

REGIONAL DISTRICT OF NANAIMO

DEVELOPMENT SERVICES COMMITTEE MEETING TUESDAY, JUNE 19, 2001 7:30 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

DELEGATIONS

- 2 **K. Van Westen**, re Land Use Contravention - 3460 Whiting Way - Area A.
- 3 **Helga Schmitt**, re Home Based Business Bylaw.
- 4 **Robin Cole & Neil Christensen**, re water, safety, noise, air quality and industrial traffic issues.

MINUTES

- 5-7 Minutes of the regular Development Services Committee meeting held May 15, 2001.

UNFINISHED BUSINESS

From June 12, 2001 Board Meeting:

- 8-11 **Matt MacLeod – 2403 Nanoose Road – Area E.** (report attached)

That the request from Matt MacLeod, on behalf of Matt MacLeod and Candace MacLeod, to relax the minimum 10% perimeter frontage requirement for proposed parcels, as shown on the Plan of Proposed Subdivision of Lot 2, District Lot 130, Nanoose District, Plan VIP62561, be denied.

CORRESPONDENCE/COMMUNICATIONS

- 12-13 **Oceanside Development & Construction Association**, re Amendment to Section 879 of the Local Government Act.
- 14-15 **Joseph Calenda, City of Colwood**, re Bylaw Courts.

BUILDING INSPECTION

- 16-17 Section 700 Filings.

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

18-23 Application No. 0109 - Barclay/Sims - 1389 Dorcas Point Road - Area E.

DEVELOPMENT VARIANCE PERMIT

24-29 Application No. 0105 - Kambic - 2347 South Wellington - Area A.

OTHER

30-104 Home Based Business Review - Land Use & Subdivision Amendment Bylaw
No. 500.270 and Land Use and Subdivision Amendment Bylaw No. 500.272 -
Electoral Areas A, C, D, E, G & H.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

*That pursuant to Section 242.2(1)(f) of the Local Government Act the Committee
proceed to an In Camera Meeting to consider a matter of litigation or potential
litigation affecting the Local Government.*

ADJOURNMENT

May 7 / 2001

Nanaimo Regional District

Attn: Mrs. Pearce

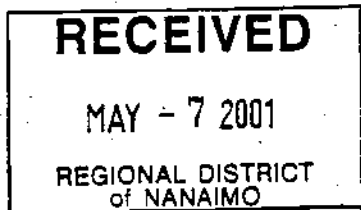
K. van Wente
3460 Whiting Ln
Langford, B.C.

I wish to attend the May 15 / 2001
Development Services Comm. meeting
at which my letter will be considered.
Kindly include me on the agenda.

Thank you,

K. van Wente

722-2603



Helga Schmitt
2004 Rena Road
Nanoose Bay B.C.
V9P 9B1

May. 7, 01

Regional District of Nanaimo
Planning Department
P.O. Box 40, Lantzville, B.C. V0R 2H0

Dear Ms. Pamela Shaw,

RE: REGIONAL DIRECTORS MEETING MAY 15, 2001

I will be attending the meeting with a petition from the Morello Road residents. This petition is in regards to the proposed Home Based Business Draft Bylaw for this area. I have enclosed these documents with this letter.

Thank you for your time and consideration into this matter.

Sincerely,



Helga Schmitt

Burgoyne, Linda

From: Robin Cole [rocket_cole@yahoo.com]
Sent: Wednesday, June 13, 2001 1:34 PM
To: corpsrv@rdn.bc.ca
Subject: C Mason

To whom it may concern:

We would like to request an opportunity to present some issues to the Development Service Committee that have arisen in our neighborhood. These issues involve quality of water, safety, excessive noise, air quality and industrial traffic in a residential area. Niel Christensen and myself will be representing our neighbors.

It is understood we will be permitted 10 min on the 19th of June. If there is any additional information, or to confirm our attendance please contact us at this e-mail address rocket_cole@yahoo.com or call Neil at 954-1655 or Robin Cole at 954-0317.

Many thank for your attention to this matter

Sincerely

Robin Cole

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REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, MAY 15, 2001, AT 7:35 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC**

Present:

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Alternate	
Director M. Klee	Electoral Area G
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

B. Lapham	General Manager, Development Services
S. Schopp	Manager, Inspection & Enforcement
P. Shaw	Manager, Community Planning
F. McFarlane	Recording Secretary

MINUTES

MOVED Director McLean, SECONDED Director McNabb, that the minutes of the regular Development Services Committee meeting held on April 17, 2001, be adopted.

CARRIED

DELEGATIONS

Mr. Van Westen was not in attendance.

BUILDING INSPECTION

Section 700 Filings.

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

MOVED Director Sherry, SECONDED Director Macdonald that a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 5, Block 681, Plan 41378, Nanoose Land District, 8515 Lisa Lane, Electoral Area 'D', owned by C. Barth;
- (b) Lot 10, Block A, District Lot 38, Plan 10777, Nanoose Land District, 1425 Marina Way, Electoral Area 'E', owned by M. Downey;
- (c) Lot 106, District Lot 68, Plan 26680, Nanoose Land District, 1566 Arbutus Drive, Electoral Area 'E', owned by K. Bradley and K. Kosick;
- (d) Lot 4, District Lot 28, Plan 21947, Nanoose Land District, 1497 Sunrise Drive, Electoral Area 'G', owned by G. and M. Drysdale.

CARRIED

PLANNING

DEVELOPMENT VARIANCE PERMIT

Application No. 0104 – Green – 650 Martindale Road – Area G.

MOVED Director Krall, SECONDED Director Klee, that Development Variance Permit Application No. 0104, submitted by Dale Green and Peggy Green, to vary the minimum setback requirement for an exterior side lot line from 8.0 metres to 2.0 metres to permit the construction of an agricultural building on the property legally described as Lot 9, District Lot 128, Nanoose District, Plan 20938, be approved, subject to the conditions outlined in Schedule '1' and subject to the notification requirements of the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

George and Linda Addison – 2683, 2687 & 2691 McLean's Road – Area C.

MOVED Director Sherry, SECONDED Director McNabb, that the request from George and Linda Addison, to relax the minimum 10% perimeter frontage requirement for the proposed new lot, as shown on the Plan of Proposed Subdivision on Lot A, Section 7, Range 3, Cranberry District, Plan VIP57090, be approved.

CARRIED

Matt MacLeod – 2403 Nanoose Road – Area E.

MOVED Director Holme, SECONDED Director Sherry, that the request from Matt MacLeod, on behalf of Matt MacLeod and Candace MacLeod, to relax the minimum 10% perimeter frontage requirement for proposed parcels, as shown on the Plan of Proposed Subdivision of Lot 2, District Lot 130, Nanoose District, Plan VIP62561, be denied.

CARRIED

OTHER

Electoral Area 'A' Official Community Plan Bylaw No. 1240.

MOVED Director Elliott, SECONDED Director Sherry,:

1. That the proposed public consultation strategy that updates and completes the Terms of Reference for the preparation of the Electoral Area 'A' Official Community Plan be approved.

2. That the draft Official Community Plan for Electoral Area 'A' be received and be amended to include the recommendations contained in the staff report.
3. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" has been considered in conjunction with the Regional District of Nanaimo's Capital Expenditure Plan and Liquid Waste Management Plan and Growth Management Plan to ensure consistency between them.
5. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" proceed to Public Hearing.
6. That the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" be delegated to Director Elliott or his alternate.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director McNabb, that pursuant to Section 242.2(1)(f) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Klee, that this meeting terminate.

CARRIED

TIME: 7:42 PM

CHAIRPERSON

TO: Pamela Shaw
Manager of Community Planning

DATE: May 7, 2001

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 21626

SUBJECT: Request for Relaxation of the 10% Perimeter Frontage Requirement
Applicant: Matt MacLeod
Electoral Area 'E' – 2403 Nanoose Road

PURPOSE

To consider a request for the relaxation of the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate a 2-lot subdivision.

BACKGROUND

The subject property, which is located on Nanoose Road within Electoral Area 'E', is currently zoned Residential 1 (RS1) and is within Subdivision District 'N' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 (*see Attachment No. 1 for location*). The applicant is proposing a 2-lot subdivision which meets the Subdivision District 'N' minimum parcel size of 1600 m² with community water connections to each proposed parcel. However, it is noted that Official Community Plan (OCP) policies support the implementation of a 1.0 hectare minimum parcel size outside Urban Containment Boundaries and the Community Sewer Service Area. These OCP policies are being considered for implementation by an amendment bylaw that currently is being held in abeyance for an indefinite period. However, staff considers OCP policies as part of the assessment of applications that propose to vary bylaw standards or where approvals would facilitate new development.

The applicant has applied for septic disposal permits for each proposed parcel and a community water connection for the proposed new parcel.

Proposed Lot 1, as shown on the plan of subdivision submitted by the applicant and labeled 'new lot', is proposed to have a total frontage of 24.0 metres or 9.5% perimeter frontage while the proposed Remainder of Lot 2 is proposed to have a total frontage of 25.1 metres or 9.3% perimeter frontage. Therefore, both proposed parcels will require relaxation of the minimum 10% perimeter frontage requirement (*see Attachment No. 2*).

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% frontage requirement for proposed Lot 1 and the proposed Remainder of Lot 2 Plan VIP62561.
2. To deny the request for relaxation of the minimum 10% frontage requirement.

DEVELOPMENT IMPLICATIONS

The proposed Remainder of Lot 2 currently has a community water service connection. A second water service connection to the proposed new parcel is available despite the OCP direction to not support the facilitation of development to create parcels less than the 1 ha minimum parcel size. This is because the property is located within the local water service area and is capable of obtaining a water service connection without requiring an extension of the water main.

Community sewers are not planned to be extended to neighbourhoods outside the Community Sewer Service or Restricted Sewer Service Areas except for health or environmental reasons. Therefore, the approval of the requested frontage relaxation to subdivide the lot is not consistent with OCP policies.

Ministry of Transportation and Highways staff has verbally indicated that they have no concerns with the request for 10%.

Environmentally Sensitive Areas Atlas / Ministry of Environment Implications

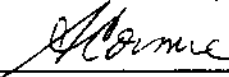
The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive features within the subject property.

SUMMARY

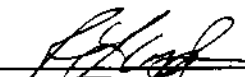
This is a request to relax the 10% minimum frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate a 2-lot subdivision. The subject property is zoned to permit the proposed subdivision, however in order to proceed the applicant requires a relaxation of the current 10% minimum frontage standards. As OCP polices support the implementation of a 1.0 hectare minimum parcel size outside Urban Containment Boundaries and the Community Sewer Service Area, despite the current zoning, staff consider this policy direction to not support the proposed relaxation. Therefore, in order to ensure that the objectives of the OCP can be met, staff recommends Alternative No. 2, to deny the relaxation of the minimum 10% frontage for the proposed Lot 1 and the proposed Remainder of Lot 2.

RECOMMENDATION

That the request from Matt MacLeod, on behalf of Matt MacLeod and Candace MacLeod, to relax the minimum 10% perimeter frontage requirement for proposed parcels, as shown on the Plan of Proposed Subdivision of the Lot 2, District Lot 130, Nanoose District, Plan VIP62561, be denied.



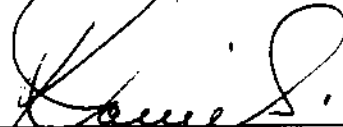
Report Writer



General Manager Concurrence



Manager Concurrence

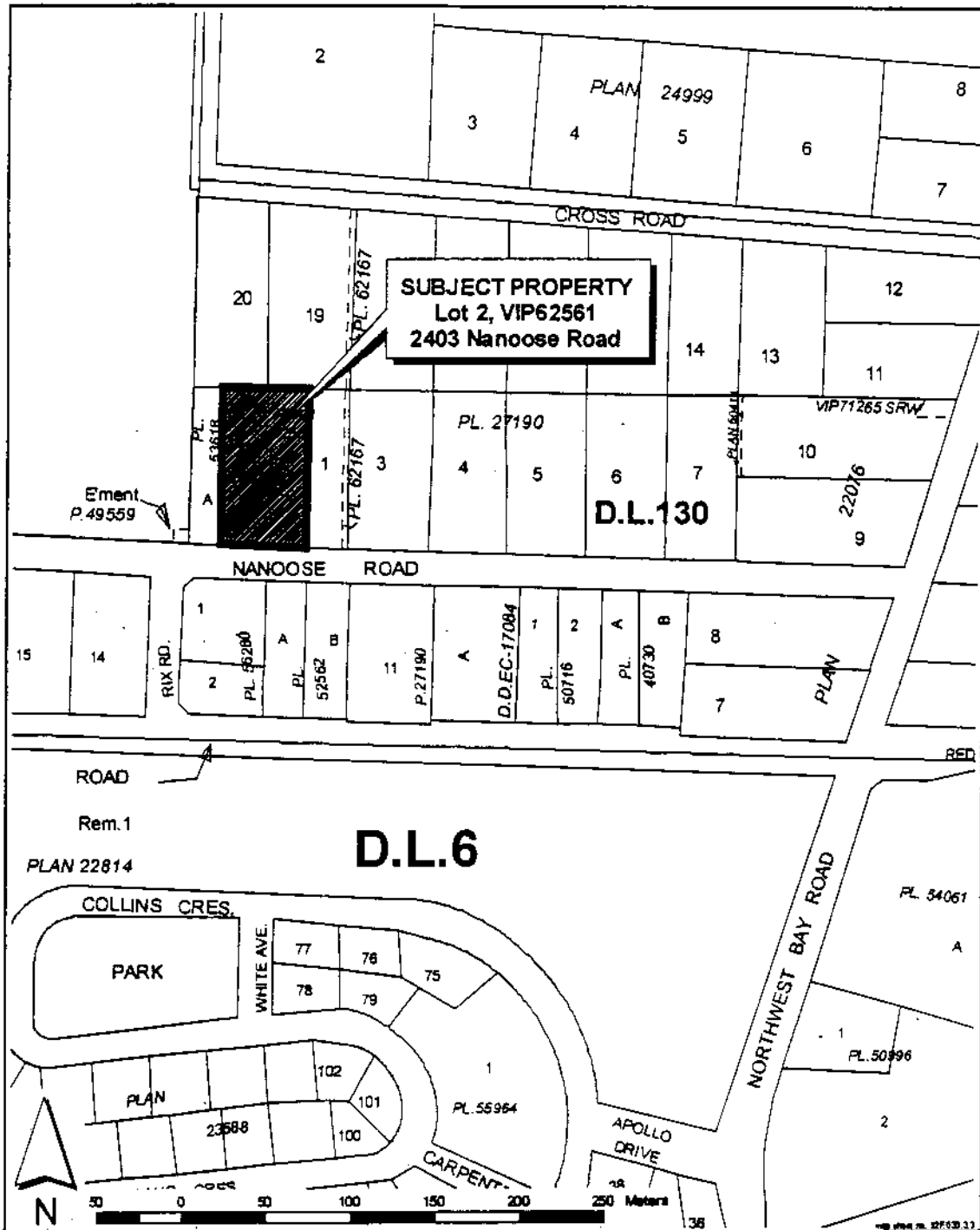


CAO Concurrence

COMMENTS:

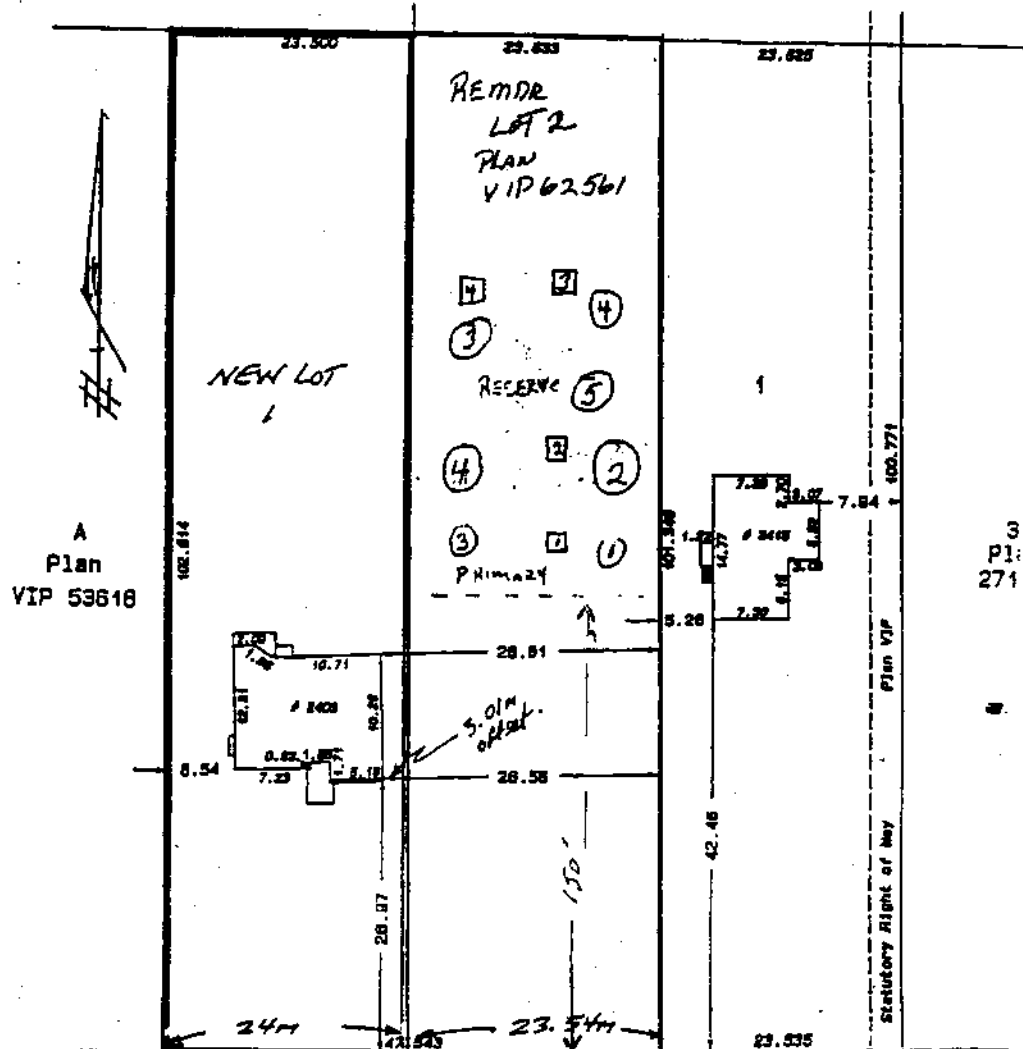
devsvs/reports/2001/frige ma 3320 20 21626 macleod.doc

ATTACHMENT NO. 1



ATTACHMENT NO. 2
(plan as submitted by applicant)

PROPOSED SUBD. OF LOT 2, DL 130,
NANOOSE DISTRICT, PLAN UIP 62561
Scale 1:500



Submitted by: MATT B. MACLEOD
2403 NANOOSE RD.
NANOOSE BAY B.C.
V9P9E6

MARCH 28/99



Box 616, Parksville, BC V9P 2G7
Telephone: 954-1998 Fax: 954-1948

REGIONAL DISTRICT OF NANAIMO			
MAY 14 2001			
CHAIR	<i>J</i>	GMCRS	
CAO		GMDS	
GMCRS		GMES	
<i>Correspondence DS</i>			

May 8, 2001

Board of Directors
Regional District of Nanaimo
PO Box 40
6300 Hammond Bay Road
Lantzville, BC
V0R 2H0

Dear Regional Board Directors

**RE: Amendment to Section 879 Local Government Act
Requirement for consultation with affected organizations during
the development or amendment of Official Community Plans**

The Oceanside Development & Construction Association is an organization of building contractors, land developers, professional consultants and related companies who are key stakeholders in the development and construction industry in the Oceanside area.

Our Constitution Principles includes:

- promote strong and stable economic development through cost effective and sustainable development
- maintain an active dialogue with government
- establish regular and open communications with the industry, business community, local governments and the public
- liaise with local government to increase understanding of our industry
- educate our members about responsible and efficient development practices
- promote principles of fairness and equity
- participate in public forums which relate to the industry

Our focus is to be pro-active and provide constructive input in policy and planning issues which affect our industry. It is very important that our group of stakeholders understand the principles and philosophies of the Growth Management Plan, Official Community Plans and zoning, and that our group be provided the opportunity to review and assist in developing those documents.

Therefore, we formally request that the Oceanside Development & Construction Association be acknowledged as a referral organization pursuant to Section 879 of the Local Government Act.

The original focus for the Association was the City of Parksville. Over the past two years we have been able to develop a positive working relationship with Parksville which includes bi-monthly meetings with Council members and Staff.

Last year the ODCA made presentations to the R.D.N. Board and at Public Hearings on several issues. Unfortunately these presentations were made on short notice when we became aware of issues which were going to the Board or to Public Hearing. Since we did not have the opportunity to provide constructive input early in the process, we were forced to debate proposed bylaws after they had been completed by staff.

More recently, we have had the opportunity to meet with some of the staff and Board members, and we strongly believe that these opportunities to discuss policy and planning early in the process are very constructive.

Our members have a great deal of experience and expertise which can be a source for positive contribution to planning and development policies, and we look forward to the opportunity to assist the Regional District of Nanaimo in developing these policies.

Sincerely,

Egon Kuhn
President

Helen Sims
Vice President

Ken Kyler
Director at Large

Michelle Jones
Treasurer



CITY OF COLWOOD

3300 Wishart Road, Colwood, B.C. V9C 1R1

(250) 478-5541 - Administration/City Clerk
(250) 478-5999 - Engineering & Building Inspections
(250) 478-5530 - Finance & Property Taxes
(250) 478-8321 - Fire Department
(250) 478-5590 - Planning & Zoning
(250) 474-4133 - Public Works Yard
(250)478-7516 - Fax

June 5, 2001

All Member Municipalities of
The Union of British Columbia
Municipalities

Dear Member Municipality

REGIONAL DISTRICT OF NANAIMO			
JUN 11 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
Correspondence			✓
D.S.C.			

At the regular meeting of the Council of the City of Colwood held on April 23, 2001 Council passed the following resolutions:

"That Colwood bring a resolution forward to the Union of British Columbia Municipalities to ask the Province of British Columbia to establish Bylaw Courts that will allow Bylaw Enforcement Officers to prosecute municipal tickets on behalf of municipalities before a Sitting Justice of the Peace."

And,

"That Colwood seek support for "Bylaw Courts" from other municipalities in British Columbia."

To support these two resolutions of Council, I have attached the resolution being forwarded to the UBCM.

Any additional support by member municipalities would be appreciated. A move in this direction will give municipalities the ability to deal with these bylaw matters in a more timely and cost effective manner.

Yours truly,

Original signed by

Joseph A. Calenda, MCIP, DTM
Chief Administrative Officer

Attachment

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City of Colwood Resolution Re: Bylaw Courts

WHEREAS Provincial Courts are overloaded with criminal matters which result in lengthy delays or no prosecution of bylaw offences:

AND WHEREAS the Provincial Court presently forces municipalities to hire private prosecutors to bring matters to provincial court which can present a significant financial burden:

AND WHEREAS Bylaw Courts with Sitting Justices of the Peace have been hearing matters in selected areas of the province as far back as 1990 with great success:

THEREFORE BE IT RESOLVED that UBCM lobby the Attorney General of British Columbia for the establishment of a Bylaw Court similar to Traffic Court under the Provincial Court of British Columbia.

REGIONAL DISTRICT OF NANAIMO			
JUN 12 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
DSC ✓			

TO: Stan Schopp
Manager, Building Inspection Services

DATE: June 11, 2001

FROM: Ailan Dick
Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw
Meeting Date - June 19, 2001

PURPOSE

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1250.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area 'A'

- Owners Name:** Donna McNaughton

Legal Description: Lot 1, Section 18, Range 3, Cedar District, Plan 24306, except parts in Plans 30692, 44695, and VIP55689

Street Address: **2640 Cedar Heights Crescent**

Infraction summary:

 - BP 22972 issued August 23, 2000
 - SFD occupied without an occupancy permit
 - file forwarded for 700 filing March 7, 2001
 - filing withdrawn from agenda as structural deficiencies corrected
 - final inspection April 5, 2001; not approved
 - inspector called owner and left message to contact him
 - Senior Inspector contacted owner; inspection called for June 8, 2001 but items remain incomplete.

Electoral Area 'E'

- Owners Name:** Steven Gaucher

Legal Description: Lot 4, District Lot 67, Plan 29941, Nanoose District


Street Address: **2720 Parker Road**

Infraction summary:

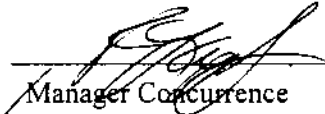
 - BP 20558 issued January 3, 1997 for carport addition
 - BP 20722 issued March 5, 1997 for revision to previous permit
 - letter sent November 21, 2000; final inspection required - building in use
 - second letter sent regarding final inspection April 9, 2001
 - Senior Inspector attempted to contact owner June 7, 2001; phone not in service

RECOMMENDATION


That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued.



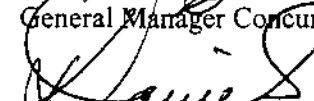
Report Writer



Manager Concurrence



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:
devsvs/reports/2000/3810-20-Section 700 June.doc

REGIONAL DISTRICT OF NANAIMO			
JUN 12 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCm3		GMES	
		DSC	<input checked="" type="checkbox"/>
		DATE:	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

FROM: Brigid Reynolds
Planner

SUBJECT: Development Permit Application No. 0109 – Barclay/Sims
Lot 1, DL 110, Nanoose District, Plan 17536
Electoral Area 'E' – 1389 Dorcas Point Road

June 11, 2001

FILE: 3090 30 0109

PURPOSE

To consider an application for a development permit to permit the construction of a boat launch rail system within the Watercourse Protection Development Permit Area.

BACKGROUND

This is an application to permit the construction of a boat launch rail system that extends 38.7 m (127 ft.) from the natural boundary into the foreshore of a residential property in the Dorcas Point Road area of Electoral Area 'E'. (see Schedule No. 4 for the subject property)

The subject property is zoned Residential 1 (RS1) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. No variances are requested as the rail system and dolly does not exceed 1 metre in height.

The boat launch rail system is comprised of two parallel steel tracks measuring 38.7 metres (127 ft.) in length. (See Schedule No. 2 for a site plan). The tracks are attached to the shore using six (6) brackets on either rail. (see Schedule No. 3 for a drawing of the rail system)

The boat launch rail system requires a foreshore lease from BCAL for which an application has been made.

ALTERNATIVES

1. To approve the development permit subject to the conditions outlined in Schedule No. 1.
2. To deny the development permit.

OCP IMPLICATIONS

Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 Section 4.3 Coastal Zone, recommends that development such as boat launches not be supported when pedestrian access is impeded. However, the rail system sits less than 0.3 metres (1ft) above the ground and the boat dolly that sits on the rails is approximately 3.0 metres (10 feet) in length and sits less than 0.3 metres (1 ft) in height above the rails. In addition, the winch system to hoist the boat onto the shore will be on the boat itself.

A majority of the rail system will sit below that high tide level. As a result staff are of the opinion that access will not be significantly impeded and the foreshore area can continue to be used by the public.

ENVIRONMENTAL IMPLICATIONS

The boat launch rail system will extend 38.7 metres (127 ft.) from the natural boundary into the foreshore. The structure will have minimal impact on foreshore habitat as the rails are narrow and will be raised approximately 5 cm (2 in) to 13 cm (5 in) allowing vegetation to grow. The rails will be bolted using mounting brackets approximately 6" x 12" x ½" made of thick mild steel. The anchor bolts to secure the brackets are ¾" in diameter and will be drilled into the bedrock. No blasting will occur and no fill will be placed on the foreshore as part of this development.

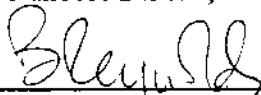
This type of boat launch system is recommended by Fisheries and Oceans Canada. In addition, this design has been reviewed by Fisheries and Oceans staff and received their support.

SUMMARY/CONCLUSIONS

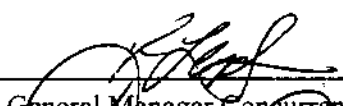
This is an application for a development permit to permit the construction of a boat launch rail system within the Watercourse Protection Development Permit Area. There are no variances requested as part of this application. The proposed structure will not exceed 1 metre in height and will therefore not significantly impede access on the foreshore. This type of boat launch system is least intrusive and will cause the least amount of impact on foreshore habitat than other boat launch methods.

RECOMMENDATION

That Development Permit Application No. 0109, to permit the construction of a boat launch rail system within the Watercourse Protection Development Permit Area on the property legally described as Lot 1, DL 110, Nanoose District, Plan 17536, be approved subject to the conditions outlined in *Schedule No.1*.



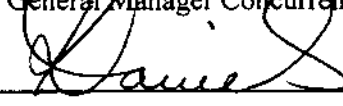
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

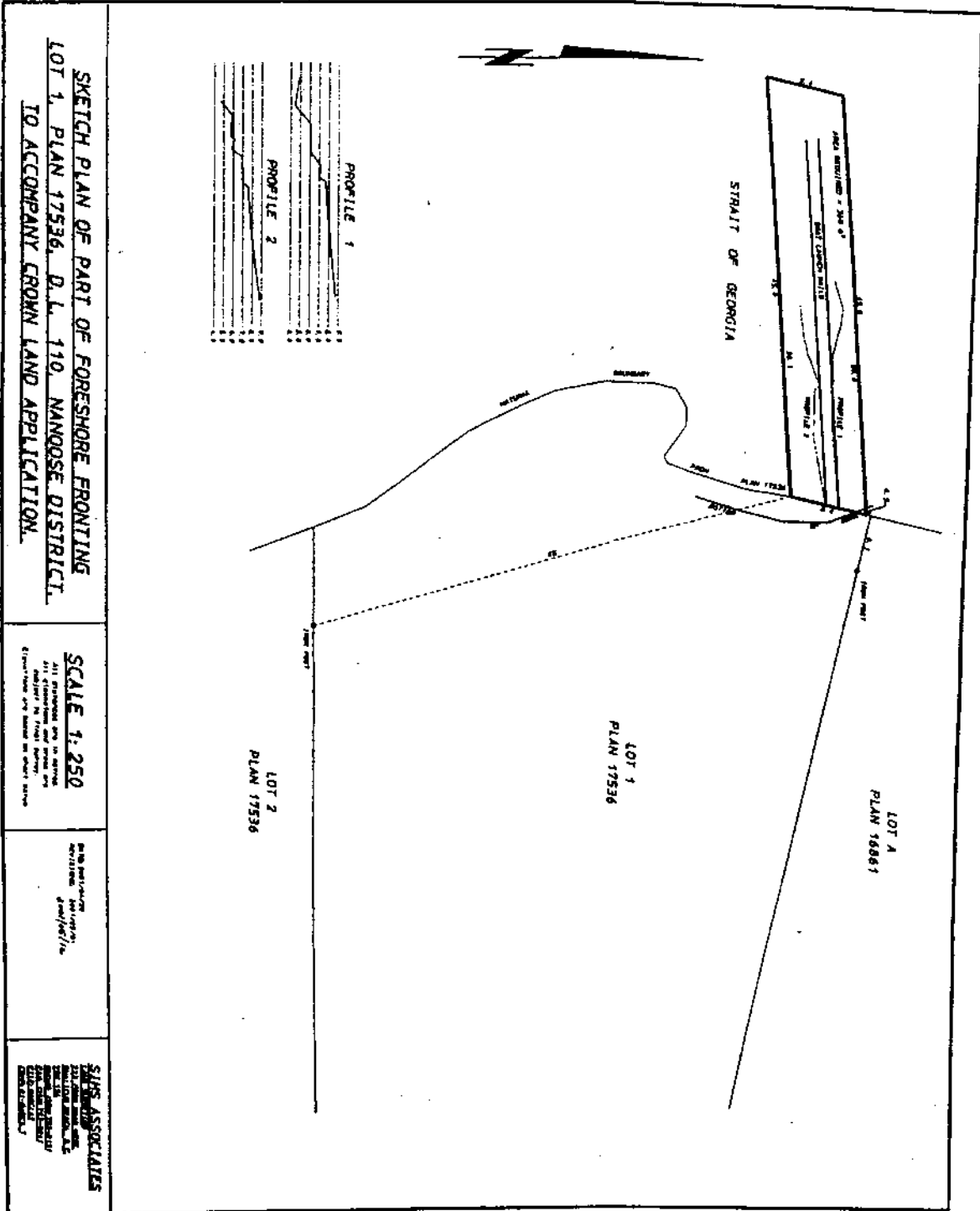
COMMENTS:

reports/development/2000/dp jn 3060 30 0109 Barclay Sims

Schedule No. 1
Conditions of Approval
Development Permit No. 109

1. All parts of the structure, including the attached dolly, are to be less than 1.0 metre in height above natural grade.
2. The rail system will be designed such that access across the foreshore is not impeded.
3. The rails will be elevated (as shown on attached *Schedule No. 3*) to minimize any impact on foreshore habitat.
4. The permit will be issued subject to lease approval by BCAL.
5. As part of this development no vegetation will be removed; no blasting will occur; and no fill will be placed on the foreshore.
6. No further construction within the Development Permit area is permitted as part of this permit.

Schedule No. 2
Development Permit No. 0109
Site Plan

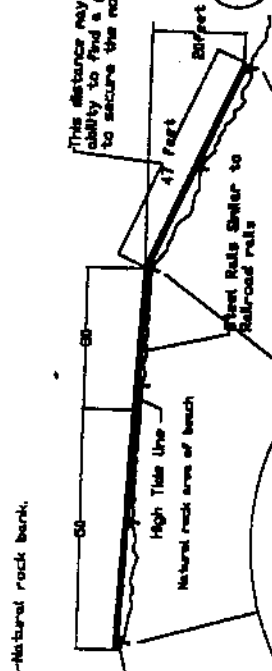
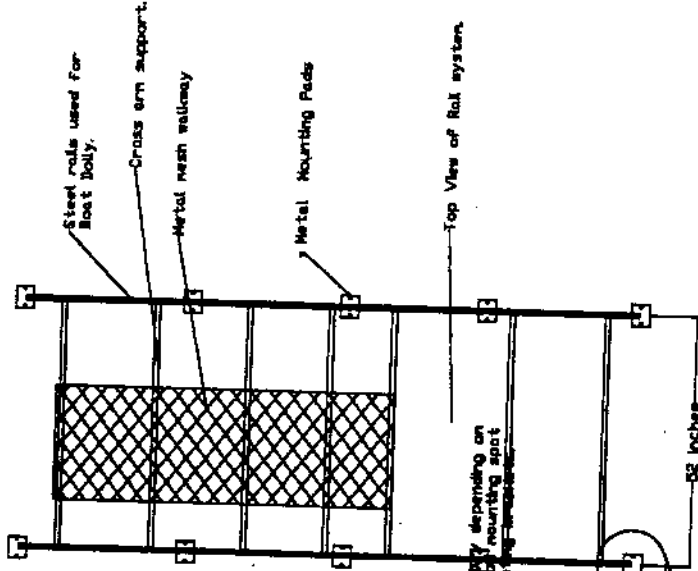


Schedule No. 3
 Development Permit No. 0109
 Specifications for the Boat Rail System

Drawing for Boat Rails
 at 1389 Dorcas Point Rd.

Side view of rail system for Boat
 Launch and boat dock.

Drawn by Bruce Barclay 4/14/00
 revisor 4/25/00



This distance may vary depending on ability to find a good mounting spot to secure the mounting brackets.

Detail View of Mounting Bracket and Rail system

Side view of Rail

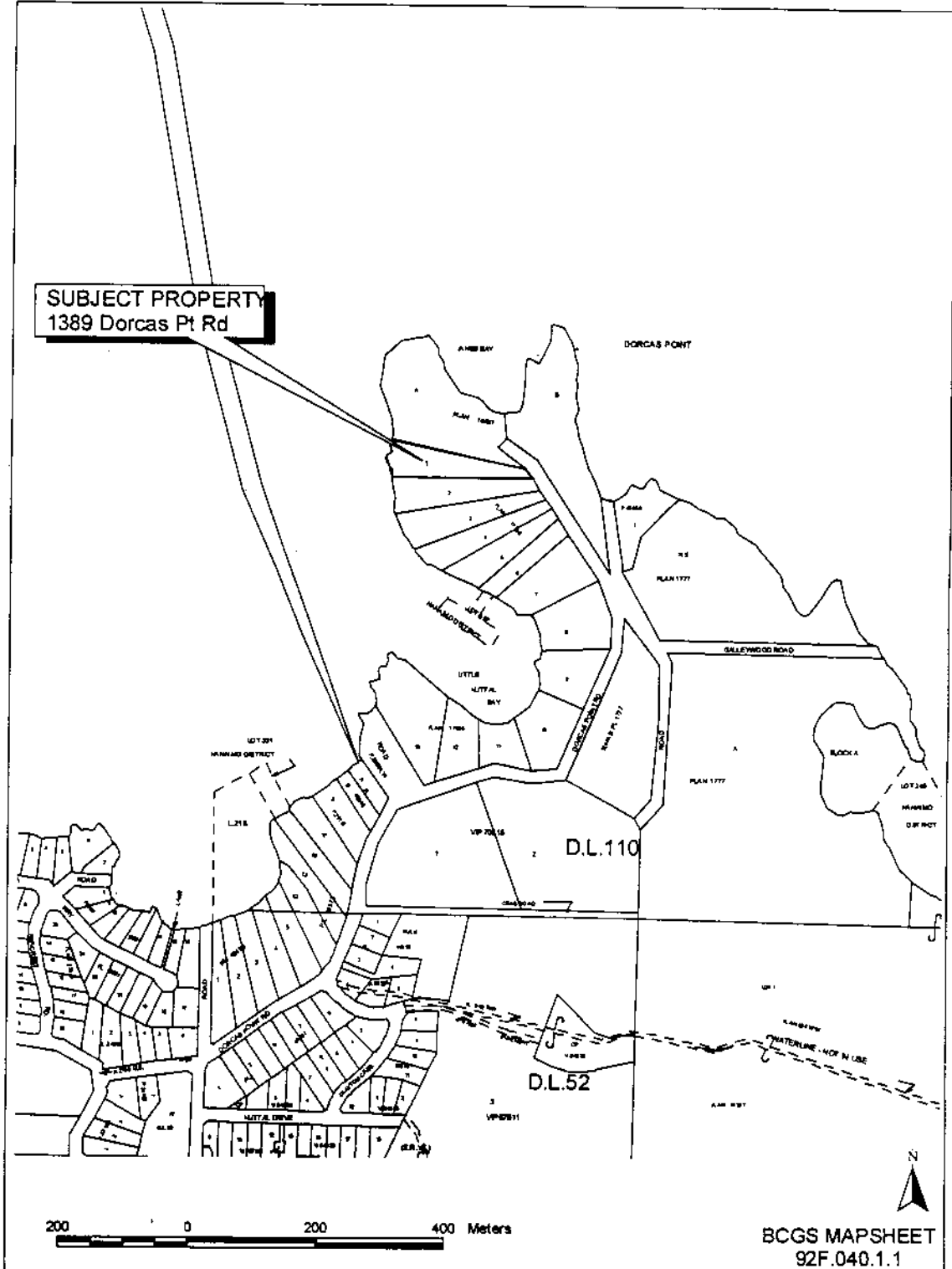
End view of rail showing mounting bracket system to secure on bedrock.

Bracket is capable of being mounted on an angle as well as mounted flat to bedrock.

Anchor bolts are 3/4" in diameter and are drilled into bedrock a suitable depth to secure rails. Drilling of the bedrock and installation of the rail system will be done according to standards required by BFO to minimize any damage to the beach and forewashes during installation and in the future.

The mounting brackets are designed to allow flexibility and put a minimal amount of stress on the bedrock. The pad on the mounting brackets will be 8" x 12" x 1/2" thick mild steel, or aluminum. The rails will be mounted in 2 places of which 6 will be below high tide line. Each pad utilizes 3 of 3 square feet which is a total of 3 square feet of below high tide utilization. The rails will be suspended above the beach rock by approximately 2 to 3 inches allowing the natural habitat to survive under the rails.

Schedule No. 4
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO		
JUN 12 2001		
CHAIR		GMCS
CAO		GMDS
GMCS		GMES
	DSC	✓

MEMORANDUM

TO: Pamela Shaw Manager, Community Planning DATE: June 11, 2001

FROM: Deborah Jensen Planner FILE: 3090 30 0105

SUBJECT: Development Variance Permit Application No. 0105 – Kambic Lot C (DD EF114354), Block 10, Section 9, Range 7, Cranberry District, Plan 2055 Electoral Area A – 2347 South Wellington

PURPOSE

To consider an application for a Development Variance Permit to legalize two existing accessory buildings. These accessory buildings require variances to the minimum setback to the rear lot line and other lot line, located along the undeveloped Michener Avenue, of the subject property.

BACKGROUND

The subject property is a 0.14 hectare (0.34 acres) parcel zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Schedule 2). The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line; 2.0 metres from the interior side lot line; 2.0 metres from the rear lot line; and 5.0 metres from other lot lines.

The subject property is located outside the building inspection area and the two accessory buildings addressed in this application were constructed contrary to the setback requirements. As a structure, these buildings must meet the required setback of 2.0 metres from a rear lot line and 5.0 metres from an other lot line.

The siting and dimensions of the accessory buildings are shown on Schedule 3. The applicants are requesting proposed variances to the minimum setback requirement of a rear lot line from 2.0 metres (6.6 feet) to 0.0 metres, and for the other lot line from 5.0 metres (16.4 feet) to 0.0 metres.

In addition to the proposed variances, there is indication that the total floor area for accessory buildings located on the subject property surpasses the maximum allowable 75 m² allowed under the RS2 zoning. However, staff notes the potential for exceeding the maximum allowable floor space has not been addressed in this application, but instead will be reviewed pending the outcome of the home-based business review, as it may result in an increase in floor space for accessory buildings.

It should also be noted the applicants have extended the use of their property to encroach into the adjacent road right-of-way for the undeveloped Michener Avenue. The encroachment will not be addressed within this application; however, the Ministry of Transportation and Highways has been notified of the situation and have indicated that they have no objection to the variances as proposed.

ALTERNATIVES

1. To approve Development Variance Permit No. 0105 subject to the conditions outlined in Schedule 1.
2. To deny the requested development variance permit.

ENVIRONMENTAL IMPLICATIONS

The subject property is not located in an environmentally sensitive area as designated by the "Regional District of Nanaimo Electoral Area A Official Community Plan, Bylaw No. 1116, 1999." The property has a gradual slope rising to the west, with the majority of the buildings located to the rear of the lot. A relatively small retaining wall has been constructed along the rear lot line.

LAND USE IMPLICATIONS

From staff's assessment of this application, the potential impact of these variances is reduced due to limited number of adjacent parcels, adjacent unopened right-of-ways and the height of the buildings. However, the applicant has sited the buildings immediately adjacent to a neighbouring lot line, presumably to increase the usable area of the property.

Buildings built contrary to zoning regulations continue to be a problem within those parts of the Regional District without building inspection regulations. Staff has increased public awareness with advertising and web site information and while not receiving support for expanded building inspection service in the South Wellington area, meetings held to consider building inspection for the area did receive support for maintaining zoning regulations. Staff has previously advised the Board that without building inspection it is extremely difficult to maintain compliance for siting and height regulations other than as a result of complaints.


In this case, staff investigated on the basis of a complaint and the applicants claimed that they did not feel the construction had an impact on neighbouring properties. The applicants have invested a substantial amount into the structures and they are constructed on concrete foundations and situated in locations such that they cannot be reasonably altered to comply with the setback requirements. Therefore, if the application is not considered for approval by the Development Services Committee, it is likely that the buildings will have to be removed.

SUMMARY/CONCLUSIONS

This is an application for a development variance permit to legalize two existing accessory buildings. The application includes a request to vary the minimum setback requirement for the rear lot line from 2.0 metres (6.6 feet) to 0.0 metres (0.0 feet) and the minimum setback requirement for the other lot line from 5.0 metres (16.4 feet) to 0.0 metres (0.0 feet). Given that the buildings do not appear to have a significant visual impact on adjacent properties and that there is a limited proactive response due to the lack of building inspection regulations, staff recommends this application be approved subject to the conditions outlined in Schedule No. 1 and the notification procedures pursuant to the *Local Government Act*.

RECOMMENDATION


That Development Variance Permit No. 0105, submitted by Joseph and Shirley Kambic, to legalize two existing accessory buildings by varying the minimum setback requirement for a rear lot line within the Residential 2 (RS2) zone from 2.0 metres (6.6 feet) to 0.0 metres (0.0 feet) and the other lot line located along Michener Avenue from 5.0 metres (16.4 feet) to 0.0 metres (0.0 feet) for the property legally described as Lot C (DD EF114354), Block 10, Section 9, Range 7, Cranberry District, Plan 2055, be approved as submitted subject to *Schedule 1* of the staff report and notification requirements pursuant to the *Local Government Act*.



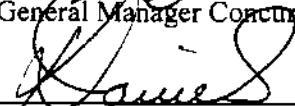
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

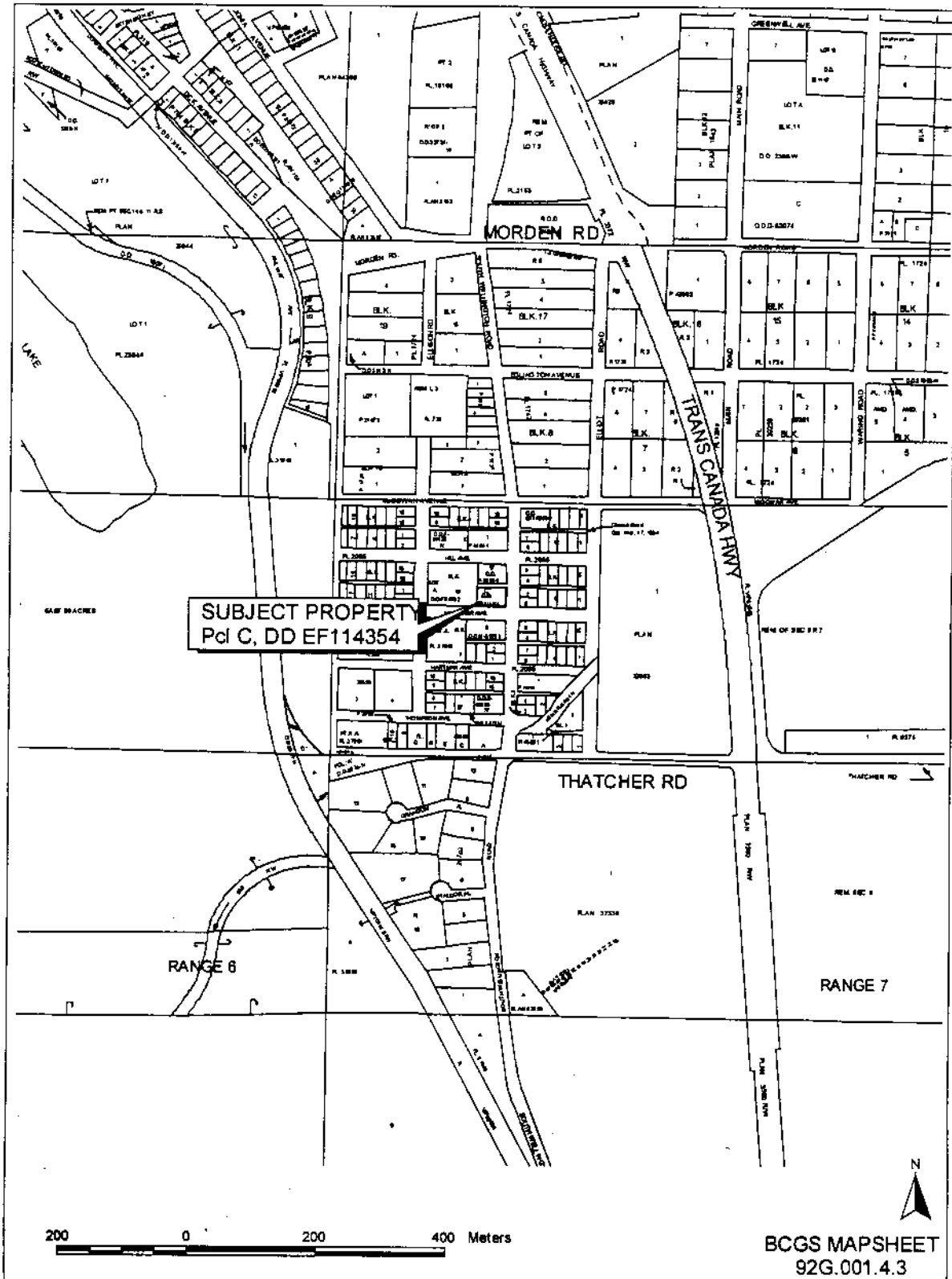
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reports/development/2001/dvp jn 3090 30 0105 Kambic.doc

SCHEDULE 1
Conditions of Approval

1. Removal of encroaching eaves from the accessory buildings, as indicated on Schedule 3, to within a 0.0 metre setback of the property lines of the subject property.

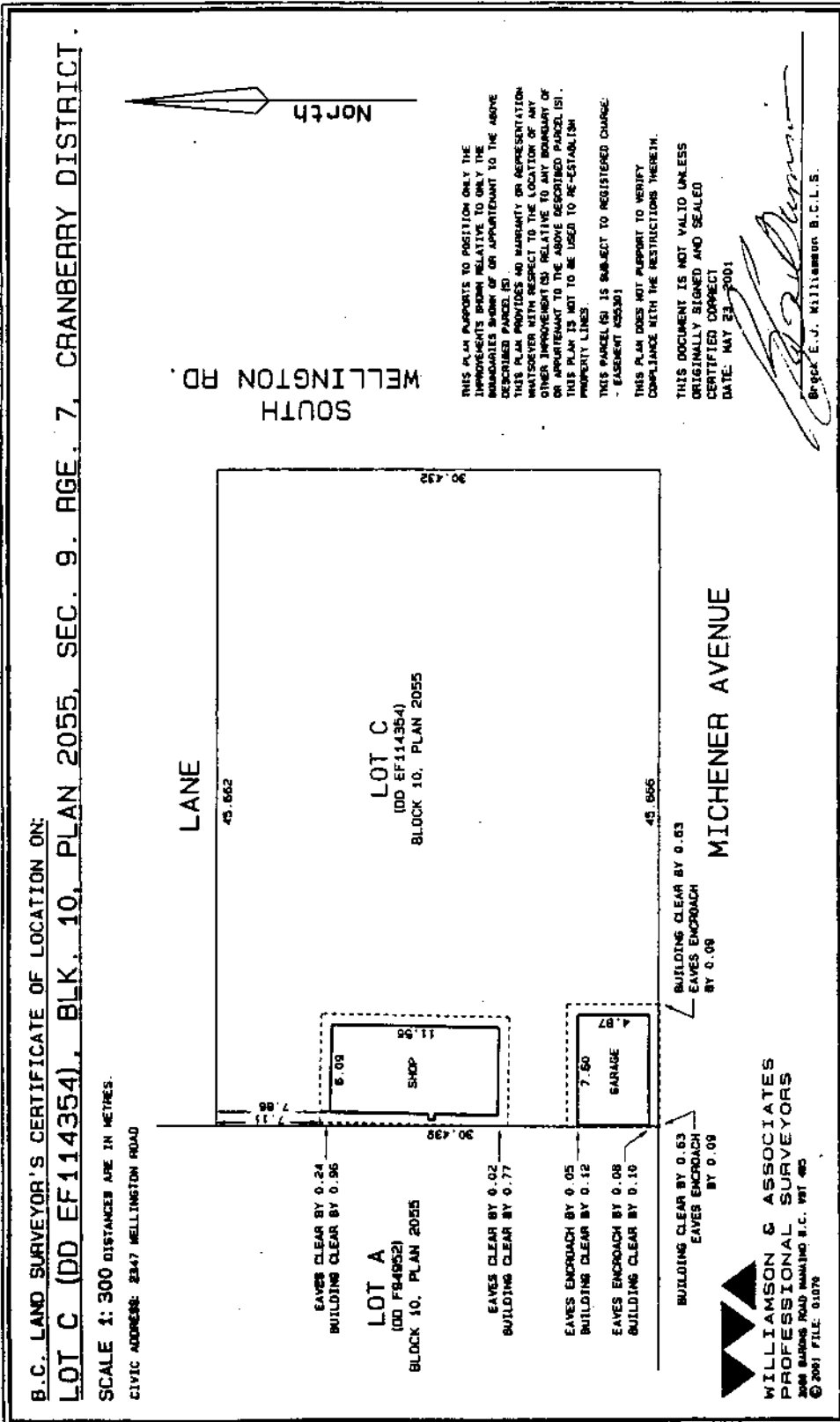
SCHEDULE 2

Subject Property Map



BCGS MAPSHEET
92G.001.4.3

SCHEDULE 3
Survey Plan





REGIONAL DISTRICT OF NANAIMO			
JUN 12 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
		DSC ✓	
		DATE:	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: June 11, 2001

FROM: Pamela Shaw
Manager of Community Planning

FILE: 3360 30 9617

SUBJECT: Home Based Business (HBB) Review- RDN Land Use and Subdivision Bylaw Amendment Bylaw No. 500. 270, 2001
& Accessory Building Size Provisions- RDN Land Use and Subdivision Bylaw Amendment Bylaw No. 500. 272, 2001
Electoral Areas A, C, D, E, G & H

PURPOSE

To update the Board on the March and April 2001 public consultation events on the Home Based Business (HBB) Review and request Board consideration of 1st and 2nd reading on the proposed Bylaw, and further, to request Board consideration of 1st and 2nd reading on a proposed Bylaw to increase accessory building sizes as a result of public comment obtained through the HBB Review.

BACKGROUND

The following actions have been completed to date on the RDN's Home Based Business Review:

<i>February 2000</i>	Draft HBB Provisions for Electoral Areas 'A', 'C', 'D', 'E', 'G', and 'H' were presented for Board consideration in a February 4, 2000 staff report
<i>April 2000</i>	Board direction to commence a comprehensive public consultation process designed to solicit input from the public on home based business options
<i>May/June 2000</i>	Open Houses and Community Forum Events were held in Electoral Areas A, C, D, E, G, and H to collect public comment on amending the current Home Based Business regulations. Referrals were also sent to known resident and business associations, government agencies, and the Chambers of Commerce
<i>Fall 2000</i>	Strategy review
<i>November 2000</i>	10,000 copies of the 'Home Based Business Strategy' Newsletter were bulk mailed to all addresses in Electoral Areas A, C, D, E, G and H
<i>Nov/Dec 2000</i>	Presentation of the Home Based Business Strategy at four Open Houses and Community Forums, held at the Cedar Community Hall, Mountain View School, Parksville Community Hall and Lighthouse Community Centre
<i>January 2001</i>	Report to DSC on public events, request for direction on future consultation
<i>March/April 2001</i>	Presentation of amended Strategy at five Open Houses and Community Meetings, held at the Lighthouse Community Centre, Qualicum Beach Civic Centre, Nanoose Place, Costin Hall, and Cedar Community Hall
<i>May 2001</i>	Preliminary referrals to agencies
<i>June 2001</i>	Report to DSC requesting 1 st and 2 nd reading

Attachment No. 1 provides a summary of the five Community Meetings held in March and April 2001 and Attachment No. 2 provides copies of submissions received as part of this public consultation process.

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Accessory Building Size

The issue of maximum accessory building size was raised by the public as part of the consultation on home based businesses. Generally, citizens supported increasing accessory building sizes in every zone, and supported the use of a sliding scale to allow for larger accessory buildings on larger parcels. In addition to considerations for amending the current home based business provisions in Bylaw No. 500, this report requests Board consideration of amending the current accessory building size provisions to allow for larger accessory buildings.

ALTERNATIVES

1. That Bylaws 500.270 and 500.272 be given 1st and 2nd reading and be referred to a public hearing.
2. That the proposed amendments to the HBB regulations and increased accessory building sizes be abandoned.
3. That staff be directed to consider other issues as identified by the Board and report back to the next Development Services Committee meeting.

INTERGOVERNMENTAL IMPLICATIONS

Proposed changes to the HBB Regulations have implications for the Central Vancouver Island Health Region (CVIHR) and the Ministry of Transportation (MoT). Specifically, the Health Authority opposes the location of bed and breakfast units in accessory buildings. The CVIHR is concerned that these units were not considered in the design and construction of existing septic fields on properties, and could cause health concerns should the bed and breakfasts operate at full capacity. Further, the Ministry of Transportation is concerned with the number of parking spaces proposed for the HBB, and requested that the number be increased from one to two to further prevent parking on road rights of way. The Ministry indicated it also reserves the right to review each business site plan, to 'determine access and parking warrants based on the use and numbers generated.'

The Land Reserve Commission commented that the Commission is currently involved in an initiative that will result in a different approach to the way in which the Commission deals with non-farm uses in the ALR and FLR. It is proposed that certain uses will be permitted by regulation, with the objective being to design the regulations to be complimentary to local government land use bylaws. For example, the Commission pointed out the regulations will likely be amended to allow for four bed and breakfast units (increased from three), as proposed in the draft RDN Home Based Business Bylaw.

Comments were also received from the City of Parksville, strongly recommending that some form of home-based business registry be established.

Letters from the Ministry of Environment, Lands and Parks and School District No. 69 (Qualicum) are also attached for the Board's information (*see Attachment No.2*). No comments were received from the referral agencies on the issue of increased accessory building size.

PUBLIC CONSULTATION IMPLICATIONS

Throughout the HBB public consultation process, citizens have raised a number of issues and proposed many amendments to the current Home Based Business Regulations (*see Attachment Nos. 1 and 2*). Among the comments received is an approximately 130-name petition received from residents in the Morello Road Area of Electoral Area 'E'. Citizens in the area are opposed to amendments to current HBB regulations that would increase the size or impact of HBB in their neighbourhood. The petition

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requests that properties in this area be considered under the same regulations as those proposed for Residential 1 (less than 2000 m² / .5 acre) properties. That is, the HBB provisions would be the same for the small Residential 1 properties, Residential 3 properties, and all Rural 5 zoned properties (as Rural 5 zoning is only found in Electoral Area 'E').

This would mean that on a Rural 5 property in Electoral Area 'E', the HBB would be restricted to the dwelling unit and/or attached garage, maximum size for a bed and breakfast would be two units, uses would be restricted as detailed in *Schedule No. 1*, one employee would be permitted, and the business could not exceed 100 m² in area. As a separate issue, the size of accessory buildings would increase to a maximum of 400 m², as proposed for all Rural or Resource Management zoned properties.

Excluding issues specific to the Morello Road Area, public comments in the most recent round of public consultation were generally positive, and supported the proposed changes to current HBB regulations. Those providing comments noted that HBBs are among the most rapidly growing sectors of the economy, and any changes that make the regulations more flexible and easier for HBB operators would be supported.

Also among citizen comments were calls for a 'dispute resolution process' and a request for noise bylaws in Electoral Areas without these provisions. Further Board direction is requested on these issues.

Schedule No. 1 attached to this report details the HBB approach proposed in the most recent round of public consultation, citizen comments received, and staff recommendations resulting from public and referral agency consultation.

SUMMARY/CONCLUSIONS

The proposed amendments to Bylaw 500 for Home Based Businesses (*summarized in Schedule No. 1*) are a marked departure from existing regulations. This amendment Bylaw proposes allowing ancillary sales and the sale of goods unrelated to the HBB, expands location and size allowances, permits non-resident employees, and establishes a business registry.

These amendments to Bylaw 500 propose a new approach for regulating the permitted uses as a HBB. Instead of providing a list of permitted uses (as does the current bylaw), the Bylaw proposes only to restrict activities incompatible with residential uses due to health or safety implications, or the generation of traffic, noise, odour, fumes, smoke or dust. If, in the future, other uses are determined to be in conflict with the residential use of properties, they could be added to the list of prohibited uses.

Further, the Bylaw proposes allowing for a range of services, as home based businesses, including bed and breakfasts, rental of non-motorized recreation equipment, personal services, professional services, and business management. This HBB Strategy also proposes expanded provisions for product sales in a home-based business.

The Bylaw proposes to restrict the location of HBBs for Residential 1 zoned properties less than 2000 m² (approximately less than ½ acre- these parcels are found in Electoral Areas D, E and G), Residential 3 zoned properties, and Rural 5 zoned properties. For these properties, the HBB may be contained in the dwelling unit and/or an attached garage. For Residential 1 properties 2000 m² and greater and all other zones, the HBB may be located in the dwelling unit, and/or the attached garage, and/or an accessory building. In addition, the Bylaw proposes that a bed and breakfast HBB be permitted in all zones provided it is contained within the dwelling unit (with units limited to 2 in Residential zones and 4 in Rural or Resource Management zones).

The Bylaw proposes that a maximum of two non-resident employees be permitted for properties zoned Residential 2, all Rural zones excluding Rural 5, and Resource Management zones. The Bylaw also proposes a maximum of one non-resident employee for all other zones to be consistent with the regulations of member municipalities.

The Bylaw proposes HBB maximum size provisions of 100 m² for Residential and Rural 5 zoned properties and 150 m² for the other Rural and Resource Management zoned properties. The Bylaw also proposes that a HBB remain secondary in size, have no impact on the residential use of the parcel, and that no more than 49% of the dwelling unit be devoted to the HBB.

With respect to signs, the Bylaw recommends that HBB signs be limited to .75 m² (approximately a 3'x3' sign), with allowances for the sign to be located on a wall, fence face, or as a free-standing sign sited within setbacks. Applications for variances for specific signs that exceed this size, or require siting within setbacks, may be considered by the Board.

With respect to accessory building size, the Bylaw proposes to implement a sliding scale based on parcel size, which will allow a maximum accessory building size up to 250 m² for Residential zoned parcels, and 400 m² for Rural and Resource Management zoned parcels.

The HBB Bylaw recommends the establishment of a business registry. The registry would operate as a form of business license being mandatory after a one-year implementation period. There would be no requirement for annual renewals. It is proposed that there will be no charge for registration during the one-year implementation period; subsequent to that, a charge of \$40 would apply.


This is consistent with the regulations for home based businesses in member municipalities, and is intended to ensure that the home based business use remains ancillary to the residential use of the property. Licensing is not proposed for industrial or commercial zoned properties as these uses are principal uses, recognized as permitted uses in the zoning, and are generally regulated by building permit or development permit approval. In addition, licensing would not be required for business offices where there is no floor area devoted to the HBB activity (no clients attending the HBB, no storage of materials, and/or no production area).

During the public consultation process, the proposal for a HBB registry was generally opposed by home based business operators who had concerns about the cost and rationale for this form of licensing. However, legal opinion on the issue of enforcement and a review of the situation in member municipalities would indicate that, should the home based business regulations be relaxed in the manner proposed in this report (particularly with the allowances for employees and retail sales), some form of enforcement is required to ensure that the home based business remains accessory to the residential use of the parcel.

Staff recommends the Board's consideration Bylaw Amendment Bylaw No. 500.270 and Bylaw Amendment Bylaw No. 500.272 for 1st and 2nd reading, and direction to proceed to public hearing.

RECOMMENDATIONS

1. That the staff report, minutes from the meetings on the Home Based Business Draft Strategy and written submissions from the public and referral agencies be received for information.
2. That staff be directed to investigate noise bylaws for Electoral Areas 'D' and 'H'.
3. That Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001 be given 1st and 2nd reading and proceed to a public hearing (amendments to Home Based Business Regulations).
4. That Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001 be given 1st and 2nd reading and proceed to a public hearing (amendments to accessory building size provisions).
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001" and "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001" be delegated to Director Holme or his alternate.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

reports/development/2001/3360 30 9617 jn hbb 1st & 2nd.doc

Schedule '1'

Home Based Business Bylaw Amendment Bylaw
Issues, Citizen Comments and Proposed Bylaw

Activities

Issues	Citizen Comments	Proposed Bylaw
<p>Uses/Activities-</p> <p>Home based business means an economic activity conducted as a secondary use on a parcel, including:</p> <p>(a) the processing of goods, retail sale or wholesale of goods, bed & breakfast, rental of outdoor recreation equipment, personal service, professional practice, or management of a business, and provided that the home based business is:</p> <ul style="list-style-type: none"> (i) conducted by permanent residents of the parcel; (ii) secondary to the residential use of the parcel, and when located within a dwelling unit, to the residential use of the dwelling unit; (iii) occupies no more than 49% of the home based business dwelling unit floor space; or the combined floor space allowance of accessory buildings as specified for each zone; (iv) is permitted to install one non-illuminated business identification sign on an exterior wall or fence, or erected as a free-standing sign within the minimum setback regulations as specified for each zone; <p>and provided that the home based business does not</p> <ul style="list-style-type: none"> (i) create noise, vibration, glare, fumes, odours, dust, or smoke detectable off the parcel to the normal senses; (ii) change the outside appearance of the building, or create other visible evidence of its existence other than a sign; (iii) include onsite retail sale of foods designed for immediate consumption other than breakfast served by a bed and breakfast to guests who have been provided overnight accommodations; (iv) include animal breeding in excess of two litters per calendar year; dog boarding; public assembly use; school; chemical processing; dry cleaning; slaughtering; butchering; smoking of food; seafood processing; canning of foods with a pH level greater than or equal to 4.5; 	<ul style="list-style-type: none"> <input type="checkbox"/> Prefer to have no HBBs in neighbourhood, especially activities pertaining to firewood and saw milling, as these activities cannot be contained in a building <input type="checkbox"/> Need to specify NON MOTORIZED recreational equipment rentals <input type="checkbox"/> Everyone should be allowed to do what they want, as long as it does not affect the neighbours <input type="checkbox"/> Need strong provisions to prevent noise, pollution, nuisance in new regulations <input type="checkbox"/> Automotive repairs- causes environmental concerns. Who will inspect to ensure all waste oil, antifreeze and other noxious and poisonous substances will be properly contained for disposal? <input type="checkbox"/> Totally against automotive repairs, restoration, maintenance, taxidermy, primary processing of fence posts, shakes, and firewood <input type="checkbox"/> Do not allow rental of motorized recreational equipment 	<p>Allow for automotive repairs, restoration or maintenance in Rural and Resource Management zones only (excluding Rural 5)</p> <p>Do not allow the dispensing of automotive fuel, oil or fluids in any zone</p> <p>Do not allow for primary processing of fence posts, shakes and firewood as a HBB in any zone</p> <p>Do not allow taxidermy in any zone</p> <p>Specify that rental of recreational equipment is for non-motorized vehicles</p>

<p>laundries; manufacturing of fiberglass or pyroloxin products; paint, varnish or lacquer manufacturing; primary processing; rubber manufacturing; tanneries; storage other than the storage of items accessory to the home based business; funeral parlour; warehousing; operations dealing with heavy equipment or machinery; vehicle wrecking or dismantling; automotive spray painting; recycling; or any other uses specified elsewhere in this Bylaw; and automotive repairs, restoration or maintenance; taxidermy; and the primary processing of fence posts, shakes and firewood as a Home Based Business shall be allowed only in Rural and Resource Management Zones where permitted by this Bylaw</p>		
<p>Sales- Allow for sales of related or unrelated goods</p>	<p><input type="checkbox"/> Will be allowing the operation of a retail store- that is not good</p>	<p>Recommend allowing for 1/3 of HBB sales floor area for unrelated sales</p>
<p>Signs- Increase size of sign, increase options for siting of signs</p>	<p><input type="checkbox"/> Sign for rural areas is too large- picture a 4'x4' sign on every property on Cedar Road <input type="checkbox"/> Sign should be permitted to be placed on the top of the fence, as long as the height does not exceed permitted height for the zone <input type="checkbox"/> 1.5 m² is not enough for a free standing rural sign <input type="checkbox"/> Signs on properties less than .5 acre should remain at .4 m² and attached to the home <input type="checkbox"/> Consider an exception if there is more than one entrance to a property <input type="checkbox"/> Feel that B&Bs should be allowed one ILLUMINATED sign to be switched off before midnight</p>	<p>Recommend sign provisions as allowing for a 3'x3' sign for any property, located on a fence face or wall face, or as a free standing sign, non illuminated and sited beyond setback areas Allow applications for sign variances to Board for site specific signs which exceed size or require siting in setbacks</p>
<p>Outdoor Storage- No outdoor storage permitted in any zone for HBB, excluding outdoor play areas for child care facilities</p>	<p><input type="checkbox"/> Outdoor storage should be allowed <input type="checkbox"/> Need to store equipment (cranes, trailers) outdoors <input type="checkbox"/> Provide that if neighbours are not opposed, outdoor storage could be permitted <input type="checkbox"/> Would like to see an exception on this issue for HBB nursery-type operations. It is impossible to not have, temporarily, items outside</p>	<p>Do not allow outdoor storage- HBB is to be accessory to the residential use</p>

<p>Parking- Propose 1 space per HBB 1 space per employee 1 space per B&B unit</p>	<ul style="list-style-type: none"><input type="checkbox"/> MoTH has indicated that number is insufficient- they would like to see at least 2 (and prefer more) per HBB. There should be no on-street HBB parking of any kind<input type="checkbox"/> Concern with long term non resident parking<input type="checkbox"/> Concern with some businesses attracting a large number of vehicles being dispersed throughout the community (example: kayak rentals)<input type="checkbox"/> Parking is a major issue in culs de sac<input type="checkbox"/> Number of vehicles should be carefully considered.<input type="checkbox"/> Ministry of Transportation- not enough parking spaces- need at least two for child care facilities, MoTH reserves the right to review each business site plan, determine access and parking based on use and numbers generated	<p>Recommend increasing to 2 parking spaces per HBB as per MoTH requirements</p>
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Location

Issues	Citizen Comments	Proposed Bylaw
<p>HBB Location- For Residential 1<.5 acre and Residential 3 parcels- dwelling unit and/or attached garage</p> <p>All other zones- dwelling unit and/or attached garage and/or accessory buildings</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Why not allow the HBB in accessory buildings? If the out buildings are allowed in the zone, it should be the owner's choice as to where the HBB is located <input type="checkbox"/> What is the difference between an accessory building and attached garage? As long as business is not visible, no practical difference <input type="checkbox"/> No distinction between accessory buildings and an attached garage <input type="checkbox"/> Parksville and Nanaimo allow HBBs in accessory buildings <input type="checkbox"/> Cannot accept restriction of this proposal- almost impossible to conduct a business in one's dwelling <input type="checkbox"/> Prefer definition to allow for 'auxiliary building' for HBB <input type="checkbox"/> Have a small paint studio in accessory building (RS1/less than .5 acre)- if the accessory building is allowed and has been permitted, why not allow the business? <input type="checkbox"/> Need larger accessory buildings for larger properties <input type="checkbox"/> Why have a percentage? As long as it is in a building, shouldn't matter how much space is used 	<p>Add Rural 5 to areas of Bylaw currently specific to Residential 1<.5 acre and Residential 3- only permit HBB in dwelling unit and/or attached garage.</p>
<p>B&B Location- Residential 1 or 3- in the dwelling unit (2 bedrooms max)</p> <p>All other zones- in the dwelling unit or one accessory building (4 bedrooms maximum, no cooking, eating or laundry facilities in accessory building)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Need for variances for number of bedrooms permitted <input type="checkbox"/> Create a variance process Ministry of Health has indicated that they do not support the location of B&Bs in accessory buildings due to septic capacity concerns <input type="checkbox"/> Concern that B&Bs in accessory buildings could 	<p>Recommend having all B&Bs contained in the dwelling unit as per Ministry of Health comments</p> <p>2 units for Residential 1 and 3, 4 for all other zones</p>

	<p>become full time residences, placing a strain on school systems, sewer systems and creating traffic</p> <ul style="list-style-type: none"> <input type="checkbox"/> Concern with impact of B&Bs on water supply and effect on neighbouring wells <input type="checkbox"/> How can you have no eating facilities? They could eat in bed. <input type="checkbox"/> Should not allow more than 2 bedrooms, otherwise you are creating a hotel <input type="checkbox"/> What is the harm in providing a small eating area? <input type="checkbox"/> B&Bs should be required to obtain a variance with no objections from neighbours- people didn't buy in RS1/hotel <input type="checkbox"/> Ministry of Health- too many bedrooms, creating a rooming house, food service will be an issue, Nanaimo has 1 or 2 bedrooms with business licensing and fire safety regulations, MAY NOT EVEN ALLOW IT 	
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Employees

Number of Employees	Citizen Comments	Proposed Bylaw
<p>Residential 1 and Residential 3- one employee</p> <p>Residential 2, Rural, Resource Management- 2 employees</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Comment on what is an 'employee' <input type="checkbox"/> Comment on family members as employees <input type="checkbox"/> On larger parcels, can have larger buildings. Why not have more employees <input type="checkbox"/> A HBB should not be allowed to have more than one employee- if you need more than 1, move to a industrial zoned site 	<p>Recommend maintaining 1 employee for RS1, RS3, RU5, with 2 for all other zones</p> <p>Similar to member municipalities and adjacent regional districts</p>

Size

Issues	Citizen Comments	Proposed Bylaw
<p>Size of Home Based Business- For Residential 1 >.5 acre and Residential 3 parcels- 49% of the dwelling unit and/or attached garage to a maximum of 100 m² (1076 sq ft)</p> <p>For Residential 1 ≥.5 acre and Residential 2 parcels- 49% of the dwelling unit and/or attached garage and/or accessory buildings to a maximum of 100 m² (1076 sq ft)</p> <p>For Rural and Resource Management Parcels- 49% of the dwelling unit and/or attached garage and/or accessory buildings to a maximum of 150 m² (1615 sq ft)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Support for 'accessory' definition for HBB- good to have established it at 49% <input type="checkbox"/> Size too small <input type="checkbox"/> Need to be able to vary size <input type="checkbox"/> Size too large- 49% should be 30% to 33% <input type="checkbox"/> Should be able to use entire floor area of attached garage Regulations are too restrictive for large properties <input type="checkbox"/> Suggest that 400 m² would not be unreasonable on a 2 acre parcel (Dorcas Point) 	<p>Recommend maintaining 49%- is an accessory use to the residential use</p> <p>Note that Rural 5 HBBs would be limited to 100 m²</p>
<p>Size of Accessory Buildings- Residential 1 and Residential 3- 100 m² or 8% of the parcel area up to 250 m²</p> <p>Residential 2- 100 m² or 10% of the parcel area up to 250 m²</p> <p>All Rural and Resource Management parcels- maximum 400 m²</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Need to be able to vary accessory building size beyond allowed maximums <input type="checkbox"/> Disagree with building size, as people will use all 400 m² for HBB 	<p>Under <i>Local Government Act</i>, cannot vary density</p>

Registry

Issues	Citizen Comments	Proposed Bylaw
<p>Business Registry- Free of charge to HBBs in RDN, upon registration operator would receive package of info from RDN, registry updated frequently, on web site and published annually</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Why free? Commercial operators pay for advertising. HBBs should pay as well. Will give an advantage to HBBs. Local Government Act does not appear to allow for publicizing of selected businesses <input type="checkbox"/> Publicizing HBBs will bring more traffic to residential neighbourhoods <input type="checkbox"/> Don't waste money on registration, instead advertise that regulations are available for pick up <input type="checkbox"/> Need a registry to monitor activities, a means of investigating businesses operating in your neighbourhood <input type="checkbox"/> Support Registry, given that RDN is not pursuing licensing or hours of operation regulations. A Registry would ensure everyone knows what the regulations are. Is an economic development tool. Innocent infractions will be avoided, protection from the inconsiderate individual. Need some means of educating, informing HBB owners. <input type="checkbox"/> Business licensing- absolutely not. <input type="checkbox"/> Registry is a way for RDN to exercise control <input type="checkbox"/> We are comfortable monitoring our own areas, not need to hire extra staff <input type="checkbox"/> A license should be required 	<p>Pursue mandatory business registry, with a one year implementation period where registration provided free of charge</p> <p>No annual renewal required</p> <p>Enforceable as a form of licensing authority</p>

Other Issues

Issue	Citizen Comments	Proposed Bylaw
Regulations	<ul style="list-style-type: none"> <input type="checkbox"/> Please leave things as they are for residential areas <input type="checkbox"/> Rules should be consistent with member municipalities and adjacent regional districts <input type="checkbox"/> Concern that draft bylaw is 'loose'- too much in favour of HBBs and not in favour of residents. <input type="checkbox"/> Concerned about noise pollution, groundwater pollution, no process for addressing problems with HBBs, undermining of rural quality of life <input type="checkbox"/> Concern with 'drawing a line in the sand' by stating regulations- do you really need them? <input type="checkbox"/> Believe that properties over 4 acres should be given the right to opt out of HBB regulations. Residents in these communities have ability to be self regulating, issues that arise could be handled by the community or civil law 	<p>Proposed regulations provide few changes for smaller lot residential areas, other than addition of an employee</p> <p>New regulations are more consistent with member municipalities</p> <p>Would not recommend either 'no regulations' or 'option for opting out' of regulations</p>
Operation of a home based business by a non resident property owner	<ul style="list-style-type: none"> <input type="checkbox"/> Concern that non-resident property owners might operate noxious business on property 	Have proposed regulations regarding noise, effluent, etc.
Hours of Operation	<ul style="list-style-type: none"> <input type="checkbox"/> Should be restricted to Monday to Friday, 9 am to 5 pm to ensure continuance of peaceful rural lifestyle <input type="checkbox"/> Needs to be regulated 	Hours of operation not acceptable to the public- do not work for B&Bs and don't make sense for many businesses, business often conducted only on weekends or after regular work hours- none are proposed as part of this bylaw
Bylaw Enforcement	<ul style="list-style-type: none"> <input type="checkbox"/> Concern with who will enforce regulations 	Bylaw Enforcement Officers

<p>Rural 5 properties – Nanoose Bay, Morello Road area</p> <p><i>NOTE: Petition from Morello Road residents</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Rural 5 should be subject to same regulations as Residential 1 less than .5 acre due to concerns for groundwater. Opposed to processing of fence posts, shakes, automotive repair, motorized outdoor recreational vehicles, and taxidermy. Concern with use of accessory buildings for B&Bs as septic is only approved for the bedrooms in the house. Should be regulated hours of operation. <input type="checkbox"/> Inquiry on rezoning the area to Residential 1 <input type="checkbox"/> Area should not be grouped with surrounding Resource Management lands <input type="checkbox"/> Do not want commercial rentals of motorcycles, quads- already have a quarry <input type="checkbox"/> Do not want HBB bylaws to make area more Errington-like (could have invested far less in equal acreage in Errington) 	<p>Implement new HBB regulations, but regulate as Residential 1 less than .5 acre (still allows for employee and increased accessory building size, but HBB can only be in dwelling unit or attached garage, larger number of prohibited uses)</p>
<p>Nuisance/Neighbourhood Character</p>	<ul style="list-style-type: none"> <input type="checkbox"/> HBB should have no impact on neighbouring properties <input type="checkbox"/> HBB should not be perceptible from property line <input type="checkbox"/> Nuisance issues must be included in the new bylaw to alleviate concerns <input type="checkbox"/> HBBs should not change neighbourhood character (i.e.: ballet school, whole front yard used for parking) <input type="checkbox"/> Machinery should not be allowed in residential neighbourhoods where noise is a problem. No one should have to put up with pounding, sawing both day and evening 	<p>New bylaw does address nuisance provisions</p> <p>Do not allow heavy equipment businesses in any zone as an HBB, automotive repair only in Rural or Resource Management (except Rural 5)</p>

Request for variances	<input type="checkbox"/> Ability to vary the size of the HBB if necessary <input type="checkbox"/> Ability to vary the size/location of the sign	Could vary the size or location of a sign
More than one HBB on property	<input type="checkbox"/> Clarification that more than 1 HBB may operate on a property	Yes, as long as sq metre provisions are not exceeded
Dispute Resolution	<input type="checkbox"/> Need to create a dispute resolution process for complaints- have a committee made up of citizens, Area Director(s), bylaw enforcement officers. Ministry of Municipal Affairs has published documents on how to do this <input type="checkbox"/> Would be good to have a neutral forum	Issue requires further review- mediation process used in other jurisdictions
Temporary Buildings	<input type="checkbox"/> Are these part of the calculation?	Yes- same requirements as building permit

ATTACHMENT 1

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A COMMUNITY MEETING HELD THURSDAY, MARCH 29, 2001 AT 7:00 PM AT LIGHTHOUSE COMMUNITY CENTRE TO CONSIDER HOME BASED BUSINESS DRAFT STRATEGY

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Community Meeting.

Present:

R. Quittenton	Director, Electoral Area 'H'
Jack Pipes	Alternate Director, Electoral Area 'H'
Pamela Shaw	Manager, Community Planning
Deborah Jensen	Planner

There were approximately 12 people in attendance.

Alternate Director Pipes opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the head table.

The Manager of Community Planning stated the purpose of the community meeting, and provided a general overview of the proposed home based business draft strategy.

The Manager of Community Planning invited questions from the audience.

Mary Jane Puckrin, 5400 West Island Highway, submitted written comments for the home based business draft bylaw, and provided a verbal summary of the comments. Mary Jane Puckrin stated she was offering 100% support to the draft bylaw.

Director Quittenton stated that development of this bylaw has been a long process, and indicated the Board is supportive of the draft strategy.

A resident inquired if there would be a public hearing for the draft bylaw, and whether delegations would be permitted.

A resident inquired if a working farm is considered a home based business.

The Manager of Community Planning responded by stating a farm is not considered a home-based business.

A resident asked for clarification of the home based business definition.

The Manager of Community Planning responded by stating a home-based business must be run by a resident of the property, who is not necessarily the property owner. The Manager of Community Planning stated if there is more than one dwelling unit on the property, each unit can have a home based business, but cannot exceed total floor area allotted for home based business on the property. The Manager of Community Planning indicated a business may be operated off the property, but if there is a home office, this would be considered a home based business.

Jack Pipes, 2925 Turnbull Road, inquired whether a non-resident property owner could conduct a home-based business on a property rather than the resident.

The Manager of Community Planning responded by stating the home based business strategy refers to intent, so that if the use becomes an issue, and the business is not operated by a resident, then the business is subject to a bylaw infraction.

Jack Pipes, 2925 Turnbull Road, inquired whether a farm is exempt if not located in the ALR.

The Manager of Community Planning responded by stating that if a farm is in a rural zone, then the Right to Farm Act and the notation of agriculture listed as a permitted use in the zoning bylaw exempts the

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farm. The Manager of Community Planning also indicated that the RDN might be undertaking a review of agriculturally related activities once this draft strategy is completed.

Director Quittenton stated the intent of this bylaw is to make the process easier for the public.

Mary Jane Puckrin, 5400 West Island Highway, inquired whether the definition for home based business could indicate what uses are included, but not limited to, versus what is not included.

The Manager of Community Planning responded by stating the home based business definition refers to economic activity conducted on a parcel, and defines what is a home based business rather than what it is not, but indicated she would obtain a legal opinion for the definition.

A resident inquired who would police the regulations.

The Manager of Community Planning responded by stating the RDN has two bylaw enforcement officers who usually respond to situations on a complaint basis.

A resident inquired why they cannot use more than 100 m² of floor space, and asked how this floor space would be calculated if the business is located in different areas. The resident also inquired what would happen if a resident could not meet the minimum floor area.

The Manager of Community Planning responded by stating the difficulty in defining a boundary between home based business use and commercial/industrial use, and whether home based business use remains secondary to permitted uses. The Manager of Community Planning indicated a bylaw enforcement officer would investigate complaints and issue a letter indicating necessary changes, but also stated it is seldom where a situation cannot be resolved without resorting to further action.

A resident inquired as to the responsibilities of the bylaw enforcement officers, and asked if the RDN polices through any other manner than filed complaints.

The Manager of Community Planning responded by stating the bylaw enforcement officers are responsible for enforcing all RDN bylaws, with the exception of a few which are contracted to the SPCA.

The Manager of Community Planning also stated that most issues are dealt with on a complaint basis.

Mary Jane Puckrin, 5400 West Island Highway, inquired whether a bed and breakfast operator could request a variance to floor area if bedrooms proved to be too large.

The Manager of Community Planning responded by stating it is possible to vary height and setbacks, but not density. The Manager of Community Planning also indicated there is some evidence of case law in other areas of BC that is allowing for density variation.

A resident inquired if property could be rezoned to meet home based business requirements.

The Manager of Community Planning responded by stating an owner can apply for rezoning, but also indicated most rural zones in the RDN require a minimum of five acres.

Director Quittenton asked if there were any final questions or comments. Being none, the Director thanked those in attendance and announced that the community meeting was closed.

The meeting concluded at approximately 7:39 pm.

original signed

Deborah Jensen
Recording Secretary

REGIONAL DISTRICT OF NANAIMO
SUMMARY OF PROCEEDINGS OF A COMMUNITY MEETING
HELD MONDAY, APRIL 2, 2001 AT 7:00 PM
AT QUALICUM BEACH CIVIC CENTRE
TO CONSIDER HOME BASED BUSINESS DRAFT STRATEGY

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Community Meeting.

Present:

J. Stanhope	Director, Electoral Area 'G'
Pamela Shaw	Manager, Community Planning
Deborah Jensen	Planner

There were approximately 13 people in attendance.

Director Stanhope opened the meeting at 7:04 pm and followed with greetings to the public and an introduction of the head table.

The Manager of Community Planning stated the purpose of the community meeting, and provided a general overview of the proposed home based business draft strategy.

The Manager of Community Planning invited questions from the audience.

Mary Jane Puckrin, 5400 West Island Highway, indicated she submitted written comments for the home based business draft bylaw at a public meeting held March 29, 2001 and provided a verbal summary of these comments. Mary Jane Puckrin stated she is offering 100% support for the draft bylaw, and commended RDN staff for their diligent efforts on this strategy.

A resident stated the draft bylaw is an outstanding example of democracy as RDN staff considered and incorporated information received by the public into the bylaw.

The Manager of Community Planning thanked those people involved for the effort put into the project.

Matt Thiele, 960 Bluebird Place, commended the RDN for the progress that has been made, but is concerned how the bylaw will be enforced as existing businesses are contravening current regulations. Matt Thiele inquired how the bylaw would impact a property with more than one home based business in operation.

The Manager of Community Planning responded there are two bylaw enforcement officers responsible for working with the public to resolve any issues, but the role of the RDN will be one of guidance. The Manager of Community Planning also indicated numerous businesses could operate on a property so long as they meet the required floor area and other pertinent regulations.

Director Stanhope indicated the bylaw has made significant progress, but there has to be a process for enforcement as problems will always arise.

Mr. Roy, a resident of the area, inquired if the floor area of 100 m² is applicable to all, or whether this could be increased.

The Manager of Community Planning responded by stating the intent is to find a reasonable number whereby the business remains an accessory use rather than a principal use. The Manager of Community Planning also stated that public opinion has indicated a home-based business should be able to operate at approximately 1000 ft².

Director Stanhope responded by stating it is important to ensure the home based business remains an accessory use.

Bob Maurice, a resident of the area, requested clarification for the definitions of "manufacturing" and "does not include" section. Bob Maurice also inquired why he could not use his entire garage if the floor area is greater than 100 m², and wanted to know if bylaw enforcement officers would be made aware of this type of discrepancy.

The Manager of Community Planning responded by stating manufacturing refers to manufacturing of the listed products, but floor area is restricted to 100 m² and excess floor space could be utilized for personal use. The Manager of Community Planning reiterated that bylaw enforcement officers operate on a complaint basis, and will be working with the public to resolve any issues that may arise.

A resident inquired whether a dispute resolution process would be established for complaints that may arise, and suggested establishment of a committee composed of a bylaw enforcement officer, the complainant, and the offender.

The Manager of Community Planning responded by stating that such a committee is not part of this bylaw, but gave an example of a process established by the City of Kamloops.

A resident indicated she operates a business in a guesthouse and inquired how this would be different from operating out of a garage.

The Manager of Community Planning responded by stating residential areas generally have smaller lot sizes and allow for use in an "attached" garage, and indicated these lots typically contain a dwelling unit and attached garage.

Mary Jane Puckrin, 5400 West Island Highway, requested clarification for the difference between an accessory building and attached garage, and suggested it would be less bothersome to operate out of an accessory building, highlighting that regulations state a business cannot be visible.

The Manager of Community Planning responded by stating some RDN residents do not want any home based businesses operating in the area, so the intent is to create a bylaw which will allow home based businesses as a low-key operation.

Matt Thiele, 960 Bluebird Place, requested clarification with respect to the number of required parking spaces per home-based business.

The Manager of Community Planning responded by stating there must be one off-street parking space per home based business, but indicated the Ministry of Transportation and Highways wants an increase to two parking spaces and disallow on-street parking.

Mrs. Bordian, 1230 Bunker Place, inquired whether there could be provision for the amount of space that can be utilized for properties that are under ½ acre.

The Manager of Community Planning responded by stating there has to be some boundary between lot sizes, but staff may reexamine the divisions, for example, ¼ acre divisions.

Director Stanhope indicated it might be possible to utilize some form of sliding scale.

The Manager of Community Planning stated the intent is to increase accessory building size on residential properties from 75 m² to 100 m², and indicated the zoning bylaw will be revised to reflect these changes.

Mary Jane Puckrin, 5400 West Island Highway, inquired about impact on bed and breakfast operations.

The Manager of Community Planning responded by stating the proposal includes operation of up to four bedrooms in accessory buildings, however the Ministry of Health has expressed concerns since septic systems were approved for original dwelling units and not the accessory buildings.

A resident inquired if variances can be issued for number of bedrooms if septic systems are approved.

Mary Jane Puckrin, 5400 West Island Highway, inquired whether the Ministry of Health could refuse operation of a bed and breakfast within an accessory building.

Director Stanhope responded by stating the Ministry of Health can refuse this proposal as the RDN has no jurisdiction over septic disposal.

Director Stanhope asked if there were any final questions or comments. Being none, the Director thanked those in attendance and announced that the community meeting was closed.

The meeting concluded at approximately 7:34 pm.

original signed

Deborah Jensen
Recording Secretary

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A COMMUNITY MEETING
HELD WEDNESDAY, APRIL 4, 2001 AT 7:00 PM
AT NANOOSE PLACE
TO CONSIDER HOME BASED BUSINESS DRAFT STRATEGY

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Community Meeting.

Present:

G. Holme	Director, Electoral Area 'E'
Pamela Shaw	Manager, Community Planning
Deborah Jensen	Planner

There were approximately 14 people in attendance.

Director Holme opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the head table.

The Manager of Community Planning stated the purpose of the community meeting, and provided a general overview of the proposed home based business draft strategy.

The Manager of Community Planning invited questions from the audience.

Louise Campbell, a resident of the area, asked how the proposed bylaw becomes an official bylaw.

The Manager of Community Planning responded by stating a report will be submitted to the Development Services Committee and to the Regional Board the following month. The Manager of Community Planning also stated that if the draft bylaw were given 1st and 2nd reading, it would go to public hearing, followed by referral to other agencies between 3rd and 4th reading.

A resident inquired whether forms of objection should be in written or verbal form.

The Manager of Community Planning responded by stating the draft strategy has not been submitted to the Board and, upon submission, will be accompanied by all other written submissions and public comments. The Manager of Community Planning emphasized that if the comments are in written form, the entire Board is ensured of seeing them.

Dan Blood, Lana Road, stated he prefers to have no home based businesses operating in the area, particularly activities pertaining to firewood and saw milling, and believes these activities will not be contained in a building. Dan Blood stated any unregulated issues requiring bylaw enforcement will be a problem, such as hours of operation, and disagrees with increasing accessory building size to 400 m² as people will utilize the entire space for the business.

A resident of the area stated nuisance issues should be included in the new bylaw to alleviate some concerns. The resident also stated the draft definition for rental of outdoor recreation equipment should specify non-motorized equipment, and believes Rural 5 zoning should be subject to the same regulations as Residential 1 ≥ 0.5 acres.

A resident inquired whether a change to Residential 1 regulations would be considered if the neighbourhood were petitioned.

The Manager of Community Planning responded by stating this could be amended as Nanoose Bay is the only area with Rural 5 zoning.

Helga Schmidt, a resident of the area, stated concerns for groundwater contamination, and is very opposed to the processing of fence posts, shakes, and automotive repair, any use of motorized outdoor recreation rental activity, and taxidermy and its potential for waste disposal. Helga Schmidt agrees with home based business activities of a professional nature which are not noise producing, but suggested there will be consequences if people start using accessory buildings as rentals since the septic is only approved for the house. Helga Schmidt also requested the Rural 5 zone be subject to the same

regulations as Residential 1 as these would be more restrictive, and indicated there should be regulated hours of operation as neighbours do not like to file complaints.

Director Holme inquired if anybody was happy with the existing regulations.

The Manager of Community Planning gave a summary of the current home-based business regulations.

Helga Schmidt, a resident of the area, stated she prefers the current regulations.

A resident of the area stated that everyone should be allowed to do what he or she want on their property so long as it does not reflect on the neighbours.

Helga Schmidt, a resident of the area, inquired whether it was possible to rezone the area.

The Manager of Community Planning responded by stating it was possible to rezone the area and gave an example.

A resident of the area inquired whether existing home based businesses would be grandfathered under new regulations or zoning.

The Manager of Community Planning responded by stating a home based business would be recognized if it was legally operating under the current bylaw; but if the business is operating beyond the current bylaw or any zoning changes, this does not necessarily allow for non-conforming status and could be considered illegal.

A resident stated the area should not be grouped together with surrounding resource lands.

Helga Schmidt, a resident of the area, stated small acreages of 2 ½ to 5 acres should be recognized separately from the rest of the area.

A resident of the area referred to the first home-based business proposal, and inquired of the RDN was attempting to remove itself from enforcement issues.

The Manager of Community Planning responded by referring to a statement in the newsletter which indicated the RDN was changing from a regulation and enforcement role to one of guidance and cooperation, and stated this referred to the concept of moving from a historical cease and desist manner of resolution to discussing the issue and resolving the dispute instead of taking legal action. The Manager of Community Planning also emphasized the RDN is beholden to regulate any adopted bylaws.

Director Holme responded by stating the RDN must enforce any illegally operating activity.

A resident of the area stated they always try to talk to neighbours before filing a complaint and inquired whether they would, if necessary, still have recourse to the courts.

Director Holme and the Manager of Community Planning both responded that, if deemed necessary, court action is still an option.

Director Holme asked if there were any final questions or comments. Being none, the Director thanked those in attendance and announced that the community meeting was closed.

The meeting concluded at approximately 7:19 pm.

original signed

Deborah Jensen
Recording Secretary

REGIONAL DISTRICT OF NANAIMO
SUMMARY OF PROCEEDINGS OF A COMMUNITY MEETING
HELD WEDNESDAY, APRIL 5, 2001 AT 7:00 PM
AT COSTIN HALL
TO CONSIDER HOME BASED BUSINESS DRAFT STRATEGY

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Community Meeting.

Present:

D. Haime	Director, Electoral Area 'D'
Pamela Shaw	Manager, Community Planning
Deborah Jensen	Planner

There were approximately 14 people in attendance.

Director Haime opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the head table.

The Manager of Community Planning stated the purpose of the community meeting, and provided a general overview of the proposed home based business draft strategy.

The Manager of Community Planning invited questions from the audience.

A resident of the area inquired whether employees included family members, and inquired as to the process for bylaw infractions.

The Manager of Community Planning responded by stating the definition for employees does not include family members, and explained that a bylaw enforcement officer would investigate any complaints, determine and attempt to resolve any problems, with last recourse being legal action.

Director Haime stated the home based business movement started due to changes in the economy, and the intent is to allow people to use their property while still respecting neighbours, and with the primary use of the property remaining residential.

The Manager of Community Planning stated the Ministry of Transportation and Highways is requesting a minimum of two off-street parking spaces, and the Ministry of Health is opposed to bed and breakfast in accessory buildings due to septic issues.

A resident of the area inquired whether the regulations for septic disposal could be changed.

The Manager of Community Planning responded by indicating a property owner could add to or install a new septic field.

Director Haime stated the intent of this draft strategy is also to limit the impact of home-based business on neighbours.

A resident of the area stated the regulations for large lot properties are too restrictive.

Director Haime responded by stating larger parcels should have no impact on the commercial core.

A resident of the area expressed concern that accessory buildings for bed and breakfast operations could become full-time residences, subsequently placing a strain on school systems, sewer systems, and traffic flow.

The Manager of Community Planning responded by stating the proposal is to disallow cooking, eating or laundry facilities in these accessory buildings.

A resident stated concern for Residential 1 zoning within a rural area as this is a conflict of use.

The Manager of Community Planning responded by stating the rural designation originates from the official community plan, but zoning is the regulatory provision.

A resident inquired how the issue of long-term non-resident parking would be alleviated.

The Manager of Community Planning responded by stating the Ministry of Transportation and Highways has jurisdiction over the road right-of-way.

A resident stated concern that some businesses, such as a kayaking tour company, could result in a large number of vehicles dispersed throughout the community for parking availability.

The Manager of Community Planning responded by stating the proposal could require all parking be on-site.

Director Haime responded by stating if parking is placed in a designated area, this may eliminate the need for some off-street parking.

Jack Moss, a resident of the area, thanked the planners for listening and taking public comment into consideration, but stated he wants to see a formal dispute resolution process outlined in a document, and indicated the Ministry of Municipal Affairs has published some booklets which the RDN should review for establishment of various committees. Jack Moss stated he does not see a significant distinction between detached and attached garages, and also suggested that, should a bed and breakfast want to operate at a greater capacity, then they should be able to apply for a variance.

The Manager of Community Planning responded by stating the City of Nanaimo gives only an adjoining neighbour the ability to file a complaint, so this could be incorporated in the bylaw.

Director Haime indicated the draft strategy will be presented at the May, 2001 meeting of the Development Services Committee, and the report should be on the RDN website in early May. Director Haime encouraged the public to review the document and provide comments prior to the report going to the Board.

Director Haime asked if there were any final questions or comments. Being none, the Director thanked those in attendance and announced that the community meeting was closed.

The meeting concluded at approximately 7:18 pm.

original signed

Deborah Jensen, Recording Secretary

REGIONAL DISTRICT OF NANAIMO
SUMMARY OF PROCEEDINGS OF A COMMUNITY MEETING
HELD MONDAY, APRIL 9, 2001 AT 7:00 PM
AT CEDAR COMMUNITY HALL
TO CONSIDER HOME BASED BUSINESS DRAFT STRATEGY

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Community Meeting.

Present:

L. Elliott	Director, Electoral Area 'A'
Pamela Shaw	Manager, Community Planning
Deborah Jensen	Planner

There were approximately 21 people in attendance.

Director Elliott opened the meeting at 7:11 pm and followed with greetings to the public and an introduction of the head table.

The Manager of Community Planning stated the purpose of the community meeting, and provided a general overview of the proposed home based business draft strategy. The Manager of Community Planning indicated a question had arisen regarding floor space for agri-business, and indicated agri-business activities are not included within this draft strategy.

The Manager of Community Planning invited questions from the audience.

A resident inquired about allowing for outdoor storage.

The Manager of Community Planning responded by stating some method must be devised to accommodate the business within allowable accessory building size.

A resident stated outdoor storage is necessary and asked if accessory building size can be varied so as to contain everything within a building as the bylaw does not allow enough floor area.

The Manager of Community Planning responded by indicating the Regional Board cannot vary parcel coverage, which is specified in the zoning bylaw.

A resident of the area wanted to know if outdoor storage would be grandfathered.

The Manager of Community Planning responded by stating outdoor storage could not be grandfathered as it is not permitted under the current bylaw.

A resident inquired whether temporary permits could be issued for temporary buildings.

The Manager of Community Planning responded by stating these permits are issued for temporary commercial or industrial uses.

A resident inquired whether the regulations would affect all businesses, and gave an example of a nursery having outdoor storage.

The Manager of Community Planning responded by stating a nursery is considered an agricultural use, and is not covered by this draft strategy.

A resident requested clarification for the definition of outdoor storage.

The Manager of Community Planning responded by stating outdoor storage is anything related to the business.

A resident inquired whether the business registry affects enforcement of the bylaw.

The Manager of Community Planning responded by stating enforcement occurs on a complaint basis.

A resident asked why the registry would be placed on the website.

A resident asked if the registry would result in forcing compliance of the bylaw.

The Manager of Community Planning responded by stating a registry would assist with compliance as any business that registers would be provided with a copy of the regulations.

A resident stated he has a small crane business, and stores trailers and equipment in his yard, but his business is not visible, so it should not be a problem. The resident stated there should be provision to canvas area residents for public opinion if a complaint is filed with the RDN, and reiterated the need to allow outdoor storage, even if on a temporary basis.

The Manager of Community Planning responded by stating the importance of residents voicing their comments so staff knows where to amend the bylaw.

A resident requested clarification for the definition of an employee.

The Manager of Community Planning responded by stating an employee is one person who works 40 hours/week, but this can be split between employees so long as it totals 40 hours/week.

A resident inquired if a business could have more than one employee if they worked off-site.

The Manager of Community Planning responded by stating staff are considered home based business employees if working on site, and explained this relates to parking requirements or activity level and, at some point, it becomes a commercial use and should be located elsewhere.

A resident inquired if the bylaw applies to all areas, and if there were provisions for different regulations in different areas.

The Manager of Community Planning responded by stating the draft strategy does not apply to Electoral Areas B or F, and varying regulations is possible as it applies to specific zones.

A resident inquired how accessory buildings and non-permanent buildings are defined.

The Manager of Community Planning responded by stating these buildings are defined in the Interpretations section of the zoning bylaw.

A resident stated the proposed signage is too large.

The Manager of Community Planning responded by stating the residential areas will be restricted to smaller signs, and indicated the proposal is a result of the public requesting larger signs.

Director Elliott indicated the public has requested some form of registration, but the local community is indicating they do not want a registry.

A resident stated the registry is a means of investigating businesses operating in the area.

A resident requested clarification of the registry format.

The Manager of Community Planning responded by stating the registry is voluntary, and will provide free advertising to those businesses that register.

A resident stated the RDN website is difficult to maneuver.

The Manager of Community Planning responded by stating the website is currently being revised, and the public should call the office if they are having difficulty with the website.

A resident stated concern with the number of bedrooms allowed for a bed and breakfast as it relates to water supply and the effect on neighbouring wells.

The Manager of Community Planning responded by stating water issues have not yet been specifically examined, but current septic fields have not been approved for accessory buildings, therefore, the Ministry of Health will be examining the proposal.

Director Elliott responded by reiterating the Ministry of Health is concerned with the possibility of bed and breakfast facilities in accessory buildings as they pertain to septic disposal.

A resident stated it might be possible to have septic fields pumped out.

Director Elliott asked if there were any final questions or comments. Being none, the Director thanked those in attendance and announced that the community meeting was closed.

The meeting concluded at approximately 7:38 pm.

original signed

Deborah Jensen
Recording Secretary

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54



ATTACHMENT NO. 2 (50 pgs)

THIS IS THE ONLY COPY YOU WILL RECEIVE UNLESS YOU REQUEST THE ORIGINAL.

File: 06 002 23345

March 28, 2001

Pamela Shaw
Manager, Community Planning
Regional District of Nanaimo
6300 Hammond Bay Road
NANAIMO BC V9T 6N2

VIA FACSIMILE - 1 Page - (250) 390-7511

Re: Home Based Business Regulations - Electoral Areas A, C, D, E, G & H

I have reviewed your Home Based Business Bylaw and wish to advise that I have no objections to its adoption, subject to the Ministry of Transportation and Highways reserving its right to review each business site plan, and determine access and parking warrants based on use and numbers generated.

Should you have any questions, please do not hesitate to call me at (250) 390-6291.

Yours truly,

Dean Anderson
Sr. District Development Technician

DA/kp

Document2

Ministry of
Transportation
And Highways

Central Island District

Mailing Address:
6475 Metral Drive
Nanaimo, BC V9T 2L9

Telephone: (250) 390-6100
Facsimile: (250) 390-6296
Development Approvals
Facsimile: (250) 390-6297

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APR 03 2001

REGIONAL DISTRICT
of NANAIMO

March 30, 2001

BCE File: 58000-35/01-RD19
Referral: 2001VIN0473

Regional District of Nanaimo
PO Box 40
Lantzville, BC V0R 2H0

ATTENTION: Pamela Shaw
Manager, Community Planning

Dear Pamela Shaw:

Re: Home Based Business Regulations, Electoral Areas A, C, D, E, G, H

Thank you for providing us with the opportunity to review the above home based business regulations.

Please be advised that we have no concerns or recommendations with regards to fish, wildlife, and habitat protection, pollution prevention or water management issues.

Should you have any questions regarding our response, please contact the undersigned at (250) 751-7047.

Yours truly,



Diane Bennewith
Planning and Referrals Technician
Planning and Assessment Section
Vancouver Island Region

djb

• THE GOVERNMENT OF BRITISH COLUMBIA IS AN EMPLOYMENT EQUITY EMPLOYER •

Ministry of
Environment,
Lands and Parks

Environment and Lands
Vancouver Island Region

Mailing Address:
2080A Labieux Road
Nanaimo BC V9T 6J9

Telephone: (250) 751-3100
Facsimile: (250) 751-3103

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SCHOOL DISTRICT No. 69 (QUALICUM)

Board of School Trustees

P.O. Box 430, Parksville, B.C. V9P 2G5

RECEIVED

APR 04 2001

REGIONAL DISTRICT
of NANAIMO

Phone: (250) 248-4241

Fax: (250) 248-5767

March 30, 2001

Pamela Shaw
Manager, Community Planning
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 6N2

Dear Pamela Shaw:

**Re: Home Based Business Regulations
Electoral Areas A, C, D, E, G, H**

Thank you for taking the time this morning to explain the intent of the proposed bylaw to 'modernize' the Regional District of Nanaimo's regulations for home based businesses.

As a result of our telephone conversation, I wish to confirm that the new Home Based Business Draft Bylaw does not seem to have any direct bearing on the school district's operations.

Thank you for the opportunity to participate in the consultation process regarding the proposed Home Based Business regulations.

Yours truly,

Dan Whiting
Secretary Treasurer

File: 0450-20



City of PARKSVILLE

PO Box 1390, 194 Memorial Avenue, Parksville, BC, V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.city.parksville.bc.ca

RECEIVED

APR 06 2001

REGIONAL DISTRICT
of NANAIMO

April 3, 2001

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

ATTENTION: PAMELA SHAW, MANAGER, COMMUNITY PLANNING

Dear Ms. Shaw:

**SUBJECT: HOME BASED BUSINESS REGULATIONS - ELECTORAL
AREAS A, C, D, E, G, H**

Your letter to the City of Parksville dated March 23, 2001 regarding Home Based Business Regulations has been referred to me for response.

We believe that each of the topics you outline will be of considerable interest to Council. However, since we only received your letter on March 27th, we are unable to respond by April 9th, 2001.

I expect to have an opportunity to discuss this matter with Council on April 30, 2001.

Yours truly,

GAYLE A. JACKSON
Director of Community Planning

GAJ/sh

gj/0480-RDN/Shaw-2.

cc R. D. Roycroft, MCIP, City Manager

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Land Reserve Commission
Working Farms, Working Forests

April 5, 2001

Reply to the attention of Roger Cheetham

Pamela Shaw
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Madam:

Re: Home Based Business Regulations, Electoral Areas A,C,D,E,G,H

Our Ref: S - 18111

Thank you for your letters dated 23rd March 2001. We have reviewed the draft proposals and note that they are very much in line with the Commission's General Orders relating to Home Occupations (# 997/95 and Bed and Breakfast (#1157/93). As such we consider that they are appropriate to properties within the ALR and we have no suggestions to make with regard to possible changes to them, either in respect of the ALR or the FLR.

We would like to take this opportunity of drawing your attention to a current initiative of the Commission that will result in a different approach to the way in which the Commission deals with non-farm uses within the ALR and FLR. As you are aware the Commission has a number of General Orders that in effect authorize certain uses within the ALR without formal applications to the Commission. Among these are ones relating to home occupations, farm retail sales and bed and breakfast accommodation.

In terms of the new approach it is proposed that certain uses be permitted by regulation. In drafting the new regulation the Commission has been assisted by a committee comprising a number of representatives from local government, including, on Vancouver Island, Jim McManus and Libby Avis from Port Alberni Regional District, Chris Hall from North Cowichan and Anne Topp from Saanich. We anticipate being in a position to send you some details of the draft proposals in the near future but in general terms they are designed to be complimentary to local government land use bylaws. Insofar your home based business regulations are concerned we believe that this will be the case. (For instance the initial draft provides for an increase from the permitted 3 bedrooms for bed and breakfast in terms of the General Order to 4 in terms of the regulation, which coincidentally matches that proposed in your draft).

Yours truly,

LAND RESERVE COMMISSION

per:

K. B. Miller, Chief Executive Officer

cc: Wayne Haddow, Regional Agrolgist, Ministry of Agriculture and Food, Duncan

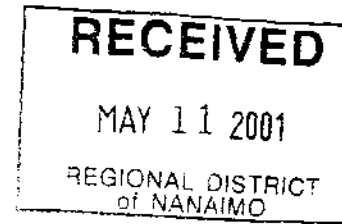
RC/eg

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City of PARKSVILLE

PO Box 1390, 194 Memorial Avenue, Parksville, BC, V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.city.parksville.bc.ca



May 9, 2001

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

ATTENTION: PAMELA SHAW, MANAGER, COMMUNITY PLANNING

Dear Ms. Shaw:

**SUBJECT: HOME BASED BUSINESS REGULATIONS - ELECTORAL
AREAS A, C, D, E, G, H**

At the regular meeting of Council, held Monday, May 7, 2001 the following resolution was adopted:

"01-161 That the report from the Director of Administrative Services, dated May 2, 2001 entitled "Committee of the Whole Recommendations", be received;
And That the following recommendations of the Committee of the Whole meeting held April 30, 2001 be adopted:

2. That the report from the Assistant City Planner, dated April 24, 2001 entitled "RDN New Home Based Business Draft Bylaw" and the correspondence from the Regional District of Nanaimo, dated March 23, 2001, be received;
And That the RDN be advised the City does not object to the proposed home based business regulation changes proposed under Bylaw No. 500;
And Further That the RDN be advised the City strongly recommends some form of home based business registry be established."

If you have any questions please do not hesitate to contact me.

Yours truly,

GAYLE A. JACKSON
Director of Community Planning

GAJ/sh

Comment Sheet

Location: I cannot accept the restriction of this proposal. It is almost impossible to conduct a business in one's dwelling, plus an "attached garage" - whatever that means. We would prefer if you called it an "auxiliary building". That would work for us, and for a lot of others I suspect.

We are in Santsville, zoned RS1. Our business is manufacturing. No noise, no smell, nothing outside, no traffic - and, no complaints from neighbours - some of our best customers.

all the other proposed changes are acceptable

Please place in the drop box

or

fax, email, telephone, mail or drop off comments:

(by April 9, 2001)

the RDN Planning Department

phone: 390-6510 or 954-3798

or toll free 1-800-607-4111

fax: 390-7511 email: planning@rdn.bc.ca

Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

ATTN
Pam Small

Regional District of Nanaimo
Home Based Business Draft Bylaw
Open Houses and Community Meetings
March and April 2001

Comment Sheet

BUSINESS LICENSING - ABSOLUTELY NOT
B&B IN ACCESSORY BLDG - HOW CAN YOU HAVE NO EATING FACILITY - THEY COULD EAT IN BED
MAXIMUM - RSI #88 LESS THAN 1000 SF
" FLOOR AREA RSI #32 - LESS TO 100 m²
SIGNS - FREE STANDING IN ZU 1.5 m IS NOT ENOUGH
BUS. REG - I DON'T PERSONALLY WANT A REGISTRY THAT WILL COST ME NOW OR LATER - ONE WAY OR ANOTHER IT IS ONLY A WAY FOR THE RDC TO EXERCISE CONTROL
DEFINITIONS - LESS THAN 49% (PERHAPS 30-33%) B&B 2 ROOMS NO HOTELS
ALL ELSE READS GOOD WORK PAM

DAVE WILLIAMSON

PARKS REC GREENSPACE 7222112

Please place in the drop box
or
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phone: 390-6510 or 954-3798
or toll free 1-800-607-4111
fax: 390-7511 email: planning@rdn.bc.ca
Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

ATTN
Phil Shaw

Regional District of Nanaimo
Home Based Business Strategy
Open Houses and Community Forums
November 30 and December 4, 6, 7- 2000
Comment Sheet

Will done RDN - thanks for listening to our concerns!
These are only two points I would like to be reconsidered:

1. If a B+B is located in an outbuilding, what is the harm in providing a small eating area? Breakfast delivered at the leisure of guests sounds lovely. This is allowed and appreciated at B+B's in Ireland & the U.S. & most certainly other countries.
2. No business licensing! We are comfortable with monitoring our own area's HBB. For the RDN to hire extra staff for this purpose would be a waste of taxpayer dollars, as well as increasing our property taxes.

Name: _____

Address: _____

Leave your comments with staff or fax, email, mail or telephone your comments to the RDN Planning Department
(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511

■ email planning@rdn.bc.ca

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0

PAGE
63

Impact on neighboring properties, I believe that occupations such as lawyers, accountants, CAD operators, Computer Programers, Writers etc. have virtually no impact but other occupations may (i.e. lots of detouries from large diesel trucks on a cold day)

RECEIVED

APR 12 2001

REGIONAL DISTRICT
of NANAIMO

Regional District of Nanaimo
Home Based Business Draft Bylaw
Open Houses and Community Meetings
March and April 2001

Comment Sheet

AS A RESIDENT/OWNER ON LANA RD. (NANOOSE) (RU5):
I'D LIKE TO EMPHASIZE THE NECESSITY OF
"NOISE & NUISANCE" RESTRICTIONS AS WE DO
NOT WANT COMMERCIAL RENTALS OF MOTORCYCLES,
QUADS, ETC.

WE'VE ALREADY HAD A QUARRY PLUNKED
AMONGST US — OUR RE-SALE-ABILITY
HAS PLUNGED (ESPECIALLY MY ACREAGE,
AS I'M IMMEDIATELY ADJACENT TO THE
BLAST ZONE) — WE DO NOT WANT
BYLAWS (H.B.B.) THAT MAKE OUR
RESIDENTIAL AREA MORE ERRINGTON-LIKE.
WE COULD HAVE INVESTED FAR LESS
\$ FOR EQUAL ACREAGE IN ERRINGTON IF
THAT WAS OUR DESIRED TYPE OF NEIGHBORHOOD.

Please place in the drop box

or

fax, email, telephone, mail or drop off comments:

(by April 9, 2001)

the RDN Planning Department

phone: 390-6510 or 954-3798

or toll free 1-800-607-4111

fax: 390-7511 email: planning@rdn.bc.ca

Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

ROBERT A. HALL
2781 LANA RD
NANOOSE BAY, BC. V9P9B2

PAGE
66

Comment Sheet

I operate a small painting studio -
simple, quiet, quiet etc. The studio
is my guest cottage, which is separate
from my home.

I cannot understand the difference
from operating out of my house (guest)
than a garage?

My acreage would be slightly
less than 1/2 acre in total.



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Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

Comment Sheet

April 2, 2001

In areas that are basically composed of $\frac{1}{2}$ acre properties with a few parcels of just under $\frac{1}{2}$ acre, ~~why~~ why can't all these parcels - which are so close to the $\frac{1}{2}$ acre - be considered on the same basis as being $\frac{1}{2}$ acre as far as regulations are concerned. It's obviously not a high density area of all regular-size lots.

Also, accessory buildings - why can't accessory buildings be used in RS1 areas $< 2000 m^2$? If a building (accessory) is allowed to be built on the parcel & has received a building permit, why is it not allowable as an accessory building for HBB?

Ken & Carol Bordian

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or

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or toll free 1-800-607-4111

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Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

752-1004
752-0808

Comment Sheet

- would like to see an exception on the issue of outdoor storage for home-based small nursery-type operations. It is impossible to not have - at least temporarily - items outside
e: plants cannot be kept forever inside the confines of a greenhouse.
- piles of dirt or other needed things do not lend themselves to 'indoor storage'

- the exception to the one sign regulation if there is more than one approach to the property in question. (example - a large sign to be seen from a highway or

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major road and
a small
sign at
entrance to
direct traffic
to business

Regional District of Nanaimo
Home Based Business Draft Bylaw
Open Houses and Community Meetings
March and April 2001

Comment Sheet

Weed larger areas, days
for larger parcels

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Mail/in-person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

Comment Sheet

March increased over last draft
Like the increased size - percentage of floor area
also the 1/3 non-related sales
and unattached buildings on
larger parcels

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fax: 390-7511 email: planning@rdn.bc.ca
Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

Comment Sheet

MACHINERY SHOULD NOT BE ALLOWED IN
A RESIDENTIAL NEIGHBOURHOOD WHERE
NOISE IS A PROBLEM. WHEN LOCATED
CLOSE TO A NEIGHBORS WINDOWS AND
GARDEN WHETHER IN A DETACHED
BUILDING OR ANY OTHER IT IS VERY
DISTURBING. NO ONE SHOULD HAVE TO
PUT UP WITH POUNDING, SAWING
BOTH DAY AND EVENING.

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or
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fax: 390-7511 email: planning@rdn.bc.ca
Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

Comment Sheet

- If larger parcels can have larger
access buildings, why can't
they have more employees?

- H.B.B.'s should be able to operate
from an access building & be
consistent with Parksville/Nanaimo

- Rules & regs should be consistent
with enclosed municipalities & adjacent

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Regional Districts so that ~~the~~
H.B.B.'s will stay in the RDN

Comment Sheet

"I am very supportive of the new draft regulations because they make it easier and more flexible for HBB owners

HBB's are one of the most rapidly growing small business sectors and both the Province of BC and Nanaimo Municipality have publicly stated they support this growth.

So - raising the regulations of the RDN to make them more flexible is quite consistent with the planned growth for the area.

It will also be very helpful to artists and small businesses along to tourists - another growth sector of the economy.

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or

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Regional District of Nanaimo
Home Based Business Draft Bylaw
Open Houses and Community Meetings
March and April 2001

Comment Sheet

TO WHOM THIS CONCERN:

WHEN I BOUGHT MY PROPERTY
IN 1990 (2015 KENNA ROAD) IT WAS
ZONED R1. NOW IT SEEMS SOME
HOW THAT HAS CHANGED TO RU.
WHICH I AM NOT IN AGREEMENT.

PLEASE TAKE THIS NOTICE AS
NOW AGREEMENT WITH THE NEW
CLASSIFICATION



L.A. WOLFE

468 2327

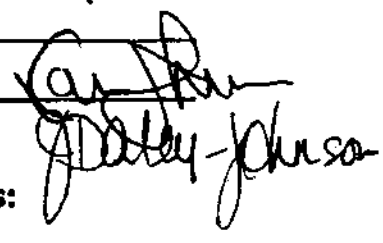
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Regional District of Nanaimo
Home Based Business Draft Bylaw
Open Houses and Community Meetings
March and April 2001

Comment Sheet

I bought into Nanoose Bay at 1935 Morello Rd on the assumption that I was zoned Residential one (current regulations) and I now find out we are zoned RU 5. I am totally AGAINST HBB uses of Automotive repairs, restoration or maintenance; taxidermy; and the primary processing of Fence posts, shaker and firewood. I want to be in a zoning of residential and I demand the Regional district to re-establish our part of Nanoose Bay as such.

Also note the new draft bylaw papers are not marked and very hard to follow.
Ken Johnson
468-1717
Judge Daley-Johnson



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or
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Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

Regional District of Nanaimo
Home Based Business Draft Bylaw
Open Houses and Community Meetings
March and April 2001

Comment Sheet

We are very concerned about the rezoning
of our area to a Zone 5. This is
and should be kept in the rural zoning
we have now. We would not appreciate
additional repairs nor any processing
of stakes, fence posts etc. next
door to where we live. I would
like to know who is proposing
this change and residents of this
area have spoken to our council
such a rezoning. Please contact
us as two more residents who are
opposed to this.

Sincerely

Beryl & Albert Zajonskowski
1975 Morello Rd. Nanaimo Bay

Please place in the drop box

or

fax, email, telephone, mail or drop off comments:
(by April 9, 2001)

the RDN Planning Department
phone: 390-6510 or 954-3798
or toll free 1-800-607-4111

fax: 390-7511 email: planning@rdn.bc.ca

Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

From: Mrs. [unclear] [unclear]

2660 Lana Road,
Nanose Bay, B.C.

Phone: Fax: 468-7440

Regional District of Nanaimo
Home Based Business Draft Bylaw
Open Houses and Community Meetings
March and April 2001

Comment Sheet

Re: Comment To Home Business Draft Bylaw:

I would like to modify sub rule (A) under draft definition regulation, not to allow rental of motorized recreational equipment on vehicle.

And in sub rule (B) RU-5 should be treated same as RS1 specifically in cases: only one employee in a premises and definitely not automotive repair, taxidermy and primary processing of fence, post, shakes and firewood as home based business. I would like to emphasized that this area had been residential previously with heavy restriction on business and out building.

The strong noise and pollution by law should be introduced and strictly enforced.

Sincerely yours,

Please place in the drop box

or

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(by April 9, 2001)

the RDN Planning Department

phone: 390-6510 or 954-3798

or toll free 1-800-607-4111

fax: 390-7511 email: planning@rdn.bc.ca

Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

PAGE
19

From: Miroslav and Anicheta Vonara
 2660 Lana Road,
 Nanoose Bay, B.C.
 Phone: Fax: 468-7440

Regional District of Nanaimo
 Home Based Business Draft Bylaw
 Open Houses and Community Meetings
 March and April 2001

Comment Sheet

Re: Comment To Home Business Draft Bylaw:

I would like to modify sub rule (A) under draft definition regulation, not to allow rental of motorized recreational equipment or vehicle.

And in sub rule (B) RU-5 should be treated same as RS1 specifically in cases: only one employee in a premises and definitely not automotive repair, taxidermy and primary processing of fence, post, shakes and firewood as home based business. I would like to emphasized that this area had been residential previously with heavy restriction on business and out building.

The strong noise and pollution by law should be introduced and strictly enforced.

Sincerely yours,

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Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

PAGE
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Comment Sheet

APRIL 8/01

Dear Ms. Pamela Shaw:

I attended the open house at Narcoose Place April 4/01 re: HBB. Draft Bylaw. Again, I am strongly opposed to the allowances in our area ie: B+B in accessory bldg, word processing, automotive services, daycares, rental of motorized recreational equipment, and the permitted horse operation. We as Howland Rd area residents (and I can safely say "we"), are questioning why our area was designated to Rural 5 when we bought here as Rural 1 Residential. If the HBB bylaws were kept as RR 1, we would welcome the changes. There will be a strong movement here to have it changed back. Our taxes and fees (many of them) are worth more + higher than those on the other side of the tracks.

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or

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Mail/In person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

Thank you for
your attention
to this matter

Debra Schmidt

Comment Sheet

HBB DRAFT

APPEARS TO BE GOOD.

ONLY 1 COMMENT. WHY HAVE A PERCENTAGE
OF AVAILABLE SPACE FOR BUSINESS USE?
AS LONG AS IT IS CONTAINED WITHIN A
LEGAL SIZE BUILDING, IT SHOULD NOT MATTER
HOW MUCH IS USED. ~~THE~~ HOW WOULD THIS BE POLICED?
IF OWNER CAN PUT UP WITH CARTONS OF PRODUCT
IN THE KITCHEN, OR STAIRWELL, SO BE IT
SIZE OF BUSINESS IS ALREADY GOVERNED BY
LIMITING OUTSIDE EMPLOYEES TO 1 OR 2
DEPENDENT ON ZONING.

LET'S MAKE THE GUIDELINES AS SIMPLE AS POSSIBLE
AND ENCOURAGE OTHER HBB ENTREPRENEURS.

Please place in the drop box

or

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Mail/in person: 6300 Hammond Bay Road, Nanaimo V9T 6N2

PAGE
82

From Dwaine Barclay

2707 - 58 Avenue S. E.

Calgary AB,

Phone 403 236 4464 Island 468 5405

Email dwaine@canuck.com

Re: with reference to the home business bylaw, For the Feb 13, Board Meeting.

Regional District of Naniamo Board

With reference to a proposed home business bylaw I understand the bylaw also includes a provision for home business with a maximum of one employee. I understand the bylaw will provide allowance for larger outbuildings on larger parcels of land.

I fully support a new bylaw where it provides for an increase in the size of the outbuildings on larger parcels of land. Currently in order to build a work shop or storage factuality more than 200 sq. M It must be attached to the major deweling.

In my case, I have a **two acres parcel of land** in the Dorcas point area with a home and a none attached double car port/garage. It is not possible for me to attach any additional outbuildings to the existing deweling because of a large rock situated in between. Further, I have a concern with all buildings attached because of fire control..

I propose to build a storage factuality **40ft. x 60ft.(12.5m x 18.5m) with a small workshop inside**, the total area of outbuildings including the carport/Garage would be between **373 to 400 sq. m**. This would be used to store my Motor home and a boat, which both over 35ft in length..

I suggest that 400 square Meters for outbuildings is not unreasonable on a 2 acres parcel.

I think the outbuilding size should be determined as a minimum for a small lot and indexed according to the size of the parcel of land to a maximum size for larger parcels of land. I also support the home business use to be restricted to one employee which will control and large commercial use of the land.

Yours truly,

Dwaine Barclay

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Shaw, Pamela

From: Beetstra, Marion
Sent: February 28, 2001 11:30 AM
To: Shaw, Pamela
Subject: FW: HBB Draft Strategy

-----Original Message-----

From: Carol Meekes [mailto:gtcdonnelly@hotmail.com]
Sent: Wednesday, February 28, 2001 10:50 AM
To: planning@rdn.bc.ca
Subject: HBB Draft Strategy

To RDN Planning Department

As I was unable to attend the December 6, 2000 Open House or Community Forum in Cedar, I am emailing my comments regarding the Home Based Business Draft Strategy.

Thank you for the opportunity to provide feedback.

I am concerned that the general feel of the draft strategy is very "loose". By that I mean, it is favored towarded loose regulation in favor of Home-Based Business rather than in favor of maintaining the rural nature and integrity of Area A and its residents.

I am concerned that there will be noise and pollution issues that will not be addressed. For example, in five of the the last seven years, our neighbour chose to work on vehicles at his "home shop" at all hours of the day and night. Motors were revved with no mufflers, for excessive periods of time and without consideration for the disturbance this created. When we tried to talk directly with our neighbour about this issue we were threatened and inappropriate behaviors escalated on their part. It took us several years, even with the help of the RDN Bylaw Officer, to create a palatable living environment again.

I also have concerns about pollution of the groundwater due to waste disposal by various home-based businesses. Whether agricultural runoff, or waste from a variety of automotive businesses, the potential for contamination is great. We live on a well, as do are neighbours, and we recognize that only by all working together to protect the groundwater from surface contamination, can any of us be safe from ill effects of groundwater contamination. Our diligence alone does not protect us, or are neighbours. We must work together.

In closing, I am concerned that a process for addressing problems with home based businesses is lacking. How do we address concerns without neighbours feeling threatened because of financial repercussions of losing their livelihood. We do not wish to break down the excellent community connections that exist by pitting neighbour against neighbour. Also, how do we go about adding items to the list of uses NOT PERMITTED.

While I commend the RDN for examining this Home Based Business Strategy, and considering ways to enhance our lives and allow some freedom, I reiterate I find the draft vague and lacking the seriousness of the nature of the changes which may threaten a wonderful community. Please do not actively commend anything that undermines the value of our rural community.

Thank you
Carol Meekes
3123 Decourcey Rd.

Shaw, Pamela

From: Jack Moss [jmossis@home.com]
Sent: March 22, 2001 10:53 PM
To: Pamela Shaw
Subject: Bylaw

Pamela;

I'm wondering if it might not be appropriate to incorporate some sort of dispute resolution process into the bylaw. As enforcement is so often a complaint-driven process, it follows (or precedes) that there is a complainer. Would it be reasonable to bring the complainer, the enforcement rep and the alleged offender together in some neutral forum.

I know from talking to so many planners that complaints are often generated by a bad relationship between neighbors and are spiteful and/or retaliatory. Would it be too much to expect that at least a few of such instances could be brought to a peaceful resolution?

Mmm, yeah, might be an unrealistic expectation. Still, some means of dispute resolution would sure be a giant step forward...you got ideas? Your enforcement folks have maybe got ideas?

And hey, even if the first incarnation didn't get the desired result, it'd generate a useful vocabulary and maybe be the launching pad for son of DSP. At least the concept would be established in the system.

Jack Moss

Ph. 250-390-5051

Fax 250-390-5081

jmossis@home.com <<mailto:jmossis@home.com>>

Shaw, Pamela

From: Mary Jane Puckrin [mj@hostcanada.net]
Sent: March 22, 2001 11:32 PM
To: Pam Shaw
Subject: HBB - her again, oh no

Pam,
Sat down and did another read through. These points may or may not be needing a fine-tuning, but figure I should bring them to your attention, just in case.

Page 6 & 7: (g) parking

Since two non-Canadians are allowed to work without a Work Visa should the requirement be for a parking space for each alien? versus one non-resident employee parking space?

Page 7 (h) sign

You bring in the clause about sign provisions inconsistencies on this page. Should it be included on each individual zoning page?

Page 8 Accessory Buildings RS1

It states that the change would be to allow up to 75M2 floor space in accessory building. Should this read 100m2 or is this a restriction that this zoning may not have full HBB floor allowance in accessory buildings?

Hope you're sleeping peacefully right now. My best working time has just begun ! MJ :)

PS did you notice that we didn't renew the HBB website. That was a vote of confidence that we no longer felt it was necessary. By the way this is not intended as a public document - your choice.

Mary Jane Puckrin

Host Canada Internet

Visit our website at: <http://hostcanada.net/>

or call toll free: 1-877-510-5454

Shaw, Pamela

From: Mary Jane Puckrin [mj@hostcanada.net]
Sent: March 26, 2001 1:29 AM
To: Pam Shaw
Subject: HBB- hopefully the last comment

Pam,
Sorry to be a bug. Doing another read over and thought I should point out one thought. Point (f) on pages 6 & 7 (RS2 and RUs and RMs) may need a minor re-wording. It states that 'said building must not contain.....' Possibly, which building, needs to be clarified as it speaks of dwelling unit and accessory building. Possibly it should read '...and said accessory building must not contain.....'

Hope I'm helping and not hindering. MJ
Mary Jane Puckrin
Host Canada Internet
Visit our website at: <<http://hostcanada.net/>>
or call toll free: 1-877-510-5454

Shaw, Pamela

From: Carol Bordian [cuddy@nanaimo.ark.com]
Sent: March 26, 2001 11:29 PM
To: Shaw, Pamela
Subject: Re: home based business bylaw

Thanks, Pamela, for the copy of the draft bylaw. I just have a few questions:

1) Would it be possible to find out exactly what the square metres of our property is? We have a pie-shaped lot at the end of Bunker Place (area G)--1230 Bunker Place. Our legal description is Lot 36, DL 49, Nanoose District, Plan 29438. I believe we are .47 of an acre, or something close.

2) If we are less than .50 of an acre, are we allowed an accessory building?

3) What is the definition of an accessory building?

Are any existing HBB's grandfather clausued?

Thanks for your help. It looks like you've done a great job in the revamping of this bylaw!

Carol & Ken Bordian
cuddy@nanaimo.ark.com

Shaw, Pamela

From: Burgoyne, Linda
Sent: April 9, 2001 11:33 AM
To: Shaw, Pamela
Subject: FW: Home Based Businesses.

Linda Burgoyne
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
Phone: 390-4111 / 1-877-607-4111
Fax: 390-0653

-----Original Message-----

From: Greta Taylor [mailto:gptaylor@nanaimo.ark.com]
Sent: Monday, April 09, 2001 9:25 AM
To: Corpsrv@rdn.bc.ca
Subject: Home Based Businesses.

To Pamela Shaw, Manager, Community Planning.

Dear Ms. Shaw.
Good morning to you.

With regard to Home Based Businesses, the Deep Bay Planning and Environmental Association has the following comments and concerns.

1. Bed and Breakfast Establishments.

We feel that B & B's situated in rural and rural residential areas with access driveways off highways without street lights should be allowed one ILLUMINATED business sign, size to conform to the draft bylaw and to be switched off before midnight. We feel there is a safety factor here. It is difficult to find driveways on these rural roads during the hours of darkness, particularly if you are a stranger to the area. Also, as this category is listed as a BUSINESS, a LICENSE should be required, at a lesser amount than a business in a town. As food and accommodation are available in these establishments, they should be inspected by the health department and fire department for the safety of the guests.

2. Automotive Repairs, Restoration or Maintenance

This Association has an environmental concern here. Can you assure us that this type of business will be inspected periodically to ensure all waste oil, antifreeze and other noxious and poisonous substances will be properly contained for disposal in appropriate safety areas and not be allowed to dump the waste onto the ground which of course may contaminate the ground water.

We also feel that the hours of business should be restricted to Monday - Friday 9 a.m - 5 p.m. to ensure the continuance of a peaceful rural lifestyle.

Thank you for requesting our comments.

Greta Taylor,
for and on behalf of

Kathleen A. Lewis
1060 Spider Lake Road
Qualicum Beach, B.C. V9K 2L7
Phone 757-8221
Email klewis@nanaimo.ark.com

March 27, 2001

Planning Department
Regional District of Nanaimo
Nanaimo, B.C.

Re: Home Based Business Draft Strategy


Throughout the Regional District you will find towns, villages and rural areas, each with their own concerns, problems and lifestyles. But one thing we all share is the right to choose and live our own lifestyle without too much interference from different levels of government.

I believe Home-based businesses in the rural areas should be considered separately from towns and villages. There are no common problems such as traffic, parking, etc., but we do have a common goal, which is to have the right to make a living and the freedom to use our skills and talents in the pursuit of self-reliance, as well as to help in building the local economy.

It is my feeling that any resident with property of 4 acres or more should be given the right to opt out of these RDN Home-based Business Regulations. The residents in this community have the ability to be self-regulating, and any situations which might arise could be handled by the community or, if necessary, civil law.

I hope you will seriously consider this request for opting out of these Regulations.

Sincerely


Kathleen Lewis

I place my support 100% behind the HBB draft bylaw that the RDN planners have presented to us this evening.

There may be some fine-tuning that individuals or groups may see necessary to discuss. That is why this set of open houses is occurring.

The year-long process and resulting draft demonstrates how a local government can work hand in hand with its citizens to balance the needs of various sectors of the population, develop bylaws that are workable, reflecting shared goals of all, and end up with regulations that will assist in fostering economic prosperity for our district and people.

In saying this, I realize there are compromises that have been made by all.

The RDN wanted business licensing. Clearly, we said we did not. Business licensing would have enabled the RDN to efficiently and inexpensively (saving us tax dollars), deal with inconsiderate HBB operators. They listened to us and withdrew the request for business licensing.

But the reality is, that the RDN must consider the needs of all citizens and deal with complaints. So the RDN suggested hours of operation to assist in protecting the rights of non-HBBs. Feedback received indicated opposition to this restriction. So the RDN withdrew the hours of operation clause.

The RDN is proposing to initiate a registry of HBBS. They have indicated that they intend to shift their role from one of licensing and enforcement to that of guidance and coordination. Registration will be free of charge. HBB operators would be provided with an information package so that they would be aware of rules. As a result, innocent infractions will be avoided because people will have been informed ahead of time.

In addition, the RDN is demonstrating its support of HBBS and the need for a coordinated plan of economic development. They are offering to promote HBBS by posting the names of registered HBBS on the RDN website and publishing an annual HBB directory. All free of charge.

But some are concerned that the registry is just a disguised, foot-in-the door, approach to business licensing. I do not agree with this. The registry is an attempt to educate and assist in avoiding infractions that result from a lack of knowledge. One day the RDN may request that we consider business licensing. Should this occur, we will judge its value at that time. I believe that business licensing would protect each of us, HBBS or not, from the inconsiderate individual and save tax dollars. We don't want it now. We may or may not want it in the future. It has been made very clear that for now what we want is an intelligent and workable set of HBB bylaws. And that is what we have received.

As I said before, I support this draft 100% and realize that it involves compromises. You may not do whatever you wish on your property. You must live with some restrictions.

Upon initially reading these draft provisions, I voiced two complaints. Upon consideration, I realized that I was incorrect on one point and could see the rational for the other.

Firstly, I believe that all HBBS should be able to operate from an accessory building, if they so chose. This is the case in Parksville and Nanaimo. If the higher density municipalities can do this, why can't the rural areas? I still believe this to be so. But the reality is that the RDN received feedback from citizens and resident associations in some of our higher density areas that did not agree with this. The RDN must consider the needs of all and attempt to find a balanced solution. I still do not agree, but I accept that this is a compromise that results from the RDN listening to all citizens. It is up to the HBB operators in these areas to come forth and state their opinion. The RDN is listening. Those who speak up are being heard.

Secondly, the complaint of, 'one rule for all' sprang to my lips. Upon consideration, I remembered the other phrase I had often repeated, 'let the individual HBB operator decide'. These two statements are actually at opposite ends of a continuum. Do we want a hierarchy of various restrictions based on property size or do we prefer that maximums are allowed and the individual HBB operator decides, based on the needs of the business. It can't be both. Which do we want? I believe that the RDN has considered both of these requests (in terms of potential impact on

surrounding properties in the various areas) and written a draft bylaw that balances the two requests. I may not agree with all figures, but I agree with the combined and well thought out approach that has been taken.

In many areas, this draft has been written to ensure that it is not a 'one rule fits all' bylaw:

- a) In higher density, RS1 areas, properties larger than approximately a ½ acre are allowed more B&B bedrooms and the use of an accessory building.
- b) Additionally, on RS2 parcels (located mainly in lower density areas), HBBS are allowed up to two employees, larger signage and larger parcel coverage for maximum accessory building use.
- c) And in addition to this, effected RU and RM parcels are allowed a larger space usage, specific activity restrictions have been removed and accessory building parcel size has been further increased.

In many areas, this draft has been written to ensure that it, 'let's the individual HBB operator decide':

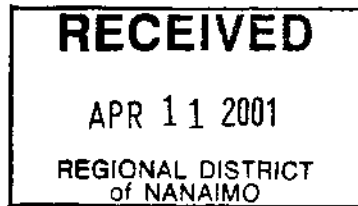
- a) All RS parcels, no matter what the zone, are being allowed the maximum floor space usage – a greatly increased figure.
- b) All HBBS may use up to 49% of the house size (to floor maximum).
- c) All may choose to work from an attached garage; many may choose to work from an accessory building.
- d) All may choose to hire a non-resident employee.
- e) All may decide how to divide and use total floor space.

The RDN recognized that the HBB regulations needed to be modernized. They asked for our input. They listened and wrote a draft bylaw that favorably acknowledges our feedback. It's time to acknowledge what has occurred.

1. The bylaw has been presented in an easy to read format.
2. It starts by defining a HBB (realistically), listing performance objectives, general restrictions and then addresses specific zones.
3. The bylaw has generously expanded many allowances.
4. It has attempted to be open ended versus closed.
5. It has acknowledged that a HBB is an accepted, secondary use of a residential parcel and as such may use up to 49% of the dwelling unit floor space.
6. HBBS may now operate from an accessory building in many zones.
7. Signs may now be erected at the property line or on a fence. They may be free standing. The size allowance has been noticeably increased for all. We may now announce to the world that we exist.
8. Restrictions on specific activities that have the potential to bother neighbors have been specifically listed and kept to a minimum.
9. We may now operate from an attached garage and use this floor space to calculate total HBB size.
10. Non-resident employees are allowed in all zones. One for all, two for some.
11. In many zones, B&Bs can operate from an accessory building (health approval may be required).
12. Foods may be sold, as long as they are not designed for immediate consumption. (B&B breakfast permitted)
13. Maximum floor areas have been increased. In some instances, with percentage increases of more than 100%.
14. The number of rooms a B&B may have has doubled in some zones.
15. Maximum accessory building size has been increased.
16. We may now sell related and unrelated goods, using up to a third of the total HBB floor area.
17. Instead of being restricted by a maximum number of parking spaces, we are only required to ensure that we provide a minimum number of spaces to keep the streets safe for others.
18. We are not being curtailed with hours of operation.
19. Instead of being hidden, we are going to be promoted. Registered HBBS will be posted on the RDN web site and an annual HBB directory will be published.
20. The RDN has stated that it is changing its approach. It will be there to act in a role of guidance and coordination. A supporting and nurturing role.

I support these draft HBB provisions. I encourage each of you to stand and state your opinion. Explain your concerns but also voice your appreciation. The RDN has listened and is striving to encourage economic prosperity in our district by showing support for HBBS.

Mary Jane Puckrin
5400 W. Island Hwy.



1295 MARINA WAY
NANOOSE BAY
B. C. V9P 9C1
April 5th 2001

R. D. N.
6300 HAMMOND Bay Rd
NANAIMO V9T 6N2.

H. B. B.

Dear Planners.

I attended the "Open House" at Nanoose Place Wed. April 4th. As you will see in the enclosed advertisement there is only the mention of Open House 6-7pm I could see no mention of a following meeting. I wish I might have been able to stay. I do want to thank you for your ongoing meetings. However I expect most people attending want less rather than more regulations. I do think so much work has been geared to make it so much easier to start or continue some businesses that should have strict regulation.

On speaking with the staff at the Open House I am fairly confident

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2
that a business that creates noise, vibration
and smoke would not be allowed in
my residential area of Beachcomber.
and that a business creating the former
would not be allowed in an accessory
on a property of less than 2000 m².
Even at greater space than 2000 m² an
accessory building could be very close
to a neighbour's garden and bedrooms,
and noise could be a factor, as no
hours of operation are to be included
in the new H.B.B. Bylaw at this time.
I can see that in most cases this would
be hard to regulate so you place the
onus on the public to place a complain
to the Bylaw officer.

As I realize once the Bylaw is passed
it will do me no good to complain so
I ask you to refer to my letter already
on file with you.
my thanks again.

Sincerely Jean M Fowler

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NPORA



Nanoose Property Owners and Residents Association
Box 76, Nanoose Bay, B.C., V9P 9J9

9th April 2001

Attn Pamela Shaw,
Manager, Community Planning,
Regional District of Nanaimo,
6300 Hammond Bay Road,
Nanaimo V9T

PLANNING DEPT
-04- - 9 2001
RECEIVED

Dear Pamela,

Home Based Business Regulations

Thank you for your letter of March 23rd.

Our directors have considered the proposed by-law amendment documents, and by-and-large approve with one exception, namely the proposal to establish a home based business registry for publicity purposes. This can only be harmful to the community.

It is not just that the role of a Regional District under the Local Government Act does not appear to include the publicising of selected businesses. There is also the issue that using a registry of home based businesses for publicity purposes discriminates against commercial competitors. Imagine if you ran a hair-dressing salon on commercial premises, paying commercial taxes, and you discovered that all home-based hairdressers (who pay no commercial taxes) were being given free publicity by the local government office, while you of course would have to find and fund your own publicity!

Furthermore, part of the reason HBB premises give little trouble is that they are hard to publicise, and if your department starts handing out publicity, are you not going to be responsible for aggravating business impact on the residential neighbourhoods where they are presently quietly located?

/2

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25

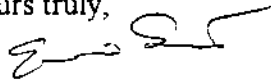
No purpose for registration other than free publicity for these businesses seems to be given in the public review documents. We trust there is no other reason in mind, that has not been revealed, assuming the Regional District would not propose registration for purposes kept undisclosed at the time public comment is being sought.

We note that registrants under the proposal would be given a copy of the regulations. We assume this is not itself a purpose of the register, as that would make little practical sense - anyone who fails to enquire about by-laws probably prefers not to know, and in any case would either not know, or not want to know, there was even a need to register. Indeed, a register can only make matters worse, as the bad operators who at least can now get a copy of the regulations anonymously would carefully avoid your office altogether. So don't waste money advertizing that people can register, advertize that they can pick up a copy of the regulations.

If a business is not a nuisance, to whom does it really matter whether the owners know the by-laws? And how could a register possibly make any difference? The bad guys will do as they choose no matter what you tell them. And if any business became a nuisance, wouldn't the owners eventually get the facts from the enforcement officer, neither sooner nor any more efficiently than they do now with no register?

In short, we think the Regional District would be acting against the community's interests by proceeding with a register of home based businesses, which has three predictable downsides and we believe has no realistic upside.

Yours truly,



Eric Smith

President, NPORA

c.c. George Holme

Shaw, Pamela

From: Beetstra, Marion
Sent: April 9, 2001 8:32 AM
To: Cormie, Susan; Lapham, Bob; Shaw, Pamela
Subject: FW: new home based business draft bylaw

-----Original Message-----

From: Heinz Warth [mailto:hjw@nisa.net]
Sent: Sunday, April 08, 2001 12:31 PM
To: planning@rdn.bc.ca
Subject: new home based business draft bylaw

draft definitions/regulations

under (a)

rental of outdoor equipment should be allowed only for non motorized equipment.

under (b)

these uses should not be allowed in RU 5 .this aerea was and is mostly residential and we wont to keep it that way.

home based business should not be allowed to have more than one non residential employee.if the owner cannot do the work with one employee , than it's time to move to an industrial zoned site.

a strong bylaw to prevent noise, pollution and nuisance should be incorporated in new regulations.

heinz and wilma warth
2720 lana rd.
nаноose bay

Helga Schmitt
2004 Rena Road
Nanoose Bay B.C.
V9P 9B1

May. 7, 01

Regional District of Nanaimo
Planning Department
P.O. Box 40, Lantzville, B.C. V0R 2H0

Dear Ms. Pamela Shaw,

RE: REGIONAL DIRECTORS MEETING MAY 15, 2001

I will be attending the meeting with a petition from the Morello Road residents. This petition is in regards to the proposed Home Based Business Draft Bylaw for this area. I have enclosed these documents with this letter.

Thank you for your time and consideration into this matter.

Sincerely,


Helga Schmitt

PETITION

We as a residential/rural community, living in Nanoose Bay, Are strongly opposed to your draft HB Bylaws for this area & request that the RDN reclassify Morello Rd, Orca Rd, Rena Rd, Lana Rd & Mathews Rd, area back to RS1. We are adamantly opposed to our rural 5-resource-management destination!

Names:	Home Address:	Phone: #
GAY	2051 RENA RD	468 1846
LOUISE ✓	✓ ✓ ✓	✓
IGNAZIO BABUIN	2050 Rena Rd	468-7256
G. Babuin	2050 Rena Rd	468 7256
GARY WOLFE	2045 RENA RD.	468 2323
JACKI WOLFE	2045 RENA RD	468 2323
Don Prince	2005 Rena Rd	468-5317
Tracey Prince	2005 Rena Rd	468-5317
LEAH JONES	1915 RENA RD.	468-1965
WAYNE JONES	1915 RENA RD.	468-1965
MARGARET QUIN	1893 RENA RD	468-2087
CAROLE BARKER	1887 RENA RD	468-5202
RALPH BARKER	1887 RENA RD	468-5202
Joanne Avis	2950 Dufferin Rd.	468-7263
Peter Avis	2950 Dufferin RY.	468-7263
DARLENE NICKULL	2865 ORCA ROAD	468 5337
G.A. (AL) NICKULL	2865 ORCA ROAD	468-5337
LINDA RUSTON	1940 MORELLO ROAD	468-1794
Bruce Ruston	1940 Morello Road	" " "
Chris Michalski	2285 Morello Rd.	468-7331
Heather Michalski	2285 Morello Rd.	468-7331
Karen Stewart	2262 Morello Rd	468-5338
Michael Murphy	2262 Morello Rd	468-1820
Bill Chisholm	2258 Morello Rd.	468 5896
Karen Chisholm	2258 Morello Rd.	468 5896
Arnold Olson	2251 Mathews Rd Alcott Rd	468 7569
Birdeen Olson	2251 - Alcott Rd.	468-7569

PETITION

We as a residential/rural community, living in Nanoose Bay, Are strongly opposed to your draft HB Bylaws for this area & request that the RDN reclassify Morello Rd, Orca Rd, Rena Rd, Lana Rd & Mathews Rd, area back to RS1. We are adamantly opposed to our rural 5-resource-management destination!

Names:	Home Address:	Phone: #
B. Kappa	2183 Morello Rd	248-4486
B. Zamboni	1975 Morello Rd	468-2326
A. Zamboni	" "	" " "
V. Santora	1930 Morello Rd	468-7926
W. B. ...	1893 Rena	"
D. Symington	1875 Morello Rd	468-1856
W. Munn	1861 Morello Rd	468-4496
Randa Wood	1876 Morello	468-9550
Dan Porter	1876 Morello	468-9550
Wendy Winemeyer	1796 Morello	468-9894
D. Symington	1875 Morello Rd	468-1856
Helga Schmitt	2004 Rena Rd	468-5510
Judge Daley-Johnson	1935 MORELLO RD	468-1717
Ken Johnson	1935 Morello Rd	468-1717
Russ Gregory	1990 Rena Road	468-5558
Dave Gregory	1990 Rena Road	468-5558
Tom FREDERICKS	1885 MORELLO ROAD	468-5424
Karen White	1825 Morello Rd	468-7487
Robyn White	1825 Morello Rd	468-7487
Bryan REED	1790 Morello RD	468-9818
Lance Dwyer	1811 Morello Rd	9583
Wendy REED	1785 MORELLO ROAD	468-9575
JEFF HEALEY	1780 MORELLO ROAD	468-7545
ED SMYTER	1770 Morello Rd	468-5455
Glenn Snyder	1760 Morello Rd	468-5455
Marvin B. ...	1750 Morello Rd	468-5574
D. Benzard	" " "	" "

PETITION

We as a residential/rural community, living in Nanoose Bay,
 Are strongly opposed to your draft HB Bylaws for this area &
 request that the RDN reclassify Morello Rd, Orca Rd, Rena Rd,
 Lana Rd & Mathews Rd, area back to RS1. We are adamantly
 opposed to our rural 5-resource-management destination!

Names:	Home Address:	Phone: #
Donna Rankin	1735 Morello Rd Nanoose	468-5889
Phil Rankin	1735 Morello Rd Nanoose	468-5889
Carol E. PRELEY	1705 MORELLO RD NANOOSE	468-1525
John F. ...	1685 ...	468-...
Raymond ...	169 ...	468-9109
Raymond ...	1690 ...	468-9109
Chris ...	1633 Morello Rd Nanoose	468-2037
Marilyn Martin	1585 Morello Rd Nanoose	468-2034
John Martin	1585 Morello Rd Nanoose	468-2034
Paul ...	1571 Morello Rd Nanoose	468-9534
David ...	1571 Morello Rd Nanoose	468-9534
John ...	1775 Morello Rd Nanoose	468-9533
Mark ...	1775 Morello Rd Nanoose	468-9533
Paul ...	2004 RENA RD NANOOSE	468-5510
Lisa ...	2191 Morello Rd Nanoose	468-9474
John ...	2191 Morello Rd Nanoose	468-9474
Don ... SQUARD	3022 Mathews Rd Nanoose	468-1984
DEBBE SQUARD	3022 Mathews Rd Nanoose	468-1984
John ...	3010 Mathews Rd Nanoose	468-1687
Paul ...	3010 Mathews Rd Nanoose	468-1687

PETITION

We as a residential/rural community, living in Nanoose Bay, Are strongly opposed to your draft HB Bylaws for this area & request that the RDN reclassify Morello Rd, Orca Rd, Rena Rd, Lana Rd & Mathews Rd, area back to RS1. We are adamantly opposed to our rural 5-resource-management destination!

Names:	Home Address:	Phone: #
Wendy WARTH	2720 LANA RD. Nanoose	468-9858
Wilma WARTH	2720 Lana Rd "	468-9858
Michael Vondra	2660 Lana Rd -11-	468-7440
ANCHETA VONDRA	2660 LANA RD., NANOOSE BAY	468-7440
Kim Mosdell	2650 LANA RD NANOOSE BAY	468-2790
Paul Fisher	2650 LANA RD NANOOSE BAY	468-2790
Case Taylor	2645 Lana rd. Nanoose BC.	468-1741
Lesley Szejka	2760 LANA RD Nanoose Bay	468-1529
Mike Szejka	2760 LANA RD Nanoose Bay	468-1529
Wynn Schmidt	2770 Lana Rd Nanoose Bay	468-1805
Wayne Lehman	2770 LANA RD "	"
Sharon Mutter	2690 LANARD "	468-9338
Allan Clough	2690 LANARD "	468-9338
Brian Carson	2749 LANARD "	468-5561
S.A. Hill	2781 LANA RD . . .	468-5757
Lola Aus	2750 Lana Rd. " "	468-5760
Leanne Helm	2700 Lana Rd. Nanoose B	468-9299
Walter P.	2721 LANARD RD " "	468-5635
W. Hengeman	2721 Lana Rd Nanoose Bay	468-5635

PETITION

Re HOME BASED BUSINESS

We as a residential/rural community, living in Nanoose Bay, Are strongly opposed to your draft HB Bylaws for this area & request that the RDN reclassify Morello Rd, Orca Rd, Rena Rd, Lana Rd & Mathews Rd, area back to RS1. We are adamantly opposed to our rural 5-resource-management destination!

Names:	Home Address:	Phone: #
Marcel Blood	2790 Lana Rd (Nanoose Bay)	468-7948
Stan Blood	2790 LANA RD	468-7948
John Blood	2620 MATTHEW RD	468-7948
John Demerin	2675 Matthew Rd.	468-5460
John Blood	2760 MATTHEW	468-5284
John Blood	2725 MATTHEW RD	468-7781
John Blood	2725 MATTHEW RD	
John Blood	2051 MATTHEW RD	468-5513
John Blood	2051 MATTHEW RD	468-5513
John Blood	4057 Matthew Rd	468-2729
John Blood	3061 Matthew Rd	468-5753
John Blood	3032 Matthew Rd	468-7201
John Blood	2640 Matthew Rd	468-1417
John Blood	2640 Matthew Rd	468-1417
John Blood	2625 MATTHEW RD	
John Blood	2625 Matthew Rd	
John Blood	2615 " " "	468
John Blood	3061 Matthew Rd	468-7158

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