. 22,
 NEWCASTLE DISTRICT, PLAN 5622

Attachment 1
Location of Subject Property





RDN REPORT		[Handwritten signature]
CAO APPROVAL		
EAP	[checkmark]	
GOW		
NOV 01 2012		
RHD		
BOARD		

MEMORANDUM

TO: Paul Thompson
 Manager of Long Range Planning

DATE: October 31, 2012

FROM: Stephen Boogaards
 Planner

FILE: 6780 30 ALT

SUBJECT: Alternative Forms of Rural Development Study

PURPOSE

To receive the 'Alternative Forms of Rural Development' study prepared by Island Planning Services and Gemella Design.

BACKGROUND INFORMATION

The Regional District of Nanaimo (RDN) adopted a new Regional Growth Strategy (RGS) in November 2011 following an extensive five year review. A key strategy of the RGS continues to support most of the region's growth in designated growth centres while allowing some development in other locations. A key policy in the preceding RGS to achieve this has been that the minimum parcel size of lands within the Resource Lands and Open Space or Rural Residential designations are not permitted to be decreased below the minimum size established in the Official Community Plan in place at the time of the adoption of the RGS.

The new RGS has modified the approach to allow some flexibility for smaller parcel sizes on lands in the Rural Residential designation where there is no increase in density or the potential number of new lots and the new parcels can be safely serviced with water and wastewater. The new RGS Policy, 5.13, further requires that any residual lands be conserved for agriculture, forestry, environmental and ecological purposes. The change provides for more flexibility in the form of rural development while not compromising key growth management objectives to preserve rural values. The new policy is also consistent with other objectives to preserve ecologically sensitive areas and farmland.

The RDN contracted the services of Island Planning Services and Gemella Design to lead the consultation and prepare the report for the Alternative Forms of Rural Development study. In their report, the consultants have presented a suite of options for alternative forms of rural development including conceptual illustrations and implementation considerations for each of the options. A copy of the report has been provided under separate cover.

ALTERNATIVES

1. To receive the report titled 'Alternative Forms of Rural Development'.
2. To receive the report and provide staff with further direction on this initiative.

FINANCIAL IMPLICATIONS

The RDN allocated \$50,000 for the Alternative Forms of Rural Development study which was approved in the 2012 RDN budget. The source of funding for the project was the Community Works Fund.

LAND USE IMPLICATIONS

Development Implications

The alternative rural development options presented by the consultants are theoretical options consistent with the direction in policy 5.13 of the RGS. The intention of the project is to provide developers with more options on the form of rural residential developments in contrast to the much more restrictive traditional subdivision based solely on minimum parcel size. The options presented are for consideration in future Official Community Plan reviews in consultation with the local community. The options as presented in the report do not change existing RDN policies and regulations.

The study includes two key approaches and nine options for sustainable rural development.

Design Alternatives

1. Homestead
2. Open Space Conservation and Residential
3. Flexible Residential Development
4. Co-owned Open Space Landscapes
5. Forestry and Large Open Space conservation with Residential and Agricultural uses

Density Shifting

1. Market Driven
2. Neighbour to Neighbour
3. Density Registry
4. Density Bank

The design alternative approach provides options to cluster residential development to reduce the impact on the land and better protect priority lands. The density shifting approach involved moving the allowed residential density from one property to another within the Rural Residential land designation. Under both options the intention is that the residual lands not used for residential development is protected in perpetuity for agriculture, forestry, agriculture, recreation or ecological purposes.

The options are not intended to direct current development, but act as a preliminary list of resources for future Official Community Plan reviews. The study is a starting point, including research, policy and illustrations, to be used as part of a review for Rural Residential designated lands, and is not intended to be an exhaustive list of options.

The options presented in the report assume that any clustering of residential development or shifting of density would need to go through the rezoning process. While initiating any of the options within the study would not require an RGS amendment, it does currently require an amendment to the relevant Official Community Plan in most electoral areas. The exception would be the Rural Residential areas in the Electoral Area 'A' Official Community Plan as there is already a policy in place to allow alternative forms of rural development.

The consultants have also included a third approach on performance alternatives to be used in conjunction with the alternative rural development options above. These tools are separated into incentives and regulations to improve environmental performance. These include:

Performance Alternatives

Incentives

1. Alternative Development Standards
2. Green Development Awards
3. Application fast tracking or fee reduction
4. Property tax relief

Regulations

1. Redefining density
2. Overlay zones
3. Development permit areas

The performance alternatives approaches are provided in addition to the main purpose of the study which was to identify design and layout based options for alternative forms of rural development.

Public Consultation Implications

The main purpose of the project was to identify design options for the regional district and was intended primarily as a technical exercise. The final product was intended to serve as a technical and graphic resource for future Official Community Plan reviews and consultation. The consultants did include a public consultation component in the project so that those community members who were interested in the project had an opportunity to provide comments on the design options. The results of the community consultation were used to fine tune the options and provide some preliminary indication on the level of support for each of the options. Should a community wish to proceed with considering alternative forms of rural development then extensive public consultation would occur during an Official Community Plan review.

The public were invited to attend one of four open houses and workshop in Coombs (Arrowsmith Hall) on May 23rd, Qualicum Bay (Lighthouse Community Hall) on May 24th, South Wellington (Cranberry Community Hall) on May 26th and Nanoose (Nanoose Community Hall) on June 5th. Not unexpectedly the workshops had a low turnout. An online survey was also available between May 21st and June 22nd to solicit feedback on the options. Should an electoral area wish to proceed with amending its OCP the consultation will be much more comprehensive than was carried out for this project.

Sustainability Implications

The growth management approach in the preceding RGS directed most development into the growth centres and allowed some development in the rural areas. However, it did not address the impact that traditional subdivision permitted under zoning and Official Community Plan would have on natural areas and resource lands. The modified approach enables more RGS goals to be achieved such as to

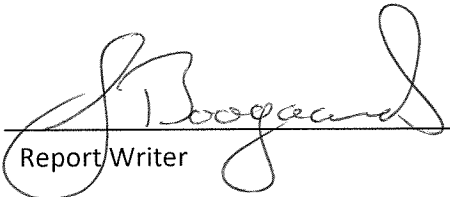
'protect the environment' and 'enhance rural integrity' by allowing more flexibility for smaller parcel sizes where features can be better protected without increasing the overall density or number of lots.

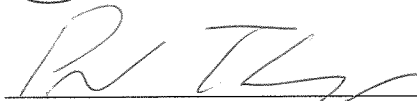
SUMMARY/CONCLUSIONS

A key policy in the RGS is to not permit the minimum parcel size for subdivision to be reduced on lands in the Rural Residential and Resource Lands and Open Space designations below the minimum parcel size supported in the Official Community Plans in place when the RGS was adopted. The new RGS adopted in 2011 modified the policy to allow some flexibility for smaller parcel sizes where density is not increased and residual lands are protected for ecological preservation, farmland protection or other RGS goals not achievable through traditional forms of subdivision. The RDN contracted Island Planning Services and Gemella Design to prepare a study on Alternative Forms of Rural Development that could be used in the RGS Rural Residential designation. After holding several meetings across the region the consultants prepared a report with three approaches including design alternatives, density shifting and performance alternatives. The report includes several examples of alternative forms of rural development that could be considered for inclusion in an Official Community Plan. Should a community want to consider allowing alternative forms of rural development the next step would be a review of an Official Community Plan.

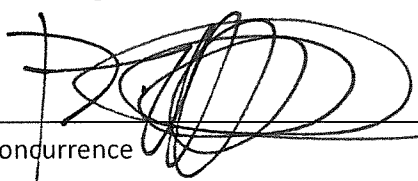
RECOMMENDATION

To receive the report titled 'Alternative Forms of Rural Development'.


Report Writer


Manager Concurrence

General Manager Concurrence


D/ CAO Concurrence