

# STAFF REPORT

TO: TED SWABEY, GENERAL MANAGER, DEVELOPMENT SERVICES

FROM: ANDREW TUCKER, DIRECTOR, PLANNING AND DEVELOPMENT

RE: JINGLE POT NEIGHBOURHOOD AREA

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## STAFF RECOMMENDATION:

That Council consider moving the UCB to City boundary as it relates to the Jingle Pot neighbourhood (Option 2 in report) and designate the area as an urban reserve.

## PNAC Recommendation:

PNAC recommended at its regular meeting held 2007-OCT-16 that no change to the UCB or designation be made to the Jingle Pot neighbourhood (Option 1 in report).

## EXECUTIVE SUMMARY:

One of the fundamental goals of the Official Community Plan (OCP) is to manage urban growth. The principal mechanism to achieve this goal is through the establishment of an UCB which separates those areas that support urban land uses, densities and services from those areas which are rural and therefore do not receive urban services.

As part of the 10-Year OCP Review, the City received a submission from residents in the Jingle Pot neighbourhood requesting that the UCB be extended to City limits in the Jingle Pot area and that the area receive full City services, notably City sanitary sewer service. This request was discussed by PNAC on four separate occasions, with a wide variety of options taken into consideration, including an option to retain the area outside the UCB but allow rezoning to a minimum lot size of one acre with one dwelling per lot. Staff has been advised that while this minimum lot size may be technically feasible, it would make the City ineligible for infrastructure funding when sewer is required in the area. This information was not available to PNAC. Nevertheless, the majority of PNAC members recommended that the UCB remain in its present location and that there be no change to zoning in the area.

Staff believes that further subdivision of the Jingle Pot neighbourhood at rural densities will preclude the possibility of developing the neighbourhood with City services (notably sewer service) at any point in the future. Staff supports the establishment of an "urban reserve" designation to allow for the preparation of an Area Structure Plan, including a detailed servicing analysis. The urban reserve policies would be similar to the policies that apply to Linley Valley. The "urban reserve" could be located inside or outside the UCB. In the Linley Valley case, the draft OCP places the Linley Valley outside the UCB.

Prior to the release of the draft revised OCP, staff is now requesting Council direction with regards to the location of the UCB in the Jingle Pot area.

## BACKGROUND:

On 2007-Feb-15, PNAC hosted a community workshop on the Urban Containment Boundary (UCB) as part of the 10-Year OCP Review. At the conclusion of that meeting, City staff received a request from a group of residents in the Jingle Pot neighbourhood to extend the UCB to the City limits in order that the City sanitary sewer system could be extended into the area.

The request from the Jingle Pot residents arises from promises made at the time of amalgamation that municipal services, specifically sewer service, would be extended to the area. For a number of years, residents paid a sewer levy on their taxes. On 2006-Mar-09, a neighbourhood meeting was held, which was attended by City staff and Councillors McNabb, Sherry and Bestwick, to request the extension of the UCB and the extension of sewer service to the area. The issue was referred to the OCP 10-Year Review process.

The request to change the designation of the Jingle Pot neighbourhood was discussed at length during the PNAC meeting of 2007-Jun-19 in the context of the sustainNanaimo working paper. PNAC did not support inclusion of the Jingle Pot neighbourhood inside the UCB at that time.

On 2007-Sep-18, PNAC received a delegation from Mr. Rick Mayes, a resident of the Jingle Pot neighbourhood, who put forward a request that PNAC consider leaving Jingle Pot outside the UCB but allowing the extension of City water to all properties in the Jingle Pot neighbourhood and to amend the zoning for the area to allow a minimum parcel size of one acre (with a maximum of one dwelling unit per parcel). At the conclusion of Mr. Mayes, presentation, PNAC requested additional information on the options for the Jingle Pot neighbourhood.

On 2007-Oct-16, PNAC considered a staff report which presented three options for committee consideration. Mr. Mayes reiterated his request to PNAC at the meeting. The committee passed a motion recommending the status quo option (no change to the UCB and retain the Rural Resource designation for the Jingle Pot neighbourhood). Following that meeting, Mr. Mayes was concerned that the options had not been properly considered by PNAC and requested that they be returned to the committee.

On 2007-Nov-19, PNAC considered this issue again, at which time five different options were considered. A copy of the report to PNAC is attached for Council's reference. A motion to designate the area Rural Residential and allow rezoning to a minimum lot area of one acre (one dwelling per lot) was defeated by a vote of 7-6. Therefore, the PNAC motion of 2007-Oct-16 to retain the status quo stands.

#### Discussion:

The area of the Jingle Pot neighbourhood (outside the UCB and outside the ALR) is approximately 125.2 ha (310 acres) in total, and contains approximately 105 parcels. This area is designated "Rural Resource" under Plan Nanaimo and is zoned A-1 in the Zoning Bylaw (minimum lot area 0.8 hectares – one additional dwelling unit permitted on lots exceeding 0.4 hectares).

The policies pertaining to the UCB and the "Rural Resource Lands" designation do not support the extension of municipal services outside the UCB. However, the Jingle Pot neighbourhood is connected to the City water supply system and approximately 16 parcels outside the UCB are connected to municipal sanitary sewer service.

If the City were to amend the zoning in the Jingle Pot area to allow subdivision to parcels of less than one hectare minimum lot area, this would preclude our eligibility to receive funding under the Canada-BC Rural Infrastructure Program. Staff is strongly opposed to piecemeal development of the Jingle Pot area that a rural residential designation would entail. As a result, staff feel the options for the Jingle Pot area become an "all-or-nothing" proposition.

#### Options:

Based on the background information presented above and the direction already provided by PNAC, two options are presented for Council's consideration and direction.

**Option 1 – Status Quo** (see Map 1 attached)

- No change to UCB.
- Jingle Pot area retains Rural Resource Lands designation under OCP.
- Jingle Pot area retains A-1 zoning.

This option would adjust the UCB only to the extent necessary to include properties currently connected to the City's sanitary sewer system inside the UCB. These new properties would be designated "Neighbourhood" under the proposed OCP revision. The properties outside the UCB would retain the "Rural Resource Lands" designation. This option was **recommended by PNAC** on 2007-Oct-16.

**Option 2 – Urban Reserve** (see Map 2 attached)

- Move UCB to City Limits (except ALR lands).
- Jingle Pot area designated "Urban Reserve".
- New policies requiring preparation of Area Structure Plan before extending municipal sewer services to area.
- Jingle Pot area retains A-1 zoning.

This option would also create a new land use designation "Urban Reserve" and would move the UCB to the City limits in this area, but does not presume municipal servicing to this area. This option would require the development of policies which would likely be similar in nature to the policies pertaining to the Linley Valley area, namely requiring the preparation of a comprehensive plan (e.g. Area Structure Plan), prior to any further change to the OCP or zoning.

Summary:

It is Staff's opinion the Jingle Pot area provides a logical extension of the urbanization of our community as it is central in the city, has an extensive water system and sewer is available in two peripheral locations. At issue is whether the area in its entirety should be brought inside the UCB at this point subject to the completion of an Area Structure Plan including detailed servicing analysis or held outside the UCB until densities increase inside the UCB.

Moving the entire neighbourhood into the UCB would require a plan as to who would pay for the resulting sewer extensions. The neighbourhood has clear expectations that they were promised sewer as part of amalgamation into the city, however notwithstanding this, Council should be aware that the cost to do so would be extremely high (in the tens of millions of dollars).

Conversely, Council may decide that now is not the time to raise expectations about the eventual servicing of the Jingle Pot neighbourhood. In that case, Council should maintain the status quo as recommended by PNAC.

Respectfully submitted,

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