

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JUNE 22, 2010**

A D D E N D U M

PAGES

DELEGATIONS (Requires Motion)

- 2 - 4 **Phil Carson**, re Building Permit Revolution.
- 5 **Lavonne Garnett**, re Building Permits & Inspections - Pros & Cons.
- 6 **Steve Harris**, re Building Inspection Bylaw No. 787.13.
- 7 **Francois Jacob**, re Proposed Expansion of Building Inspection Service.
- 8 **Cathy Lychak**, re My Home & the Community I live In.
- 9 **Mark Rautiainen**, re We Pay Our Taxes & We Need Your Support.
- 10 **Enid Mary Sangster-Kelly**, re Proposed Building Inspections & Permits in the Rural Areas.

COMMUNICATIONS/CORRESPONDENCE

- 11 **Charlie, Karen & Jose DeBorba**, re Development Permit with Variances Application No. PL2010-102 - Sims - 664 Johnstone Road - Area 'G'.
- 12 - 14 **Michael Jessen, French Creek Residents' Association**, re Development Permit with Variances Application No. PL2010-102 - Sims - 664 Johnstone Road - Area 'G'.
- 15 **Michael Murphy**, re Development Permit with Variances Application No. PL2010-102 - Sims - 664 Johnstone Road - Area 'G'.
- 16 **Rob Roycroft**, re Building Inspection Service.

Armstrong, Jane

From: Phil Carson [phil@screenweavers.com]
Sent: June 21, 2010 11:52 AM
To: Armstrong, Jane
Subject: Presentation to the Regional District of Nanaimo Board, June 22

Hi Jane,

Please put me on the agenda for the June 22 RDN Board Meeting in Nanoose.

Below is the essence of my presentation. Please distribute it to the board.

Thanks

Phil Carson

Open Letter and Presentation to the Regional District of Nanaimo Board of Directors, June 22, 2010

by:
Phil Carson
1504 Winchester Rd.,
Coombs, BC

250-752-4469

The BP Revolution

Board members of the Regional District of Nanaimo, Thank You!

Your actions by attempting to impose 'Building Permits' have been responsible for the creation of this historic gathering. I congratulate you for rekindling the democratic spirit of my community.

Future historians may mark this summer solstice evening as the spark that ignited the BP Revolution. BP stands for Building Permits not British Petroleum although there are some parallels in the contradictions between BP's 'Beyond Petroleum 'green spin' about what is happening in the Gulf of Mexico and the Nanaimo Regional District's 'green rationale' for imposing building permits.

If you think that Building Permits are not the food of revolution recall that the American Revolution was triggered by tea and that Gandhi changed the course of history with his 'walk for salt'. If you insist tonight to force building permits on my community your decision is irrelevant. The people have spoken. The next election will provide a referendum and a substitute for missing municipal impeachment legislation. Your by-law will be rescinded.

Listening to the advice of staff and lawyers is no substitute for listening to the will of the people.

The June 16 report to the Board regarding expansion of building permits prepared by Paul Thorkelsson contains contradictions so glaring as to call into question the legitimacy of his recommendations.

In your agenda on page 43 Mr. Thorkelsson states:

"Building inspection provides greater certainty towards the protection of quality of life for rural residents than exists without this service."

I would suggest that this is a conclusion to be decided by the residents effected, not Mr. Thorkelsson.

On page 40 Mr. Thorkelsson's states:

"Regulatory services at the local, provincial and federal levels are deemed to be in the public interest and therefore, are implemented through the government's inherent authority and jurisdiction. They are not approved through referendum of the constituents."

Mr. Thorkelsson, a government regulator, attempts to couch an inherently undemocratic principle as an issue of private versus community rights. The wishes of the community have been clearly and loudly articulated in these public hearings. I would suggest that the private interests at stake here are those of government regulators, not the residents of the affected districts.

Also on page 40 Mr. Thorkelsson states:

"RDN staff is both interested and supportive of innovative approaches, and is supportive of residents interested in pursuing alternative approaches to construction. As a specific example, in the last six months the RDN Building Inspection division has completed the inspection of two residential projects within the existing service area that were constructed using cob construction."

I would suggest that innovation is not achieved through elaborate regulatory procedures. Beautiful organic Cob Homes are as traditional structures in Europe as are the post and beam cedar structures built by First Nations here on Vancouver Island. They were around long before building inspections were even in the wet dreams of some feudal government administrator. Cob homes are neither innovative nor alternative nor do RDN Building Inspectors have any special expertise in evaluating it as a construction technique. If we are going to unleash creativity it must be freed from the yoke of unnecessary regulation.

I remind the board that this decision is not just about imposing building permits it is about democracy.

I invite the board to follow the pro democracy path. Celebrate the engagement of your electorate. Respect the knowledge, the vision, the passion for freedom, the collaborative spirit, and the creativity that resides within your community. Treasure it and nurture it. This gift should be the envy of any politician who believes in the essence of democracy.

Fossil fuel addiction, fisheries collapse, mass extinctions, a drinking water crisis, climate change, toxic overload, financial collapse, an oil soaked Gulf Stream, military escalation, eroding civil liberties; the scale of societies challenges is beyond the scope of any hierarchical structure to solve. They require nothing short of revolution and revolutions aren't mandated from above they flow up from the roots. Even giant corporations are adopting 'Wikinomics', trading intellectual property rights ownership for Wiki style access to the collaborative creative genius of the commons. You have triggered this collaborative engagement of the community on a scale double that of the voter turn out that elected you. Put this energy to work to find solutions that the community can own. By embracing diversity you have the opportunity to help turn our community into an incubator of innovation that taps the self sufficiency, entrepreneurial spirit, collaborative rural values and individual and collective ingenuity to address in meaningful ways our social, economic and environmental challenges.

Creeping bureaucracy, the erosion of civil liberties and the hijacking by vested interests are not the tools

of change. As an example, mandatory New Home Warranties administered by private insurance companies cost the builder and therefore the consumer a lot of money. They do not offer the builder or consumer any option to opt out. They force the builder to adopt building practices he/she may not agree with and then to warrant them at his/her expense. The New Home Warranty Program was imposed by a government that was not elected by a majority of the people and whose campaign promise was to eliminate 'red tape'. In British Columbia today, it is easier for me to build an experimental airplane than an experimental house. After 40 years experience I could confidently recommend one of my houses with or without inspection, but I wouldn't buy one of my planes.

The Nanaimo Regional District has some real and pressing issues to address. We are home to some of the countries most endangered plant and animal communities. We have massive real estate developments being proposed. Our water and biological diversity is threatened by voracious industrial forestry practices. Our marine environment is suffering. Our fisheries are in decline, and Asia is clamoring for our coal.

You need our help and we need yours. Honey is more effective than vinegar from both our perspectives. Now that we've caught each others attention lets get on with the job of ensuring that this place we call home is part of the solution not part of the problem.

Our kids and all the creatures great and small need a healthy place to grow up in.

Join your friends and neighbors in the rural communities in working together to find unique, exciting and democratic paths to that future.

Phil Carson
Coombs
250 752-4469

Armstrong, Jane

From: Lavonne Garnett [lavgarn@yahoo.ca]
Sent: June 22, 2010 10:38 AM
To: Armstrong, Jane
Subject: Re: RDN - Delegation Request & Presentation Process

My name is Lavonne Garnett. I live at 2219 Gomerich Road, Nanaimo, V9X 1R8. My E-mail address is <lavgarn@yahoo.ca>. My phone number is 250-740-0302. I wish to speak this evening, June 22, 2010, at the RDN Board meeting at the Nanoose Hall on the topic of building permits and inspections--pros and cons.

Lavonne Garnett

Armstrong, Jane

From: S. HARRIS [mcharris@telus.net]
Sent: June 17, 2010 4:40 PM
To: Armstrong, Jane
Subject: Re: Request to Appear as a Board Delegate

Hello Jane Armstrong..... I am Steve Harris of 1016 Little Mountain Road Errington/Parksville B.C. V9P 2C3 E-Mail mcharris@telus.net I am Requesting to Speak Before the Board of Directors June 22 2010 Meeting at 7:00pm ... Topic is Bylaw #787,13 of Building Inspection in my Area 'F' I own Three Properties and 27 years resident I believe in the Democratic Right of those affected by this Bylaw And call for a Referendum..... As 128 water users in Whisky Creek are being givin the Right to Petition for Inclusion in The RDN Water System, Why are 6700 Property Owners Not being givin the Right to choose if they want the Controls of Building Inspection.... Fundimantal Freedom of Choice. Thank You Steve Harris

Armstrong, Jane

From: jacob [jacobfx@shaw.ca]
Sent: June 22, 2010 12:42 PM
To: Armstrong, Jane
Subject: Re: RDN - Delegation Request & Presentation Process

RE: Board meeting to be held June 22nd. 2010

Francois Jacob, 1990 Waring road Nanaimo, B.C. V9X-1V1 email: Jacobfx@shaw.ca 250-753-8499

I am so thankful for having the privilege of living in an unorganized area. My employment, our house, our family, had a chance to blossom forth because of it. Like most other residents I would hate to loose this sanctuary to developers. If we need to organize ourselves as a community to address safety issues or other priorities, it should be encouraged through volunteer committees such as SWACA.

Thank-you F. Jacob

Armstrong, Jane

From: CATHY CATHY [fourhorses@shaw.ca]
Sent: June 21, 2010 12:37 PM
To: Armstrong, Jane
Subject: Re: RDN - Delegation Request & Presentation Process

the date of the meeting you wish to attend, as well as the type
Board Meeting to be held June 22, 2010;

your name, mailing address, e-mail address and phone number;
C. Lychak, 2208 Gomerich Road, Nanaimo, BC, fourhorses@shaw.ca

suggested title of the presentation; and
My home and the community I live in.

a short statement or written brief that clearly outlines the topic and identifies any specific issues or concerns.
Building Permits Area A

Armstrong, Jane

From: Heather Vallance [sadsak@shaw.ca]
Sent: June 17, 2010 8:33 AM
To: Armstrong, Jane
Subject: We pay our taxes and we need your support
Importance: High

Hello Jane

I hope it is not too late to get Mark Rautiainen in to be a delegate for the upcoming meeting.

Title is as above:

Markku Rautiainen
2440 Whistler Rd W
Qualicum Beach, BC
V9K 2A6
250-752-5910
rautiainen@shaw.ca

Armstrong, Jane

From: Enid Sangster-Kelly [enidsk@gmail.com]
Sent: June 18, 2010 11:02 AM
To: Armstrong, Jane
Subject: RDN Board Delegation request, for June 22, 2010.

Dear Jane Armstrong,

I am an affected rural resident requesting permission to speak to the RDN Board, as a delegate:

on: Tuesday, June 22, 2010.

Name: Enid Mary Sangster-Kelly

Street Address: 1234 Grafton Ave., Errington, V0R 1V0

Phone: 250 248 2928

E-mail: enidsk@gmail.com

Title: Proposed Building Inspections and Permits in the rural Areas.

Summary: Speaking against the proposed introduction.

Thank-you for your attention,

Enid Mary Sangster-Kelly.

Charles J. DeBorba

665 Johnstone Road, Parksville, BC V9P 2A1
250-248-5670 Cellular: 250-228-8174
Fax: 250-954-0181 e-mail: chucky_202@hotmail.com

June 20, 2010

To: Planning Department
Re: Proposed Subdivision of Lot A (DD M120472). District lot 49, Nanoose District,
Plan 24289

I am writing to support the proposed subdivision. I am not concerned about either of the 2 proposed variances (varying the size of the lot, nor the minimum set back requirements).

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

Sincerely,

Charlie DeBorba
Karen and Jose DeBorba

Armstrong, Jane

From: Marks, Kristy
Sent: June 21, 2010 4:48 PM
To: Armstrong, Jane
Subject: FW: Subdivision of 664 Johnstone - PL2010-102
Attachments: IMG_1424_1.jpg

Director Stanhope and RDN Directors:

The Board of Directors of French Creek Residents' Association understand that the following matter is on the RDN Board agenda for June 22, 2010.

Development Permit with Variances Application No. PL2010-102 - Sims - 664 Johnstone Road - Area 'G'.
 (Electoral Area Directors except EA 'B' – One Vote) <>

Delegations wishing to speak to Development Permit with Variance Application No. PL2010-102

<> *That Development Permit with Variance Application No. PL2010-102 to recognize the siting of an existing storage shed and to vary the parcel averaging provisions in conjunction with a three lot subdivision be approved subject to the conditions outlined in Schedule No. 1.*

Recommendation: RDN board send this application back to staff for further consultation with the owner and members of the community.

It appears that the property owner wishes to subdivide their existing parcel into three smaller parcels - two of which will be well below minimum parcel sizes for the zoning, using some kind of averaging provisions.

We wish to express our disappointment that this application has gone forward to the board.

1. We believe the minimum of 700 sq. metres should be rigidly supported. Even parcels of that size do not provide sustainability for the property owners into the future. No reasonable garden can be established on a property of that size. Our society has presented this point of view previously, both verbally and in written format, with respect to development, variances and subdivision on Meadow and Juan de Fuca/Viking. We have attached a photograph of a corner parcel in an area previously approved for development by the RDN (Yambury/Ormonde) that shows a resident struggling to find enough land on or near their property to grow a vegetable garden. (The vegetated boulevard in the distance is actually the front yards of homes at the south end of Yambury.)
2. What provisions have been made to reduce traffic to the substandard intersection at Johnstone/Highway 19a, conditions which the community already finds unacceptable? Commitments with respect to traffic volumes and patterns were given to directors of our association during the tenure of Approving Officer Rob Howat. This application does not seem to respect those commitments.
3. In other jurisdictions a subdivision of this nature would potentially require the removal of structures to achieve the minimum lot size for **all** resulting lots. Under that scenario the existing dwelling on the parcel would probably have to be relocated, removed or demolished - and maybe it should.
4. We note that RDN staff and the proponents are providing for an easement which would tend to indicate that a panhandle lot is intended unless it is just for running in sewer, water and gas from

Johnstone. Even if it is just an easement for services it reduces the utility of the new small corner lot and effectively makes the usable portion of yard even that much less. When we get down to small minimums, if there are easements then the parcel should be larger than minimum i.e. 700 sq. m. plus provision for any easement. Corner lots, sized at the minimum area, are always difficult to build on at the best of times. Witness the two corner lots at Viking Way and Columbia Drive which sat vacant for almost 7 years and long after most of the other dwellings in the subdivision were complete.

We do not feel that planners have exerted enough influence on the applicants to comply with the letter and spirit of our OCP, Sustainability Plans, land use and zoning regulations. We understand that the principals are development professionals and one might hope that they would set a shining example for the rest of us.

We are also very disappointed to learn that surrounding property owners and the community really only learned about this application late last week. We have spoken previously about the lack of communication and consultation with the wider community when property owners wish to make changes contrary to the intent of our bylaws.

Therefore, we would ask that the RDN board send this application back to staff for further consultation with the owner and members of the community.

Sincerely,
Michael Jessen, P.Eng.
Secretary, French Creek Residents' Association



Armstrong, Jane

From: Marks, Kristy
Sent: June 21, 2010 4:48 PM
To: Armstrong, Jane
Subject: FW: Subdivision Johnstone Rd French Creek

From: Michael Murphy [mailto:michaelcmurphyis@gmail.com]
Sent: Monday, June 21, 2010 3:05 PM
To: Marks, Kristy
Subject: Subdivision Johnstone Rd French Creek

Hi Kristi,
as owners from across the street we have no objection or dispute with the proposed subdivision or requested variances put forth by Helen and Mike Sims for their lot subdivision.
Regards,

--

Michael Murphy
360-450-3722 Office Skype number
1-888-243-1071 toll free
Email: michaelcmurphyis@gmail.com
Web: www.pkqbrealstate.com

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

June 22, 2010

Attn: Chair and Directors

Re: Building Inspection Services

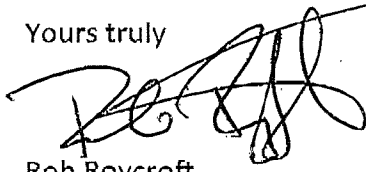
As a resident of Area E, Nanoose Bay, I feel it is important to reinforce the direction the Regional District is taking with regards to the application of Building Regulations and Inspection in other parts of the District. With a lifelong career having been spent in and around local governments across Western Canada I understand the issues associated with legal liability and environmental protection that are behind the Regional District's actions.

I for one, would never contemplate purchasing a house in an area that does not see full enforcement and inspection. The risks to personal well being, family safety and financial security are just too high.

The other aspect that concerns me greatly is the potential environmental impacts that can arise in situations with no enforcement of codes. In this day and age it is just not acceptable for individuals to knowingly, or even unknowingly, contravene laws designed to provide basic protection for water supplies. The issue goes well beyond the two Electoral Areas directly involved, as parts of our annual water supply here in Nanoose comes from the Englishman River, which flows through Area F.

So as an informed taxpayer in the Regional District of Nanaimo, I urge you to stay the course and do the right thing, which is to bring all of the electoral areas onto the same level of personal, societal and environmental standing. Please protect all of our futures.

Yours truly



Rob Roycroft

1414 Marina Way, Nanoose Bay