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Clustering subdivision on North Pender

Both North Pender and Galiano Islands have, in their Official Community Plan discussions, indicated that the clustering of housing is a useful subdivision option for the development of larger tracts of land.

There are many reasons why this may be desirable: to avoid residential development of ecologically sensitive areas, to permit the development of smaller (and more affordable) lots without increasing the overall density of the Island, to encourage the development of water and wastewater systems, roads, and other services serving a number of residential properties at lower cost than individual systems, to reduce the amount of land used for roads, and, last but not least, for the aesthetic of keeping vistas of land free of housing.

Permitting Clustering

While it is usual for each zone to have a minimum lot size, clustering can be permitted by also specifying a somewhat larger average lot size; thus facilitating subdivision into a number of smaller lots and one or more much larger 'remainder' lots. The number of lots is usually unchanged from the number previously permitted: clustering need not necessarily increase the number of lots ('density') created by subdivision.

North Pender's proposed bylaw N^o180 (which received a public hearing on July 29, but which has not yet received third reading) provides for lot-size averaging for Rural Residential and Rural zones:

- for Rural Residential, the present average lot size of 0.6ha (1.5ac) is continued, but the minimum lot size is reduced from 0.6ha (1.5ac) to 0.4ha (1.0ac), or where a community water or sewage facility is provided, 0.25ha (.625ac).
- for Rural, the minimum lot size is reduced from 4.0ha (6.0ac) to 0.6ha (1.5ac), but there is now a requirement for an average lot size of at least 4.0ha (6.0ac).

The maximum number of lots which may be created is determined by the size of the original parcel, minus space

required for roads, parks, and other public uses, divided by the permitted average lot size. If some of these lots are smaller than the permitted average (the minimum lot-size applies), clearly some of the lots must be larger.

The intent of any subdivision scheme is obviously to preclude any further subdivision, and this is a particular concern with any lot created that has an area two times the minimum or more. This is particularly important when the object of the Islands Trust is considered—that is, to 'Preserve and Protect'.

Covenants

Lots created by a clustered subdivision scheme, particularly the larger ones, can be covenanted against further subdivision, but if the party to the covenant is a political body (such as the Local Trust Committee, or the Capital Regional District) and the political will is present, the covenant can be easily terminated.

Ironically, the covenants that are more likely to survive future development pressures are those in which a third party participates: often an environmental organization, such as the Islands Trust Fund, or the Nature Conservancy. Such covenants identify the land as meriting special care and preservation. It is most useful if the covenant actually records the reasons for and objectives of the covenant. ✍

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