

AGENDA FOR THE 2005-FEB-10 MEETING  
OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT STANDING COMMITTEE,  
TO BE HELD IN THE BOARD ROOM, CITY HALL, COMMENCING AT 3:30 P.M.

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1. ADOPTION OF MINUTES:

- (a) Minutes of the 2004-DEC-02 Meeting of the Planning, Environment and Development Standing Committee held in the Board Room, City Hall at 3:30 p.m.
- (b) Minutes of the 2004-DEC-06 Meeting of the Planning, Environment and Development Standing Committee held in the Board Room, City Hall at 3:04 p.m.

2. INTRODUCTION OF LATE ITEMS:

3. RECEIVING OF DELEGATIONS: *(green)* (10 MINUTES)

- (a) Mr. R. K. Brown, Consultant Planner, Keith Brown Associates Ltd., regarding an Official Community Plan Amendment Application for 3950 Biggs Road. *[This appears as Item 2(c) under the City Manager's report.]*
- (b) Mr. Herman Vanden Broek, on behalf of Mr. Gordon Halkett, 6101 Pearce Road, Nanaimo, regarding an Official Community Plan Amendment Application for 6101 Pearce Road, to include this property inside the Urban Containment Boundary. *[This appears as Item 2(b) under the City Manager's report.]*
- (c) Mr. Chris Junck, Garry Oak Ecosystems Recovery Team, Victoria, BC, regarding the value of Garry Oak Ecosystems and options available to protect them, specifically on Environmentally Sensitive Areas (ESA's) within the Harewood Plains Area.

4. REPORTS OF ADVISORY BODIES: *(tan)*

Advisory Committee on the Environment:

(a) First Nations Representative for the Advisory Committee on Environment (ACE)

The Committee recognizes the value of including a First Nation's representative to help facilitate communication on environmental concerns within the City. This position would also add to the Committee's depth of historical knowledge and community representativeness.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council:

1. allow for the Advisory Committee on the Environment's (ACE) Terms of Reference to be amended to create a First Nations representative position on the Committee; and,
2. direct Staff to contact the Snuneymuxw First Nation to invite a member to join ACE.

5. CITY MANAGER'S REPORT: *(blue)*

As attached.

6. INFORMATION ONLY ITEMS: *(white)*

- (a) Report from the Advisory Committee on the Environment re: Annual Workplan.

7. CORRESPONDENCE: *(pink)*

8. NOTICE OF MOTION:

9. CONSIDERATION OF LATE ITEMS / OTHER BUSINESS:

10. QUESTION PERIOD: *(Agenda Items Only)*

11. ADJOURNMENT:

**PLANNING, ENVIRONMENT AND STANDING COMMITTEE**

**2005 FEB 10**

**TO: The Members of the Committee**

**(5) CITY MANAGER'S REPORT:**

**DEVELOPMENT SERVICES:**

**PLANNING:**

- (1) Official Community Plan Amendments Review Period (November 2004 to May 2005):
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The following OCP amendment applications are being forwarded to Planning, Environment and Development Standing Committee for its review and consideration as part of the current OCP amendment round:

- three (3) external applications; and
- two (2) corporate initiated amendments.

The details of these OCP amendment applications, along with Staff and the Plan Nanaimo Advisory Committee's (PNAC) recommendations are outlined in this report.

This report is provided to PEDSC to give background information and recommendations on each application. Based on PEDSC's recommendation for each of these applications, Staff will prepare the associated OCP amendment bylaws for Council's consideration at its next regular meeting.

**EXTERNAL APPLICATIONS:**

- (a) 1321 Island Highway South

The subject property is located within the Chase River Neighbourhood Plan Area and is currently split designated 'Mainstreet (Commercial/Residential)' and 'Medium-High Density Residential' (Schedule 'A').

The Chase River Neighbourhood Plan was adopted in 1999-APR-26. Although the planning area includes surrounding residential neighbourhoods, the focus of the planning process and the resulting policies focus on the Chase River Town Centre. The Town Centre designation of the plan identifies the lands adjacent to Lawlor Road as a future Mainstreet, the intention of which is to provide small scale pedestrian oriented commercial service developments, with mix commercial and residential uses in upper storeys.

The lands between the Mainstreet designation and the Island Highway are designated 'Medium-High Density Residential' and were identified through the plan as an area to accommodate a portion of the future residential

densities expected to make up the Town Centre. It is this area that is the subject of this application.

The applicant proposes to re-designate the 'Medium-High Density Residential' portion of the subject property to 'Mainstreet' in order to permit a commercial use on this portion of the site. As part of this proposal the applicants have included a concept plan of their proposal.

Subsequent Rezoning:

It is important to note that if the applicant is successful in amending the Chase River Neighbourhood Plan, technical issues such as access to the site, realignment of Wexford Creek, and the design related policies of the Chase River Neighbourhood Plan will be required to be addressed during subsequent rezoning and development of the property.

PNAC and Staff Comments:

At its meeting held 2005-JAN-27, PNAC recommended that the subject amendment be supported as presented. Staff concurs with PNAC's recommendation and recommend that PEDSC support this proposed amendment.

Please note, Staff believes that in order to achieve the broader goals of Plan Nanaimo and the long term concept for the Town Centre, residential should be a component of this development. Staff has advised the applicant that any future rezoning should include a residential component.

**Recommendation: That the Planning, Environment Development Standing Committee recommend that Council support the OCP amendment to amend Schedule A-7.3 (Chase River Neighbourhood) of the Official Community Plan by re-designating that portion of the subject property from 'Medium-High Density Residential' to 'Mainstreet (Commercial/ Residential)'.**

(b) 6010 Uplands Drive

The subject property is presently designated as 'Neighbourhood' and is located at the corner of two major roads, Uplands Drive and Hammond Bay Road (Schedule 'B'). The property is bordered to the north and south by existing townhouse developments, and to the north-west by a seniors congregate care facility. The applicant's stated intention for this amendment is to support a subsequent rezoning that would allow for a townhouse form development with a density up to 0.45 floor area ratio (FAR).

Existing policies within the OCP support rezoning for townhouse developments in 'Neighbourhood' areas to a maximum density of 25 units per hectare (10 units per acre), provided the parcel is well separated from other high density sites and does not result in a concentration of development that exceeds the target density limitations of the 'Neighbourhood' designation of 15 units per hectare (6 units per acre). As the subject property is directly adjacent to existing high density townhouse developments, rezoning under this policy is not possible.

In addition to the policy noted above, the OCP also contains policies which support rezoning for properties along major roads, specifically, those

properties that front Northfield Road, and along a Bowen Road between Labieux and Meredith Road.

It is important to note that rezoning for such developments is not subject to the target density limitations of the 'Neighbourhood' designation.

In Staff's opinion a site specific amendment to the 'Neighbourhood' designation to allow a residential density up to 0.45 FAR on this site, which is not subject to the target density limitations of 'Neighbourhood' designation, would be consistent with the policies in the OCP for multiple family townhouse development along major roads.

PNAC and Staff Comments:

At its meeting held 2005-JAN-27, PNAC recommended that the subject amendment be supported as presented. Staff concurs with PNAC's recommendation and recommend that PEDSC support this proposed amendment.

**Recommendation: That the Planning, Environment Development Standing Committee recommend that Council support the OCP amendment to amend subsection 1.2.2.1 (5) of the Official Community Plan to permit a townhouse development with a density up to 0.45 FAR, which may be adjacent to existing multiple family zoned properties, and will not be subject to the density limitations of the Neighbourhood Designation or be considered in the target density calculations of section 1.2.2.1 on adjacent Neighbourhood areas.**

(c) 3721 Shenton Road

The applicant was recently successful in amending the OCP to permit 'Office' use at 3701/3711 Shenton Road (Bylaw 6000.048). The applicant has subsequently applied for a site specific amendment to the 'Neighbourhood' designation to construct an office development at the subject property (Schedule 'C').

During the review period for the OCP amendment at 3701/3711 Shenton Road, PNAC recommended that Staff review those properties located between 3679 and 3789 Shenton Road, to determine whether alternative options exist for the re-designation of this group of properties.

Staff has conducted a review on all properties located along this corridor of Shenton Road and has brought forth a corporate initiated amendment that includes the subject property.

PNAC and Staff Comments:

At its meeting held 2005-JAN-27, PNAC recommended that support of the corporate initiated amendment for 3679-3789 Shenton Road also cover the external application for 3721 Shenton Road. PNAC further recommended that Council consider refunding the applicant's amendment fee. Staff concurs with PNAC's recommendation.

**Recommendation: That the Planning, Environment Development Standing Committee recommend that the subject properties be included in the corporate initiated amendment for those properties between 3679 and 3789 Shenton Road, and that Council consider refunding the applicant's amendment fee.**

CORPORATE AMENDMENTS:

(d) 3679, 3721, 3767, 3789 Shenton Road

This amendment is in response to the recommendation from PNAC at its meeting held 2003-June-19<sup>th</sup>, requesting that Staff review the subject properties (Schedule 'D') to determine whether alternative options exist for their re-designation.

The lands to the east of the subject properties along Shenton Road are designated 'Service Industrial' and are presently occupied by commercial and industrial uses. The two properties to the west along Shenton Road are designated as 'Neighbourhood'. One property remains vacant; a car dealership presently occupies the second property. Lands to the north, across the Island Highway and E&N right-of-way, are designated 'Highway Commercial' and 'Neighbourhood'.

Staff has completed their review and is of the opinion that an amendment to the Neighbourhood designation to permit 'Office' use on the subject properties best complements the existing adjacent land uses and best minimizes any potential environmental impacts to Diver Lake.

Additional Information:

It is important to note that a dental office presently exists at 3767 Shenton Road, the result of an amendment to Official Community Plan Bylaw 1987 No. 3500 from Urban Residential to Commercial, and a subsequent rezoning of the property from Single Family Residential (RS-1) to Mixed Use Commercial (C-4), adopted 1995-FEB-20.

PNAC and Staff Comments:

At its meeting held 2005-JAN-27, PNAC recommended that the subject amendment be supported as presented. Staff concurs with PNAC's recommendation and recommend that PEDSC support this amendment.

**Recommendation:** That the Planning, Environment Development Standing Committee recommend that Council support the OCP amendment to amend subsection 1.2.2.1 (5.5) of the Official Community Plan to permit Office use at 3679, 3721, 3767 and 3789 Shenton Road.

(e) Environmentally Sensitive Areas – Various OCP Amendments

These changes are as a result of more refined research into the nature and location of ESAs (Schedule 'E'). The objective of these changes is to enable better protection of Environmentally Sensitive Areas as outlined in section 2.1. (Environmentally Sensitive Areas) of the OCP.

**PNAC and Staff Comments:**

At its meeting held 2005-JAN-27, PNAC recommended that the subject amendment be supported as presented. Staff concurs with PNAC's recommendation and recommend that Planning, Environment and Development Standing Committee support this amendment.

**Recommendation:** That the Planning, Environment Development Standing Committee recommend that Council support the OCP amendment for various text amendments to policies, and mapping amendments to Schedule B (Development Permit Areas & Sensitive Areas) of the Official Community Plan by:

- Changing the boundaries of some ESAs to more accurately reflect the location of non-aquatic ESAs and;
- Designating a Development Permit and a Development Approval Information Area for non-aquatic ESAs.

**COMMUNITY PLANNING:**

- (2) Urban Containment Boundary Amendments Review Period November 2004 to May 2005
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**EXTERNAL APPLICATIONS:**

Goal Three of the OCP is to manage urban growth by preventing the spread of residential and commercial development into rural land areas and accommodating growth in urban areas of the City. To achieve this goal, the OCP established an UCB which separates urban and rural uses. Council will only consider amendments to the UCB every three years. The applications currently before Council were submitted at the last opportunity, on 2004-NOV-01.

Amendments to the UCB will be considered if the proposed change meets the following criteria:

- is required to meet documented community needs which cannot be met on other lands inside the UCB;
- can be serviced in a cost effective manner;
- is not in the ALR;
- will not lead to adverse changes to sensitive ecosystems; and,



- will not lead to adverse changes to the resource productivity of adjacent lands.

(a) 2360-2364 Arbot Road and 2365 Mill Road

This property currently has two OCP designations “Rural Resource Lands” and “Suburban Neighbourhood” and split zoning (A2-Rural Agricultural/Residential and RM1-Residential Duplex). The north-westerly portion of the subject property which is zoned A2 and designated “Rural Resource”, is outside the UCB.

Moving the north-westerly portion of the subject property inside the UCB and re-designating it “Suburban Neighbourhood” would bring it into conformance with adjacent land uses, and allow for compatible land development and uses. This change will not lead to any adverse changes to sensitive ecosystems or the resource productivity of adjacent lands.

It is the opinion of staff that this application shows consistency with the overall goals of Plan Nanaimo and criteria for inclusion inside the UCB. Given the relatively small area, and the suburban context, it is the opinion of staff that future development of this land could be considered “in-fill” rather than an encroachment on agricultural land or urban sprawl.

The subject property is not within the ALR nor is it adjacent to any ALR lands. The lot is in a fully serviced neighbourhood and both the mobile home on the north-westerly portion and the duplex on the remainder are fully serviced.

Proposed Amendment

Amend Schedule A (Future Land Use and Mobility) of the Official Community Plan by:

- Moving the north-westerly portion of the subject property inside the UCB; and
- Re-designating the north-westerly portion of the subject property from “Rural Resource Lands” to “Suburban Neighbourhood”.

**Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council support the proposed OCP amendment to amend Schedule A (Future Land Use and Mobility) of the OCP by:**

- **Moving the north-westerly portion of the subject property (2360-2364 Arbot Road and 2365 Mill Road) inside the UCB; and**
- **Re-designating the north-westerly portion of the subject property (2360-2364 Arbot Road and 2365 Mill Road) from “Rural Resource” to “Suburban Neighbourhood”.**

(b) 6101 Pearce Road

The subject property is outside the UCB, in the ALR and zoned A2-Rural Agricultural/ Residential. It is currently being used as a hobby farm to raise miniature horses. The applicants would like to sell the property and feel that it would be more marketable if it were inside the UCB, out of the ALR and given an OCP designation that permits residential development.

It is the opinion of staff that this application is not currently consistent with the overall goals of Plan Nanaimo, nor does it meet criteria for inclusion inside the UCB. The fact that the subject property is on the edge of the UCB, in the ALR, currently being used for agriculture and adjacent to other rural land uses does not make it a strong case to be considered "in-fill". Within the context of Plan Nanaimo and the Regional Growth Strategy, denser development of this land would more likely be viewed as continuation of urban sprawl and encroachment upon agricultural lands.

The property is adjacent to a residential subdivision directly to the north. It is adjacent to ALR lands to the south and west.

The applicant has noted that the subject property has undergone considerable change since he purchased it in 1987. The construction of the Nanaimo Parkway along the subject property's eastern boundary reduced the property by approximately 2 acres. A new residential subdivision overlooks the subject property along the northern property line. The subdivision design anticipates an extension onto the subject property with both Kara Place and Joseph Place extending to the northern property line of the subject property.

If the applicants were successful in removing the subject property from the ALR, future development would involve continuation of the residential style subdivision directly to the north.

The applicant, in his presentation to PNAC, noted that the property is not viable as a farm and that he must purchase all his feed.

The applicant provided eight letters of support for his proposal from neighbours abutting the subject property.

Proposed Amendment (see Appendix B map):

Amend Schedule A (Future Land Use and Mobility) of the Official Community Plan by:

- Moving the subject property inside the UCB; and
- Re-designating the subject property from "Rural Resource Lands" to "Suburban Neighbourhood".

**Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council either:**

- a) **Support the proposed OCP amendment to change Schedule A (Future Land Use and Mobility) of the Official Community Plan by:**
- **Moving the subject property (6101 Pearce Road) inside the UCB; and**
  - **Re-designating the subject property (6101 Pearce Road) from “Rural Resource Lands” to “Suburban Neighbourhood”.**
- Subject to the Agricultural Land Commission’s (ALC) removal of the land from the Agricultural Land Reserve (ALR).**

**or,**

- b) **Not support the proposed OCP amendment to change Schedule A (Future Land Use and Mobility) of the Official Community Plan by:**
- **Moving the subject property (6101 Pearce Road) inside the UCB; and**
  - **Re-designating the subject property (6101 Pearce Road) from “Rural Resource Lands” to “Suburban Neighbourhood”.**

(c) **3950 Biggs Road**

The subject property is a hooked lot across a dedicated trail right of way. The far westerly portion of the subject property is outside the UCB, in the ALR and zoned A2-Rural Agricultural/Residential. The rest of the subject property is inside the UCB, not in the ALR and zoned RM 8 (Mobile Home Park).

The intent of this amendment is to allow for the expansion of the existing Deerwood Place Estates Modular Home Park.

It is the opinion of staff that this application is not currently consistent with the overall goals of Plan Nanaimo, nor does it meet criteria for inclusion inside the UCB. The fact that the subject property is on the edge of the UCB, in the ALR and adjacent to other rural land uses does not make it a strong case to be considered “in-fill”. Within the context of Plan Nanaimo and the Regional Growth Strategy, denser development of this land would more likely be viewed as continuation of urban sprawl and encroachment upon agricultural lands.

The lands surrounding the subject property are designated “Rural Resource Lands”. It is the opinion of staff that the far westerly portion of the subject property currently forms a natural buffer between the rural uses to the west of the property and the denser development of the modular home park on the rest of the subject property.

Additional Information:

The applicant feels that allowing this application would provide more “affordable housing” for Nanaimo. It is recognized that more modular housing would increase the choice in lower priced housing stock and that modular housing starting at \$160,000 is substantially less expensive than the average single family dwelling in Nanaimo (\$219,000 2004-Dec-31 VIREB). However, it does not constitute a form of “affordable housing” from a social planning perspective.

The applicant intends that any servicing (road, sewer, water, etc.) of this portion of the lot would be done internally via connections with the existing modular home park.

In terms of being a “livable community”, this is an isolated residential development cut off by the Parkway, on the edge of rural lands and not in close proximity to neighbourhood amenities such as schools, shops, neighbourhood service centres etc.

Proposed Amendment (see Appendix C map):

Amend Schedule A (Future Land Use and Mobility) of the Official Community Plan by:

- Moving the far westerly portion of the subject property inside the UCB; and
- Re-designating the far westerly portion of the subject property from “Rural Resource Lands” to “Suburban Neighbourhood”.

**Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council either:**

**a) Support the proposed OCP amendment to change Schedule A (Future Land Use and Mobility) of the Official Community Plan by:**

- Moving the far westerly portion of the subject property (3950 Biggs Road) inside the UCB; and
- Re-designating the far westerly portion of the subject property (3950 Biggs Road) from “Rural Resource Lands” to “Suburban Neighbourhood”.

Subject to the Agricultural Land Commission’s (ALC) removal of the land from the Agricultural Land Reserve (ALR).

or

**b) Not support the proposed OCP amendment to change Schedule A (Future Land Use and Mobility) of the Official Community Plan by:**

- Moving the far westerly portion of the subject property (3950 Biggs Road) inside the UCB; and
- Re-designating the far westerly portion of the subject property (3950 Biggs Road) from “Rural Resource Lands” to “Suburban Neighbourhood”.

UCB HOUSEKEEPING AMENDMENT:

(d) 3950 Biggs Road

The purpose of this amendment is to correct an OCP mapping error. The boundaries of the zoning and OCP designations on the subject property are inconsistent. Research into this matter indicated that the portion of the property zoned RM8 should be located inside the UCB and designated "Suburban Neighbourhood".

Proposed Amendment (see Appendix D map):

Amend Schedule A (Future Land Use and Mobility) of the Official Community Plan by:

- Amending the location of the UCB on the subject property to be consistent with the RM8 zoning boundary; and
- Re-designating that portion of the subject property from "Rural Resource Lands" to "Suburban Neighbourhood" to be consistent with the RM8 zoning boundary.

**Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council support the proposed OCP amendment to change Schedule A (Future Land Use and Mobility) of the OCP by:**

- **Amending the location of the UCB on the subject property (3950 Biggs Road) to be consistent with the RM8 zoning boundary; and**
- **Re-designating that portion of the subject property (3950 Biggs Road) from "Rural Resource Lands" to "Suburban Neighbourhood" to be consistent with the RM8 zoning boundary.**

**CORPORATE SERVICES:**

**FINANCE:**

(3) Development Cost Charge Review

Council adopted a recommendation contained in a 2003-JUN-23 Staff report to put the review of the Development Cost Charge (DCC) Bylaws on hold until requested by Council. Until the adoption of that recommendation, it was Council's policy to conduct a review of DCC's every three years. The last DCC review commenced in February 2000, with the bylaws being adopted in April 2001.

Council will also recall, that at the 2004-DEC-13 Council meeting a report regarding DCC's for duplex and triplex developments was submitted. Council referred the matter back to Staff for a report on what impact charging DCC's on these housing types would have on affordable housing, infill projects and in-stream applications.

Although Staff did not see any benefit conducting a review in 2003, it is now believed that a full review of the DCC bylaws is required. There are a number of factors behind this recommendation. The first relates to the impact that rising construction costs are having on DCC projects. Many of the cost assumptions contained in the DCC bylaws are now out of date and need to be brought in line with actual construction costs. These cost assumptions contained within the bylaw are

important because they directly impact the magnitude of the DCC rate. The issue of charging DCC's on duplex and triplex developments could now be part of a comprehensive review. Additionally, new DCC projects may need to be added to the bylaw while some that are currently in the bylaw may need to be deleted.

A full review of DCC's is an extensive and time-consuming process for both Staff and elected officials. It involves considerable Staff time reviewing and re-costing the projects included in the bylaw and calculating the new DCC rates. In the past, a committee is then formed, which includes Council, City Staff members, Regional District Staff, and members of the development community. This committee reviews the proposed rates and provides recommendations regarding DCC policies and issues. The entire process could take eight to twelve months.

Whenever a review is completed, it creates an expectation in the community that rates could go down. However, in Staff's view, it is unlikely that a review will result in a technical recommendation to lower DCC's. There will be strong upward pressure due to cost increases and community expectations for higher service levels.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council direct Staff to conduct a full review of the Development Cost Charge (DCC) Bylaws, commencing in the Fall of 2005 and to provide recommendations to Council in the Spring of 2006.

Respectfully Submitted,

G. D. Berry  
CITY MANAGER