

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, JANUARY 13, 2004**

**CIRCULATED REPORT  
FOR AGENDA**

**PAGES**

**UNFINISHED BUSINESS**

2-116

Report of the Public Hearing held January 7, 2004 with respect to Electoral Area 'F' Zoning Bylaw No. 1285. (Electoral Area Directors except EA 'B' – One Vote)





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**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** January 8, 2004

**FROM:** Brigid Reynolds  
Senior Planner

**FILE:** 3360 30 0307

**SUBJECT:** Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002  
'Finetuning' Project

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#### PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions held January 7, 2004 on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003", and further, to consider Bylaw No. 1285.01 for 3<sup>rd</sup> reading.

#### BACKGROUND

The Electoral Area 'F' Zoning Bylaw process has been underway since June of 2003. Recent actions on this project include the following:

- The Regional Board granted 1<sup>st</sup> and 2<sup>nd</sup> reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2002" at its regular meeting on December 9, 2003.
- Prior to the Public Hearing, the Bylaw was referred to the Ministry of Transportation, Land Reserve Commission, Town of Qualicum Beach, City of Parksville, City of Nanaimo, District of Lantzville, Vancouver Island Regional Health Authority, Ministry of Water, Land and Air Protection, and Federal Fisheries and Oceans (*see Attachment No. 1 for referral responses received to date*).
- A public hearing was held pursuant to the *Local Government Act* on January 7, 2004 (*see Attachment No.2 for the Report of the Public Hearing containing the Summary of the Minutes and Submissions*).

#### ALTERNATIVES

1. To receive the Report of the Public Hearing on Bylaw No. 1285.01, 2003, grant 3<sup>rd</sup> reading to Bylaw No. 1285.01, 2003 and to refer the Bylaw to the Ministry of Transportation for consideration of approval.
2. To receive the Report of the Public Hearing on Bylaw No. 1285.01, 2003 and to refer the Bylaw to the next regular Board Meeting for the consideration of amendments in response to the submissions made at the public hearing and to consider reintroducing the Bylaw for 1<sup>st</sup> and 2<sup>nd</sup> reading as amended.

## **PUBLIC CONSULTATION IMPLICATIONS**

This 'Finetuning' process began in the summer of 2003 when three newsletters were mailed directly to all property owners in Electoral Area 'F' informing property owners of the bylaw review. A site office was also opened at the Pine Tree Centre for two weeks from September 22 to October 3, 2003. As a result, 125 requests for site specific zoning were received. Property owners that made requests and who did not submit adequate supporting documentation were contacted by mail and phoned to advise them that additional information was required.

Notification of the Public Hearing on the proposed amendment bylaw was completed in accordance with the requirements of the *Local Government Act*. In addition, all property owners within Electoral Area 'F' were directly mailed an information bulletin about the Public Hearing and the Public Notice and Bylaw No. 1285.01 was posted on the RDN website.

Referral comments received from agencies prior to the Public Hearing are included as *Attachment No. 1*. Replies from the remaining referral agencies were not received prior to the January 7, 2004 Public Hearing.

At the January 7, 2004 Public Hearing, there were approximately 110 persons in attendance. The Minutes from the Public Hearing along with all written submissions received at the Public Hearing are included in *Attachment No. 2*.

As a result of the written and verbal submissions received at the public hearing, new information and concerns were expressed with respect to some of the proposed amendments to the bylaw. The proposed amendments would change the land use regulations and zoning that currently applies to individual properties. If the Board wishes to change the amendment bylaw in response to these submissions, the bylaw should be referred to the next regular Board Meeting for the consideration of amendments. These amendments will be evaluated based on the new information and criteria used throughout the finetuning review process or as directed by the Board.

## **LEGAL IMPLICATIONS**

The process to draft and adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003 is consistent with the requirements of the *Local Government Act*.

If the Board wishes to change the proposed amendment bylaw in response to the submissions received at the public hearing, the *Local Government Act* requires that the amendment bylaw be reintroduced and referred back to a public hearing.

## **VOTING**

Electoral Area Directors – one vote, except Electoral Area 'B'.

## SUMMARY

The Regional Board granted 1<sup>st</sup> and 2<sup>nd</sup> reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.01, 2003" at its regular meeting on December 9, 2003. At the January 7, 2004 Public Hearing, there were approximately 110 persons in attendance and speakers raised a number of issues.

As a result of the written and verbal submissions received at the public hearing, staff recommends that the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be referred to the next regular Board Meeting for the consideration of amendments and to be reintroduced at 1<sup>st</sup> and 2<sup>nd</sup> reading as amended and be referred to a public hearing.

## RECOMMENDATIONS

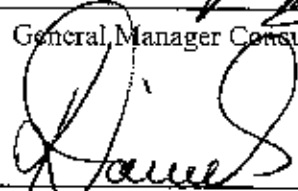
1. That the Report of the Public Hearing containing the Summary of the Minutes of the Public Hearing held Wednesday, January 7, 2004 at 7:00 pm, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be referred to the next regular Board Meeting for the consideration of amendments and to be reintroduced at 1<sup>st</sup> and 2<sup>nd</sup> reading as amended and be referred to a public hearing.



Report Writer



General Manager Concurrence

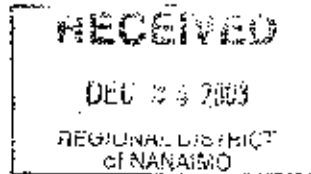


CAO Concurrence

## COMMENTS:

*devsvs/reports/2004/3360 30 0307 ja brd EA F 3<sup>rd</sup> reading*

Attachment No. '1'  
Agency Referral Comments



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

December 19, 2003

Reply to the attention of Roger Cheetham

Brigid Reynolds, Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Madam:

**Re: Review of Electoral Area "F" Zoning and Subdivision Bylaw Number 1285, 2002**

Our Ref: S - 34048

With reference to your letter dated 6<sup>th</sup> November 2003, the Commission, in terms of Resolution # 573/2003 finds it very difficult to provide blanket comments and an indication of its possible position with regard to the residential and other uses listed in the schedule in the absence of any details about the uses. Its preference is that the land uses be evaluated in the context of the application process.

The Commission appreciates the challenges faced by the Regional District with regard to land uses in this area and suggests that it give consideration to taking on delegated decision-making authority from the Commission. It believes that the Regional District is closer to the issues and thus has a better understanding of them.

The Commission would be pleased to discuss the matter further with the Regional District if so desired.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

PER:

A handwritten signature in black ink, appearing to read 'K. B. Miller', written over a horizontal line.

K. B. Miller, Chief Executive Officer

Cc: Jill Hatfield, Regional Agrolgist, Courtenay

RC/eg



Vancouver Island Health Authority  
Parksville Health Unit  
Box 1210, 249 West Hirst Avenue  
Parksville BC V9P 2H2

CONFIDENTIAL: YES \_\_\_\_\_ NO

DATE: Dec 18/03

URGENT: YES \_\_\_\_\_ NO

TO Facsimile No: 390-4163 & 7511

From Facsimile No.: (250) 248-8824

TO: Bob Lapham ?  
Brigid Reynolds

From: Glen Gibson

Transmitted by: \_\_\_\_\_

Location: RDN

Number of Pages: one  
(Including this page)

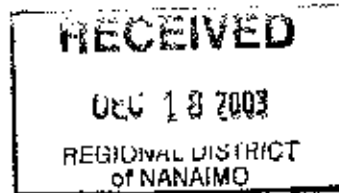
Area F

Topic: No. 1285.01

*Have review by-law and note the following*

Comments:  
Zone: A-1.19 no file ; R-1.21 no file ; R-2.33 never completed  
(at least we never saw it) ; R-2.34 permit for 1 not 2 ; R-2.35  
no permit on file ; R-2.36 permit for 1 not 2 ; R-2.49  
no permit on file

NB: This facsimile is directed in confidence and is intended for use only by the individual or entity to which it is specifically addressed. Any other distribution, copy or disclosure is strictly prohibited. The contents of this facsimile may also be subjected to privilege and all rights to the privilege are expressly claimed and not waived. If you received this facsimile in error, please notify us immediately by telephone and return the original to us by mail, without making a copy. Thank you for your co-operation.



December 15, 2003

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, British Columbia V9T 6N2

File: 01-002-2550

Attention: Robert Lapham  
General Manager, Development Services

Dear Sir:

**RE: Electoral Area 'F' Zoning and Subdivision Bylaw**

Further to your letter of December 12, 2003, please be advised that the Ministry of Transportation has no comments regarding the above noted Official Community Plan.

Yours truly,



R. J. Howat  
Provincial Approving Officer  
Vancouver Island District

RJH/ved/25504.doc



Attachment No. '2'

Summary of Minutes and Submissions of the Public Hearing

**REPORT OF THE PUBLIC HEARING HELD WEDNESDAY, JANUARY 7, 2004 AT 7:00 PM  
AT BRADLEY CENTRE 975 SHEARME ROAD TO CONSIDER "REGIONAL DISTRICT OF  
NANAIMO ELECTORAL AREA 'F' ZONING AND SUBDIVISION BYLAW AMENDMENT  
BYLAW NO. 1285.01, 2003"**

*Note that these minutes are not a verbatim recording of the proceedings, but summarize the comments of those in attendance at the Public Hearing.*

**Present:**

L. Biggemann	Chair	Director, Electoral Area 'F'
J. Stanhope		Director, Electoral Area 'G'
R. Lapham		General Manager, Development Services
B. Reynolds		Senior Planner

There were approximately 110 people in attendance.

There are 33 written submissions attached to and forming part of the minutes of the Public Hearing.

**The Chairperson** called the Hearing to order at 7:00 pm, introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

**The Chairperson** called for formal submissions with respect to Bylaw No. 1285.01, 2003.

**Richard Boyce, 1392 Leffler Road**, read a written submission for the record, which is attached to the minutes.

**Ron Boyce, 1392 Leffler Road**, stated he supports the previous submission.

**Jim Allard**, owns property in Area 'G' adjacent to Area 'F' with a gravel pit and stated he would like the boundary between Area 'G' and Area 'F' moved to include his property in Area 'F'. Mr. Allard also stated he would like the definitions in the two zoning bylaws to be regularized and that the use on his property be regularized.

**John Mansell, 1375 Kopernick Road**, read a written submission for the record, which is attached to the minutes.

**Barbara Mansell, 1375 Kopernick Road**, stated she supports the previous submission.

**Pieuke Boyce, 1392 Leffler Road**, stated she supports the submission made by John Mansell.

**Joe Kinch, 1910 Errington Road**, stated he requested site-specific zoning for a roughed in suite above the workshop. Mr. Kinch stated he made all efforts to submit all his supporting documents prior to the deadline, except for the BC Hydro connection information which he could not get due to problems with BC Hydro's historical records. He stated he submitted that document on December 16. Mr. Kinch is

appealing to the Chair to grant his site specific zoning for 1 dwelling unit and 1 suite above the workshop.

**Steve Stahley, 1347 Tyler Road**, stated he has 2 properties that are zoned non-conforming. He stated the property at 1347 Tyler Road was built as a six unit strata facility for manufacturing uses and since it's construction there has been different manufacturing uses including woodworking, cabinet making, guitar manufacturing, auto restoration, and mountain bike manufacturing. He stated there is also the potential for retail sales. Mr. Stahley stated the RDN is recommending site specific zoning for storage but that would make four businesses non-conforming.

Mr. Stahley also spoke regarding 1040 Virginia Road that now has a non-conforming use but no response has been given to the request that was made as part of this process.

**Steve Chomofuk, 1227 Leffler Road**, read a written submission for the record, which is attached to the minutes.

**Hans Heringa, 1000 Sleepy Hollow Place and 2570 Peterson Road**, stated the property on Sleepy Hollow Place is 25 acres and he is developing 20 - 1 acre building strata lots. He stated that the strata plan has been registered at the Land Titles Office. Mr. Heringa stated that property was zoned as 5-acre parcels but he requested zoning for 1-acre parcels and this should have been done as part of this bylaw review.

Mr. Heringa also spoke to the rezoning of 2570 Peterson Road and he requests that the downzoning be set aside as he has operated a stump dump on the property for 8 years and the rezoning is internally motivated.

Mr. Heringa suggested that the RDN was using intimidation tactics and was being discriminatory and slanderous.

**Helen Sims, Fern Road Consulting**, stated that she is the agent for Greenchoice Energy and H & F Ventures on the property at 2570 Peterson Road and requested that the rezoning be held in abeyance as another rezoning application for the property is in the process. She stated the RDN has assumed the use is illegal. She also stated that conditions of the rezoning for the Greenchoice Energy application are in the process of being met including the need for a transition period to relocate the stump dump.

**Jim Moore, 1425 Leffler Road**, stated the saw mill on this property was built when there was no zoning in the area and it was built to electrical and health standards of the day. He stated that they have responded to the few complaints that have been made regarding the mill. He stated that a letter has been submitted and he appreciates that the RDN is proposing to rezone the property.

**Geraldine Babi, Alberni Highway**, stated that the property at 2701 Alberni Highway is proposed to be rezoned for retail use but there is a coffee roasting use operating at that location that was not there in June 2002 and is not a pre-existing use. She stated that this use directly affects her business and customers as it produces noxious smells and air borne particulate. She stated she doesn't object to the retail use but if this wholesale coffee roasting operation can remain in a retail only zone, there will be no control on future manufacturing uses. She also stated that the OCP outlines four criteria and this coffee roasting use does not meet these criteria.

**Robin Catherall, 1385 Errington Road**, spoke against the rezoning of 1548 Grafton Avenue from C-1 to C-3 as this is adjacent to rural residences and rezoning this property is a progressive erosion of the rural way of life. Mr. Catherall stated that there are manufacturing uses taking place here and by rezoning the property to C-3 it may allow more noisy uses that we don't want.

**Russ Hannah, 1347 Tyler Road**, owns 2 of the 6 strata lots on this property and runs a small manufacturing business to produce switch plate covers and photo frames in the building. He stated he purchased the property in December 2000 and there have been no complaints. Mr. Hannah stated the current or proposed zoning does not reflect the current use and the proposed zoning will put his business in non-compliance. Mr. Hannah requested that the zoning reflect the pre-existing use to allow manufacturing.

**Terry Moore, Leffler Road**, stated that he does not support the site specific zoning for 1425 Leffler Road as the mill has not been operating for a couple of years. He also stated the mill is not a small business but an industrial land use which is not compatible with the surrounding rural residential use.

**Dave Munroe, 2701 Alberni Highway**, stated there are other uses on the property that have been there since zoning that should be recognized and include outdoor sales, service and repair shop, equipment rental and Creekmore coffee. Mr. Munroe suggested that the coffee roasting operation includes \$20,000 worth of equipment to reduce environmental impacts from the operation.

**Trevor Wicks, 1246 Middlegate Road**, stated that during the initial process for the zoning bylaw the RDN was going to discuss the issue of 2<sup>nd</sup> dwelling units that are is not a mobile homes with Agricultural Land Commission but this has not happened.

Mr. Wicks also spoke to the importance of drinking water protection that is recognized in the OCP. However, the criteria to support a site specific zoning request includes a valid health permit. He stated that a health permit could be 15 or 20 years old and the septic system could have failed. He stated that there should be some form of inspection process of septic systems for site specific zoning requests.

**Robert Lapham, RDN General Manager of Development Services**, provided clarification regarding 2<sup>nd</sup> dwelling units in the ALR.

**Steve Harris, 1016 and 1024 Little Mountain Road**, spoke to the site specific zoning request by the owner of 965 Little Mountain Road to recognize their landscape business. Mr. Harris stated that the owner is a responsible neighbour and good businessman and he supports that the use be continued for the current owner, he does not support that the use should run with the land as the surrounding area is residential.

**Hilary Tinkling, 1439 Tyler Road**, spoke in support of the submission made by Steve Stahley and Russ Hannah at 1347 Tyler Road. She also stated that everyone has a different view of what is compatible. She also asked questions about the process for ALR applications and how this would apply to her property.

**Robert Lapham, RDN General Manager of Development Services**, provided clarification regarding the ALR application process.

**John Mansell, Kopernick**, asked a procedural question and how new or false information would be considered.

**Robert Lapham, RDN General Manager of Development Services**, provided clarification regarding procedural question.

**Allan Soltendieck, 3117 Van Horne Road**, stated that the proposed site specific zoning for this property only recognizes two manufactured homes but there are 4 manufactured homes, 2 dwelling units, 1 store and 1 heavy equipment store and therefore the proposed zoning is wrong.

**Will Gemmell, 1184 Stagdowne Road**, stated that his request meets the four criteria as the health permits are in place, there no negative impact to surface or ground water, or the natural environment as the well has been tested and is excellent quality. He stated there is septic, hydro and water for four units and he lives in an RV on one of the sites and he can not understand why the fourth residence is not being recognized and he would like this cleared up and his property to be zoned correctly.

**Harry Wennatz, 1220 Stagdowne Road**, stated he was the original owner of the property at 1184 Stagdowne Road and registered a covenant on title to allow only one dwelling unit. He stated he sold the property to the current owner, W. Gemmell, and removed the covenant registered on the title that limited the use to one dwelling unit at the request of the new owner to allow a manufactured home. Mr. Wennatz stated that since then there are 3 manufactured homes and 1 dwelling unit on the front, the lot has been subdivided and there are 3 manufactured homes with a fourth dwelling unit proposed on the back lot.

**The Chair** called for further submissions a first time.

**Brigid Reynolds**, read the list of people submitting written submissions, which are attached to and form part of these minutes.

**Jim Allard**, made three requests: that the boundary be changed to include his property in Electoral Area 'F', to regularize the zoning in 'G' and to clarify definitions of I-2 and add the extraction use to this zone in Bylaw No. 1285.

**The Chair** called for further submissions a second time and a third time. Their being no further submissions, the Chairperson adjourned the Hearing at 8:57 pm.

Certified true and accurate this 8<sup>th</sup> day of January, 2004.

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Recording Secretary

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Director Electoral Area 'F'

John Mansell

January 5, 2004

Glen Gibson, Health Inspector, RDN

Dear Mr. Gibson,

I am writing to you in regard to the 8000 ft<sup>2</sup> mill building located at 1425 Leffler Rd. in Errington. The property on which this mill is located has recently been put in application to the RDN for rezoning to include the mill as an accepted use in R-1. Talking to the RDN planner, Brigitte, who deals with this area, it came to my attention that this 8000 ft<sup>2</sup> industrial building has no septic system. Instead there are two porta-potties approved to deal with human waste. I understand that this is allowable within the regulations based on the absence of water to this building.

I find it hard to believe that an industrial operation of this size uses no water in its operation, for workers to wash or to clean machinery or for WCB first aid requirements. It would seem to me that either by hoses, buckets or some means there would have to be water in this building.

This raises several questions for me. Would these be the two porta-potties we saw removed from this property several years ago? Were they removed before or after the mill was last used? Is there more porta-potties there now or what is being used? Is there water to this mill building?

Could you please in your discretionary powers as health inspector look at this mill site to answer my concerns? I will include my email address to facilitate the quickest and easiest method of reply, [jbwonderful@shaw.ca](mailto:jbwonderful@shaw.ca)

Gratefully yours,  
John Mansell

cc. Brigid Reynolds, Senior RDN Planner  
Bruce Dumont, Regional Safety Officer, WCB  
Signed copy to Glenn Gibson, Health Inspector

**Reynolds, Brigid**

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**From:** Dumont, Bruce [BDUMONT@wcb.bc.ca]  
**Sent:** Wednesday, January 07, 2004 2:43 PM  
**To:** The Mansell's; Glen.Gibson@cvhr.bc.ca  
**Cc:** Reynolds, Brigid  
**Subject:** RE: 1425 Leffer Rd.

Happy New Year! Thanks for this information, I will follow-up on this whenever this employer resumes operation and there is an observed violation of the WCB Regulation.

Bruce Dumont  
Occupational Safety Officer  
WCB / Nanaimo  
Desk - 250-751-8066  
Cell - 250-668-2344  
bdumont@wcb.bc.ca

---

**From:** The Mansell's [mailto:jbwonderful@shaw.ca]  
**Sent:** Tuesday, January 06, 2004 1:17 PM  
**To:** Glen.Gibson@cvhr.bc.ca  
**Cc:** breynolds@rdh.bc.ca; Dumont, Bruce  
**Subject:** 1425 Leffer Rd.

Dear, Glenn Gibson  
Brigid Reynolds  
Bruce Dumont

Please find attached a letter, in word program, bringing forward some of my concerns regarding the 8000 ft<sup>2</sup> mill across the street from my home. If you have any questions regarding my concerns or would like further background please feel free to phone: 250-248-9606, or email, [jbwonderful@shaw.ca](mailto:jbwonderful@shaw.ca). Thankyou for your attention to this matter.

Sincerely, John Mansell

**Reynolds, Brigid**

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**From:** The Mansell's [bwonderful@shaw.ca]  
**Sent:** Tuesday, January 06, 2004 12:43 PM  
**To:** Glen.Gibson@cihr.bc.ca  
**Cc:** Reynolds, Brigid; bdumont@wcb.bc.ca  
**Subject:** 1425 Leffler Rd.

Dear, Glenn Gibson  
Brigid Reynolds  
Bruce Dumont

Please find attached a letter, in word program, bringing forward some of my concerns regarding the 8000 ft<sup>2</sup> mill across the street from my home. If you have any questions regarding my concerns or would like further background please feel free to phone, 250-248-9606, or email, [bwonderful@shaw.ca](mailto:bwonderful@shaw.ca). Thankyou for your attention to this matter.

Sincerely, John Mansell

Jan. 3/04

To: Mr. Lou Biggemann  
Area F Rep.

From: Mr. T. Moore  
1376 Leffler, Errington  
248-4917

Dear Sir: re: site specific zoning at 1425 Leffler

As a resident of the area, I oppose site specific zoning for the above-mentioned property.

A sawmill is "not compatible with the character of the surrounding lands." The latter quotation comes directly from OCP introduction.

The mill doesn't appear to have been operating for approximately 2 years.

Non-residents may have operated for a few brief periods but under bylaw 1285, article 2925 (1) (b) it states that only business activity of the permanent residents is recognized.

Due to the mill's obvious inactivity its non-conforming status has expired. Please see Section 911 (1)(b) of the Local Government Act where it states:

... "if the non-conforming use is discontinued for a continuous period of 6 months any subsequent use of the land, building or structure becomes subject to the Bylaw."

Finally, it appears that the property has been listed for sale. Whether it is presently listed is unknown.

thank you,

T. Moore  
*T. Moore*

c.c. to Brigitte Reynolds,  
R D N

*(1) of 2*



### Non-conforming uses and siting

911 (1) If, at the time a bylaw under this Division is adopted,

(a) land, a building or a structure is lawfully used, and

(b) the use does not conform to the bylaw,

~~the use may be continued as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or structure is subject to the bylaw.~~

(2) The use of land, buildings or structures for seasonal uses or for agricultural purposes is not discontinued as a result of normal seasonal or agricultural practices, including

(a) seasonal, market or production cycles,

(b) the control of disease or pests, or

(c) the repair, replacement or installation of equipment to meet standards for the health or safety of people or animals.

(3) A building or structure that is lawfully under construction at the time of the adoption of a bylaw under this Division is deemed, for the purpose of this section,

(a) to be a building or structure existing at that time, and

(b) to be then in use for its intended purpose as determined from the building permit authorizing its construction.

(4) If subsections (1) and (2) authorize a non-conforming use of part of a building or structure to continue, the whole of that building or structure may be used for that non-conforming use.

(5) A structural alteration or addition, except one that is required by an enactment or sanctioned by a board of variance under section 561 (2), must not be made in or to a building or structure while the non-conforming use is continued in all or any part of it.

(6) In relation to land, subsection (1) or (4) does not authorize the non-conforming use at least to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the bylaw under this Division.

(7) For the purposes of this section, a change of owners, tenants or occupants of any land, or of a building or structure, does not, by reason only of the change, affect the use of the land or building or structure.

(8) If a building or a structure, the use of which does not conform to the provisions of a bylaw under this Division is damaged or destroyed to the extent of 75% or more of its value above its foundation, as determined by the building inspector, it must not be repaired or reconstructed except for a non-conforming use in accordance with the bylaw.

(9) If the use and density of buildings and structures conform to a bylaw under this Division but

(a) the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, or

(b) the siting, size, dimensions or number of off-street parking or loading spaces constructed or provided before the bylaw was adopted does not conform with the bylaw,

the building or structure or spaces may be maintained, extended or altered to the extent authorized by subsection (10).

(10) A building or structure or spaces to which subsection (9) applies may be maintained, extended or altered only to the extent that

(a) the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started, and

(b) in the case of protected heritage property, the repair, extension or alteration is permitted or authorized in accordance with the provisions governing the heritage protection of the property.

(11) Subsections (8) and (9) do not apply to alterations, additions, repairs or reconstruction of a protected heritage property if the alteration, addition, repair or reconstruction is authorized by a heritage alteration permit under section 572.

Karen J Braun  
1439 Elmdowne Road  
PO Box 178  
Errington, BC  
V0R 1V0  
Legal Description: Lot 82, DL 1913, Nanoose Land District

Lou Biggeman, Area F Representative  
Regional District of Nanaimo

Re: Lot 1, DL 1913, Nanoose Land District, Plan 34841 (1425 Leffer Road)

Dear Sir,

I am writing to you about a zoning change proposed for a rural property adjoining my own. The current owner has built a sawmill at the rear of his property very near to its boundary with my property. He operated it intermittently for a number of years and I found the noise level of the radio played in the mill a source of real irritation. What was more difficult to endure was his choice to operate the mill before and after normal working hours. It was not uncommon to hear the equipment still running at midnight. The noise and even the light level used when the mill ran into the night disturbed my husband's peace and his peace of mind during his final years of illness. We purchased our property in 1971, intending to live a quiet rural life here. The encroachment of loud industry has been very unpleasant and unwelcome to me. My late husband shared my views. I should perhaps point out that my husband's remains are resting on my property and I have an emotional commitment to preserving its peace as well.

Since the mill has always operated intermittently and has operated rarely, if ever, in the past 18 months, I cannot see that the Regional District is justified in allowing the owner of this property to claim site-specific zoning at this or any other time.

Thank you for your kind attention.

Sincerely yours,

*Karen J Braun*

Karen J Braun

C.C. BRIGETTE REYNOLDS  
R D U

LANNAO DEP

-12- 31 2003

RECEIVED

December 31, 2003

Board of Directors  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

**Re: Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 'Finetuning' Project**

Dear Board Members:

I wish to be included in the Public Hearing which is to be held at the Bradley Centre January 7<sup>th</sup>, 2004 at the Bradley Centre.

Our property is located at Lot B, DL114 Nanoose District Plan VIP 53102 (1810 Gibbs Road, Errington). I originally applied with the Regional District to be included in the Finetuning project on September 26<sup>th</sup>, 2003 (see attachment). I only received one piece of correspondence from the RDN which I have enclosed copies of which is dated October 20<sup>th</sup>. In speaking with the RDN approximately December 4<sup>th</sup>, they told me that I had to have all the information to them by the 9<sup>th</sup>. The soonest I could meet with Glen Gibson was on the 9<sup>th</sup>. He said he would come by on the 10<sup>th</sup> but it ended up being the 11<sup>th</sup> at which time it was approved. I faxed a letter to Brigid Reynolds of the RDN and the Board Members on the 9<sup>th</sup> explaining the situation and asking to be included however they did not include me in the board meeting.

I realize that this is beyond the cut off of the 9<sup>th</sup> however after reviewing the minutes of the board meeting I realized that the RDN had inadvertently not included me on the Table #2 list which was for the requests that are in progress which the RDN anticipates additional information for. The minutes state on page 35 that "Staff has informed property owners that have outstanding information, that the deadline for receiving supporting documents is December 9, 2003". As I was not included on the list even though I had applied back in September to be included, I was never officially notified of the cut off date. Because of this and because I have supplied the RDN with all necessary documentation (see attachment), I believe that our zoning should also be included in the 'finetuning'.

Sincerely,



Corinne L'Heureux  
Box 475  
Coombs, BC  
V0R 1M0

Kenneth & Corinne L'Heureux  
Box 475  
Coombs, BC V0R 1M0

September 26, 2003

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Planning Department  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

**Re: Zoning, Area F**

Dear Sir or Madam:

Please make note of our second home on our property which we are in the process of getting inspected by Glen Gibson with the Ministry of Health. This mobile home has been on our property for a number of years which we can prove by our Annual Property Tax.

The legal description on our property is "Lot B, DL114 Nanoose District Plan VIP53102". Our street address is 1810 Gibbs Road Errington.. Our phone number is (250) 954-1388.

We would like to make application to have our property listed as legal conforming.

Sincerely,

Corianne L'Heureux



Ministry of Health and  
 Ministry Responsible for Seniors

APPLICATION FOR PERMIT TO CONSTRUCT  
 OR REPAIR A SEWAGE DISPOSAL SYSTEM

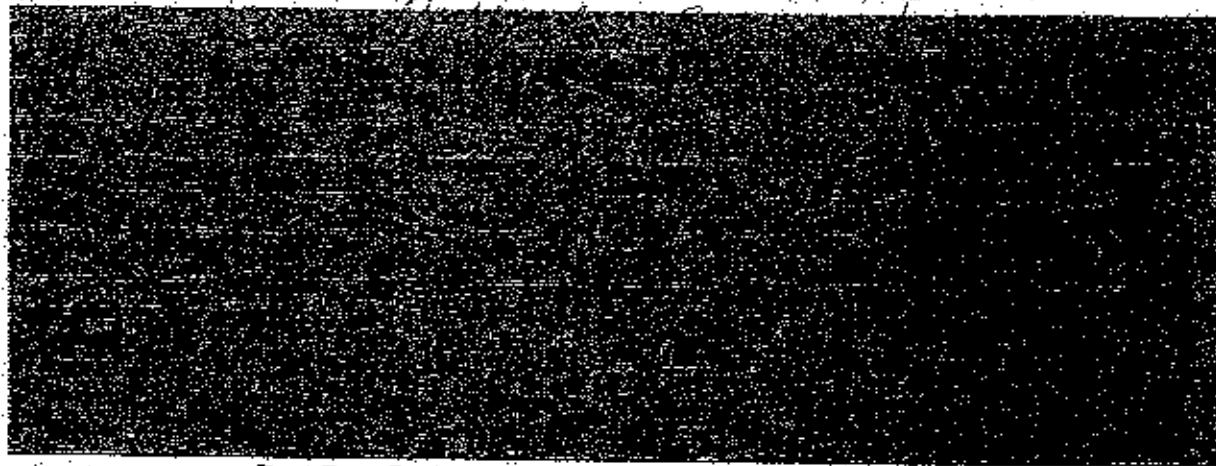
OWNER INFORMATION Correspondence to be sent to owner	FIELD NUMBER 057691004/100	DATE OF APPLICATION (M/D/Y) 2003/12/9	<input type="checkbox"/> New Construction <input type="checkbox"/> Repair <input checked="" type="checkbox"/> Alteration	
	NAME OF OWNER Ken & Corinne L'Heureux	TELEPHONE NUMBER 1250-954-1388		Postal Code V0R1M0
APPLICANT INFORMATION Correspondence to be sent to applicant	MAILING ADDRESS Box 475 - 1810 Gibbs Rd	CITY Coombs BC	TELEPHONE NUMBER	
	NAME OF APPLICANT Same	CITY	Postal Code	
LOT INFORMATION	LEGAL DESCRIPTION OF WHERE DISPOSAL SYSTEM IS TO BE CONSTRUCTED Lot B DL114 Nanase District Plan V1953/001			
PREMISE INFORMATION	STREET ADDRESS / GENERAL LOCATION 1810 Gibbs Rd			
	SEWAGE DISPOSAL SYSTEM WILL SERVE <input type="checkbox"/> SINGLE FAMILY DWELLING <input type="checkbox"/> DUPLEX <input checked="" type="checkbox"/> OTHER (specify): 2 single family dwellings	NUMBER OF BEDROOMS 3 + 2	FINISHED BASEMENT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DO YOU INTEND TO ADD A BASEMENT OR MORE BEDROOMS IN THE FUTURE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	ESTIMATED DAILY SEWAGE FLOW: 500	TOTAL LIVING AREA 800 sq ft + trailer 980	LOT SIZE 140' x 560'	
SYSTEM INFORMATION	TYPE OF SEWAGE DISPOSAL SYSTEM: <input checked="" type="checkbox"/> CONVENTIONAL <input type="checkbox"/> ALTERNATE (e.g. <input type="checkbox"/> PUMP <input type="checkbox"/> LAGOON <input type="checkbox"/> RAISED MOUNDS <input type="checkbox"/> SEEPAGE BED) <input type="checkbox"/> DEEP TRENCH <input type="checkbox"/> OTHER (specify):		SEPTIC TANK MANUFACTURER ABC Precast & Containers	LITRED VOLUME OF TANK 750G
	TOTAL LENGTH OF DRAINAGE PIPE 300	TYPE OF DRAINAGE PIPE <input checked="" type="checkbox"/> PVC <input type="checkbox"/> OTHER (specify):	MATERIAL OF SEPTIC TANK Concrete & Plastic	INSIDE DIAMETER OF PIPE 3"
ALTERNATE INFORMATION	PRESSURE DISTRIBUTION PROPOSED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	LAGOON SIZE	SEWAGE PUMP: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	FIELD DOSE YOU'VE PUMPED PER DAY: 60-70
	SOIL DESCRIPTION DEPTH OF SOIL: <input type="checkbox"/> over 1.2 m (4 ft.) <input checked="" type="checkbox"/> under 1.2 m (4 ft.) (under 1.2 m (4 ft.) due to <input type="checkbox"/> rock or <input type="checkbox"/> clay at 3 m from surface.) DEPTH TO WATER TABLE: <input type="checkbox"/> over 1.2 m (4 ft.) <input checked="" type="checkbox"/> under 1.2 m (4 ft.) If under 1.2 m (4 ft.) the depth is 3	PERC TESTS SLOWEST RATE FROM test hole #1: 9 1/2 min./2.5 cm (1 inch) test hole #2: 9 min./2.5 cm (1 inch) AVERAGE OF SLOWEST RATE FROM EACH TEST HOLE: 9 min./2.5 cm (1 inch)	DEPTH OF CLAY SOIL	CARBURATOR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SITE INFORMATION	SOURCES OF DOMESTIC WATER: Well			
	DISTANCES OF PROPOSED DISPOSAL FIELD FROM: 150' own well over 100' neighbouring wells over 1 mile stream or lake 50' break out point water lines			
RESTRICTIVE COVENANTS	ARE THERE ANY RESTRICTIVE COVENANTS/LEASEMENTS WHICH WILL AFFECT THE DESIGN OR LOCATION OF THE SEWAGE DISPOSAL SYSTEM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain:			
APPLICANT SIGNATURE	The information on this application is accurate and true to the best of my knowledge. <input checked="" type="checkbox"/> Owner or <input type="checkbox"/> Agent Signature: [Signature] Date: 2003/12/9			

MTH 1285 Rev. 04/19  
 printing: 0000010

**PERMIT TO CONSTRUCT, INSTALL, ALTER OR REPAIR**

FOLIO / LOT NUMBER 03-417

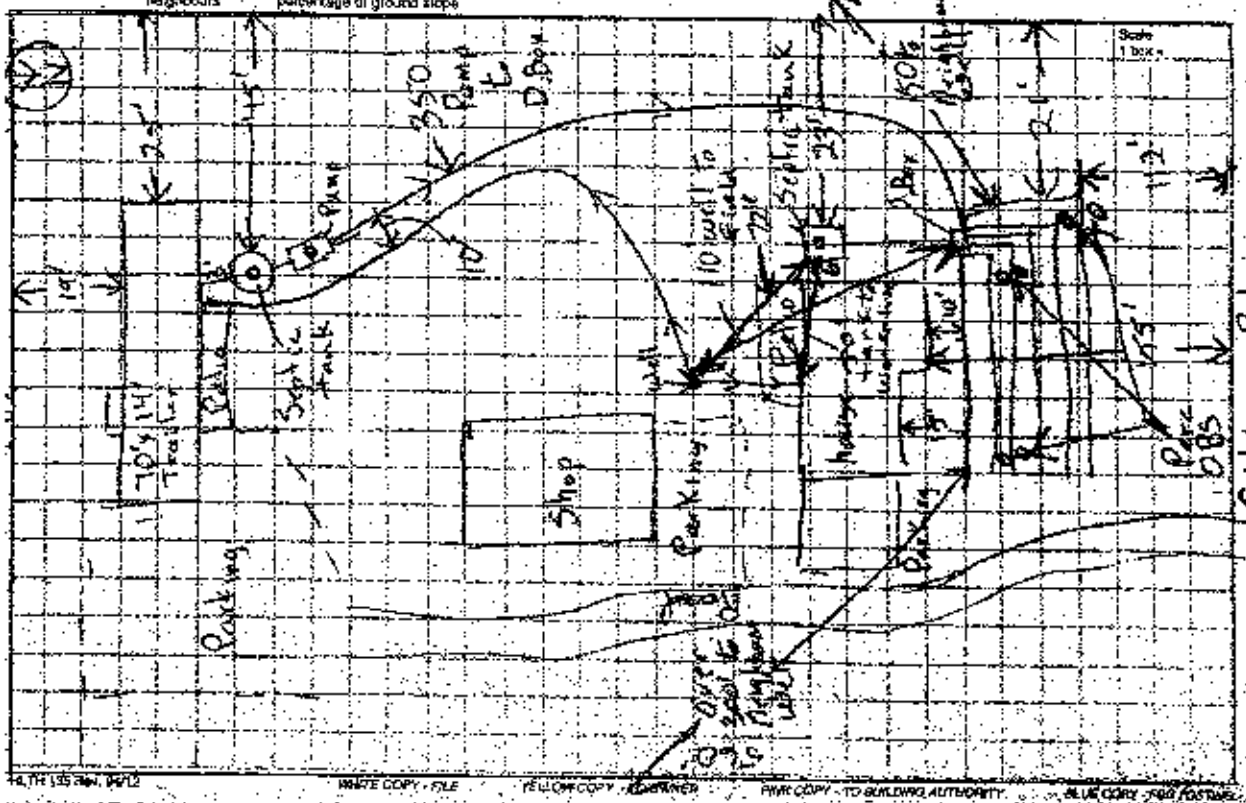
Pursuant to this application and the Sewage Disposal Regulations, permission is hereby granted to construct, install, alter or repair the sewage disposal system on this property. This permit may be cancelled if variations are made to these plans and specifications.



**PLOT PLAN DRAWN TO SCALE** (to be completed by the Applicant/Contractor)

**PLOT PLAN CHECKLIST** The following items should appear on the plot plan of the proposed system. Indicate which items have been included by checking the appropriate box.

- |   |  |   |  |   |
|---|--|---|--|---|
| <input checked="" type="checkbox"/> house (or house site)   | <input checked="" type="checkbox"/> water lines                      | <input checked="" type="checkbox"/> roadways          | <b>Distance from septic tank:</b>  | <b>Distance from disposal field (or septic mound):</b>    |
| <input checked="" type="checkbox"/> other buildings   | <input checked="" type="checkbox"/> percolation test holes (2)       | <input checked="" type="checkbox"/> patio / deck      | <input checked="" type="checkbox"/> to house                               | <input checked="" type="checkbox"/> to house              |
| <input checked="" type="checkbox"/> septic tank   | <input checked="" type="checkbox"/> observation test holes (2)       | <input checked="" type="checkbox"/> paved areas       | <input checked="" type="checkbox"/> to domestic water source               | <input checked="" type="checkbox"/> to perimeter of lot   |
| <input type="checkbox"/> pkg. treatment plant   | <input type="checkbox"/> surface water (creeks, streams, lakes)      | <input checked="" type="checkbox"/> parking areas     | <input checked="" type="checkbox"/> to domestic water pipeline             | <input checked="" type="checkbox"/> to own well           |
| <input checked="" type="checkbox"/> disposal field  | <input type="checkbox"/> retaining wall                              | <input checked="" type="checkbox"/> dimensions of lot | <input checked="" type="checkbox"/> to perimeter of lot                    | <input checked="" type="checkbox"/> to neighbouring wells |
| <input checked="" type="checkbox"/> drinking water sources  | <input checked="" type="checkbox"/> "North" arrow                    | <input checked="" type="checkbox"/> property lines    | <input type="checkbox"/> to surface water (springs, streams, creeks, etc.) | <input type="checkbox"/> to swimming pool                 |
| <input checked="" type="checkbox"/> yours <input checked="" type="checkbox"/> adjacent neighbours | <input type="checkbox"/> direction of and percentage of ground slope | <input type="checkbox"/> swimming pool                |  |   |







BRITISH  
COLUMBIA

Ministry of Health Planning

SEWAGE DISPOSAL SYSTEM  
SEWAGE APPLICATION  
APPEAL INFORMATION

03-417

The Environmental Appeal Board is established under section 11 of the Environment Management Act. Appeals are heard by a panel of the Board. This ensures that sewage permit application process is administered openly and fairly. It also provides the public the right to an independent appeal process.

If a person is aggrieved by the issue or the refusal of a permit for a sewage disposal system, they may appeal that ruling to the Environmental Appeal Board. On hearing an appeal, the Environmental Appeal Board may confirm, vary or rescind the ruling under appeal.

A person who is issued a permit must post a public notice, provided by the Ministry of Health, which must contain a site map, the conditions of the permit or authorization, a description of how an appeal of the decision to issue the permit or authorization is commenced, and a reference to the time period for commencing that appeal. The public notice must be posted in a conspicuous place(s) on the property not more than 3 days after the date it was issued and must remain posted for 30 days from the date it was issued.

In addition to posting a public notice if the estimated sewage flow is more than 4,546 litres (1000 l.G.) per day, a notice must be published in the newspaper in the area.

I understand that my neighbours or any other aggrieved parties have 30 days, from the date of issuance, to appeal the permit and that the permit may be overturned by the Environmental Appeal Board. I am prepared to accept full responsibility for any construction that I may do during this time should the Environmental Appeal Board uphold the appeal and revoke my permit.

and

I, as registered owner of the property, hereby authorize, \_\_\_\_\_ as my agent for the purpose of applying for a permit to construct and for the purpose of constructing my proposed sewage disposal system.

Legal description of property:

LOT B PLAN V1P53102 SECTION D2114  
DISTRICT Nanose STREET 1810 Gibbs Rd.

  
Signature of Registered Owner





Ministry of Finance  
and Corporate Relations  
Surveyor of Taxes

Mailing Address:  
PO Box 9448, Stn Prov Govt  
Victoria BC V8W 9V6

2000 PROPERTY TAX NOTICE

C-000025

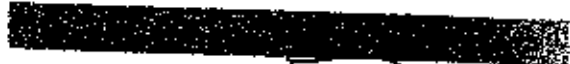
GOVERNMENT AGENT  
8586 VICTORIA QUAY  
PORT ALBERTI, BC V9Y 6G3

769 10046.109 1 9  
COPY NOTICE

RD

LEGAL DESCRIPTION LAND DISTRICT NANOOSE  
IMPROVEMENT FOLIO PARENT FOLIO 100  
46 106, Manufactured Home Reg. # 4  
1704.

L'HEUREUX KENNETH G  
L'HEUREUX CORINNE L  
1810 GIBBS RD  
ERRINGTON BC V0R 1H0



ASSESSMENT (BY PROPERTY CLASS)			
ASSESSED VALUES FOR PROVINCIAL RURAL TAX			
		LAND	BUILDINGS
RESIDENTIAL	01		33,900
TOTALS			33,900
ASSESSED VALUES FOR PROVINCIAL SCHOOL & LOCAL SERVICES TAX			
		LAND	BUILDINGS
RESIDENTIAL	01		33,900
TOTALS			33,900

CALCULATION OF TAXES			
		TAX RATE PER \$1000 OF ASSESSED VALUE	TAX AMOUNT
PROVINCIAL SCHOOL TAX			
RESIDENTIAL	01	4.1213	139.71
PROVINCIAL RURAL TAX			
RESIDENTIAL	01	1.0200	34.58
LOCAL SERVICE TAXES			
NANAIMO REG. HOSE	01	.3695	12.36
BC ASSESS. AUTH.	01	.1271	4.31
MUN. FIN. AUTH.	01	.0003	0.01
AREA F NANAIMO REG.	01	1.6095	54.56
ERRINGTON FIRE PROT	01	.9899	33.56
<b>TOTAL 2000 TAXES</b>			<b>279.09</b>

140.00  
chg 620  
w/ trailer  
w/ kitchen

**SVEN P.A.**

✓ HOME OWNER GRANT APPLICATION IS ON THE BACK. If eligible, complete and SIGN. A payment is not required to claim the grant.

FOR TAX INFORMATION:

Surveyor of Taxes' office - Victoria 387-0555

Toll free - call Enquiry BC:

Vancouver 660-2421 Elsewhere in BC 1-800-663-7867

Request a transfer to 387-0555.

E-mail: ruraltax@gems3.gov.bc.ca

Website: <http://www.fn.gov.bc.ca/revenue/proptax/index.htm>

PAYMENT INFORMATION - See the back

PENALTIES

1% of unpaid taxes and unclaimed home owner grant after the due date and an additional 5% after October 31, 2000.

SUMMARY OF TAXES AND HOME OWNER GRANT	TAXES PAYABLE WITH NO GRANT	TAXES PAYABLE WITH REGULAR GRANT	TAXES PAYABLE WITH ADDITIONAL GRANT
PROVINCIAL SCHOOL TAX	139.71		139.71
PROVINCIAL RURAL TAX	34.58		34.58
LOCAL SERVICE TAXES	104.80		104.80
LESS PROVINCIAL HOME OWNER GRANT			-179.09
TOTAL CURRENT TAXES DUE	279.09		100.00
DELINQUENT TAXES (INCLUDING INTEREST TO JUNE 30)			
<b>TOTAL PAYMENT DUE</b>	<b>A 279.09</b>	<b>B</b>	<b>C 100.00</b>

TEAR HERE

RECEIVED  
NOV 03 2000  
GOVERNMENT AGENTS  
PORT ALBERNI

Oct. 29/00

RECEIVED  
NOV 20 2000  
GOVERNMENT AGENTS  
PORT ALBERNI

Dear Sir:

We sold our mobile home  
to Ken Dwarding & Corrine  
L'Heureux in September 1999  
They moved the mobile to  
their property somewhere in  
Coombs.

Please forward this tax  
notice to them.

Thank you  
Audrey Hillard

Their phone number is as follows  
1-250-954-1388

P.O. 475  
Combe St  
V.O.R. 1M0



REGIONAL  
DISTRICT  
OF NANAIMO

October 20, 2003

Kenneth L'Heureux Corinne L'Heureux  
Box 475  
Coombs, BC V0R1M0

Dear Kenneth L'Heureux and Corinne L'Heureux:

*RE: Lot B, Plan VIP53102, District Lot 114, Land District nanoose.  
1810 Gibbs Rd. - Electoral Area 'F'*

As you have indicated through correspondence or discussion with RDN staff, site-specific zoning may be required to recognize existing uses on your property. At this point, additional documentation is needed before the Planning Department is able to confirm that all the criteria for site-specific zoning has been met. Once confirmed, your request shall be forwarded with a recommendation of support to the RDN Board.

Please provide copies of necessary documentation to the Planning Department.

If you are unsure as to the type of documentation required for confirmation, or if you have any questions or comments, please call the Planning Department at 954-3798, 390-6510 or toll free in BC at 1-877-607-4111.

Sincerely,

A handwritten signature in black ink, appearing to read "David Mudge".

David Mudge  
Planning Assistant

December 9, 2003

VIA FACSIMILE 390-7511

Page 1 of 2

Brigid Reynolds, Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Re: Lot B DL114 Nanoose District Plan VIP 53102  
1810 Gibbs Road Errington, BC

Dear Brigid & Board Members:

I am writing to provide additional information with regards to my earlier letter to change the zoning of the above noted property to legal conforming.

Although I know you are making your presentation tonight, due to difficulties with paperwork between the health board and ourselves our inspection has yet to be completed. Glen Gibson will be coming out to the inspection tomorrow morning at 10:30 am. Please see copy of my receipt for the permit for alteration.

I request that our property be included as an exception as my original application was in to the RDN on time. I will be able to provide you with the approved inspection, hopefully tomorrow.

Sincerely,

Corinne L'Heureux  
1810 Gibbs Road-Errington  
Box 475  
Coombs, BC  
V0R 1M0

December 9, 2003

VIA FACSIMILE 390-7511

Page 1 of 2

Brigid Reynolds, Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Re: Lot B DL114 Nanoose District Plan VIP 53102  
1810 Gibbs Road Errington, BC

Dear Brigid & Board Members:

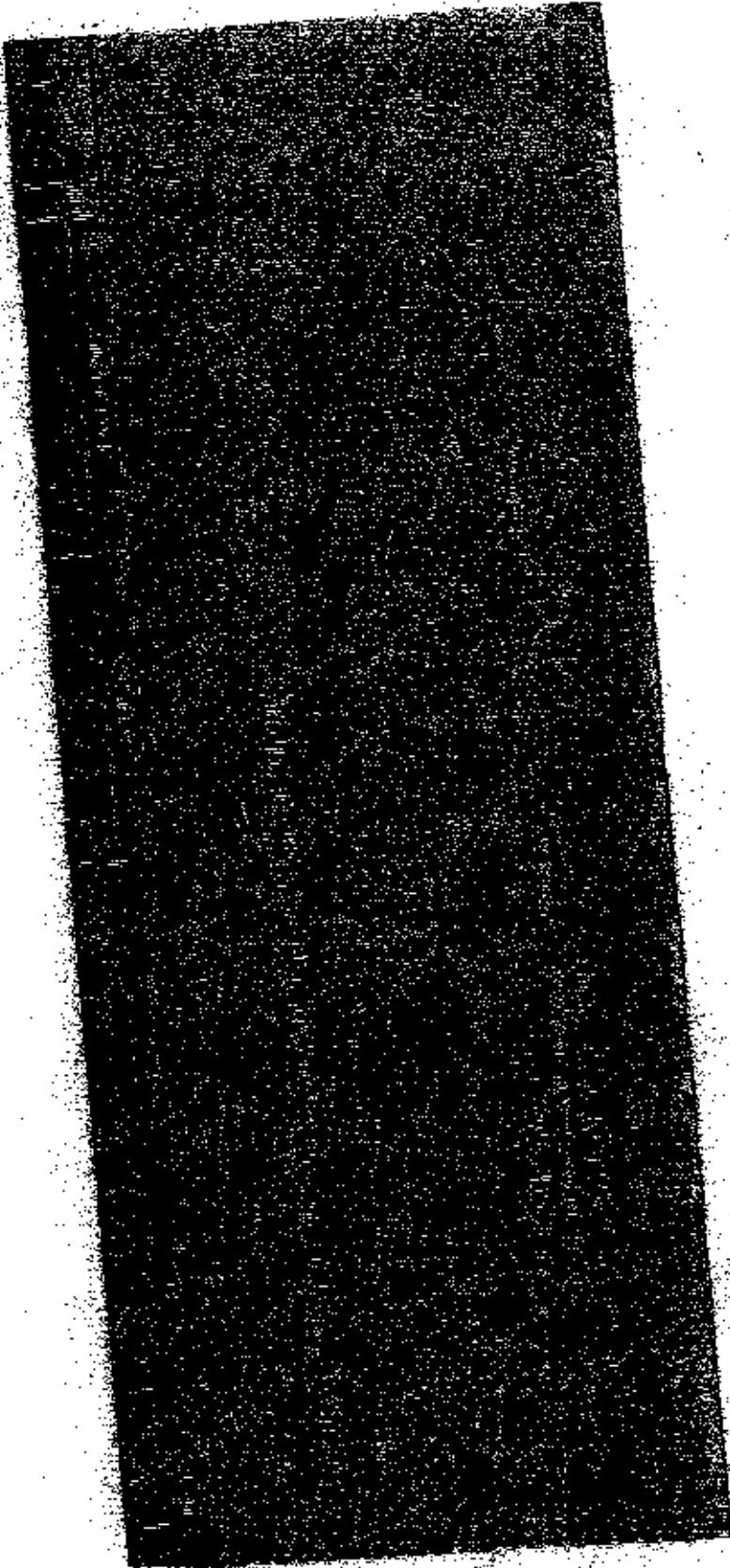
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Sincerely,

Corinne L'Heureux  
1810 Gibbs Road-Errington  
Box 475  
Coombs, BC  
V0R 1M0



HP OfficeJet  
 Personal Printer/Fax/Copier/Scanner

Fax History Report for

Dec 09 2003 2:45pm

Last 30 Faxes

Date	Time	Type	Identification	Duration	Pages	Result
Dec 6	1:27pm	Received		0:29	1	OK
Dec 6	4:08pm	Received		0:21	1	OK
Dec 7	8:08am	Received		0:21	1	OK
Dec 8	1:37am	Received	(403) 229-4435	0:37	1	OK
Dec 8	7:08am	Received		0:21	1	OK
Dec 8	7:09am	Received		0:21	1	OK
Dec 8	8:10am	Received		0:21	1	OK
Dec 8	9:01am	Received	250-756-5336	0:22	1	OK
Dec 8	11:08am	Received		0:21	1	OK
Dec 8	11:43am	Sent	3904741	2:05	3	OK
Dec 8	11:45am	Sent	12509955639	2:56	3	OK
Dec 8	1:09pm	Received		0:21	1	OK
Dec 8	1:32pm	Received	250 754 8661	1:00	1	OK
Dec 8	1:54pm	Received	Travel Partners	0:30	1	OK
Dec 8	2:52pm	Sent	16042797609	0:19	1	Jammed
Dec 8	2:53pm	Sent	16042797609	0:33	1	OK
Dec 8	3:30pm	Sent	12509955639	2:55	3	OK
Dec 8	4:08pm	Received		0:22	1	OK
Dec 8	4:13pm	Sent	12502483616	0:33	1	OK
Dec 8	5:12pm	Received		0:31	1	OK
Dec 8	7:08pm	Received		0:21	1	OK
Dec 9	7:08am	Received		0:21	1	OK
Dec 9	7:09am	Received		0:21	1	OK
Dec 9	8:10am	Received		0:21	1	OK
Dec 9	8:47am	Received	250 740 2750	0:28	1	OK
Dec 9	8:50am	Received	250-756-5336	0:22	1	OK
Dec 9	11:09am	Received		0:21	1	OK
Dec 9	1:10pm	Received		0:21	1	OK
Dec 9	1:12pm	Received	FAX	0:28	1	OK
Dec 9	2:44pm	Sent	3907511	1:22	2	OK

Result:

OK - black and white fax  
 OK color - color fax

22 - 2021 SUNKING RD. LOT A - DISTRICT LOT 138  
VANCOUVER DIST. PLAN V1P 60112  
COOMBS, BC, V0R 1M9  
Attention Bridget Reynolds - Planning Dept.  
Dec 31/03  
FAX 390-9511

This letter is to advise that due to health problems (Heart Cond, on oxygen 24 hrs a day, Doctors instructions not to get too excited and strain on heart at anytimes)

Therefore I will not be able to attend Public Hearing Jan 7/04 at 7 PM for Area "F" Zoning and Subdivision Bylaw Amendment No. 1285.01, 2003. at Bradley Centre, 975 Shaerme Road.

I enclose approved sewage disposal system copies, showing 2 separate systems to accommodate 2 individual Mobile Homes in place.

I trust this information will suffice as to this property being conforming for two dwelling units only.

Yours Sincerely  
P. Marshall P. H. 250-954-2111  
Parksville Health Unit Fax: 250-248-8524

Dec 31 03 12:03 P.01



Province of British Columbia Ministry of Health and Ministry Responsible for Seniors **95-237** APPLICATION FOR PERMIT TO CONSTRUCT OR REPAIR A SEWAGE DISPOSAL SYSTEM

OWNER INFORMATION Correspondence to be sent to owner	PROJECT NUMBER <b>138</b>	DATE OF APPLICATION (Y/M/D) <b>1995-01-20</b>	<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Repair <input type="checkbox"/> Alteration	
	NAME OF OWNER <b>DONALD &amp; VERNA MARSHALL</b>		TELEPHONE NUMBER <b>468-5944</b>	
APPLICANT INFORMATION Correspondence to be sent to applicant	MAILING ADDRESS <b>Rt 1 - Box 72 - Beach Comber ON NANOOSE BAY BC V0R 2R0</b>		POSTAL CODE <b>V0R 2R0</b>	
	NAME OF APPLICANT <b>DONALD &amp; VERNA MARSHALL</b>		TELEPHONE NUMBER <b>468-5944</b>	
LOT INFORMATION	LEGAL DESCRIPTION OF WHERE DISPOSAL SYSTEM IS TO BE CONSTRUCTED <b>LOT A DISTRICT LOT 138 NANOOSE DISTRICT, PLAN V1P60112</b>			
	STREET ADDRESS / GENERAL LOCATION <b>A 2021 SUNKING RD. COOMBS BC. V0R 1M0</b>			
PREMISE INFORMATION	SEWAGE DISPOSAL SYSTEM WILL SERVE: <input checked="" type="checkbox"/> SINGLE FAMILY DWELLING <input type="checkbox"/> DUPLEX <input type="checkbox"/> OTHER (specify):	NUMBER OF BEDROOMS: <b>3</b>	FINISHED BASEMENT <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DO YOU INTEND TO ADD A BASEMENT SUITE OR MORE BEDROOMS IN THE FUTURE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	ESTIMATED DAILY SEWAGE FLOW:	TOTAL LIVING AREA: <b>938 SQ. FT.</b>	LOT SIZE: <b>2 ACRES</b>	
SYSTEM INFORMATION	TYPE OF SEWAGE DISPOSAL SYSTEM <input checked="" type="checkbox"/> CONVENTIONAL <input type="checkbox"/> ALTERNATE (E.G. <input type="checkbox"/> PUMPY <input type="checkbox"/> LAGOON, <input type="checkbox"/> FRENCH TRENCH, <input type="checkbox"/> DEBRIS BSC) <input type="checkbox"/> DEEP TRENCH <input type="checkbox"/> OTHER (specify):		SEPTIC TANK MANUFACTURER <b>DANS PRECAST</b>	LARGE VOLUME OF TANK
	TOTAL LENGTH OF DRAINAGE PIPE <b>200 FT</b>		MATERIAL OF SEPTIC TANK <b>CONCRETE</b>	<b>750 GAL</b>
	TYPE OF DRAINAGE PIPE <input checked="" type="checkbox"/> PVC <input type="checkbox"/> OTHER (specify):		WORKS DIAMETER OF PIPE <b>3"</b>	
	IF PACKAGE TREATMENT PLANT IS PROPOSED GIVE MAKE AND MODEL:	TREATMENT CAPACITY	SEWAGE PUMP: <input checked="" type="checkbox"/> YES <b>250 GAL</b> <input type="checkbox"/> NO	FIELD HOSE VOLUME PUMPED PER CYCLE: <b>80 TO 100 GAL</b>
ALTERNATE INFORMATION	PRESSURE DISTRIBUTION PROPOSED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	LAGOON SIZE	DEPTH OF CLAY SOIL	CORROSION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SITE INFORMATION	SOIL DESCRIPTION			
	DEPTH OF SOIL: <input type="checkbox"/> over 1.2 m (4 ft.) <input checked="" type="checkbox"/> under 1.2 m (4 ft.) <input type="checkbox"/> under 1.2m (4 ft.), due to <input type="checkbox"/> rock, or <input type="checkbox"/> clay at <b>32"</b> from surface.			
	DEPTH TO WATER TABLE: <input checked="" type="checkbox"/> over 1.2 m (4 ft.) <input type="checkbox"/> under 1.2 m (4 ft.) <input type="checkbox"/> under 1.2m (4 ft.) the depth is _____			
	PERC TESTS SLOWEST RATE FROM test hole #1 <b>11</b> min/2.5 cm (1 inch) test hole #2 <b>14</b> min/2.5 cm (1 inch) AVERAGE OF SLOWEST RATE FROM EACH TEST HOLE <b>12.5</b> min/2.5 cm (1 inch)			
WATER INFORMATION SOURCE OF DOMESTIC WATER: <b>WELL</b>				
DISTANCES OF PROPOSED DISPOSAL FIELD FROM: <input checked="" type="checkbox"/> own well <b>100'</b> neighbouring wells <b>NONE</b> stream or lake <b>20'</b> water lines				
RESTRICTIVE COVENANTS	ARE THERE ANY RESTRICTIVE COVENANTS / EASEMENTS WHICH WILL AFFECT THE DESIGN OR LOCATION OF THE SEWAGE DISPOSAL SYSTEM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes, explain)			
APPLICANT SIGNATURE	The information on this application is accurate and true to the best of my knowledge: <input checked="" type="checkbox"/> Owner or <input type="checkbox"/> Agent Signature: <b>[Signature]</b> Date: <b>03/10/95</b>			

Parksville Health Unit Fax: 250-248-8624 Dec 31 '03 12:03 P.02



PERMIT TO CONSTRUCT, INSTALL, ALTER OR REPAIR

FOOD LOT NUMBER 138 95-231

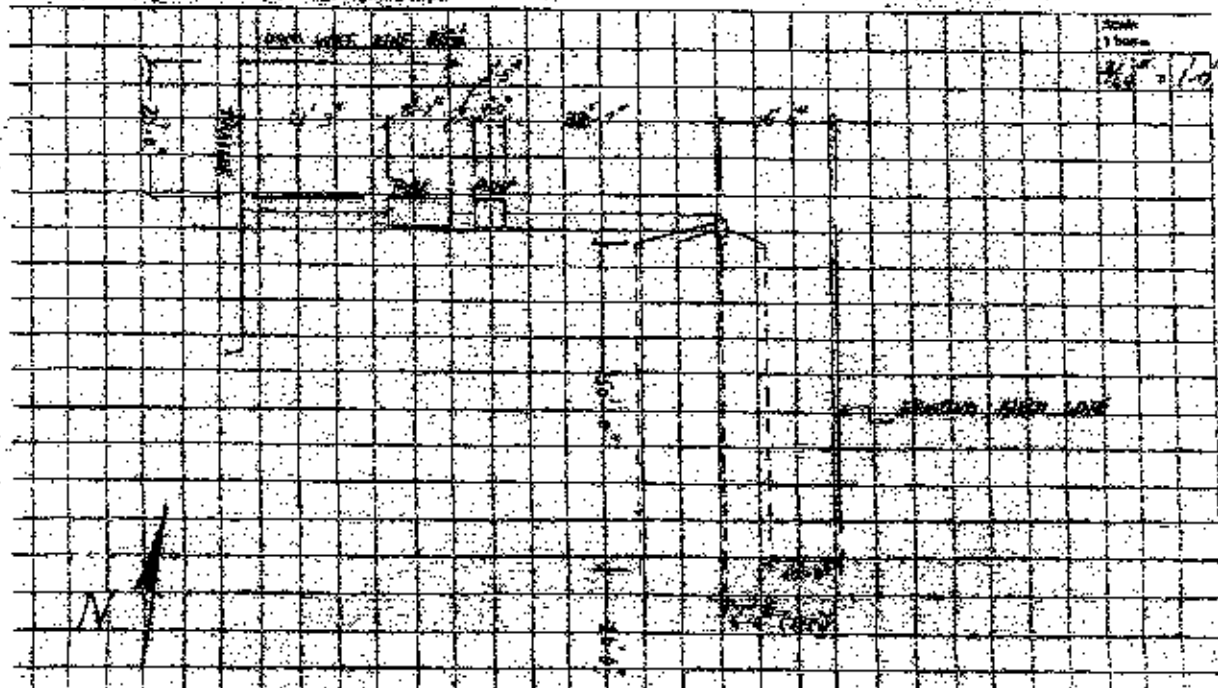
Pursuant to Site Application and the Sewage Disposal Regulations, permission is hereby granted to construct, install, alter or repair the sewage disposal system for this property. This permit may be cancelled if conditions are made that are not in accordance with the regulations.



PLAN PLAN (SEE DRAWING) - THIS PLAN IS SUBJECT TO THE REGULATIONS

LOT PLAN CHECKLIST The following items shall be checked on the drawings of the proposed system. Indicate which items have been checked by marking the appropriate box.

- |  |   |  |   |   |
|--|---|--|---|---|
| <input checked="" type="checkbox"/> house or house base    | <input checked="" type="checkbox"/> water lines                 | <input checked="" type="checkbox"/> passages | <input checked="" type="checkbox"/> Design two separate lines | <input checked="" type="checkbox"/> Minimum size of main line for high capacity |
| <input type="checkbox"/> other buildings                   | <input checked="" type="checkbox"/> ground level holes (G)      | <input type="checkbox"/> patio / deck        | <input checked="" type="checkbox"/> to force                  | <input checked="" type="checkbox"/> to capacity                                 |
| <input checked="" type="checkbox"/> septic tank            | <input checked="" type="checkbox"/> observation level holes (O) | <input type="checkbox"/> paved areas         | <input checked="" type="checkbox"/> to domestic water supply  | <input checked="" type="checkbox"/> to capacity of lot                          |
| <input type="checkbox"/> size treatment plant              | <input type="checkbox"/> surface water (rain, snow, melt)       | <input type="checkbox"/> parking areas       | <input checked="" type="checkbox"/> to domestic water supply  | <input type="checkbox"/> to capacity  |
| <input checked="" type="checkbox"/> septic field           | <input type="checkbox"/> existing wall                          | <input type="checkbox"/> driveway of lot     | <input checked="" type="checkbox"/> to performance for        | <input type="checkbox"/> to performance only                                    |
| <input checked="" type="checkbox"/> existing water courses | <input type="checkbox"/> "floor" water                          | <input type="checkbox"/> property lines      | <input type="checkbox"/> to performance for                   | <input checked="" type="checkbox"/> to performance only (drainage, water, etc.) |
| <input type="checkbox"/> other CI equipment                | <input type="checkbox"/> direction of wind                      | <input type="checkbox"/> swimming pool       |   | <input type="checkbox"/> to performance only                                    |
| <input type="checkbox"/> neighbour                         | <input type="checkbox"/> percentage of ground slope             |  |   |   |



PERMITS UNIT FAX: 250-248-8824 TEL: 250-248-8824

K97-090 39  
**APPLICATION FOR PERMIT TO CONSTRUCT OR REPAIR A SEWAGE DISPOSAL SYSTEM**

New Construction     Repair     Alteration

**OWNER INFORMATION**  
 Correspondence to be sent to Owner  
 POLD NUMBER: 10163, 390    DATE OF APPLICATION: 9/25/95  
 NAME OF OWNER: \_\_\_\_\_  
 TELEPHONE NUMBER: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 NAME OF APPLICANT: \_\_\_\_\_  
 TELEPHONE NUMBER: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_  
 Postal Code: \_\_\_\_\_

**LOT INFORMATION**  
 LEGAL DESCRIPTION OF SEWER DISPOSAL SYSTEM TO BE CONSTRUCTED:  
LOT A PLAN VIP60112 D.L. 138 NANOOSE DISTRICT  
SUNKING RD.  
 STREET ADDRESS / GENERAL LOCATION: \_\_\_\_\_

**PREMISE INFORMATION**  
 SEWAGE DISPOSAL SYSTEM WILL SERVE:  
 SINGLE FAMILY DWELLING     DUPLEX  
 OTHER (specify): \_\_\_\_\_  
 NUMBER OF BEDROOMS: 3    FINISHED BASEMENT:  Yes     No  
 DO YOU INTEND TO ADD A BASEMENT SUITE OR MORE BEDROOMS IN THE FUTURE?  Yes     No  
 ESTIMATED DAILY SEWAGE FLOW: 300 GAL    TOTAL LIVING AREA: 1500 sq. ft.    LOT SIZE: 1/2 ACRE

**SYSTEM INFORMATION**  
 TYPE OF SEWAGE DISPOSAL SYSTEM:  
 CONVENTIONAL  
 ALTERNATE (i.e.  RIVY     LAGOON     RAISED MOUNDS     SEEPAGE BEDS)  
 DEEP TRENCH     OTHER (specify): \_\_\_\_\_  
 SEPTIC TANK MANUFACTURER: ABC CONCRETE    LIQUID VOLUME OF TANK: 600 GAL  
 MATERIAL OF SEPTIC TANK: CONCRETE  
 TOTAL LENGTH OF DRAINAGE PIPE: 200 FT    TYPE OF DRAINAGE PIPE:  PVC     OTHER (specify): \_\_\_\_\_  
 INSIDE DIAMETER OF PIPE: 3 IN.  
 IF PACKAGE TREATMENT PLANT IS PROPOSED GIVE:  
 MAKE: \_\_\_\_\_    TREATMENT CAPACITY: \_\_\_\_\_    SEWAGE PUMP:  YES     NO  
 MODEL: \_\_\_\_\_    FIELD COVER VOLUME PUMPS PER CYCLE: \_\_\_\_\_

**ALTERNATE INFORMATION**  
 PRESSURE DISTRIBUTION PROPOSED:  YES     NO    LAGOON SIZE: \_\_\_\_\_  
 DEPTH OF CLAY SOIL: \_\_\_\_\_    GASIFICATION:  YES     NO

**SITE INFORMATION**  
 SOIL DESCRIPTION:  
 DEPTH OF SOIL:  over 1.2 m (4 ft)     under 1.2 m (4 ft)    If under 1.2m (4 ft), due to  rock or  clay is \_\_\_\_\_ ft. from surface.  
 DEPTH TO WATER TABLE:  over 1.2 m (4 ft)     under 1.2 m (4 ft)    If under 1.2m (4 ft) the depth is \_\_\_\_\_  
 PERC TESTS:  
 SLOWEST RATE FROM test hole #1: 5.40 min/2.5 cm (1 inch)    test hole #2: 6.55 min/2.5 cm (1 inch)  
 AVERAGE OF SLOWEST RATE FROM EACH TEST HOLE: 6.16 min/2.5 cm (1 inch)  
 WATER INFORMATION:  
 SOURCE OF DOMESTIC WATER: WELL  
 DISTANCE OF PROPOSED DISPOSAL FIELD FROM: 100' source of domestic water    na breakout point  
100' own well    100' neighbouring wells    na stream or lake    10' water lines

**RESTRICTIVE COVENANTS**  
 ARE THERE ANY RESTRICTIVE COVENANTS / EASEMENTS WHICH WILL AFFECT THE DESIGN OR LOCATION OF THE SEWAGE DISPOSAL SYSTEM?  Yes     No  
WELL ON EASEMENT

**APPLICANT SIGNATURE**  
 The information on this application is accurate and true to the best of my knowledge:  
 Owner or  Agent  
 Signature: [Signature]    Date: 9/25/95

7/4 126 Rev. 04/92

A plot plan must be submitted with this application (refer to applicable page)

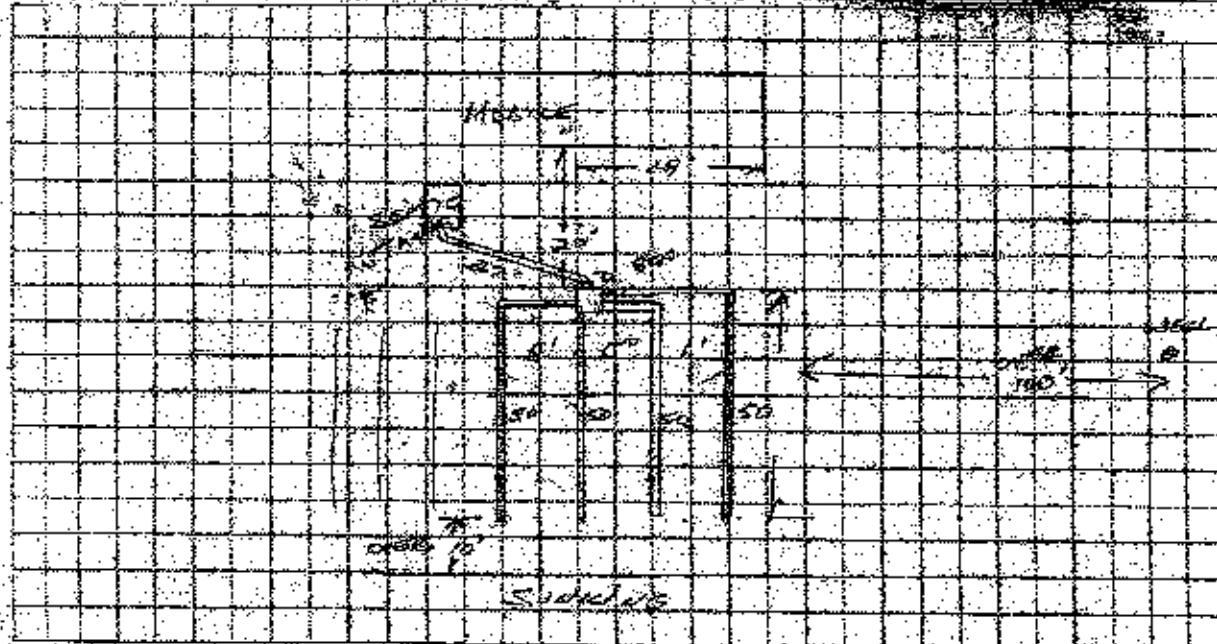
Parksville Health Unit Fax: 250-248-8624    Dec 31 '03 12:07 P.05



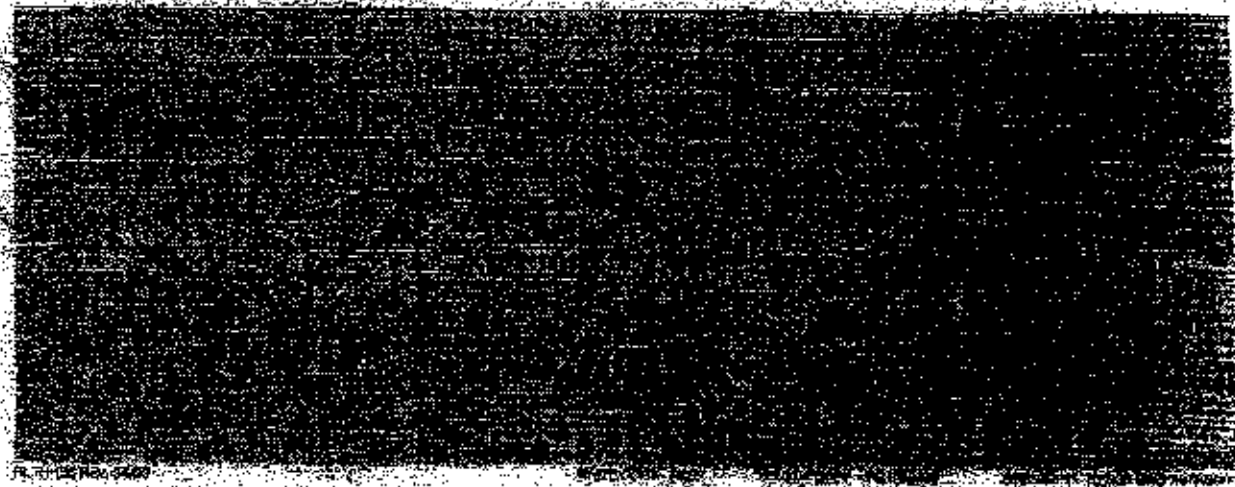
Province of British Columbia Ministry of Health and Ministry Responsible for Seniors

ADMINISTRATIVE TO OPERATE A SEWAGE DISPOSAL SYSTEM

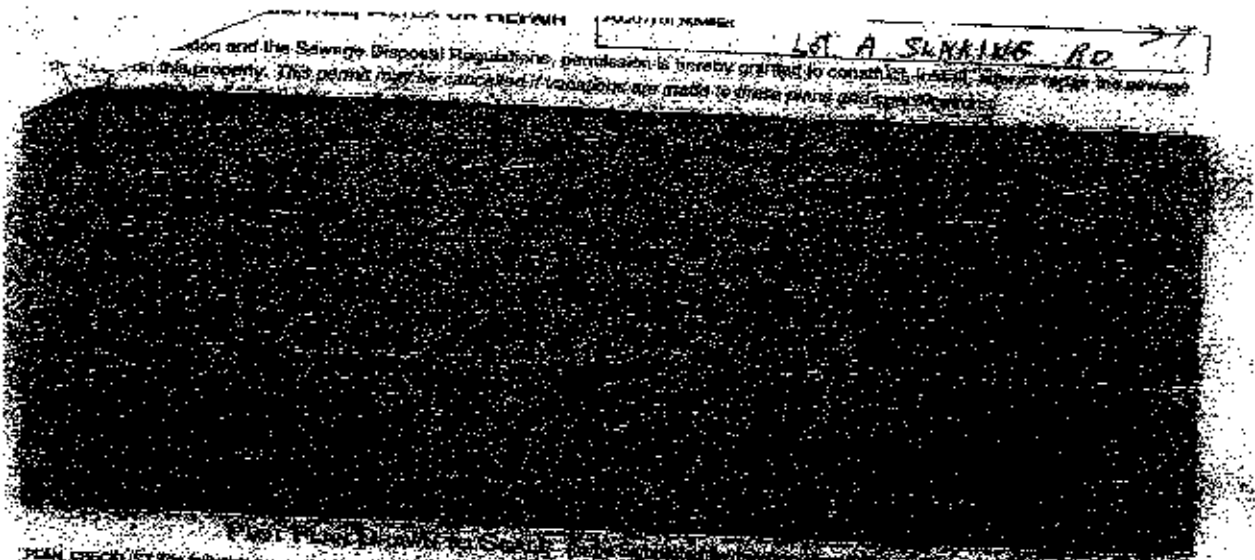
FIELD NUMBER <b>10413.370</b>	DATE OF APPLICATION (YYYY) <b>X 25/14/95</b>	TRANSFER NUMBER <b>X DEL 3X0LOS</b>	NAME OF PROPERTY <b>V 501</b>
ADDRESS OF LOT <b>LOT 2 PLAN V1P 6012</b>	NAME OF INSTALLER <b>V 201 STARTING PD</b>		
DE 158, WINDHOSE DISTRICT		INSTALLER'S SIGNATURE <b>COXLOS</b>	
IS THIS SYSTEM TO BE COMPLETED BY THE CONTRACTOR OR APPLICANT? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			



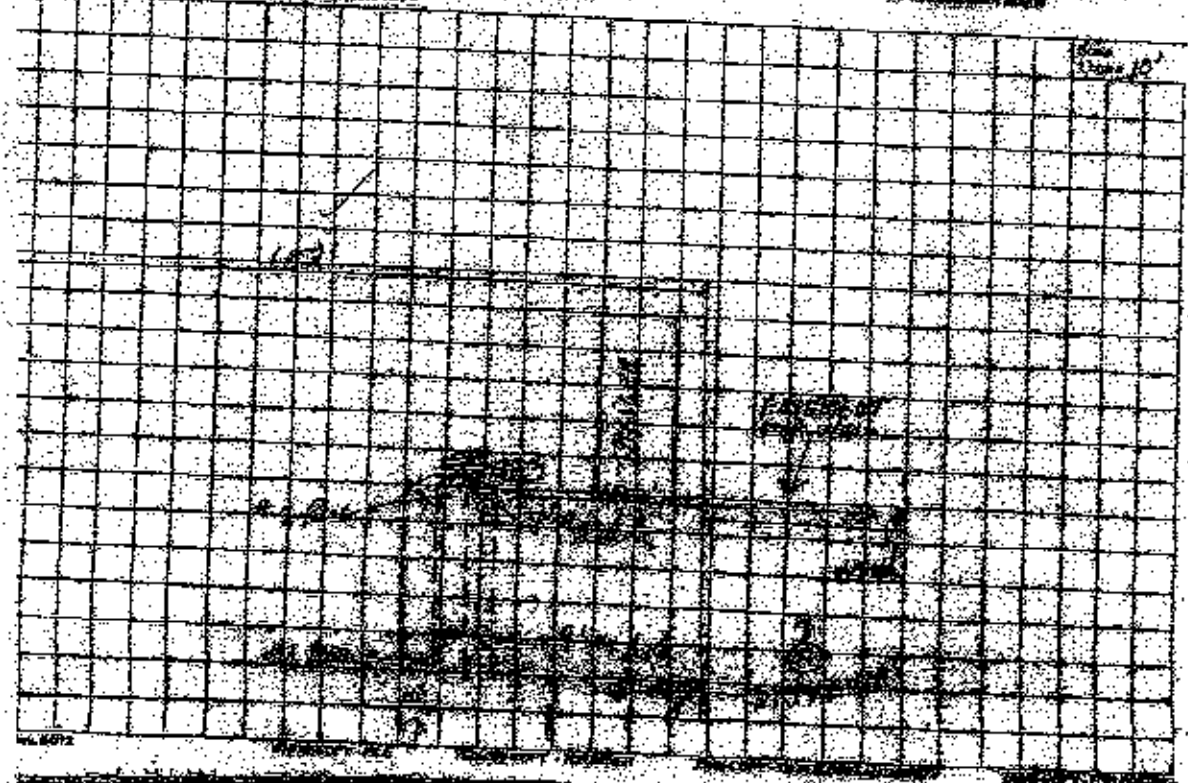
The Ministry of Health does not guarantee the useful life of the sewage disposal system. The life of the system is affected by the use and maintenance it receives. Pump out the septic tank every 3-5 years. For servicing of package treatment plants, consult your local sewage disposal board. For septic tank repair or installation, a permit is required. If the system is not protected from animals, and if corrections are required, a re-inspection fee of \$100 (paid by you) is required. The Public Health Inspector charges \$200 for the final inspection.



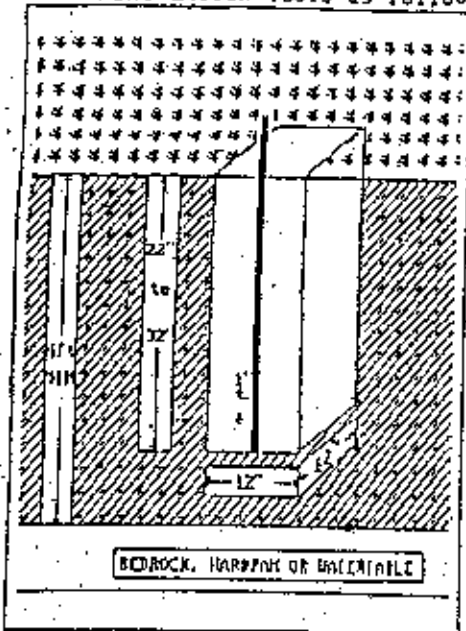
Parksville Health Unit Fax: 250-246-9524 Dec 31 05 12:08 P.06



- PLAN CHECKLIST**
- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> Septic tank              | <input type="checkbox"/> Foundation               | <input type="checkbox"/> Drainage from the property | <input type="checkbox"/> Sewerage disposal system |
| <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> In house                   | <input type="checkbox"/> Sewerage disposal system |
| <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> In domestic water system   | <input type="checkbox"/> Sewerage disposal system |
| <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> In domestic water system   | <input type="checkbox"/> Sewerage disposal system |
| <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> In domestic water system   | <input type="checkbox"/> Sewerage disposal system |
| <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> Sewerage disposal system | <input type="checkbox"/> In domestic water system   | <input type="checkbox"/> Sewerage disposal system |



- (1) Determine the subsurface ground conditions in the area of the absorption field by digging or boring a representative number of holes to a MINIMUM of 4 feet. Flag the location of the test holes and cover the test holes to avoid accidents. Leave the excavated material for inspection.
- (2) Determine the suitability of the soil to absorb effluent by conducting PERCOLATION TESTS as follows:



- (a) Dig a test hole 12" square and 22 to 32" deep at each end of the absorption field.
- (b) Pre-soak test holes by keeping holes filled with water for 4 hours.
- (c) Allow water to drain to within 5" of bottom of test holes, then re-fill the test hole with water.
- (d) When the water in the test hole drops to the 5" mark, commence timing. When the water level reaches the 5" mark, stop timing and record the time in minutes.
- (e) Re-fill the hole with enough water to bring the depth of water to 5" or more and repeat step (d).
- (f) Repeat step (c) above until the last two rates of fall do not vary more than 2 minutes per inch.
- (g) Record and report all rates of fall in minutes per inch. The PERCOLATION RATE is determined by averaging the slowest rate determined for each of the test holes.

PERCOLATION TEST RESULTS

	TEST HOLE NO. 1	TEST HOLE NO. 2
1st Timing	2:05 min./inch	2:50 min./inch
2nd Timing	3:45 min./inch	3:20 min./inch
3rd Timing	3:35 min./inch	4:35 min./inch
4th Timing	4:35 min./inch	5:40 min./inch
5th Timing	5:40 min./inch	6:55 min./inch

Average the SLOWEST rate for each test hole. 6:15 min./inch.

\*NOTE: Repeat timing procedure until the last two rates of fall do not vary more than 2 minutes per inch.

4 Foot Hole - Within this depth, note the following:

	HOLE 11	HOLE 12
Depth of suitable soil	4'	4'
Depth to clay, hardpan - (within 4 ft. maximum)		
Depth to solid rock - (within 4 ft. maximum)		
Depth to water table - (within 4 ft. maximum)		

TEST PERFORMED BY:

Signature  
 [Redacted Signature]

NAME: \_\_\_\_\_  
 OCCUPATION: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 DATE: \_\_\_\_\_

LEGAL DESCRIPTION:

LOT A PLAN VIP 6012 D.L. 138 NANOOSE DIST.

NOTE: The Environmental Health Officer is NOT permitted to design or approve the sewage disposal system. Should you require assistance, we recommend you contact a contractor to be advised as to the proper design and installation of a sewage disposal system.

Parksville Health Unit Fax: 250-248-8624 Dec 31 '03 12:11 P.08

01-06-2004 05:05PM

ARROWSMITH GREENHOUSES

1 250 752 2497

P.01

**Attention:** Brigid Reynolds, Senior Planner

**Re:** to be submitted at the public hearing on rezoning  
in 'Area F' on Wednesday January 7, 2004 at  
Bradley Centre, 975 Shearman Road, at 7:00pm

**From:** Arrowsmith Greenhouses  
Geraldine Babiy  
752 1592

7 pages including cover letter to follow.

*please fax acknowledgment*

*250-752-2497*

*Thanks*



Arrowsmith Greenhouses  
Geraldine and Gerry Babiy  
2880 Alberni Hwy, Qualicum Beach V9K 1Y3

January 6, 2004

Re: Regional District of Nanaimo Electoral Area "F" Zoning and Amendment Bylaw No. 1285.01, 2003

**The matter of Lot A District Lot 143 Nanose (situated in Cameron District)  
Plan VIP 75255 (2701 Alberni Hwy.)- zoning bylaw permitting retail use on the above property.**

The property owner has rented out retail space to Creekmore's Coffee, a wholesale coffee roasting operation. This coffee roasting operation was not on the property in June 2002 when the zoning and subdivision bylaw was adopted; therefore it is not a preexisting use.

This wholesale coffee roasting operation directly affects our business, staff, customers and ourselves. There are noxious fumes in the air, which cause headaches, burning eyes, nose and throat. As the nature of our business has us outside everyday we are subjected to these fumes which emit toxic compounds such as aldehydes (as formaldehyde), organic acids (as acetic acid) and acrolein. These compounds are probable carcinogens, and are known to cause eye, nose and throat irritation. Acrolein is a high concern pollutant based toxicity and a possible human carcinogen, ([www.deq.state.or.us](http://www.deq.state.or.us))

If this coffee roasting operation is allowed to stay against the zoning bylaw, which is not officially in place, it will set a precedent for anyone else who chooses to disregard the zoning, and will make a mockery out of the whole zoning process.

This parcel of land, was excluded, from the ALR and zoned for retail space only. If coffee manufacturing is allowed to be an established use in this zoning, there will likely be no controls on any other type of manufacturing on these premises should the leasehold change.

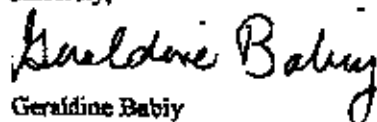
When we purchased this land in 1991, except for the business on the corner of McLean and Alberni Hwy (Westhill Restaurant), all the land around us was agricultural. We live and work on our property that is less than 1/2 km from Creekmore's Coffee, on land that is in the ALR and the emissions from this business are compromising our health and our business.

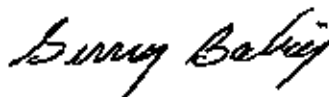
This submission is not about our objection to retail space, but about the type of business that is conducted from the property. I am very certain that this type of business would not be welcome in the Town of Qualicum Beach or Parksville.

This submission is about our quality of life and our right to breathe clean air and feel very strongly that these toxins may cause serious health problems for those that are exposed to these pollutants everyday as we are. The particulate matter and gaseous emissions from Creekmore's Coffee should be treated before being released into the atmosphere, which would result in the oxidation of some of the pollutants. ([www.baagmd.gov/pmt/handbook/s11c03pd.htm](http://www.baagmd.gov/pmt/handbook/s11c03pd.htm))

The Electoral Area "F" Officially Community Plan Bylaw #1152, 1999 states, "that future zoning bylaw will be to zone existing land as conforming, which has no negative impact on groundwater, surface water or natural environment".

Sincerely,

  
Geraldine Babiy



Gerry Babiy

## COFFEE ROASTING OPERATIONS

Last adopted: May 15, 1998

The roasting of coffee beans is a common activity that occurs throughout the Bay Area at a wide variety of facilities ranging from small gourmet coffee shops to medium-sized commercial operations with locally distributed products to large facilities with national product distribution that operate 24 hours per day. The associated coffee roasting equipment ranges from small 25 pound per hour batch roasters located at gourmet coffee shops to industrial, 4 ton per hour, recirculating, continuous roasters located at large facilities. The air pollutant emissions resulting from coffee roasting operations include particulate matter, volatile organic compounds, organic acids, and natural gas combustion products. The odorous and visible emissions (smoke) resulting from the roasting process have the most obvious and direct impact on the public.

Sections I and II of this Permit Handbook chapter describe the processes involved in the roasting of coffee beans and the air emissions associated with those processes. Sections III and IV discuss Bay Area Air Quality Management District permit requirements for this industry and the information necessary for a permit application. Section V is an engineering evaluation template and includes typical equipment descriptions, sample emission calculations, applicable regulatory requirements, and sample permit conditions.

### I. PROCESS DESCRIPTION

The roasting of coffee beans typically consists of the following processes. Throughout this document, coffee roasters will be classified by size according to the following approximate guidelines:

Small Roasters: < 300 pounds per hour

Medium Roasters: 300 to 2000 pounds per hour

Large Roasters: > 2000 pounds per hour

#### A. Roasting

After screening to remove dirt and other debris, green coffee beans are transferred to feed hoppers which charge beans to the roaster which may operate on a batch or continuous basis. Roasting temperature typically ranges from 700°F to 1000°F with roasting times ranging from 5 to 20 minutes depending on the desired coffee bean color and flavor.

#### B. Quenching

When the beans reach the desired color, they are immediately quenched with a water spray to halt the roasting process. Due to the elevated temperature of the roaster, the water applied is emitted as steam.

#### C. Cooling

The beans are then transferred to an enclosed cooler, where ambient air is blown over and/or through the beans as they are stirred or agitated to facilitate the cooling process. In the case of small, batch type roasters, this step is carried out in an open bin (referred to as a cooler car) equipped with a rotating stirring arm and blower to facilitate the cooling process.

#### D. Destoning

The cooled beans are then transferred to a destoner, which is essentially an air classifier which separates the beans from heavier material such as stones, metal fragments, and other waste materials that were not removed during the initial cleaning process. In the case of small, batch-type roasting operations, operators typically rely on the initial cleaning process and do not mechanically destone the beans after roasting.

#### E. Miscellaneous Operations

##### 1. Green Bean Handling

a. Unloading/Receiving – Bags of green beans are opened and dumped into receiving hoppers.

<http://www.baaqmd.gov/pmt/handbook/s11c03pd.htm>

1/5/04

**Coffee Roasting**

- b. Conveying – at large facilities, green beans are typically conveyed via pneumatic systems.
- c. Cleaning/Screening – Green beans are screened to remove dirt and other debris.
- d. Blending – the beans are weighed and blended according to product specifications prior to roasting.

**2. Roasted Coffee Bean Processing**

- a. Grinding – roasted beans are pneumatically conveyed to hoppers that feed multi-stage grinders
- b. Packaging – ground coffee and whole coffee beans are packaged into various sizes for consumer and commercial distribution.

**F. Process Flow Diagram**

A typical large coffee roasting operation is depicted in the process flow diagram below. In many cases, small coffee roasting operations do not include all of the processes shown.

INSERT FLOW DIAGRAM

**II. AIR EMISSIONS**

As stated earlier, the roasting of coffee beans results in the emission of particulate matter, volatile organic compounds, organic acids, and natural gas combustion products. Green coffee beans contain a wide variety of chemical compounds including proteins, fats, sugars, cellulose, caffeine, and organic acids. Some of these compounds volatilize, oxidize, or decompose as part of the roasting process. Consequently, toxic compounds such as aldehydes (as formaldehyde), organic acids (as acetic acid) and caffeine are emitted as a result of the coffee roasting process.

Sections A through E below discuss the air emissions potential for each process described in Section I. Emission factors and emission calculation methods are presented for any processes that may have significant organic, particulate matter, or toxic compound emissions. Section F below discusses the types of air pollution control equipment that are typically employed on coffee roasting operations.

**A. Roasting**

Gaseous and particulate matter emissions occur during the roasting process. As stated earlier, the gaseous emissions result primarily from the breakdown of the sugars and oils present in the green coffee beans. These gaseous emissions include aldehydes, organic acids, phenols and other hydrocarbons. In addition, nitrogen oxides and carbon monoxide emissions occur as a result of the combustion of natural gas which is typically used to fuel the roaster. The particulate matter emissions are composed of coffee chaff (outer skin of coffee cherry) which is released when the coffee beans are used during the roasting process. Most of the chaff released during the roasting process is light enough to be carried off with the roaster exhaust. Although some chaff is emitted during the cooling process, the majority of chaff emissions occur at the roaster.

The following emission factors can be applied to coffee roasters. In the case of large continuous roasters, manufacturer's guaranteed emission rates should be utilized if available.

**Emission Factors for Coffee Roasters**

Source	Pollutant			
	Particulate Matter (lb/ton)	VOC (lb/ton)	Nitrogen Oxides (lb/ton)	Formaldehyde (lb/ton) <sup>d</sup>
Batch Roaster	4.2 <sup>a</sup>	0.86 <sup>b</sup>	0.1 <sup>c</sup>	0.094
Batch Roaster abated by				

<http://www.baaqmd.gov/pwr/handbook/s11c03pd.htm>

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01-05-2004 05:07PM

ARROWSMITH GREENHOUSES

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Coffee Roasting

Page 3 of 4

Thermal Oxidizer	0.12 <sup>b</sup>	0.047 <sup>b</sup>	0.1 <sup>c</sup>	N/D <sup>d</sup>
Continuous Roaster	0.66 <sup>a</sup>	1.4 <sup>b</sup>	0.1 <sup>c</sup>	0.068
Continuous Roaster abated by Thermal Oxidizer	0.092 <sup>b</sup>	0.16 <sup>b</sup>	0.1 <sup>c</sup>	N/D <sup>d</sup>

<sup>a</sup> Will vary depending upon destruction efficiency of abatement device. Assume destruction efficiency of 90% by weight unless otherwise specified by manufacturer.

<sup>b</sup> Taken from EPA AP-42, Chapter 9.13, 9/95.

<sup>c</sup> Taken from EPA AP-42, Chapter 6.2-1, 2/72.

<sup>d</sup> The factor used to calculate this formaldehyde emission factor (0.068 lb formaldehyde/lb total organics) was taken from the Toxic Air Contaminant Emission Inventory for the San Francisco Bay Area Status Report, April 2, 1990. Emissions of the toxic compounds acrolein, acetaldehyde, and organic acids may be present in coffee roaster exhaust streams, however the amounts of these emissions have not been substantiated to warrant their inclusion in this Permit Handbook chapter.

#### B. Quenching

The primary emission resulting from the quenching process is steam. The steam contains primarily particulate matter and may contain trace amounts of the pollutants emitted during the roasting process.

#### C. Cooling/De-stoning

The primary pollutant emitted during the cooling and de-stoning processes is particulate matter as coffee chaff. The vast majority of coffee chaff is composed of large flaky particles exceeding 100 microns in diameter. Cyclone collectors abating cooler/de-stoner emissions typically achieve a particulate matter collection efficiency ranging from 70% to 90% by weight. If the coffee roasting operation under evaluation includes a separate, independently operated cooler and/or de-stoner, the following emission factor may be applied:

Particulate matter = 1.4 lb/ton coffee beans

This emission factor is without control equipment such as a cyclone. If no other data is available from the applicant or cyclone manufacturer, a conservative collection efficiency of 70% by weight may be applied. It should be noted that particulate matter emission rates based upon a guaranteed grain loading number are not accurate due to fluctuating exhaust gas flow rates characteristic of quenching and roasting operations.

#### D. Miscellaneous Operations

##### 1. Green Bean Handling

Unloading/Receiving, pneumatic conveying, Cleaning/Screening, and Stending:

These processes result in the emission of large particulate matter (>100 microns) that are composed of coffee chaff, dirt, dust, fibers, and other debris associated with the green bean harvesting, packing, and shipping process. No emission data or emission factors are currently available for these operations. Because these processes are typically abated by cyclones and/or fabric filter abatement devices which are very effective at collecting such large particles, particulate matter emissions are assumed to be negligible.

##### 2. Roasted Coffee Bean Processing

Grinding and Packaging:

<http://www.baaqmd.gov/pmt/handbook/s11c03pd.htm>

1/5/04

Because the particulate emissions resulting from grinding and packaging are not typically vented to the atmosphere, they are assumed to be negligible.

#### **E. Abatement Equipment**

Typically, particulate matter emissions from the roaster, cooler, destoner, and green bean handling equipment are abated by high-efficiency cyclones. Because the majority of particulate matter emitted is larger than 100 microns in diameter, these cyclones are very effective in capturing the particulate matter emitted. Collection efficiencies range from 70% to 90% by weight.

Gaseous emissions from roasters are typically abated by catalytic or thermal oxidizers downstream of cyclones. Recirculating roasters have reduced emissions since they redirect a portion of the roaster exhaust back through the burners, resulting in the oxidation of some of the pollutants.

# Chemical Information

## National Air Toxics Assessment (NATA)

### What are air toxics?

Air toxics are generally defined as air pollutants known or suspected to cause serious health problems. Serious health effects include cancer, birth defects, lung damage and nerve damage.

### What is NATA?

The U.S. Environmental Protection Agency (EPA) has recently released the second phase of the National Air Toxics Assessment, a new evaluation of 33 high priority toxic air pollutants. The first phase of NATA included estimated air toxics emissions and outdoor concentrations based on 1996 data. This second phase provides estimates of exposure and health risk by considering where people spend their time and how much of these pollutants they breathe.

NATA information gives the Department of Environmental Quality (DEQ) a better understanding of the air toxics problem in Oregon and a baseline from which it can measure progress. NATA will help us target areas of the state for developing more detailed information and air toxics reduction strategies.

This fact sheet provides basic information about each of the 16 chemicals estimated by NATA at concentrations in Oregon above health-based benchmarks. These benchmarks are not standards but instead are guidelines for safe levels based on the best scientific data available.

### Acetaldehyde

**What is it?** Acetaldehyde is a colorless flammable liquid that mixes with water and evaporates when exposed to air. Acetaldehyde has a pungent odor but at dilute concentrations it has a fruity odor.

**Where does it come from?** Acetaldehyde occurs naturally in some foods, such as ripe fruit and coffee. Acetaldehyde is formed as a product of incomplete wood combustion in fireplaces and woodstoves, coffee roasting, burning of tobacco, and vehicle exhaust fumes. Residential fireplaces and woodstoves are the two highest sources of acetaldehyde, followed by various industrial emissions.

**What are the health effects?** EPA has classified acetaldehyde as a probable human carcinogen of low carcinogenic hazard. Health

effects from breathing small amounts of acetaldehyde over long periods of time are unknown.

### Acrolein

**What is it?** Acrolein is a colorless or yellow liquid with a disagreeable odor that burns easily and evaporates quickly in the air.

**Where does it come from?** Acrolein is present in tobacco smoke and in motor vehicle exhaust; it can also be formed from the breakdown of gaseous organic pollutants found in outdoor air. Exposure may occur from breathing contaminated air, from smoking tobacco or proximity to someone who is smoking, or from being near automobiles, or fossil fuel power plants.

**What are the health effects?** The major effects from long-term inhalation exposure to acrolein include general respiratory congestion and eye, nose, and throat irritation. EPA considers acrolein to be a high concern pollutant based on toxicity, and a possible human carcinogen.

### Arsenic and Compounds

**What is it?** Inorganic arsenic is a naturally occurring element in the earth's crust. Pure inorganic arsenic is a gray-colored metal. Inorganic arsenic is usually found combined with other elements such as oxygen, chlorine, and sulfur. Arsenic in plants and animals combines with carbon and hydrogen. This is called organic arsenic. Organic arsenic is usually less harmful than inorganic arsenic. Most arsenic compounds have no smell and dissolve in water.

**Where does it come from?** Inorganic arsenic is found throughout the environment. It is released into the air by volcanoes, the weathering of arsenic-containing minerals and ores, and by commercial or industrial processes, such as metal smelting, and from power generation using fossil fuels. The major use for inorganic arsenic is in wood preservation and burning of wood treated with arsenic puts it into the air. Arsenic can then settle from the air to the ground. Arsenic, a compound consisting of arsenic and hydrogen, is used in the microelectronics industry and in semiconductor manufacture. For most people, food is the largest source of inorganic arsenic exposure, with lower amounts coming from drinking water and air.

### Air Quality

Air Toxics  
811 SW 6<sup>th</sup> Avenue  
Portland, OR 97204  
Phone: (503) 229-6399  
(503) 452-4011  
Fax: (503) 229-6675

Contact:  
Sarah Armitage  
(503) 229-4196  
Gregg Latzke  
(503) 229-6611

[www.deq.state.or.us](http://www.deq.state.or.us)

Last Updated: 03/21/02

01/05/2004 15:00

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LAWOFFICES2

PAGE 01

**GALE L. PRESTASH, B.Sc., LL.B.**

Barrister and Solicitor

*An independent practice of law at*

100, 10426 - 81 Avenue, Edmonton, Alberta Canada T6E 1X5  
Tel: (780) 437-1123 Fax: (780) 433-6710 E-mail: [prestash@shaw.ca](mailto:prestash@shaw.ca)

January 6, 2004

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo BC V8T 6N2

via facsimile to 250 390 4163

Attention: Brigid Reynolds

Re: Public hearing January 7 2004

Lot 2, Plan VIP22824, District Lot 139, Land District Nanoose  
1244 Ruffels Road - Electoral Area "F"

Thank you for your correspondence dated December 1 2003. I would be pleased if the site specific zoning set out in that letter was granted on the above noted property. I will be unable to attend the public hearing tomorrow. Please table this letter before the Directors who are sitting the hearing.

I own the land in question. I lived on it as my residence for 12 years. It is currently rented, as a residential premise. I hope to return and live on it again in the future.

The previous owners (Hammers) used the property as a residence and for horse activities. Mr. Hemer advised me that the owner previous to him had developed the property specifically for her horse business - she raised Arabs. I had the pleasure of meeting with her son-in-law during my residence on the property and he confirmed that that had been the use.

The value of the property to me is as a residence where I can carry on recreational horse business activities. That I did in the years I lived on the property, and that is my intention when I return to the property.

I have considered the 4 stated criteria for the granting of the site specific zoning.

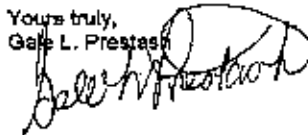
1. There is a great deal of horse activity in the area: to some extent that activity defines the area's character.
2. I have been compliant with provincial agricultural and environmental guidelines regarding horse activities - waste handling and water protection.
3. Only the residence requires sewage disposal and there is an existing, compliant septic system.
4. I have met the requirements of the Provincial Agricultural Land Commission regarding the riding surface that I installed on that part of the property that is in the ALR.

As a general matter, survey data gathered by the BC Ministry of Agriculture in approximately 1997 pointed out that recreational horse businesses contribute positively to maintaining green belt around developing municipal areas. Thank you for your consideration of these points. Thank you to Ms. Reynolds for her timely direction to me to address this matter.

I would like to express my appreciation to the elected representatives and public servants who have contributed to implementing zoning in Area F.

Yours truly,

Gale L. Prestash



## H&F Ventures Ltd.

1080 Industrial Way  
Parksville, B.C. V9P 2W8  
Phone (250) 248-8155 Fax (250) 248-4894

January 6, 2004  
3 page(s)

Attention: Bob Lapham  
Planning Dept.  
RDN

Attention: Lou Biggemann  
Director  
RDN

Re: **Bylaw No. 1285.01 Area "F"**

Dear Sirs:

Further to our fax letter of January 2, 2004, we wish to object to the downzoning of these Lands from Site Specific A-1.7 (and the A-1 Land Use), to being limited to only A-1 use.

This makes our present stump dump facility legal non-conforming, which is entirely inappropriate.

Our reasons are as follows:

- (1) Our stump dump has been in legal operation since February 22, 1996, or for nearly 8 years now.
- (2) We didn't ask for, nor apply for, this proposed rezoning, or this change in zoning, and we are the Land Owner here.
- (3) We understand that the Potential Purchasers of this property, who have a rezoning underway for greenhouses, also did not request the rezoning here.
- (4) The Ministry of Environment approved the stump dump on February 22, 1996, and Mr. Colin Fry of the Provincial Agricultural Land Commission was informed of this approval, along with Derek Roberts of the RDN. There have been further inspections by the Ministry of Environment since 1996, and we are unaware of any problems at this location.
- (5) When our stump dump was approved in 1996, these Lands were an island of open zoned Area "F" ALR Lands contained within, and surrounded by, Forest Lands owned by MacMillan Bloedel/Weyerhaeuser.
- (6) Just because the RDN has recently rezoned ±850 acres of sold Weyerhaeuser Lands down to ±150 lots of about 2 ½ acres in size (now River's Edge Subdivision), on the way to our stump dump, is not a proper or valid reason to downzone our lands and to make our stump dump "non-conforming". We were



here first by eight years, and our concerns were brought to the RDN's attention during the rezoning for the River's Edge Subdivision.

- (7) The RDN granted us this site specific zoning of their own volition based on the actual Land Use when zoning was brought in, and well before the River's Edge Subdivision was planned.

We may not object to this downzoning at some future date, only if:

- (a) our Lands are first sold to another party, and/or the rezoning could be shown to expedite a sale to another party;
- and/or (b) the RDN properly compensates our Company to end the use of a stump dump here, or to relocate the stump dump elsewhere;
- and/or (c) the RDN first assists our Company to find and to provide the necessary approvals for an alternate site in the Parksville/Area E/Area F vicinity, and a legal operation is first underway at a new location.

Therefore, other solutions exist. This has already been discussed with the RDN.

We also think that there is more than some irony or inconsistencies here.

You have refused to grant H&F Ventures Ltd. the appropriate zoning for 20 - 1 acre parcels, a land use that we seek, fully disclosed to the RDN, and as confirmed by a Building Strata Plan registered on title, right next door, on the previous Lot B, at 1000 Sleepy Hollow Place.

Yet, at the same time, you wish to downzone this adjoining Lot A, from A-1.7 to A-1, without our application or request, or our consent, and after the RDN themselves granted this site specific zoning, in substitution for open zoning, many years ago.

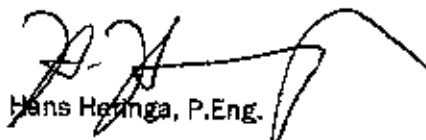
It looks like we are getting some discriminatory treatment here, that offends the principles of the proper, fair and equal treatment of all Land Owners, and good local government.

We also question why the RDN wouldn't at least first forewarn or discuss with the Owners or the prospective Purchasers, the reasons or motivation for this rezoning.

Thank you for your further consideration.

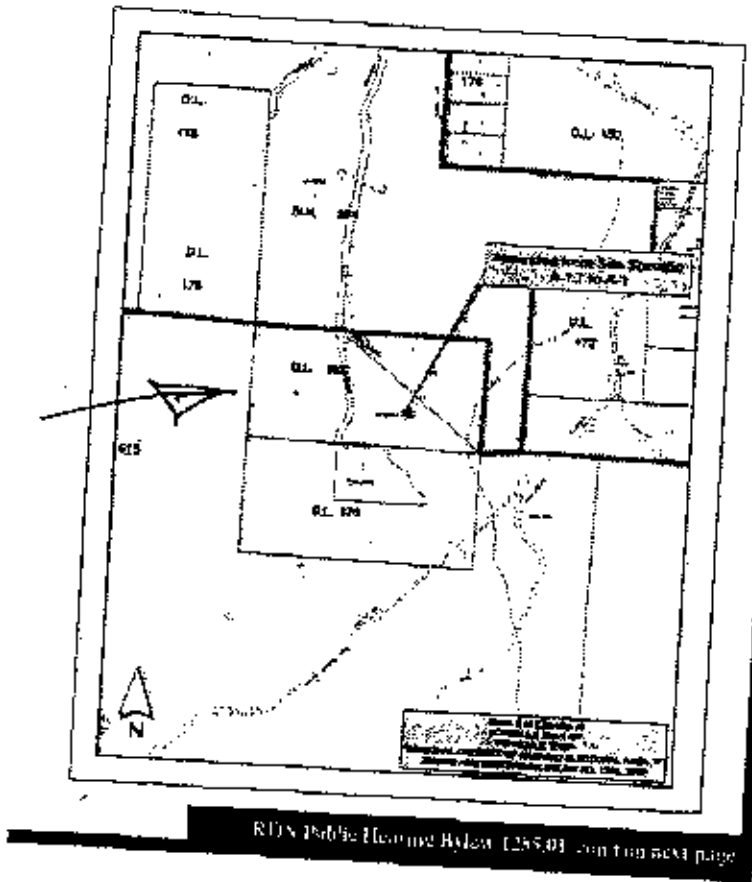
Otherwise, it seems to me that only the RDN Staff get the say, and all of the say.

Regards,



Hans Heringa, P.Eng.

cc: Joe Stanhope, Chairman, RDN  
HH/im/Lapham



10. Amending subsection 4.23 Site Specific Zones as follows:  
 i) By rezoning the lands described in the Lot Description Column of Table No. 1 from the Old Zone to the New Zone and as shown on Schedule No. 1

Table No. 1

Old Zone	New Zone	Lot Description
A-1.7	A-1	Lot A, District Lot 182, Nanoose District, Plan VIP65017 (2570 Pearson Road)
R-2.12	R-3	Lot 7, District Lot 140 Nanoose District, Plan 72868 (1403 Tyler Road)
R-1.10	R-1	That Part of Lot 3, District Lot 149, Nanoose District, Plan 1917 Lying to the North of a Boundary Parallel to and Perpendicularly Distant 360 Feet from the Northern Boundary of Said Lot (1219 Sharon Road)

## H&F Ventures Ltd.

1080 Industrial Way  
Parksville, B.C. V9P 2W8  
Phone (250) 248-8155 Fax (250) 248-4894

January 5, 2004  
3 pages

Attention: Bob Lapham  
Planning Dept.  
RDN

Re: **Area "F" Zoning Bylaw Amendment No. 1285.01**

Dear Sir:

Re: **Lot B, 1000 Sleepy Hollow Place  
Now Strata Plan VIS5430, Strata Lots 1 - 8**

On and before March 31, 1999, these Lands were "open zoned", and the RDN had no zoning regulations when we acquired them in 1994. Lot B was about 25 acres in size (now further subdivided).

On March 31, 1999 the RDN was told about our plans and our intent to do a ± 20 Lot Strata Subdivision here of 1 acre lots, in response to, and after the RDN asked us what our plans were.

The RDN then chose to ignore our proposal, and our answer, and instead decided to zone these Lands as 5 acre instead.

Over and over again, since March 31, 1999, we have told the RDN what our plans were, but it has all fallen on deaf ears.

Ironically enough, the RDN themselves, after March 31, 1999, and in fact during 2002 and 2003, goes and rezones the adjoining +650 acres of former Forest Lands that had 20 Acre Zoning, down to 2 ½ acre parcels. And the RDN does this rezoning without any investigation or proof of adequate septic soils, and prior to proof of an adequate and secure water supply, and did so even when the RGMP at the time did not contemplate or permit such a small lot subdivision to occur.

We asked for 1 acre zoning as it was the current use in 1999, and only got 5 acre. Implicit in this is that this 5 acre is the minimum parcel size allowed for everyone, and yet Englishman River Estates starts with 20 acre zoning, asks and gets right down to 2 ½ acre zoning. But it's not okay to rezone our "open zoning" down to 1 acre, and only 5 acre zoning is available for our Company, right next door. If Englishman River Estates can rezone to less than 5 Acres, why can't we, next door?

What justifies the change in policy from how it was applied to our earlier Project? The RDN has so far ignored the "fine tuning" of the zoning for our property, even when the 1 acre Building Strata Plan for our Land is now registered at Land Titles.

This could be viewed as open discrimination - pure and simple.

Please include our property in your proposed Bylaw for site specific zoning, as 20 @ 1 acre parcels, in conformance to our Building Strata Plan, and as has always been requested.

We also note with interest, for example that you are doing this rezoning for others.  
Example: Strata Lots 1 - 19, DL 98, Nanoose District, Strata Plan VIS5369.  
Example: Strata Lots 1 - 47, DL 98, Nanoose District, Strata Plan VIS5370.

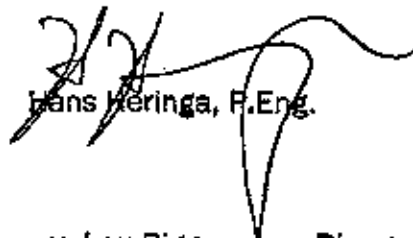
Why not our property?

My final comments are as follows - Please "fine tune" and amend the zoning for my property at 1000 Sleepy Hollow Place, to 1 acre parcels, as the RDN has always been previously advised, in response to the RDN's own requests. Phase 1 of my Building Strata Plan was recently registered, on or about November 14, 2003. Rezoning here will expedite the completion of Phase 1, and it will also expedite the completion of Phase 2. It will also improve the sightliness of this Project. It will expedite financing, and mitigate the damages and loss that has been occurring here, for the past two years in 2002 and 2003, because of the 5 acre zoning.

Thanks for listening. Thanks even more for hearing and understanding my complaint.

Thanks for any cooperation.

Regards,



Hans Heringa, F.Eng.

cc: Lou Biggemann, Director, Area "F"  
cc: Joe Stanhope, Chairman, RDN Board  
HH/Iny/Lapham



## H&F Ventures Ltd.

1080 Industrial Way  
Parksville, B.C. V9P 2W8  
Phone (250) 248-8155 Fax (250) 248-4894

Attention: Bob Lapham  
Planning Dept.  
RDN

January 5, 2004  
3 pages

Dear Sir:            Re: **Area "F" Zoning Bylaw Amendment No. 1285.01**

Other general considerations. My first comment is as follows.

In my opinion, the RDN and Area "F" hasn't designated an adequate amount of Land for future Land Uses such as:

- Heavy Industrial Use (Processing)
- Medium Industrial Use (Mill Sites)
- Stump Dump Depots
- Construction Demolition & Recycling Depots.

Not having adequate amounts of already zoned, vacant Lands available, is keeping Industry out and away, and the Industries relocate to areas where vacant zoned land is available.

With all due respect, the Zoning Bylaw Amendment here is "fundamentally flawed".

Rezoning is an expensive, time consuming and uncertain process, and which usually involves some onerous demands being made of the proponent, sometimes scuttling the deal.

The RDN should be more proactive, by making some vacant zoned lands available for all future uses and for expansion. This is the job of Planning Staff. The RDN should be content to collect the significant taxes from the future development of such zoned lands.

My second comment is as follows.

The criteria presently being used to assess individual requests for site specific zoning is fundamentally flawed in one way, as it give no recognition and no weight to the pre-existing plans and intent of the Land Owners. The established criteria defeat and frustrate the Land Owners from proceeding with their pre-existing plans, dreams and most of all - the enjoyment of their properties, that they have paid good monies for, and for which they pay significant property taxes.

More specifically with your criteria (see attached):

- (1) Why does an adequate and approved means of sewage disposal have to exist already? As long as the necessary sewage disposal is adequate and/or approved at some future date should be good enough.
- (2) Again, why can't the requirements of the jurisdiction having the authority, not be addressed in the future, as part of "fine tuning" the desired zoning that the Land Owner wants?
- (3) Again, as long as the proposed use envisaged by the Land Owner was compatible with the surrounding properties and character of the area when the Land Owner bought the property, and when the Land Owner disclosed his plans to the RDN, the RDN should really broadly accept the Land Owner's plans and intent, if it is reasonable and particularly if there is some evidence to corroborate those reasonable plans.
- (4) This present requirement or criteria is too restrictive, and too broad, as all new uses are likely to have a negative impact of sorts, on groundwater, surface water, or on the natural environment, and it's a matter of degree of the negative impact. Only the Land uses which will have an unacceptable or unreasonable impact should be rejected, and not the rest.

These criteria, simply put, give the RDN staff way too much personal (or whimsical) power, in my opinion, to reject virtually any application that they don't wish to support. And this (bad) criteria can irresponsibly and harshly defeat the dreams of the common man who, perhaps foolishly, became a Land Owner. Also, the elected officials only get to see the further "fine tuning" and rezoning of properties that Staff wishes to pass forward to them. I am not sure that this is proper, and I believe it can be handled in a better way.

The RDN Board, to be fair, should still allow all Land Owners in Area "F" to come forward with any and all of their plans, hopes and dreams, and to apply for any rezoning that they previously had in mind. As long as there is no major opposition, or nuisance concerns, and as long as the proponent can eventually provide adequate sewage disposal, road access, water supply, and meet the requirements of the jurisdictions having the authority, the proponent's requested zoning should be granted.

Only this method is fair to all of the pre-existing Land Owners.

The way the process is presently set up, it's only the RDN Staff that get to selectively decide, based on self-fulfilling criteria, and the Land Owner and Elected Board Officials really get no say about the properties not brought forward. This just isn't right or proper, and especially so, considering the prior "open zoning" history for Area "F".

In my opinion, as part of its "fine tuning" process, the RDN should go as far as canvassing the Land Owners for zonings that they would like to see for any of their vacant lots.

Regards,

  
Hans Heringa, P.Eng.

cc: Lou Biggemann, Director, Area "F"  
cc: Joe Stanhope, Chairman, RDN Board  
HH/iny/Lapham

*Map Creek 5,*



## **Electoral Area 'F' Information Bulletin**

*December 2003*

### **Electoral Area 'F' Zoning and Subdivision Bylaw Amendment No. 1285.01**

Following the adoption of the Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 in June 2002, the RDN Board recognized that the bylaw would create 'non conforming' status on some properties in Electoral Area 'F'.

As a result, the board initiated a 'fine-tuning' process to amend the zoning on these properties. The following criteria (as outlined in the Electoral Area 'F' Official Community Plan), were used to assess individual request for site-specific zoning to recognize pre-existing uses:

1. Is there an adequate and approved means of sewage disposal?
2. Are all requirements of the jurisdictions having authority over the lands or use addressed?
3. Is the use compatible with surrounding properties and the character of the area?

4. Is there any negative impact on ground water, surface water or the natural environment?

A number of properties meet these criteria and have been recommended for site-specific zoning. The proposed Bylaw amendments, if adopted by the RDN Board, would rezone these properties.

Additionally, a number of text changes are proposed in order to improve readability and correct legislative definitions and text errors. Also included are minor changes to permitted uses on A-1 (Agriculture 1), I-1 (Industrial 1) and I-2 (Industrial 2) zoned properties, and prohibited uses.

The proposed amendments received 1st and 2nd reading by the RDN Board on December 9, 2003. A public hearing will be held on January 7, 2004.

(Over)

## **Electoral Area 'F' Information Bulletin**





Trevor and Eileen Wicks  
P.O. Box 196 Errington  
VQR 1V0 2S8 9824  
Feb 9<sup>th</sup> 2003

Regional District of Nanaimo  
Planning Dept.

**Re: RDN Zoning Bylaw no.1285.01**

In 1990 we purchased a property on Middlegate road in Errington. The property consisted of 9.18 acres in the A. L. R. with 2 dwellings. One main residence and a 750 sq. ft. cottage both built about twenty years ago. They both have efficient independent septic disposal systems in place.

The current RDN Zoning bylaw only recognizes a second residence in the A-1 zone if the residence is **manufactured**. Because our cottage is not manufactured it is presumably *not approved* and illegal under the terms of the Agricultural Land Act.

Could you advise me why a relatively small cottage should remain illegal simply because it was not manufactured, while many hi impact land uses are being legally zoned on ALR land including large permanent buildings?

**Water Protection and Zoning:**

The protection of Area 'F' water resources is an important issue. Wastewater disposal is often a source of water contamination in rural areas. The primary means of sewage disposal in Area F is by individual septic systems. Septic systems have a limited operating life-span depending on ground conditions, maintenance levels, volume of waste processed and many other factors. Some of the systems fail within one year of construction, others have had unapproved connections added and many have failed because of the other factors mentioned above.

The Zoning Bylaw process is permitting additional dwellings and home based businesses on a parcel of land based conditionally upon the existence of a sewage system development permit, issued by the Regional Health Authority. Some of these permits were issued many years ago and in no way determine that the sewage disposal systems are currently adequate, functioning, or even connected to the buildings or residences that were approved for the connection.

The zoning process is not living up to the requirements of the OCP regarding impacts on groundwater and adequate means of sewage disposal unless an inspection of the systems confirm that the systems are maintained and operating efficiently.

We hope that you will address this situation before approving Bylaw 1285.01

Sincerely, Eileen and Trevor Wicks

01/06/2004 15:50

250-722-3998

REP PROPERTIES LTD

PAGE 01



3010 Ingram Road, Nanaimo, B.C., V9X 1W8 Tel (250) 722-3998 Fax (250) 722-3998

*Return Fax*

To: Glenn Gibson

Jan. 06, 2004

Dear Glenn,

The result our negotiation with the Regional District about the change from 3 to 4 Apartments, needs your agreement, which you can send per FAX to Dave, before the Re-Zoning-Time is over.

For us is it very important, if the building burned down, that we can re-build it with the 4 Apartments.

We appreciate your support.

We are on vacation till January 24, 2004.

Best Regards

*[Signature]*  
Eric Parzid

*As these suites have a common entrance the flow rate is reduced to 780 for 4 units (gal/day)*

*Therefore this meets the intent of our Reg 411/85*

*fc: Brigid Reynolds - RDN*

*Yours truly  
Glenn Gibson*

Jan 7 04 12:12 P.01

Parksville Health Unit Fax: 250-248-8624

January 7, 2004

Robert and Gaye Preston  
908 Little Mountain Road  
Errington, B.C.

Regional District of Nanaimo  
6300 Hammond Bay  
Nanaimo, B.C.

With regards to the property at 908 Little Mountain Road, Errington  
This property has had two houses on it since at least 2000. The  
electrical inspection was done October 10, 2000. We enclose the  
electrical inspection.

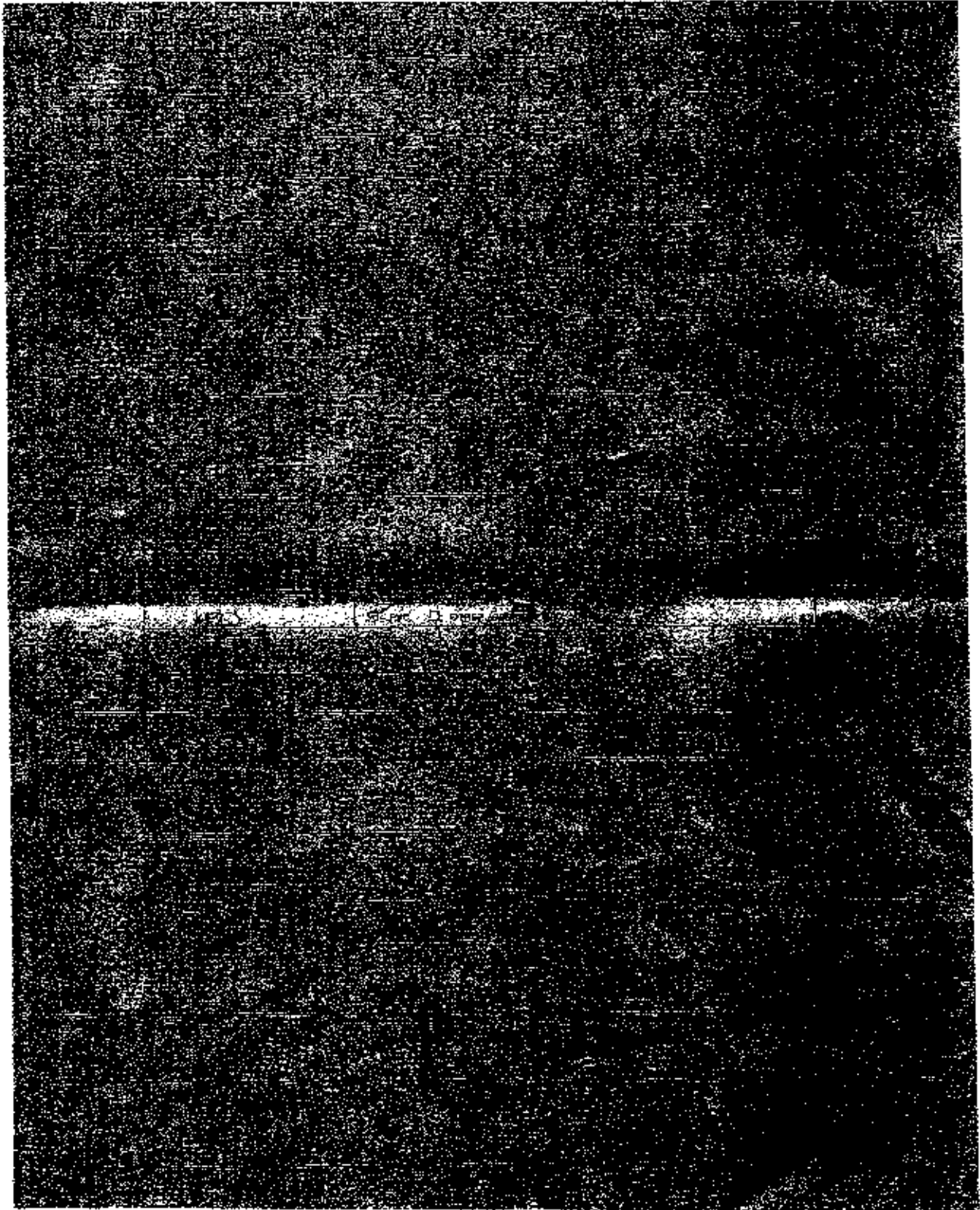
Since that time we have installed an approved treatment plant for the  
two houses. We have included the permit from the Health Department.  
When we first saw the notice regarding the change we thought it was  
for properties that wanted to change the zone. Having been  
grandfathered in we believed that it would not be necessary to apply to  
the Regional District for this change. Upon a further review of the  
newspaper it became apparent we needed to do this.

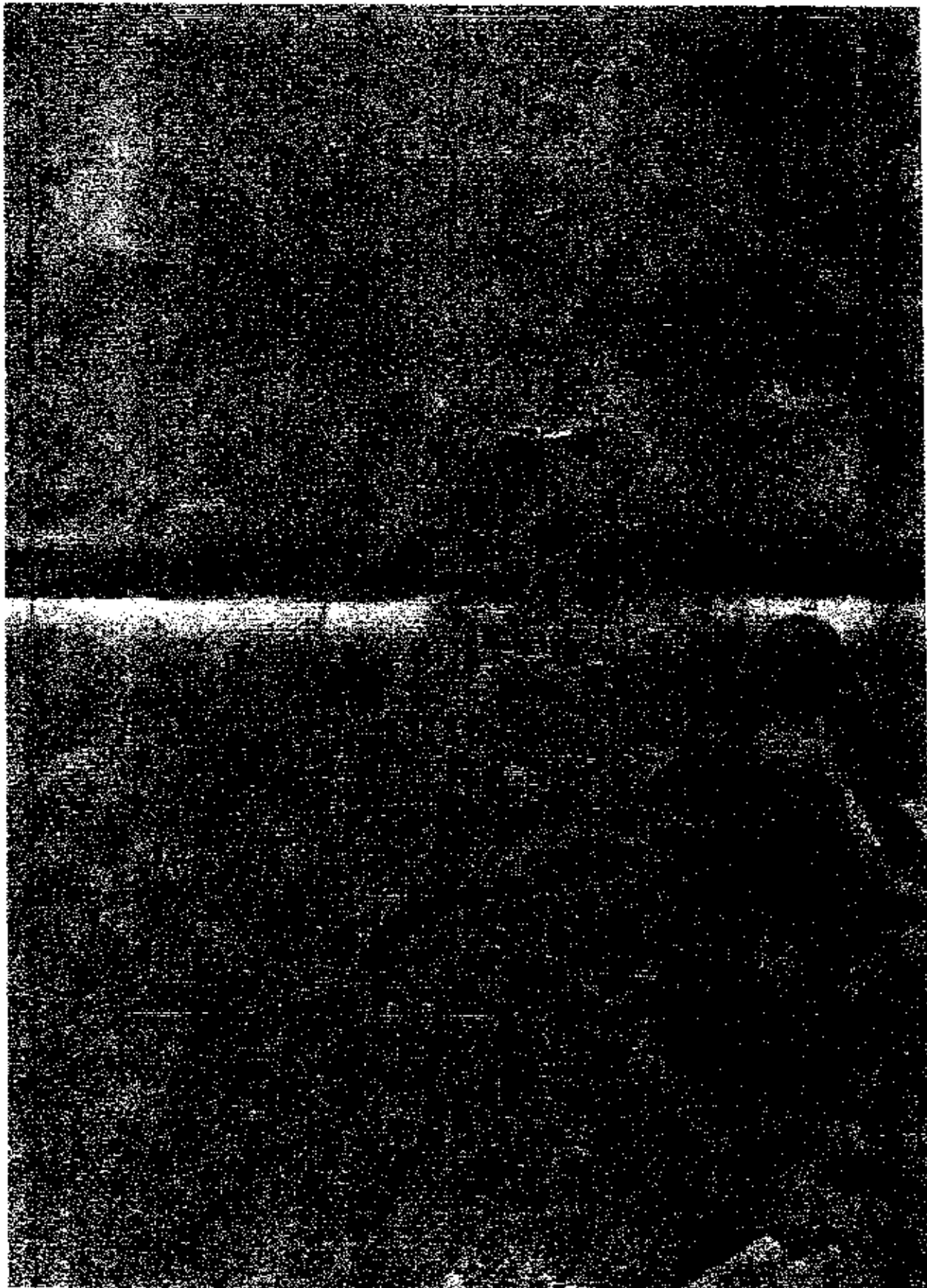
I work in Vancouver so it is a little difficult during the week to run  
around to the various agencies to check on these matters. No doubt I  
should have been more diligent thus I am writing now to be included in  
the zoning change. Thank you for any assistance you could provide in  
this regard.

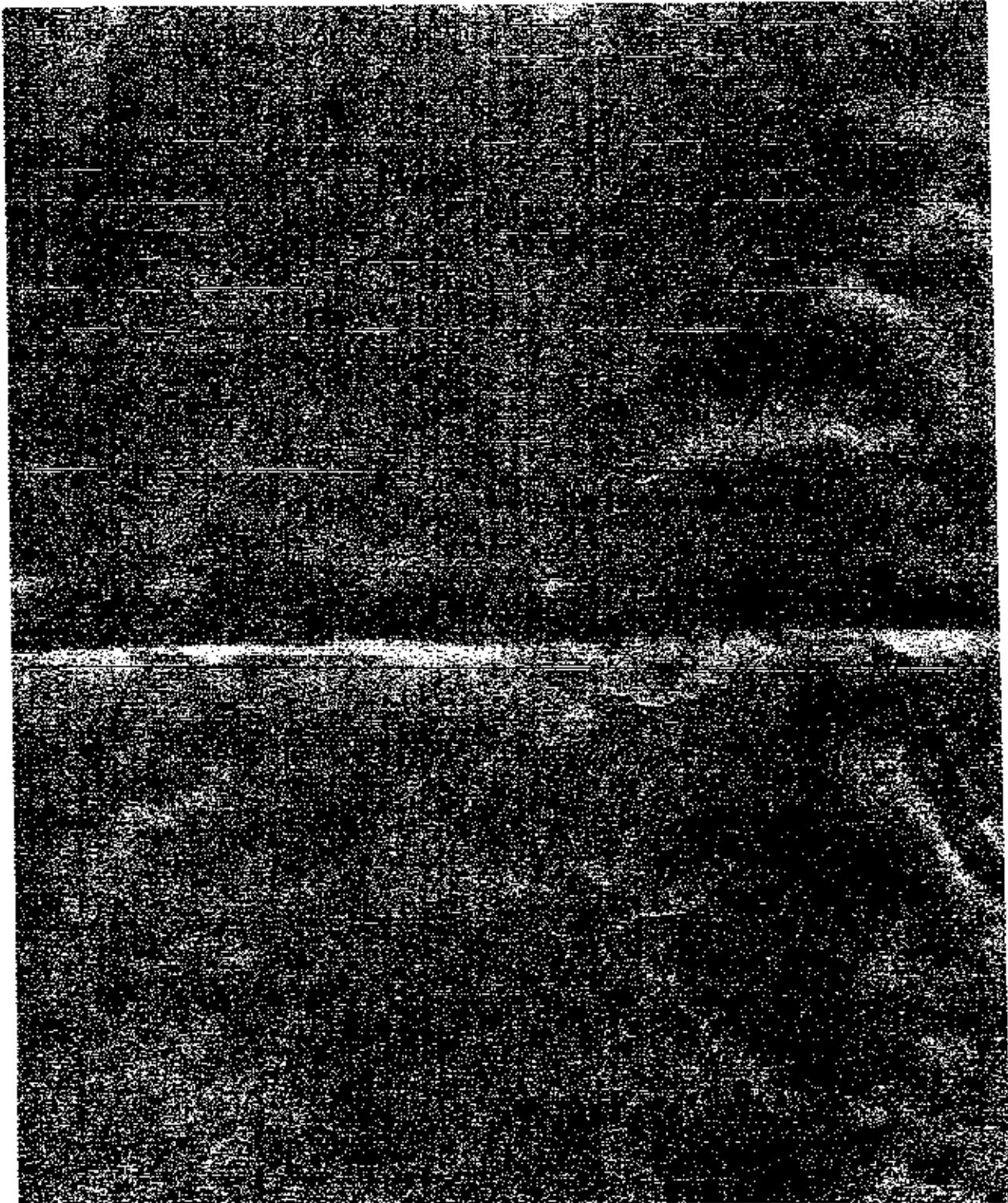
Yours truly











2003/12/03 ARCHIVE REGULAR ELECTRICAL PERMIT 13:11

Permit No.: 1301435 Orig. Permit No.: 1301435  
01 Description: SUPPLY AND INSTALL 1 SPAN 1PH SECONDARY DISTRIBUTION  
EXTENSION OVERHEAD. TO BC HYDRO STANDARDS FOR BC HYDRO  
TAKE-OVER.  
02 Job Type: 2 UNDER 750 VOLTS  
03 Rating of Service Switch: Voltage: 120/240V Phase: 1 Amps:  
04 Size and Type of Service Conductor:  
05 Heating Load: KW  
If Addition: 06 Existing Load: 0.0 KW OR 12 Month Demand: 0.0 KW  
07 Additional Load: 0.0KW  
Total: KW  
08 Available Fault Current: 0 K  
09 Designer Name: 10 Your Job Number:

Enter NEXT in the Action field to see next screen of information.

2003/12/03 ARCHIVE ELECTRICAL PERMIT INQUIRY SCREEN 13:11

Permit #: 1301435 Orig Perm No.: 1301435  
Permit Class C310 Area: 659  
01 Issue Date: 1998/02/27 09:25 02 Expiry Date: 1998/08/29  
Permit Type: CO 03 Permit Status: COMP  
05 Contractor: 00011709 06 Registered Rep.: 00017515  
ADDY POWER LTD ADDY, IAN A F  
07 Applicant: ADDY POWER LTD  
08 Suite No.:  
Street No.: Street:  
City: QUALICUM BEACH NESW:  
Postal Code: V9K 1S8 Telephone: (000) 248-0840 Province: BC  
09 Installation: JOSEPH KINCH  
10 Suite No.:  
Street No.: 1910 Street: ERRINGTON ROAD NESW:  
11 City: 66 ERRINGTON  
Telephone: (000) 000-0000

99 Supplemental Permit List  
Enter NEXT in Action field to see next screen of information

ADDITIONAL INFO 1910 ERRINGTON RD



2003/12/03 ARCHIVE REGULAR ELECTRICAL PERMIT FEE INQUIRY SCREEN (REGULAR) 13:11

Permit No.:	1301435	Orig Permit No.:	1301435
01 Installation Value:	\$ 520	\$	46.00
02 Revised Installation Value:	\$	\$	
03 Temporary Connection ?	N		
N Construction Service (Y/N)			
N Entertainment Services (Y/N)		\$	
04 Other (Survey) (Y/N)?	N		
N Single Family			
Other Facilities			
After Regular Hours		\$	
05 Supplementary	N		
Deficiencies, Violations or Re-Inspect		\$	
GST Amount (If Applicable)		\$	0
Total of Above Fees		\$	46.00
06 Payment Method:	BC	07 Office:	BC01
08 Payment Date:			1998/02/27
DI Actual Amount Collected			\$
98 Permit Notes			

**Legacy Permit Data**

Permit: 1302059 Permit Type: CO Org Inst Date: 17-NOV-58  
Branch: EL

Effective Start Date:

Effective End Date:

Branch_Code_P	EL
Permit_No_P	1302059
Permit_Type	CO
Branch_Code_P1	EL
Org_permit_No	1302059
Area_P	659
Name_1	TRADEWIND ELECTRIC LTD
Branch_Code_P2	EL
License_Type_P1	EC
Regist_No_P1	00023056
Branch_Code_P3	EL
License_Type_P2	RR
Regist_No_P2	00031354
Suite_No_1	1
Street_No_1	1009
Street_Name_1	HERRING GULL WAY
Name_1	
Addr_1	1910 ERRINGTON ROA
Addr_2	
City_1	PARKSVILLE
Prov_1	BC
Postal_1	V9P1R2 #
Phone_No_1	00000009542313
Installation Name (Name_2)	JOE KINCH
Suite_No_2	
Civic Number (Street_No_2)	1910
Street Name (Street_Name_2)	ERRINGTON ROAD
Street Direction (Name_2)	
Addr_3	
Addr_4	
City Name (City_2)	ERRINGTON
Prov_2	BC
Postal_2	
Phone_No_2	
Issue_Date_P	Mar 5, 1998
Exp_Date_P	May 6, 2001
Status	COMP
Flag_f	Y
Send_Exp_Flag	Y
Contact	
No_Pieces	0
Label_No_1	0
Label_No_2	0
Model_P	
Custom_Built	
Approval_Code	
Modification_1	
Modification_2	
Modification_3	
Equip	
Manuf_Code	
Sub	

Dec 03, 2003 14:13

## Legacy Permit Data

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Main_Amps	200A
Kva	0
Main_Phase	1
Spans	0
Wood_Poles	0
In_High_Volt	0
Lw_Elec_Dist	0
Lw_Volts	0
Job_No	M600
Description	
Cond_Size	
Exist_Load	.00
Add_Load	.00
Inst_Value	2000
Tmp_Connect	N
Tmp_Serv_Const	N
Tmp_Ent_Serv	N
Tmp_Connect_Fee	.00
Other_Ind	N
Std_Ind	N
Other_Fac	
After_Hours	
Other_Fee	.00
Total_Inst_Value	0
Total_Inst_Fee	.00
Total_Fee	89.60
Pc_Permit_No	
Tran_Code	310
Source_Code	C
Plan_Type	
Desc_1	
Desc_2	NEW INSTALLATION WORKSHOP/RESIDENTIAL
Desc_3	
Desc_4	
Office_No	BCOL
Vip_Area	669
City_Code	66
Job_Type	2
Heat_Load	10.00
Demand	.00
Total_Load	0
Fault_Curr	0
Designer	DENNIS FREY
Six_Months_Chk	N
Def_Or_Viol	
Supp_Fee	0
Pay_Date	Mar 5, 1998
Pay_Method	BC
Bc_Online_Accl	776300
Permit_Class	C310
Org_Inst_Date	Nov 17, 1858
Inst_Type	
Org_Fee	.00
Ampacity	0
Over_Current	0

### Legacy Permit Data

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Invalid_Tradesm	N
Invalid_Regist	N
Download_Flag	N
Add_Fee	.00
Add_Hours	.00
Appl_Fee	.00
Category	
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Fax_No_2	
Hours	.00
Manufacturer	
Comp_Parts	
Fee_Pay_Date	Nov 17, 1858
Main_Hp	.00
Main_Kw	.00
No_Labels	0
Paid_ind	Y
Test_Agency	
Wire_Diag	
Entry_Time	8410619
User_Fee	

Jan 7, 2003

RE: BYLAW AMENDMENT


Verbal

Ray Tinkling & Hilary Tinkling co-owners of 1384 Tyler road  
 +1439 TYLER ROAD, EBRINGTON 248.9565  
 Legal Description: BL: 24 PL: 1918 DL: (40 Except Plan 22868, the Easterly 1/4 of Block 24  
 Nanoose Land District

The reason many of us moved to this area was because of the fact that with no zoning or 'open' zoning it enabled us to operate a business without having to manoeuvre the bureaucratic maze (re: community planning). When we purchased 1439 Tyler Rd in 1989 we had planned to put a second dwelling on the property. We have operated an excavating company on this property since 1985 and currently have site specific zoning for 'storage'. We are on the same street as Steve Stahley + Russ Hannay who have six units on Tyler Road and support their application for re-zoning.

With regard to Agricultural land, 1384 Tyler Road is 9.2 acs. and is not viable as agricultural land.

We request consideration be made to the size of land in the A.L.R. when reviewing applications for non-farming uses on A.L.R. land, to allow manufacturing or artisan use on agricultural land.

signed 

## Fern Road Consulting Ltd.

Our File: 03-218-Z

2004-01-07

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2

Attention: Chairman and Members of the Board

Dear Sirs/Mesdames:

**Re: Lot A, Plan VIP65017, District Lot 182, Nanoose District**

On behalf of my clients, GreenChoice Energy Ltd. (GreenChoice) and the owner of the above lot, H & F Ventures Ltd., I request the above parcel be removed from the agenda and the rezoning from A1.7 to A-1 be held in abeyance.

As you are aware, GreenChoice has a pending sales agreement with H & F Ventures Ltd. to purchase this parcel. We have applied for a rezoning to increase the lot coverage to facilitate the construction of greenhouses and this application has received 3<sup>rd</sup> reading. As discussed at our meeting on 5 December, 2003, we are in the process of completing the conditions of this rezoning.

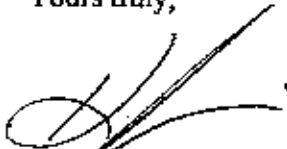
Therefore, it came as a surprise to see that this parcel was included in the Area F zoning review. We understand the RDN staff assumed that the stump dump operation is illegal as far as the Agricultural Land Commission is concerned and that an application to operate the stump dump has been refused. However, that assumption is not correct.

GreenChoice intends to continue to complete the purchase of this property and fulfill the conditions of the rezoning. As discussed at our 5 December, 2003 meeting, there must be a transition period to give the present owner time to relocate the stump dump to a new location. Downzoning this property to A-1 will not allow for the transition and may jeopardize the purchase.

2

We request the downzoning of this parcel be removed from the agenda and GreenChoice be allowed to continue with the rezoning to Comprehensive Development.

Yours truly,



**Helen MacPhail Sims**  
HMS:rh

c.c. H & F Ventures Ltd.  
c.c. GreenChoice Energy Ltd.

December 31, 2003

Board of Directors  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Re: Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 'Finetuning' Project

Dear Board Members:

I wish to be included in the Public Hearing which is to be held at the Bradley Centre January 7<sup>th</sup>, 2004 at the Bradley Centre.

Our property is located at Lot B, DL114 Nanoose District Plan VIP 53102 (1810 Gibbs Road, Errington). I originally applied with the Regional District to be included in the Finetuning project on September 26<sup>th</sup>, 2003 (see attachment). I only received one piece of correspondence from the RDN which I have enclosed copies of which is dated October 20<sup>th</sup>. In speaking with the RDN approximately December 4<sup>th</sup>, they told me that I had to have all the information to them by the 9<sup>th</sup>. The soonest I could meet with Glen Gibson was on the 9<sup>th</sup>. He said he would come by on the 10<sup>th</sup> but it ended up being the 11<sup>th</sup> at which time it was approved. I faxed a letter to Brigid Reynolds of the RDN and the Board Members on the 9<sup>th</sup> explaining the situation and asking to be included however they did not include me in the board meeting.

I realize that this is beyond the cut off of the 9<sup>th</sup> however after reviewing the minutes of the board meeting I realized that the RDN had inadvertently not included me on the Table #2 list which was for the requests that are in progress which the RDN anticipates additional information for. The minutes state on page 35 that "Staff has informed property owners that have outstanding information, that the deadline for receiving supporting documents is December 9, 2003". As I was not included on the list even though I had applied back in September to be included, I was never officially notified of the cut off date. Because of this and because I have supplied the RDN with all necessary documentation (see attachment), I believe that our zoning should also be included in the 'finetuning'.

Sincerely,

Corinne L'Heureux  
Box 475  
Coombs, BC  
V0R 1M0

*In addition to this letter already submitted I would like to comment on statement regarding "People were informed of cut off times in the paper and on the web-site". I ask that you also see page 36 where it states "Property owners that have ~~has~~ outstanding information have been contacted directly. ...". I was not. Please advise...*



my property to site specific for our house and our mobile home. Our paper work proving how long the trailer has been there and the ~~age~~ septic approval have been provided to you already.

Thank-you  
Louise Stuenkel

Leffler Rd.  
Errington, B.C.

To whom it may concern.

With three Sawmills in close proximity to each other and a large one in the centre of Errington, I wish to voice my opposition to another being built in this area.

This area for the most part is residential and I welcome businesses that are aesthetically pleasing, pollution free, and as noiseless as possible.

Yours Truly,  
Pavelge Dykhal.

January 7, 2004

George Harm  
1581 Leffler Road  
Box 88  
Errington, B.C.

To Whom It May Concern:

I wish to declare that I object to the proposed implementation of a sawmill at 1425 Leffler Road.

This neighbourhood is predominately comprised of residential properties with the exception of a few relatively recent existing sawmills and related enterprises, which, in my opinion, were inappropriately located in this neighbourhood in the past 10 years, a result undoubtedly due to the lack of existing community plans at that time.


I do not view the higher noise level that would be expected with the activity that would occur at the mill site as appropriate to any predominately residential area.

In view of a seeming constant harvesting of timber in this area, I would have to surmise that timber would have to be imported, causing an inappropriate heavy transport traffic on Leffler Road as well.

In light of the fact that a community plan has been established and that specific areas have been designated industrial, of which this neighbourhood has not been designated as such, it would be highly inappropriate to allow this proposed exemption to occur.

In short, I do not see the establishment of a sawmill in this neighbourhood as compatible in any degree whatsoever.

Sincerely,

  
George Harm

248-2609

Richard Boyce  
1392 Leffler Road  
P.O. Box 135  
Errington, British Columbia  
V0R 1V0  
Telephone: 248-3682  
e-mail: rcboyce@shaw.ca

Board of Directors  
Regional District of Nanaimo

Attention: Director Lou Biggemann  
Electoral Area "F"

Wednesday January 7, 2004

Dear Elected Representatives:

By way of introduction I will mention that, amongst other things, I am a small woodlands manager trained through Forestry Renewal BC. My family has owned and resided upon the property located at 1392 Leffler Road since April 1975. My family and I have been active participants in the surrounding community for the past 28 years. I would like to thank the Board of Directors representing the residents of the Regional District of Nanaimo for following through on the wishes of your constituents by implementing the Electoral Area 'F' Official Community Plan. In part these bylaws protect people, like my family and our neighbors, from industrial activities that will effect and disrupt our rural residential lives. By establishing the land use of each property this Community Plan outlines what "use is compatible with surrounding land uses and the character of the area." I live on land designated as Rural Residential as do all of my neighbors.

I am particularly concerned about the property located at 1425 Leffler Road. This property is across Leffler Road with near adjacent boundary lines to my family's property. The current owner is seeking rezoning from R-1 to R-1.18 which is site specific zoning to allow wood processing, a mill, on the site. He is asking that his quite country home with dogs, kids, a big lawn, and gardens be re-zoned from Rural Residential to Site Specific for an Industrial saw mill. However the mill that he wants the Regional District of Nanaimo to approve on his rural property is not currently in operation. Nor has it been since the Spring of 1999. Based on the fact that for several years now this property at 1425 Leffler Road has been for sale it would appear that the present owner does not plan to run any future mill himself. He obviously plans to sell the property as an industrial site to an undisclosed buyer. The current owner has not participated in the

process of Electoral Area 'F' Official Community Plan. The grandfather clause that went into effect on June 2002 would have seen a nice quite rural residential home on 1425 Leffler Road. We, the neighbors had nothing to complain about at that time and therefore the Regional District of Nanaimo was not made aware that there was anything other than a quite rural residential home on 1425 Leffler Road.

3 years before the zoning of June 2002 we, my family and our neighbors, had nobody to complain to about the industrial activities on our quite rural road. I have enclosed photographs of logging trucks that, fully loaded and running idle, parked in a long line of up to 4 trucks at one time in front of my house\*(Please see attached 4 photographs and descriptions) These photographs were taken on Saturday January 9th of 1999 at 4 pm and show that the parked trucks take up an entire lane of the road from the corner of 1425 Leffler road to the "Truck turning" sign and beyond towards Grafton Avenue. Proving that the current property owner has no regard for his residential neighbours these trucks continued to arrive and park in front of my house from before Dawn until after dark on both Saturday and Sunday as well as for several more days of the week. Standing idling from dawn until well into the night they reduced Leffler Road into a single lane with no warning signs or flag people. At times this single lane was taken up by unlicensed industrial front end loaders which drove up and down the roads of my community on a number of occasions between Errington Cedar Products and 1425 Leffler Road. Once the trucks had finally been unloaded my family and our neighbors had our quiet rural life disrupted by the noise of a mill and the massive industrial machines that moved the logs around. The flatbed trucks that turned in and out of the property disrupted the flow of traffic on Leffler Road many times, with little regard for safety. One of these trucks was jammed in its turn and could not move for several hours. This blocked access on Leffler Road to Middlegate Road for several hundred people who luckily did not need medical or emergency help at that particular time but could not leave or gain access to their homes.

My family, and I'm sure most of our neighbors, breathed a big sigh of relief when the mill stopped operating in the spring of 1999. No more trucks or industrial noise. Only dogs, kids playing, and a return to our residential lives on this rural road.

An industrial saw mill is not compatible with surrounding land uses and the character of the area which is rural residential and has been for as long as I have lived here. If there is any

question about the negative effects of an industrial saw mill in the middle of a residential area please refer to the residents of Area "F" who live near a Mill operated by Errington Cedar Products located in the heart of Errington on Grafton Avenue. I have reason to believe and do believe that a) Run-off water from this mill is full of Tannins and wood oils that have contributed to neighbor's wells becoming contaminated and no good for human consumption. b) The noise is excruciating and very loud between 6:00 am and 2 am regularly (leaving only 4 hours of quite in this residential area while this mill is often running on week-ends) c) The heavy truck traffic and staff parking along the main road are hazards to public safety. d) The neighboring property owners land value has decreased, in fact they would find it hard to sell. e) One neighbor had a "For Sale" sign up for many years before finally selling for well below market value. These are just the most obvious problems with an industrial saw mill in a rural residential area. Electoral Area 'F' Official Community Plan specifically addresses these concerns.

An industrial saw mill will have a negative impact on groundwater, surface water, and the natural environment which I have witnessed in December of 1998 at the property of 1425 Leffler Road. At that time I saw an adjacent neighbors pond contaminated by a heavy concentration of tannins and wood oil causing the water to turn putrid orange with a film of blue colored oil covering the surface. At that time I also observed discarded oil drums, oil rags, and the telltale blue of fuel spills in the mud at the back of 1425 Leffler Road.

If port-a-poties are to be the primary sewage treatment will that set a precedence for the surrounding area and therefore all of Area "F"?

All of the neighbors to 1425 Leffler Road that I have spoken with are in direct opposition to transforming our quiet rural residential homes into an industrial zone. As our elected representative, I ask that you uphold the Electoral Area 'F' Official Community Plan. Please do not allow the present or future owner of 1425 Leffler Road to operate an industrial saw mill in our rural and residential community.

sincerely,



Richard Boyce, BFA, MFA

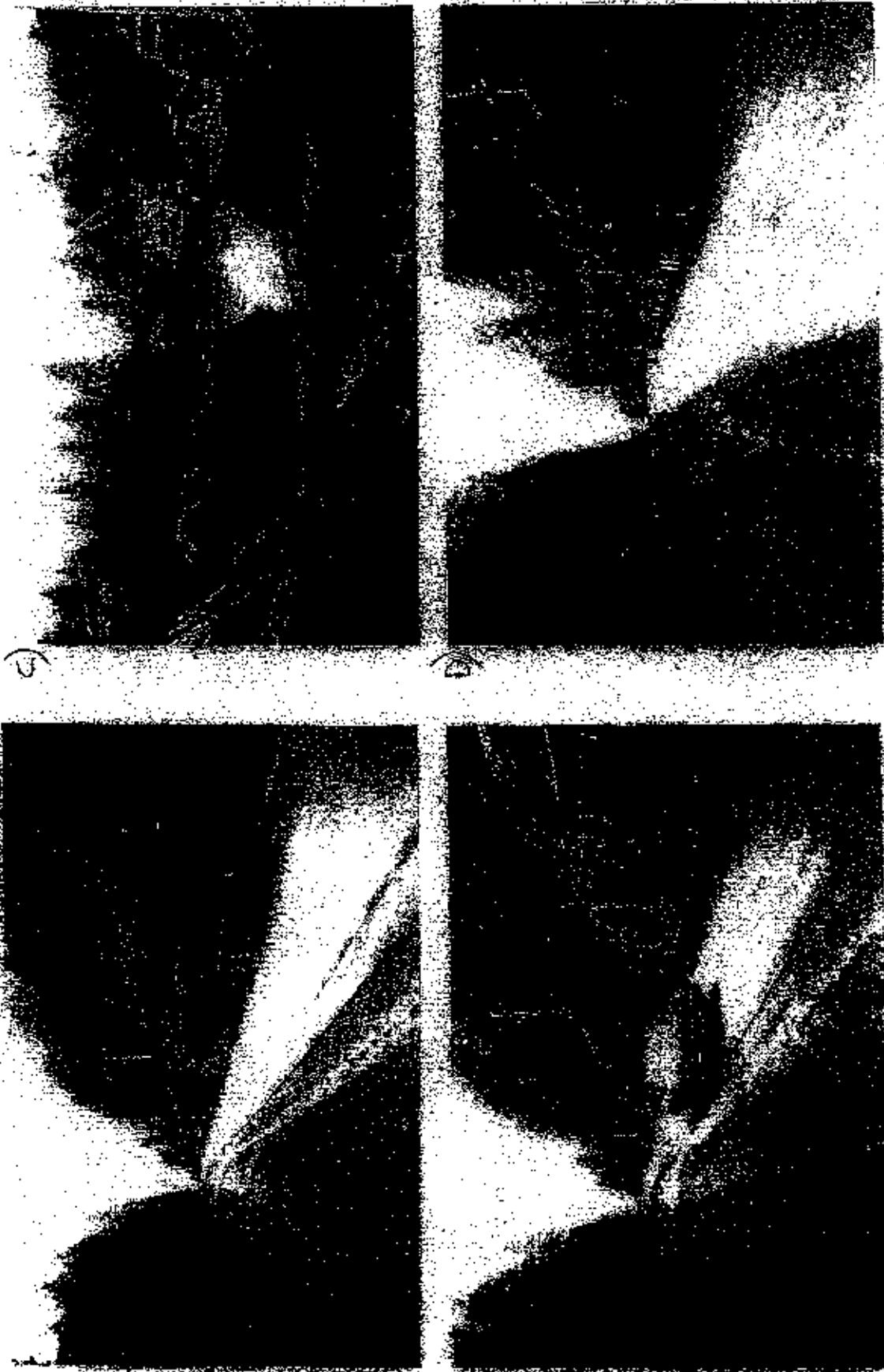
P.S. See attached Photos and Detailed Descriptions

Richard Boyce  
1392 Leffler Road  
P.O. Box 135  
Errington, British Columbia  
V0R 1V0  
Telephone: 248-3682  
e-mail: rcboyce@shaw.ca

**Detailed descriptions of Attached Photos**

Photographed by Richard Boyce in the presence of several Witnesses  
on **Saturday January 9th of 1999 at 4 pm**  
**and Sunday January 10th at 7:00 am**

- A) 4 fully loaded logging trucks running idle for several days  
Driveway on left is 1392 Leffler Road  
Head of first truck is at 1425 Leffler Road
- B) Leffler Road reduced to single lane traffic  
No Flag person or warning signs present
- C) Back yard at 1425 Leffler Road  
Heavy machinery unloads logs from truck for several days  
Yellow Front-end loader on loan from Errington Cedar Products.  
This Vehicle is not licensed for use on roads yet I and several  
other witnesses observed it driving repeatedly on the road between  
1425 Leffler Road and Errington Cedar Products which is located on  
Grafton Avenue a full 2 km away.
- D) Highlights Truck Turning sign at rear of 3rd Logging Truck to  
establish distance and the fact that 4th Logging Truck is squarely  
in front of my property at 1392 Leffler Road





Jan 7 /04

7

To Whom it May Concern.

My name is Harry Wennatz and I own the property on the corner of Fairdowne & Stagdowne, namely 1220 Stagdowne Rd. When we purchased the property there was a caveat on our property as well as Lot 25, Block 544

Plan 39786 allowing for one dwelling & one mobile. Shortly after, Will, the owner of Lot 25, approached myself & told me & my wife (he had his little boy in tow) that he wished to have me remove the caveat because

he was getting a divorce from ~~2~~ his wife, who was going to live in the dwelling, and that the mobile on the property was leased for many years, so he wished to put another mobile on so he could live close to his kids. My wife who loves kids & myself agreed to do so. Shortly after, his wife moved off the property & he moved two more mobiles on to the property.

- 1) First concern - R-1.9 references 4 dwellings rather than 1 dwelling & 3 mobiles. I was told by Glenn of the Health

department that the septic was 3/  
approved for 1 dwelling & 3 mobile

2) Will situated the 3 mobiles  
at the front of his 5 acres  
to gain access from Fairdowne  
because Stagdowne did not  
exist past Fairdowne.



After he got approval for the  
1 house & 3 mobiles on Lot 25

he extended Stagdowne where <sup>4</sup>  
~~also~~ indicated & then subdivided.  
Lot 25.

3) Will then wishes to have  
R-1.21 added now to allow  
him to put 1 dwelling &  
2 mobiles on the back  
1.01 ha when the whole  
2.02 ha was approved for  
1 dwelling & 3 mobiles.

My concerns are:

Will has turned a single family  
acreage area into a trailer park  
& with the R-1.9 description, would

- be allowed to build 4 houses <sup>5</sup>  
on the front 1.01 ha.
- by subdividing he has attempted to double the residences allowed on the original 5 acres.
  - by using the ~~used~~ word "dwelling", he has been permitted to change his mobiles on R-1.9 into houses. with the subsequent entitlement to strata or ~~a~~ subdivide to follow.

Please try to help our  
community  
(Sorry for the sloppy writing).  
Thx. Harry.

6

Properties being referred to.

R-1.9 1750 Fairdowne Rd.

R-1.21 1184 Stagdowne Rd.

Jan. 6/2004.

I would like to register my  
opposition to the granting of the  
saw mill permit (re-zoning) on  
Leppler Rd. I feel as if it is  
another step in turning our rural  
residential community into an  
industrial based one. From my home  
I can currently hear a sawmill,  
I don't look forward to a third  
one. The resultant industrial  
traffic from the mill's I currently  
live with, bring up traffic  
safety issues. Keep in mind, the  
roads have a very narrow shoulder;  
I am constantly reminded of this as  
I am a daily pedestrian on these  
roads.

Don Kestey  
1239 Leppler Rd  
Emmerton B.C.

January 5, 2004

To Whom It May Concern:

I would like to voice my objection to the proposed sawmill on Lefler Road. I don't want the noise or traffic that this business will generate. As some-one who walks regularly in the neighbourhood, I would like to point out the roads do not have wide shoulders and were not constructed for constant industrial use. The increase in traffic will make the roads more unsafe for pedestrians, cyclists and for horses.

There are already several businesses operating in what was and should be a residential area. Please do not allow this development - I don't want to live in an industrial park.

Vicki Walker  
1239 Lefler Road  
Emmington



To Whom It May Concern,

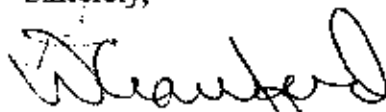
We are writing to object to the proposed change of zoning for "Lot 1 District Lot 139 Nanoose District Plan 15854 (1548 Grafton Rd.)". We are deeply concerned about the potential negative impact that rezoning this land to C-3 could bring to our community. This property is right across the street from our block which is completely residential. It is directly adjacent to a family with young children. In other words, they are surrounded by single family housing that shouldn't have to be impacted with the noises and smells that could accompany a change in zoning.

At the moment, there is a business in there that doesn't conform to either C-1 or C-3: a fiberglass boat-manufacturing operation. This business was not there when the zoning was put in place--it is a recent addition, unlike the mini-storage they also run. If the owners of this land flagrantly disobey the current zoning, they certainly can't be trusted to responsibly conform to more lenient zoning. Ever since they clear-cut the six acres of forest, ignoring neighbor's requests to leave up even just a buffer of trees for aesthetic reasons, they have displayed a complete disregard for the impact they have on those around them.

It is for situations just like this that we have worked so hard and waited so long to have zoning in this area. Please don't nullify all that progress by agreeing to this request for development that is clearly inappropriate for this area, the very centre of our community.

Thank you for your attention to this request.

Sincerely,



Larry Crawford  
Wendy Crawford  
Shirley Pawson  
1366 Errington Road  
Errington, B.C.

Ron Boyce

P.O. BOX 135, ERRINGTON, B.C., CANADA V0R 1V0 PHONE (604) 248-6361

Regional District of Nanaimo  
Electoral Area "F"  
Director Lou Biggemann

7 January 2004

Dear Mr. Biggemann,

Since purchasing two wooded acres at 1392 Hatter Rd., in April 1975, I have been a permanent, full-time resident of this community.

It is with considerable alarm that I have recently learned that the RDN is considering an application for the opening of a commercial sawmill approximately 150 metres from my doorstep.

It is my sincere hope the RDN will have the foresight and integrity to abide by the zoning by-law it passed in June 2002 so this area can remain rural/residential.

Sincerely,  
Ron Boyce

As a permanent resident and land owner at 1227 Leffler Rd. I wish to register my objection to the proposed rezoning of the property at 1425 Leffler Rd.

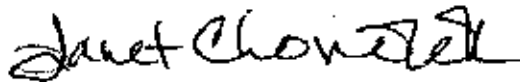
After reading our Land Use Bylaw, I understand that this property was zoned R.1. That is the correct designation to keep the property compatible with the surrounding rural land uses and neighbourhood.

To my knowledge (since I pass the property daily) the sawmill has not been in operation for more than several years.

This proposed new industrial use in a rural zone will negatively affect my property values by drastically reducing the quality of rural life in the area.

Again, I strongly object to any changes in land use on this property.

Janet Chomolok  
1227 Leffler Rd.  
Errington, B.C.



January 6, 2004

To RDN Planning and whom it may concern:

**Regarding BY LAW No 1285.01**

**Lot 1, District Lot 139, Nanoose District, plan 34841 (1425 Leffler Road)**

**Rezoning from R-1 to R-1.18**

**"To allow Wood Processing to a maximum of 8,000 sq m only (includes mill building to a maximum of 580 sq m) "**

I live at 1300 Grafton Avenue, within .5 km of above address. I believe my property value, as well as all other properties within 1 to 2km, will be negatively affected by a rezoning to allow Wood Processing to take place. The expected increase of noise levels, pollution and traffic in this neighborhood of almost exclusively single family dwellings is not acceptable. The quiet enjoyment of my yard and rural acreage is important to me.

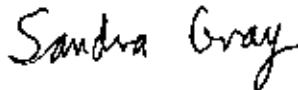
Past ' wood processing activities ' at 1425 Leffler Road have been intermittent and very noisy when in operation. Currently ' wood processing activities ' have not been apparent for quite some time. I understand the property is for sale and believe the current use as primarily a residence should remain. Industrial use of this lot is contrary to our rural residential neighborhood. This neighborhood has been subjected to repeated high pitched industrial noise from Errington Cedar for several years now.

For example:

- as early as 6am and as late as 9pm all days of the week
- on statutory holidays and weekends

Residents have been unable to do anything about the noise levels. Regional and Provincial authorities seem to ignore, disregard and "turn the other way". More of this kind of industrial and noise pollution is not acceptable in my neighborhood.

Sandra Gray  
1300 Grafton Avenue  
Errington, BC, V0R 1V0  
saninerr@shaw.ca



Jan 6, 2004

To whom it may concern

Regarding BY LAW No 1285.01

I live at 1300 Grafton Ave. Errington and I am against the rezoning in  
Table No 6

R1 to R1.18-Lot 1 District Lot 139 Nanoose District, plan 34841 (1425 Leffler Road)

My property value, my work, and life will be negatively affected by the resurrection of another mill operation at 1425 Leffler Road, Errington. Our neighbourhood has been severely impacted by the current mill operation at 1480 Grafton Ave.( Errington Cedar ). Additional industrial usage with more noise, traffic and air pollution will increase stress to this whole rural community.

As the current site is not in operation this proposed change seems to be for the sale of property. This is the best time to take steps to preserve the rural nature of our neighbourhood, by denying this change.

Regards



Dan Gray  
1300 Grafton Ave  
Errington BC  
V0R 1V0

I am the resident co-owner of a property of Leffler Rd. The intent of this process is to amend zonings of properties according to criteria established in the Area F OCP and legally described in Bylaw 1285 as "existing non-conforming uses." As well there is a public bulletin distributed in December 2003 to landowners in the area titled Area F Information bulletin. The bulletin sets out criteria used to assess individual requests for site specific zonings as a series of questions. I would speak directly to a proposal published in Table #6 to rezone Lot 1 District Lot 139 Nanoose District, Plan 34841 (1425 Leffler Rd.) The proposed rezoning adds as a permitted use "wood processing to a maximum of 8000 square metres (includes mill building of 580 square metres). To the best information available to me the rezoning is to permit the operation of a sawmill: According to the local health authority the sawmill meets the criteria described in #1 of the bulletin as the question "Is there an adequate and approved means of sewage disposal" by supplying two portable sealed holding tank type toilets. This is because the building is not serviced with a supply of water. Criteria #2 poses the question "Are all requirements of the jurisdictions having authority over the lands or use addressed" If the use is as a sawmill, it must be operated according to provincial health and safety regulations. The jurisdiction having authority over these is the workmans compensation board. Their regulations state for an establishment of this type and size that one water closet, one urinal and one handbasin connected to a source of hot and cold water must be provided. In order to meet criterium #1 the existing use cannot meet criterium #2

Therefore simply the answer to the question posed is no. Section 1.4 part 1 of Bylaw 1285, 2002 states "the lawful use of any land building or structure existing at the time of the adoption of this Bylaw may be continued, where such does not conform to the provisions of this bylaw, subject to the provisions for non-conforming uses set out in section 911 of the Local Government Act." If the mill operated as a business prior to the inception of the Bylaw, it operated outside the bounds of provincial health and safety regulations. If it operated outside of these standards an offense was committed. A land use that can only operate by committing an offense is not described as lawful. The rezoning for the proposed use in table #6 cannot be considered in this process as it does not meet the primary basic standard for consideration set out by the regional District in the Bylaw., specifically Section 1.4, 1

Although the the existing use cannot be considered in this process due to it's unlawful status, criterium #3, the question" is the use compatible with surrounding properties and the character of the area "should also be addressed at this time. Surrounding properties uses are lawful, unlawful uses are not compatible.

As to conforming to the character of the area: this unlawful property use has caused the closure of the only overland access to emergency services, fire and ambulance, for approximately one hundred fifty residents who live past the property. There is a police report of the incident to that effect.. I myself saw this. As well, logging trucks parked for days on the road shoulder caused vehicles to pull into the lane of oncoming traffic. Pedestrians were forced to walk out onto the road to pass the property. No signage or flagpersons were posted. Again, I witnessed this. In all the years that I have lived on Leffler road, these are the only incidents I have seen or been informed of where there were traffic circulation problems on the road This cavalier attitude towards the safety of

neighbours is not in keeping with the sense of caring and tradition of sharing in the area. The answer to the question is therefore no.

The proposed rezoning as described in Table #6 cannot even be considered. However, as it has been included in the amendment, I must request that my Regional Director to see deleted the third section of Table #6 as published prior to the third reading of the Bylaw Amendment No.1285.01

Steve Chomolok,  
1227 Lefler Rd.  
Errington, B.C.



**JAMES HOWARD MOORE &  
DONNA JOYCE LIVELTON**

P.O. Box 419  
1425 Leffler Road  
Errington, B.C. V0R 1V0

January 07, 2003

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

Sent by fax to: (250) 390-4163  
Pages: 1 of 1

Attn: Senior Planner - Ms. Brigid Reynolds

Re: Lot 1, Plan 348421, District Lot 139, Land Division Nanoose, 1425 Leffler Rd.,  
Electoral Area "F" and Your Letter dated December 01, 2003

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Dear Sirs:

Further to our conversation today I would firstly like to acknowledge that I will be attendance at the meeting this evening, January 7, 2004 at 7:00pm at the Bradley Center in Errington.

Secondly, I would like to thank you for your recommendation to the RDN Board that site-specific zoning be granted for the following uses:

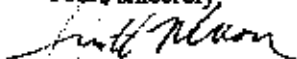
"Wood Processing Facility to a Maximum Area of 8,000m<sup>2</sup>".

Unfortunately the area of 8,000m<sup>2</sup> we consider too small and does not take into consideration our original Phase III Development to fully complete our original planned operations. As stated this Plan was delayed due to unforeseen circumstances including the change from "No-Zoning" to "Zoning" affecting our ability to Finance the completion of our facilities in the area that we had chosen to establish our business. The area including roadways adds up to approximately 9,850m<sup>2</sup> but with the extraction of the roadways is substantially lower but still greater than the recommended 8,000m<sup>2</sup>!

Our main concern is that it is imperative that we proceed with the establishment of the "Out-turn Lumber/Shipping Yard" which is basic requirement of any "Wood Processing Facility" (Sawmill) in order for our business to operate efficiently and profitable.

We would be more than pleased to meet with yourself and any other members of the planning department at your convenience to go over our concerns and to come to a mutual and beneficial understanding. I certainly do not feel much can be accomplished at the public meeting this evening and especially I am not interested in discussing my family business matters in an open public forum!

Yours sincerely,

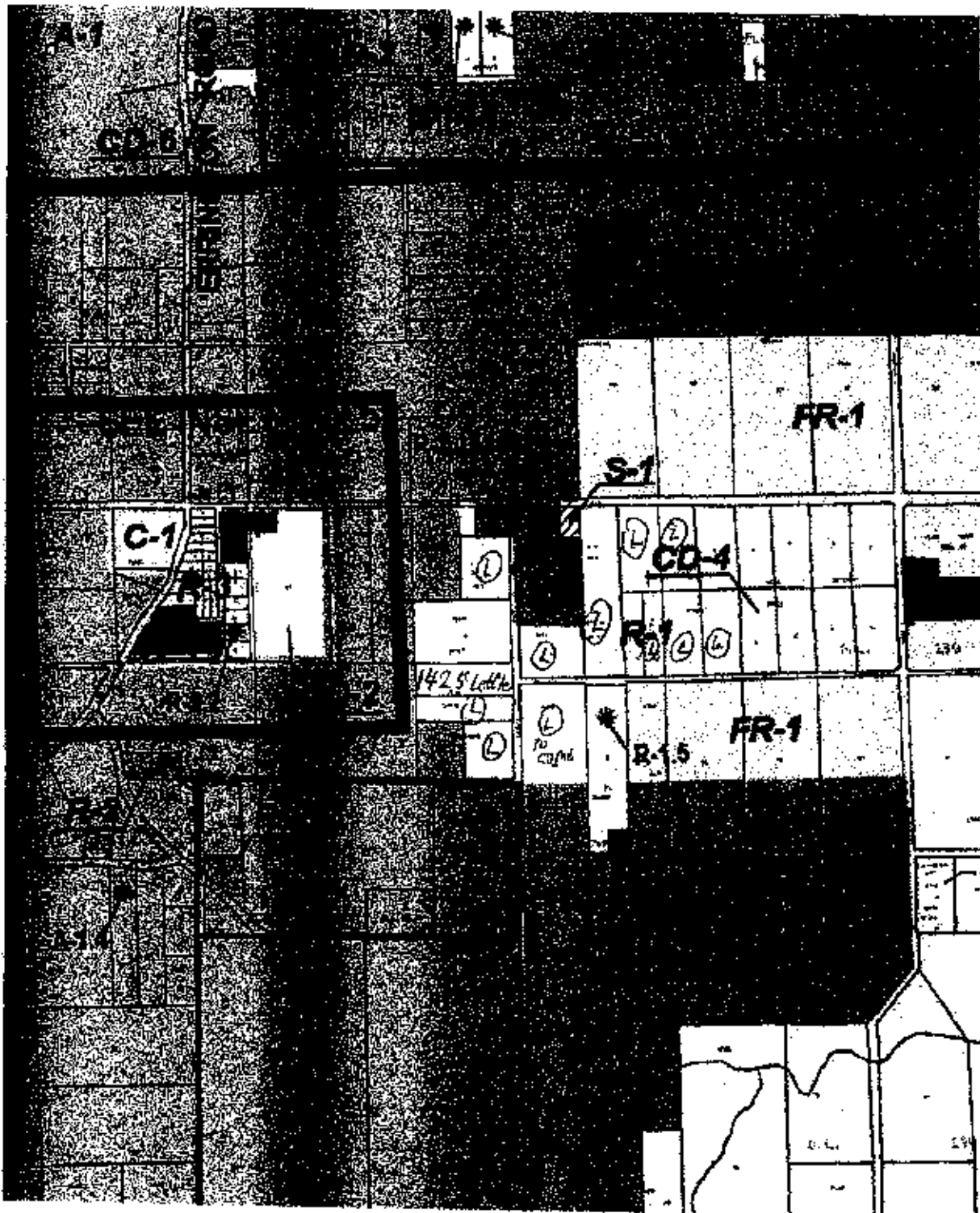


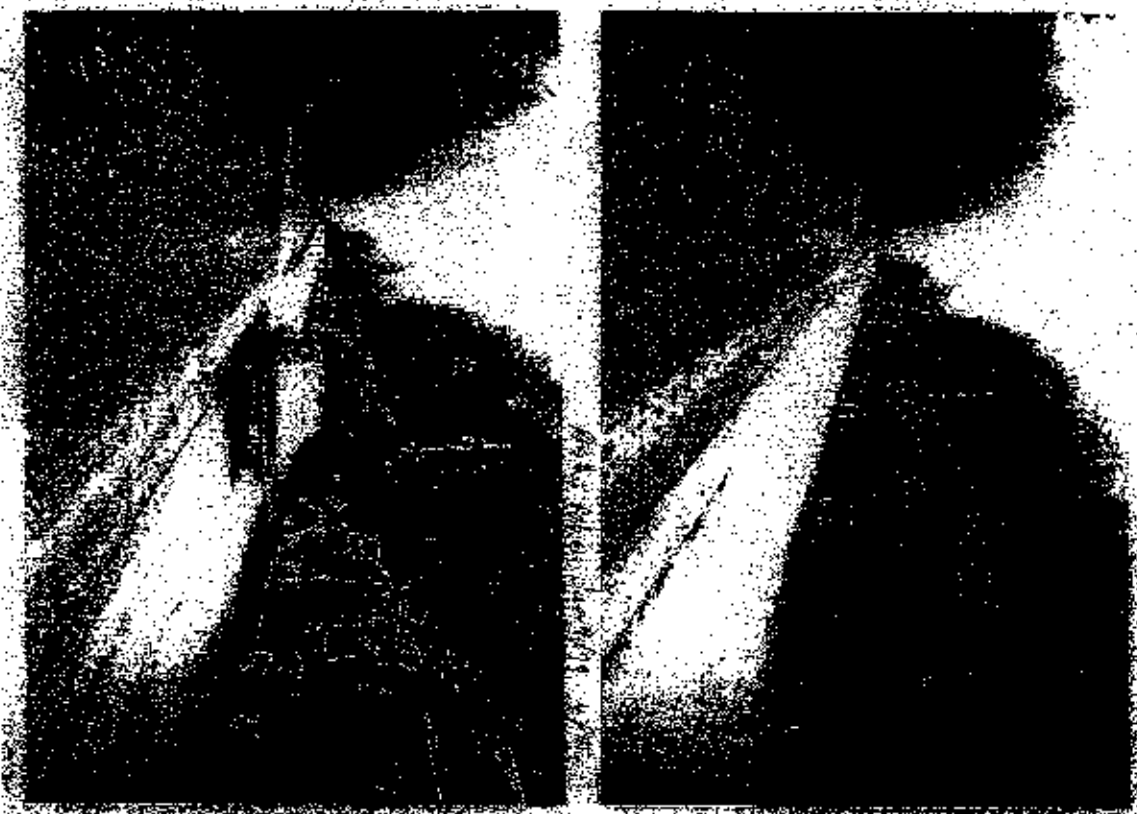
J.H. (Jim) Moore and  
Donna J. Livelton

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Off: (604) 601-8437 Facsimile: (604) 408-8893 Res: (250) 954-0706 Cellular: (250) 954-4177  
Email: [pcsjim@telus.net](mailto:pcsjim@telus.net)







RE. AREA F ZONING.

I object to Lot 1 Dist. Lot 139  
NANOOSE DIST. PLAN 34841 (1425 LEFFLER RD.)

Being rezoned from R-1 to R-1-18  
INDUSTRIAL NOISE FROM FERRINGTON MILL  
NEAR TO OLD ELEMENTARY SCHOOL IS BAD  
enough when N.W. wind blows, this  
ADDITIONAL mill will just INCREASE  
NOISE LEVEL.

JL MITCHELL

*JL Mitchell*

1301 KOPERNICK RD.  
(OFF LEFFLER)

Barbara Mansell,  
1375 Kopernick Road, Box 69,  
Errington, B.C.

January 7, 2003

Lou Biggeman,  
Area F Representative,  
Regional District of Nanaimo

Dear Sir,

RE: Lot 1, DL 1913, Nanoose Land District, Plan 34841 - 1425 Leffler Road

I am writing in regards to the re-zoning application for the above property. This property is directly across the street from my home and thus severely affects me. The sawmilling business that was built on this property in 1995 has been a problem from the day it was built. Many letters were written by my late husband William Fraser and myself pointing out the unacceptability of such an industrial enterprise in our quiet, rural setting. We had bought our property here in 1976 and built our family home because of the quiet, rural, farming lifestyle, where there was no industry far and wide. We approached the RDN, the Ministry of Transportation and Highways and the Ministry of Health to question how such an operation could be legal. As there was no zoning the RDN would do nothing. The highways ministry succumbed to letting there be a second access to the property (when no other property was allowed that except of course the Errington Mill). The Ministry of Health felt that porta-potties were the answer for sewage disposal for the workers employed there.

While the mill was running Bill and I and our two children were constantly disturbed by the loud machine noises, heavily loaded logging trucks loading and unloading and many bright lights. These disruptions happened as early as 5 a.m. and as late as midnight on any day throughout the week. Needless to say we were very angry that our beautiful neighbourhood had come to this. Bill passed away in January 1997 of cancer; this nightmare across the road robbed him of the peace and tranquillity of the rural life he thought he had made for his family.

Since then the mill has run off and on in a similar fashion with no regard for the neighbourhood. It has operated rarely since June 2002 with the property being listed for sale. All throughout the zoning process the present owners did not participate and as such we as adjacent landowners could not address the issue of the mill being there. I find it reprehensible that the RDN feels they have the right to let in more non-conforming industrial uses in R-1 zoning through the back door. The owners of 1425 Leffler Road had more than enough time to join the process and now Bylaw 1285 needs to be enforced.

As you can tell I am opposed to the re-zoning of 1425 Leffler Road from R-1 to R-1.18. I am appalled that the RDN would even consider it. Our neighbourhoods quality of life (one of the key components of the Area F OCP) is at stake here. This is a non-compatible use with the surrounding properties and is out of character with the area.



Barbara Mansell (Fraser)

January 7, 2004.  
Regional District of Nanaimo

RE: **Area F Zoning Subdivision Bylaw  
Amendment Bylaw No. 1285.01, 2003  
Rezoning at Lot 1, DL. 139, Pl. 34841 (1425 Leffler Road)**

As landowners (Lot 1, DL. 139, Pl. 35086, 1357 Leffler Road) in close proximity to Lot 1, DL. 139, Pl. 34841, 1425 Leffler Road, we are opposed to the amendments (R1 to R1.18) to allow rezoning or site specific zoning changes that allow wood processing on R1 zoned property. Due to the residential nature of the surrounding properties we are concerned about the zoning abuse of this property, if as an afterthought it is allowed to be changed from the old zoning of R1.

Bill and Linda Cornell  
Box 791  
1357 Leffler Road  
Errington, BC  
V0R 1V0

*Linda Cornell*  
*Walter Cornell*

JAN 5 / 04

I DON'T WANT  
A LUMBER MILL  
IN A RESIDENTIAL  
NEIGHBOURHOOD.

*Walter Cornell*  
1320  
CRATTON

Box 117  
1285 Kopernick Road  
Errington, BC  
V0R 1V0

January 5, 2004

Planning Department  
Regional District of Nanaimo

Re: **BYLAW NO.1285.01, Property on 1425 Leffler Road**

To whom it may concern:

This property on 1425 Leffler Road should remain as R-1 zoning and not rezoned as R-1.18.

It appears that the sawmill on this property has not been in service for six months or longer. This property has also been for sale for a longer period of time. Mr. Moore had opportunities during the OCP process to rectify his zoning status. It is obvious that his intentions for the zoning change is for resale purposes only and not for the interest of the neighbors. We do not want any more industrial noise or traffic in our neighborhood!

The RDN has offered us minimum protection for a quiet rural lifestyle in Area F by permitting existing industrial business to expand even further.

Sincerely,



Dennis & Wilma Skidmore.

Jan.05/04

To whom it may concern:

This letter is about the concerns I have regarding the rezoning of the sawmilling business at 1425 Leffler Rd. in Errington. If this property is rezoned and sold we will have no control what it may evolve into. Like the sawmill on Grafton Rd. this business was rammed down our throats and we all suffer the consequences now, from clouds of diesel fumes in our front yards to noise pollution. Jim Moore's operation to date has not caused us any discomfort, but I do not live right next door either. Any changes of size or ownership to this operation will be very detrimental to our way of live.

Please take this letter into consideration; I have personally lived at 1416 Elmdowne for 29 years.

Same phone # too. 248-9250

Joe Thuma

Karen J Braun  
1439 Elmdowne Road  
PO Box 178  
Errington, BC  
V0R 1V0  
Legal Description: Lot 82, DL 1913, Nanoose Land District

Lou Biggeman, Area F Representative  
Regional District of Nanaimo

Re: Lot 1, DL 1913, Nanoose Land District, Plan 34841 (1425 Leffler Road)

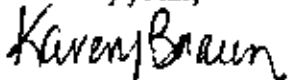
Dear Sir,

I am writing to you about a zoning change proposed for a rural property adjoining my own. The current owner has built a sawmill at the rear of his property very near to its boundary with my property. He operated it intermittently for a number of years and I found the noise level of the radio played in the mill a source of real irritation. What was more difficult to endure was his choice to operate the mill before and after normal working hours. It was not uncommon to hear the equipment still running at midnight. The noise and even the light level used when the mill ran into the night disturbed my husband's peace and his peace of mind during his final years of illness. We purchased our property in 1971, intending to live a quiet rural life here. The encroachment of loud industry has been very unpleasant and unwelcome to me. My late husband shared my views. I should perhaps point out that my husband's remains are resting on my property and I have an emotional commitment to preserving its peace as well.

Since the mill has always operated intermittently and has operated rarely, if ever, in the past 18 months, I cannot see that the Regional District is justified in allowing the owner of this property to claim site-specific zoning at this or any other time.

Thank you for your kind attention.

Sincerely yours,



Karen J Braun



To: Mr. Lou Biggemann  
Area F Rep.

From: Mr. T. Moore  
1376 Leffler, Errington  
248-4917

Dear Sir:

re: site specific zoning at 1425 Leffler

As a resident of the area, I oppose site specific zoning for the above-mentioned property.

A sawmill is "not compatible with the character of the surrounding lands." The latter quotation comes directly from OCP introduction.

The mill doesn't appear to have been operating for approximately 2 years.

Nonresidents may have operated for a few brief periods but under bylaw 1285, article 2915 (1) (b) it states that only business activity of the permanent residents is recognized.

Due to the mills obvious inactivity its non-conforming status has expired. Please see Section 911 (1)(b) of the Local Government Act where it states:

... "if the non-conforming use is discontinued for a continuous period of 6 months any subsequent use of the land, building or structure becomes subject to the Bylaw."

Finally, it appears that the property has been listed for sale. Whether it is presently listed is unknown.

thank you,

RE: Community area F zoning and subdivision  
ammendment and by law 1285-01

We, William and Verleen Coates, 1439 Leffler Road  
Errington being adjacent to 1425 Leffler Road, Errington,  
feel that a working saw mill would not be compatible  
to our life style and land use.

Thankyou for your consideration  
yours truly  
Verleen Coates, William Coates

Jan. 07/04 \*

**REGARDING COMPATABILITY OF A MILL**

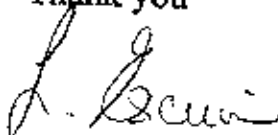
**2004/01/06**

I am a surrounding land owner (on Kopernick road) in Errington. I purchased the property on this road in 1989. However, I have lived in Errington for over 34 years.

Having reviewed literature and proposals initiated by the RDN, I must state that a mill located on Leffler road in Errington is simply not compatible with my land use. A mill will most certainly create a negative impact on the character of this area.

I purchased my property because it is rural residential. I have a family, pets and large gardens. I chose this area because of the zoning in effect at that time. I certainly do not wish to consider the cost to move away from a property that I have worked on for so many years. I think that new residents need to locate mills, shops and other business in a designated industrial area, away from rural areas.

Thank you



Leanne Escuin

1344 Grafton Ave  
Errington V0R1V0  
Jan 7/04

To Whom it May Concern;

My name is Zoë Cope. I live at 1344 on Grafton Ave, my property is across the road from the proposed saw mill site. I have no doubt this mill will affect my neighbors + myself in a negative manner with noise pollution much more perhaps but equally at least as the already existing mill on Grafton Ave. This is a proposal for land use which is absolutely non compatible with the character and nature of this rural area. I am a long term resident of Errington, thirty two years in fact and value the non industrial + clean, quiet pursuits of the residents here. I am speaking for the 6 residents on my property against this mill ever being given permission to operate, no matter how small it may begin.

Sincerely,

Zoë Cope

To whom this letter may concern:

Concerning the rezoning application  
of the described property 1425 LeBlanc Rd  
Errington from rural one to rural 2

I am opposed to this as the noise  
level will be a major concern and  
disturbance thereby reducing the quality  
of life I now live and further-more  
reducing my property value as well as  
surrounding neighbours.

Edward S. Beausoleil

1405 Elmdowne Road Errington

Edward J. Beausoleil

1424 Grafton Ave.  
Errington, BC  
V0R 1V0

January 7, 2004

Regional District of Nanaimo  
6300 Hammond Bay Rd.  
Nanaimo, BC

To the Regional Board of Directors:

With regards to the proposed Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw, Amendment Bylaw No. 1285.01,2003 I wish to express that I am **opposed to the rezoning of:**

Lot 1, District Lot 139, Nanoose District, Plan 34841 (1425 Leffler Rd).

I believe that the rezoning will not be in the best interests of the local community with regards to the current residential usage of all the surrounding properties which might be affected by industrial activity.

Tim Benoit  
(owner 1424/1430 Grafton Ave.)



Wendy Mortensen  
1480 Errington Rd.  
PO Box 475  
Errington BC V0R 1V0

January 7, 2004

Regional District  
Area F.

Dear Sirs:

Re: Zoning of Land at 1425 Leffler Rd. Errington BC

My husband and I own property at 1360 Leffler Rd and 1480  
Errington Rd. Errington.

We are in the immediate and surrounding area of 1425 Leffler  
Rd.

There are two houses on the Leffler property occupied by our  
children, their families and assorted pets.

We do not feel that a mill located at 1425 Leffler Rd is  
compatible with our land use or the character of the area.

We feel the safety not only of our grandchildren but also of  
those attending the Errington Elementary School will be  
endangered by having extra traffic to and from a mill site.

We certainly understand that everyone has a right to earn a  
living but there have been industrial sites set up for that  
purpose.

We strongly urge you to take into consideration the feelings  
and concerns of the immediate and local land owners and do  
not allow any industrial operations in our area.

Yours truly

  
Wendy Mortensen

1452 Grafton Ave.  
Errington, B.C.  
V0R 1V0

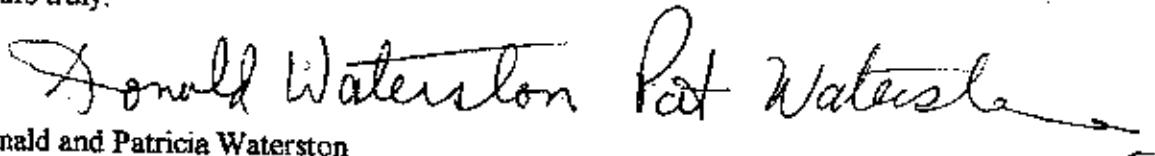
January 7, 2004

To Whom it May Concern

We are writing with regard to the hearing in connection with the RDN Area F Zoning and Subdivision Amendment Bylaw No. 1285.01, 2003.

With regard to table No. 6 1425 Leffler Road Lot 1, District Lot 139 Nanoose District Plan 34841 we don't feel that the rezoning of this property to allow wood processing is compatible with the surrounding land uses and the character of the area. The back of our property is very close to this property and last year we had air problems when this mill was burning off a lot of wood. The air on our property was very polluted for several days when this burning was taking place. Therefore we disagree with this request to change the zoning.

Yours truly,



Donald and Patricia Waterston  
Lot 48, Plan 1913, District Lot 139, Nanoose Land District East Half Lot 48



1392 Leffler Road  
Errington, B.C. V0R 1V0  
Jan. 7, 2004

Regional District  
of Nanaimo  
att. Lou Biggeman  
director Area 'F'

Dear Sir,

It was with great relief that I noticed, upon reading the Official Community Plan for Electoral Area 'F', that Leffler Road, the road on which we have lived for 28 years, had been given rural/residential status. This seemed just and logical.

If a permit were given to operate a saw-mill on this stretch of road, it would completely destroy our rural/residential way of life. What is the use of a community plan if arbitrary exceptions can be made that totally undermine such a plan?

I very much hope no permit will be issued to operate a saw-mill on Leffler Road, or to allow for any other commercial use.

Yours sincerely

Pleuke Boyce

Pleuke Boyce (ms)

Public Hearing; Amendment Bylaw 1285.01

January 7, 2004

Re: R-1.18 1425 Leffler Rd.

I would like to take this opportunity to speak against the proposed site specific zoning of R-1.18, wood processing, to run a sawmill at 1425 Leffler Rd. Errington.

You will, I hope, find in my words a sense of frustration and anger.

Throughout the 3-4 year zoning process in which everyone was afforded the opportunity to speak to their concerns we were unable to address this issue as the landowner boycotted your process and never registered his land use. Any attempt on our part to address our concerns was answered by the RDN staff with, "Yes we know the mill is there but the land is still R-1 so until he comes forward there is nothing we can do, on paper he does not exist." Furthermore we were told by your staff, in their own words, "that everyone has had 3-4 years, plenty of time, to get involved in the process. More than enough time to register any land uses and anyone choosing not to do so would be left in non-compliance." Now, 1½ years after this process is supposed to be finished, we find we have a few moments at the microphone to be heard. Like yourselves, and most people, I do not appreciate being, I assume unintentionally, misled. Yes, I am angry.

I intend to present several points to you that should either dictate, as some are your own written rules, or guide your decision regarding this proposed rezoning.

First in regard to site specific zoning itself, on the bottom of every page of zoning in your bylaw drafts you reassuringly had this quote from the Area F OCP, "Site Specific Zoning will be considered and evaluated subject to all of the following conditions outlined in the Area F OCP". Of those four conditions, in order of importance, to make my point here, one is "Is the use compatible with the surrounding land uses and character of the area?" When this mill was running there were logging trucks, sometimes five deep, lined up down our small residential street. There is a police record of the only road access for fire, ambulance and police to several hundred people being blocked off for four hours as trucks tried to back off our small road into this mill's small access road. There were numerous complaints with this mill starting at 5am in the morning and sometimes running past 11pm. Is this compatible with the surrounding land uses and character of the area; the answer here is a resounding **NO**. Not only is it not compatible it will in fact devalue the surrounding land values. As immediate neighbour, across the street, I am one of the surrounding land users. There are letters here tonight from the land users beside and behind this property who also feel this is not a compatible land use. There are in fact letters from the whole neighbourhood to tell you we feel that this mill is not a compatible use with our land uses or

the character of the area. Now this alone should dictate an end to this request for rezoning. I would hope that our elected representatives, and their staff, would not condescend to tell us that they know better than we do what is or isn't compatible to us in our chosen land uses.

Two other of these four conditions are an approved means of sewage disposal and if there's a negative impact on groundwater, surface water or the natural environment. In talking with Brigid, the current of three consecutive staff members to ask for our trust and co-operation only to disappear when the need for accountability comes up, I understand that there is no septic field servicing this 8000 ft<sup>2</sup> building. Based on the absence of any plumbing in this building the approved means of sewage disposal here is two porta-potties. Since when did porta-potties become an acceptable substitute for a septic field? This is not some temporary construction site you're being asked to rezone it's an 8000 ft<sup>2</sup> industrial building with no plumbing and no septic field. Do you actually believe that an enterprise of this size and scope uses no water and produces no waste? If any business declines to put plumbing on their premises now can they point to this precedent, to litigate discrimination, if their business can't have porta-potties as an approved means of sewage disposal too? I hope you realize that this cannot be seen as anything but a blatant bending of your own rules to push through a rezoning that makes your lives, not ours who you serve, easier. I'm not trying to be offensive for insults sake here, I'm hoping that through the eyes of the public present you might see that immersed in your details you do miss the bigger picture you're asking us to live in.

From what I can see of this property the surface water and groundwater are often one and the same. As to a negative impact on surface or groundwater, has anyone gone out to inspect the water on or around this lot? In regards to a negative impact on the natural environment, there is nothing natural about an 8000 ft<sup>2</sup> mill and I would hope it's a no-brainer therefore that the noise from such a mill is a negative impact on the natural environment. We already have the Errington Cedar Mill desecrating the natural peace and tranquillity which we made undeniably clear, in the OCP and planning process, is an integral part of the character of our area and our land use. One mill, a kilometre away, is enough to remind us of your compassion and concern for our rural lifestyle. We can at least enjoy the times it's not running without you giving us another to remind us of how well you listen to the concerns of those you serve. Again if you sense a note of anger you need only look what you have done for our community. All the industrial land uses that were denigrating our community that may have eventually out grown and moved from their lots had they been truthfully called non-conforming you have ever so thoughtfully zoned them permanent, forever locked into their worse uses.

My second point is in regards to the actual figures that determine what you are considering for rezoning. The proposed rezoning allows for a mill building to a maximum of 580 m<sup>2</sup> but

the existing mill building is already 8000 ft<sup>2</sup> which is 736.53 m<sup>2</sup>, a full 1684.89 ft<sup>2</sup> more than you're considering to allow. This would mean that if you pass this amendment the way you have it they would be in non-compliance right away. This bylaw amendment has already gone through first and second readings which begs the question why are we having to do the job your staff is, from our collective pockets, enviously well paid for. I'm not trying to be hurtful or humourous, it really is bad enough that we have to protect ourselves from your good intentions, we shouldn't have to do your homework for you. The other figure in your proposed amendment is wood processing to a maximum 8000 m<sup>2</sup>, the land owner currently advertises 40,000 ft<sup>2</sup>, 3716.09 m<sup>2</sup>, of cleared land. This would indicate that it is your intention to encourage this already incompatible industrial site to more than double its current size. The figures I've quoted to you come from the latest real estate ad for this property. I would imagine it is considerably difficult to sell a mill in legal non-conformance with the current zoning. This property is recently delisted while the rezoning application is being considered. It would appear to me that your being asked to rezone this property, not so the owner can run his mill, but so he can sell his mill.

Many times I've listened to the RDN staff explain the legal difficulties in dealing with conflicting and interwoven land uses in Area F. Always leading to the inevitable justification of grandfathering in, through site specific zoning, otherwise incompatible uses because court of law precedence show that existing uses will always win. I would like to show you that in this case the law would likely work, not against, but for you.

The third point I wish to bring forth is to do with legal non-conforming status. Bylaw 1285 section 1.4 defers to Section 911 of the Local Government Act. I quote this act;

**Non-conforming uses and siting**

911 (1) If, at the time a bylaw under this Division is adopted,

(a) land, a building or a structure is lawfully used, and

(b) the use does not conform to the bylaw,

the use may be continued as a non-conforming use, but if the non-conforming use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or structure becomes subject to the bylaw.

As of the adoption of Bylaw 1285; On June 25, 2002 the mill at 1425 Leffler Rd. became non-conforming in accordance with provincial law, which supersedes regional authority. In accordance with Bylaw 1285 section 1.4.1 and Local Government Act section 911 (1) if the non-conforming use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or structure becomes subject to the bylaw. The non-conforming "use", referred to in section 911, of this building is, as advertised in the landowners real estate ad, an operating sawmill and as such has discontinued for a continuous period of 6

months since June 25, 2002. Running bits machinery as a workshop for family or friends does not constitute anything more than the allowed R-1's home base business. As neighbours we have not seen this mill running since Bylaw 1285 came in which would mean in accordance with the Local Government Act this building, and property, have already "become subject to the bylaw." Unless the landowner can produce business records, hydro bills or employee pay records that show this building has been functioning specifically as an operating sawmill, it's non-conforming use, without being discontinued for a continuous period of 6 months, this property has already become subject to the bylaw. In a nutshell, by the landowners refusal to become involved in your zoning process he's left himself in non-conforming status. Further, having left his mill dormant he's removed any legal obligation on the RDN's part to even deal with his request.

In summary this landowner has ignored the years of opportunities you offered him to have the zoning he now seeks, and by doing so has placed himself in non-conforming status and further, forfeited the legal protection of that status. The landowners recent interest in your ability to rezone appears to be, not to run a mill but, to realize a profit in the sale of this lot and leave the RDN and our neighbourhood with one more growing industrial headache. If you're unable to leave him to sleep in the bed he's made for himself, and assuming you can go out to this lot and get the correct figures from the landowner, you need to ask yourselves two questions. Is an 8000 ft<sup>2</sup> industrial building with no plumbing or septic field the kind of industry and community your trying to build for us? And the much more important question here, are you, as an elected board, in good conscience, going to tell us, the surrounding land users, that you know better than we do what is compatible to our land uses, to the character of our area. We, who'll have to eat, sleep and live with what, to you, is a stroke of the pen on a passing sheet of paper. One landowner has asked you to help him make a buck, all the surrounding landowners are asking you, please, allow us to keep what peace and quiet we have left for our families and community.

Thank you,

  
John Mansell

