

MINUTES OF THE PLANNING AND DEVELOPMENT STANDING COMMITTEE MEETING
HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,
ON THURSDAY, 2002-MAY-16, COMMENCING AT 4:00 P.M.

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor W. J. Holdom (4:20 p.m.)
Councillor L. D. McNabb

Others: Councillor T. K. Krall

Staff:	B. N. Mehaffey	R. Lawrence
	E. C. Swabey	J. T. Bowden
	D. Lindsay	L. Mitchell
	S. E. Fletcher	

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2002-APR-11 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. RECEIVING OF DELEGATIONS:

- (a) Mr. Donald Kemp and Mrs. Lola Kemp, regarding Development Variance Permit DV P00045 – 1325 Fielding Road.

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

Ms. Kemp stated that:

- they purchased their 3.5 acre property in 1972, and built their house in 1978.
- their daughter built a house on the property in 1983.
- when they built, the water came down the road and they begged the City to put the water to their house, but they were told they had to hook up to the flush-out instead.
- so they did, and if the City were to put the water past their house now, they would not hook up to it.
- the STEP sewer system was then installed in November 2001, and they were the first to hook up to it.
- it seems that everything stops next door, just short of their property, including the bigger pipe and the pavement.

- when City Staff checked the road, they said it was excellent; Staff also said that they didn't need the bigger pipe, which is why they didn't get it.
- beyond them is a 40-acre farm that is in the Agricultural Land Reserve, and the two lands beyond are both serviced with water from Maki Road.
- the only land without water is the old B.C. Hydro property on Maki Road.
- they have the dump on one side of them and a mega-transmission line for the power plant on the other, and she doubts that anyone would build a residence under the power line.
- the drainage on their road is very bad; the water runs down the ditch across to their side.
- most of the time the acreage is under water and they feel a storm drain should have been installed.
- they are not getting any younger and want to ensure that everything is in order with this property for their daughter.
- they have tried many times to get it done, and works and services has always got in the way of giving their daughter a title.
- the City has never spent a dime on their road, and they cannot afford \$20,000 - \$30,000 to pave the road.
- they are upset because they have paid taxes all these years and everything stops at their neighbour's.

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

3. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) Development Variance Permit DV P00045 - 1325 Fielding Road

[NOTE: Referred to the Planning and Development Standing Committee from the Special Open Council Meeting held 2002-MAY-13.]

An application has been received from Donald and Lola Kemp to vary the frontage works and services requirements as part of a one-lot single-family subdivision at 1325 Fielding Road.

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. The subdivision plan is an attempt to 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 m of pavement is proposed by the Approving Officer to be relaxed to 6 m wide to match the existing Fielding Road standard. The works required fronting the subject property include asphalt, a stormwater ditch, and the extension of a watermain to the north side of the property line. The off-site unpaved section of road between the Kemp's property and the existing portion of paved road to the south also needs to be constructed as part of the subdivision. The Approving Officer has committed to reviewing the applicant's engineering design and estimate to construct off-site road works, with the possibility of a contribution of City funds for the off-site roadworks. The Approving Officer, in relaxing the pavement width and offering to contribute City funds to off-site road works, recognizes the hardship these costs would impose, based on the size of subdivision proposed. The exact cost of the off-site improvements has not been determined, due to the Kemp's position with respect to frontage works and services.

Should Council grant the Development Variance Permit requested by the Kemps, Staff believe that it would have the following implications:

- ◆ It would set a precedent for all future developments in terms of required frontage works and services and improvements to existing roads.
- ◆ Future subdivision of lands immediately to the north of the Kemp's property would require that the City construct the road and utilities fronting the Kemp's property (including the connection to Fielding Road south of Kemp's).
- ◆ The legal requirement for the City to provide services and access to lands beyond would not be met.

It should be noted that if individual developments do not construct the works and services fronting each property, ultimately if the road is required, it would be constructed at taxpayer's costs. This would establish a new playing field for developers and has major cost implications for the City by further subsidizing new single-family development.

Staff has already offered a relaxation of the road standard and cost sharing for off-site road works. Staff do not support a full relaxation to the frontage works and services being applied for, and believe the obligation to construct these works is appropriate and legally supported by the *Local Government Act*, City Subdivision Control Bylaw, and Council policy to encourage where possible that growth pay for itself.

Recommendation: The Planning and Development Standing Committee recommends that Council either:

1. indicate that it is not prepared to consider the issuance of a Development Variance Permit for the relaxation of frontage works and services as part of a one-lot subdivision at 1325 Fielding Road; or
2. indicate that it is prepared to consider a Development Variance Permit, and authorize Staff to commence the development variance permit notification procedure for this application.

Moved by Councillor McNabb, seconded by Councillor Holdom that the report be received and that Council indicate that it is prepared to consider a Development Variance Permit and authorize Staff to commence the Development Variance Permit notification procedure for this application. The motion was defeated.

Moved by Councillor Holdom, seconded by Councillor McNabb that this issue be referred back to Staff to pursue various options and cost-sharing alternatives to provide the services required. The motion carried.

(2) Routine Amendments to Zoning Bylaw 4000

The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" was adopted by Council at its Regular Meeting held 1993-JUL-26. The last set of routine amendments were considered by Council in the summer of 2000. Historically, Council has recognized that the Bylaw is subject to revisions brought about by changing circumstances and public needs. Periodic amendments are therefore required to maintain the effectiveness and relativity of the zoning regulations.

The proposed amendments are separated into two categories:

1. Text Amendments (Bylaw 4000.303) and
2. Map Amendments (Bylaw 4000.302)

If adopted, Zoning Bylaw Amendment Bylaw 4000.303 will amend 23 Sections of the Bylaw in order to clarify definitions, remove ambiguity, add additional uses and reduce the overall size of the Bylaw.

If adopted, Zoning Amendment Bylaw 4000.302 will amend Schedule "A" of the Zoning Bylaw in 21 locations. The proposed amendments are necessary in order to recognize minor boundary adjustments and correct previous mapping errors.

Recommendation: The Planning and Development Standing Committee recommends that Council consider giving first and second readings to "ZONING BYLAW AMENDMENT BYLAW 2002 NO. 4000.302" and "ZONING BYLAW AMENDMENT BYLAW 2002 NO. 4000.303".

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

4. ANY OTHER COMPETENT BUSINESS:

(a) Steep Slopes

A verbal discussion was held regarding the current status of the steep slopes issue.

Moved by Councillor Holdom, seconded by Councillor McNabb that the verbal report be received. The motion carried.

5. ADJOURNMENT:

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

CHAIR

CERTIFIED CORRECT:

CITY CLERK