



**DEVELOPMENT PERMIT APPLICATION NO. PL2023-134 AND REQUEST TO RELAX THE
MINIMUM 10% PERIMETER FRONTAGE REQUIREMENT IN RELATION TO SUBDIVISION
APPLICATION NO. PL2021-160
2059 SHERRITT DRIVE, ELECTORAL AREA E**

RECOMMENDATIONS

1. That the Board approve Development Permit No. PL2023-134 to permit a two-lot subdivision subject to the terms and conditions outlined in Attachment 2.
2. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot B in relation to Subdivision Application No. PL2021-160.

BACKGROUND

The Regional District of Nanaimo has received an application from Guy Fletcher on behalf of Michael and Marise Wickman for a Development Permit and to relax the minimum 10% perimeter frontage requirement in relation to a proposed two-lot subdivision (Subdivision Application No. PL2021-160). The subject property, legally described as Lot 1, District Lot 37, Nanoose District, Plan 30072, is approximately 2.06 hectares in area and is zoned Residential 1 (RS1), Subdivision District 'F', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw No. 500). The property is located to the north and east of Harold Road and residential parcels, to the west of Sherritt Drive, and to the south of rural parcels (see Attachment 1 – Subject Property Map). The property contains an existing dwelling and detached garage located on proposed Lot A. Proposed Lot B is bare land and has not been developed. The subject property is serviced by a well and onsite wastewater disposal.

The proposed development is subject to the Freshwater and Fish Habitat, Farmland Protection, and Eagle and Heron Nesting Trees Development Permit Areas (DPA) per the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005". The subject property meets the exemption criteria for the Farmland Protection and Eagle and Heron Nesting Trees DPAs; however, there is a watercourse and wetland located on proposed Lot B to which the Freshwater and Fish Habitat DPA applies for subdivision. A Development Permit is required for subdivision of land where the minimum lot size is not able to be met exclusive of the Streamside Protection Enhancement Area (SPEA). The applicant is therefore requesting a Development Permit for Freshwater and Fish Habitat concurrently with the frontage relaxation as it relates to the proposed subdivision.

Proposed Development

The applicant proposes to subdivide the parent parcel into two lots, one of which is proposed to use an 8-metre-wide panhandle from Sherritt Drive. Both parcels exceed the minimum parcel size (1.0 hectare) excluding the panhandle and are serviced by onsite domestic wells and sewage disposal systems. Both parcels provide adequate site area for the permitted uses in the RS1 zone with sufficient buildable area (see Attachment 2 – Schedule 2 – Plan of Proposed Subdivision).

Minimum 10% Perimeter Frontage Requirement

Proposed Lot B does not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act* (LGA). The applicant has requested approval from the RDN Board to reduce the frontage requirement as follows:

Proposed Lot No.	Required Frontage (m)	Proposed Frontage (m)	% of Perimeter
B	56.67	8.0	1.4%

Land Use Implications

The applicant’s proposal does not comply with the minimum road frontage requirements of the *Local Government Act*. The purpose of these requirements is to ensure that each lot created has sufficient access, buildable area, servicing, and space for the permitted uses. “Board Policy B1.4 Frontage Relaxation Requirements for Rural Lots” establishes criteria for reviewing frontage relaxation proposals, including site constraints, consistency with the character of surrounding properties, and ability to accommodate the permitted uses. Pursuant to Bylaw No. 500 Subdivision Regulations Design and Servicing Standards, where further subdivision is not possible, the minimum panhandle width must be 6.0 metres. The proposed panhandle width is 8.0 metres and there is no further subdivision potential for the subject property. Through the subdivision review process, the proposed plan of subdivision was referred to the Nanoose Bay Fire Department. The Nanoose Bay Fire Department had no objections or concerns to the proposed subdivision occurring. The proposed panhandle configuration results in the plan of subdivision having reasonably uniform and straight lot lines and a reasonable buildable site area outside of the DPA (see Attachment 2 – Schedule 2 – Plan of Proposed Subdivision).

As one of the two parcels contains a watercourse, the DPA guidelines require that the applicant demonstrate that the parcel contains sufficient room to accommodate all permitted uses, yard areas, well and septic field without intruding into the riparian area. To satisfy the requirements of the Freshwater and Fish Habitat DPA guidelines, the applicant has submitted a Riparian Areas Protection Regulation Assessment prepared by Toth and Associates Environmental Services (RAPR Assessment), dated September 17, 2023, which establishes a SPEA within 10.0 metres of the ditched watercourse and 15.0 metres of the wetland that is connected to the watercourse that is located at the eastern edge of proposed Lot B. The watercourse is located on Lot B only and does not affect Lot A. The applicant has provided a site plan prepared by J.E Anderson & Associates, dated November 9, 2023, showing the location of the SPEA and the Riparian Assessment Area (the DPA) and further demonstrates that there is an adequate developable area (0.72 hectares) outside of the SPEA and lot line setbacks on proposed Lot B. There are no significant slopes located on the property and there are no other constraints to future development. No land alteration, vegetation removal, or construction is proposed within the DPA.

To ensure the watercourse is protected from future development activities, as a condition of approval, the applicant will be required to install fencing and erect permanent fish habitat signage along the SPEA boundary of the watercourse and wetland prior to the issuance of a letter of Subdivision Compliance from the RDN. Furthermore, as a condition of approval, the applicant will be required to register, at the applicant’s expense, a Section 219 Covenant on the property title containing the RAPR Assessment prepared by Toth and Associates Environmental Services, dated September 17, 2023 (see Attachment 2 – Schedule 1 – Draft Development Permit).

The proposed panhandle configuration results in the plan of subdivision having reasonably uniform and straight lot lines and a reasonable buildable site area outside of the DPA. No negative implications are anticipated as a result of approval of the development permit with frontage relaxation. As the proposed plan of subdivision meets the criteria outlined in “Board Policy B1.4 Frontage Relaxation Requirements for Rural Lots”, the Freshwater and

Fish Habitat DPA guidelines, and the subdivision requirements of Bylaw No. 500, it is recommended that the Board approve the DP and frontage relaxation as proposed.

Intergovernmental Implications

As per the requirements of the Riparian Area Protection Regulations (RAPR), the RAPR Assessment report was submitted to the Riparian Areas Protection Regulation Notification System and was reviewed by the Ministry of Water, Land and Resource Stewardship. The RAPR Report meets the assessment and reporting criteria of the RAPR. It was noted in the review that the proposed development has been accepted on the basis that this is the final plan for the development. If development plans should change, another RAPR assessment must be submitted to the Province for review prior to DP issuance.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2023 – 2027 Financial Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development has been reviewed and the proposal is in keeping with the 2023-2026 Board Strategic Plan. The Plan’s “Planning and Managing for Growth” Strategic Focus Area states that the goal is to plan for and manage growth in our region to meet the needs of our communities within the means of the environment and to improve quality of life. The proposed subdivision plan and associated Development Permit and frontage relaxation application demonstrate that the proposed plan of subdivision meets the zoning requirements of Bylaw No. 500 and the Freshwater and Fish Habitat DPA guidelines. Furthermore, the proposed development provides an adequate developable area outside of the Riparian Assessment Area for the watercourse.

REVIEWED BY:

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

ATTACHMENTS:

1. Subject Property Map
2. Draft Development Permit