

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, MARCH 28, 2006**

A D D E N D U M

PAGES

BYLAWS

Public Hearing and Third Reading.

- | | |
|------|--|
| 2-8 | Report of the Public Hearing held March 22, 2006 with respect to Land Use and Subdivision Amendment Bylaw No. 500.328 – Coulson – 161 Horne Lake Road – Area H. (Electoral Area Directors except EA ‘B’ - One Vote) |
| 9-14 | Report of the Public Hearing held March 22, 2006 with respect to Land Use and Subdivision Amendment Bylaw No. 500.332 – LWBC/Island Cash Buyers – Deep Bay Harbour – Area H. (Electoral Area Directors except EA ‘B’ – One Vote) |



REGIONAL DISTRICT OF NANAIMO		
CHAIR		GM Cms
CAO	<i>[Signature]</i>	GM ES
DA CCD		MoF
MAR 24 2006		
<i>Board</i>		

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: March 23, 2006

FROM: Greg Keller
Planner

FILE: 3360 30 0525

SUBJECT: Amendment Bylaw No. 500.328, 2006, Coulson
Electoral Area 'H' – 161 Horne Lake Road

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, March 22, 2006, on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006," and further, to consider Bylaw No. 500.328, 2006, for 3rd reading.

BACKGROUND

Bylaw No. 500.328, 2006, was introduced and given 1st and 2nd reading on February 28, 2006. This was followed by a Public Hearing held on March 22, 2006. The Summary of the Minutes and Submissions of the Public Hearing is attached for the Board's consideration (*see Attachment No. 1*).

The purpose of this amendment bylaw is to rezone the parcel legally described as Lot I, District Lot 19, Newcastle District, Plan 8196 and located at 161 Horne Lake Road in Electoral Area 'H' from Residential 6 Subdivision District 'D' (RS6D) to Horne Lake Road Comprehensive Development Zone 32 Subdivision District 'Z' (CD32Z) in order to legalize an existing mobile home park.

The proposed zone recognizes the existing manufactured home park including 19 dwelling units, 13 of which must be mobile homes. The reports make a number of recommendations for ensuring the ongoing long-term operation of the sewage disposal systems which have been included as conditions of approval attached as Schedule No. 1.

The applicant is in concurrence to meet a number of conditions of approval which are to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report.

It is noted that a minor grammatical error in the bylaw was noted and corrected. Therefore, the recommendation is that the bylaw be given 3rd reading as amended. The amendment does not change the content of the bylaw in any way.

2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006."

INTERGOVERNMENTAL IMPLICATIONS

As part of the application process, staff has requested comments from the Department of Fisheries and Oceans Canada – Small Craft Harbours, Deep Bay Harbour Authority, Land and Water British Columbia Inc., Public Works and Government Services Canada, Deep Bay Volunteer Fire Department, Ministry of Transportation, Ministry of Environment, and Vancouver Island Health Authority. All comments received as of the date of this report are in support of this application.

Staff has sent a completed site profile to the Ministry of Environment for its review. Please note, that Ministry of Environment approval is required pursuant to the *Waste Management Act* prior to the Board's consideration of the corresponding bylaw for adoption.

PUBLIC CONSULTATION IMPLICATIONS

Submissions received at the Public Hearing are outlined in the Summary of the Minutes and Submissions of the Public Hearing (*see Attachment No. 1*).

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006," is consistent with the requirements of the *Local Government Act*.

Should the Board want to make changes to the proposed amendment bylaw in response to the submissions made at the Public Hearing, an amended second reading and a second public hearing is required if these changes will change the land use, increase the density, or, without the owner's consent, decrease the density.

VOTING

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

SUMMARY

The intent and purpose of this bylaw amendment is to rezone the subject area from Water 1 Subdivision District 'Z' (WA1Z) to Water 2 Subdivision District 'Z' (WA2Z) in order to recognize a number of existing marina uses.

The bylaw was introduced and given 1st and 2nd reading on February 28, 2006, and the Public Hearing was held on March 22, 2006. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.332, 2006, be considered for 3rd reading.

RECOMMENDATIONS

1. That the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on March 22, 2006, as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006," be received.

ALTERNATIVES

1. To receive the Report of the Public Hearing and give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006," as amended.
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006."

INTERGOVERNMENTAL IMPLICATIONS

Staff has sent referrals to the Ministry of Transportation, the Vancouver Island Health Authority, the Ministry of Environment, and the Bow Horn Bay Fire Department for comments. As of the date of this report no negative comments have been received. In addition, as the subject property is within 800 metres of a highway interchange, the amendment bylaw would be subject to the approval of the Ministry of Transportation pursuant to the *Highway Act*.

PUBLIC CONSULTATION IMPLICATIONS

Verbal submissions received at the Public Hearing are outlined in the Summary of the Minutes and Submissions of the Public Hearing (*see Attachment No.1*).

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006," is consistent with the requirements of the *Local Government Act*.

Should the Board want to make changes to the proposed amendment bylaw in response to the submissions made at the Public Hearing, an amended second reading and a second public hearing is required if these changes will change the land use, increase the density, or, without the owner's consent, decrease the density.

VOTING

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

SUMMARY

The intent and purpose of this bylaw amendment is to rezone the subject property from Residential 6 Subdivision District 'D' (RS6D) to Horne Lake Road Comprehensive Development Zone 32 Subdivision District 'Z' (CD32Z) in order to legalize an existing mobile home park.

The bylaw was introduced and given 1st and 2nd reading on February 28, 2006, and the Public Hearing was held on March 22, 2006. As the subject property is within 800 metres of a highway interchange, pursuant to the *Highway Act*, this amendment bylaw is subject to the approval of the Ministry of Transportation. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.328, 2006, be considered for 3rd reading.

RECOMMENDATIONS

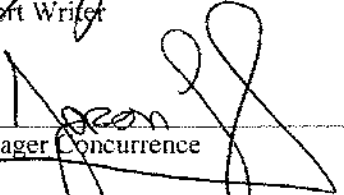
1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on March 22, 2006, as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006," be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006," be given 3rd reading as amended and be referred to the Ministry of Transportation for approval pursuant to the *Highway Act*.
3. That the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006."



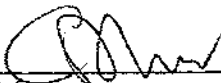
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:
devsrs/reports/2006/za nr 3360 30 0525 Coulson 3rd Report

Schedule No. 1 (Page 1 of 2)
Conditions of Approval
Zoning Amendment Application No. ZA0525
Lot I, District Lot 19, Newcastle District, Plan 8196
161 Horne Lake Road

The following conditions are to be completed prior to consideration of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006," for final reading:

1. The applicant, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo (RDN), shall install four monitoring wells. One in each corner of the property (as near to the corner as practical) constructed in accordance with the recommendations contained in the reports prepared by Davey Consulting and Engineering dated September 15, 2005, and November 7, 2005.
2. The applicant, at the applicant's expense and to the satisfaction of the Regional District of Nanaimo, shall register on title with priority granted over all financial charges the following Section 219 covenant(s):
 - a. To register the geotechnical reports prepared by Davey Consulting and Engineering dated September 15, 2005, and November 7, 2005, and to require the owner to obtain the services of a qualified person(s) to undertake the following:
 - i. to conduct yearly inspections of the septic tanks to ensure that the lids are not damaged from vehicular traffic and that the tanks are watertight;
 - ii. to conduct yearly inspections of the sludge and clear water levels of each tank and require pumping of the tanks if the sludge level is equal to or greater than 33 percent (one third) of the free volume;
 - iii. to require the owner, regardless of sludge volume, to have all septic tanks pumped once every five years and to keep an accurate record of the pump out volume;
 - iv. to inspect all distribution boxes once every six months and keep an accurate record of the inspection date and condition of each distribution box; and if any box is found to be out of alignment and effluent is flowing from one distribution line preferentially over the other lines, the distribution box will need to be re-aligned and a record kept of the work performed;
 - v. to keep an accurate and up-to-date record of all inspections to be posted in a conspicuous place for all residents and visitors to view with emergency numbers and contacts (including fire and ambulance services) to be used in case of emergency;
 - vi. to take ground water samples from each monitoring well once a month during high water table season from October to April and twice during the summer months and to analyze the samples for Biological Oxygen Demand (BOD₅), Total Suspended Solids (TSS), and Fecal and Total Coliforms;

Schedule No. 1 (Page 2 of 2)
Conditions of Approval
Zoning Amendment Application No. ZA0525
Lot 1, District Lot 19, Newcastle District, Plan 8196
161 Horne Lake Road

- vii. To record the results of the sampling and analysis in a log book dedicated for this purpose and made available to residents of the mobile home park; and if the results show any level of fecal coliforms, to notify the health department and all other necessary agencies and to resample the affected monitoring well within seven days to ensure that the original sample was not in error and the results were representative of the groundwater;
 - viii. To require the owner, at the owner's expense and to the satisfaction of the Regional District of Nanaimo, to hook up to community sewer service if and when community sewer servicing is extended adjacent to any of the property lines including lands on either side of any existing or future roads adjacent to the subject property and to decommission all existing septic disposal systems to the satisfaction of the Vancouver Island Health Authority within one year of the date sewer hook up is provided; and,
 - ix. To conduct yearly inspections of all toilets and sinks to ensure that no toilets are overflowing due to a high tank ball valve; and fittings and taps within each residence are not allowing excess water to be discharged into the septic tank and ground.
- 3. To limit the occupancy of cabins number two to five, as shown on the site plan submitted by the applicant, to single occupancy (one person).
 - 4. To limit the occupancy of cabin number one, as shown on the site plan submitted by the applicant, to two persons.
 - 5. Applicant to obtain a provincial lot line setback relaxation from the Ministry of Transportation to the satisfaction of the Ministry of Transportation.

Attachment No. 1

REGIONAL DISTRICT OF NANAIMO

Report of the Public Hearing

Held at Lighthouse Community Hall, 240 Lions Way, Qualicum Bay, BC

March 22, 2006, at 6:30 pm

To Consider

“Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.328, 2006”

Summary of Minutes and Submissions

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

PRESENT:

Dave Bartram
Paul Thompson
Greg Keller

Chairperson, Director, Electoral Area 'H'
Senior Planner
Planner

There were four people in attendance.

The **Chairperson** called the Hearing to order at 6:30 pm, introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The **Planner** provided an outline of the Bylaw including a summary of the proposal.

The **Chairperson** called for formal submissions with respect to Bylaw 500.328, 2006.

The **Chairperson**, hearing none, called for further submissions.

The **Chairperson** called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 6:40 p.m.

Certified true and accurate this 23rd day of March 2006.

Greg Keller
Recording Secretary

Dave Bartram
Chairperson, Electoral Area 'H'



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAD	<i>CW</i>	GM ES	
DA		MoF	
MAR 24 2006			
<i>Board</i>			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: March 23, 2006

FROM: Greg Keller
Planner

FILE: 3360 30 0417

SUBJECT: Amendment Bylaw No. 500.332, 2006
LWBC/Island Cash Buyers
Electoral Area 'H' – Deep Bay Harbour

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, March 22, 2006, on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006," and further, to consider Bylaw No. 500.332, 2006, for 3rd reading.

BACKGROUND

Bylaw No. 500.332, 2006, was introduced and given 1st and 2nd reading on February 28, 2006. This was followed by a Public Hearing held on March 22, 2006. The Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing is attached (*see Attachment No. 1*) for the Board's consideration.

The purpose of this amendment bylaw is to rezone the subject area from Water 1 Subdivision District 'Z' (WA1Z) to Water 2 Subdivision District 'Z' (WA2Z) in order to recognize a number of existing marina uses. Harbours and all operations related to navigatable waters are under exclusive Federal Jurisdiction; therefore, the Regional District of Nanaimo (RDN) is not in a position to force compliance to Bylaw No. 500. However, the Deep Bay Harbour Authority has historically respected RDN zoning. Therefore, this zoning amendment was submitted for consideration by the Board.

Further to the above, any extension to an existing lease or license to occupy crown land within Deep Bay would require approval from the Integrated Land Management Bureau, the Deep Bay Harbour Authority, and the Department of Fisheries and Oceans Small Craft Harbours.

A number of conditions of development are required to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report.

ALTERNATIVES

1. To receive the Report of the Public Hearing and give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006."

2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006."

INTERGOVERNMENTAL IMPLICATIONS

As part of the application process, staff has requested comments from the Department of Fisheries and Oceans Canada – Small Craft Harbours, Deep Bay Harbour Authority, Land and Water British Columbia Inc., Public Works and Government Services Canada, Deep Bay Volunteer Fire Department, Ministry of Transportation, Ministry of Environment, and Vancouver Island Health Authority. All comments received as of the date of this report are in support of this application.

Staff has sent a completed site profile to the Ministry of Environment for its review. Please note, that Ministry of Environment approval is required pursuant to the *Waste Management Act* prior to the Board's consideration of the corresponding bylaw for adoption.

PUBLIC CONSULTATION IMPLICATIONS

Submissions received at the Public Hearing are outlined in the Summary of the Minutes and Submissions of the Public Hearing (*see Attachment No. 1*).

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006," is consistent with the requirements of the *Local Government Act*.

Should the Board want to make changes to the proposed amendment bylaw in response to the submissions made at the Public Hearing, an amended second reading and a second public hearing is required if these changes will change the land use, increase the density, or, without the owner's consent, decrease the density.

VOTING

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

SUMMARY

The intent and purpose of this bylaw amendment is to rezone the subject area from Water 1 Subdivision District 'Z' (WA1Z) to Water 2 Subdivision District 'Z' (WA2Z) in order to recognize a number of existing marina uses.

The bylaw was introduced and given 1st and 2nd reading on February 28, 2006, and the Public Hearing was held on March 22, 2006. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.332, 2006, be considered for 3rd reading.

RECOMMENDATIONS

1. That the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on March 22, 2006, as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006," be received.

2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006," be given 3rd reading and be referred to the Ministry Transportation for approval pursuant to the *Highway Act*.
3. That the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.332, 2006.

Report Writer

Deputy Administrator Concurrence

Manager Concurrence

CAO Concurrence

COMMENTS:

devs:\reports\2006\za nr 3360 30 0417 LWBC - Island Cash Buyers 3rd Report

**Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0417
Deep Bay Harbour
Electoral Area 'II'**

The following conditions are to be completed prior to consideration of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006," for final reading:

1. The applicant shall submit proof of the Ministry of Environment decision with respect to the site profile submitted to the Ministry of Environment pursuant to the *Waste Management Act*.

Attachment No. 1

REGIONAL DISTRICT OF NANAIMO

Report of the Public Hearing
Held at Lighthouse Community Hall, 240 Lions Way, Qualicum Bay, BC
March 22, 2006, at 7:30 pm
To Consider

“Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.332, 2006”
Summary of Minutes and Submissions

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

PRESENT:

Dave Bartram	Chairperson, Director, Electoral Area 'H'
Paul Thompson	Senior Planner
Greg Keller	Planner

There were 14 people in attendance.

The **Chairperson** called the Hearing to order at 7:30 pm, introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The **Planner** provided an outline of the Bylaw including a summary of the proposal.

The **Chairperson** called for formal submissions with respect to Bylaw 500.332, 2006.

Linda Jordan, 5096 Gainsberg Road, said that the entrance to the public marina is hard to manoeuvre into. Ms. Jordan stated that more room is needed to access the marina. Ms. Jordan indicated that the entrance is too narrow. Ms. Jordan asked if an environmental study had been undertaken when the marina was established.

Penny Dubak, 156 Burne Road, said that she has lived at Deep bay for 30 years and was involved in the original lease. She indicated at that time they were assured that there would be no further marina expansion. She indicated the wharf has been expanded and as a result it is more crowded, noisier, and she is concerned with safety. She indicated that she is also concerned with marina expansions with no consultation and with illegal expansions. She stated that she does not approve of this application.

Mick Dubak, 156 Burne Road, Mr. Dubak spoke to his concern regarding further expansion of the private marina. He indicated that the private wharf has been expanded countless times towards the west. Mr. Dubak indicated that new floats are currently being installed in the private marina. He stated that promises are nothing. He spoke to his concern regarding his quality of life, danger to boating, and fire hazard. He indicated that he is not confident in the governments who approve marina expansions. He indicated that he is willing to take legal action against all levels of government.

Dianne Eddy, 5058 Longview Drive, spoke to her concern regarding live-a-boards in Deep Bay. She questioned if the Regional District of Nanaimo should look at septic disposal from the live-a-boards. She indicated that the Regional District of Nanaimo needs regulations regarding live-a-boards. She concluded by outlining the parking requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," for a Marina.

Mick Dubak, 156 Burne Road, indicated that he was concerned with the notice that states "rezone to recognize existing marina uses and permit future marina expansion."

The **Chairperson**, called for further submissions.

Susan Borman, 5511 Deep Bay Drive, stated that the proposed zone should specify where future expansion should go.

The **Chairperson** called for further submissions for the second time.

Susan Dubak, 156 Burne Road, asked if the residents will get copies of all approvals from Land and Water British Columbia Inc.

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

There being no further submissions, the **Chairperson** adjourned the Hearing at 7:46 pm.

Certified true and accurate this 23rd day of March 2006.

Greg Keller
Recording Secretary

Dave Bartram
Chairperson, Electoral Area 'H'