

MINUTES OF THE PLANNING AND DEVELOPMENT STANDING COMMITTEE MEETING
HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,
ON THURSDAY, 2002-JUN-20, COMMENCING AT 4:00 P.M.

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor L. D. McNabb

Absent: Councillor W. J. Holdom

Staff:	B. N. Mehaffey	R. Lawrence
	E. C. Swabey	J. T. Bowden
	S. E. Fletcher	K. L. Burley
	G. Savage	M. Goddard

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2002-MAY-16 Meeting of the Planning and Development Standing Committee held in Conference Room 1, City Hall Annex at 4:00 p.m.

Moved by Councillor McNabb, seconded by Councillor Sherry that the Minutes be adopted as circulated. The motion carried.

2. INTRODUCTION OF LATE ITEMS:

- (a) Councillor Sherry advised that the Mr. and Mrs. Kemp and their daughter were in attendance and wished to address Council as a late delegation regarding 1325 Fielding Road, Development Variance Permit 00045.

Moved by Councillor McNabb, seconded by Councillor Sherry that Mr. and Mrs. Kemp be permitted to address the Committee. The motion carried.

Mr. and Mrs. Kemp stated that:

- they have contributed money towards works and services with the eighteen years of taxes paid since their daughter's home was built, and they feel this has not been taken into consideration.
- their property was downzoned; prior to that they could have built fourteen duplexes on their property (was zoned Residential 1), they have not been treated fairly.
- they have owned this property for thirty years; their daughter's home was built eighteen years ago.
- they questioned why their neighbour, who had a house and a mobile home on their property, received two tax bills; the City was getting double taxation and the road was not improved.

- they thought Option 2 in the Staff Report, where the developer would pay for the water line extension only and the City build the road when required, or a blend of Option 2 and 3 was a fair solution.
- they feel that if Hydro lines to Duke Point go through this area, no-one would want to develop under those lines, so the road would never be required.

Moved by Councillor McNabb, seconded by Councillor Sherry that the delegation be received. The motion carried.

3. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

- (1) Planning and Development Advisory Committee (PDAC) / Plan Nanaimo Advisory Committee (PNAC) Committee Restructuring

Since its inception, the Planning and Development Standing Committee (PDSC) has been reviewing the mandates of the various advisory committees which report through it. Towards this end, Staff was directed to identify areas where service improvements could be made through structural changes. The only major change identified through this process was a recommendation to restructure the Planning and Development Advisory Committee (PDAC). Prior to dealing with this recommendation however, the Committee directed Staff to meet with the committees affected to review the proposed changes. This review has now been completed and the new committee structure with revised Terms of Reference for the committees was presented for the Committee's consideration.

There are currently two large Committees (PDAC and PNAC), that deal with development applications and development policy. The Plan Nanaimo Advisory Committee (PNAC) is comprised of 16 members and specifically reviews changes to the Official Community Plan (OCP), as well as site specific OCP amendments. The Planning and Development Advisory Committee (PDAC) is also comprised of 16 members and primarily deals with Rezoning Applications and Design Reviews. The development of two separate committees to deal with land use issues is a product of Plan Nanaimo and separates the long-range planning function from development applications.

Prior to Plan Nanaimo, the City had one committee to deal with both OCP and zoning issues and a separate committee (the Advisory Design Panel or ADP) which dealt with building design. Staff are of the opinion that maintaining a somewhat artificial separation serves to disconnect the longer-range policy decision from actual development applications, and as such, are recommending that Council consider restructuring the committees to provide a connection between long term planning and specific development applications.

Staff is recommending that no changes be made to either the size or makeup of the PNAC. However, Staff believe that the size of PDAC and the limited number of design professionals which sit on it, limits its ability to effectively assess design applications, and as such, are recommending that it be abandoned. Staff are recommending that a new five-member Design Advisory Panel be created to deal with design review applications. Recommendations from this Committee will also flow through Staff to the Planning and Development Standing Committee. Staff are also proposing that a sub-committee, consisting of five members of the existing PNAC, be struck to review rezoning applications. This committee will make recommendations through Staff to the Planning and Development Standing Committee. All other functions of the PNAC would remain unchanged.

It is Staff's belief that the restructuring will achieve the following goals:

- Streamline the design review process, by separating rezoning and design issues.
- Strengthen the connection between an Official Community Plan and Zoning Bylaw.
- Assist in bringing the City's regulations (i.e. zoning) into compliance with the OCP.
- Ensure that development applications involving changes to the OCP and its policies are more effectively and consistently dealt with at the zoning stage.

The proposed *draft* Terms of Reference for the new Design Advisory Panel and the new Rezoning Advisory Sub-committee of PNAC were attached to Staff's report. The PNAC is prepared to begin its first review of rezoning applications next month; however, Staff will have to advertise for the Design Advisory Panel members and therefore, its first review will not occur until July or later. Until this time, the existing PDAC members will be requested to continue to review design applications as they are brought forward.

Recommendation: That Council endorse the Terms of Reference for the Design Panel and Rezoning Advisory Sub-committee as presented, and that advertising commence for Design Panel Members.

Moved by Councillor McNabb, seconded by Councillor Sherry that the report be received and the recommendation adopted. The motion carried.

(2) 1325 Fielding Road – Development Variance Permit 00045

At its meeting held 2002-MAY-13, Council referred DVP00045 for 1325 Fielding Road to the Planning and Development Standing Committee for its comments and recommendations. After receiving a delegation from the applicants (Mr. and Mrs. Kemp) at its meeting held 2002-MAY-16, the Committee referred this application back to Staff for further negotiations with the applicant. Since the 2002-MAY-16 meeting, Staff have received correspondence from the Kemps outlining their position related to this issue. The proposal outlined by the Kemps forms the basis of option four in the report.

1325 Fielding Road is currently zoned Rural Agricultural/Residential Zone (A-2) and is 1.4 hectares (3.46 acres) in size. The property is developed with two single-family dwellings and a workshop. One of the houses is occupied by Mr. and Mrs. Kemp, with the second one occupied by their daughter and son-in-law. Upon completion, the proposed subdivision plan will provide legal title and ownership of a lot for the daughter.

As a condition of the proposed subdivision, the Approving Officer is requiring road improvements extending from the end of the constructed road south of the subject property and the full frontage of the subject property. The minimum rural standard of 7.5 metres of pavement is proposed by the Approving Officer to be relaxed to 6.0 metres wide to match the existing Fielding Road standard. The works required fronting the subject property include asphalt, a storm water ditch, and the extension of a water main to the north side of the property line. The off-site unpaved section of the road between the Kemp's property and the existing portion of the paved road to the south, also needs to be constructed as part of the subdivision.

The above-noted works were originally estimated to cost between \$8,000 - \$10,000. Upon closer examination, Staff believe the works may be closer to \$20,000 in value. It should be noted that until a detailed engineering design and cost estimate is provided (normally the responsibility of the developer), the exact costs are unknown.

Staff believe the following chart identifies four options available for Council's consideration:

	Options	Costs to Developer	Costs to Taxpayers
1.	Status Quo – water line extension, pavement widening, etc.	\$20,000 <i>approx.</i>	\$0
2.	Developer pays for water line extension only. City builds road when required.	\$6,500	\$13,500 <i>approx.</i>
3.	No works and services required.	\$0	\$20,000 <i>approx.</i>
4.	Developer to provide \$3,500 towards the works and services.	\$3,500	\$16,500 <i>approx.</i>

The fourth option of the developer paying a maximum of \$3,500 is based on an unsolicited letter received by the applicants which indicates their willingness to pay 30 percent of a \$10,000 works and services charge. As noted previously in the report, the cost of the work is likely closer to \$20,000 than the \$10,000 original estimate. At this point, Staff does not believe that the applicant is willing to pay 30 percent of the revised estimate and it is unclear as to why the 30 percent figure was chosen. Until such time as a detailed engineering cost estimate is provided, the exact costs cannot be identified. The applicant believes the costs associated with hiring an engineer are exorbitant and therefore has not pursued this matter further.

The requirements for works and services are contained within the City's Subdivision Control Bylaw and is authorized by the *Local Government Act*. Staff believe not requiring works and services with this subdivision could set a precedent for all future developments and will require taxpayer expenditures to provide access to lands beyond should a future subdivision occur on adjacent lands. It is on this basis that Staff originally recommended that the works and services not be relaxed for this application. Staff recognizes that this may make the subdivision not feasible financially, however, Staff are of the opinion that Council's direction is that taxpayers should not be subsidizing single family development.

It is expected that the waterline will be required to be extended sometime in future and that if this occurs in response to the needs of other property owners' development applications, the City will be responsible. The road is however, somewhat different as it could be left at an interim standard for an indefinite period. It was on this basis that Option 2 was developed.

Recommendation: Council's direction is sought.

Moved by Councillor McNabb, seconded by Councillor Sherry that the report be received and that the Planning and Development Standing Committee recommend that Council proceed with Option 2, the Developer to pay for water line extension only and the City to build the road when required. The motion carried.

COMMUNITY PLANNING:

(3) Steep Slope Development Permit Area Guidelines

On 2002-JUN-13, the Planning and Development Standing Committee (PDSC) hosted a Public Meeting and Open House on the Steep Slope Development Permit Area Policies and Guidelines.

In light of the input received and a commitment to report back to the development community, Staff are attempting to establish a schedule to meet with the development and real estate community and to make changes to the Steep Slope Policies, if appropriate, prior to going to Council. The meeting with developers is being arranged as an opportunity to go over technical details of the policies and implementation, and decide how to address concerns raised.

Staff have identified the following three scheduling options for moving Steep Slope Development Permit Area Policies and Guidelines to Council:

	Option 1	Option 2	Option 3
Workshop with Development Committee	2002-JUL-03 (many not available due to holiday weekend)	2002-SEP-11	2002-SEP-11
PDSC	2002-JUL-11	2002-SEP-19	Special meeting prior to 2002-SEP-16
1 st & 2 nd Reading	2002-AUG-19	2002-OCT-07	2002-SEP-16 (late report)
Public Hearing	2002-SEP-05	2002-NOV-07	2002-OCT-03
3 rd & Final Reading	2002-SEP-16	2002-NOV-25 (after the election)	2002-OCT-07 (late report)

Recommendation: That Council:

1. receive the Minutes from the 2002-JUN-13 Public Meeting, and
2. provide direction to Staff regarding the proposed options for forwarding the Steep Slope Policies to Council.

Moved by Councillor McNabb, seconded by Councillor Sherry that the report be received and that the Planning and Development Standing Committee recommend that Council:

1. receive the Minutes from the 2002-JUN-13 Public Meeting, and
2. proceed with the following schedule for moving Steep Slope Development Permit Area Policies and Guidelines to Council:

Workshop	2002-SEP-11
Planning and Development Standing Committee	Special Meeting prior to 2002-SEP-16
1 st and 2 nd Reading of Bylaw	2002-SEP-16 (late report)
Public Hearing	2002-OCT-03
3 rd and Final Reading of Bylaw	2002-OCT-07 (late report)

The motion carried.

4. OTHER COMPETENT BUSINESS:

- (a) Ms. S. E. Fletcher, Manager, Community Planning, verbal report regarding Growth Management Strategy

Ms. S. E. Fletcher, Manager, Community Planning, provided a verbal report regarding Regional Growth Management Strategy and distributed a copy of the proposed Regional District of Nanaimo Bylaw No. 1309 to Adopt a Regional Growth Strategy for the Regional District of Nanaimo.

Moved by Councillor McNabb, seconded by Councillor Sherry that the verbal report on Regional Growth Management Strategy be received. The motion carried.

- (b) Mr. B. N. Mehaffey, General Manager, Development Services Department, verbal report regarding Lantzville Restructure Plan

Mr. B. N. Mehaffey, General Manager, Development Services Department, provided a verbal report regarding the proposed Lantzville Restructure Plan

Moved by Councillor McNabb, seconded by Councillor Sherry that the verbal report on the proposed Lantzville Restructure Plan be received. The motion carried.

5. ADJOURNMENT:

Moved by Councillor McNabb, seconded by Councillor Sherry at 5:10 p.m. that the meeting terminate.

CHAIR

CERTIFIED CORRECT:

CITY CLERK