

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, APRIL 28, 2009**

A D D E N D U M

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2610 Myles Lake Rd.
Nanaimo, B.C.
V9X 1E7

April 16, 2009

Mr. Joe Stanhope, Chair & All Directors
Regional District of Nanaimo
Electoral Area Planning Commission
Regional Growth Management Review

Dear Mr. Stanhope & Directors of the Regional District of Nanaimo:

Re: Property 2610 Myles Lake Rd. Rezoning & Subdivision Amendment Application No. 0604

The purpose of this letter is to request that the Electoral Area Committee of the RDN reactivate our rezoning application and that it be considered as a without prejudice, site-specific zoning amendment to the RGS. The purpose of the subdivision is to create 4 five acre parcels 1 for us, 1 for our son and 2 additional lots possibly for family members.

In 2006 we submitted an application to have our property zoned from RU6V to RU6D to permit 5 acre lots. On November 28, 2006 our application was put in abeyance pending the RGS review. (See attached letter.) We understand that our application will need to be considered as an individual application applicable to our property.

Background:

1. We purchased the property from MacMillian Bloedel in 1998. The property had been placed in the FLR and had a Rural Residential (5 acre) underlying zoning. After we purchased it, the Area C Official Community Plan down-zoned the underlying zoning to a 50 hectare minimum (Resource RU6V) parcel size **against** our objections. We had discussions with Marvin Kamenz, Senior Planner at the time and he indicated that if the property was ever removed from the FLR, we would then be able to apply for rezoning to return it back to the 5 acre minimum parcel size.
2. In 2006 we applied for rezoning to Subdivision D to create 4 – 5 acre parcels. In December of 2006 it was recommended by the Board that the application be placed in “abeyance” pending the Regional Growth Strategy Review process. It is our understanding that this issue was to be addressed through the RGS review process as some “fine tuning” amendment items.
3. We have met with RDN Staff and Area C Director numerous times in an attempt to address this issue, as well as appearing before the EAPC and the RDN Board to voice our concerns heard and to understand the process. As the review process only happens once every 10 years, we need to have an RGS amendment to proceed with our application.

The following points outline our position:

1. We currently live on the property and want to sub-divide a 5 acre parcel for our son.
2. Proposal will give walking trail access at the end of Blind Lake.
3. Will be able to give the City of Nanaimo a requested easement for flushing out the waterline that supplies the City of Nanaimo
4. Environmental protection will be guaranteed through covenants.
5. No financial cost to RDN costs to be borne by owner. No services needed as public road, garbage collection, recycling & hydro already in place.
6. Current permitted use in the RU6V zoning of silvaculture is not viable or sustainable. (see.....)
7. Current permitted use of aquaculture requires heavy water usage & power resources. Amount of water needed to operate an aquaculture operation is equivalent to operating approximately 960 households per day. (See p. 3)
8. Neighbours would rather have a residential property instead of a potential “industrial” resource property. (See petition)
9. Re-zoning would be compatible with surrounding properties which are 2.5 to 5+acre residential.
10. 5 acre parcels would support the rural lifestyle.
11. Proposed residential 5 acre parcels in RU6D will not conflict with any adjacent land uses, whereas the permitted RU6V uses of aquaculture & silvaculture (logging) would impact the area residents and Blind Lake.
12. Five acre parcels would enable owners to create small farms and to be self-sufficient in producing food.
13. Subdivision would contribute to the economy at the present time and increase the tax base.
14. Prior to the OCP & RGMS this property had the underlying zoning for 5 acre parcels.
15. More “green space” would remain with 5 acre parcels than other uses.
16. The property is approximately 8 hectares and will not significantly reduce the RDN’s large resource land base.
17. Due to grade difficulties, proximity to Blind Lake the property is not suited to industrial uses such as silvaculture and aquaculture.

Impact

We have the support of the surrounding area residents for the rezoning of the property to 5 acre parcels. Subdividing will not have any impact on the rural integrity of the area as the adjacent and surrounding area is primarily small (+ 2.5 acres) rural residential acreages and prior to the down-zoning our property **was** zoned for 5 acre residential parcels which blended in with the surrounding area as opposed to the current zoning uses of aquaculture and Silva culture.

Our proposal includes a trail access along the side of the property that will give the area residents access to a proposed park dedication at the end of Blind Lake that presently is only accessible to residents on our side of Blind Lake by trespassing on private land. As well the City of Nanaimo has requested an easement through our property to facilitate the water line flushing program for the city’s water supply.

Environmental protection will be insured, in consultation with geotechnical engineers, building setbacks and septic covenants will be in place to accommodate the sensitive areas bordering Blind Lake. Water will be provided by wells on each parcel. The property is situated at the very end of Myles Lake Road and as per our preliminary drawing a short cul-de-sac will provide access to our present house and the 3 new parcels that will be created. There will be no financial costs to the RDN. Costs of power, wells and septic will be borne by us.

Current Uses

Resource zoning for **silvaculture** is not sustainable on small resource acreage as ours. After subtracting the “no touch” riparian zones, the proposed City of Nanaimo water flushing covenant, roads and the extensive bluff areas, we will be left with less than 5 hectares of usable land – where 50 hectares is called for in zoning RU6V. (Goal 6A RGS). I interviewed a local Christmas tree farmer. His lease is +/- 200 acres. He informs me that the two major Christmas tree farms, his and Mike Gogo’s saturate the existing market. The cost of preparing the 5 hectare or 10-12 acres would be approximately \$26,000 for land prep and stock purchase. Planting a tree every six feet, if possible, would result in a crop worth about \$40,000. after a 10 year wait. This is at 12 ½% of cut to establish sustainability. This leaves a net of \$1400. per year after 10 years. Costing in labor over the 10 years this would not be a financially viable venture. There is no economic sustainability here. Agriculture would require clearing large open spaces and bringing in large amounts of topsoil.

Aquaculture is also an allowed use, but due to the close proximity to the lake it may not be feasible. After doing some research, I have discovered that many fish farms, the viable ones, are located on large tracts of land, 50 to 300 acres. Again, in comparison, our property is 20 plus acres over half of which is sloped, not suitable for fish farming without extensive blasting which may affect local wells. Another concern of having a fish farm in a residential area is the smell.

Fish farms will need three-phase power. This is not available without extending the power lines. Having to extend the power lines seems to be at odds with your green agenda, because a fish farm would use fifteen times the power of the three additional houses that would be allowed in our proposed subdivision plan.

Also a fish farm of any size would require a great deal of fresh non-chlorinated water. The Fish Hatchery on the Nanaimo River which produces salmon fry for local rivers needs 1.4 million gallons per day for half production and 2.8 million for full production. It would appear that that aquaculture of any kind would be severely limited because of lack of water. The amount of water it would take to run a fish farm could supply 960 homes per day while our proposal only needs enough for 3 houses.

Shaping our Future Jan. 08 pg. 11, 6.1.1 states that the objective for these resource lands is to 1. Produce goods, 2. employ people, 3. Support recreation and, 4. produce environmental stability.” Our property is too small to support item 1 or 2 and unless we are returned to residential zoning we will be unable to meet objectives 3 or 4.

The residents who live on Myles Lake Road have signed a petition supporting our application for rezoning. They want the rural integrity of their neighborhood preserved. This would be achieved by rezoning back to our original 5 acre rural residential zoning which would ensure that the property will never be used as a commercial venture uses as allowed in the OCP and zoning bylaws.

The allowed uses of silvaculture, agriculture and aquaculture will require fertilizers and the slope to Blind Lake could be a problem during the rainy season run off. As we have already stated, this property is too small to allow for any chance of financial sustainability or employment in these ventures and due to the terrain and lake, it is not suitable for either aquaculture or silvaculture.

The following points come from the RDN RGS Bylaw #1309 Goal 3 is to promote and encourage the retention of large rural holdings. We are not large by your own definition of large as 50 h. or more. We will not need services – no cost to the RDN but will generate much needed tax revenue to the Extension Fire Department.

Land Use: Rural Residential p. 21 RGS. This statement seems to support our position as we consider our property a modest future rural residential subdivision. Our subdivision would support the rural and environmental integrity of the Myles Lake area. The properties and houses on Myles Lake Road average over \$500,000 dollars. Residents would prefer a residential development that supports their property values and their rural lifestyle rather than the uncertainty of future Resource zoning developments.

RGS Last paragraph p. 25 states that the purpose of the RGS is to promote human settlement that is socially, economically and environmentally healthy”, etc. This goal seems to support returning our property to Rural Residential rather than keeping it in a zoning that is not supported by anyone in the Myles Lake Road area. Returning this property to Rural Residential would definitely be beneficial to the area and it would increase the RDN tax base.

In the present RGS that is up for review, a parcel in Extension was specifically mentioned as being able to be rezoned. That site-specific rezoning has taken place. Whatever was required has been done and there is process set up for that. We request that our Myles Lake proposal be included in the RGS Review as per Susan Cormie’s recommendation (November 1, 2006 letter) and that we be allowed to take our rezoning application through the RGS review and if necessary, our particular piece of property be mentioned (site-specific) in the RGS to enable us to proceed with the rezoning application and take it forward to a public hearing or a community meeting.

Environmental Protection

Currently, there are many checks and balances in place for environmental protection. We understand that many studies and reports that need to be done before the application is finalized. We are ready to do a geo-tech study, a riparian study, and any other assessments that may be required. These studies will point out areas of environmental concern that need to be addressed and we will be able to accommodate them in our plans.

Protection of Green Spaces

Our proposal will increase the density by 3 additional residences. We already live in the 1 house permitted on the property. If each lot is 5 acres, the space taken up by 1 residence (including gardens & outbuildings) would be approximately 1 acre; we would expect the remainder of each of the parcels to be left treed and in its natural state. This would create approximately 4 acres on each parcel as “greenspace” which would create 16 acres of green space. The trail proposal would link up to the walking trails beyond and the proposed park/sanctuary at the end of Blind Lake, that is not currently accessible to area residents from this side of Blind Lake without trespassing on private lands.

The proposed development will not conflict any adjacent land uses, as the area is comprised of 5 acre residential only lots. Four - 5 acre lots with 1 house per parcel would maintain the rural integrity of the Myles Lake Road area with minimal impact on the neighbourhood community.

Implications:

In order for us to proceed with the subdivision of the land, we will need to rezone the property to a zoning which supports 5 acre minimum parcel size. The Regional Growth Management previously only supports a 50 hectare minimum parcel size. As our property is approximately 8.45 hectares (less than the 50 hectare minimum), in a residential area we understand that a RGS amendment would need to be made before proceeding. There already has been 1 resource property addressed in the previous RGMS review and that property has been dealt with, we request that our application be considered and included in the RGS review that is currently underway.

In summary, our application for a 4 lot subdivision would compliment the surrounding residential land use. Any environmental concerns would be addressed as per the RDN rezoning and subdivision process. A walking trail to access the proposed park at the end of Blind Lake would be made available to the surrounding community. We will be able to address the City of Nanaimo’s request for a dispersal field for flushing out the City of Nanaimo’s water main.

When the RGS and the OCP (1998-99) was written, there was very little attention or discussion regarding the FLR properties. The original underlying zoning was stripped from these properties and replaced by the Resource zoning **with little or no consultation**. As the FLR no longer exists, it is time to address the smaller ex-FLR properties left in the residential areas, most of which are in Area C. It is our understanding that staff has been directed to prepare an amendment application review process as part of the RGS review to enable applications like ours to be dealt with. (Susan Cormie report November 2006)

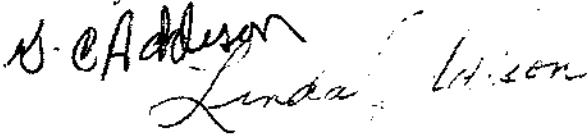
The RGS, OCP and all the zoning bylaws are very difficult for the average person to understand. It is our understanding that we require an OCP amendment and a RGS amendment. However, because the process is so complex, only happens every 10 years and seems to take 2-3 years to complete, we feel it is important that our application be addressed **in this review**, either as a site-specific zoning adjustment or as a broader based zoning adjustment that would apply to ex-FLR smaller properties.

Because of the uniqueness of our property, we feel that it would be beneficial to arrange a visit by RDN Staff / Directors. We are sure that once you have seen this property and the surrounding area you will be better able to understand our concerns. The zoning we are applying for will bring our property in-line with the surrounding residential properties.

Thank you for considering our request to reactivate our ammendment application from Subdivision District V to D.. We respectfully request that the Electoral Area Planning Committee support our application and submit the application to the RDN Board and the RGS to request an amendment to the RGS for a site specific without prejudice rezoning from Subdivision District V to D to permit 5 acre parcels.

Thank you for your time.

Sincerely

Handwritten signatures of Chuck Addison and Linda Addison. The signature for Chuck Addison is written in a cursive style, and the signature for Linda Addison is also in cursive, appearing below and to the right of Chuck's signature.

Chuck & Linda Addison

Pc: Carol Mason, CAO RDN
Paul Thorkelsson, General Manager Development Services
Paul Thompson, Manager of Regional Planning



REGIONAL
DISTRICT
OF NANAIMO

December 14, 2006

Amendment Application No. AA0604

Charles Addison and Linda Addison
2610 McLean's Road
Nanaimo, BC V9X 1E7

Dear Mr. Addison & Ms. Addison:

Re: *Amendment Application No. 0604*
Lot 1, Section 7, Range 3, Cranberry District, Plan VIP68949
2610 Myles Lake Road, Electoral Area 'C'
Applicants: Linda Addison & George C Addison
Map Reference No. 92G.001.3.2

The Regional Board of Directors, at its regular meeting held on November 28, 2006, considered the following recommendation:

That Amendment Application No. AA0604 be held in abeyance pending the development of an amendment application review process establishing criteria for reviewing proposed OCP/Zoning amendment applications involving RGS 'fine tuning' amendments.

CARRIED

If you have any questions concerning the review process, please call Paul Thompson, Manager of Regional Planning at (250) 390-6510.

Sincerely,

Susan Cormie
Senior Planner

cc *Paul Thompson, Manager of Regional Planning*




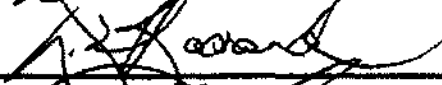
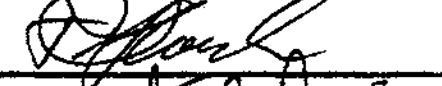


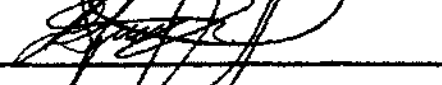




6300 Hammond Bay Rd.
Nanaimo, B.C.
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Ph: (250)390-4111
Toll Free: 1-877-607-4111
Fax: (250)390-4163



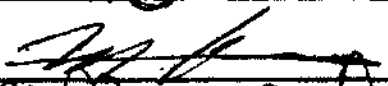




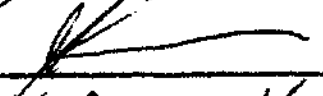

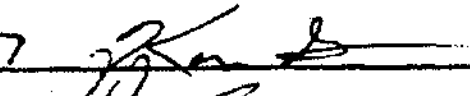


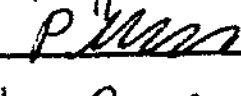

RDN Website: www.rdn.bc.ca

*Follow-up
to be done*






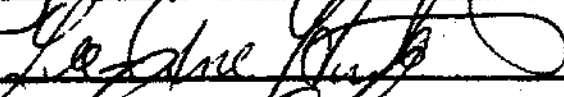
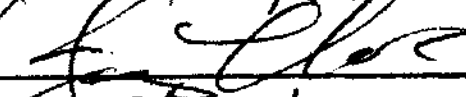
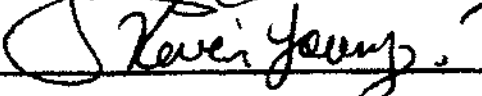
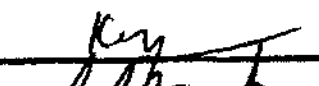


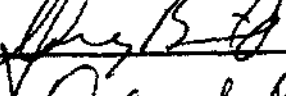
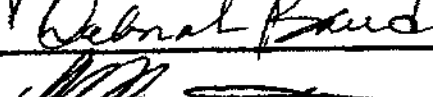
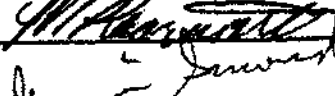

To protect the rural integrity of our area, and maintain the economic and environmental sustainability of our neighbourhood, we request the Regional District of Nanaimo to rezone the property at 2610 Myles Lake Road, legally described as Lot 1 PL: VIP68949 SEC: 7 RG: 3 Cranberry Land District from RU6V (Resource) to its original rural residential zoning (5 acre residential parcels) prior to the OCP and FLR. Application #00604

Name (print)	Address	Signature
Robin Humphrey	2330 Godfrey Rd Valdesso Rd	
JOHN LOEWER	2365 GODFREY RD.	
BETTY GROSE	2530 MYLES LAKE RD	
DAYMON BOZARD	2570 MYLES ROAD	
Tomas Hosak	455 Lakewoods Pl.	
MONTI WILSON	2375 GODFREY RD	
JERRI STRINGER	2691 McLEANS RD.	
Jerr Stringer	2691 McLeans Rd	
STUART JAMES	2535 MYLES LAKE RD	
BEVERLY JAMES	2535 MYLE LAKE RD	
CARL MURPHY	2555 MYLES LAKE RD	
ELIZABETH MURPHY	2555 MYLES LAKE RD	

To protect the rural integrity of our area, and maintain the economic and environmental sustainability of our neighbourhood, we request the Regional District of Nanaimo to rezone the property at 2610 Myles Lake Road, legally described as Lot 1 PL: VIP68949 SEC: 7 RG: 3 Cranberry Land District from RU6V (Resource) to its original rural residential zoning (5 acre residential parcels) prior to the OCP and FLR. Application #00604

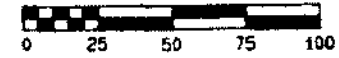
<u>Name (print)</u>	<u>Address</u>	<u>Signature</u>
Heather Gallant	2390 Myles Lake Rd. Nan. V9X 1E7	
Dolly McDonald	287 Dams Rd Nanaimo V9X 1E3	
Mark KEEN	1004 Nanaimo River Rd	
K. McLachlan	2383 Godfrey Rd.	
Gerry Dellier	2345 Godfrey Rd	
Rose McCully	2370 Godfrey Rd	
Paul Gallant	2890 MYLES LAKE RD	
Jack Keen	1006 Nanaimo River Rd	
Noreen Keen	1006 Nanaimo River Rd	
Ken Stone	2311 Godfrey Rd V9X 1E7	
RICK FARRIN	2410 Myles	
Meredith Morris	2470 Myles Lake Rd	
Peter Wilk	2520 Myles Lake Rd	
BILL GROSS	2530 MYLES LAKE RD	

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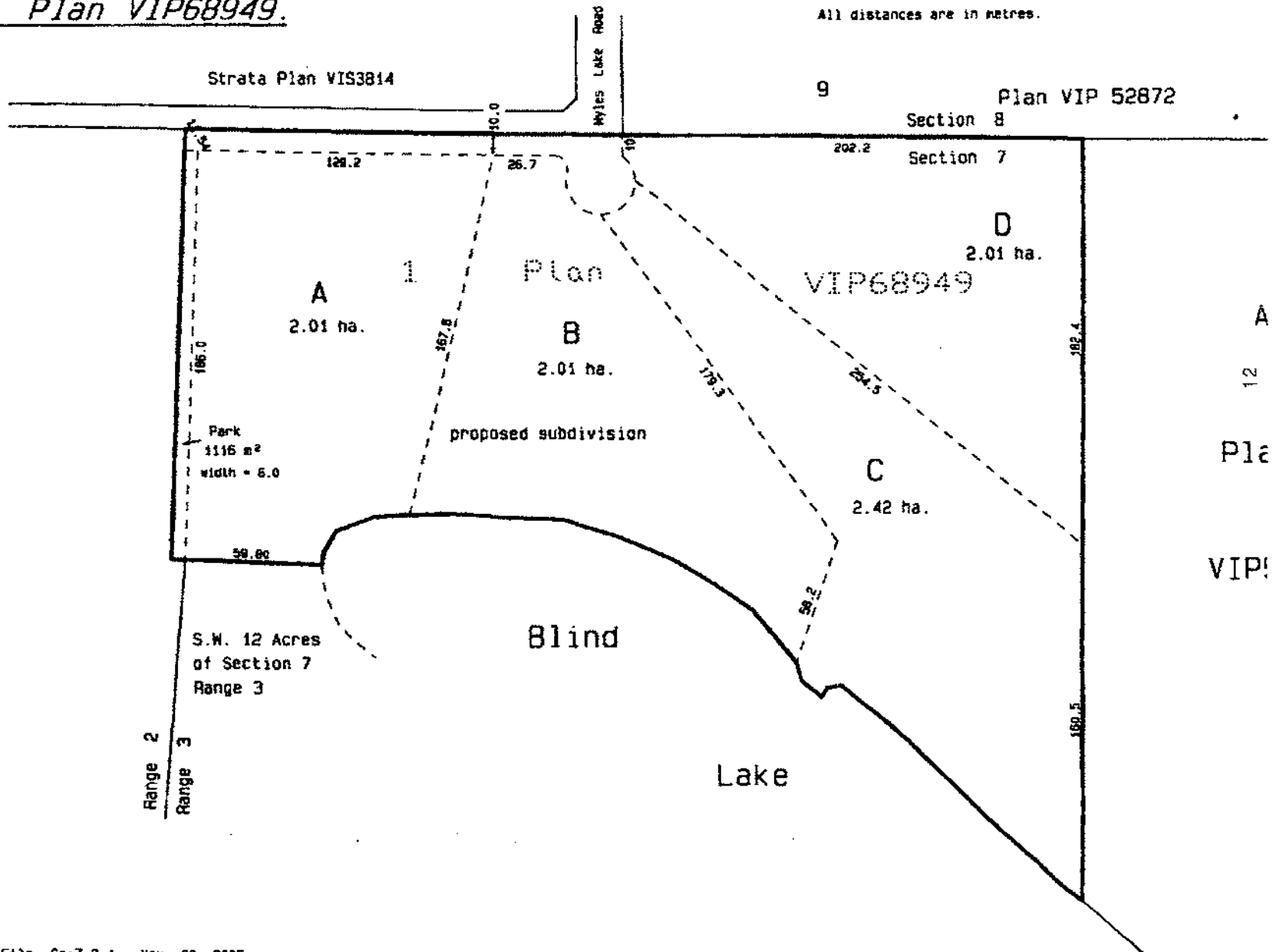
Name (print)	Address	Signature
Linda Sutcliffe	445 Lakewoods Pl. Nan.	
Shane Sutcliffe	"	
Jeffrey Addison	300 DAN'S Rd.	
Jeff Hein	2550 Myles Lake	
TINA Hein	2550 Myles Lake	
Lee-Ann Hutchinson	2535 Myles Lake Rd	
JERRY COAK	395 LAKEWOOD PK	
KEVIN YOUNG	2591 MYLES LAKE RD	
Krishna Young	2591 Myles Lake Rd	
Steve Schmidt	2587 Myles Lake Rd	
Linda Schmidt	2587 Myles Lake Rd	
GREG BAIRD	2580 Myles Lake Rd	
Deborah Baird	2580 Myles Lake Rd.	
LUYD LEARNONTH	2559 MYLES LAKE RD	
GERMAIN SIMARD	2545 Myles Lake Rd	

Plan to accompany an application to rezone
Lot 1, Section 7, Range 3, Cranberry
District, Plan VIP68949.

SCALE 1 : 2000

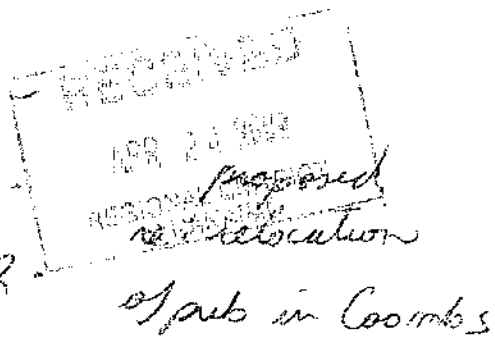


All distances are in metres.



M.R.Hutchinson
 Land Surveying Ltd.
 512 Wentworth St.,
 Nanaimo, B.C.
 V9R 3E4
 253-2921

Regional Dist. of Nanaimo
6500 Hammond Bay Rd.
Nanaimo, B.C. V9T 6N2



April 20/09

I am a concerned tourist who regularly visits Coombs. I don't think that the Frontiersman Pubs should be relocated to a residential area.

1. There is a business core which has no residential housing.
2. This strip of the Alberni Hwy. is a 60km. zone, but most vehicles don't slow down until reaching the school zone. Thus they would be speeding past proposed pubs. A real danger if (poss. impaired) driver backing onto hwy.
3. Many tourists in Coombs (some staying at Camp + Pools Grounds) all walk this hwy to the business core.
4. Local school kids (both elem. + high school) also walk this strip regularly.
5. This area is constantly patrolled by police as it is and their workload will increase dramatically with pubs there.

We would like to still be able to walk this stretch of highway in safety - Please relocate it elsewhere.

Jay Sheldon-Maxwell

cc. S.O.C.