

REGIONAL DISTRICT OF NANAIMO

REGULAR BOARD MEETING TUESDAY, AUGUST 14, 2001

(Nanaimo City Council Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
 - Brian Smith, Chairperson, Nanaimo Airport Commission, re Update Regarding Nanaimo Airport Commission Issues.**
 - William and Wendy Malainey, re Development Permit Application No. 0115.**
 - 11 **Ed Brook, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.**
 - 12 **Kay Brook, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.**
 - 13 **Mike Durnin, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.**
 - 14 **Jarl Dyrud, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.**
 - 15 **Kamal and Lea Moghrabi, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.**
 - 16 **Tony Ransom, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.**
 - 17 **Dawn Burnett, re Scheduling of Public Hearings.**
 - 18 **Ian Harrison, re Contravention of RDN Building Regulations and Fees Bylaw No. 1250 – 464 Berg Road – Area B.**

3. **BOARD MINUTES**

19-27 Minutes of the Regular Board meeting held on Tuesday, July 10, 2001.

4. **BUSINESS ARISING FROM THE MINUTES**

5. **COMMUNICATIONS/CORRESPONDENCE**

28-35 **J. Macdonald, City of Nanaimo, T. Westbrook, Town of Qualicum Beach and J. Stanhope, Electoral Area G**, re the Area F Draft Zoning Bylaw.

36-41 **K. Daniels**, re response to Mayors Macdonald, Westbrook and Director Stanhope with respect the Area F Draft Zoning Bylaw.

42-44 **Gayle A. Jackson, Acting City Manager, City of Parksville**, re the Area F Draft Zoning Bylaw – Potential Impact on City's Water Supply.

45 **K. Daniels**, re response to Gayle Jackson, City of Parksville, re the potential impact on Parksville's water supply.

46-47 **Penny Grant, Vancouver Island Regional Library**, re Ten Year Facility Plan.

48-49 **Ed & Kay Brook**, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

50-52 **Mike and Sheila Durnin**, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0017 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

53 **M. & R. Miners**, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

54-55 **William and Wendy Malainey**, re Development Permit Application No. 0115.

56 **Victor and Louise Parrack, Gary and Edith Hough**, re Development Permit Application No. 0115.

57 **David and Wendy Liddiard**, re Development Permit Application No. 0115.

58 **Alex Rennie**, re Development Permit Application No. 0115.

6. **UNFINISHED BUSINESS**

For Adoption.

Southern Community Sewer LSA Development Cost Charge Amendment Bylaw No. 1020.02. (All Directors – One Vote)

Public Hearing. (All Directors except EA 'B' – One Vote)

- 59-91 Summary of Proceedings of the Public Hearing held July 25, 2001 with respect to Electoral Area 'A' Official Community Plan – Bylaw No. 1240, 2001 – Area A.
- 92-99 Minutes of the Public Hearing held August 1, 2001 with respect to Amendment Application No. 9630 – Horne Lake License Holders Association on behalf of Texada Land Corporation (Bylaw Amendment Bylaw No. 500.275) – Area H.

7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

7.(I) DEVELOPMENT SERVICES STANDING COMMITTEE

- 100-102 Minutes of the regular Development Services Committee meeting held July 24, 2001. (for information)

CORRESPONDENCE/COMMUNICATIONS

Marie Crawford, UBCM, re Premature Building Envelope Failure. (All Directors - One Vote)

That the correspondence from UBCM with respect to the provincial response to the Board's resolution on Premature Building Envelope Failure, be received.

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0115 – McGarrigle/Sims – Admiral Tryon Boulevard – Area G. (Electoral Area Directors except EA 'B' - One Vote)

That Development Permit Application No. 0115, to vary the minimum 'other' lot line setback for the Residential 1 (RS1) zone from 5.0 metres to 0.5 metres and to vary the minimum setback from the natural boundary requirements from 8.0 metres to 7.5 metres pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987; and to vary the Watercourse Protection Development Permit Area setback from the natural boundary pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 from 15.0 metres to 3.0 metres to permit the construction of a retaining wall, and to vary the DPA setback from 15.0 metres to 7.5 metres to permit the siting of the dwelling unit for the property legally described as Lot 18, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to the requirements outlined in Schedule 'I' and subject to the notification requirements pursuant to the Local Government Act.

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Perimeter Requirement – Leigh Millan on behalf of Lorraine & Clifford Haslam – 3026 Adshead Road and 2974 Haslam Road – Area A. (Electoral Areal Directors except EA 'B' - One Vote)

That the request from Leigh Millan, BCLS, on behalf of Lorraine Haslam and Clifford Haslam, to relax the minimum 10% frontage requirement for the proposed Homesite Severance parcel and the Remainder of Lot 1, Plan VIP69321, as shown on the plan of subdivision prepared by Leigh Millan, be approved.

Request for Relaxation of the Minimum 10% Perimeter Requirement – Dave Wallace on behalf of 565832 BC Ltd. – off West Road – Area D. (Electoral Directors except EA 'B' - One Vote)

That the request from Dave Wallace, BCLS, on behalf of 565832 BC Ltd., to relax the minimum 10% frontage requirement for proposed Lots 4 and 5, as shown on the plan of subdivision of Part of Lot 3, Range 3, Mountain District, Plan VIP57411, be approved.

OTHER

Building Strata Conversion Application – Philip Sopow – 2525 Myles Lake Road – Area C. (All Directors except EA 'B' - One Vote)

That the request from Philip Sopow, for the building strata conversion as shown on the Sketch Plan of Lot A, Cranberry District, Section 8, Range 3, Plan VIP53510, be approved subject to the conditions being met as set out in Schedule No. 1 of the staff report.

Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corporation – Real Estate Office – Andover Road – Area E. (All Directors except EA 'B' - One Vote)

That Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117, submitted by the Fairwinds Development Corporation Inc. No. 441838 for the property legally described as Lot 56, District Lot 8, Nanoose District, Plan VIP68559, to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the Local Government Act.

NEW BUSINESS

Zoning Regulations for Mobile and Modular Homes – Columbia Beach. (All Directors except EA 'B' - One Vote)

That staff be directed to investigate amendment to the zoning bylaw for the Columbia Beach neighbourhood to disallow mobile or modular homes at Columbia Beach.

7.(II) ENVIRONMENTAL SERVICES STANDING COMMITTEE

103-105

Minutes of the regular Environmental Services Committee meeting held July 24, 2001. (for information)

LIQUID WASTE/UTILITIES

Surfside Sewer LSA Reserve Fund Establishment Bylaw No. 1252. (All Directors - One Vote)

1. *That "Surfside Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1252, 2001" be introduced and receive first three readings.*

(All Directors - Two Thirds)

2. *That "Surfside Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1252, 2001", having received three readings, be adopted.*

Pacific Shores LSA Reserve Fund Establishment Bylaw No. 1253. (All Directors - One Vote)

1. *That "Pacific Shores Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1253, 2001" be introduced and receive first three readings.*

(All Directors - Two Thirds)

2. *That "Pacific Shores Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1253, 2001" having received three readings, be adopted.*

Pump & Haul LSA Amendment Bylaw No. 975.23 - Darryl & Julianne Danner - 1926 Sea Otter Place - Area E. (All Directors - One Vote)

1. *That the application for inclusion into the pump and haul service be accepted.*
2. *That "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.23, 2001" be read three times and forwarded to the Inspector of Municipalities for approval.*

French Creek Pollution Control Centre Annual Report on Odour Control. (All Directors - One Vote)

That the '2000 Annual Odour Report for the French Creek Pollution Control Centre' be received.

Funding Request from Green Communities Nanaimo - Residential Source Control & Volume Reduction Education. (All Directors - Weighted Vote)

That the RDN enter into an agreement with Green Communities Nanaimo to provide residential source control and volume reduction education for \$3,420,00.

OTHER

Security Issuing Bylaws – Nanoose Bay Bulk Water Supply and French Creek Bulk Water Supply. (All Directors - Weighted Vote)

1. *That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1239, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
2. *That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1242, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
3. *That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1243, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
4. *That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1244, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
5. *That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1245, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
6. *That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1246, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
7. *That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1247, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
8. *That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1248, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*
9. *That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1249, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.*

7.(III) CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

106-110

Minutes of the regular Corporate & Community Services Committee meeting held July 24, 2001. (for information)

CORRESPONDENCE/COMMUNICATIONS

Marie Crawford, UBCM, re Rescue Services on Rural Highways. (All Directors - One Vote)

That the correspondence received from UBCM with respect to the provincial response to the 2000 resolution put forward by the Board regarding rescue services on rural highways, be received.

G.R. Peterson, Northwest Nanoose Residents Association, re Waterfront and Beach Access Issue – Parks and Open Space Plan. (All Directors - One Vote)

That the correspondence received from G.R. Peterson, Northwest Nanoose Residents Association with respect to waterfront and beach access management within Nanoose, be received.

Mike Gray, Norwest Nanoose Residents Association, re Nanoose Parks and Open Space Plan. (All Directors - One Vote)

That the correspondence received from Mike Gray, Northwest Nanoose Residents Association, with respect to the Association's request for amendments to the Nanoose Bay Parks and Open Space Plan, be received.

UNFINISHED BUSINESS

From the Board Meeting held July 10, 2001. (All Directors - One Vote)

That the Errington Fire Department be authorized to approach the Province of BC Coastal Fire Service with an offer to trade firefighting vehicles, with an overall budget target of \$130,000.

ADMINISTRATION

Treaty Negotiations Update – B. Sperling. (All Directors - One Vote)

That the verbal report with respect to Treaty Negotiations, be received.

Application for Temporary Change to Liquor Licence – Cassidy Inn – 2954 Trans Canada Highway – Area A. (All Directors - One Vote)

That the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for September 9, 2001 be approved.

RECREATION AND PARKS

Vancouver Island Recreational Corridor. (All Directors - One Vote)

That the Board decline to sign the Vancouver Island Recreational Corridor Memo of Understanding at this time given the current priorities for regional district trail system development and the limited resources available to participate in their planning processes.

Qualicum Bay Lions Club Lease of Community Centre and Lighthouse Community Park – Area H. (All Directors - Weighted Vote)

That the lease agreement between the Qualicum Bay Lions Club and the Regional District of Nanaimo for the property legally described as: Lot A, District Lot 32, Newcastle District, Plan 45846 for a ten year term be approved.

Regional Parks Act – Request for Additional Power Under Section 801 of the Local Government Act. (All Directors - One Vote)

That the Lieutenant Governor in Council be requested to grant to the Regional District additional power under Section 801 of the Local Government Act to acquire and manage land for a regional park or regional trail by way of a permit or a license or a lease for any term where that land has been designated for the regional park or regional trail under Section 4(1)(a) of the Park (Regional) Act.

SPECIAL EVENT/SPECIAL OCCASION APPLICATIONS

Status Reports. (All Directors - One Vote)

That the Special Event/Special Occasion status reports be received for information.

TRANSIT

Special Event Application – Royal Canadian Legion's 75th Anniversary Celebrations – September 8, 2001 – Request for Bus Service. (City of Nanaimo, Electoral Areas A and D - Weighted Vote)

That the Transit Special Events request by the Royal Canadian Legion – Branch #10 for shuttle service to be provided on Saturday, September 8, 2001 be approved.

COMMISSION, ADVISORY & SELECT COMMITTEE

Lantzville Parks & Open Space Committee. (All Directors - One Vote)

That the minutes of the Lantzville Parks & Open Space Committee meeting held June 25, 2001 be received for information.

Gabriola Island Parks and Recreation Commission. (All Directors - One Vote)

That the minutes of the Gabriola Island Parks and Recreation Commission meeting held June 18, 2001 be received for information.

1. *That the staff report on the proposed development of a Gabriola Island Community Recreation Association be received for information.*
2. *That the Regional District, through the Commission, work with the Community to provide for the establishment of a non-profit society (Gabriola Island Community Recreation Association) to deliver recreation services on the Island starting in January 2002.*
3. *That staff initiate the development of an agreement to advance funding and other arrangements with a society established to provide for the delivery of recreational services on Gabriola Island.*
4. *That the minutes of the Gabriola Island Parks and Recreation Commission meeting held July 16, 2001 be received for information.*
5. *That the resolutions from the July 16, 2001 Gabriola Island Parks and Recreation Commission meeting be received for information.*

District 69 Recreation Commission. (All Directors - One Vote)

That the minutes of the District 69 Recreation Commission meeting held June 21, 2001 be received for information.

7.(IV) EXECUTIVE STANDING COMMITTEE

7.(V) COMMISSION

7.(VI) SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE

Performance Review Committee. (All Directors - One Vote)

- 111 Minutes of the Performance Review Committee meeting held July 18, 2001. (for information)

8. ADMINISTRATOR'S REPORT

- 112-116 Amendment Application 9601 – Bylaw No. 500.202 – Caillet – Biggs Road – Area D. (Electoral Area Directors except EA 'B' – One Vote)
- 117-123 Temporary Use Permit No. 0103 – Fairwinds Development Corporation – Lot 56, Andover Drive – Area E. (All Directors – One Vote)
- 124-141 Soil Conservation Permit Application 0104 – Alan Stewart – 3230 Palmer Road – Area F. (All Directors – One Vote)

- 142-145 Dashwood Fire Protection Local Services Area Boundary Amendment. (All Directors – One Vote)
- 146-147 Refund of Property Taxes – Dashwood Fire Protection Local Service Area. (All Directors – Weighted Vote)
- 148-151 Second Quarter Operating Results for 2001. (All Directors – One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Sections 242.2(1)(c) and (h) of the Local Government Act the Board proceed to an In Camera meeting to consider matters related to employee negotiations, potential litigation and draft policy matters pursuant to Section 13 of the Freedom of Information and Protection of Privacy Act.

Beetstra, Marion

From: Ed Brook [edbrookis@home.com]
Sent: Monday, August 06, 2001 5:02 PM
To: planning@rdn.bc.ca
Subject: Fw: speaking at aug 14 meeting

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

From: Kay Brook
To: planning@rdn.bc.ca
Cc: edbrookis@home.com
Sent: Sunday, August 05, 2001 2:27 PM
Subject: speaking at aug 14 meeting

Please add my name to the speaker's list for 10 minutes to discuss the temp permit for the sales office on Andover Rd.

i am opposed.

Thank you.

Kay Brook

8/7/2001

PAGE
11

Beetstra, Marion

From: Kay Brook [kbrookis@home.com]
Sent: Sunday, August 05, 2001 2:28 PM
To: planning@rdn.bc.ca
Cc: edbrookis@home.com
Subject: speaking at aug 14 meeting

Please add my name to the speaker's list for 10 minutes to discuss the temp permit for the sales office on Andover Rd.

Thank you.

Kay Brook

8/7/2001

PAGE
12

Beetstra, Marion

From: Sheila & Mike [msdur@home.com]
Sent: Monday, August 06, 2001 10:33 AM
To: planning@rdn.bc.ca
Subject: Application for Temporary Use Permit Andover Road Nanoose Bay

Dear Ms Shaw,

I would like the opportunity to address the Board on this topic at the meeting on August 14th, 2001.

Mike Durnin
2400 Andover Road
Nanoose Bay
468-9846

Beetstra, Marion

From: Jarl Dyrud [JarlD@COMGROUP-INC.com]
Sent: Sunday, August 05, 2001 10:06 PM
To: 'planning@rdn.bc.ca'
Cc: 'edbrookis@home.com'
Subject: planning mtg

I would like to apply for a ten minute spot at the meeting on the 14th to address the issue of locating the real estate office.

Jarl Dyrud
Lot 35

Beetstra, Marion

From: Kamal and Lea Moghrabi [kamalea@home.com]
Sent: Sunday, August 05, 2001 3:37 PM
To: planning@rdn.bc.ca
Subject: Temporary Use Permit

Dear Sir/Madam

This message pertains to the issue of granting a Temporary commercial permit to the parcel located at:

- **Lot 56, District Lot 8, Nanoose District, Plan VIP6855**

My Name is Kamal Moghrabi and I own Jointly with my wife Lea Moghrabi two properties on Andover Road. one of the properties is located at 2374 Andover road where we presently reside, and the othe property is Lot # 50 (Five lots east of the parcel in question).

We purchased the lot 18 months ago approx. and we hope to build our dream home on it in the near future.

When we purchased this lot we were assured that only residential housing will be built in this area and no commercial activities will be permitted.

Today you have a case in front of you that will require you to make a decision that may affect the dreams and future of many local residents including us.

We urge and plead with you not to allow the erection of the RealEstae office in this area as it will bring traffic, reduce the value of our properties and will set precedent to have other commercial activities along Andover road in the future.

We strongly object to the request before you and would like to voice our objection during the Board regular meeting scheduled for August 14th. Please provide us time to address the board.

I trust the district will see our viewpoint and will reject the application as it stand as there are several other locations in the area that will be suitable for a realestae office without effecting our quality of life.

Yours truly

Kamal and Lea Moghrabi

PAGE
15

Beetstra, Marion

From: Tony Ransom [ransom@bcsupernet.com]

Sent: Monday, August 06, 2001 12:56 PM

To: planning@rdn.bc.ca

Subject: Application for temporary permit to relocate the Royal LePage Realty Office at Fairwinds.

Attention: Pamela Shaw, Manager, Community Planning.

Dear Ms. Shaw.

I'm writing this e-mail as a follow-up to the public information meeting held at Schooner Cover Resort on August 2, 2001 concerning the application for a temporary permit to relocate the Royal LePage Realty Office to Lot 56 on Andover Road, Fairwinds. I would like to request time to speak at the Planning Committee hearing to be held on August 14, 2001 regarding this matter.

Thank you for your attention.

Yours truly,

Tony Ransom.

PAGE
16

8/7/2001

DAWN & JOE BURNETT
2520 Pylades Drive
Ladysmith, British Columbia, V9G 1E5
Telephone: (250) 722-2656; Fax: (250) 722-7285

August 7, 2001

Regional District of Nanaimo
Lantzville, B.C.

Attention: Maureen Pearce,

Re: RDN Board Meeting August 14, 2001

Dear Maureen,

Please include my name on the agenda to address the RDN Board on my concern of scheduling Public Hearings.

I know that I may not speak about Area A OCP.

Yours truly

Dawn Burnett

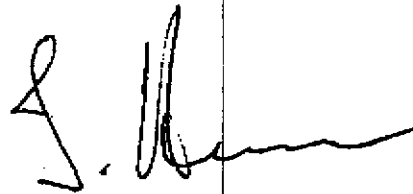
PAGE
12

AUG 03/01

ATTEN: LINDA

IAN HARRISON OF 464 BERG RD., GABRIOLA
WOULD LIKE TO APPEAR AS A DELEGATION
AT THE R.D.N.'S. JULY 14 MEETING RE:
THE R.D.N. SEEKING INJUNCTION AGAINST
MY HOUSE.

YOURS,



(I. HARRISON)
247 7412
BUS. # LV. MESS.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JULY 10, 2001, AT 7:32 PM IN THE
NANAIMO CITY COUNCIL CHAMBERS

Present:

Director G. Holme	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Alternate	
Director M. Young	Electoral Area C
Director D. Haime	Electoral Area D
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. Westbrook	Town of Qualicum Beach
Director D. Rispin	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

B. Lapham	Gen. Mgr. of Development Services
C. Mason	Gen. Mgr. of Corporate Services
C. McIver	Manager of Solid Waste
M. Donnelly	Manager of Transportation Services
M. Pearse	Manager of Administrative Services

DELEGATIONS

MOVED Director Westbrook, SECONDED Director Klee, that Ms. Kamble, Mr. Macdonald, Rev. Dynna and Danny Lahl be permitted to speak as late delegations.

CARRIED

Murray Hamilton, re Horne Lake.

Mr. Hamilton voiced his opinions with respect to a bare land strata subdivision as opposed to a lease proposal, that the Horne Lake Licensee Holders Association be given the option to operate the campground and as well that consideration be given to a different format to establish subdivision and school site acquisition fees for this project.

Shirley Kambic, re DVP Application No. 0105 – 2347 South Wellington – Area A.

Ms. Kambic spoke with respect to their development variance permit and urged the Board to approve the application.

Carl Macdonald, re Special Event Permit Application – Joyfest – Area E.

Mr. Macdonald provided information about the Joyfest Festival and requested Board members to approve the application and the times as outlined in the report.

Rev. Marvin Dynna, re Special Event Permit Application – Joyfest – Area E.

Rev. Dynna advised the Board that the property on Nanoose Bay Road has been conducting various functions for a number of years and voiced his concerns with respect to the precedent this application may have on future activities and hopes that a resolution can be found for the Joyfest event.

Danny Lahl, re Special Event Permit Application – Joyfest – Area E.

Mr. Lahl reviewed the activities planned for the Joyfest Festival and urged Board members to approve the special event permit application with the recommended hours as noted in the report.

BOARD MINUTES

MOVED Director Rispin, SECONDED Director Krall, that the minutes of the regular Board meeting held on Tuesday, June 12, 2001 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

George Abbott, Minister of Community, Aboriginal and Women's Services, re Provincial Government restructuring.

MOVED Director McLean, SECONDED Director Macdonald, that the correspondence from the Minister of Community, Aboriginal and Women's Services, regarding Provincial Government restructuring, be received.

CARRIED

John Burrett, FCM, re Request to Submit Resolutions of National Municipal Interest.

MOVED Director McLean, SECONDED Director Macdonald, that the correspondence from the Federation of Canadian Municipalities regarding the resolution submission for the FCM National Board of Directors' consideration, be received.

CARRIED

Linda Ohman, re DVP Application No. 0105 - 2347 South Wellington - Area A.

MOVED Director McLean, SECONDED Director Macdonald, that the correspondence from Ms. Ohman with respect to DVP Application No. 0105 be received.

CARRIED

Eric Smith, re Frontage Relaxation - MacLeod - 2403 Nanoose Road - Area E.

MOVED Director McLean, SECONDED Director Macdonald, that the correspondence from Mr. Smith with respect to the frontage relaxation application at 2403 Nanoose Road be received.

CARRIED

Matthew and Candace MacLeod, re Frontage Relaxation - 2403 Nanoose Road - Area E.

MOVED Director McLean, SECONDED Director Macdonald, that the correspondence from Mr. and Ms. MacLeod with respect to the frontage relaxation application at 2403 Nanoose Road be received.

CARRIED

Hector and Lily MacLeod, re Frontage Relaxation - 2403 Nanoose Road - Area E.

MOVED Director McLean, SECONDED Director Macdonald, that the correspondence from Mr. and Ms. MacLeod with respect to the frontage relaxation application at 2403 Nanoose Road be received.

CARRIED

UNFINISHED BUSINESS

Bylaw No. 500.262 – Land Use and Subdivision Amendment Bylaw – Ciammaichella – 6430 Phantom Road – Area D.

MOVED Director Haime, SECONDED Director Macdonald, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.262, 2000” be adopted.

CARRIED

Bylaw No. 500.275 – Horne Lake License Holders Association on behalf of Texada Land Corporation – Area H.

MOVED Director Quittenton, SECONDED Director Westbroek, that the option for the Horne Lake Licensee Holders Association to assume the management of Block 40 be reinstated.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbroek, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275, 2001” be given 1st and 2nd reading and proceed to a public hearing subject to completion of the agreements and undertakings as outlined in the staff report (including Schedule No. 1).

CARRIED

MOVED Director Krall, SECONDED Director Westbroek, that the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275, 2001” be delegated to Director Quittenton or his alternate.

CARRIED

DEVELOPMENT SERVICES STANDING COMMITTEE

MOVED Director Klee, SECONDED Director Holdom, that the minutes of the regular Development Services Committee meeting held June 19, 2001 be received for information.

CARRIED

UNFINISHED BUSINESS

From June 12, 2001 Board Meeting.

Matt MacLeod – 2403 Nanoose Road – Area E.

MOVED Director McLean, SECONDED Director Haime, 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 approved and that a letter indicating Mr. MacLeod’s support for inclusion within the sewer boundary be accepted in support of the decision to approve the frontage relaxation.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Oceanside Development & Construction Association, re Amendment to Section 879 of the *Local Government Act*.

MOVED Director Westbrook, SECONDED Director Haime,:

That the correspondence from Oceanside Development & Construction Association, re Amendment to Section 879 of the Local Government Act, be received.

That Oceanside Development & Construction Association be recognized by the Regional District as a referral organization and that a letter to this effect be sent to them.

CARRIED

Joseph Calenda, City of Colwood, re Bylaw Courts.

MOVED Director Holdom, SECONDED Director Klee, that the correspondence from Joseph Calenda, City of Colwood, re Bylaw Courts, be received.

CARRIED

Sandra Keddy, Town of Qualicum Beach, re Home Based Business Review.

MOVED Director Westbrook, SECONDED Director Holdom, that the correspondence from Sandra Keddy, Town of Qualicum Beach, re Home Based Business Review, be received.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

The Chairperson advised the Board that the following filing has been resolved:

Lot 1, Section 18, Range 3, Cedar District, Plan 24306, except parts in Plans 30692, 44695, and VIP5589, owned by Donna MacNaughton;

The Chairperson listed the remaining filing and asked that if the property owner was the audience wishing to address the Board, to come forward when their name was called.

MOVED Director Krall, SECONDED Director Holdom, 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.

Lot 4, District Lot 67, Plan 29941, Nanoose District, owned by Steven Gaucher.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATION

Application No. 0109 – Barclay/Sims, Lot 1, DL 110, Nanoose District, Plan 17536, Electoral Area ‘E’ – 1389 Dorcas Point Road.

MOVED Director Haime, SECONDED Director McLean, 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 and that the ramp must be kept in good repair or must be removed.

CARRIED

DEVELOPMENT VARIANCE PERMIT

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

MOVED Director Elliott, SECONDED Director McLean, 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.

CARRIED

OTHER

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.

MOVED Director Quittenton, SECONDED Director Haime, 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.

CARRIED

MOVED Director Quittenton, SECONDED Director Krall, that staff be directed to investigate noise bylaws for Electoral Areas 'D' and 'H'.

CARRIED

MOVED Director Quittenton, SECONDED Director Haime, 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).

CARRIED

MOVED Director Quittenton, SECONDED Director Krall, 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).

CARRIED

MOVED Director Quittenton, SECONDED Director Haime, 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.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Robin Cole & Neil Christensen, re Water, Safety, Noise, Air Quality and Industrial Traffic Issues.

MOVED Director Holdom, SECONDED Director Krall, that staff consider the concerns and issues raised by the owners/residents of Allsbrook Road and report back to the Development Services Committee with recommendations on how to potentially address these concerns.

CARRIED

ENVIRONMENTAL SERVICES STANDING COMMITTEE

MOVED Director Westbroek, SECONDED Director Klee, that minutes of the regular Environmental Services Committee meeting held June 26, 2001 be received for information.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Marie Crawford, UBCM, re Provincial response to 2000 Resolution from RDN Board concerning Regional Health Authority Sewage Disposal Applications.

MOVED Director Krall, SECONDED Director Elliott, that the correspondence from Marie Crawford, UBCM, re Provincial response to 2000 Resolution from RDN Board concerning Regional Health Authority Sewage Disposal Applications be received for information.

CARRIED

LIQUID WASTE/UTILITIES

Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02.

MOVED Director Holdom, SECONDED Director Macdonald, that the Development Cost Charges Bylaw for the Southern Community sewer service area be amended.

CARRIED

MOVED Director Holdom, SECONDED Director Krall, that "Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02,2001" be introduced and read three times, and be forwarded to the Inspector of Municipalities for approval.

CARRIED

Electoral Area A (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237.

MOVED Director Elliott, SECONDED Director Haime, that "Electoral Area A (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001" be introduced for first three readings.

CARRIED

MOVED Director Elliott, SECONDED Director Sherry, that "Electoral Area A (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001" having received three readings be adopted.

CARRIED

SOLID WASTE

Garbage Collection and Recycling Program - Status of Contract Re-Tender.

MOVED Director Westbrook, SECONDED Director Rispin, that the status report on garbage and recycling curbside collection be received by the Board.

CARRIED

Yard Waste Collection Program.

MOVED Director Klee, SECONDED Director McLean, that the status report on the development and implementation of a curbside yard waste collection program to service urban households throughout the RDN be received for information.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Young, Quittenton, Westbrook, Sperling, Macdonald, Holdom, Cantelon, Elliott, Krall, Korpan, Rispin and Klee voting in the affirmative and Directors Haime and McLean voting in the negative.

Waste Export Fee - Rate Adjustment Formula.

MOVED Director Krall, SECONDED Director Westbrook, that the Board request to the GVS&DD that the contract for waste disposal at Cache Creek be amended to change the annual fee adjustment formula from a December index to an Annual Average Index.

CARRIED

Regional Landfill Cell Closure Contract.

MOVED Director Westbrook, SECONDED Director Holdom, that the "2001 Regional Landfill Cell Closure" contract be awarded to Hazelwood Construction for the tendered price of \$258,766.60.

CARRIED

OTHER

Quennell Lake Drainage & Flood Control Local Services - Abandonment of Initiative.

MOVED Director Elliott, SECONDED Director Rispin, that in accordance with the residents' request, the Board approves abandoning further attempts to establish a Quennell Lake drainage local service.

CARRIED

MOVED Director Elliott, SECONDED Director Rispin, that staff be directed to advise the residents that if they wish to pursue this drainage issue further, they would need to do so through independent litigation.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE

Performance Review Committee.

MOVED Director Krall, SECONDED Director Macdonald, that the minutes of the Performance Review Committee meeting held on June 20, 2001 be received for information.

CARRIED

Lantzville Parks & Open Space Committee.

MOVED Director Haime, SECONDED Director Krall, that the minutes of the Lantzville Parks & Open Space Committee meeting held on June 4, 2001 be received for information.

CARRIED

Nanoose Bay Parks and Open Space Project Advisory Committee.

MOVED Director Krall, SECONDED Director Rispin, that Carol Barker, David Helem, Debbie Kuhn, Arthur Lightburn and Paula Young be appointed to the Nanoose Bay Parks & Open Space Project Advisory Committee.

CARRIED

ADMINISTRATOR'S REPORT

Port Theatre Society Request for Funding.

MOVED Director Haime, SECONDED Director Westbrook, that only those Electoral Areas that wish to continue contributions to the Port Theatre have bylaws amended to establish a fixed annual contribution to the Port Theatre, either at the current contribution level or at an amended level and that Electoral Area Directors be given the choice of whether they would like this issue to go to referendum in November of 2002.

A recorded vote was requested.

The motion CARRIED with Directors Quittenton, Westbrook, Haime, Sperling, Macdonald, Elliott, McLean and Klee voting in the affirmative and Directors Holme, Young, Holdom, Cantelon, Krall, Korpan and Rispin voting in the negative.

School Sites Acquisition Agreement Amendment – School District No. 69.

MOVED Director Macdonald, SECONDED Director Westbroek, that School District No. 69 agree to replace the current charge levied, as a result of the School Sites Acquisition Agreement between the Regional District and School District No. 69, with an interim flat rate charge of \$26.00 per development unit.

MOVED Director Krall, SECONDED Director McLean, that this item be referred back to Committee for discussion.

CARRIED

Unightly Premises – Maibach – Schoolhouse Road at Kipp Road – Area A.

MOVED Director Elliott, SECONDED Director Westbroek, that should the property maintenance concerns not be rectified by July 10, 2001, pursuant to the “Unightly Premises Regulatory Bylaw No. 1073, 1996”, the Board direct the owner of the property legally described as Lot 1, Plan 12009, Section 13, Range 6, Cranberry Land District except part in plan 3372RW to remove from the premises, those items as set out in the staff resolution within fourteen (14) days, or the work will be undertaken by the Regional District’s agents as the owner’s cost.

CARRIED

Mutual Aid Agreement Between the RDN on behalf of Nanoose Fire Protection Society & CF Maritime Experimental Test Ranges.

MOVED Director Rispin, SECONDED Director Holdom, that the Chairperson and Secretary be authorized to sign the Mutual Aid Agreement between the Regional District of Nanaimo and CF Maritime Experimental Test Ranges which establishes the terms and conditions for the provision of mutual aid services between the Nanoose Fire Protection Society (Nanoose Volunteer Fire Department) and CF Maritime Experimental Test Ranges.

CARRIED

Errington Fire Department – Vehicle Acquisition Proposal.

MOVED Director McLean, SECONDED Director Westbroek, that the Errington Fire Department be authorized to approach the Province of BC Coastal Fire Service with an offer to trade firefighting vehicles, with an overall budget target of \$130,000.

MOVED Director McLean, SECONDED Director Korpan, that this item be referred back to Committee and that the Errington Fire Department be requested to appear as a delegation.

CARRIED

ADDENDUM

Special Event Permit Application – Joyfest – August 3, 4 & 5 – Area E.

MOVED Director Quittenton, SECONDED Director Westbroek, that a Special Event Permit be issued to Joyfest for a 3 day Music Festival to be held at 2531 Nanoose Beach Road on August 3, 4 & 5, 2001 and that amplified music be permitted between the hours of 11:00 am to 10:30 pm on Friday and Saturday and 11:00 am to 4:00 pm on Sunday.

CARRIED

ADJOURNMENT

MOVED Director Rispin, SECONDED Director Westbrook, that this meeting adjourn to provide for an in camera session.

CARRIED

TIME: 8:45 PM

IN CAMERA

MOVED Director Rispin, SECONDED Director Haime, that pursuant to Sections 242.2(l)(c) and (h) of the *Local Government Act* the Board proceed to an In Camera meeting to consider matters related to employee negotiations and potential litigation.

CARRIED

The meeting reconvened at 8:55 pm.

Driftwood Water LSA Initiative - Community Water Connection to 1900 Delancey Way - Area E.

MOVED Director Westbrook, SECONDED Director Haime, that Strata Lots 1, 2 and 3, Plan VIS 3905, Nanoose Land District be considered for connection to community water if for health or environmental reasons supported by letter from the Central Vancouver Island Health Region or the Ministry of Environment, respectively, or in consideration of the 1980 Statutory Right-of-Way Agreement between the RDN and Driftwood Beach Estates that originally granted community water to subdivision development of the then Lot C, Plan 14848, and further, that connection then only be provided if the property owners agree to register covenants on title against further subdivision of the properties, water connections for each property be restricted to a single family residence via a 20 mm service connection, and the property owners extend the main and service to their properties at their cost.

CARRIED

ADJOURNMENT

MOVED Director McLean, SECONDED Director Rispin, that this meeting terminate.

CARRIED

TIME: 8:57 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO			
JUL 30 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	



July 25, 2001

VIA FAX: (250) 390-4163

PAGE 1 OF 8

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

**ATTENTION: REGIONAL DISTRICT OF NANAIMO BOARD OF DIRECTORS
CARE OF KELLY DANIELS, ADMINISTRATOR, CAO**

Dear Sirs:

SUBJECT: AREA F DRAFT ZONING BYLAW

The municipal councils of the Town of Qualicum Beach and the City of Parksville as well as the Director of Electoral Area G have consulted with planning staff and agree there are issues regarding the Area F Draft Zoning Bylaw which are of serious concern to both municipalities and Electoral Area G. Because of the need to properly address these concerns, we are requesting that the schedule for implementation of the bylaw be adjusted to allow for more discussion of these items which are listed below.

1. The Bylaw is inconsistent with the Growth Management Plan. Preparation of a context statement is requested.
2. An extraordinarily large magnitude of heavy industrial use is permitted over the City of Parksville and French Creek's aquifer recharge area. There is a potential to pollute drinking water and to introduce other environmental hazards and impacts.
3. The bylaw is technically flawed. There are insufficient zones, illogical categories of uses within the zones and insufficient limitations within zones to offer any level of control. Some presently vacant parcels have huge development potential under these conditions.
4. There is no acknowledgement that technology, and, in turn the servicing situation could change in such a way that it could not be relied on as a method of controlling development.

.../2

PAGE
28

Regional District Board of Directors

July 25, 2001

Page 2

5. There is excessive reliance on the regulations of other agencies (Agricultural Land Commission, Ministry of Health) to impose the desired limitation on development.
6. The mandate for drafting the bylaw is not clear. This bylaw not only legitimizes all existing uses on a site, it provides for their extension beyond that which presently exists by applying the zone to the full parcel of land, rather than limiting it to the activity area. This has huge impact in cases where large acreages are involved.

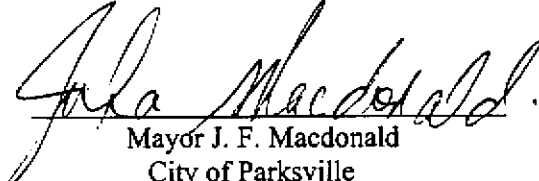
In addition to the above, City of Parksville and Town of Qualicum Beach staff have reviewed technical aspects of the bylaw and have generated a number of comments which are appended.

In summary, there are significant concerns with the Area F Draft Zoning Bylaw. The timeline that we are told you are following does not appear to provide any time to address these concerns. We ask that sufficient time be allotted for consideration of these important issues raised, prior to formal Bylaw introduction.


As neighbouring jurisdictions, we obviously are desirous of seeing a zoning bylaw in place for Area F but it is important that we do not allow expediency to overrule the serious long-term effects of this Bylaw.

We trust our colleagues on the Regional Board will look favourably on this request.

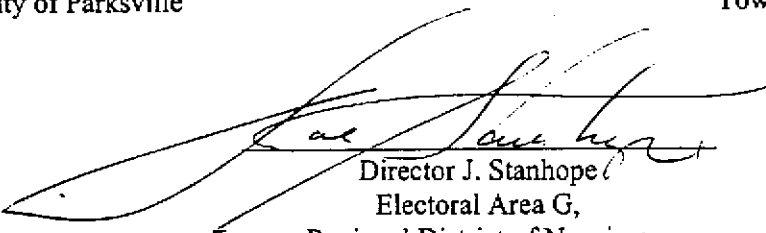
Yours truly,



Mayor J. F. Macdonald
City of Parksville



Mayor T. Westbrook
Town of Qualicum Beach



Director J. Stanhope
Electoral Area G,
Regional District of Nanaimo

JFM/sh
Attachment

gj/0480-RDN/Area F/Director-1.

cc All Regional District of Nanaimo Board Directors

PAGE
29



LEGEND



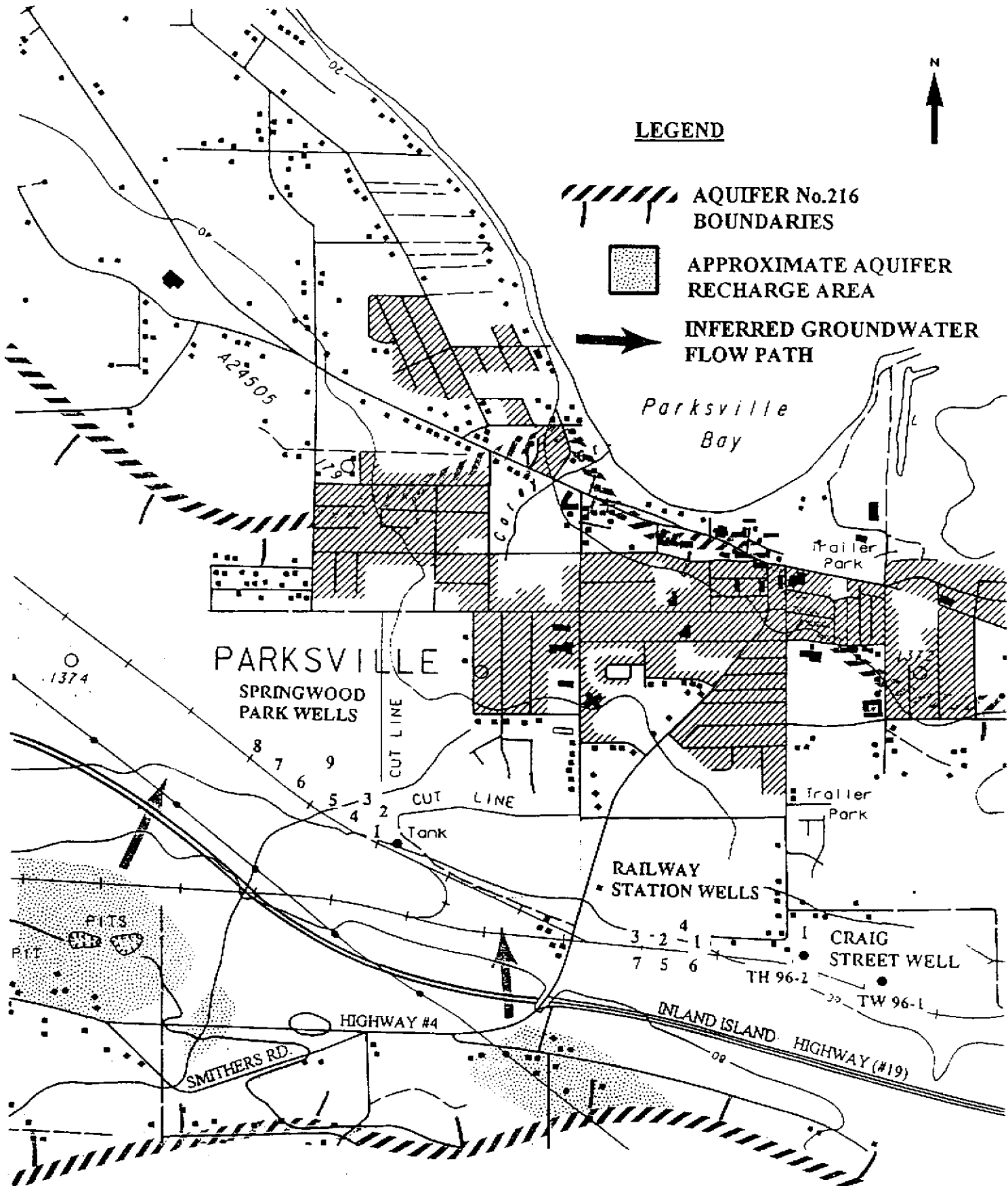
**AQUIFER No.216
BOUNDARIES**



**APPROXIMATE AQUIFER
RECHARGE AREA**



**INFERRED GROUNDWATER
FLOW PATH**



**CITY OF PARKSVILLE WELL FIELD
RECHARGE AREA**

Scale 1:20,000 Approx.

FIGURE 1

**AREA F ZONING BYLAW DRAFT COMMENTS
PREPARED JULY 3, 2001
BY CITY OF PARKSVILLE STAFF**

General Comments

More zones would allow for a finer regulation of uses.

Some subdivision type regulations are included, but not a full range of subdivision regulations (i.e. road width/standards).

Administration/Basic Provisions Section 1

Well structured. No comments.

General Regulations Section 2

Well structured. Some comments:

- 2.5 This clause leaves an opening for large, propane (or similar) storage depots to locate. Consider refining the regulation to provide a prohibition, then as need arises accommodate in a sub-zone.
- 2.12 Temporary Accommodation of Seasonal Farm Workers – The ALC regulations provide for this. As I understand it there is no need to reiterate in the Zoning Bylaw, which is a subordinate Bylaw. I have seen this clause abused elsewhere. As written, you couldn't prohibit the introduction of a dozen mobile homes onto ALR land, under the guise of seasonal accommodation.
- Also if the property is large enough there is a potential to register a building strata in these cases.
- 2.21 Signage Regulations can go into a separate bylaw. The provisions in this section are very generous. For example, the maximum size we permit in a traffic oriented commercial zone is 6 square metres. This provision allows 15 square metres. Why include this section at all, since it is so permissive rather than regulatory, i.e. do a sign bylaw at another time.
- 2.24 Home Based Business – Regulations – These are generous regulations. The provision for "processing of goods" could be abused. There is no definition as to the type of goods. You will find that 2.26 (a) will not be enforceable. "Outdoor recreation equipment" is not defined and there is no clear link to your definition of "outdoor recreation". In the absence of a definition I can imagine someone wanting to consider RV rentals as outdoor recreation equipment. RV sales could then be a related sale of goods. If I thought of it, someone else might!

- 2.27 Keeping of Animals – I had to look up the term “household livestock”. It infers that only 1 horse or cow can be kept on lots greater than 500 square metres. You may want to reword.
- 2.32 Could this clause that allows off-site parking have the effect of enabling more use on a lot?

A-1 Zone

Are all A-1 zones on ALR land, or is there any A-1 that is non-ALR? If so, there isn't sufficient control. For example, without the ALR, “agri-tourist and agri-tourism accommodation could mean a hotel in the country!

The definition of “farm use” is broad enough that I question the need for “accessory farm use”. For example, is a pottery factory outlet that makes plant pots okay?

I doubt that you can set up “temporary sawmill” as “temporary”. The attempt to do this usurps the non-conforming regulations under the *Local Government Act*. Once you have legally allowed the use, they're there! Even if you could, how would you set out and monitor the provision. Instead, a better mechanism is to use a temporary use permit. Why is this use even needed? It appears in several zones.

FR-1 Forestry/Resource

Same notation as above regarding “temporary” sawmill.

R-1 – Rural

Why introduce the terminology greenhouse and nursery when then Farm Use covers them. Would an Art Knapp's be permitted?

Same comment as prior one about “temporary sawmill”.

R-3 – Mixed Use Residential

Can an apartment building be constructed if you have a lot larger than 1 ha? To what density?

MH-1 Manufactured Home Park

If there is community water and sewer, can you subdivide to create a mobile home subdivision of fee simple or strata lots? What prevents this?

C-1 Local Commercial

Neighbourhood pub – Why allow as an outright use? An alternative approach would be to do a separate zone, or a sub zone of this one which allows the use.

The term "commercial floor area" should be defined if it is intended to impose a size limit. Without a definition there could be an argument (think of big box with warehouse type areas) that the only commercial area is that which is around the cash registers.

C-2 Tourist Commercial

Have you contemplated "gambling" and casinos? Are they intended to be excluded? Same comment as above about neighbourhood pubs.

C-3 General Commercial/Light Industrial

What limits the scope of activity? i.e. with a general commercial use? in a serviced scenario?

Why is manufacturing allowed, i.e. under general commercial use definition?

I-1 General Industrial

Too broad, should be separated into several zones.

S-1 Salvage and Wrecking

Even if this is tailored to an existing situation it would make sense to include reasonable setbacks and screening and buffering provisions, to show intent, if for no other reason.

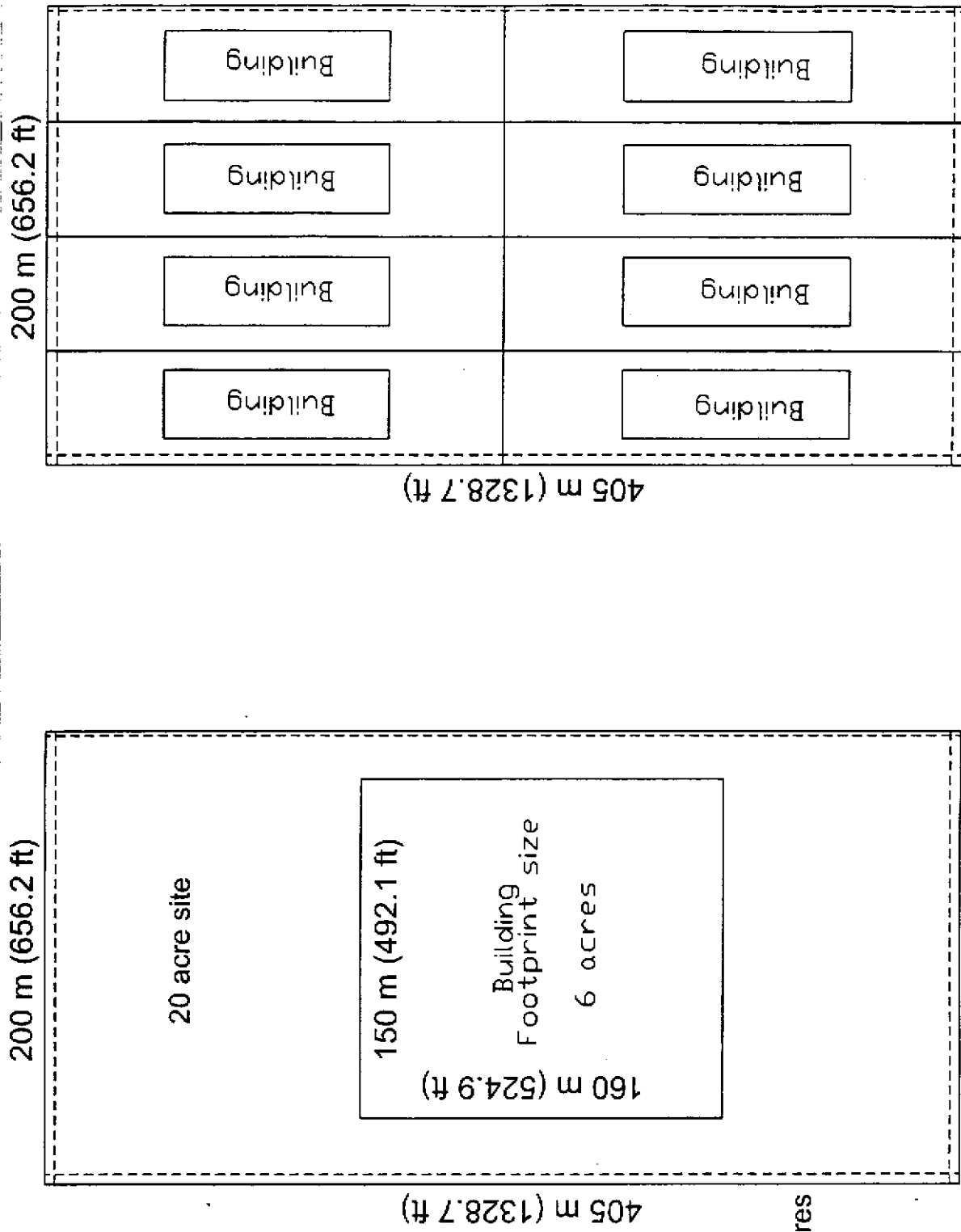
gj/0480-rdn/AreaF/Area F Comment1.

Figure 1

C3 Build out Example

Lots with
no services
Proposed Zone
C-3
Proposed Use
General
Commercial

* NB Costco
Nanaimo Building
Footprint is 2 1/2 acres



Proposal 1

Site Area	8 ha (20 acres) (80,000 m ²)
Building Footprint Size	24,000 m ² (6 acres)
Coverage	30%

Proposal 2

	8 x 1ha (2.4 ac) subdivided lots
	8 x 3,000 m ²
	30% per lot

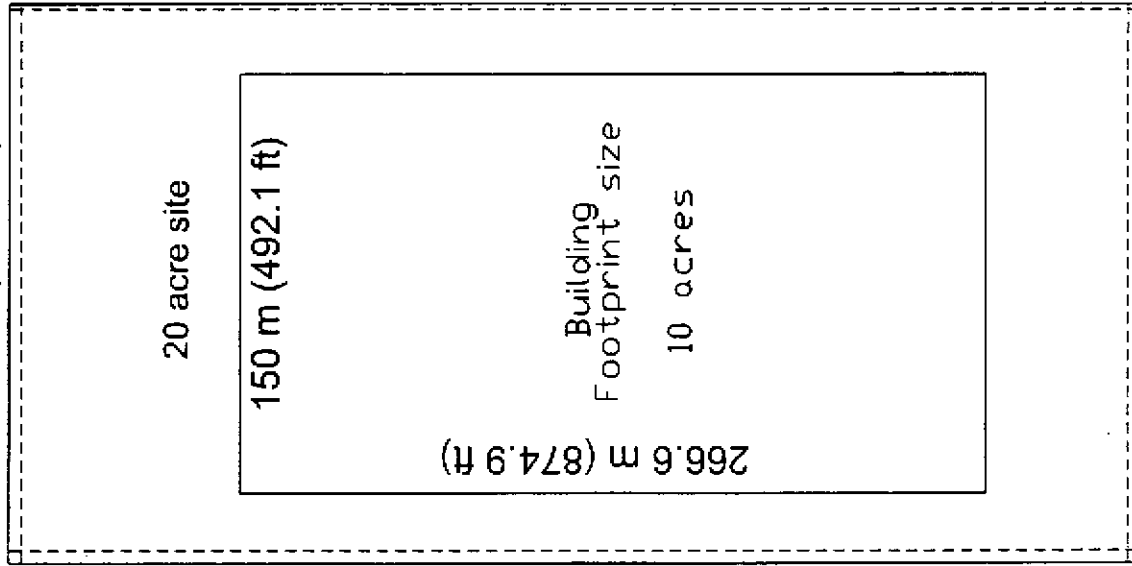
C3 Build out Example

Figure 2

Lots with services
 Proposed Zone C-3
 Proposed Use General Commercial

* NB Costco
 Nanaimo Building
 Footprint is 2 1/2 acres

200 m (656.2 ft)



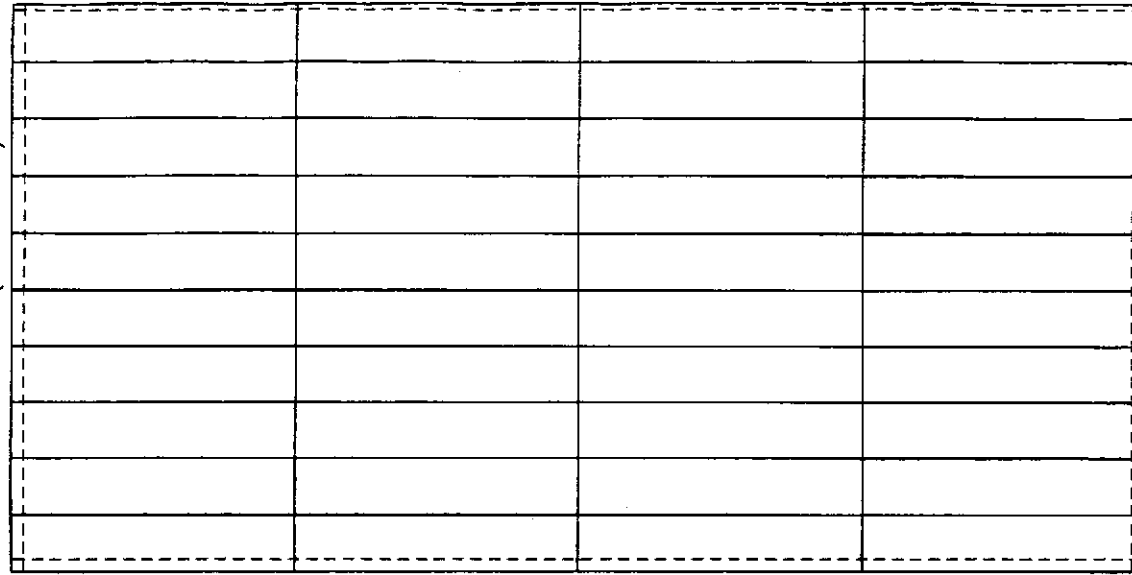
Proposal 1

8 ha (20 ac)

40,000 m² (10 acres)

50%

200 m (656.2 ft)



Proposal 2

40 x 2000 m² subdivided lots

undefined

undefined

Site Area

Building Footprint Size

Lot Coverage

~~50%~~



July 27th, 2001

Mayor J. Macdonald
City of Parksville
PO Box 1390
Parksville, BC
V9P 2H3

Director J. Stanhope
Electoral Area G
Regional District of Nanaimo
6300 Hammond Bay Rd
Nanaimo, BC
V9T 6N2

Mayor T. Westbrook
Town of Qualicum Beach
PO Box 130
Qualicum Beach, BC
V9K 2S7

Dear Mayors and Director:

RE: Area F Draft Zoning Bylaw

Thank you for your letter of July 25th, 2001 on the Area F Draft Zoning Bylaw. With respect to your statements contained to the letter, the following addresses each comment in turn:

1. You have indicated that the proposed bylaw is 'inconsistent with the Growth Management Plan'. We would request clarification of this statement and specific examples to illustrate the contention that the bylaw is inconsistent with the Growth Management Plan. It is our belief that the bylaw is not 'inconsistent' in fact, the proposed bylaw is specifically intended to implement the goals of the Growth Management Plan and careful reference has been made to the land use designations and objectives of the Plan in the drafting of this bylaw. In addition, you have requested that a 'context statement' be provided. As you are aware, a regional context statement is a required element under the Growth Strategies section of the *Local Government Act* for official community plans in jurisdictions with adopted growth strategies. The Electoral Area 'F' Official Community Plan (OCP) contains a Regional Context Statement; this issue was an important point of discussion in the public consultation process for the OCP. Please refer to OCP for the context statement.
2. You have indicated that an 'extraordinarily large magnitude of heavy industrial use' is proposed to be permitted over the aquifer recharge area. In fact, the draft bylaw proposes limiting new land use activities in the area to medium/light industrial uses; this proposed zoning is specifically intended to address aquifer protection issues and the concerns of Area F residents as well as the residents of Parksville and Electoral Area G.
3. We have concerns with statements such as 'the bylaw is technically flawed' and again request clarification and the provision of specific examples to support this contention. You have indicated that there are 'insufficient zones', 'illogical categories of uses' and 'insufficient limitations within zones'. As you are well aware, currently there is **no zoning in the area**, no land use controls, and no limits on proposed or permitted uses. We would be happy to consider a proposal from you as to what you would consider as sufficient zones, logical categories of use, and sufficient limitations.
4. The intent of this statement is unclear and we request clarification.

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

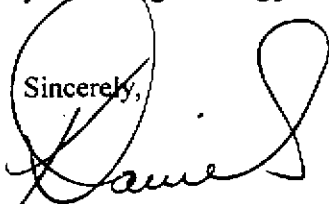
Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

PAGE
3/6

5. You have indicated that there is 'excessive reliance on the regulations of other agencies'; as you are aware, the zoning bylaw **must** address existing legislation and regulations, and every effort has been made in this proposed bylaw to recognize the jurisdiction of other agencies. The recognition of agency regulations in the bylaw is intended to clarify requirements for citizens in Electoral Area 'F' by providing a common voice among all agencies with jurisdiction in the Area. We are unclear as to why this would be viewed as problematic. Could you please provide more specifics.
6. You have indicated that 'the existing mandate for drafting the bylaw is 'unclear'. As you are aware, terms of reference were mandated upon the adoption of the Growth Management Plan in 1997 and more fully developed in the Area 'F' OCP. The OCP clearly states that the '...objective of the future zoning bylaw will be to zone existing land uses as conforming, to the fullest extent that is reasonable and possible.' The RDN continues to work toward this mandate. In addition, the Regional District Board adopted a comprehensive Terms of Reference for the zoning bylaw process which further clarifies and supports the mandate in the OCP.

We appreciate that you have taken the effort to express your concerns with the Area F draft zoning bylaw. Attached is a response to your technical comments on the proposed bylaw. As the bylaw is still in preliminary referral stages, we anticipate further discussions with you, as neighbouring jurisdictions, on this important planning process.

Sincerely,


Kelly Daniels
Chief Administrative Officer

c.c. G. Holme, Chairperson
B. Holdom, Director, City of Nanaimo
B. Lapham, General Manager of Development Services
RDN Board of Directors

Attachment

**Response to Comments Received from City of Parksville Staff
July 26, 2001**

RDN Staff met with City of Parksville Staff to discuss the concerns outlined in their letter dated July 3, 2001 on July 17th at the Parksville Civic Centre. The guiding principles and terms of reference for the preparation of the Area 'F' Zoning Bylaw and the issues outlined in the July 3rd letter were discussed. As a formal response to those concerns we offer the following.

General Comments

Number of Zones – The nature of land uses in Area 'F' is broad and truly mixed in type, styles and density of uses. Any one parcel can have a range of 4 to 5 distinct uses, particularly in the Village Centre areas. In order to create a Bylaw that addresses the range of uses in a previously unzoned area, a large number of zones with narrow definition of uses makes implementation difficult. As such, the Bylaw includes relatively few zones with a broad range of uses.

Subdivision Regulations – The Draft Bylaw includes Subdivision Regulations in Section 6. These regulations address parcel layout and servicing references. The Draft Bylaw will be amended to include basic road width standards for subdivisions in Area 'F'.

In addition, the RDN is bringing forward the Engineering and Development Servicing Bylaw, at the same time as the Area 'F' Zoning Bylaw, that will apply to all electoral areas which provides water, sewer, storm drainage and road standards for subdivision. This Bylaw is referenced in the Draft Zoning Bylaw in Section 1 and Section 6.

General Regulations

2.5 – Storage of propane or a distribution facility was not a prohibited or problematic use identified by the community during the Official Community Plan or our consultation process. This type of use could only be located in the Industrial zones that are separated from residential and institutional zones that may be adversely impacted.

2.12 Temporary Accommodation of Seasonal Farm Workers– This use was included as a specific request by the Area Director to accommodate an existing agricultural business in the area. In light of the potential for abuse, we propose to remove this use from the zone.

2.21 Signage Regulations – The community as a whole has a bias towards flexible signage regulations. The proposed regulations for Commercial and Industrial zoned properties are in keeping with the style of existing signage in the area. Recognizing that the community and adjacent municipalities may be at odds with signage standards, we propose to remove them from the Draft Bylaw.

2.24 Home Based Business – Concerns around the term "processing of goods" have been received as part of the Home Based Business Bylaw for the rest of the Regional District and in light of these comments, the section will be amended to remove this term. "Outdoor Recreation Equipment" will be limited to non-motorized vehicles in the Definition Section of the Bylaw.

2.27 – Keeping of Animals regulations will be amended to address the wording of the section.

2.32 Parking – The off-site parking arrangement could not be used as a "density bonus" for additional development as it is written in this Bylaw. The intent of this regulation is to address parking and pedestrian safety issues in the Coombs Market area.

A-1 Agriculture Zone

All A-1 zones in the Bylaw are on ALR land. With regards to the Agri-tourist accommodation, the zone will be amended to include a maximum size for the use in area to avoid the ability for a large-scale tourist accommodation facility if the ALR regulations cease to exist. Accessory Farm Use and Temporary Sawmill will be deleted from the permitted uses in the zone.

FR-1 Forestry Resource Zone

Temporary Sawmill will be deleted from the permitted uses in the zone.

R-1 Rural Zone

It is not our intention to introduce an Art Knapp style development in the Rural zone, as such we intend to delete Nursery and Greenhouse out of the R-1 zone. Temporary Sawmill will be deleted from the permitted uses in the zone.

R-3 Mixed Residential Zone

An apartment building could be built at a density of 1 dwelling unit per 1.0 ha to a maximum height of 9m (roughly 2 storeys). This result could be a low rise, low-density multi-family development on a larger parcel that is in keeping with the Village Centre policies in the OCP.

MH-1 Manufactured Home Park

The intention is not to create a fee simple mobile home park subdivision, as the Area Director and a large number of community representatives are against this type of development. The zone may be used to facilitate this type of development and the zone will be amended to address minimum 'pad' sizes and minimum park size.

C-1 Local Commercial

Neighbourhood Pub was not a prohibited or problem use identified by the community during the Official Community Plan or our consultation process and as such we see no reason to exclude a community oriented commercial establishment to be prohibited and a specific zone for the use is not required.

The comments surrounding "commercial floor area" are an important one and an oversight on our part. It could be very problematic in the future and all zones that include this statement have been amended to read "floor area". In addition, where retail uses are permitted the zones have been amended to have a maximum size for any retail use to further regulate the potential size of these commercial uses in the commercial zones.

C-2 Tourist Commercial

Commercial Gaming was not a prohibited or problem use identified by the community during the Official Community Plan or our consultation process and we have no mandate to expressly prohibit this use.

C-3 General Commercial

Manufacturing will be removed from the General Commercial definition as it is not a retail or sales oriented use and was incorrectly included in the definition. The scope of activity in the C-3 (and for all zones) is limited by our density and height provisions. The two figures included in the package are incorrect. The Commercial zones include a cap on development at 30% coverage for the first 1 ha of a parcel and 5% for the balance of the parcel. This coverage goes up to 50% for a serviced lot with the same 5% coverage for the balance of the parcel over 1.0 ha. The figures supplied in this submission do not reflect this cap and as such over represent the developable area of a hypothetical parcel.

Based on the comments received from Parksville and Qualicum Beach the minimum parcel size for subdivision in the C-3 and the Industrial zones will be amended 2.0 ha which will limit the build out capacity of the commercial and industrial area by 50%.

I-1 General Industrial

This zone was designed to be broad to capture existing industrial uses and provide a location for poorly sited industrial uses to move to out of the rural residential areas into the lands designated Industrial in the Area 'F' OCP. This approach has been successful and at least two industrial businesses are relocating to the Church Road area. Recognizing the amount of vacant land and the groundwater protection issues, we have drafted a light industrial zone for the vacant properties west of Church Road and are currently negotiating with the landowner to create a zone that recognizes land use impacts on the aquifer. Further, we have drafted a third industrial zone for the existing extraction uses in the Church Road area and this will be applied to those parcels.

S-1 Salvage and Wrecking

The setback provisions are outlined at 4.5 m from the front lot line and 8 m from all other lot lines and based on community input these are sufficient to meet the needs of the landowner and adjacent properties. As for landscaping and screening standards, the community was adamant that these 'urban' approaches to land use regulation not be applied.

C-3 Build Out Example

As for your question regarding the coverage limit in the C-3 zone, there is a coverage limit. It is outlined in the regulations table on page 4-9, Section 4.9.3.3. You may be referring to the initial draft of the Area F Bylaw.

The current draft of the Bylaw, which we distributed to your Council and Staff during our meeting on June 29th and was included in our referral package, reads "**MAY 2001 DRAFT**" on the header.

Our Lot Coverage provisions for the C-3 zone read as follows:

Maximum Lot Coverage:

First 1 ha of Lot with:

- | | |
|---|-----|
| • Community Sewer and Water Services | 50% |
| • No Community Sewer or Water Services | 30% |
| <i>Remainder of Lot greater than 1 ha</i> | 5% |

It appears that you have just applied 50% and 30% lot coverage to the 20-acre parcel in your two figures.

Based on our calculations, with an 8 ha (20 acre) site, the build out calculation would be as follows:

Maximum Lot Coverage: 8 ha (20 acre)

First 1 ha (10,000 m²) of Lot with:

- No Community Sewer or Water Services = 3,000 m² (30%)
 - Remainder of Lot greater than 1 ha (70,000 m²) = 3,500 m² (5%)
- Total: 6,500 m² (1.6 ac)**

Maximum Lot Coverage: 8 ha (20 acre)

First 1 ha (10,000 m²) of Lot with:

- Community Sewer and Water Services = 5,000 m² (50%)
 - Remainder of Lot greater than 1 ha (70,000 m²) = 3,500 m² (5%)
- Total: 8,500 m² (2.1 ac)**

As you can see these build out calculations are considerably less than the values you calculated. As for the minimum parcel size, based on your input and discussions amongst staff, we propose to increase the minimum parcel size in the C-3 and Industrial zones to 2.0 ha. With this change, the subdivision potential for your example would fall to 4 parcels with a maximum build out of 3,500 m² for each un-serviced parcel and 5,500 m² for each serviced parcel.



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

REGIONAL DISTRICT OF NANAIMO			
JUL 26 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

July 25, 2001

VIA FAX: (250) 390-4163

PAGE 1 OF 3



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

ATTENTION: KELLY DANIELS, ADMINISTRATOR, CAO

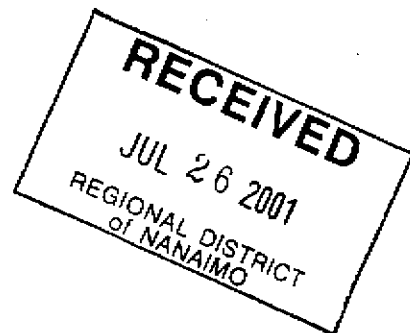
Dear Sirs:

SUBJECT: AREA F DRAFT ZONING BYLAW - POTENTIAL IMPACT ON CITY'S WATER SUPPLY

As you know we are in the consultation period for the above. Your staff recently gave an explanatory presentation to Council. At that time Council expressed strong opposition to the Bylaw and particularly to the application of a very large amount of heavy industrial type zoning over the City's aquifer recharge area. This zoning appears to have been applied without assurance of offsetting safeguards, notably storm drainage control.

We believe that development under this zoning potentially provides a very real threat to the City's well water supply. I would like to apprise you of the information that leads us to that conclusion. Thurber Engineering did a study of the City's wells in 1998. Thurber identified the aquifer boundaries recharge area (map attached) as including some land in Area F. You will note also that the "inferred groundwater flow path" is from Area F towards the City wells. Statements throughout indicate that the wells are influenced by the area to the south of the wells.

At the time of the 1998 report there was little susceptibility to groundwater contamination given the existing conditions and use levels. As to the future, the following statement was made: "A significant risk to this recharge area is the establishment of an industry or land filling operation that would dispose or spill contaminants to ground".



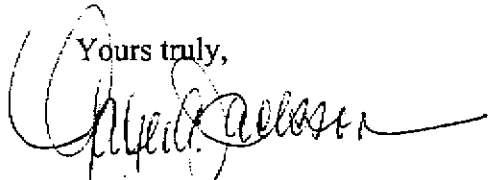
...12

PAGE 42

K. Daniels
July 25, 2001
Page 2

Your staff at a recent staff meeting indicated that the City's comments were being taken under advisement and may result in some changes to the plan. However, the timeline does not appear to support this. Given the severity and nature of the above concern, I ask that you bring this topic to the attention of the Board with the objective of providing sufficient time to deal with this very serious concern.

Yours truly,



GAYLE A. JACKSON
Acting City Manager

GAJ/sh
Attachment

gi/0480-RDN/Area F/Daniels-3.

cc Her Worship Mayor J. Macdonald and Members of Council



LEGEND



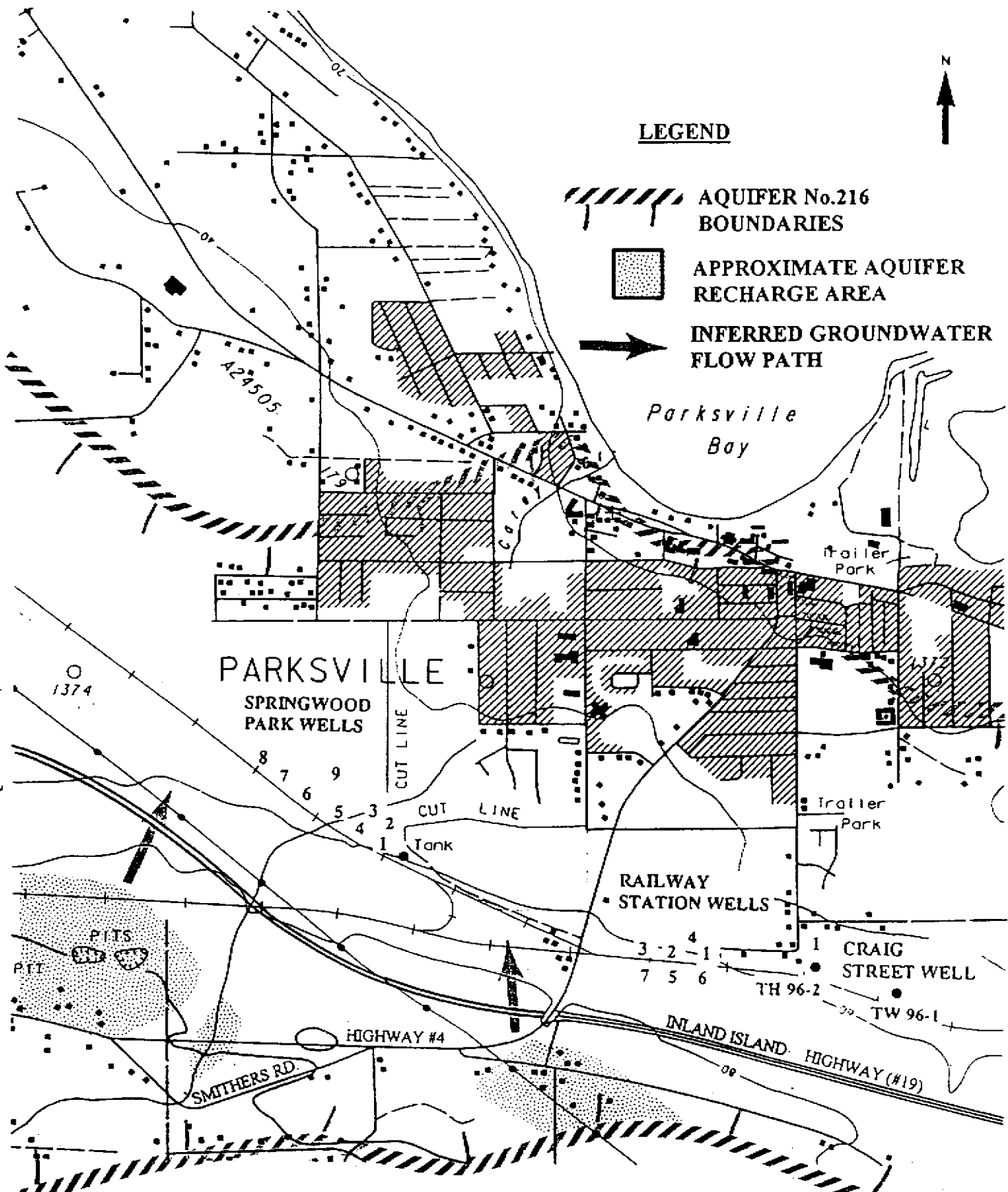
AQUIFER No.216
BOUNDARIES



APPROXIMATE AQUIFER
RECHARGE AREA



INFERRED GROUNDWATER
FLOW PATH



**CITY OF PARKSVILLE WELL FIELD
RECHARGE AREA**

Scale 1:20,000 Approx.

FIGURE 1

PAGE
44



July 27th, 2001

Ms. Gayle Jackson
Acting City Manager
City of Parksville
PO Box 1390, 194 Memorial Avenue
Parksville, BC V9P 2H3

Dear Gayle:

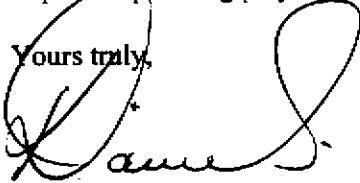
RE: Area F Draft Zoning Bylaw- Potential Impact on City's Water Supply

Thank you for your letter of July 25th, 2001 on the Area F Draft Zoning Bylaw. With respect to your concern regarding the City's well water supply, this is to clarify that the draft bylaw proposes limiting potential industrial uses in the Church Road Area (over the City's aquifer recharge area). Uses such as salvage yards, land fills, seafood processing, and other high impact uses are proposed to be specifically prohibited in the bylaw. In fact, the proposed zoning for undeveloped lands in the area was written and is being further amended (*based on comments received from Parksville Council at our earlier presentation*) with the intent to restrict the permitted uses to light/medium industrial activities specifically to protect the aquifer.

With respect to the issue of storm drainage, as was expressed in the meeting held between RDN staff and Parksville Council, RDN staff are working with the Ministry of Transportation and other agencies on storm water management plans for a number of areas in the Regional District, including the Church Road Area. Findings from these plans will be incorporated into the zoning bylaw or implemented through other regulatory means.

It is noted that aquifer protection and storm water management were important issues during the Electoral Area 'F' Official Community Plan public consultation process and are specifically referenced in the OCP (Section 4 - The Natural Environment, Surface and Groundwater Systems).

We appreciate the reiteration of your concerns on aquifer protection in Electoral Area F, and look forward to working with you to achieve a resolution satisfactory to all parties on this important planning project.

Yours truly,


Kelly Daniels
Chief Administrative Officer

c.c. G. Holme, Chairperson
J. Stanhope, Director, Electoral Area G
B. Holdom, Deputy Chairperson, Development Services Committee
B. Lapham, General Manager of Development Services

6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163

RDN Website: www.rdn.bc.ca

PAGE
45



VANCOUVER ISLAND REGIONAL LIBRARY

CENTRAL SERVICES, Box 3333, Nanaimo BC, Canada V9R 5N3
Deliveries: 6250 Hammond Bay Road, Nanaimo. Phone: (250) 758-4697 Fax: (250) 758-4697

REGIONAL DISTRICT OF NANAIMO	
JUL 19 2001	
CHAIR	Email: vlr@island.net
CAO	GMDS
GMCms	GMES
<i>Bed Corrope</i>	

July 13, 2001

George Holme, Chair
Regional District of Nanaimo
Box 40
Lantzville, B. C.
V0R 2H0

Dear Chair Holme (RDN)

On June 23, the Vancouver Island Regional Library (V.I.R.L.) passed a motion "that the 2001 version of the Ten Year Facility Plan be approved and distributed to member jurisdictions".

The Ten Year Facility Plan is used by the Board for long term planning and costs are included in the V.I.R.L. Five Year Budget Projection which forms part of the annual Budget. The plan is flexible and can be adjusted to meet the needs of the Municipalities and Regional Districts served by the Regional Library.

Changes from the 2000 version of the Ten Year Facility Plan include:

- One branch has been removed from the plan
- One branch has been delayed for several years and the size has been reduced
- Two branches have been accelerated by one year.

The concept of the Ten Year Facility Plan and rational upon which it is based will be re-examined by the Board in 2002.

You will notice that a new branch is now planned for 2004 in North Nanaimo. Because the Library Board's policy is to encourage public sector owners to provide facilities before looking for a private sector owner, the Board would welcome your — comments regarding your Regional District's interest in being involved in the provision of this new facility. As per policy, the Library Board is also inviting comments from the City of Nanaimo.

A copy of the 2001 version of the V.I.R.L. Ten Year Facility Plan is enclosed. If you have any questions, please contact your local board member, Chair Jack Peake, or myself.

Sincerely,

Penny Grant
Executive Director

c. Joe Stanhope

Enclosure

PAGE
116

Vancouver Island Regional Library Ten Year Facility Plan

The 2001 version of the Vancouver Island Regional Library's Ten Year Facility Plan was approved by the Library Board on June 23, 2001.

2002 Cowichan Branch:

Moves from 5100 sq. ft. publicly owned branch to 12,800 sq. ft. publicly owned branch

2002 Comox Branch:

Moves from 2024 sq. ft. publicly owned branch to 5200 sq. ft. publicly owned branch.

2003 No new branch:

V.I.R.L. now responsible for Gabriola rent, formerly paid by Electoral Area.

2004 Nanaimo North Branch:

New 7200 sq. ft. branch possibly located on Central Services property.

2005 Port Alberni Branch:

Moves from 4096 sq. ft. publicly owned branch to 8000 sq. ft. branch.

2006 South Cowichan Branch:

Moves from 3300 privately owned branch to 5500 sq. ft. branch.

2007 Lake Cowichan Branch:

Moves from 1662 privately owned branch to 2500 sq. ft. branch.

2008 Sidney/North Saanich Branch:

Moves from 5671 sq. ft. publicly owned branch to 9,000 sq. ft.

2009 Chemainus branch:

Moves from 1220 sq. ft. privately owned branch to 1750 sq. ft. branch.

Ed & Kay Brook

AUGUST 6, 2001

DELIVERED 2 PAGES VIA FAX

PAMELA SHAW
MANAGER, COMMUNITY PLANNING
REGIONAL DISTRICT OF NANAIMO
6300 HAMMOND BAY ROAD
NANAIMO, B.C. V9S 3M1

RE: APPLICATION FOR A TEMPORARY PERMIT TO MOVE THE EXISTING
SALES TRAILER TO LOT 56 ON ANDOVER ROAD

DEAR MS. SHAW,

WE ARE OPPOSED TO THE ISSUANCE OF A TEMPORARY PERMIT FOR
THE ABOVE SALES TRAILER MOVE.

I ATTENDED THE INFORMATION HEARING LAST THURSDAY ALONG
WITH ABOUT 45 OTHER CONCERNED RESIDENTS ALL OPPOSED TO
THE ISSUANCE OF THIS PERMIT.

ALL OF US HAVE MAJOR INVESTMENTS IN THIS COMMUNITY AND
ABIDE BY STRICT ARCHITECTURAL GUIDELINES AND LANDSCAPING
CONTROLS, NONE OF WHICH THE SALES TRAILER HAS EVER
COMPLIED WITH IN OVER 10 YEARS. THE EXISTING TRAILER HAS
NEVER BEEN MAINTAINED, LANDSCAPED OR HAD THEIR PARKING
LOT FINISHED.

MOVING IT OFF FAIRWINDS DRIVE, THE MAJOR TRAFFIC ARTERY, TO A
RESIDENTIAL STREET IS A DISSERVICE TO THE REAL ESTATE PEOPLE
AS WELL AS AN EYESORE TO THE RESIDENTS THAT LIVE ON
ANDOVER ROAD. IT WILL DECREASE THE VALUE OF OUR PROPERTY.

WE ARE ALSO CONCERNED THAT OTHER REAL ESTATE COMPANIES
WILL APPLY FOR TEMPORARY PERMITS AND THAT WILL ALSO
NEGATIVELY IMPACT OUR INVESTMENT IN FAIRWINDS. THE OFFICIAL
COMMUNITY PLAN DOES NOT LIMIT THE AMOUNT OF REAL ESTATE
SALES OFFICES.

SOMEONE MENTIONED THAT THE EXISTING PERMIT AND RENEWAL
HAS NOT EXPIRED AS OF YET AND IF THAT IS THE CASE WE WOULD
LIKE TO KNOW THE DATE IT DOES. WE UNDERSTAND THE EXISTING
LEASE DOES NOT EXPIRE UNTIL FEB 2002.

PAGE
4/6

THERE ARE MANY OTHER LOCATIONS THAT WERE MENTIONED AT THE INFORMATION MEETING FOR THIS SALES TRAILER AND ALL IT WOULD TAKE IS ANALYZING THEM. ALL BUSINESSES HAVE START UP COSTS AND AT THE MEETING IT WAS QUITE APPARENT THAT NONE OF THESE LOCATIONS WERE EVER COSTED OUT TO DETERMINE WHICH ONE WOULD WORK.

IN ADDITION, THERE ARE OFFICES AVAILABLE AT RED GAP VILLAGE THAT WOULD EASILY HOUSE A REAL ESTATE OFFICE. A REAL ESTATE OFFICE USED TO BE THERE A FEW YEARS AGO.

I UNDERSTAND DAVID SCOTT AT ONE TIME WANTED TO PUT THE OFFICE ACROSS THE STREET FROM THE PETRO CAN BECAUSE OF THE INCREASED TRAFFIC VISIBILITY. THAT BY FAR WOULD HAVE BEEN THE BEST CHOICE AND WITH A "FAIRWINDS INFORMATION" SIGN WOULD HAVE DONE THE BEST JOB.

ASSUMING MY INFORMATION IS CORRECT, IN ANALYZING THE BUSINESS CONDUCTED IN THE SALES TRAILER, THERE WERE ONLY A FEW LOTS SOLD IN THE LAST TWO YEARS WITHIN FAIRWINDS, WHICH DOES NOT EVEN SUPPORT THE OFFICE FINANCIALLY. APPARENTLY MOST OF THE BUSINESS CONDUCTED ARE NOT LOT SALES WITHIN FAIRWINDS BUT RESALES FROM THE SURROUNDING COMMUNITIES.

IN SPEAKING WITH OTHER RESIDENTS AT FAIRWINDS THAT WERE UNAWARE OF THE INFORMATION HEARING, IT APPEARS THAT WE CAN EXPECT MORE PEOPLE TO SHOW UP IN OPPOSITION TO THE ISSUANCE OF THIS TEMPORARY PERMIT. AS OF THIS DATE, WE HAVE NOT FOUND ONE FAIRWINDS RESIDENT IN FAVOR OF ISSUING THIS PERMIT.

PLEASE EMAIL OR FAX US WHATEVER THE APPEAL PROCESS IS AS WELL AS THE DATE THE EXISTING PERMIT EXPIRES.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

SINCERELY,



ED BROOK



KAY BROOK

2431 ANDOVER ROAD, NANOOSE BAY, B.C. V9P 9G9
HOME: 250 468-1810 FAX 250 468-1888
E MAIL: EDBROOKIS@HOME.COM

2400 Andover Road
Nanoose Bay
BC V9P 9G9

REGIONAL DISTRICT OF NANAIMO			
AUG - 8 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

August 8, 2001

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo B.C. V9S 3M1

Dear Ms. Shaw,

**Re: Application for Temporary Use Permit Lot 56, District Lot 8,
Nanoose District Plan VIP68559**

As an interested party impacted by the proposed relocation of a real estate office under this application, I am objecting to the issuance of the temporary permit for reasons more fully described as follows.

1 Incompatibility of commercial operation in a residential area

The Proposed site for the office is on Andover Road, part of the Fairwinds residential community. All of the lots on Andover Road as part of Fairwinds, have strict architectural caveats registered on title detailing the building requirements. The purpose of the caveats is to ensure an appearance, size and standard of dwelling and landscaping appropriate for the area. The existing temporary real estate office would not comply with the guidelines that apply to all other residents, and would therefore reduce the standard of the area.

Further, the existing structure would, in all likelihood not meet the building standards applicable to a structure on Andover. Although temporary structures might not be required to be built to these standards it should be noted that based on the length of time this structure has been on the current site it can hardly be described as temporary. The requirement to provide off street parking for 10 vehicles is also not consistent with a residential neighbourhood.

In the Nanoose Bay Official Community Plan. By Law 118 Schedule A 2.2 Fairwinds, the Vision Statement notes "Neighbourhoods are protected and residents can experience the qualities of semi rural life. In addition, one of the Objectives is to "Maintain the character and livability of the neighbourhoods". In our opinion relocating a temporary commercial structure to a residential street is at odds with both of these statements.

We recognise that the business of property development needs a real estate sales component. However, it makes no sense to us to locate a facility in a residential area when part of the business of that facility deals with transactions in areas outside of Fairwinds. This real estate business could very well be carried out in Red Gap or in a more commercial location and there is even less reason to locate this building on Andover Road.

2 Viability of Alternate Sites

At the public meeting held on August 2nd, 2001 to discuss this proposal, the residents of the area were informed that other sites had been considered but rejected for various reasons. Other than a general overview it appeared there had been no detailed analysis carried out on the alternative sites. In the Fairwinds and Nanoose area there are several locations which would be better suited to this type of commercial operation and have no impact on a residential neighbourhood. From a real estate marketing viewpoint it makes more sense to locate this facility on a busier street or in an already established commercial area. One such obvious location, in which a real estate operation was previously housed, is the Red Gap Village Centre.

The Nanoose Bay Official Community Plan states in the section dealing with containing urban sprawl, that the Red Gap Village Centre is primarily for the purpose of concentrating goods and services in the area. It would seem to be an ideal location for a real estate office and totally consistent with the objectives of the Community Plan.

3 Temporary Nature of the Permit

It would seem reasonable that the purpose of these temporary permits is to provide a short term solution while avoiding all of the requirements of a permanent facility. However, a further concern of the residents is the duration of these permits. It is our understanding that the existing structure has been located at it's present site for more than 10 years. Long term residents tell us that the structure has had little or no maintenance and has had no landscaping of the standard required by all of other residents. This should not be surprising given the natural tendency not to spend money on a temporary facility.

The issuance of a new permits entitles the holder to a 2 year term with a further 2 year extension, before any review or reapplication is necessary. By granting this permit the RDN would be allowing the structure to remain on the site on Andover for 4 years.

The current residential development along Andover would likely see about 10-20 dwellings constructed in close proximity to this site in this time period. As stated previously, residents would be constructing new houses in compliance with the strict architectural guidelines alongside a temporary structure unsuitable for the area.

At the public meeting held on August 2nd, approximately 40 residents of the area attended. The meeting was informative and the views of those present were heard. You should note, however that while many people spoke against the proposal no one supported it.

For the reasons outlined above, my wife and I oppose the approval of this permit.

Respectfully submitted,

Sheila Dumin

Mike Dumin

Beetstra, Marion

From: M & R Miners [minemr@island.net]
Sent: Sunday, August 05, 2001 2:25 PM
To: planning@rdn.bc.ca
Subject: Temporary Commercial Use Permit

Dear Ms Cormie,

I would like to register my opposition to the granting of a "Temporary Commercial Use Permit" for the relocation of the Royal Lepage Realty office to Lot #56 on Andover Rd. in Nanoose Bay.

Andover Road is a residential area and the proposed site is well away from the main access route into Fairwinds. Not only will there be unnecessary traffic on Andover but commercial signage will be required at the corner of Fairwinds Dr. and Andover Rd. to direct potential customers.

I do not feel that the owners of the building have seriously considered other locations that would make more sense for a commercial office and would not have an impact on local residents.

Sincerely,

Marie Miners
13-2655 Andover Rd.
Nanoose Bay

1777 Admiral Tryon Blvd
Parksville, B.C.
V9P 2V2

03 August 2001

PLANNING DEPT
-08- 03 2001
RECEIVED

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

Dear Sir/Madam

**Re: Notice of Variance for Development Permit Application No. 0115
Marie McGarrigle (Walter Allan Construction)**

With regard to the above noted and for clarification purposes only, we note the legal address to be correct but we believe the physical address of 1636 Admiral Tryon Blvd to be incorrect given that the subject property is located immediately to the right of our property. We also note on the "sketch" our property is also identified as "lot 18" wherein fact our lot is No. 17, and the lot noted No. 17 is actually lot No. 16.

Please be advised that we too are in full agreement and supportive of the 01 Aug 2001 submission of David and Wendy Liddiard, Gary and Edith Hough, and Victor and Louise Parrack.

We wish to add that by relaxing Section 6.4.61, Minimum Setback Requirements pertaining to the lot line adjacent to the walkway from 5.0 meters (16.4') to only 0.5 meters (1.64') it would greatly impact the air space view for all the present residents on the opposite side of the street, and by so doing would unfairly contradict the spirit and intent of the Developers Building Scheme that although not a RDN directive, but a prevailing standard that all residents have respected and continue to expect that the standard will be followed by any future developers (save the unsuccessful LaPlante vs French Creek Estates Ltd, etal.)

We are somewhat confused with Section 6.3.9, Setbacks – Sea – 8.0 meters!. According to the Terms of Instrument – Restrictive Covenant (Section 215 Land Title Act), specifically C. – 1. "Hereafter, no buildings shall be constructed within fifteen (15.0) meters (49.2 ') of the Natural Boundary of French Creek or the Straight of Georgia... and C. – 2. "Hereafter, no removal of natural vegetation by the hand of man, thing, or building within seven and one-half (7.5) meters of the natural boundary of French Creek or the Straight of Georgia..."

PAGE
54

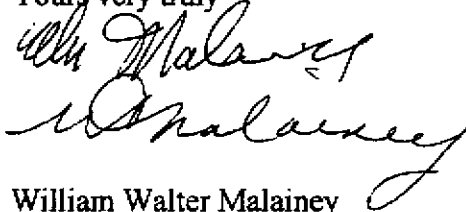
While it appears all other residents on the creek/waterside of Admiral Tryon Blvd have complied with all side **Minimum** Setbacks of 5.0 meters (16.4'), and back setback requirements of Bylaw 1115, 1998 of 15.0 meters (49.2') as measured from the natural boundary, it is felt that the proposed retaining wall to be constructed within 3.0 meters (9.84') and the dwelling unit to be constructed with 7.5 meters (24.6') as measured from the natural boundary is extremely excessive and unnecessary and will totally undermine the spirit and intent of the overall French Creek Official Community Plan Bylaw 1115, apart from setting a very controversial and possibly dangerous precedent.

As an aside, the Applicant (along with Walter Allan Construction) have built and resided in two different dwellings on Admiral Tryon Blvd, and have assisted in the building of three others. One would therefore have to conclude that with this past construction experience in this very sensitive area where **all parties are subject to and are held accountable to abide by the same bylaws**, that a review of the subject property would have identified the problems that might be encountered in order to build other than a reasonable smaller dwelling, but an oversized custom dwelling on the property prior to purchasing same.

When we purchased our property in 1998 we were prepared and accepted we would lose some of our view towards Lasquitti Island and beyond southward but not to the extreme and unacceptable extent as proposed which I suspect would also be the feelings of the owners of lots 16 and 15.

Given the short time frame allotted to respond to the Notice and inspect the Applicant's Application we, and/or our designated representative (to be named), hereby request an opportunity to address the Board at the meeting on Tuesday, 14 Aug 2001 to further express our objections to the granting of any of the requested variances.

Yours very truly



William Walter Malainey

Wendy Patricia Malainey

August 2, 2001

Regional District of Nanimo
455 Wallace Street
Nanimo BC

PLANNING DEPT
-08- 03 2001
RECEIVED

Subject: Lot 18, District Lot 28, Nanoose District, Plan VIP62528

Dear Sir

This is in response to the notice sent to us regarding Application No. 0115 requesting variances for a development permit. We wish to submit this letter opposing all of the requested variances.

All parties purchasing property in this development were required to review, understand, and sign, agreeing to all conditions and provisions to the Disclosure Statement, as amended, regarding Nanoose District Plan VIP 62528. This document is very specific with respect to building envelopes, setbacks and development of property adjacent to the natural boundary.

We feel that relaxing Section 6.4.61, Minimum Setback Requirements and Section 6.3.9 Setbacks-Sea, would greatly compromise the objective of these requirements. Acceptance of the Disclosure Statement is intended to ensure mutual sharing and consideration of the scenic views that highlight this development. Our view of the estuary would be seriously affected if these variances are granted. An oversized and protruding structure on Lot 18 would also compromise the esthetic quality.

We consider that existing standards are fair and sensible for homeowners and with respect to the Sensitive Lands Development Permit Area. We have acknowledged our acceptance of these standards and expect that they will be responsibly enforced.

Yours truly,

Gary Hough
Edith L Hough

Victor & Louise Parrack
Gary & Edith Hough
1766 Admiral Tryon Blvd (Lot 11)
Parksville BC

Louise U. Parrack
Victor L Parrack

PAGE
56

August 2, 2001

Regional District of Nanimo
455 Wallace Street
Nanimo BC

PLANNING DEPT
-08- 03 2001
RECEIVED

Subject: Lot 18, District Lot 28, Nanoose District, Plan VIP62528

Dear Sir

This is in response to the notice sent to us regarding Application No. 0115 requesting variances for a development permit. We wish to submit this letter opposing all of the requested variances.

All parties purchasing property in this development were required to review, understand, and sign, agreeing to all conditions and provisions to the Disclosure Statement, as amended, regarding Nanoose District Plan VIP 62528. This document is very specific with respect to building envelopes, setbacks and development of property adjacent to the natural boundary.

We feel that relaxing Section 6.4.61, Minimum Setback Requirements and Section 6.3.9 Setbacks-Sea, would greatly compromise the objective of these requirements. Acceptance of the Disclosure Statement is intended to ensure mutual sharing and consideration of the scenic views that highlight this development. Our view of the estuary would be seriously affected if these variances are granted. An oversized and protruding structure on Lot 18 would also compromise the esthetic quality.

We consider that existing standards are fair and sensible for homeowners and with respect to the Sensitive Lands Development Permit Area. We have acknowledged our acceptance of these standards and expect that they will be responsibly enforced.

Yours truly,

David Liddiard
Wendy Liddiard

David & Wendy Liddiard
1767 Admiral Tryon Blvd (Lot 20)
Parksville BC

PAGE
57

RECEIVED
1002 20-80-
PLANNING

662 Forsyth Street
Parksville, BC
V9P 1G6

July 31, 2001

The Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC

Attention: Planning Department

Dear Sirs:

Re: Application for variance of development permit (Application No. 00115)
Lot 18, District Lot 28, Nanoose District, Plan VIP62528

We recently received notice regarding the above-mentioned application and we would like to register our opposition to the proposed variance.

We are the owners of lot 16 in the subject development and as such would be greatly affected by any relaxation in the setback requirements for the development of lot 18. It would dramatically affect the view that we assumed when purchasing the property and in the development of our own house plans. We believe that it will decrease our property value and we are vehemently opposed to the granting of any variance on setback requirements.

Thank you for your consideration.

Yours truly,



Alex Rennie

PAGE
58



REGIONAL DISTRICT OF NANAIMO			
AUG -7 2001			
CHAIR		GMCRs	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Services

DATE: August 3, 2001

FROM: Susan Cormie
Senior Planner

FILE: 6480 00 EAA

SUBJECT: Electoral Area 'A' Official Community Plan - Bylaw No. 1240, 2001
Electoral Area 'A'

PURPOSE

To receive the Summary of Proceedings of the Public Hearing held July 25, 2001 on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001", and further, to consider Bylaw No. 1240 for 3rd reading.

BACKGROUND

The Electoral Area 'A' Official Community Plan (OCP) review process has been underway since November 1999 with the purpose to adopt a new OCP for Electoral Area 'A'. Recent actions on this planning project include the following:

- The Regional Board granted 1st and 2nd reading to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" at its regular meeting on June 12, 2001.
- Subsequent to 2nd reading, the Bylaw was referred to the Land Reserve Commission, the Ministry of Transportation, the Ministry of Agriculture and Food, the Ministry of Water, Lands, and Air Protection, the Ministry of Forests, the Ministry of Energy & Mines, Fisheries and Oceans Canada, the Central Vancouver Island Health Region, Nanaimo First Nations, the City of Nanaimo, Cowichan Valley Regional District, and School District No. 68 (see Appendix 'B' of Attachment No. 1 for referral comments received).
- A public hearing was held pursuant to the *Local Government Act* on July 25, 2001 (see Attachment No. 1 for the Summary of the Proceedings of the Public Hearing).

ALTERNATIVES

1. To receive the Summary of Proceedings of the Public Hearing on Bylaw No. 1240, 2001, grant 3rd reading to Bylaw No. 1240, 2001 and to refer the Bylaw to the Minister of Municipal Affairs for consideration of approval.
2. To receive the Summary of Proceedings of the Public Hearing on Bylaw No. 1240, 2001 and to grant 3rd reading of Bylaw No. 1240, 2001 with amendments outlined in Schedule No. 1 and to refer the Bylaw to the Minister of Municipal Affairs for consideration of approval.

PUBLIC CONSULTATION IMPLICATIONS

The Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 is the result of an 18-month planning process involving public consultation with residents, property owners, stakeholders, municipal, provincial, and federal agencies. Throughout this process, community preferences and values were identified, clarified, and verified to ensure the Plan is not only reflective of community values, it also addresses the objectives and goals of the Growth Management Plan and the applicable government agencies.

Minutes from the Public Hearing are included in Attachment No. 1. A summary of OCP related issues along with staff recommendations are included in Schedule No. 1. Suggested amendments to the OCP outlined in Schedule No. 1 are considered consistent with the overall mandate of the OCP.

ENVIRONMENTAL IMPLICATIONS

The issue of protecting streams by development permit continues to be of concern to some landowners of Electoral Area 'A'; however it is noted environmental protection is recognized as being an important objective for the community. Staff note that Electoral Area 'A' OCP is one of two remaining Regional District OCPs that do not have any form of watercourse protection. The other seven OCPs provide watercourse protection through the designation of development permit areas pursuant to the *Local Government Act*.

In addition, the RDN has recently entered into a Memorandum of Understanding (MOU) with the Ministry of Water, Land and Air Protection and Fisheries and Oceans Canada with the purpose to build a cooperative framework to support the protection of designated aquatic, fish and wildlife habitats and to implement a collaborative process for the efficient delivery of services in the areas of environmental permitting and protection throughout the Region. The establishment of development permits is the primary planning tool used to achieve these goals.

In January 2001, the provincial government enacted the *Streamside Protection Regulations (SPR)*, which mandate local governments to protect streamside protection and enhancement areas from residential, commercial and industrial development within a five-year period. To assist local governments with the implementation of this regulation, interim guidelines have been published by the Ministry of Water, Land and Air Protection and Fisheries and Oceans Canada. These guidelines state that these agencies will review any development proposals or bylaw by referring to the standards set out in the *SPR*. Applicable agency comments support the protection of streams through the designation of Development Permit Areas.

Given the overall direction outlined above, staff recommend that the streamside protection component of Development Permit No. 5 remain in the Electoral Area 'A' OCP.

INTERGOVERNMENTAL IMPLICATIONS

If the Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 is granted 3rd reading, the Bylaw will be referred to the Minister of Municipal Affairs for approval. In consideration of its approval, the Ministry will take into account the comments of the agencies to which the Bylaw has been referred. Comments were received from the Land Reserve Commission, Ministry of Transportation, Ministry of Agriculture and Food, Ministry of Water, Lands, and Air Protection, Ministry of Forests, Ministry of Energy & Mines, and the Cowichan Valley Regional District. These referral letters

are attached to the Summary of Proceedings of the Public Hearing as Appendix No. 1. In addition, a summary of the agencies' comments is outlined in Schedule No. 1 of this report.

Also included in Schedule No. 1 are staff recommendations for the Board to consider several amendments to the Bylaw. The suggested amendments are minor in nature and are consistent with the intent of the Plan and the direction provided by the community.

Replies from the remaining referral agencies have not been received. It should be noted, however, that comments were received on the draft version of the Bylaw from the City of Nanaimo and Federal Fisheries and Oceans, and the comments of these agencies have been incorporated into the Bylaw where possible.

Following the Minister's approval, the Board may consider the Bylaw for adoption.

LEGAL IMPLICATIONS

The Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 is consistent with the requirements of the *Local Government Act*.

The Bylaw is consistent with the direction of the Growth Management Plan as required pursuant to the *Local Government Act*.

FINANCIAL / LIQUID WASTE MANAGEMENT IMPLICATIONS

Pursuant to the *Local Government Act*, the official community plan has been considered with Regional District's capital expenditure program as well as its Liquid Waste Management Plan. It should be noted that if community sewer service is expanded throughout the Cedar Urban Containment Boundary, a sewer local service area would need to be established to finance the construction and maintenance of all associated works. It should also be noted that such a community sewer system would be subject to a referendum and would fully operate on a user-pay basis.

SUMMARY

The Regional Board granted 1st and 2nd reading to Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 at its regular meeting held on June 12, 2001. Pursuant to the *Local Government Act*, the Land Reserve Commission has been provided a formal opportunity to consider on the Bylaw prior to the Public Hearing. The Commission's response is contained in Appendix No. 1 of Attachment No. 1 of this report. In addition, formal referrals were sent to the City of Nanaimo, Cowichan Valley Regional District, Nanaimo First Nations, and all other applicable government agencies. Resulting from comments received from the formal agency referrals, some minor changes (*outlined in Schedule No. 1*) to the Bylaw are recommended.

A Public Hearing was held on July 25, 2001 with approximately 50 residents in attendance. The Summary of Proceedings of this public hearing is attached for the Board's consideration. A summary of comments relevant to the OCP are included in Schedule No. 1 of this report. Recommended minor changes are included.

Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 may now be considered for 3rd reading.

RECOMMENDATIONS

1. That the Summary of Proceedings of a Public Hearing held Wednesday, July 25th, 2001 at 7:00 pm, together with all written submissions to the Public Hearing on the 'Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001' be received.
2. That the 'Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001' be granted 3rd reading with minor amendments as recommended in Schedule No. 1 of the staff report.
3. That the 'Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 be forwarded to the Ministry of Municipal Affairs for consideration of approval.

Alcornie

Report Writer

[Signature]
General Manager Concurrence

[Signature]
CAO Concurrence

COMMENTS:

devsvs/reports/2001/6480 00 EAA au brd 1240 3rd.doc

SCHEDULE NO. 1**Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001****Summary of Public Comments for Consideration at Third Reading**

Please refer to Attachment No. 1 for complete summary of all comments received.

Summary of Public Comments on OCP	Staff Recommendations
Oppose creation of a development permit area for streams.	While the public consultation process has generated a mixed response to this issue, environmental protection is acknowledged to be a concern for many Area residents. Confirmation of streams in question may be reviewed by staff at a later date. Recommend leave as is.
Reduce size of urban containment boundaries	Urban Containment Boundaries are established by GMP, not the OCP. Recommend leave as is.
Recommend the establishment of a Local Water Management Area.	Addressed in water and Sewer Services Section Policy No. 11. Recommend leave as is.
Leave 2 dwelling per parcel in the Rural Lands designation instead of reducing the density to 1 dwelling for newly created parcels.	This policy applies to only the Rural Lands designation, which are those parcels, situated outside the ALR and FLR. Policy is in keeping to GMP plan objectives. Supported by CAC. Recommend leave as is.
Recommend stronger language for tax incentive policies.	Recommend leave as is. Recommend staff explore options under Environmental MOU.
Recommend some minor housekeeping to wording.	Recommend changes as proposed except for wording of Policy No. 4 under Water and Sewer Services. The referendum wording will be established at time of referendum.
Recommend removing exemption clause stating a development permit is not required at subdivision time if minimum parcel size can be met exclusive of the development permit area.	Recommend leave as is. This helps to ensure protection of a stream, but offers the landowner an exemption to requiring a development permit.
Concern about Cedar Village Lands and the proposed densities and related impacts such as parking and septic disposal.	The Plan provides for a landowner to make application to rezone property to a higher density use. All relevant issues would be reviewed at that time and be subject to a public consultation process.
Include agriculture as permitted land uses under Rural Residential Lands designation.	As these properties include rural zoned lands, staff recommend that this policy be amended to include 'agriculture as a permitted use on parcels 1 ha or greater'.

SCHEDULE NO. 1 continued

Summary of Agency Comments for Consideration at Third Reading

Agency	Agency Comments	Staff Recommendations
LRC	No major concerns.	No change
Ministry of Transportation	<ol style="list-style-type: none"> 1. Change references to reflect new Ministry name. 2. Section 4 policy 2 add reference to the Ministry being the road authority. 3. Section 5, Policy 4 Industrial lands – change use of wording from 'not permitted' to 'not encouraged'. 4. Section 5 Policy 7 Airport Lands landscaping carried out our as to not impede sight distances. 5. Section 5 Policy 10 Airport Lands Request to be invited to review any traffic impact studies. 	<ol style="list-style-type: none"> 1. Recommend housekeeping change to reflect new Ministry name. 2. Recommend housekeeping change to include MOT as current authority. 3. Recommend leave the same. 4. Recommend leave the same as this is administered in Bylaw No. 500. 5. Recommend change to include MOT to review a traffic impact study.
Ministry of Agriculture and Food	<ol style="list-style-type: none"> 1. Supports Plan except for Policy 13 of Section 3 which the Ministry requests removal. The policy states: "Due to the sensitive nature of the marine zone and the minimal rates of water exchange in Stuart Channel, the Regional District of Nanaimo will oppose the siting of aquaculture farms along the coastline by initiating a land use bylaw amendment." 2. Other recommendations include increasing the minimum parcel size from 8 ha to 50 ha for ALR lands. 3. Use of secondary temporary residences to support family farms not clear. 4. Suggests identifying higher agricultural capability lands on Airport Lands. 5. Encourages the Regional District of Nanaimo to contact Cedar Farmers Institute prior to developing pedestrian trails through farm lands. 	<ol style="list-style-type: none"> 1. This policy has been in place for a number of years. Removing the policy without a public process is not recommended. In order to address the concerns expressed by the Ministry of Agriculture (BC Fisheries), staff recommend an amendment to the policy to read "Due . . . , the Regional District of Nanaimo will only support the siting of aquaculture farms along coastline <i>if an RDN Board approved public consultation process has been completed and the community supports such uses.</i>" 2. Recommend leave as is. Community supports minimum 8 ha only. These lands are in the ALR and would require approve from the Land Commission for subdivision. 3. The Plan supports temporary accommodation for farm help. No change recommended. 4. No change recommended. 5. Recommend the Parks Department include this contact prior to trail development in Area 'A'.

SCHEDULE NO. 1 continued**Summary of Agency Comments for Consideration at Third Reading**

Agency	Comments	Recommendation
Ministry of Water, Lands, and Air Protection	<ol style="list-style-type: none"> 1. Change references to new ministry name. 2. Policy and DPA for nesting trees – recommend an increase in buffer area from 60 metres to between 100 and 200 metres. 3. Recommend addition to background of Section 3 stating that stream channels also serve to maintain stable channels and help to moderate flooding. 4. Recommends more direction be given in the Plan for storm water management. 	<ol style="list-style-type: none"> 1. Recommend housekeeping change to reflect new Ministry name. 2. Recommend leave as is – community only supports 60 metre radius. 3. Housekeeping. Recommend change. 4. Storm water management strategy for the entire RDN is currently underway. Recommend leave as is.
Ministry of Forests	<p>Supports the adoption of this Plan, but makes some suggestions for objectives and policies to include the following:</p> <ol style="list-style-type: none"> 1. Consider forestry operations when considering adjacent land uses. 2. Secure public access crossing forestry lands for recreational purposes. 3. Consider LRC referrals to Board for comment. 4. Recommend a policy siting forestry buildings designed to reduce impacts. 	<ol style="list-style-type: none"> 1. Very little forest reserve land and it is generally adjacent to ALR lands. Recommend leave as is. 2. Community does not support this. Recommend leave as is. 3. Board currently reviews LRC applications for exclusions. 4. While this is a good policy, it has not been reviewed by the public. Recommend leave as is.
Ministry of Energy & Mines	<ol style="list-style-type: none"> 1. Section 5 Policy 5 – reword from 'not supports' to 'discourages'. 2. Policy 8 d. and e. - add the words "if required". 3. Policy 8g – correct name of Mines permit. 4. Policy 8h – remove this policy 5. Recommends a comment in the introduction and supporting existing and future aggregate operations. 6. Recommends earlier comments considered previously by Board. 	<ol style="list-style-type: none"> 1. Recommend leave as is. 2. Recommend this change for clarification. 3. Recommend change of permit name. 4. Recommend leave as is. 5. Not supported by community. Recommend leave as is. 6. No supported by community. Recommend leave as is.
Cowichan Valley Regional District	No objection	No change

Attachment No. 1
Public Hearing Meeting Minutes

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF THE PUBLIC HEARING

HELD WEDNESDAY, JULY 25, 2001 AT 7:00 PM

**IN THE CEDAR COMMUNITY HALL, 2388 CEDAR ROAD, CEDAR, BC
TO CONSIDER BYLAW NO. 1240, 2001**

PRESENT:

Laurence Elliott	Chairperson, Director, Electoral Area 'A'
Pamela Shaw	Manager, Community Services
Brigid Reynolds	Planner
Susan Cormie	Senior Planner

There were approximately 50 people in attendance.

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

The Senior Planner provided an outline of the Bylaw including the background and a summary of the contents of the Bylaw.

The Chairperson called for formal submissions with respect to Bylaw No. 1240.

Barry Lewis, 2252 Gomerich Road, stated that the aspect of the OCP document he wishes to speak to is the Development Permit Area No. 5 and the 15-metre setback requirement. Mr. Lewis stated that he felt there are some property owners who might now lose all their property rights to development with this 15-metre setback especially when they had the right to develop all their property when first purchased. Mr. Lewis stated that while it is hard to argue against the benefits of protecting the waterfront, some form of remuneration is required to replace the property rights that will be affected with this 15-metre area that cannot be used, such as property tax incentives that recognize the loss in value of the land. Mr. Lewis compared property rights being affected by the requirements of this development permit to when the Agricultural Land Reserve was introduced. Mr. Lewis stated that, at that time, property owners were given tax incentives and suggested this should be done for the waterfront owners as well. Mr. Lewis also suggested stronger wording be used in the bylaw instead of tax incentives being 'investigated'. Mr. Lewis concluded by stating that he cannot support this section of the OCP bylaw.

Joe Blazina, 2244 Gomerich Road, stated that the last time the OCP was reviewed, his land was going to be expropriated. Mr. Blazina stated that he is not concerned about the environment because he has deer in his barn and geese in his hay and there are no longer any pheasants because the eagles destroyed their nests. Mr. Blazina stated that he would not allow his land to become a trail way for people to walk through.

Mary Blazina, 2244 Gomerich Road, asked that if the OCP process was done 2 years ago, why is it being done again. Mrs. Blazina felt this process causes too much stress.

Bruce Kelt, 2080 Pace Road, read a written submission for the record, which is attached to the minutes.

Henrik Kreiberg, 2127 Furn Road, read a written submission for the record, which is attached to the minutes.

Kees Van Weston, 3460 Whiting Way stated that he was concerned about many things in the bylaw and questioned how the Regional District of Nanaimo will be able to administer it. Mr. Van Weston stated that the OCP refers to a broad statement of objectives, but he feels the document goes way beyond these broad objectives. Mr. Van Weston stated that he has two points to make – the first being that the requirement for minimum parcel size being met exclusive of the development permit area at the time of subdivision needs to be changed. Secondly, Mr. Van Weston stated that the rural section of the Bylaw dealing with restricting residential density to 1 dwelling unit for newly created parcels also needs to be changed.

Herb Cordingley, 1462 White Road, read a written submission for the record, which is attached to the minutes.

Janelle Park, 1821 Cedar Road, stated she is concerned about the location of the Cedar Village in relation to York Lake. Ms. Park stated that the Cedar Village lands are narrow and there would not be enough parking on the roads to serve 100 multi family dwellings. Ms. Park stated that she does not understand what is meant by 'supported housing for 75 residents'. Ms. Park commented that she could not understand where the suggested traffic calming devices would be placed as Cedar Road is so narrow and there is no parking. Ms. Park also stated that her 4.9 acre parcel has only 1 acre of usable area with the development permit in place. Ms. Park concluded by stating that she cannot support very much of this OCP.

Bill Leynard, 1649 Akenhead Road, stated that he agrees with the previous speakers and he owns 31 acres of which $\frac{3}{4}$ of the property is within the floodplain. Mr. Leynard stated that he has been attempting to drain the land through an existing ditch and that, in order to do this, he has been passed from one bureaucracy to another, needing all sorts of permits.

Dawn Burnett, 3195 De Courcy Drive, read a written submission for the record, which is attached to the minutes.

Rod Soderstrom, 2068 Pace Road, stated that he is frustrated with the process and he attended workshops on the OCP, where 99% of the people spoke against watercourse protection and yet watercourse protection is still in the OCP. Mr. Soderstrom stated that the fish protection regulations are about power and permits, not about fish. Mr. Soderstrom encouraged the Regional Board to listen to the community and, as a group, we are saying no to these changes in the OCP.

Susan Gerrand, 2431 Yellow Point Road, stated that she is definitely not in favour of this bylaw. Ms. Gerrand stated that people are being forced to give up their land because of the watercourse development permit area setbacks and that no incentives are provided for this situation. Ms. Gerrand further commented that people with waterfront want to preserve the waterfront and those with lawns should not be fined and those people who put in ponds for wildlife should be thanked, not kicked.

Chuck White, 2131 Blue Jay Way, stated that he was concerned about the amount of high density residential proposed for the Cedar Village area and that the old Cedar core had been taken away. Mr. White stated that high density residential development so close to the Nanaimo River is not environmentally sound. Mr. White further stated that the OCP is being used as a controlling factor by the City and this is not what Cedar wants.

Teresa Bennett, 2721 Tiesu Road, stated that she is concerned about how the natural boundary of the lakes and ponds will be measured because natural boundaries are always changing. Ms. Bennett also stated that she is concerned about drainage. Ms. Bennett stated that she supports the people who have concerns.

Jock Gourlay, 2800 Twin Oaks Drive, stated that the provincial and federal governments will put pressure on the local government to include policies in the Plan; otherwise they will not support the Plan. Mr. Gourlay stated that we need these policies to get approval of the Plan. Mr. Gourlay felt that it was better to work on a local level rather on a higher government level. Mr. Gourlay stated that to get the OCP through Victoria, some of these regulations need to be in the bylaw.

Bruce Kelt, 2080 Pace Road, stated that fisheries is a federal responsibility first and then a provincial responsibility and finally it is downloaded to local government. Mr. Kelt stated that pressure needs to be placed on the provincial government to change the legislation.

Kees Van Weston, 3460 Whiting Way, stated that the regional district legislation was introduced in 1971 and at that time it seemed like a good idea. Mr. Van Weston stated he is pleased that the government is looking at regional districts.

The Chairperson called for further submissions a first time.

The Chairperson then asked the Senior Planner to read the written submissions received prior to the opening of this hearing into the minutes.

The Senior Planner read the submissions into the minutes, which included formal responses from the Ministries of Transportation, Forests, Agriculture and Food, Water, Land and Air Protection, Energy and Mines, the Cowichan Valley Regional District, and the Provincial Land Reserve Commission.

Susan Gerrand, 2431 Yellow Point Road, asked how many people watched the last Vancouver City Hall meeting and stated that she is very frustrated with the system. Ms. Gerrand stated that landowners are asked to bear the cost of their own land and more and more legislation is unreasonable.

Shirley McGillivray, 1602 Vowels Road, stated that road ends have not been trimmed this year and kids need a place to walk along the side of the road. Ms. McGillivray stated that this is an example of the non-help the Area is faced with.

Janelle Park, 1821 Cedar Road, stated sewage disposal for higher density development is a big concern and we do not know what type of sewer system we will have.

Len Heathcote, 1661 Canin Road, stated that he has an issue with the cutting of grass along the side of the road and people have to walk on the road instead.

David Chapman, 2237 Blue Jay Way, sited the preferences in the introduction section of the Bylaw and asked if these are the community's preferences, why is no one supporting this bylaw?

Rod Soderstrom, 2068 Pace Road, asked if it is illegal for the Highways Department to cut down the grass along the side of a ditch without a development permit?

Chuck White, 2131 Blue Jay Way, stated that a lot of legislation has been down loaded to the local government, which gives the Regional District of Nanaimo authority to act upon. Mr. White stated that the Cedar area people do not like regulations and they want the ability to choose. Mr. White further stated that he is fundamentally against this OCP as it does not fit Cedar.

Susan Gerrand, 2431 Yellow Point Road, stated that in defense of the Area Director, he is only one person on the Regional Board and that this process has bureaucrats, which have produced white washed documents. Ms. Gerrand recommended that the process be slowed down in order to re-evaluate the down loading from senior governments.

Patricia Grand, 3150 Ingram Road, stated that, while the Community Advisory Committee was not 100% behind the document, she was proud of the Committee for bringing it together and for the amount of information that the Committee saw, and that a document was created that would be acceptable to Municipal Affairs and be unique to the community. Ms. Grand also stated that the OCP is not a carte blanche document and has flexibility built into it for individual cases.

The written submissions, including formal referral responses, are attached as Appendix 'A' and forms part of the summary of public hearing proceedings.

The Chairperson called for further submissions a second time.

The Chairperson called for further submissions a third and final time.

There being no further submissions, the Chairperson adjourned the Hearing at 8:38 p.m.

Certified true and correct this 26th day July, 2001.

Susan Cormie
Recording Secretary

Director Laurence Elliott
Electoral Area 'A'

July 21, 2001

Regional District of Nanaimo

Electoral area A

I disagree with any changes restricting future properties greater than 2 ha to 1 dwelling unit because.

One homeowner it appears is not willing or perhaps capable of looking after property of this size therefore nothing gets done resulting in the eyesore of fields of weeds that we now have getting even worse.

If we are trying to help agriculture in our area this is not the way to do it.

With today's working couples more extended families are purchasing parcels of this size to allow parents and their adult children to maintain separate homes. Usually this provides more hands to do yardwork. We must at the very least provide for such family situations even though it opens up the dreaded "L" word and I'm sure we'll hear about it and "The sky is falling".

Being a landowner in this area and being familiar with community advisory committees' aim to maintain "rural atmosphere" while they live on city sized lots and are not prepared to give up anything while one block of these small lots can both out committee and outvote all of the larger landholders in our area. We are already too busy trying to maintain our farms and their "rural atmosphere" to be able to get involved. We are however expected to give up everything for them. These changes will devastate whatever value we have left in our land.

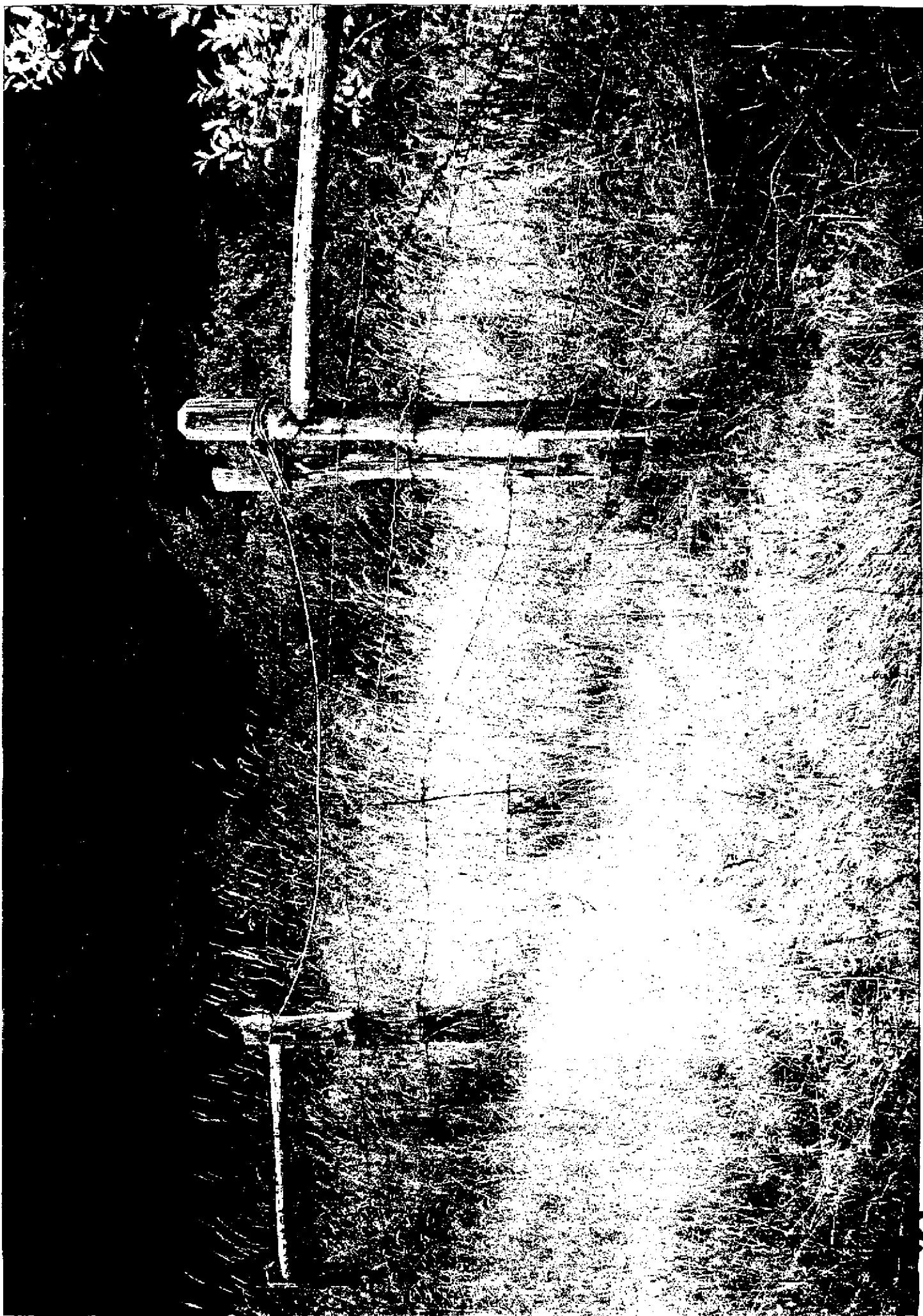
We must not make what we already have even worse by making these changes.

Yours truly





~~FACE~~ NEIGHBOUR NOTHING BUT WEEDS AND ONE DWELLING
F1000001.jpg



F100003.jpg

~~13~~ PAGE NEIGHBOUR MORE WEEDS AND ONE DUCKLING

DAWN & JOE BURNETT
2520 Pylades Drive, Ladysmith, B.C. V9G 1E5
Telephone: (250) 722-2656; Fax: (250) 722-7285

July 25, 2001

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

Attention: Mr. Laurence Elliott, Director of Area A

Re: Official Community Plan for Area A of the RDN
Bylaw No. 1240, 2001.

Dear Mr. Elliott and Members of the RDN Board,

With reference to the above OCP Bylaw I would like to respond as follows:

- a) Setting the date of July 25th for a Public Hearing I must say is very disappointing to me. I have been persuing communication for several years which seems to go on deaf ears. It shows that the RDN has no consideration what-so-ever in what happens in summer months in a household or in a community. I find this absolutely unacceptable you would need to set a OCP Public Hearing in the the summer months or in a holiday period. The reasons the staff gave me verbally are also not acceptable.

- b) I would like to register my objection to the implementation of the Development Permit Area for the Streamside Protection Act (Fish Protection Act). I believe this implementation is discriminatory because there are different regulations for different classifications of land pertaining to the same stream or watercourse. This regulation goes beyond streamside protection it interferes with what property owners can do with their property. This goes beyond fish bearing streams. I believe this regulation discriminates from one land owner to another. It is not that I do not want to have the streams protected for fish habitat but this is far too dictatorial without compensation for the set backs to land owners.

It is very disappointing to me that the RDN Board and the Staff and our Area Director would not see that this is discriminatory and advise the Provincial Government this is the case and support the property owners. Why have you not done that?

What I see this also means is that in this set back area if one does not manage it to the RDN standards then you could be fined. This can be necessary in some cases but not all. So there is a penalty you will have to pay. On the other hand if one wants to encroach in permit area you will have to pay for that permit. What kind of governing is that? Like a police state.

PAGE
73

Again the RDN can only enforce what they have jurisdiction over and therefore that is only over some of the categories of land, not all, and therefore it is still **discriminatory**.

If the government bodies were really concerned about the environmental issue then the enforcement would be within their own jurisdictions first.

Such as The RDN should take a close look at what they are doing to the Nanaimo River Estuary with the dump site. All the chemicals and pesticides they use or allow to be used within the RDN.

The Municipalities should first clean up the sewage disposal into the Georgia Strait/ the uses of the fertilizers and chemicals on all the green spaces etc etc.

I can name 100 more environmental changes and cleanup that should be done first.

When the local governments and the provincial government cleaned up their environmental act first then you can come to us the land owners.

Just remember what is good for the goose is good for the gander.

I still believe that land owners could manage our streams equitably with out this type of dictatorial law.

- c) I have not been supportive of the planning department in the active manner in which the growth has been allowed to take place in Area A. For many years many of us wanted a small core for necessity commercial activities. The Urban Containment boundaries are too great to ever minimize growth in Area A. The objective was to have a small village centre and yes support a small scale complex for seniors and or low cost housing but only to the minimum. All other development of greater size should be carried out in the Municipalities that have all the other amenities to support a larger development. Encouraging growth at the present rate and encouraging large scale development will only put pressure on zoning changes and further development.

Preserving Rural Character is almost a joke it should really be "Suburban Character."

Because once you have a large complex whether it be senior or low cost housing then you need medical services, you need pharmacies, you need more Doctors offices and more gas stations, and more restaurants, and more schools, and more grocery stores and more gas stations and more restaurants and more pharmacies.....got the picture?

- d) A category that is missing is Communication.
The subject was brought up a few times in the OCP review meetings but it was constantly pushed aside. I would like to put forward a formal request that notification be given in writing to each land owner in Area A when there is any changes whatsoever that affect property. If there is anything coming before the RDN Board that will in any way affect property owners we must be sent a personal addressed letter or notice. I do not think I have to sit at the mail box waiting for the newspaper to see what bylaws are being passed by the board the next week.
I am sure all taxpayers will gladly pay the cost of mailed notification.

- e) Water Management Area was not dealt with enough in our review meetings and I believe it is absolutely necessary to implement a Local Water Management Area such as CVRD has implemented in their OCP and I trust this can be worked on in the near future.

These are some of my concerns, that I have put together in a rushed manner, that I would like you to consider before passing this OCP at 3rd reading.

I want to thank Mr. Elliott for his many hours of time and Susan and Bridged.

Yours truly

Dawn Burnett