

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JUNE 24, 2008**

A D D E N D U M

PAGES

DELEGATIONS

2 **Randy O'Donnell**, re Tax Rates.

COMMUNICATIONS/CORRESPONDENCE

3 **R. Kusei**, re Development Variance Permit Application No. 90806 – Mardaga –
3790 Mailard Place – Area 'E'.

4-6 **T. & L. Bates**, re Development Variance Permit Application No. 90806 – Mardaga
– 3790 Mallard Place – Area 'E'.

7 **R. & R. Brandt**, re Development Variance Permit Application No. 90809 – Lylyk –
3980 Bovanis Road – Area 'H'.

8 **NALT (Nanaimo & Area Land Trust)**, re Ban on Cosmetic Pesticides.

9 **SWACA (South Wellington & Area Community Association)**, re Ban on
Cosmetic Pesticides.

10-12 **J. Moore**, re Electoral Area 'G' OCP & Associated Amending Zoning Bylaw.

13 **R.A. McQueen**, re Electoral Area 'G' OCP & Associated Amending Zoning Bylaw.

Lee, Clair

From: Randy O'Donnell [rodonnell@serviceplus.ca]
Sent: June 23, 2008 1:44 PM
To: Lee, Clair
Subject: Director's Meeting

Dear Ms. Lee:

Please place me on the speakers roster for tomorrow's Directors Meeting. I will require no more than the 5 min. allotted and wish to address rising spending and tax rates in the district. Thank you.

Randy O'Donnell
Area 'C'
(250) 753-8439

23/06/2008

Sanders, Karen

From: richard kusel [ricardo_kusel@yahoo.com]

Sent: Monday, June 16, 2008 11:22 AM

To: email, planning

Subject: Permit Application No.90806 3790 Mallard Place Jeff and Peggy Mardaga

With reference to the above application I, Richard Kusel, (next door neighbour, residing 2324 Andover rd, Nanoose Bay, have no objection to the veriance requested.

6/24/2008

RECEIVED

JUN 20 2008

REGIONAL DISTRICT
of NANAIMO

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

3794 Mallard Place
Nanoose Bay, BC
June 20, 2008
250-468-5817
tlbates@telus.net

Attn: RDN Board Directors, RDN Planning
Re: Development Variance Permit Application No. 90806 – Mardaga
Lot 22, District Lot 78, Nanoose District Plan 28595
Electoral area 'E', RDN Map Ref. No. – 92F.030.3.4

We are strongly opposed to the granting of the above Variance Permit without further review and resolution of the following:

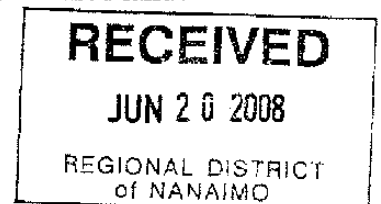
1. Several of the justifications for the reduction of setback are incorrect, inappropriate or incomplete. See RDN Memorandum of May 30, 2008 File 3090 30 90806 for the purported justifications under heading B1.5 Para 2 on page 2.

1.1. We believe that the variance requested results in a substantially greater impact on the sea side bluff and is in practice far more aggressive than even the original dwelling's variance and as such should not be allowed. A variance of this magnitude seriously violates the setback requirements. This is oceanfront and any variances allowed serve only to weaken the regulations, set precedent and eventually negate the regulatory intent. This is a new dwelling regulated by the current bylaws. The new dwelling far exceeds the previous one in size and has a different shape. The old structure had a much narrower face to the East and had a 'V' projection toward the water which we understood may have encroached on the regulated setback in place at that time. It was far less invasive of view than the proposed massive eastward profile of the new building design.

1.2. The dwelling is buildable without the variance. This item addresses an unconfirmed advantage to the owner for making the setback variance request. Has the reduction of blasting and rock removal been confirmed with a geotechnical report? Moving the dwelling seaward would appear to lessen rock removal to the north however that also appears to increase rock removal to the south. From personal experience most rock in this area can be broken and removed with a large excavator requiring little or no blasting. Nor are we aware of any vegetation worth retaining, across the original house site and septic field area. In fact, barring a patch of domesticated Poppies, the area has been left to produce a crop of noxious weeds over the last two years.

1.3. This item is a remedy and not a justification however we do commend the attempt to enhance native vegetation near the foreshore. We caution "that indigenous flora is best left as undisturbed as possible" (Native Plants in the Coastal Garden – Pettinger & Costanzo - Whitecap 2002) and the closer the dwelling is to the waterfront the more difficult this will be, especially maintaining the Gary Oaks and Fir immediately seaside of the dwelling site.

- 1.4. **We strongly disagree** with the statement that “There are no views or privacy impacts related to the requested setback variance as this property is lower than the surrounding parcels.”
- 1.4.1. First, the height and width of the proposed dwelling is such that every meter the dwelling is moved further toward the sea reduces the angle of view from all adjacent properties. We appreciate that the dwelling as proposed now meets local building code height restrictions. **But simple geometry shows that moving the dwelling closer to the water has the same effect on view as raising the roofline and increasing the width.**
- 1.4.2. Second, the property to the south appears lower rather than higher than the building site (at least based on the building being positioned according to regulation – without the variance). And to the north, although we chose to build further up-slope, our property has significant portions lower than the building site.
2. **The impact on view is weighted negatively toward the property to the north because of the design and orientation of the new dwelling.** The impact is compounded by 1.4.1 above. Orientation and location of the dwelling at 3794 Mallard Place were specifically carried out to take advantage of views existing at that time, to maintain privacy, and to maintain reasonable distance from the major effects of salt spray and southeasterly wind and rain. Established homes were in place on all sides. The bulk of the new dwelling is closer to the north side of the property. The dwelling is closest to the waterfront on the north side of the property. The variance request applies to projection of the north portion of the dwelling.
3. **Continuing with the original Permit could eliminate all objections.** Until reading the RDN Memorandum of May 30, 2008 above, we were unaware that Development Permit No. 60647 had been issued on November 28, 2006 and it appears to have been for the same or very similar dwelling design. **We were advised by RDN Planning that the dwelling location and outline included met both setback and height restrictions.** (There is however one loose end in the information provided by the May 30, 2008 memo. Para 3 Background - last two lines are “...however at that time the requirement for a variance to the setback to the sea was not communicated to the applicant.” Does this mean that the location accepted in Permit No. 60647 was actually at variance with the setback regulations? We were unable to resolve this prior to our submission. If the RDN advice was incorrect this point should be removed.)
4. **No references to sewage treatment methodology, placement and space requirements are included in the application.** Approval of septic systems and sewage requirements come under a different jurisdiction however we believe that space requirements for independent systems must be considered in any application where building placement and drainage could be a concern. We add that our knowledge of the previous dwelling on the property and its systems suggest that the field area available was just adequate for that facility. From our own experience suitable septic field area and material is difficult or impossible (as in our case) to find and other solutions are necessary. The new dwelling is considerably larger and as such will require a much larger capacity system. Has it been ascertained whether the existing cleared area can accommodate the new dwelling and the septic field or sewage facility without requiring additional clearing of previously uncleared land?



We are not objecting to any viable sewage system solution the owner implements but because of the rocky nature of the property, drainage patterns are such that outflow to adjacent lots is a serious risk and must be considered.

Interface with the Owner's Agent (Contractor)

Unfortunately, our only significant meeting with the owner's agent (contractor), Lyons and Noble was not productive. This took place November 14, 2007. This seems to have been at an interim stage as the design presented was over height. (We have been advised by RDN Planning that height restrictions are no longer in conflict.) We were told that the owner had had to have an environmental study done. We were also told that we were the only ones remaining with objections as others were satisfied with a commitment to cut down some trees in their view. When questioned on this the contractor said that the owner could do whatever he wanted after the house was built. We were unable to come to any resolution of our objections to the over height. We have not seen the contractor since. We can only assume that the contractor has been following the directions of the owner.

Final Conclusion

We object to the granting of "Development Variance Permit Application No. 90806"

Comment

It is not our intent to thwart a project which may be the owner's personal dream of a **home away from home**. But we believe we are the most impacted by the proposed location and profile of the dwelling. We must stand up for our own rights. We feel that the project, as it stands, oversteps the bounds of expectation for the area and the rules governing it.

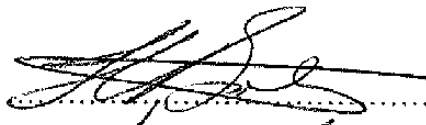
We trust that our local authorities can and will apply the regulations on behalf of the community at large in accordance with the regulation's intent.

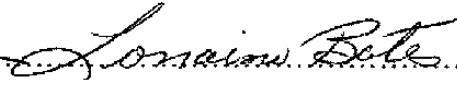
Our major concern with the overall process is the short time (6 working days) we have had to respond to a project which has been in the works for several years. We received the notice June 13, 2008.

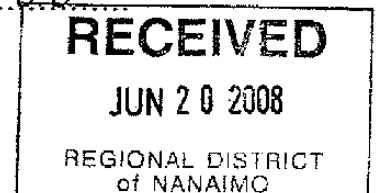
We invite the board to visit our property and appraise the impact of this project for themselves before handing down a decision.

Sincerely

Tom and Lorraine Bates


Date: June 20/08


Date: June 20/08



RECEIVED

JUN 20 2008

REGIONAL DISTRICT
OF NANAIMO

To: Regional District of Nanaimo
Development Services - Planning Department
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

From: Reinhold and Renate Brandt
Lot 4, DL 85, Newcastle District, Plan VIP 61390
54 Noonday Road, Bowser

Mailing address: 13 Glacier Pl, St Albert, AB T8N 1R7

Re: Notice of Development Variance Permit Application No. 90809

Lot 12, District Lot 85, Newcastle District, Plan 23173
3980 Bovanis Road, Electoral Area 'H'

Lylyk Residence

June 20, 2008

Dear Sir or Madam:

We are neighbors directly to the North-West of the above.

We object to the increase in dwelling height from 8.0 metres to 9.2 metres as per your notice: Attachment No. 3.

The applicant has informed us that the final height will not exceed 8.0 metres. To this we have no objection.

Reinhold and Renate Brandt



*8 - 140 WALLACE STREET, NANAIMO, BC V9R 5B1
 PHONE/FAX 250-714-1990 EMAIL: ADMIN@NALT.BC.CA
 WEBSITE: WWW.NALT.BC.CA

June 2008

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

RDN			
CAO	✓	GMF&IS	
GMDS		GMR&PS	
GMES	✓	GMTS	
JUN 23 2008			
SMCA			
CHAIR	✓	BOARD	✓
<i>Correspondence</i>			

Dear Mr. Stanhope and Directors,

Nancy Falconer, of the Canadian Cancer Society, recently made presentations to the City of Nanaimo Mayor & Council and to the Regional District of Nanaimo Board of Directors, outlining the potential link between various cancers and the use of cosmetic pesticides.


The Canadian Cancer Society is calling for a ban on the use of all cosmetic pesticides; and according to a recent Ipsos Reid poll, there is strong public support for pesticide by-laws in our community.


- 80% of residents in Nanaimo have said they would support legislation phasing out the cosmetic use of pesticides;
- More than 75% of Nanaimo residents agree that cosmetic pesticides pose a threat to the environment, children, pets and their own personal health; and
- 80% of Nanaimo residents with a lawn or garden say they would be willing to try alternatives to pesticides if they were provided with information and tips.

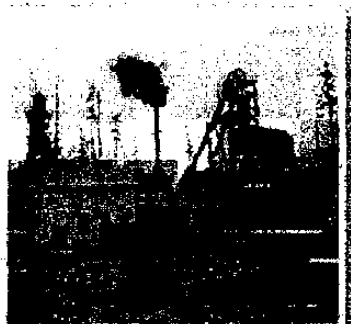
Because the cosmetic use of pesticides has no benefit other than to improve the appearance of various landscapes and has the potential to cause serious and irreversible harm to human health (particularly infants and young children) and the environment, the Nanaimo & Area Land Trust Society strongly encourages the City of Nanaimo Mayor and Council to adopt and implement a by-law banning the cosmetic or non-essential use of pesticide on lawns and gardens as soon as possible, with no provision for a permitting system that allows residents or City Staff to use pesticides for cosmetic (beautification) purposes.

Thank you for your consideration of this request.

Yours sincerely,


 Gillian Butter
 NALT Board Director


 NALT Board Co-chair



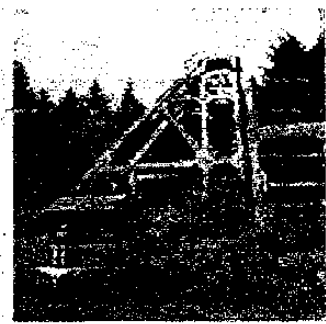
Morden Mine circa 1917.

SWACA

South Wellington & Area
Community Association

2969 Granby Rd
Nanaimo, BC
V9X 1S7

(Pictures courtesy of Ray Knight & Helen Tilley)



Morden Mine Today.

June 2008

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

RDN			
CAO	✓	GMF&IS	
GMDS		GMR&PS	
GMES	✓	GMTS	
JUN 23 2008			
SMCA			
CHAIR	✓	BOARD	✓
<i>correspondence</i>			

Dear Mr. Stanhope and Directors,

The Cancer Society is calling for a ban on the use of all cosmetic pesticides. The International Agency for Research on Cancer and others have concluded that some substances in pesticides are known, probable, or possible carcinogens.

The cosmetic use of pesticides has no benefit other than to improve the appearance of various landscapes and yet has the potential to cause serious and irreversible harm to human health, especially that of children and youth, and to our environment.

The Canadian Medical Association "urges all levels of government to show leadership by refraining from the cosmetic use of pesticides and aggressively employing safer alternatives to the use of chemicals".

The South Wellington & Area Community Association asks that the Regional District of Nanaimo Chairperson and Directors adopt and implement a bylaw banning the cosmetic or non-essential use of pesticide on lawns and gardens, with a strong educational component on alternatives.

Sincerely,

Krista Segger, Chair

South Wellington & Area Community Association

RDN		
CAO	✓	GMF&IS
GMDS	✓	GMR&PS
GMES	✓	GMTS
JUN 23 2008		
SMCA		
CHAIR	✓	BOARD
G. Keller		CORRES.
M. Donnelly		

33 Mariner Way
Parkville, B.C. V9P1S4
Telephone (250) 248-3786

June 21st, 2008

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

Attention Greg Heller, RDCM
Senior Planner, Joe Stan-
hope, RDCN Chairman - Board
of Directors & Area 4 Rep &
Mike Donnelly,

Dear Sirs:
Re: Official Community Plan
& By-Law 500 Area 4.

I strongly support the O.C.P.
& By Laws. I want to express
my appreciation for all the
work the representatives of the
Regional District have done on
-over

~~on~~ this plan.

Unfortunately there are a small minority against the OCP & bylaws with the very obvious reasons - for "profit-making".

I feel strongly the Estuary of Englishman River should be protected & I believe each of you are in a position to protect it & it would be a tragedy for the subdivision proposal for 711 Marines be passed for a minority these new rules & regulations for profit making & the rest of the residents of San Paeil & many more future generations & visitors to the area be cheated when it's obvious where your conscience should lead you.

The testing of the 3rd well in San Paeil is another issue that concerns me, -over

How on earth can this unusual weather year determine an outcome after only 1 summer of testing? At the least 2 summers. Please! Look at the troubles French Creek is having with water. Are we soon to follow? Before any water is promised for new subdivisions we who are already connected (& those 40 some people on wells who want to join) we must be assured 1st that there is enough. One summer of testing is logically "not enough".

Please consider the welfare of the environment & society before dollars for a few.

Yours truly
Janet Moore

Ms. R.A. McQueen
 808 Mariner Way
 Parksville, BC
 V9P 1S3

RDN			
CAO	✓	GMF&IS	
GMDS	✓	GMR&PS	
GMES		GMTS	
JUN 24 2008			
SMCA			
CHAIR	✓	BOARD	✓
Correspondence			

Mr. Joe Stanhope, Chairperson and Board Members
 Regional District of Nanaimo
 6300 Hammond Bay Road
 Nanaimo, BC

June 22, 2008

Re: Area 'G' OCP and associated Amending Zoning ByLaw


I am writing to express my strongest support for the adoption of the Electoral Area 'G' Official Community Plan and its associated zoning amendment bylaw.

On Tuesday June 17, 2008 I attended the Regional District Land Use and Proposed ByLaw Open House Feedback Forum. At that time, because of the patient and professional assistance of the planning staff, I was able to gain a clear understanding of the proposed bylaws and their impact upon Electoral Area 'G'.

Although I whole heartily support all of the proposed bylaw amendments I feel it is particularly important that you give unanimous approval to the amendment that increase the minimum parcel size and minimum site area requirements on lands outside of the urban containment boundary. Because most of the proposed minimum parcel sizes were set out in the previous OCP in Electoral Area 'G' **but were never implemented**, it is imperative that this amendment be acted upon now if we are to stop urban sprawl and all its attendant difficulties.

I realize that passing this amendment bylaw will prove to be contentious as there are interest groups who fight any regulation that impinges upon their perceived right to make money. However, if this "old world of ours" is to survive and offer its people a reasonable quality of life then this is the time when tough decisions must be made. As our elected representatives you play an important role in helping to shape our future. The power is yours - I hope you use it wisely. You took the first step when you signed the Climate Action Charter in May 2008 now take the second step and fulfill that charter commitment to reduce our carbon imprint by bringing into being the Area "G" Official Community Plan and the Land Use and Subdivision Bylaw Amendment Bylaw No. 500.346, 2008.

Respectfully submitted,



Ms. R.A. McQueen

c.c. Greg Keller