



REGIONAL
DISTRICT
OF NANAIMO

Development Permit with Variance PL2021-002
881 Cavin Road

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2021-002 to increase the permitted parcel depth of Lots 1 and 2 subject to the terms and conditions outlined in Schedules 1 to 2 of Attachment 2.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2021-002.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson & Associates on behalf of Ballard Fine Homes Ltd. for a parcel depth variance and development permit for a proposed two-lot subdivision (PL2019-214). The subject property is legally described as Lot B, District Lot 29, Nanoose District, Plan 20738. The property is 0.4 hectares in area and is zoned Residential 1 (RS1), Subdivision District 'Q', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500). The property is adjacent to the Strait of Georgia and other residential properties with similar lot configuration (see Attachment 1 – Subject Property Map). The property is adjacent to the Parksville-Qualicum Beach Wildlife Management Area (PQBWMA) created by the Province of BC for the conservation of coastal intertidal, estuarine, and riparian habitats used by birds, mammals, amphibians, reptiles, and fish.

The dwelling unit on the property was recently demolished and the property is currently vacant except for a staircase leading down a coastal bluff. The properties will be serviced by EPCOR community water and RDN community sewer. As the subdivision is adjacent to the sea, the proposed subdivision is subject to the Marine Coast Development Permit Area (DPA) as per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan No. 1540, 2008".

Proposed Development and Variance

The proposal will require a variance to the subdivision regulations to allow for a parcel depth greater than 40% of the perimeter of the parcel for each Lot 1 and 2. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 1 from 40% to 41.1% of the length of the perimeter of the parcel and Lot 2 from 40% to 40.9% of the length of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot No.	Perimeter	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
1	232.2 m	92.9 m	95.4 m	41.1
2	248.9 m	99.6 m	101.7 m	40.9

Land Use and Environmental Implications

In support of the variance request and to comply with the DPA guidelines, the applicant has provided a Geotechnical Hazard Assessment by Lewkowich Engineering Associates Ltd., dated November 13, 2020. The assessment recommends a safe building setback of 5.0 metres from the top of slope. As a note, despite this recommended geotechnical setback any building or structure will still need to comply with the 8.0 metre setback from the top of slope as required by the zoning bylaw. To maintain the slope stability of the lots, the Geotechnical Hazard Assessment also recommends that surface water is not directed towards the crest of slope; collected stormwater be directed toward a discharge area at the toe of slope; no vegetation is removed from the slope; revegetation of areas with signs of erosion; and regular maintenance of the irrigation system. The assessments determined a flood construction level of 5.5 metres Geodetic Datum of Canada (GSC), however, the building sites will be located significantly above at 16.5 m GSC. As a condition of the development permit, the assessment will be registered on the property title as a covenant, saving the RDN harmless from all losses or damages to life or property as a result of the hazardous condition (see Schedule 2 of Attachment 2 – Draft Development Permit with Variance).

The applicant has also provided an Environmental Assessment by Toth and Associates Environmental Services, dated January 7, 2021. The assessment identifies that the environmentally sensitive features on the proposed lots include the foreshore of the ocean and the steep slope, which is in a naturally vegetated condition with primarily native vegetation though it also contains invasive species. Given the size of the properties and the 5.0 metre setback to the top of slope, the assessment identifies that the construction of new dwellings will have no impact on the coastal environmental features. Given the proximity to the PQBWMA, as a condition of approval, a Section 219 covenant is required to restrict vegetation removal on the slope and coastal area adjacent to the natural boundary of the sea. Exceptions within the covenant may provide for erosion protection (such as addressing geotechnical requirements for stormwater, and access stairs, provided appropriate development permits and variances have been approved by the RDN.

With respect to Bylaw 500, the applicant proposes a subdivision configuration that would not meet the parcel depth requirement. The purpose of this requirement is to ensure that each lot created has sufficient access, buildable areas, and space for the permitted uses. “Board Policy B1.5 Development Variance Permit Application Evaluation” requires a demonstration of a land use justification or rationale to address why the proposal cannot comply with the regulations and how the proposal can provide for efficient land use. Based on the recommended setbacks to the top of bank identified by the geotechnical assessment, the applicant has provided a justification for the variance that the buildable area between Cavin Road and the setback for Lot 1 is 1,367 m² and Lot 2 is 1,540 m². This area is much larger than the 700 m² minimum parcel size and will be sufficient room for the permitted uses under the RS1 zone. Considering the portions of the properties that are unbuildable or narrow, the conditions of approval will require a Section 219 covenant to restrict further subdivision. Given that the applicant has given sufficient justification and addressed anticipated impacts, the applicant has addressed the DPA guidelines and Policy B1.5.

Intergovernmental Implications

The subdivision has received Preliminary Layout Review from the Ministry of Transportation and Infrastructure. The subdivision was also referred to the Parksville Fire Department and there are no concerns with the subdivision.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2021-2025 Financial Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development is in keeping with the Environment Stewardship Key Strategic Area of the 2019-2022 Board Strategic Plan, as the marine coast area will be protected from development.

REVIEWED BY:

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

ATTACHMENTS

1. Subject Property Map
2. Draft Development Permit with Variance