
TO: Electoral Area Services Committee **DATE:** April 9, 2019

FROM: Angela Buick
Planner **FILE:** PL2016-142

**SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage
Requirement in Relation to Subdivision Application No. PL2016-142
2120 Nanaimo River Road – Electoral Area C
Lot A, District Lot 7, Douglas District, Plan, VIP86286**

RECOMMENDATION

That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 2 in relation to Subdivision Application No. PL2016-142.

SUMMARY/CONCLUSIONS

The applicant has requested a relaxation of the 10% perimeter frontage requirement for proposed Lot 2 in relation to a two-lot subdivision of the subject property. All proposed parcels will meet the minimum parcel size requirements and provide adequate site area. Given that no negative impacts are anticipated as a result of the proposed frontage relaxation, it is recommends that the requested frontage relaxation be approved.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from the owners Joseph E. Gogo, Lawrence S. Gogo and Paul R. Gogo to relax the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act* in relation to a proposed two lot subdivision. The subject property is approximately 18.79 hectares in area and is zoned Rural 9 (RU9) Zone, Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500). The subdivision would result in two new lots; Lot 1 and Lot 2 (2.01 and 16.78 hectares in size respectively). The property is located to the north of Nanaimo River Road, and south/east/west of other large heavily forested RU9 zoned lots (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to subdivide the parent parcel into two lots (see Attachment 3 – Proposed Plan of Subdivision). All parcels exceed the minimum parcel size of 2.0 hectares (see Attachment 3 – Proposed Plan of Subdivision). The property is currently vacant land and will be serviced by well and onsite sewage disposal systems.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 2 does not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act*. The applicant has requested approval of the RDN Board to reduce the frontage requirement as follows:

Proposed Lot No.	Required Frontage (in metres)	Proposed Frontage (in metres)	Requested % of Perimeter reduced from 10%
2	220.52	42.26	1.92

Land Use Implications

The proposed two-lot subdivision consists of Lot 1 being 2.01 hectares in size, intended to be developed for rural residential use, and the remainder Lot 2 being 16.78 hectares in size, intended to be further subdivided in the future. The subject property is a deep and relatively narrow lot that is bisected by Boulder Creek, which runs the length of the lot; north to south. Lot 2 is proposed to have two panhandles, one either side (east and west) of proposed Lot 1 to provide access to either side of Boulder Creek (see Attachment 3 – Proposed Plan of Subdivision). The panhandles are proposed at 20.18 and 26.08 metres in width, exceeding the 10 metre minimum width requirement for lots with future subdivision potential pursuant to Bylaw 500.

To ensure that the Rural 9 zone bylaw provisions will be upheld, a covenant is to be registered on title restricting the number of dwellings on proposed lots one and two. Lot 1 will be restricted to one dwelling and upon future subdivision of Lot 2, all future lots are limited to a maximum of one dwelling unit only. This provision is a requirement of subdivision approval under requirement number 5 of the local Government Report dated April 28, 2018.

The proposal addresses the evaluation criteria in “Board Policy B1.4 Frontage Requirements for Rural Lots”. If approved, proposed Lot 2 will have a road frontage of 1.92 % of the perimeter of the lot. Due to the site-specific features of the parent parcel, being deep and relatively narrow, bisected by a deep and wide ravine containing Boulder Creek, and available road frontage along the southern lot line (Nanaimo River Road), a frontage request cannot be avoided by way of reconfiguration. Proposed Lot 1 and Lot 2 will be using existing accesses and will remain unchanged. This subdivision proposal would create two large rural lots compatible with rural character of the surrounding properties. The two panhandles for Lot 2 are wide enough to provide road access should Lot 2 be subdivided in the future. Based on these points the proposal addresses the evaluation criteria in “Board Policy B1.4 Frontage Requirements for Rural Lots”.

Environmental Implications

As part of the subdivision the proposed development is subject to the Freshwater and Fish Habitat Protection Development Permit Areas (DPA) as per the “Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999”. The applicant shall submit a development permit application to be considered pursuant to “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017” to ensure that the development will meet the DPA guidelines and that the development will pose no anticipated negative impacts as a result of the subdivision.

Intergovernmental Implications

MOTI has reviewed the application and has issued a Preliminary Layout Approval for the proposed subdivision. MOTI staff have confirmed that they have no concerns with the proposed frontage. Proposed Lot 2 has future subdivision potential; therefore, a future fee simple subdivision would likely require additional road dedication. To achieve additional road frontage for any future lots Ministry of Transportation & Infrastructure (MOTI) is requesting that the applicant enter into a Section 219 covenant agreement in favor of MOTI and RDN to restrict subdivision of proposed Lot 2 until such time that the applicant can demonstrate access to future lots along the two proposed panhandles (each providing access to each side of Boulder Creek) being a minimum of 20 metres wide for future road dedication, one to each part of the parcel separated by the creek, and no less than 20 metres in width.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot 2 as shown on Attachment 3.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has no implications for the 2016 – 2020 Board Strategic Plan.



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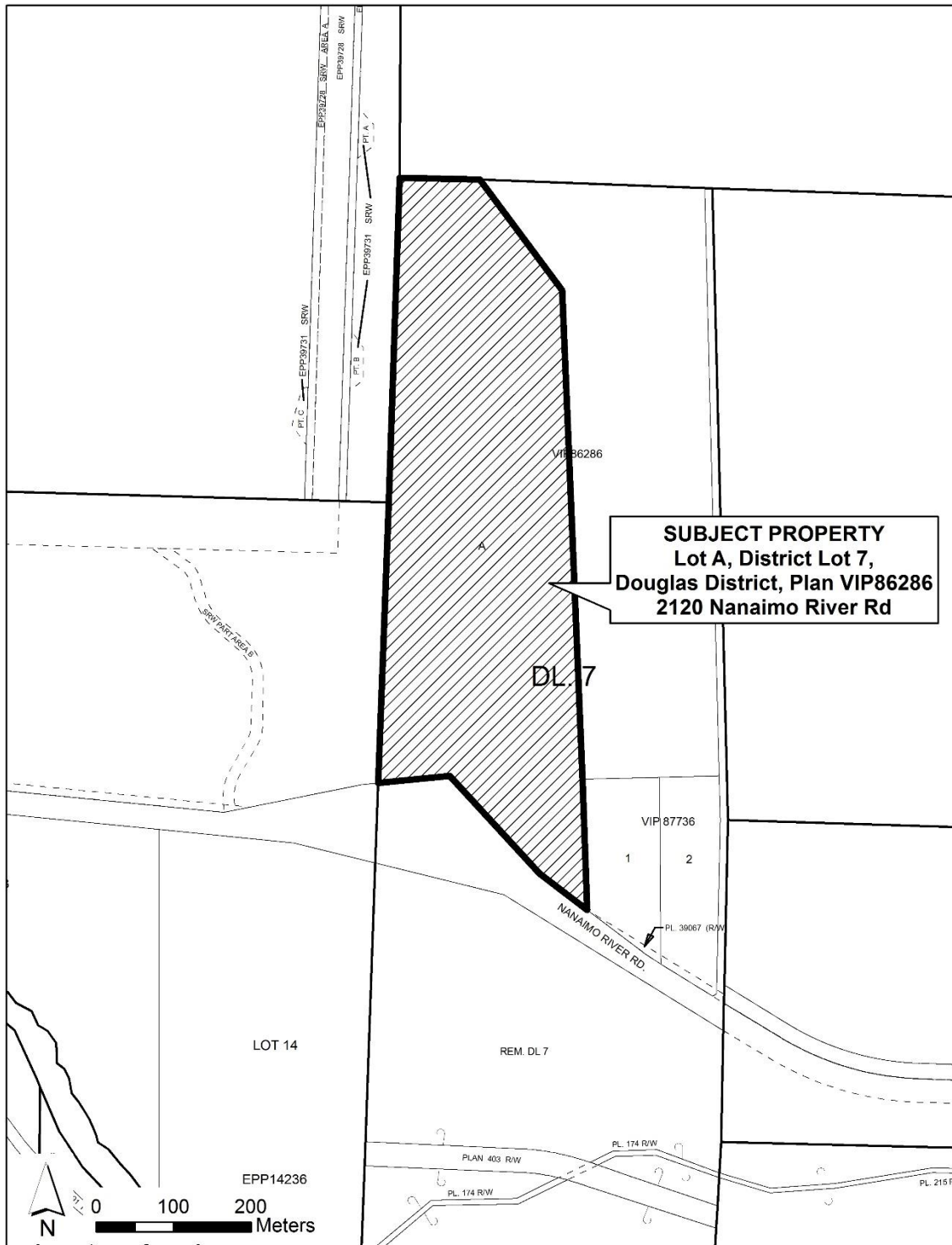
Reviewed by:

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

Attachments

1. Subject Property Map
2. Conditions of Permit
3. Proposed Plan of Subdivision

**Attachment 1
Subject Property Map**



Attachment 2
Conditions of Permit

The following sets out the conditions of Development Permit No. PL2016-142:

Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by Tom Hoyt, dated November 13, 2018 and attached as Attachment 3.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Request to reduce the minimum required frontage from 220.52 m to 40.26 m for proposed Lot 2.

Panhandle to the west is 20.18 metres wide and to the east is 26.08 metres wide.