



DEVELOPMENT PERMIT APPLICATION NO. PL2022-146 AND REQUEST FOR RELAXATION TO THE 10% MINIMUM FRONTAGE REQUIREMENT IN RELATION TO SUBDIVISION APPLICATION NO. PL2022-005
1077 SCHIDLER ROAD, ELECTORAL AREA F

RECOMMENDATION

1. That the Board approve Development Permit No. PL2022-146 to permit a two-lot subdivision subject to the terms and conditions outlines in Attachment 3.
2. That the Board approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and B in relation to Subdivision Application No. PL2022-005.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Deborah and Douglas Patterson for a Development Permit and to relax the 10% minimum perimeter frontage requirement in relation to a proposed two-lot subdivision (Application No. PL2022-005). The Subject property; legally described as Lot 17, District Lot 143, Nanoose District, Plan 2064, is approximately 3.78 hectares in size and is zoned Village Residential 3 (R-3), pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (Bylaw 1285). The property is located to the south of Alberni Highway on the west side of Schidler Road and is surrounded by R-3 properties to the north and agriculturally zoned properties to the south (see Attachment 1 – Subject Property Map). The property contains an existing dwelling unit and three accessory buildings and is serviced by an existing well and onsite wastewater disposal.

Proposed Lots A and B will meet the minimum parcel size requirement exclusive of the Streamside Protection and Enhancement Area (SPEA) and will have adequate site area for the proposed uses. Despite the reduced lot frontage, no negative land use implications are anticipated, and the Ministry of Transportation and Infrastructure (MOTI) has issued a preliminary layout review for the subdivision. Therefore, it is recommended that the request for frontage relaxation be approved.

Minimum 10% perimeter Frontage Requirement

Proposed Lots A and B do not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act*. The applicant has requested approval from the RDN Board to reduce the frontage requirements as follows:

Proposed Lot No.	Required Frontage (m)	Proposed Frontage (m)	% of Perimeter
A	88.61	70.6	8.0%
B	81.84	29.6	3.6%

Land Use Implications

The applicant proposes a subdivision that would not meet the road frontage requirements of the *Local Government Act* for proposed Lots A and B. “Board Policy B1.4 Frontage Relaxation Requirements for Rural Lots” provides criteria on frontage relaxation applications to consider, including the character of adjacent lots, the irregular shape of a parcel, the accommodation of uses permitted under zoning, and access. With respect to the criteria, proposed Lots A and B will be large enough to accommodate all the proposed uses permitted under the R-3 zone and suitable access to proposed Lots A and B will be provided, despite the proposed reduced frontage.

Development Permit Area

The proposed subdivision is subject to the Freshwater and Fish Habitat Development Permit Area (DPA) per the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999” (OCP).

To satisfy the Freshwater and Fish Habitat DPA guidelines, the applicant has submitted a Riparian Areas Protection Regulation Assessment Report (the Assessment), prepared by Toth and Associates Environmental Services, dated September 12, 2022. The Assessment found there is a seasonal ditch which runs 50 metres from the southeast corner of proposed Lot A to a small dug-out pond which discharges to a ditch running north along the west side of Schidler Road. The Assessment indicated that there are no natural headwater rearing areas on the Schidler Road ditch that would attract fish to this ditch system, therefore the ditch on the subject property is considered non-fish bearing with no fish bearing potential. A 2.0-metre SPEA is recommended in relation to the dug-out pond and the ditches.

Lot A, contains an existing dwelling unit, detached garage and shed, as well as the seasonal ditch and the dug-out pond which have been assigned a 2.0 metre SPEA. Since there is no proposed development on Lot A, there is existing vegetation within the DPA, and the SPEA of the pond is currently fenced with page wire, the Assessment does not recommend any revegetation as a part of the application

Access to proposed Lot B will be from a driveway extending west from Schidler Road in the north east corner of Lot B. The Assessment indicates that the ditch along Schidler Road does not represent a natural watercourse or a natural source of water supply, therefore the *Water Sustainability Act* (WSA) will not apply to the ditch and the submission of a WSA Section 11 Notification for the installation of the driveway culvert is not required. Should water flow be present in the ditch at the time of driveway culvert installation, the Assessment recommends that the flows be bypass pumped around the work site and back into the ditch downstream of the worksite.

Given that the applicant has satisfied the intent of the DPA guidelines, and the proposed subdivision is not anticipated to have negative environmental impacts, it is recommended that the development permit be approved as per the terms and conditions of the Draft Development Permit included as Attachment 3 – Draft Development Permit.

Intergovernmental Implications

As per requirements of the Riparian Area Protection Regulations (RAPR) and DPA guidelines, the Assessment Report was submitted to the RAPR notification system with the Ministry of Forests. The RAPR Assessment was received by the Province and the Assessment was selected for exclusion from formal Ministry review (Section 6(4) of the Regulations) based on an evaluation of the risk of non-compliance with Regulatory standards.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2022-2026 Financial Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development has been reviewed and the proposal will protect and enhance the natural environment, including land, water, and air quality for future generations in keeping with the 2019 – 2022 Board Strategic Plan.

REVIEWED BY:

- P. Thompson, Manager, Current Planning
- L. Grant, General Manager, Planning and Development
- D. Holmes, Chief Administrative Officer

ATTACHMENTS

1. Subject Property Map
2. Proposed Plan of Subdivision
3. Draft Development Permit PL2022-146