

**REGIONAL DISTRICT OF NANAIMO**  
**DEVELOPMENT SERVICES COMMITTEE MEETING**  
**TUESDAY, JANUARY 16, 2001**  
**7:30 PM**

*(Nanaimo City Council Chambers)*

**A G E N D A**

**PAGES**

**ELECTION OF DEPUTY CHAIRPERSON**

**DELEGATIONS**

- 3                    **Mary Jane Puckrin**, re Home Based Business.
- 4                    **Gail Adrienne, Nanaimo Area Land Trust**, re Request for Annual Core Funding.

**MINUTES**

- 5-9                Minutes of the regular Development Services Committee meeting held December 19, 2000.

**CORRESPONDENCE/COMMUNICATIONS**

- 10-11             **R. K. Phillips**, re Nanaimo Area Land Trust Core Funding.

**BUILDING INSPECTION**

- 12-13             Section 700 Filings.

**PLANNING**

***AMENDMENT APPLICATIONS***

- 14-37             Application No. 9630 - Horne Lake License Holders Association on behalf of Texada Land Corporation - Area H.

***DEVELOPMENT PERMIT APPLICATIONS***

- 38-53             Application No. 0022 - Lapi & Johnson/Fong - 3251 Island Highway - Area A.

***DEVELOPMENT VARIANCE PERMIT***

- 54-57             Application No. 0015 - School District 68/Vincent - 1644 MacMillan Road - Area A.

***FRONTAGE RELAXATION***

- 58-62             Ken Kyler on behalf of Wayne Duncan - 1095 Spider Lake Road - Area H.

***OTHER***

63-66 Nanaimo Area Land Trust Request for Annual Core Funding.

67-160 Home Based Business Review.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**IN CAMERA**

*That pursuant to Section 242.2(I)(h) of the Local Government Act the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.*

**ADJOURNMENT**

**Burgoyne, Linda**

---

**From:** Mary Jane Puckrin [mj@hostcanada.net]  
**Sent:** Monday, January 08, 2001 10:25 AM  
**To:** Corpsrv@rdn.bc.ca  
**Subject:** Attn: Maureen Pearse, Manager, Administrative Services

Maureen Pearse:

May I request to have my name placed on the presentation list for the January 16, 2001, Development Services Committee meeting, with respect to the Draft Home Based Business Strategy. I am hoping that I will be able to cancel this request after I have had the opportunity to read the draft. I hope you don't mind that I am making a reservation with an intent to cancel?  
Thank you for your assistance and understanding.

Mary Jane Puckrin  
Tel: 757-8854  
e-mail: [mj@hostcanada.net](mailto:mj@hostcanada.net)

January 9, 2001

Regional District of Nanaimo  
PO Box 40  
Lantzville BC V0R 2H0  
Fax # 390-4163

Attention: Linda Burgoyne

Dear Ms. Burgoyne;

Please accept this request for a representatives of the Nanaimo Area Land Trust Society to make a 10-minute presentation to the RDN Board of Directors at their regular meeting on the evening of Tuesday, January 16<sup>th</sup>, 2001.

The purpose of this presentation will be to respond to the report being submitted by the committee to the Board regarding NALT's appeal for core funding support, and to answer any questions the Directors may have as a result of the committee report.

The delegate from NALT will be Gail Adrienne, Executive Director.

Thank you for allowing us time on the Directors busy agenda.

Yours sincerely,

  
Gail Adrienne

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE  
MEETING HELD ON TUESDAY, DECEMBER 19, 2000, AT 7:30 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC

**Present:**

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

**Also in Attendance:**

B. Lapham	General Manager, Development Services
D. Jensen	Planning Assistant
L. Chase	Planning Assistant
N. Tonn	Recording Secretary

**DELEGATIONS**

**John Golobar, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Golobar provided a visual and verbal overview of the properties in the area surrounding the applicant's property and spoke in opposition to exclusion from the ALR.

**Diane Burt, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Ms. Burt provided an aerial photograph of the property in question taken prior to ownership by the applicant which shows the land's capability to grow numerous crops.

**Dianne Maille, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Ms. Maille raised her concerns with respect to the fluctuating water table in the area and provided pictures showing the results of flooding on her own property.

**Ken Green, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Green spoke in opposition to the exclusion of the applicant's property from the Agriculture Land Reserve.

**Murray Brown, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Brown provided a short history of the applicant's property and noted that the property has had very fruitful crops of various items throughout the years.

**Pat Foley, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Foley spoke in opposition to removal of the land from the ALR and the proposed use for the property if it is successfully removed.

**Ron Stockhausen, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Stockhausen provided a history of area farms which have successfully survived as farms.

**Ernie Grieder, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Grieder noted a past unsuccessful attempt to remove the property from the ALR and noted the deterioration of the property.

**Bill Baron, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Baron reiterated the past speakers' concerns and noted his strong opposition to ALR exclusion.

**Steve Stupich, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Stupich spoke in opposition to the ALR exclusion and noted the labour required to maintain sustainable farmland.

**Darryl Britt, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.**

Mr. Britt spoke in opposition of ALR exclusion and noted that the land could be productive again as it was a very successful farm in the past.

**Donna Wilson, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.**

Ms. Wilson spoke in opposition to the placement of a new firehall at Yellowpoint and Cedar Roads and requested that the residents be made aware of other properties that were considered.

**Dawn Burnett, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.**

Ms. Burnett provided information with respect to a feasibility study which is incomplete in the area and requested the Board to delay any decision until such time as the feasibility study may be completed. Ms. Burnet also raised her concerns with the lack of public information on the amendment application.

## LATE DELEGATIONS

MOVED Director Elliott, SECONDED Director Stanhope, that the following late delegations be permitted to address the Committee.

CARRIED

**Michelle Jones, Focus Intec, re ALR 006 Exclusion – 1712 Vowels Road – Area A.**

Ms. Jones, speaking on behalf of the Judge family, distributed information to the Committee members. Ms. Jones noted that the application has the support of some groups and residents in the area. The Development Services Committee was asked to defer the item until further discussions could be arranged with the Area Director.

**Pauline Judge, re ALR 006 Exclusion – 1712 Vowels Road – Area A.**

Ms. Jones noted that Ms. Judge has declined her request to speak at this time.

**Trustees Sarchuk and Gueho, NCID, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.**

Trustees Sarchuk and Gueho presented an overview of the selection process taken by the North Cedar Improvement District in making their final decision on the site located at Yellowpoint and Cedar Roads.

**Ingrid Gantner, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.**

Ms. Gantner spoke in strong opposition to the zoning amendment application and requested that an independent body do a study of all sites considered in the site selection process to allow for an unbiased decision.

MOVED Director Sherry, SECONDED Director McNabb, that the delegations be received.

CARRIED

## MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Development Services Committee meeting held on November 21, 2000, be adopted.

CARRIED

## CORRESPONDENCE/COMMUNICATION

**Brian Morgan, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.**

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Brian Morgan with respect to the re-zoning of property for the proposed North Cedar Fire Department, be received for information.

CARRIED

**Daryl Britt, re ALR 006 Exclusion – 1712 Vowels Road – Area A.**

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Daryl Britt with respect to the ALR exclusion application for a property at 1712 Vowels Road, be received for information.

CARRIED

## **BUILDING INSPECTION**

### **Section 700 Filings.**

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

MOVED Director Holme, SECONDED Director Sherry, 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:

- (a) Lot A, Section 16, Range 8, Plan VIP56538, Cranberry Land District, 1627 Cedar Road, Electoral Area 'A', owned by V. Johnson.;
- (b) Strata Lot 2, District Lot 78, Nanoose Land District, Strata Plan VIS4678 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1, 2421 Arbutus Crescent, Electoral Area 'E', owned by R. Chiste;
- (c) Lot 29, Block 668, Nanoose Land District, Plan 36481, 2601 Matthew Road, Electoral Area 'E', owned by P. and L. Nielsen.

CARRIED

## **PLANNING**

### ***AMENDMENT APPLICATIONS***

**Zoning Amendment Application No. 0012 – North Cedar Improvement District – on behalf of Agnes Cochran and Laura Sweeney – Yellow Point Road – Area A.**

MOVED Director Elliott, SECONDED Director Macdonald,:

1. That the staff report be received and that Amendment Application No. 0012 submitted by the North Cedar Improvement District to rezone a portion of the property legally described as Lot 1, Plan VIP533334, Section 12, Range 1, Cedar District, from Residential 2 (RS2) to Public 1 (PU1) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1 of the November 21, 2000 staff report.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.271, 2000" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.271, 2000" be delegated to Director Elliott or his alternate.

MOVED Director Elliott, SECONDED Director McLean, that the Public Hearing be postponed until the end of February or the beginning of March to allow for sufficient advertising.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.



**DEVELOPMENT VARIANCE PERMIT**

**Application No. 0013 – Vinden – 2750 Boyd Drive – Area E.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 0013, submitted by Gordon Waters, Agent on behalf of Mark and Suzanne Vinden, to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height within the Residential 1 (RS1) zone from 8.0 metres to 8.9 metres (29.2 feet) for the property legally described as Lot 8, District Lot 37, Nanoose District, Plan 30072, be approved as submitted subject to the notification procedures pursuant to the Local Government Act.

CARRIED

**OTHER**

**ALR 0009 Exclusion – Rhonda & John Valentim - 2651 Trans Canada Highway – Area A.**

It was noted that the application has been revised to non-farm use and consideration is no longer required.

**ALR 0006 Exclusion – Pauline Kaur Judge and Aismore Angy Judge – 1712 Vowels Road – Area A.**

MOVED Director Elliott, SECONDED Director Stanhope, that the Board of the Regional District of Nanaimo, in support of policies contained in the Regional Growth Management Plan, the Electoral Area 'A' Official Community Plan, Bylaw No. 1116, 1998, and regulations within Land Use and Subdivision Bylaw No. 500, 1987, recommend that the application for exclusion from the Agricultural Land Reserve for Lots 3 and 4, Plan 725, Section 1, Range 7, Cranberry District, Except Part in Plans VIP69195 and VIP69231, be refused.

MOVED Director Westbroek, SECONDED Director McNabb, that this item be deferred until such time as the area Director and the applicant have had the opportunity to discuss the application further.

DEFEATED

The question was called on the main motion.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Sherry, Haime, Sperling, Macdonald, Holdom, Elliott, Krall, Rispin and Stanhope voting in the affirmative and Directors Westbroek, McNabb and McLean voting in the negative.

**IN CAMERA**

MOVED Director Stanhope, SECONDED Director Holme, that pursuant to Section 242.2(1)(h) of the Local Government Act the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

**ADJOURNMENT**

MOVED Director Stanhope, SECONDED Director Holme, that this meeting terminate.

CARRIED

**TIME: 8:43 PM**

---

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO			
JAN 2 2001			
CHAIR		GMDS	
CAO		GMDS	
GMDS		GMES	
DSC			✓
e-mail:			

Keith and Arlene Phillips,  
198 Nottingham Drive  
Nanaimo BC V9T 1K6

phone 250 7297015  
fax 250 7297016

phillips-rk@home.com

Regional District of Nanaimo  
via Postal Mail  
6300 Hammond Bay Road  
PO Box 40  
Lantzville, BC  
V0R 2H0

Effective January 15, 2001 the new mailing address will be:  
6300 Hammond Bay Road Nanaimo, BC V9T 6N2

December 31, 2000

Dear Sirs:

RE: NALT's Core Funding Appeal

We are writing in support of the NALT Core Funding Appeal.

Four years ago, we came to a stage in our lives where we anticipated making a significant move to new surroundings. We had spent 22 years as professionals in Prince George, and were looking for a community with an attractive and mild environment. We settled on moving to the Nottingham area. Close access to a forest, and stream environment were prime factors in our decision making. It is our belief that such park-like amenities are what provide a potential for spiritual support and awakening. Such environments are a welcome relief from the strip-malls sprawling in the north end of Nanaimo.

This city is blessed with reasonable roads, sewers and water system. We believe that preservation of green belt is extremely important, in maintaining this community's attractiveness. NALT has the potential to make a strong contribution to such preservation activities.

We support the proposal to direct 0.07 % of our tax dollars to maintaining the services of the Nanaimo Area Land Trust Stewardship Centre and its programs.

Yours truly,



R K Phillips MD CCFP FCFP

M A Phillips O'P



REGIONAL DISTRICT OF NANAIMO		
JAN 10 2001		
CHAIR	CMC/S	
CAO	CMDS	
CMC/C	CMES	
DSE ✓		

**MEMORANDUM**

**TO:** Stan Schopp  
Manager, Building Inspection Services **DATE:** January 9 2001

**FROM:** Allan Dick  
Senior Building Inspector **FILE:** 3810-20

**SUBJECT:** Local Government Act - Section 700 - Contravention of Bylaw  
Meeting Date - January 16, 2001

**PURPOSE**

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1000.

**BACKGROUND**

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

**SUMMARY OF INDIVIDUAL INFRACTIONS**

*Electoral Area 'E'*

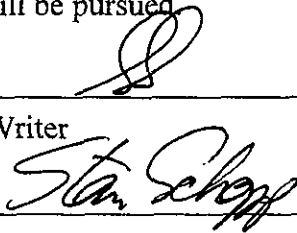
1. Owners Name: Bennet and Frances Horner  
 Legal Description: Lot 1, District Lot 110, Plan 46589, Nanoose Land District  
 Street Address: 1390 Dorcas Point Road  
 Summary of Infraction:
  - November 7, 2000 – occupied without an occupancy permit; letter sent
  - December 12, 2000 – 2nd letter requiring occupancy sent
  - Building Inspector advised contractor of 700 filing
  - January 4, 2001 – contractor advised owner of 700 filing. Will attempt to complete within two months. Senior Inspector advised owner of 700 proceedings

2. Owners Name: Howard and Beatrice Fredheim  
Legal Description: Lot A, Block 668, Plan VIS4814, Nanoose Land District  
Street Address: 2920 Matthew Road  
Summary of Infraction:
  - November 21, 2000 – letter sent permit expired
  - December 1, 2000 – 2nd letter (permit expired) hand delivered
  - December 11, 2000 – owner attended office and will not renew permit
  - January 2, 2001 – owner attended office to discuss file with manager
  - January 4, 2001 – owner contacted by senior inspector and informed of 700 process
  - January 4, 2001 – owner attended office and applied for permit to complete
  - Filing not to be pursued if permit issued prior to Board meeting.
3. Owners Name: Thomas Davidson  
Legal Description: Lot 3, District Lot 102, Plan VIS3905, Nanoose Land District  
Street Address: 1900 Delanice Way  
Summary of Infraction:
  - November 15, 2000 – letter sent requiring occupancy permit
  - December 5, 2000 – 2nd letter sent regarding occupancy permit; SFD occupied; no guards on decks
  - December 12<sup>th</sup>, 2000 – owner attended office and spoke with manager regarding file
  - January 4, 2001 – unable to contact owner by phone (out of order)

**RECOMMENDATION**

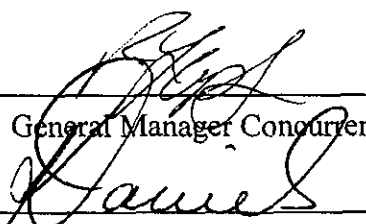
That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued

Report Writer



Manager Concurrence

General Manager Concurrence



C.A.O. Concurrence



REGIONAL DISTRICT OF NANAIMO	
JAN 10 2001	
CMR	CMCrS
GAD	GMDS
	GMES
	DATE
	FILE:

MEMORANDUM

TO: Kelly Daniels  
Chief Administrative Officer

January 9, 2001

FROM: Robert Lapham  
General Manager, Development Services

3360 30 9630

SUBJECT: Amendment Application No. 9630 – Horne Lake License Holders Association on behalf of Texada Land Corporation  
Portions of District Lots 251 and 251A and Block 40, Alberni District bordering Horne Lake  
Electoral Area 'H'

PURPOSE

To consider an application to rezone a portion of the land surrounding Horne Lake from Resource Management 1 to a Comprehensive Development Zone to permit the ongoing use of the land as a recreational development.

BACKGROUND

In 1996, the Planning Department received an application to rezone part of District Lots 251 and 251A and Block 40 fronting on Horne Lake in Electoral Area 'H' (see Attachment 1).

Consideration of the amendment application was previously held in abeyance (at the direction of the Board) pending the results of litigation between Texada Land Corporation and Fisheries and Oceans Canada and the Ministry of Environment, Lands and Parks. The Development Services Committee received a report from staff on the application in September 1999 recommending that the review of the application be reinitiated based on a potential resolution of the dispute and the efforts made to rationalize the existing use (subject to new flood construction levels, protection of environmentally sensitive areas, establishment of a new pump and haul service area and the dedication of parkland to ensure public access to the lake and to protect the integrity of Horne Lake Caves Provincial Park). This action was supported on the basis of an agreement in principle between Texada and Fisheries and Oceans to settle outstanding issues concerning the flood construction level.

The review was reinitiated, however, the application was subsequently amended and the proposed tenure changed to the current building lease proposal after the Horne Lake License Holders Association (HLLHA) submitted an offer to purchase the lands to Texada (the HLLHA are now acting as agents for Texada on this application). Given the change in the proposal, the Board directed staff to work with the applicant to prepare the proposed regulations to be included in the Comprehensive Development zone.

The applicant is proposing to amend Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 by changing the zoning designation for part of the subject properties from Resource Management 1 Subdivision District A (RM1A) to a new multi-unit recreational zone that would permit up to 400 recreational cabin sites, with allowance for an additional seasonal visiting recreational vehicle

on each site and a common recreational vehicle storage area. The intent of the rezoning is to rationalize existing recreational land uses on the non-forest areas of the subject properties, address sewage disposal, public access and environmental protection concerns at the lake, and to convert the existing recreational license system into building leases providing individual registered interests to cabin owners. The remainder of District Lots 251 and 251A would be commonly owned by way of interests in a single corporation. It is the intention of the corporation to continue to manage the forest land under its current status as private managed forest land within the Forest Land Reserve (*see Attachment 2 as summarized by staff*).

In addition to the provisions contained in the newly proposed comprehensive development zone, staff has also negotiated, or are completing negotiations, on specific agreements with respect to the application including the following:

1. The transfer of approximately 270 acres of land within Block 40, Albern District to the RDN as regional park on the condition that specific uses and the operation of the park will be governed by a RDN park management plan, including provision for up to 200 campsites with an option for the HLLHA to assume the operation subject to the terms and conditions of the plan.
2. A provision for only 377 cabin sites unless evidence is provided that the additional 23 sites can be reasonably accommodated on the lands as determined by the RDN.
3. A new Water 4 Zone (WA4) over the surface of Horne Lake that would restrict uses to floating boat ramps and floating docks at a restricted size and height.
4. A new flood construction elevation to be established as part of the zoning with restrictive covenants recognizing the flood risk, establishing new minimum habitable floor elevations and setbacks, including a release and indemnity in favour of the Regional District and other government agencies.
5. A flood reconstruction definition determining the degree of reconstruction that will trigger relocation of existing cabins to the newly established elevation and setback and also ensuring that all new cabin construction meets these requirements.
6. A new local pump and haul service area and conditions for mandatory compliance over a 3-year implementation period according to agreed upon fees and charges.
7. Yet to be concluded measures for the protection of environmentally sensitive and hazardous areas according to current development permit area guidelines and agency referral comments.
8. Yet to be concluded provisions for public access to Mount Horne at the south boundary of the property via existing road and trail routes.

These understandings have been outlined in correspondence between the RDN, Texada and the Horne Lake License Holders and received by the Board. However, these issues must be finalized and set out in a development agreement to be legally secured between the parties prior to consideration of adoption of a bylaw by the Board. The understandings also must be clarified and made available to interested parties and the Board prior to proceeding to a public hearing and further consideration of a bylaw.

## ALTERNATIVES

1. To approve the application subject to the agreements and undertakings as outlined in the staff report.
2. To deny the application.
3. To direct staff to consider other issues as identified by the Board and report back to the next Development Services Committee meeting.

## DEVELOPMENT IMPLICATIONS

From the outset of the application process, staff has advised the applicant of Board policies and referral agencies concerns about preparing a proposed zoning amendment bylaw and development agreement that will achieve the goal of restricting development around Horne Lake to recreational use. The combination of limited cabin size, restricted siting, full collection of waste water and sewage by pump and haul, as well as limitations on the length of occupancy and the use of cabins and proposed tenure should maintain ongoing recreational use of the cabins.

The zone includes provisions requested by the applicant to increase cabin sizes with a second storey loft, relatively large allowances for decks and covered porches as well as the ability to temporary site a visiting RV on each site for up to 90 days consecutively as well as on other 3 day visits (*please see attached draft zone included as Attachment No. 3*). Staff have some concerns about the peak period use and impact of land clearing and providing parking to accommodate the temporarily sited RV's, and concerns as well for the enforcement of the pump and haul collection. However, the members of the HLLHA are clearly aware of the potential for impacts to the lake and will be establishing their own management structure and regulations to support the provisions of the Regional District's Bylaws.

Referral agencies have raised preliminary concerns about the proposed set back for cabins from the lake. However, the majority of cabins are already constructed at the proposed distance or closer. In addition, the maximum size of docks is a concern as some of the work that has already been undertaken to build retaining walls or install erosion protection along the shoreline. It is recognized that the lake will flood to a level that will submerge and potentially damage some of the existing cabins. Outstanding issues that must be resolved prior to proceeding with the bylaw include determining a flood construction level, agreeing on a definition on building reconstruction, and when cabins must be relocated as well as verification of those, if any, existing sites that should not be occupied.

The tentative flood construction elevation is proposed to be 121.6 m geodetic (405 ft Fisheries Datum). This elevation is significantly lower than the present flood construction elevation of 126.1 m (420 ft) based on the elevation of the dam and operating parameters under the Fisheries and Oceans water license. In order to achieve this reduction, significant works have to be undertaken, including lowering the existing spill-way of the dam and expanding the existing spill-way works to provide full redundancy for the existing water outlet. In addition, emergency power supply, remote operation and emergency preparedness measures, must be provided. The process to achieve the new flood construction elevation would likely be secured by the 'Terms of Agreement' in a court order and be implemented over a period of up to 3 years. Fisheries and Oceans must make application for the proposed changes according to the agreement with Texada Land Corporation and obtain approval from BC Environment. The RDN must also be provided with undertakings ensuring that these works will be completed prior to considering adoption of the amendment bylaw. The implementation period will result in continued restrictions on floor elevations at the existing flood construction level until the works are completed and the new elevation is approved.



## REGIONAL GROWTH MANAGEMENT IMPLICATIONS

The Regional District of Nanaimo Growth Management Plan (RGMP) designates the subject properties as 'Resource Lands and Open Spaces'. The subject properties are not identified as a population node or within an urban containment boundary. However, the 1999 RGMP Interim Update added a new policy under the goal of 'Creation of a Vibrant and Sustainable Economy' that would support tourism activities on lands outside urban containment boundaries. The policy states that:

*'Tourism activities that require a large area of land or water may be permitted in rural areas provided that the proposed tourism activity contributes to the economic well-being of the region, includes non permanent residential development, includes no commercial development that is not ancillary to the proposed tourism activity, complements the environment, and is compatible with the rural area.'*

The amendment application at Horne Lake is not considered to be in conflict with the amended RGMP.

## LEGAL IMPLICATIONS

The present use of the lands is contrary to Regional District zoning regulations and development permit guidelines. The Board has directed staff to work with the applicant, agencies and the public to bring forward a resolution that will potentially permit ongoing recreational use at Horne Lake.

Texada Land Corporation has initiated legal action against the Department of Fisheries and Oceans and Ministry of Environment regarding damage to the foreshore of Horne Lake in an effort to obtain a resolution to flood control issues and permit the proposed development at Horne Lake. This litigation is ongoing and the RDN has maintained that the rezoning cannot proceed until the litigation is resolved or a flood elevation level can be determined.

Staff is scheduled to meet with the Fisheries and Oceans and Ministry of Environment at the time of writing this report. The purpose of the meeting is to obtain assurances that there is pending resolution to the ongoing litigation and that the works necessary to establish a new flood construction level will enable the land to be considered for rezoning as proposed. The applicants have indicated that they have submitted the necessary background information showing cause for the flood elevation to be amended and submit that the present and proposed development is feasible relative to the flood risk at the lake.

There are a number of outstanding issues with respect to flood protection that need to be resolved and secured on behalf of the RDN prior to proceeding with formal introduction of an amendment bylaw.

- The Flood Construction Elevation has not been set and ultimately must be approved by BC Environment.
- The works necessary to reconstruct the dam and spillway have not been fully determined and financial commitment by Fisheries and Oceans Canada has not been secured as necessary to implement the new flood construction elevation.
- The proposed setback from the boundary of the lake and vegetation retention areas has not been evaluated relative to the flood construction elevation.

## **ENVIRONMENTAL IMPLICATIONS**

The applicant has not submitted any evaluation of environmentally sensitive or hazardous areas. There have been informal areas set aside between cabin sites in proximity to creeks running into the lake. However, the setbacks are in many cases contrary to the current development permit guidelines and provincial and federal standards. It is difficult for staff to assess the impact of existing development on environmentally sensitive features on Horne Lake without detailed site information. In the absence of this information, staff has circulated preliminary referrals to the Ministry of Environment and Fisheries and Oceans Canada to obtain the necessary criteria for habitat protection relative to the water management and flood control issues associated with Horne Lake.

MOE has indicated that Horne Lake is valuable habitat for fish and wildlife and is particularly important to cutthroat trout (recently classified as 'vulnerable' by the Ministry). Given that environmental issues may require additional evaluation, the proposed setbacks and vegetation retention covenants should provide leave strips that can ultimately be managed according to a development permit.

## **PUBLIC CONSULTATION IMPLICATIONS**

An open house and public information meeting was held on November 29, 2000 at the Qualicum Beach Community Hall. All Horne Lake license holders were direct mailed notification of the meeting and provided an opportunity to contact the Regional District to obtain information. In addition, the meeting was advertised in two newspapers and all residents of Electoral Area 'H' were provided bulk mail notice. The minutes of the public information meeting are included (*see Attachment No. 4*).

In addition to requesting general information about the proposed zone, questions and comments primarily focused on the future use and management of the proposed regional park, the possibility of additional access to the lake, trails and rock climbing sites, as well as the specific operation of the pump and haul sewage collection service. There were no concerns raised about the scope and type of development other than support for the ongoing recreational use of cabins.

## **VOTING**

As this application was initiated prior to the new management of development agreement, all directors are entitled to vote except Electoral Area B.

## **SUMMARY/CONCLUSIONS**

At the direction of the Board, staff has worked with the Horne Lake License Holders Association to prepare a draft zone and conditions of a development agreement that is being submitted as an application to amend the zoning of a portion of the land surrounding Horne Lake as well as the surface of the Lake.

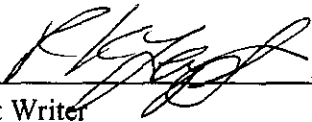
The application is to permit the recreational use of up to 400 cabins surrounding the lake as individually registered building leases with easements over defined lot areas. The balance of the subject properties will remain within the FLR and be managed as forest within the Resource Management zone. As part of the proposal the applicant will transfer approximately 270 acres included within Block 40, Alberni District (including the existing campground) to the Regional District as Regional Park.


The specific regulations contained in the proposed comprehensive development zone are intended to maintain the recreational use of the cabins as well as the character of the existing development. Recognition of the proposed development will also require a new pump and haul sewer service area to be established with implementation of mandatory connections over a period of 3 years subject to fees and charges as set out by agreement. Individual cabins sites may draw water from the lake or haul water, however no community water system is proposed. A new flood construction elevation will be determined by the Ministry of Environment and cabin floor elevations and setbacks will be regulated by the proposed zoning regulations and covenants. Protection of the environment is also intended to be achieved by setbacks and covenants to restrict the removal of specified vegetation and limit the alteration of land. Flood and environmental issues are not fully resolved at this time; however, it is anticipated that these will be clarified at a meeting prior to the January 2001 Development Services Committee meeting and will be reported on verbally at the meeting. In addition, a release and indemnity will be provided for the Regional District and other government agencies.

Given the numerous issues to be resolved as part of this application, staff recommends that the application be approved, subject to completion of the agreements and undertakings as outlined in the staff report in a form satisfactory to the Board at the time of 1<sup>st</sup> reading of the proposed amendment bylaw. Further, it is noted that the legal agreements required to secure items not addressed by the zoning regulation will be subject to review by solicitors for the Regional District, the applicant and other government agencies.

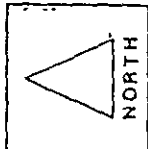
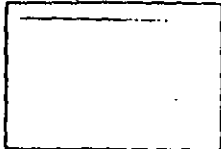
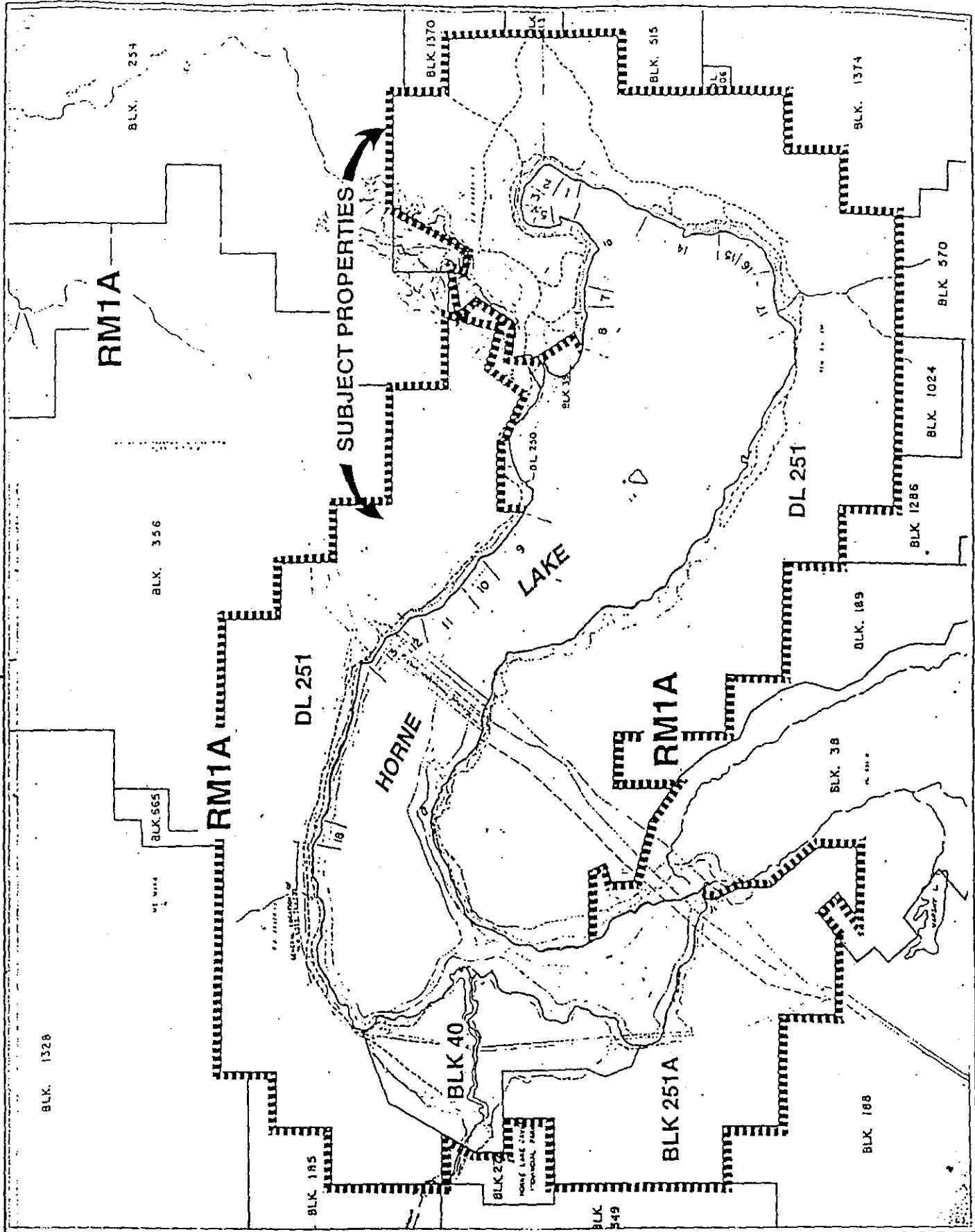
**RECOMMENDATION**

That Amendment Application No. 9630 submitted by the Horne Lake License Holders Association on behalf of Texada Land Corporation be approved, subject to completion of the agreements and undertakings as outlined in the staff report in a form satisfactory to the Board at the time of 1<sup>st</sup> reading of the proposed amendment bylaw.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
CAO Concurrence

COMMENTS:  
*devsvs/reports/2001/3360 30 ja Horne Lake.doc*

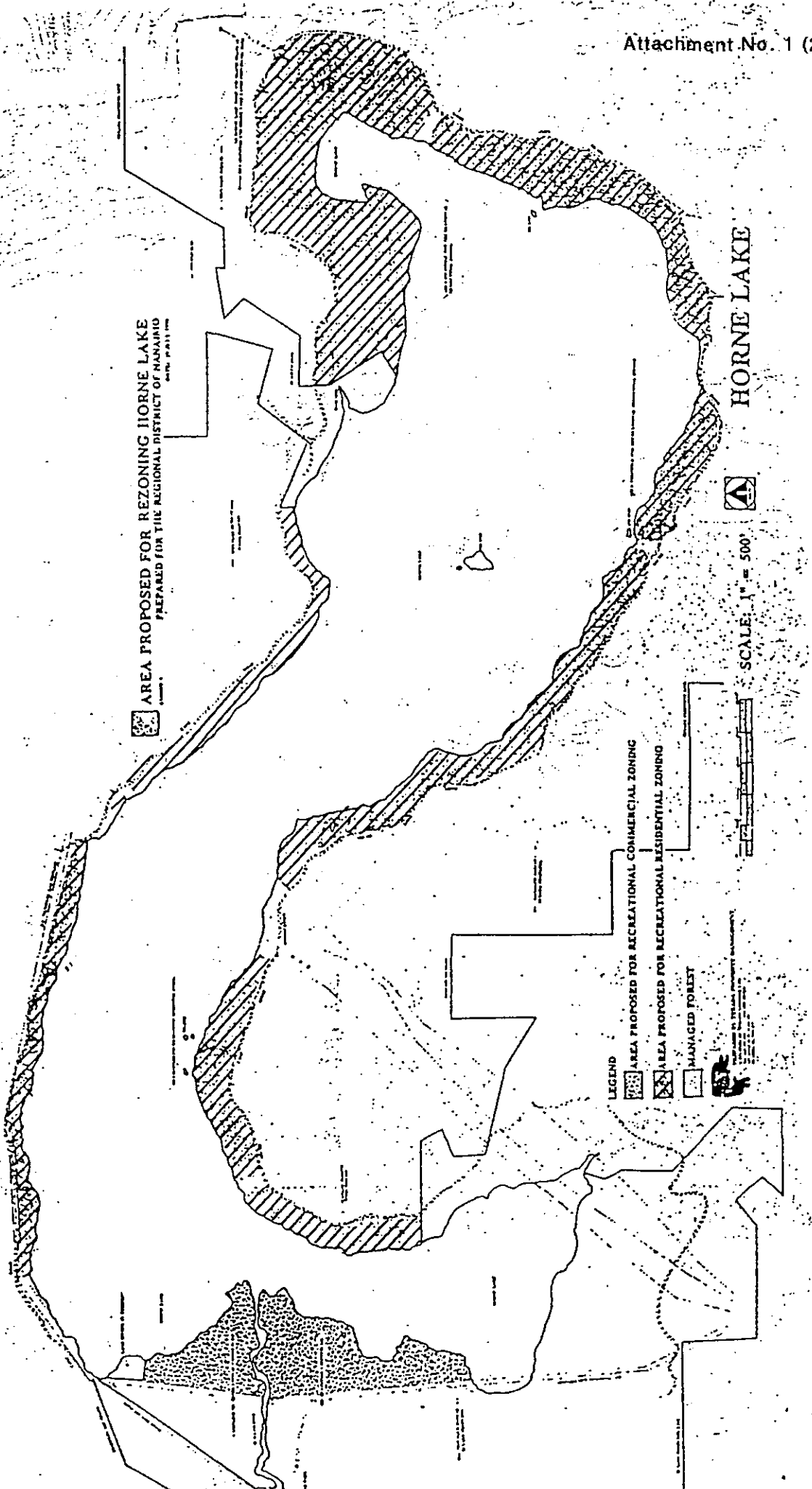


# The Regional District of Nanaimo

CURRENT ZONING

Attachment 1: Subject Properties

PAGE



## Proposed Land Use

A new **Comprehensive Development Zone – CD9** will rezone the lands excluded from the FLR and to be used for the recreational cabin sites.

The Forest Land, including Block 40, will remain within the **Resource Management zone – RM1**.

Block 40 will be transferred to the Regional District of Nanaimo for use as **Park land**. The general regulations of the zoning bylaw allow a park use in any zone and will permit the lands to be used for outdoor recreation. The specific uses and operation of the park will be governed by a **Park Management Plan**.

A new **Water Zone – WA4** will rezone the surface of Horne Lake below the natural boundary or assumed elevation (natural boundary or elevation to be determined).

No further subdivision will be permitted within the Comprehensive Development zone area.

The Comprehensive Development zone area is proposed to be included within a Regional District of Nanaimo pump and haul bylaw local service area to ensure the mandatory collection of waste water.

Individual domestic water supply is proposed drawn from Horne Lake.

## Proposed Comprehensive Development Zone – CD9

A maximum of 400 *recreational residences* are proposed

(definition *recreational residence*) is proposed to mean one cabin, or one cabin and one visitor recreational vehicle used for temporary accommodation.

(definition *visitor recreation vehicle*) is proposed to mean a tent or one recreational vehicle other than a mobile home located within 100 metres of a cabin, which provides for the accommodation of a person visiting the occupants of the cabin)

*Temporary accommodation* is proposed to mean the occupation of a cabin for fewer than 180 consecutive days in a calendar year and fewer than 240 days in total during the same calendar year and a visitor recreational vehicle for no more than 4 consecutive days within a week with the exception that one visit within a calendar year may extend up to 90 consecutive days.

*Cabins* are proposed to have a maximum floor area of 70 m<sup>2</sup> (approx. 750 sq.ft.) on the main floor with a second storey not exceeding 35 m<sup>2</sup> (approx. 375 sq.ft.). Attached *porches* (roofed open structure with a minimum 1/3 of wall space open other than insect screen) a maximum of 40 m<sup>2</sup> (approx. 430 sq. ft.) would also be permitted. Cabin height would be restricted to 6.1 m (20 ft.) with provision for up to 1.9 m (approx. 6 ft) of foundation

*Visitor recreational vehicles* are proposed to have a maximum floor area of 37 m<sup>2</sup> (approx. 400 sq.ft.)

*Accessory buildings* are proposed to be limited to (2) each not exceeding 10 m<sup>2</sup> (107 sq.ft.)

## Location and elevation of buildings & structures

A minimum *floor elevation* would be established, releasing and providing indemnity for the Regional District of Nanaimo and other government agencies. [elevation to be determined and approved by BC Ministry of Environment and Fisheries and Oceans Canada. The approximate flood construction level is 121.6 geodetic (405 ft. *Fisheries datum*)] New cabins or cabins being reconstructed are required to be constructed with the underside of the floor joists above the minimum floor elevation.

It is proposed that *cabin reconstruction* be defined as having combined new additions or reconstruction of an area that is more than 25% of the existing main floor area.

A *natural boundary* of Horne Lake will be determined by reference plan. It is proposed that that buildings and structures including cabins, (porches, decks or any other part of the structure) and visiting recreation vehicles be set back a minimum of 8 m (26.25 ft.) from the natural boundary.

*Setbacks* from watercourses other than Horne Lake are proposed as 15 m (approx. 50 ft.) from the natural boundary or 8m (approx 26 ft.) from the top of the bank, whichever is greater. Provincial and federal agencies may provide for a relaxation of setbacks within an overall development permit. Setbacks from other lot lines or the zone boundary will be a minimum of 5 m (16.4 ft.). Setbacks from easement boundaries between cabin sites and driveways will be self-regulated.

A *development permit area* currently exists for the area 15m (approx. 50 ft.) from the natural boundary of Horne Lake. The development permit regulation **currently does not permit** any alteration of land removal of vegetation or buildings or structures to be constructed within this area. It is proposed that a permit be issued allowing vegetation management, access to the lake and some landscape works to prevent erosion.



## **Resource Management zone – RM1**

Lands currently included within the FLR and all of Block 40 will continue to be zoned Resource Management. Forestry activity that is conducted within private managed forest is exempt from RDN land use regulation but is subject to the Forest Practices Code.

## **Water Zone – WA4**

A new *Water 4 zone* will rezone the surface of Horne Lake below the natural boundary.

The *bed of Horne Lake* is held as a separate title and the boundary of the titled lot will likely differ from the natural boundary that will form the zone boundary.

Permitted uses are proposed to include an *Trail Access/Boat Ramp* and *Dock* but no other uses, buildings or structures are permitted other than a diving board or slide that does not exceed a height of 2.5 m (approx. 8ft.) above the surface of the water.

The maximum area of a dock is proposed to be 40 m<sup>2</sup> (approx. 430 sq.ft.) excluding access walkways or ramps that do not exceed a width of 1.22m (4 ft.).

An access to a dock is proposed to be combined with a Trail Access/Boat Ramp that together cannot exceed a width of 3 m (10 ft.).

## **Park land subject to Park Management Plan**

The application also includes a proposal to transfer approximately 270 acres contained within all of Block 40, Alberni District to the Regional District of Nanaimo for *park land and lake access*.

The proposed transfer will result in the preparation of a *Park Management Plan*. A proposed agreement with the Horne Lake License Holders Association will allow the Association to potentially assume management of the park area subject to all the provisions and conditions of the Park Management Plan as adopted by the Regional District of Nanaimo. There will be public consultation on the preparation of the Park Management Plan

There is **no other land for access** to the lake or trails or park purposes proposed to be transferred to the Regional District as park land.

Attachment No. 3

**New Bylaw 500 Definitions:**

*recreational residence* means one cabin, or one cabin and one visitor recreational vehicle.

*cabin* means a building or recreational vehicle used for the temporary accommodation of one or more persons.

*height (recreational residence)* means the elevation as measured from the average of the points directly below the four outermost corners of the exterior wall of the building at the natural grade of the land but specifically excludes chimney, mast aerial, flagpole and mechanical devices for the operation of the building.

*visitor recreational vehicle* means a tent or one recreational vehicle other than a mobile home located within 100 metres of a cabin, which provides for the accommodation of a person visiting the occupants of the cabin.

*storey* means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above.

*porch* means a roofed open structure projecting from the exterior wall of a building and having at least 30% of the total areas of the vertical planes forming its perimeter, other than the exterior wall of the building, unobstructed in any manner except by insect screening.

*dock* means a floating structure for the mooring of boats.

**Amended Bylaw 500 Definitions:**

*floor area* means the sum total of the gross horizontal area of the floor of a building as measured from the outermost perimeter of a building, excluding roof overhangs of less than 1.3 metres.

**Amended Bylaw 500 Schedules**

add to

**SCHEDULE '6B', TABLE 1 REQUIRED NUMBER OF OFF-STREET PARKING SPACES**

Use	Required Parking Spaces
cabin	2 per cabin

**Other Bylaw 500 Definitions and general regulations will remain applicable.**

**6.4.57.1 Permitted Uses**

- (a) Recreational Residence
- (b) Recreational Vehicle Storage Area

**6.4.57.2 Maximum Number and Size of Buildings Structures and Uses**

- (a) The maximum number of recreational residences permitted within the area as shown outlined on plan contained in Schedule CD9 'A', shall be 400.
- (b) Maximum Floor Area:
  - (i) cabin - 70 m<sup>2</sup> in total for all cabins within the CD9 zone subject to Sections 6.4.57.6 (a)(iii) and 6.4.57.6 (a)(iv).
  - (ii) visitor recreational vehicle - 37m<sup>2</sup> in total for all visitor recreation vehicles in the CD9 zone.
  - (iii) accessory buildings - one 10 m<sup>2</sup> and one 6 m<sup>2</sup> for each recreational residence
- (c) Maximum height (recreational residence):
  - (i) cabin - 6.1 m
  - (ii) accessory buildings and structures - 3.0 m
- (d) Storeys
  - (i) The maximum number of storeys contained within a cabin must not exceed 2.
  - (ii) Where 2 storeys are provided within a cabin, the floor area of the storey with the highest elevation must not exceed 50% of the floor area of the lower storey not including internal stairways.

**6.4.57.3 Minimum Parcel Area**

Subject to Section 7.4.4, no parcel having an area less than the applicable subdivision district as stated in Section 7.1 may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the Condominium Act (British Columbia).

**6.4.57.4 Minimum Setback Requirements**

All lot lines excluding Watercourses	- 5 m subject to Sections 6.4.57.6 (a)(vi);
Watercourses, excluding Horne Lake	- 15.0 m from the natural boundary or 8.0 metres of the top of bank which ever is greater (subject to confirmation by provincial and federal agencies);
Horne Lake	- 8.0 m from the boundary of 119.5 m geodetic elevation (subject to confirmation by provincial and federal agencies);

**6.4.57.5 Minimum Floor Elevation**

The minimum floor elevation for new construction or building reconstruction shall be 121.6 m Geodetic Datum.

**6.4.57.6 Other Regulations**

- (a) For the purposes of this zone,
  - (i) "temporary accommodation" means the occupation of a cabin for fewer than 180 consecutive days in a calendar year and fewer than 240 days in total during the same calendar year;
  - (ii) a visitor recreational vehicle for a given cabin may be located on site for no more than 4 consecutive days within a week with the exception that one visit within a calendar year may extend up to 90 consecutive days;
  - (iii) up to 35m<sup>2</sup> floor area that is located on a second storey is permitted in addition to the maximum floor area specified in 6.4.57.2(b)(i), not including internal stairways;
  - (iv) up to 40 m<sup>2</sup> of floor area used for porches attached to a cabin is permitted in addition to the maximum floor area specified in 6.4.57.2(b)(i) ;
  - (v) Despite section 6.4.57.1(c), a cabin may be up to 8.0 metres in height, where the difference in height between 8.0 metres and 6.1 metres arises from the construction of raised foundations or other construction which does not enclose habitable or occupiable storage space;
  - (vi) Lot line shall include the boundary or access easements to individual cabin sites;
  - (vii) The keeping of animals for agricultural purposes is not permitted in this zone.
- (b) In the event of inconsistency between any provision of Section 6.4.57 and any other provision of this Bylaw, the Section 6.4.57 provision will apply and the other provision will not apply to the extent of the inconsistency.

**6.4.94.1 Permitted Uses and Minimum Site Area**

**Permitted Uses**

- (a) Boat Ramp
  - (b) Dock
- 

**6.4.94.2 Maximum Number and Size of Buildings Structures and Uses**

Maximum Area - Dock      40 m<sup>2</sup> excluding access walkways or ramps that do not exceed 1.22 metres in width.

Height                      1.0 m above the surface of the water excluding diving boards and slides that are not contained within a building and do not exceed a height of 2.5 m above the surface of the water.

---

**6.4.94.4 Minimum Setback Requirements**

- 0.0 m

All Lot Lines

---

**6.4.94.5 Other Regulations**

- (a) For the purposes of this zone no accessory uses, buildings or structures including fences under 2.0 m in height are permitted.
- (b) In the event of inconsistency between any provision of Section 6.4.94 and any other provision of this Bylaw, the Section 6.4.94 provision will apply and the other provision will not apply to the extent of the inconsistency.

## Restrictive Covenant Clauses

### Definitions:

- (1) **bank** means land with a vertical incline of 0.3 metres or more measured over a horizontal distance of 1.0 metres with no significant and regular break of 3.0 metres or more, measured horizontally.
- (2) **building** means any structure and portion thereof, including mechanical devices, that are used or intended to be used for the purpose of supporting or sheltering any use or occupancy
- (3) **natural boundary** means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.
- (4) **structure** means anything that is constructed or erected, and includes swimming pool, mobile home space, camping space and major improvements accessory to the principal use of land, but specifically excludes landscaping, paving improvements and signs under 1.0 m in height, retaining walls under 1.0 m in height that retain less than 1.0 m of earth and fences under 2.0 m in height;
- (5) **watercourse** means any natural or man-made depression with well defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water at least six months of the year and includes the sea or any lake, river, stream, creek, spring, ravine, swamp, gulch, surface source of water supply or source of groundwater supply whether enclosed or in a conduit;
- (6) **building reconstruction** (to be defined)

### Subdivision:

- (1) no subdivision pursuant to the *Land Title Act* or *Condominium Act*.

### Leave Strip:

- (1) The leave strip is defined as all land within
  - (a) Horne Lake - 8.0 metres from the boundary of 119.5 m geodetic elevation (subject to confirmation by provincial and federal agencies); and
  - (b) watercourses, excluding Horne Lake - 15.0 m of the natural boundary or 8.0 metres of the top of bank which ever is greater.
- (2) Within the leave strip no land or vegetation will be altered, no land will be subdivided and no building or structure will be constructed, added to or altered unless specifically permitted by an exemption as specified within this Restrictive Covenant.
- (3) Unless all development activity including the alteration of land or vegetation will be clearly outside the leave strip, the proposed location of development relative to the boundary of the leave strip must be determined by a BC Land Surveyor (BCLS), incorporated into a BCLS certified site plan and submitted to the Regional District of Nanaimo.
- (4) Exemptions:
  - (a) cutting down of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property;
  - (b) internal alterations to an existing building or structure other than reconstruction (definition pending);
  - (c) construction, repair, or maintenance of works by the Regional District or its authorized agents or contractors; or
  - (d) the construction of a trail to access a watercourse provided the following conditions are met:

- (i) only one trail is built on a lot;
- (ii) the trail is for personal use only;
- (iii) the trail does not provide for vehicle access below the natural boundary;
- (iv) no trees are removed;
- (v) any structures, planking, stairs or physical features associated with the constructed trail are less than one metre in width;
- (vi) the trail's surface is permeable (i.e. allows water to filter through, e.g. soil or gravel); and
- (vii) the movement of soil, fill, or aggregates occurs within a corridor less than 3 metres in width.

The trail should be designed to:

- where environmentally appropriate, provide the most direct route to the watercourse or viewing area;
- avoid areas with high soil compaction;
- prevent physical intrusion to wet areas such as ground water seepage areas, small ephemeral wetlands or side channels and floodplains; and
- avoid erodible stream banks or other erosion prone areas or be elevated above them.

Acceptable reference documents for trail development include Fisheries and Oceans, Ministry of Environment, *Access Near Aquatic Areas*; and Fisheries and Oceans, Ministry of Environment, *Land Development Guidelines for the Protection of Aquatic Habitat*.

While the proposed regulations included in the draft amendment bylaw have been prepared as a result of discussions and correspondence between the Horne Lake License Holders Association and RDN, the proposal has been prepared without formal preliminary comments from provincial and federal agencies. Further, the flood construction elevation has not been confirmed to date and may have significant implications on construction suitability of the proposed cabin sites, setback and other regulations relating to the protection of riparian areas. Therefore, please be advised that the proposed zoning regulations do not necessarily represent the recommendations to be presented to the Development Services Committee by staff.

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING  
HELD WEDNESDAY, NOVEMBER 29, 2000 AT 7:00 PM  
AT QUALICUM BEACH COMMUNITY HALL  
TO CONSIDER HORNE LAKE COMPREHENSIVE DEVELOPMENT ZONE

*Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

**Present:**

R. Quittenton	Director, Electoral Area 'H'
Murray Hamilton	Horne Lake Leaseholders Association
Nettie Wagner	Horne Lake Leaseholders Association
Robert Lapham	General Manager, Development Services
Deborah Jensen	Planning Assistant

There were approximately 31 people in attendance.

Director R. Quittenton opened the meeting at 7:05 pm and followed with greetings to the public and an introduction of the head table.

The General Manager stated the purpose of the public meeting, and provided a general overview of the proposed Horne Lake rezoning.

Murray Hamilton provided a general overview of the history of the Horne Lake development and provided a review of the proposal.

The General Manager invited questions from the audience.

Greg Sorenson, 3430 Littleford, Nanaimo, BC, of the Climbers' Access Society of British Columbia, stated that the Horne Lake chapter is one of the first groups established and they wish to work in conjunction with the Horne Lake Leaseholders Association to provide continued access to the area.

Richard Varela, Courtney, BC, applauds the Association for what they have accomplished. Mr. Varela has spent 12 years teaching wilderness skills and acting as guide at the Horne Lake Caves, including involvement with an educational component in the schools. Mr. Varela has also been involved with the maintenance and improvement of the campground (ie. adventure camping for schools, teaching responsible recreational use where visitors learn to protect and preserve the environment). The camp employs 16 full-time persons and high school students do work practicums here. There are over 10,000 visitors per year to the caves and he would like to see this trend continue. Mr. Varela stated that he would like to work with the licensees and the RDN to continue the support of these programs.



The General Manager responded by stating that these types of issues would be addressed in the Park Management Plan, which is developed in consultation with interested parties. The General Manager also stated the public hearing for the formal bylaw is expected to be held in the spring and will potentially go to the Board late next year.

Director Quittenton asked if Mr. Varela has any personal investment in the campground. The speaker responded in the negative.

Jack Pipes, 2925 Turnbull Road, stated he is the past president of the Spider Lake Community Association. Mr. Pipes is pleased that something is being done about the Horne Lake situation, but is concerned that there be an additional site for launching small boats on the south end of the lake, and that it be developed with the character of a wilderness site.

Jim Hodgson, Port Alberni, BC, stated he has concerns with respect to proposed beach access, and does not believe it will be an easy task to convince the general public to use the other side of the lake. Mr. Hodgson stated there has to be access along the lake, providing amenities such as picnic tables, and that these accesses should be a government sponsored initiative rather than a commercial enterprise. Mr. Hodgson also suggested the RDN should consider developing two to three boat launching areas along the lake as the weather can become unstable and create a safety issue, and subsequently stated that other lakes have "planned access" adjacent to approximately every five lots. Mr. Hodgson inquired as to whether there will be room to walk along the lake, and feels there may never be another opportunity to address the issue of public water access.

Director Quittenton inquired as to whether there is currently a trail along the lake and whether it is common practice for the public to use this trail.

Mr. Hodgson stated that he is not aware of what use the lake currently receives from the public.

Murray Hamilton stated the bottom of the lake is owned by Timberwest. The remainder of the land is privately owned and there is no additional public land in the vicinity.

The General Manager responded by stating the current issue pertains to changes in zoning, however access to water must be considered. It is proposed that the primary water access is located on Block 40, but this can be reviewed. The General Manager also acknowledged that, in a subdivision, water access is allotted for between every five to six lots, but in this situation there is no subdivision and, therefore, this is not a requirement.

Jackie Ward, 640 Grovehill Road, Qualicum Beach, stated that the 270 acres of parkland should remain open to horse use as this is the only accessible route from Horne Lake to Port Alberni, where the trail connects with the Vancouver Island Recreational Corridor.

The General Manager responded by stating horse use will be considered when reviewing the Park Plan, and this review will be heavily advertised approximately mid- next year.

A resident stated there needs to be consideration for handicap access in developing a dock on the lake, and inquired whether the cottages were reviewed with respect to environmental impacts.

The General Manager responded by stating the community plan supports recreational use, that sewage is to be collected in tanks for pump and haul, and that the Ministry of Health has no objection to individual draws on the lake for recreational development.

Jack Pipes, 2925 Turnbull Road, stated he has served on liquid waste management discussions and, based on his experience, feels there will be a large waste of manpower and energy to move gray water to French Creek. Mr. Pipes stated there should be provision to manage gray water separately from black water, and wanted to know what is proposed for size of the tank.

The General Manager responded by stating the RDN is still meeting with the Ministry of Environment with respect to gray water discharges, and the Health Inspector is suggesting a tank of 1000 gallons be utilized for recreational uses. In addition, there may initially be requirements for full containment, but provisions may be made for another solution at a later date.

Murray Hamilton stated that most of the use in the area is summer recreation.

Earl Durantz, Courtney, BC, stated he was advised from a Health Inspector that a 750 gallon tank would provide adequate containment for three months.

Jim Hodgson, Port Alberni, BC, described another development where recreational uses expanded and the resulting potential problems associated with this expansion.

Director Quittenton inquired as to whether the RDN has the authority to prevent BC Hydro from installing power in the area.

The General Manager responded by stating the pump and haul, temporary occupancy, and maximum cabin size regulations should keep impacts to a minimum. The General Manager also stated that the pump and haul is mandatory, that one of the requirements of construction will be the installation of a tank, and that a restrictive covenant could be placed on the installation of power.

Nettie Walker responded by stating that residents have been in the Horne Lake area for years, and she does not foresee any immediate changes in their habits.

A resident asked how drinking water will be obtained.

The General Manager responded by stating that most residents pump it out of the lake and some bring it with them.

Jackie Ward, 640 Grovehill Road, Qualicum Beach, inquired as to whether the RDN currently has any horse policies with respect to use in the parks.

The General Manager responded that the RDN does not have any specific policies with respect to horses, but that the RDN does encourage multi-purpose use.

A resident inquired as to whether the campground will still be able to operate.

The General Manager responded by stating there may be a lot of interest in the development of the Park Plan. Ultimately, if the Association is willing to accept certain obligations, then there can be provision for additional uses, and the Association will have the option of first refusal.

Murray Hamilton responded the RDN does have some capital available for park development.

Director Quittenton stated that Area 'H' only has \$20,000 per year for park uses.

The General Manager responded that the park can be regionally funded since it will be a regional park. The General Manager also stated the proposal will be brought to 3<sup>rd</sup> reading prior to any purchase negotiations, and the public will be notified as to what arrangements have been made.

A resident inquired if the mandate of the Association will be to maintain the area as is and place restrictions on further development.

The General Manager responded by stating the RDN is interested in ensuring the objective of the Association remain firm and not subject to change.

Richard Varela, Courtney, BC, inquired whether there will be any further timber harvesting from Block 40 and brought to attention that the Forest Practices Code does not apply to private land.

Murray Hamilton responded that, so far as he is aware, the south side of the river is complete, but is uncertain as to the status of the north side.

The General Manager stated it is the understanding of the RDN that logging is complete, and that it is common practice that private logging still meet certain standards.

Jack Pipes, 2925 Turnbull Road, asked why the Association did not proceed with a strata title.

Murray Hamilton responded by stating that 357 lots already exist and the approving officer for Ministry of Highways can not approve existing lots, so another form of tenure was required. The result was to look at a big block purchase and buy as a group.

A resident inquired as to what length of lease will be in place, and whether the leaseholders will have any security with respect to their title.

Murray Hamilton responded that 357 people have become shareholders in a company that owns the land, each of which has a 100-year lease. At the end of 100 years, the land will be privately owned. In addition, an offer to purchase has been made and accepted by Texada Land Corporation.

The General Manager responded by stating that this is not a typical lease.

Neal Burmeister, Chemainus, BC, stated he belongs to the "Salmon Beach" organization, which is in a similar situation. Members of the organization have determined that gray water is just as detrimental as black water and, therefore, should be dumped into a tank and hauled away. Mr. Burmeister inquired as to whether the RDN has any wording for a pump and haul bylaw.

The General Manager responded by stating that the RDN does have a pump and haul bylaw in place, but that the Horne Lake proposal is a separate issue. The General Manager also stated that Ministry of Health standard policy is not to allow pump and haul, and only consider it in hazardous situations.

A resident inquired as to how the proposed parkland compared to other parkland in the RDN.

The General Manager responded that the site has been surveyed at approximately 250 to 260 acres. The parkland acquisition for the Qualicum River is about 240 acres, so the Horne Lake proposal may be the largest.

Jim Hodgson, Port Alberni, BC, inquired as to how many units will be developed in addition to the existing lots.

Murray Hamilton indicated there will be an additional 43 lots available for development.

The General Manager responded by stating zoning provides for a maximum number of units and that new construction has to meet specific criteria. The General Manager also stated that if some sites are considered too hazardous, they may have to look at site development in other areas.

A resident inquired as to whether there will be any lodges for tourism, whether there will be any regulations with regard to recreational vehicles, whether there will be control of use in Block 40, and inquired as to how much use the lake currently receives.

The General Manager responded by stating zoning will not allow for uses other than cabins. There are no provisions for regulating recreational vehicles on site, but the RDN could potentially regulate motorboat use on the lake. The General Manager stated the intent is to accommodate a host of user groups, but these issues will be addressed in the Park Plan.

A member of the Federation of Mountain Clubs of BC asked whether the RDN will look at protected parks status for any other areas in the vicinity, and indicated the Federation would like to be part of the process.

The General Manager responded by stating discussions are taking place with the Leaseholders Association with respect to these issues, for example, provision for a right of way.

Director Quittenton inquired as to whether the Federation would be willing to assume liability.

The member stated that the Federation does carry some liability coverage, however recent legislation places the onus on the user and not the owner.

The General Manager asked if there were any final questions or comments. Being none, the General Manager thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at approximately 8:30 pm.

---

Deborah Jensen  
Recording Secretary



REGIONAL DISTRICT OF NANAIMO			
JAN 10 2001			
CHAIR		CMCrs	
CAO		CRDS	
CNCRs		ONES	
DSC ✓			

**MEMORANDUM**

**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** January 9, 2001

**FROM:** Lindsay Chase  
Planning Assistant

**FILE:** 3060 30 0022

**SUBJECT:** Development Permit Application No. 0022 - Lapi & Johnson/ Fong  
Lot 1, District Lot 2, Bright District, Plan 7407  
Electoral Area 'A' - 3251 Island Highway

**PURPOSE**

To consider a development permit application to facilitate the redevelopment of the existing farmers market on the subject property.

**BACKGROUND**

This is an application for a development permit to facilitate the redevelopment of the site commonly known as Johnson's Market on a property located at 3251 Island Highway in the Cassidy Industrial Commercial Area of Electoral Area 'A' (see Attachment 1). The subject property is a flat, narrow, approximately 5344 m<sup>2</sup> parcel, bounded by residential property to the south, the Island Highway to the east, commercial zoned property to the north, and the Nanaimo Railway to the west.

Pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, the subject property is split zoned Residential 2 (RS2) and Commercial 2 (CM2), subdivision District 'M'. The portion of the property that is the subject of this development permit application is zoned Commercial 2 (CM2). This section of the subject property is approximately 1820 m<sup>2</sup> (see Attachment 2). The permitted uses in the CM2 zone include a retail store, restaurant, residential use, and others. The other portion of the property is zoned Residential 2 (RS2) and has an existing house located on it.

Part 6.1.6 of Bylaw No. 500 states "where a parcel exists prior to the effective date of this Bylaw and the site area of the parcel does not conform to the provisions of this Bylaw, such parcel having an area less than the specified site area in the applicable zone may be used for only one permitted use in the applicable zone, provided that the requirements of the authority having jurisdiction are met with respect to provision of water and method of sewage disposal, and the use may not be extended". As the minimum site area requirements cannot be met for the CM2 zoned portion of the parcel, only one permitted use may be accommodated on the site.

Pursuant to the Electoral Area 'A' Official Community Plan, the subject property is within the Cassidy Development Permit Area. The Cassidy Development Permit Area was established to protect the natural environment, its ecosystems and biological diversity and to provide objectives for the form and character of industrial and commercial development. Specifically, the area was designated a Development Permit Area in recognition of the Cassidy aquifer and the visual impact of the property due to its proximity to the Trans Canada Highway and the Nanaimo (Cassidy) Airport. Because the subject property is located within the Cassidy Development Permit Area, a development permit must precede renovation and alteration of the existing commercial use on the property.

**PAGE**  
38

The market use on the subject property was established approximately 25 years ago, prior to the adoption of Bylaw No. 500. Additional uses including a restaurant and a residence were also established on the property, which rendered the property non-conforming to the provisions of the current zoning bylaw. Recently, both the restaurant use and the existing residence on the Commercial zoned portion of the property were removed (due to fire damage), thus leaving one permitted use in accordance with the provisions of Bylaw No. 500.

### ***Proposed Development***

The applicant is proposing to renovate the existing market building by adding a peaked roof to increase on-site storage, constructing a 48.5 m<sup>2</sup> addition to the north end of the building, altering the signage, redesigning the parking, landscaping the site, and adding a covered walkway (*as illustrated on Attachments 3, 4 & 5*).

The applicant proposes to expand the existing commercial space for a total commercial floor area of 216m<sup>2</sup> (*see Attachments 3 & 4*). In addition, the applicant proposes to raise the roof to a peak, in order to create 80 m<sup>2</sup> of covered storage above the commercial floor space. Raising the roof will not require a variance, as the proposed plans indicate the renovated market building will be less than 8.0 metres in height. Finally, the applicant proposes a total of 3 signs for the property. A variance is requested for these signs, and is discussed in detail below.

The applicant has an existing Ministry of Transportation and Highways approval for access onto the Island Highway. The sale of the property is pending, and the potential new owner has verbally indicated that he has already discussed a new access permit with Highways staff. Highways staff have issued an approval in principle for the new access permit. Comments received from Highways staff indicate that some of the proposed parking needed to be removed to facilitate entrance to the site. The removal of these parking spaces necessitates a variance to the number of parking spaces required pursuant to Bylaw No. 500. The request for a variance is discussed below.

The existing septic disposal system for the subject property is located on an adjacent parcel. The applicant has initiated discussions with the Health Unit, and intends to install an approved ground disposal system on the subject property, as indicated on the attached plans (*see Attachment 4*).

The applicant proposes to phase the redevelopment of the site spanning a time frame of February 2001 to March 2003. Phase 1 includes removal of vegetation along the E & N Railway, removal of the restaurant and existing dwelling unit, installation of new signage, and the removal of the existing signs. Phase 2 includes a general clean up of the site, construction of brick walkways, construction of new fencing, and development of a covered walkway. Phase 3 includes landscaping of the north end of the property and the construction of the north brick walkway. Phase 4 is to include the removal of trees near the other existing residence, and the construction of a fence to the north of the market. Phase 5 proposes the installation of the new septic field at the north end of the property, an addition to the northern end of the existing building and raising the roof (*see Attachment 8*).

### ***Variances Required***

The application as submitted requires 3 variances to Regional District of Nanaimo bylaws. First, a variance to the Sign Bylaw is requested. "Regional District of Nanaimo Sign Bylaw No. 993, 1995" regulations include the following: No more than 2 signs shall be placed or maintained on a parcel; no more than one of these signs may be a projecting sign, billboard sign, or freestanding sign; and; in no case shall a sign exceed a maximum surface area of 11 m<sup>2</sup> nor have a height or width exceeding 4 metres.

The applicant has submitted drawing for 3 signs (*see Attachment 7*). The first is to be located below the roofline and above the fascia of the market, facing the Island Highway and will be 2 feet tall and 30 feet long (60ft<sup>2</sup>). This sign is the subject of the variance request, as both of the other signs meet the provisions of the Sign Bylaw. The second sign is proposed to be attached to the fascia of the south side of the market building and will measure 2 feet tall by 10 feet long (20ft<sup>2</sup>). The third proposed sign is a freestanding sign to be located at the north end of the property. This area of the sign is proposed to be 5 feet by 10 feet (50ft<sup>2</sup>) and it will be 16 feet in height. The applicant has proposed to remove the existing freestanding sign on the property in favor of new signage.

The applicant has also requested a variance for the siting of the existing market building. A site survey dated November 1, 2000 indicates the existing market is situated 0.6 metres from the rear lot line and 7.46 metres from the front lot line (*see Attachment 9*). The provisions of the CM2 zoning state that all structures must be located 8.0 metres from the front lot line and 5.0 metres from all other lot lines. Due to the narrowness of the lot, the original structure was located very close to the rear lot line. The applicant requests a variance to bring the siting of the existing structure into conformity with Bylaw No. 500 and to allow the construction of the proposed addition at the northern end of the market building.

Finally, the applicant requests a variance to the parking regulations. **Schedule 6B** of Bylaw 500 (Off Street Parking and Loading Spaces) states that off street parking and loading spaces are subject to the setback requirements of the zone that applies to that parcel. The site plan the applicant has submitted indicates the proposed parking areas will be located within the required setbacks (*see Attachment 4*). The applicant requests that the front lot line setbacks requirements for parking be varied from 8.0 metres to 0.0 metres, and that the rear lot line setbacks for parking be varied from 5.0 metres to 2.5 metres. In addition, the applicant also requests that the number of parking spaces required pursuant to Bylaw No. 500 be relaxed. Bylaw No. 500, **Schedule '6B'** requires 1 parking space per 15 m<sup>2</sup> of floor area for a retail use. With an approximate floor area of 350 m<sup>2</sup> (including covered outdoor seating areas), the retail use would require 24 parking spaces. Due to site constraints, and a Ministry of Transportation and Highways request to relocate the existing access, the applicant has requested that the number of required parking spaces be varied from 24 to 21 spaces.

## ALTERNATIVES

1. To approve Development Permit No. 0022 subject to the conditions outlined on Schedule '1'.
2. To deny Development Permit No. 0022.

## OFFICIAL COMMUNITY PLAN AND ZONING IMPLICATIONS

The application is consistent with the Electoral Area 'A' Official Community Plan guidelines for the Cassidy Industrial Commercial Development Permit Area.

With respect to the form and character of commercial uses the proposed use of the land for a farmers market is in agreement with the land use designation in the Official Community Plan and the zoning. This is a long-standing use on the property that is being redeveloped by the potential new owners.

## SUMMARY/CONCLUSIONS

Development Permit 0022 will facilitate the redevelopment of a commercial use on a property located at 3251 Island Highway in the Cassidy Commercial Industrial area of Electoral Area 'A'. The facility will include: a 48.5 m<sup>2</sup> addition to the market, new landscaping, new signage, indoor storage, and increase



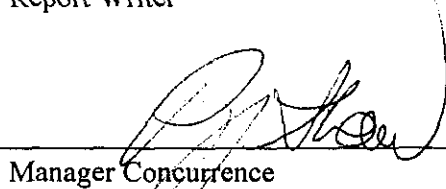
parking. The development permit is consistent with the Electoral Area 'A' Official Community Plan guidelines for the Cassidy Industrial Commercial Development Permit Area.

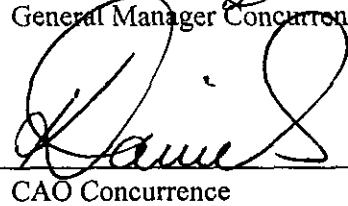
**RECOMMENDATION**

That Development Permit 0022 to renovate an existing commercial use on the property legally described as Lot 1, District Lot 2, Bright District, Plan 7407 be approved as outlined in Schedule 1 and subject to the notification requirements of the *Local Government Act*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**COMMENTS:**

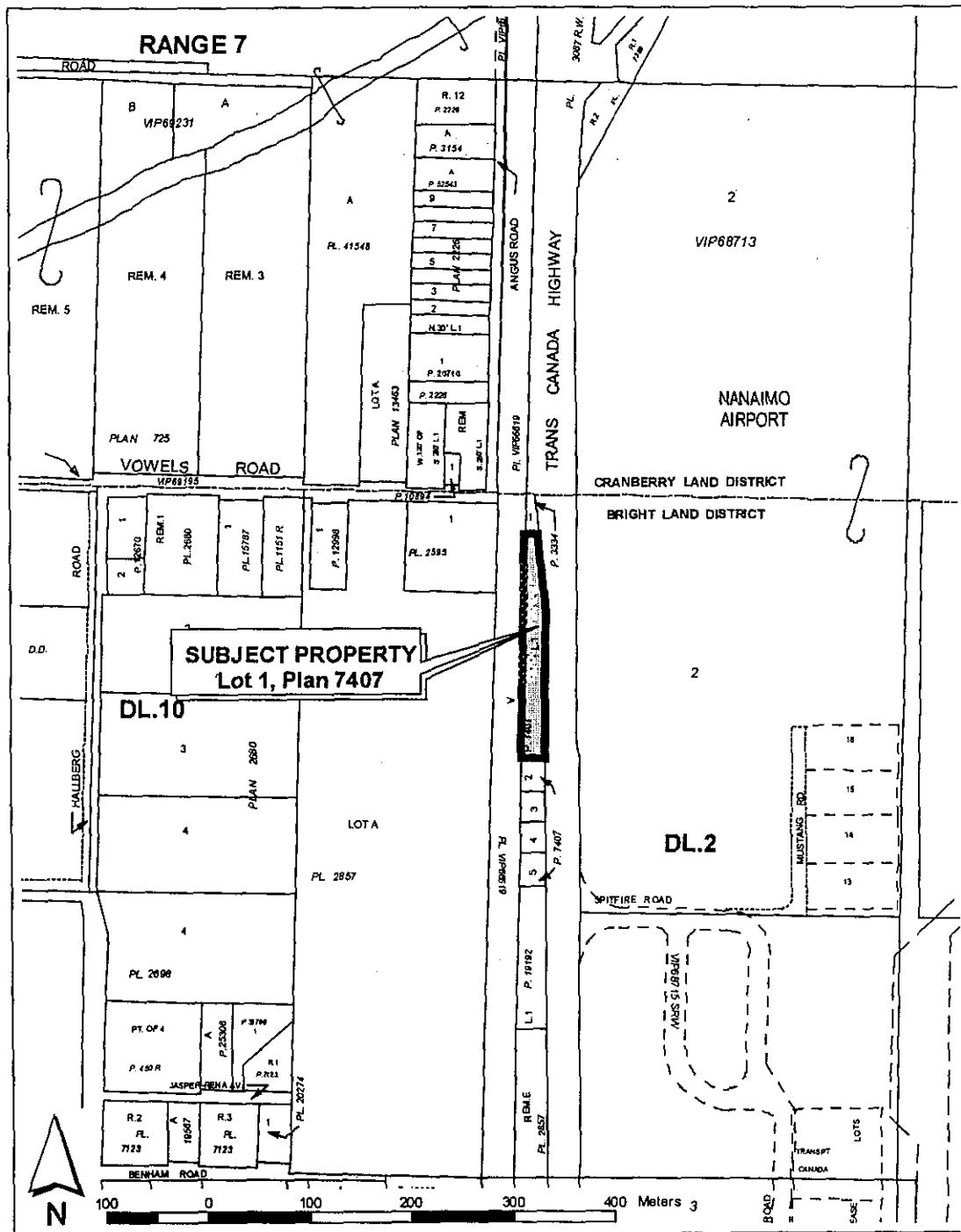
*devsvs/reports/2001/dp ja 3060 30 0022 Johnson Fong.doc*

**SCHEDULE '1'****CONDITIONS OF APPROVAL FOR  
DEVELOPMENT PERMIT 0022**

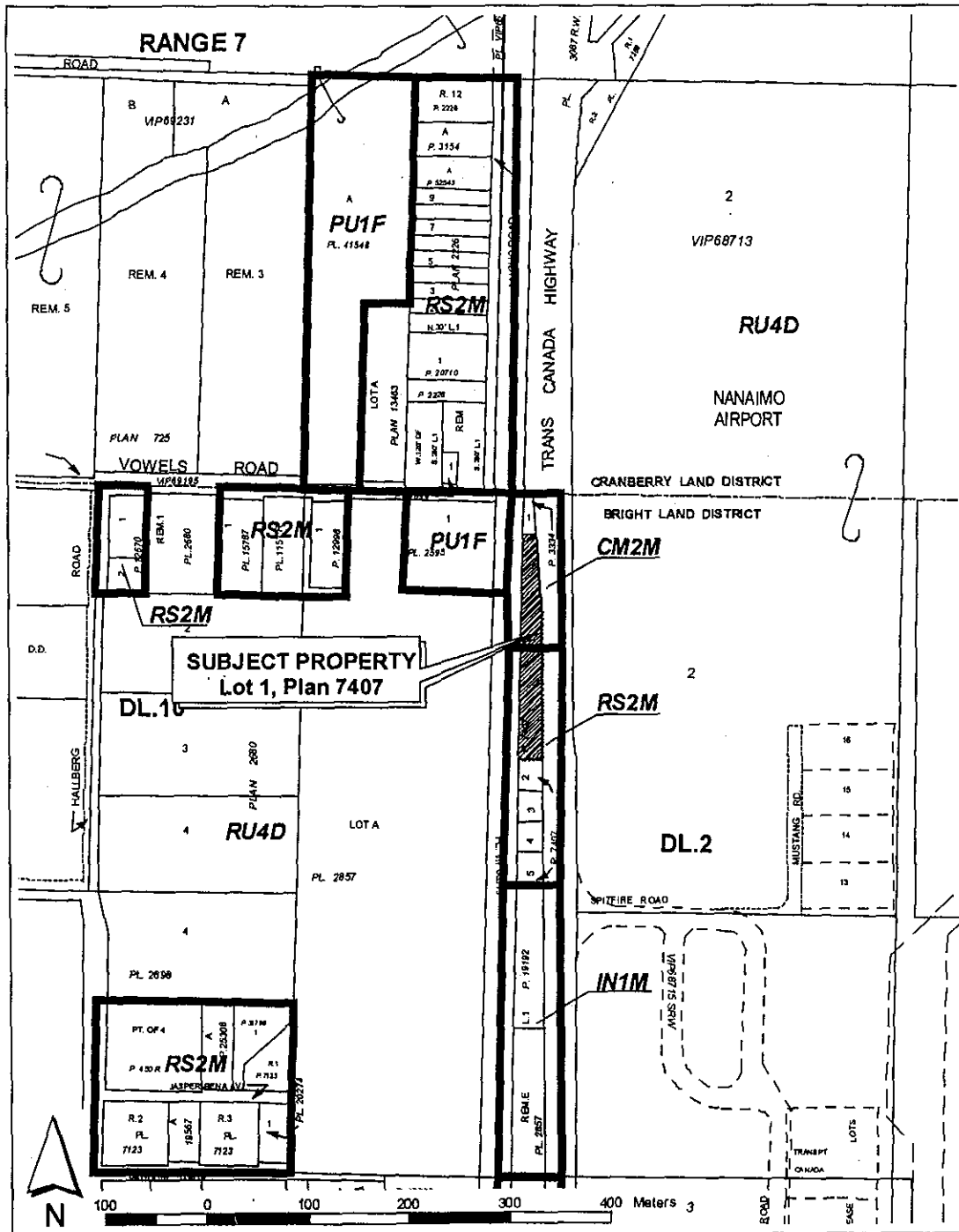
1. Retail market building, arbours, walkways, parking and landscaping to be developed on the subject property as illustrated on *Attachment 3 & 4*.
2. Provision at a minimum of the landscaped areas in the areas designated on *Attachments 4, 5 & 6*. The landscaped area shall enhance the proposed farmers market, and shall, at a minimum, satisfy the following criteria;
  - *Landscaping shall be totally comprised of drought resistant plants and vegetation.*
  - *Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestation or objectionable disfigurements.*
  - *all landscaping shall be permanently maintained in good condition with, at a minimum, the same quality and quantity of landscaping as was initially approved and without alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.*
  - *a permanent curb of a minimum of 15 cm in height shall be provided to protect landscaped areas form potential vehicular damage.*
  - *the design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted berms shall not conflict with the utilities, structures, necessary access, or required sight triangle.*
3. Conformance to "Regional District of Nanaimo Sign Bylaw No. 993, 1995" with the exception of the following variance as per *Attachment 7*:
  - i) an increase in the maximum number of signs from 2, to one sign above the fascia and below the roof measuring 30 feet long and 2 feet high, one sign above the fascia and below the roof measuring 10 feet long and 2 feet high, and one free standing sign located at the northern end of the property, measuring 16 feet in height with an area of 5 feet by 10 feet.
4. Conformance to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 Section 6.4.12, with the exception of the following variances to the minimum setback requirements as per *Attachment 8*:
  - i) A relaxation of the rear lot line setback from 5.0 metres to 0.60 metres to accommodate the siting of the existing structure.
  - ii) A relaxation of the front lot line from 8.0 metres to 7.46 metres to accommodate the siting of the existing structure.
5. All outdoor refuse containers shall be suitably landscaped with a solid landscape buffer including a combination of fencing and plantings.
6. Off-street parking and loading spaces must be in conformance with the design and construction specifications of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", Schedule '6B', with the exception of the following variances:
  - i) A relaxation of the total number of off street parking spaces required from 24 to 21;
  - ii) A variance to the front lot line setback fro 8.0 metres to 0.0 metres for parking;
  - iii) A variance to the rear lot line setback from 5.0 metres to 2.5 metres for parking

7. Off street parking spaces shall be delineated with markings or wheel barriers
8. A security deposit in the amount of \$10,000.00 pursuant to Regional District of Nanaimo Bylaw No. 500 Schedule '6F' - Landscaping Regulations and Standards.
9. Project to be phased as per Attachment 8.

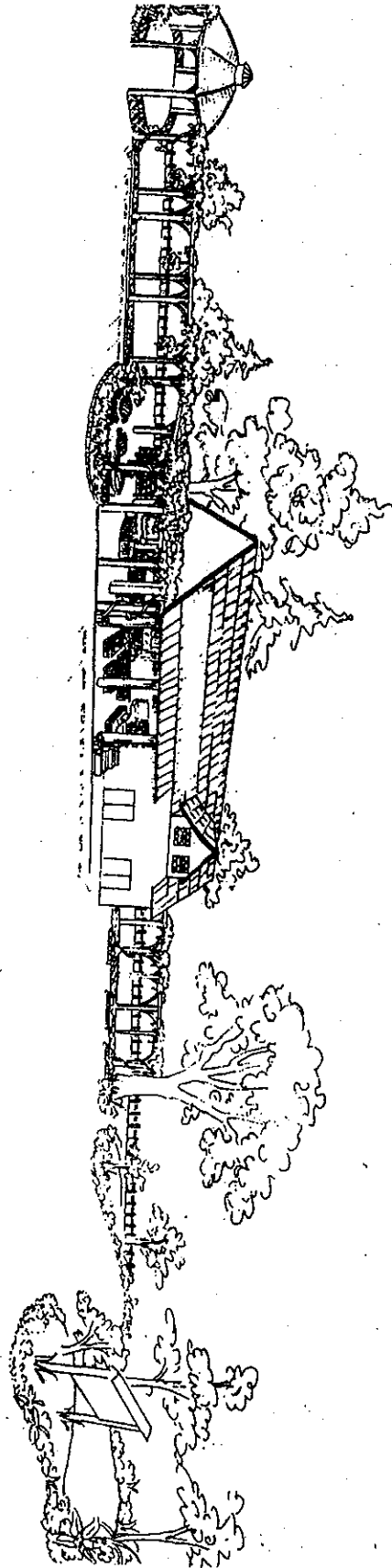
### Attachment 1 Subject Property Location



Attachment 2  
Subject Property Zoning

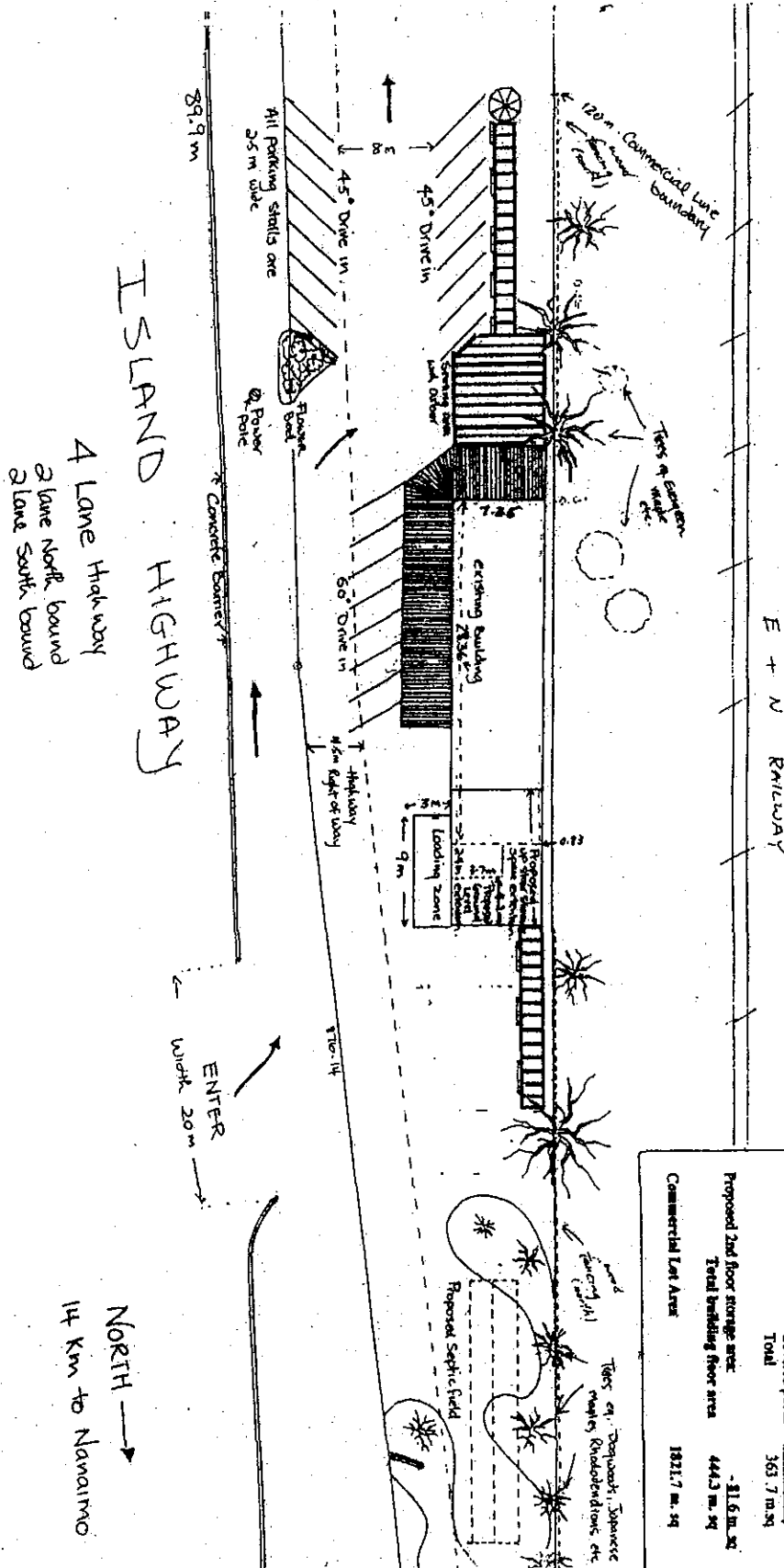


**Attachment 3**  
**Development Concept**



Attachment 4  
 Site Plan and Landscape Plan

Johnson's Farm Market  
 Traffic Site Plan & Proposed Expansion



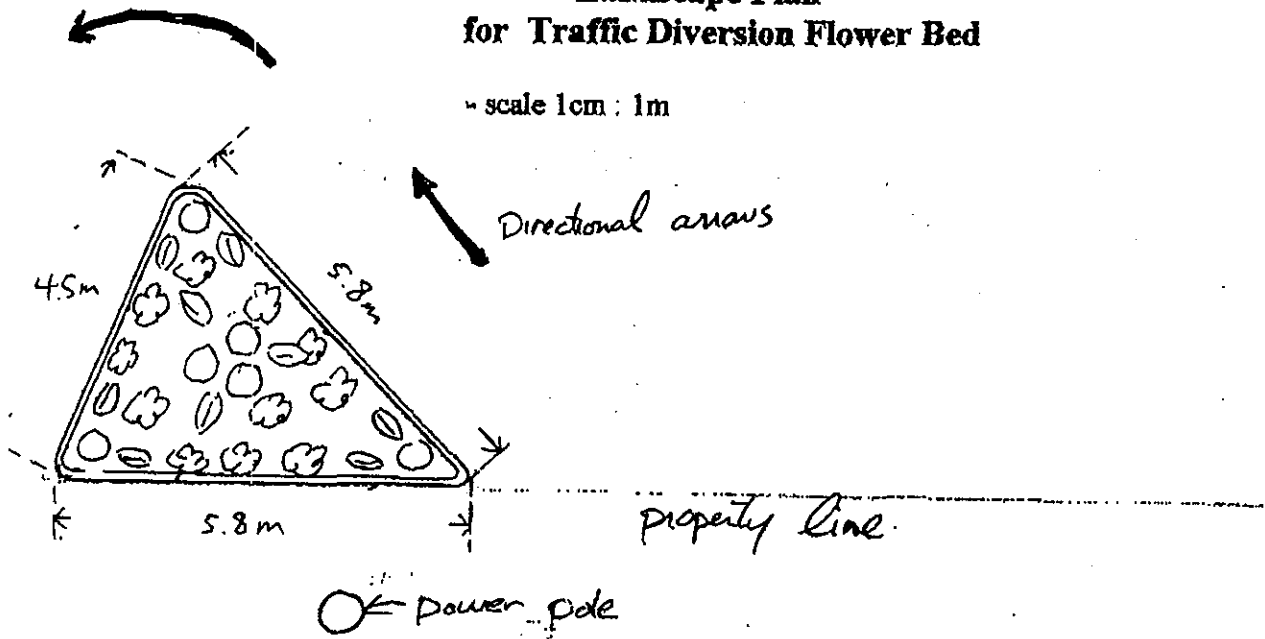
Scale 1 cm : 200 cm  
 3251 Trans Canada Hwy,  
 Lot 1 D.L.2 British District  
 Plan 7407

Existing Lot Coverage:	Market	-216.3 m. sq.
	Covered porch	-98.9 m. sq.
	Total	315.2 m. sq.
Proposed Lot Coverage:	Market	-216.3 m. sq.
	North Expansion	-48.5 m. sq.
	Covered porch	-98.9 m. sq.
	Total	363.7 m. sq.
Proposed 2nd floor storage area:		-81.6 m. sq.
Total building floor area:		444.3 m. sq.
Commercial Lot Area:		1821.7 m. sq.

Attachment 5  
Landscape Plan Details

Landscape Plan  
for Traffic Diversion Flower Bed

scale 1cm : 1m



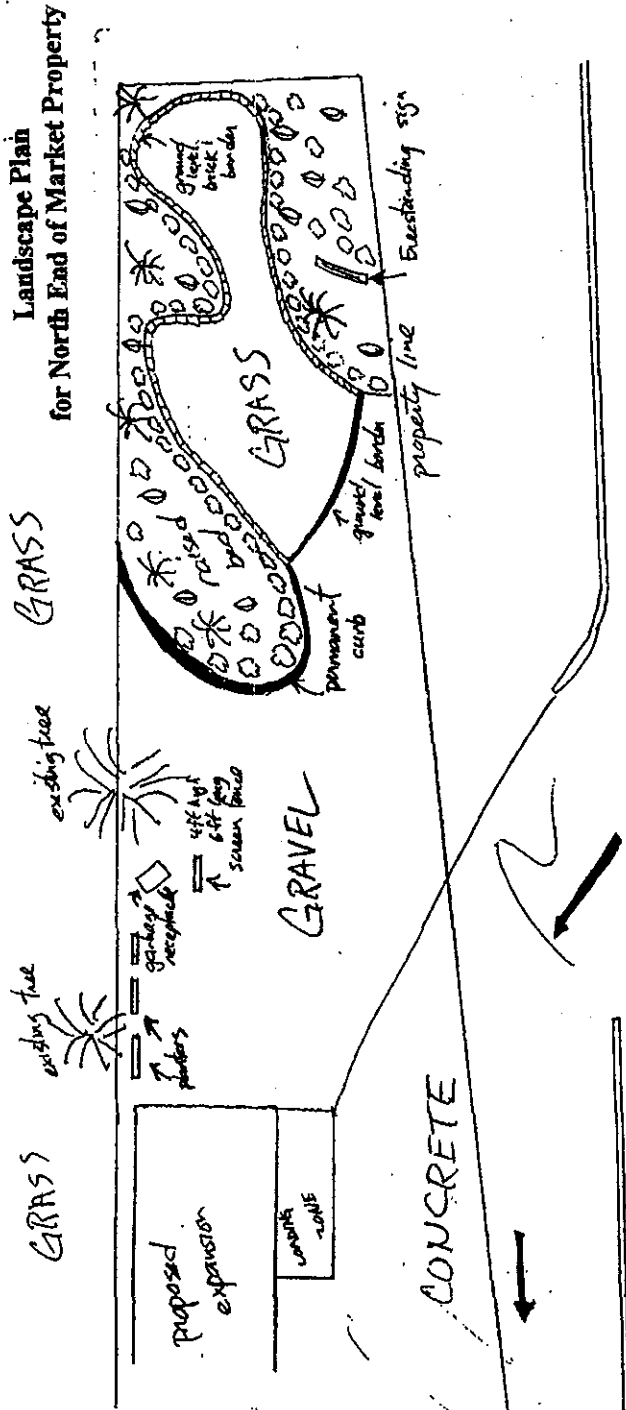
- constructed of rough cut 4x4s  
stacked to 12 inches in height

- Plants to be include:

- Perennials - Hardy Geraniums, Day Lilies, Hibiscus, Dianthus
- ⊙ Evergreen Ground Covers - Dwarf Lavender, Phlox, Heuchera
- ⊞ Annuals - Lobelia, Nasturiums



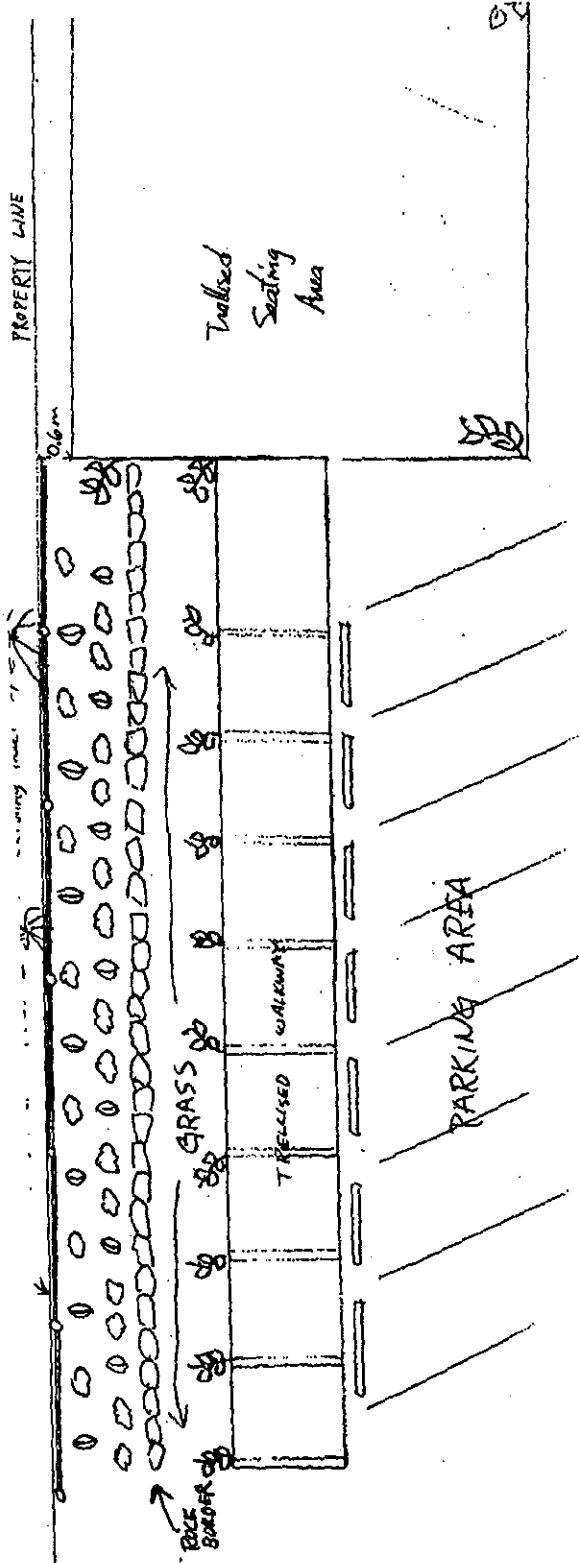
Attachment 6  
 Landscape Plan Details



Landscape Plan  
 for North End of Market Property

- Scale - 1cm : 3 m.
- Permanent curb constructed using 6 by 6 landscape ties.
- ground level 4 by 4 landscape tie border separating grass and gravel.
- ground level brick border separating grass from raised bed
- plants along borders will primarily be low lying annual and evergreen perennial plants featuring Viburnum, Geranium, Campanula, Lobelia, Nasturtium and Pansys
- Plants within the raised bed will be annual and perennial plants up to 30 inches featuring Aster, Arum Lilies, Gladiolus, Delphinium, and medium height shrubs such as Rhododendrons, Hydrangea, Azalea, Cotinus (Smoke Bush) and trees including Dogwoods, Japanese Maples, Lilacs, Pines and Firs
- Raised beds will be covered by a landscape fabric to limit weed growth.

Attachment 6  
 Landscape Plan Details cont'd



PAGE 02

STAPLES

Landscape Plan  
 Between Trellised Walkway and Log Fence

- scale 1cm : 1m.
- brick pathway with ground level wood border
- trellised walkway and seating area (less than 2m high)
- Plants to be included:
  - ⊗ Climbers on trellis - Clematis, Wisteria, Grape and Kiwi Vines
  - ⊙ Evergreens - Viburnum, Geranium, Plantain Lily
  - Annuals and Perennials - Gladiolus, Aster, Dianthus, Nemesis

PAGE

Attachment 7  
Signage Details

Dark Red  
Old Tree  
Logo

COUNTRY MARKET & DELI

2x10  
On the South side  
of the market

CASSIDY

5x10  
free standing  
North-facing sign

Cassidy  
COUNTRY MARKET  
DELI & fresh local fruits & vegetables

2x30 = 60  
2x10 = 20  
5x10 = 50  
130

signage measurement  
in feet

PAGE

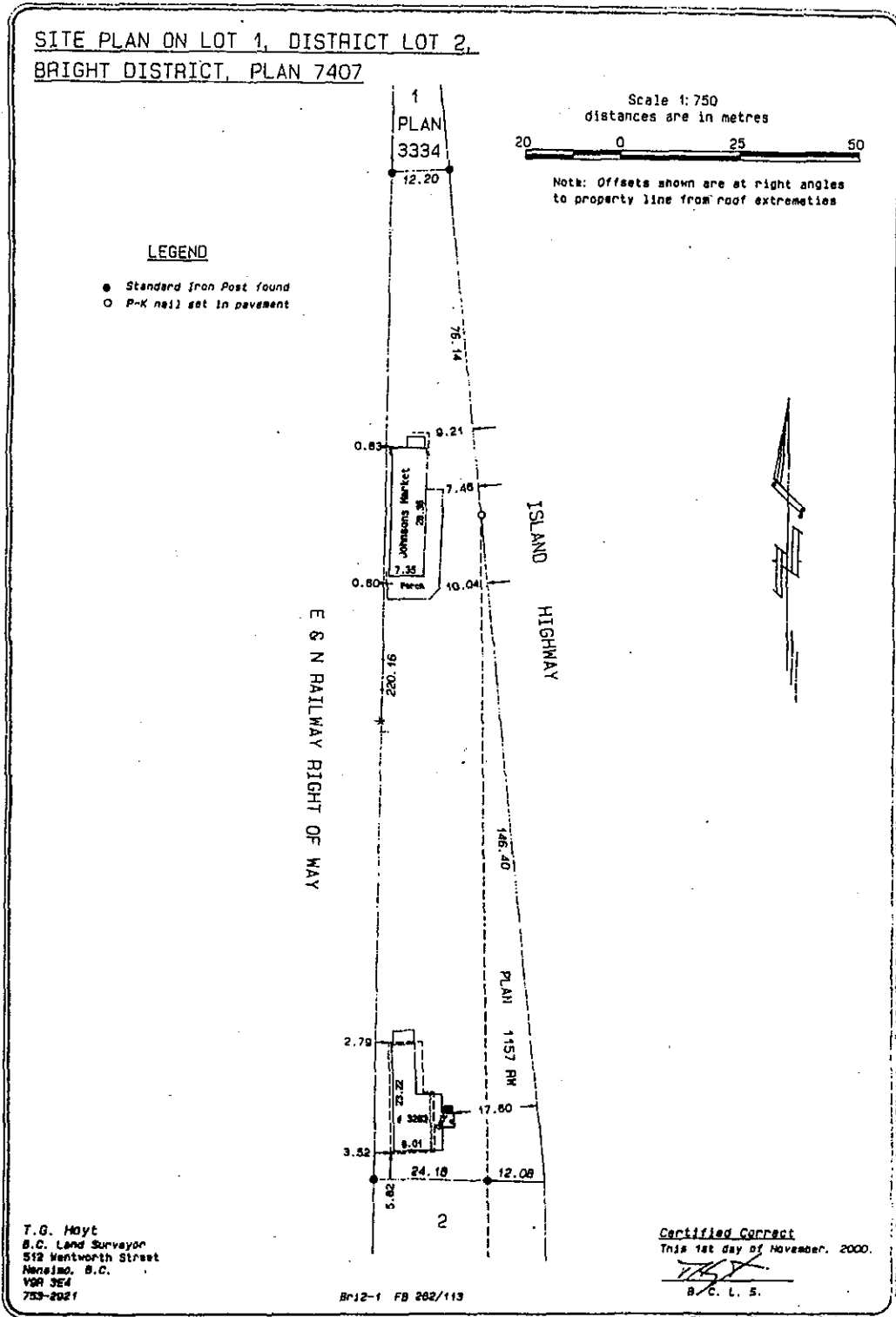
**Attachment 8  
Phasing of Project**

**Proposed Schedule of Construction**

- |  |
|--|
| <ol style="list-style-type: none"><li>1 Before opening (March 16)</li><li>2 Season 1 March 2001 - Oct. 2001</li><li>3 Nov 2001 - March 2002</li><li>4 Season 2 March 2002 - Oct. 2002</li><li>5 Nov. 2003 - March 2003</li></ol> |
|--|

- 1 Removal of vegetation along E + N Railway  
Removal of existing sign  
Erect Sign 1- freestanding North facing  
Sign 2- on building east facing  
Sign 3-on building south facing
  
- 2 General clean up of area around house and market  
Build South brick walkway with arbor  
Build fencing South of the market  
Install new fiberglass sheets on covered walkway  
Build seating area with arbor
  
- 3 Landscaping on and around septic field  
North brick walkway with arbor
  
- 4  
Removal of trees near residence  
Build fencing North of Market
  
- 5 Install septic field north end of property  
North extension of building  
Add second floor storage area

### Attachment 9 Survey Plan





REGIONAL DISTRICT OF NANAIMO			
JAN - 8 2001			
CHAIR		CMCRS	
CAO		CMDS	
CMCRS		CMES	
		DATE:	
		FILE:	

**MEMORANDUM**

**TO:** Pamela Shaw  
Manager of Community Planning

**DATE:** January 5, 2001

**FROM:** Lindsay Chase  
Planning Assistant

**FILE:** 3090 30 0015

**SUBJECT:** Development Variance Permit No. 0015 – School District 68/Vincent  
Electoral Area 'A' – 1644 MacMillan Road

**PURPOSE**

To consider an application for a Development Variance Permit in the Public 1 (PU1) zone to vary the setback provisions for an existing structure.

**BACKGROUND**

This is an application to legalize the siting of an existing structure at the Cedar School site located at 1644 MacMillan Road in the Cedar area. The subject property is an approximately 7 ha parcel (see Attachment 1).

The subject parcel is zoned Public 1 (PU1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are 8.0 metres from all lots lines.

The siting and dimensions of the existing structure, which is an arbour, are shown in Attachment 2. The applicant is requesting a variance to the front lot line setback for the arbour from 8.0 metres to 2.2 metres.

**ALTERNATIVES**

1. To approve Development Variance Permit No. 0015
2. To deny Development Variance Permit No. 0015

**SUMMARY/CONCLUSIONS**

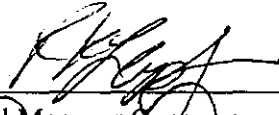
The applicants are requesting a single arbour to be located at the front entrance of the original Cedar School. The arbour is approximately 3.5 metres in height and 4.5 metres wide. A variance is not required for the height of the structure, only for its location on the site, which is 2.2 metres from the front lot line.


Staff recommends this application be approved subject to notification procedures pursuant to the *Local Government Act*.

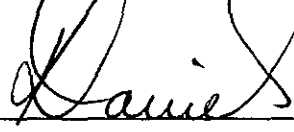
**RECOMMENDATION**

That Development Variance Permit Application No. 0015, submitted by David Vincent, Agent, on behalf of School District #68 to legalize the siting of an existing structure and vary the minimum setback requirement from 8.0 metres to 2.2 metres for the property legally described as Lot A, Section 16, Range 8 & Section 16, Range 1, Plan 46768, be approved subject to the notification procedures pursuant to the *Local Government Act*.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

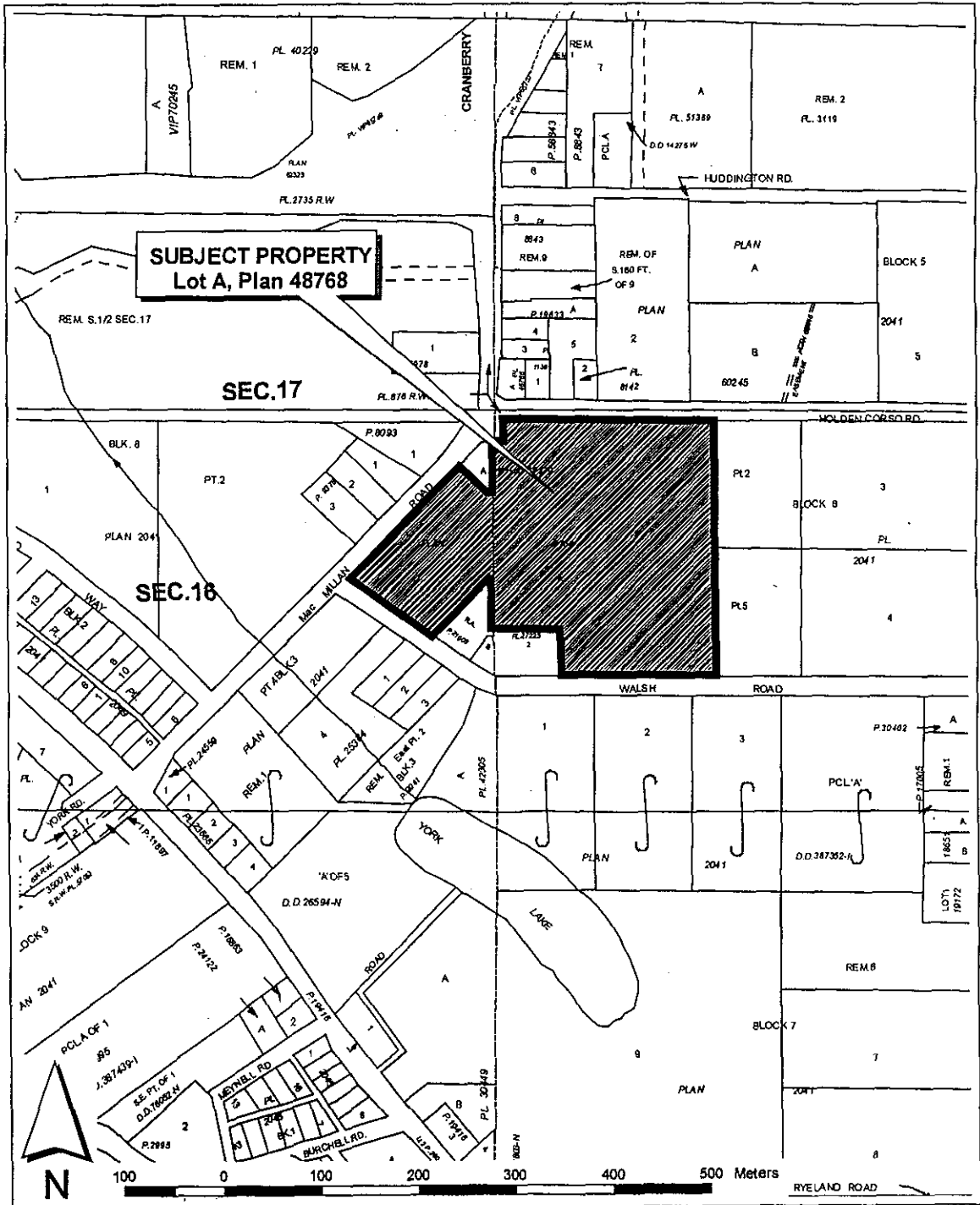
  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**COMMENTS:**

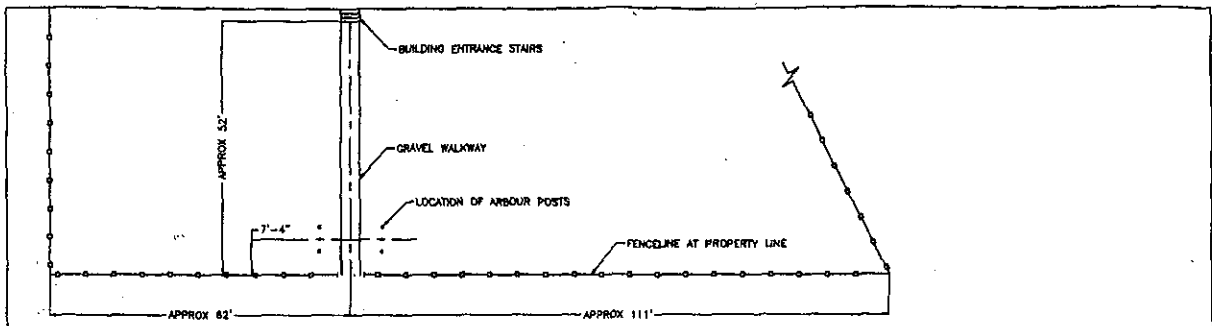
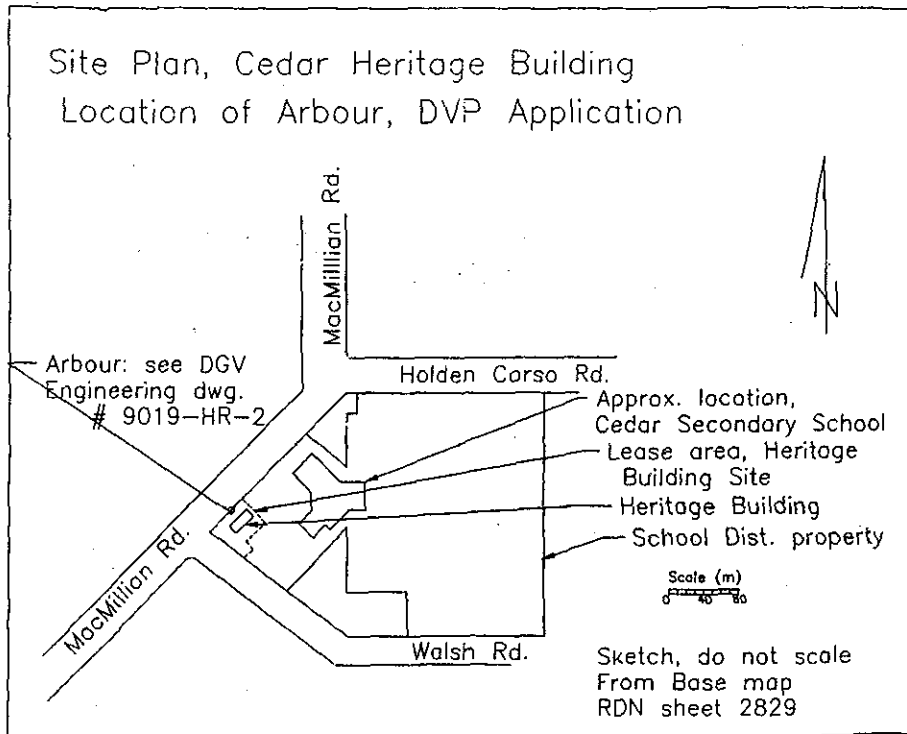
*devsvs/reports/2001/dvp ja 3090 30 0015 SD68.doc*

### Attachment 1 Subject Property Location

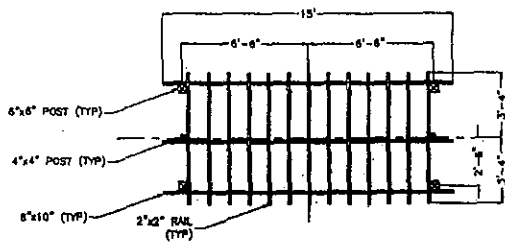




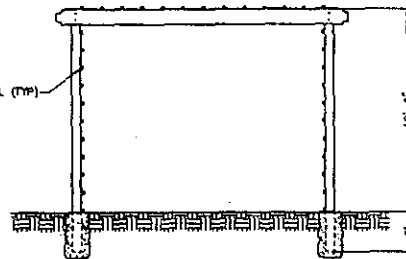
## Attachment 2 Site Plan and Arbour Specifications



**SITE PLAN**  
SCALE 1/16"=1'



**PLAN VIEW**  
SCALE 1/4"=1'



**FRONT ELEVATION**  
SCALE 1/4"=1'

**NOTES:**  
 -RECORD DRAWING OF EXISTING STRUCTURE  
 -ALL DIMENSIONS ARE APPROXIMATE, SUPPLIED BY OTHERS  
 -NOT REVIEWED FOR ACCURACY  
 -ALL WOOD ROUGH SAWN WESTERN RED CEDAR  
 -WOOD BELOW GROUND SURFACE TREATED WITH PRESERVATIVE AND EMBEDDED IN CONCRETE

**D.G.V. ENGINEERING SERVICES LTD.**  
 95 Milton Street, Nanaimo, BC V9R 2K1

**CEDAR SCHOOL & COMMUNITY ENHANCEMENT SOCIETY**

**CEDAR HERITAGE BUILDING**

**ENTRANCE ARBOUR RECORD DRAWING**

Sheet No.	0
Total No.	1 of 1
Project No.	9019-HR-2

PAGE 15



REGIONAL DISTRICT OF NANAIMO		
JAN - 8 2001		
CHAIR	GM CrS	
CAO	GMDS	
GM CrS	GMES	
DSC		
DATE:		January 5, 2001
FILE:		3320 20 32168

**MEMORANDUM**

**TO:** Pamela Shaw  
Manager of Community Planning

**FROM:** Susan Cormie  
Senior Planner

**SUBJECT:** Request for Amendment to a Restrictive Covenant and Relaxation of the Minimum 10% Perimeter Requirement  
Electoral Area 'H' - 1095 Spider Lake Road

**PURPOSE**

To consider a request to amend a restrictive covenant and to relax the minimum 10% perimeter frontage requirement in order to facilitate a 2-lot subdivision.

**BACKGROUND**

The subject property, which is located on Spider Lake Road within Electoral Area 'H', is currently zoned Rural 1 (RU1) Subdivision District 'D' pursuant to the RDN Land Use and Subdivision Bylaw No. 500, 1987 (see Attachment No. 1 for location). The property was rezoned under Amendment Bylaw No. 500.220, 1997 for the purposes of facilitating a 2-lot subdivision. At that time, as part of the conditions of rezoning, a restrictive covenant was registered on title restricting uses and subdivision of the subject property including restricting the subdivision layout configuration (see Attachment No. 2). The original subdivision layout included proposed Lot A being created with a minimum 10% perimeter frontage of 15 metres or 1.2% of the total perimeter.

The applicant now wishes to reconfigure the subdivision layout, and as a result, the restrictions under the covenant document will not be met (see Attachment No. 3 for proposed revised plan of subdivision). The Land Title Office will not accept a plan of subdivision that is not in substantial compliance with the covenant document registered on title. Therefore, an amendment to the covenant document is necessary prior to the revised subdivision being registered in order to satisfy the conditions of the covenant document and the requirements of the Land Title Office.

In addition, the applicant is proposing that revised Lot A will have 32.6 metres frontage or 3.1% of the total perimeter. Therefore, the proposed reconfigured Lot A will not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*.

**ALTERNATIVES**

The following options are available for consideration:

1. To approve the request to amend the restrictive covenant and relax the minimum 10% perimeter frontage requirement.
2. To deny the request to amend the restrictive covenant and relax the minimum 10% perimeter frontage requirement.

## DEVELOPMENT IMPLICATIONS

### *Covenant Implications*

Since the subject property was rezoned and the corresponding covenant registered on title, the applicant is proposing to reconfigure the lot layout in order to create a subdivision more suitable to the topography of the property and to improve access to proposed Lot A.

### *Ministry of Transportation and Highways Implications*

The Ministry has verbally indicated that it has no concerns with respect to this request.

### *Environmentally Sensitive Areas Atlas*

The Environmentally Sensitive Areas Atlas indicates a fisheries planning boundary in association with unknown fish habitats on adjacent properties. Staff also notes that the submitted revised plan indicates the presence of 2 dug ponds on the subject property with a third pond proposed. Staff comments to the Ministry of Transportation and Highways Approving Officer will include reference to this information.

## SUMMARY

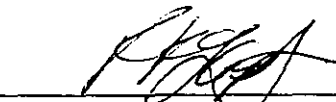
This is a request to amend an existing covenant document and to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate a 2-lot subdivision. In order for the applicant to proceed with the revised subdivision as proposed, the covenant document will have to be amended and reregistered at Land Title Office. Given that the proposal will improve the minimum frontage to proposed Lot A and it better suits the topography of the property, staff support the request to amend the covenant document and to relax the minimum 10% perimeter frontage requirement.

## RECOMMENDATIONS

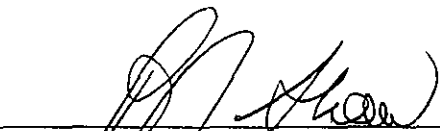
1. That the request from Ken Kyler, BCLS, on behalf of Wayne Duncan, to amend Covenant Document No. EL061937, to substitute a reconfigured plan of subdivision as shown on the plan prepared by Ken Kyler, BCLS and dated December 5, 2000, be approved subject to all costs associated with the registration of the amended covenant to be paid by the applicant and to the satisfaction of the Regional District.
2. That the request from Ken Kyler, BCLS, on behalf of Wayne Duncan, to relax the minimum 10% frontage requirement for the proposed Lot A shown on the plan of subdivision prepared by Ken Kyler and dated December 5, 2000, be approved.



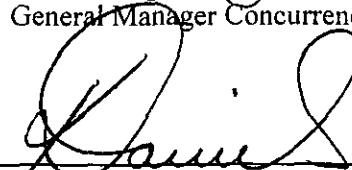
Report Writer



General Manager Concurrence



Manager Concurrence

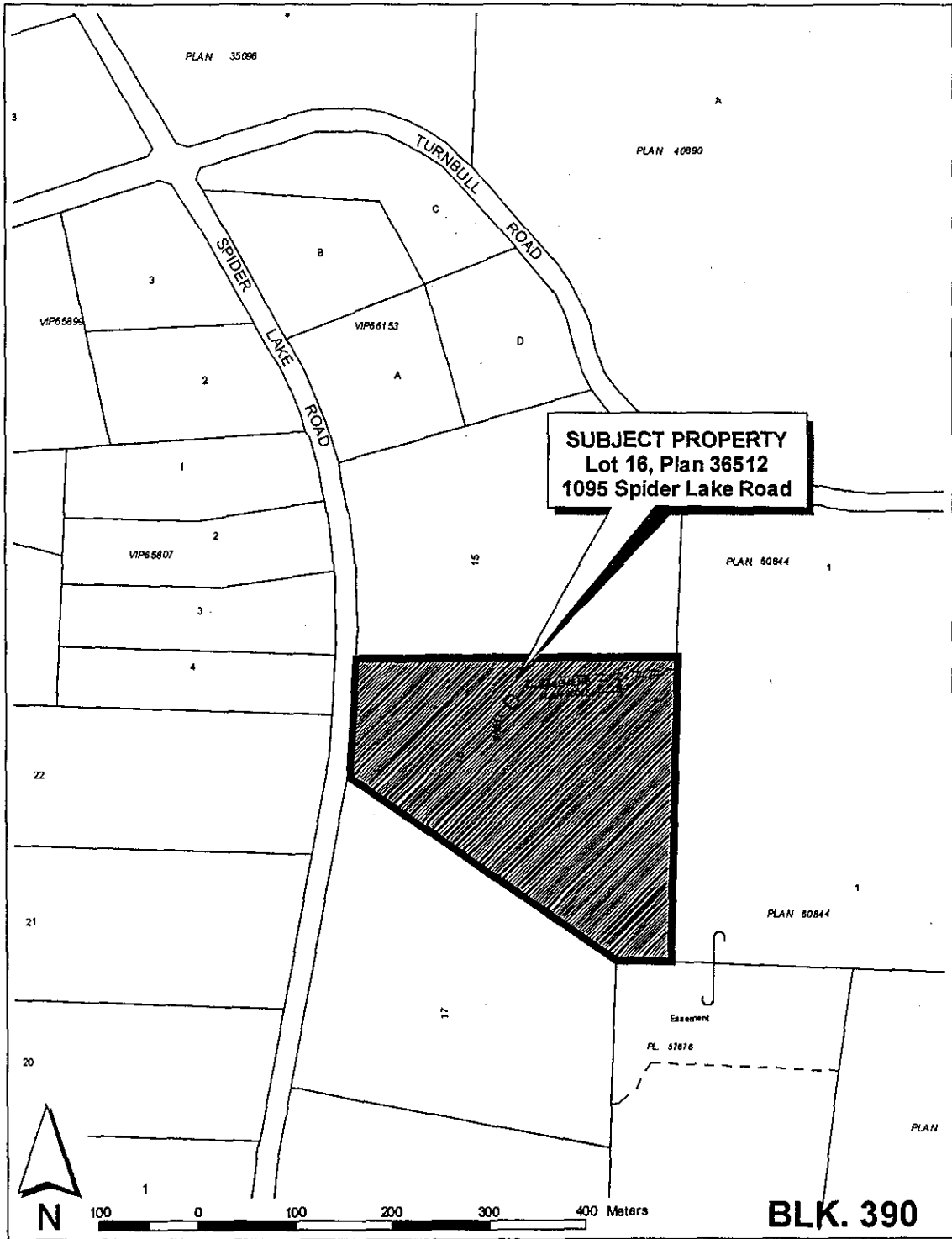


CAO Concurrence

## COMMENTS:

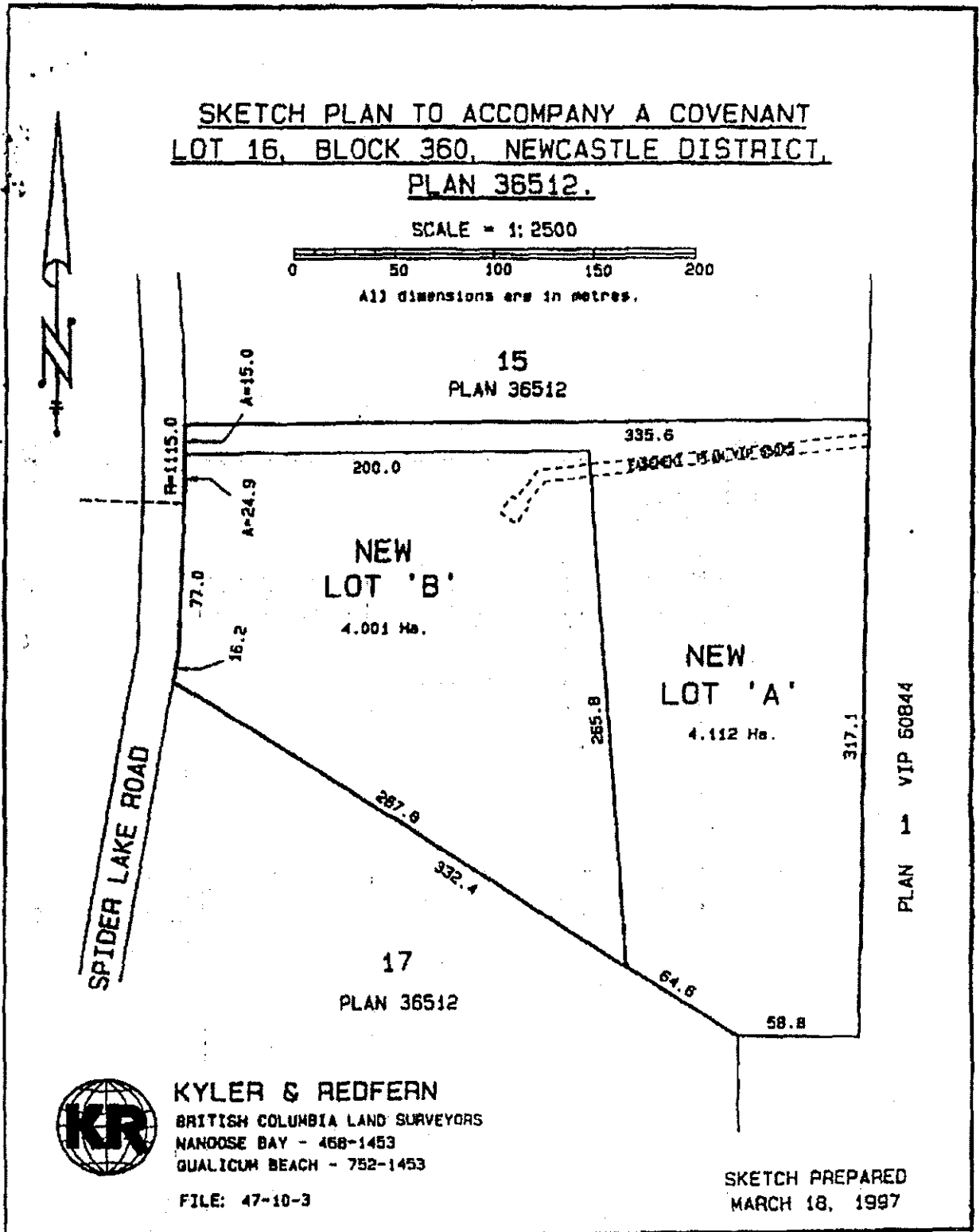
*Devsrs/reports/2001/frtge ja 3320 30 32168 Spider Lake.doc*

ATTACHMENT NO. 1

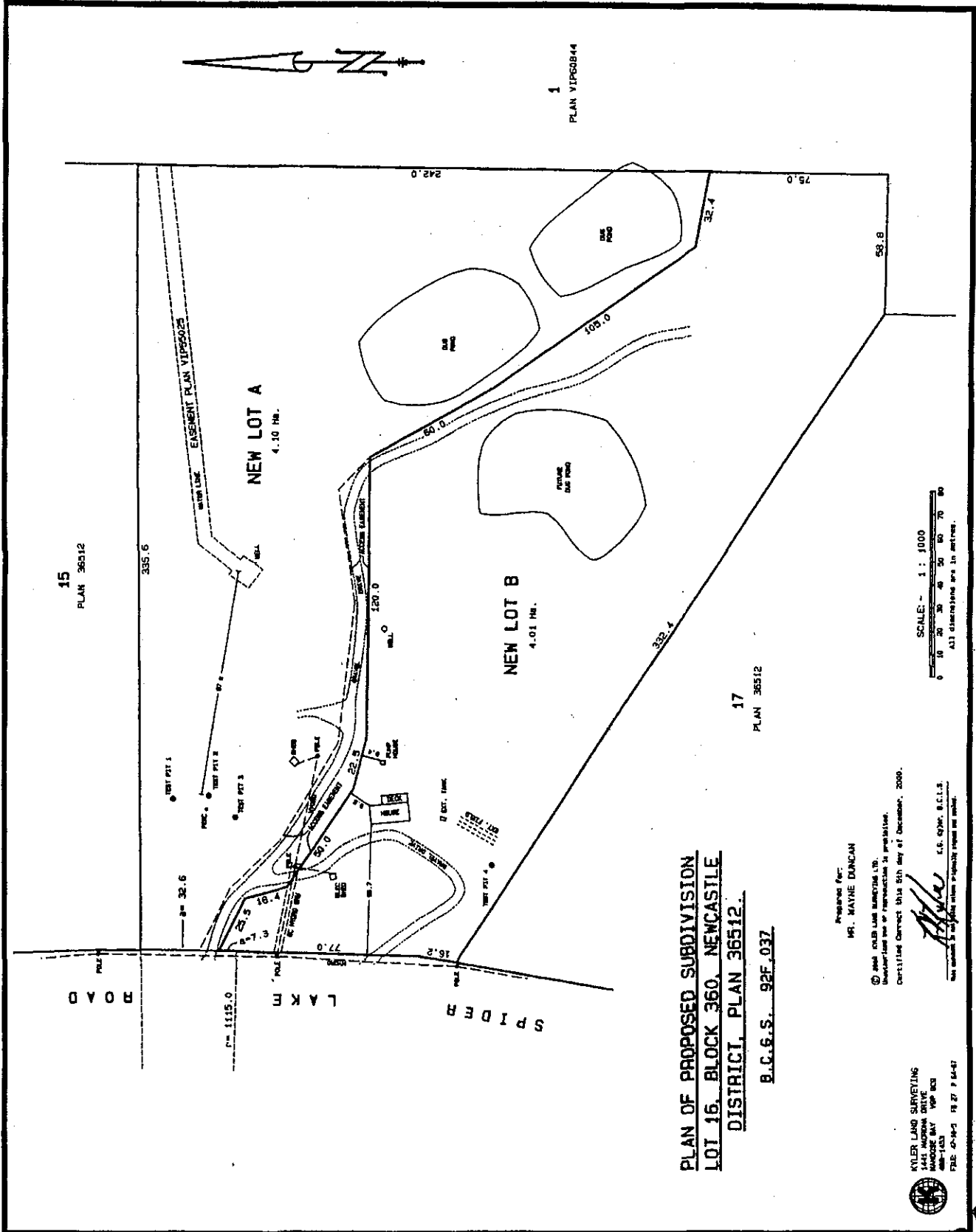


PAGE  
40

ATTACHMENT NO. 2



ATTACHMENT NO. 3



PLAN OF PROPOSED SUBDIVISION  
 LOT 16, BLOCK 360, NEWCASTLE  
 DISTRICT, PLAN 36512.  
 B.C.G.S. 92F.037

PAGE  
 62



REGIONAL  
DISTRICT  
OF NANAIMO

REGIONAL DISTRICT OF NANAIMO		
JAN 10 2001		
CHAIR	BOSS	
GAC	WDS	
	SPR	
<i>DSE ✓</i>		

**MEMORANDUM**

---

**TO:** Robert Lapham  
General Manager of Development Services

**DATE:** January 5, 2001

**FROM:** Brigid Reynolds  
Planner

**FILE:** 1850 20 NALT

**SUBJECT:** Nanaimo Area Land Trust Request for Annual Core Funding

---

**PURPOSE**

To consider a request from the Nanaimo Area Land Trust (NALT) for annual core funding from the RDN in the amount of \$13,000.

**BACKGROUND**

At the December 12, 2000 Board meeting a delegation of board members and staff from NALT made an appeal for annual core funding in the amount of \$13,000. A motion was carried at this meeting, directing staff to prepare a report to consider the request from NALT for financial funding.

NALT has been incorporated as a non-profit society since April 1995. Since that time they have played a part in raising community awareness about the importance of stewardship for the long-term protection of environmentally sensitive areas in the City of Nanaimo and within the regional district. NALT's program areas include voluntary stewardship; developing a Community Stewardship Resource Centre; Conservation Covenants; acquisition of environmentally sensitive lands; and field and restoration projects.

RDN staff has worked directly and indirectly with NALT over the years. It has been within the last year that there has been a more direct relationship. Direct involvement with NALT includes participation on its recently formed Conservation Covenant Committee. Staff's role includes providing land use information on properties where conservation covenants are being considered by the landowner. Also, as the Conservation Covenant program is new, staff and other committee members have provided input into the program's operations and policies. NALT has requested that the RDN act as a co-covenantor; however, as the program is still in its infancy and the RDN needs to have a better understanding of the implications and future responsibilities as co-covenantor, this role has not been pursued.

In addition, RDN planning staff, together with the City of Nanaimo Environmental Planner, and NALT have worked together to host an informational evening for community stewardship on Bloods Creek in Lantzville. NALT was responsible for preparing an information bulletin, distributing the information, setting up the meeting and chairing it. The information and meeting appeared to be well received by the 50 residents in attendance. Similar meetings have been discussed for other areas. Environmental Services staff worked with NALT to assist in the production of a model watershed for educational purposes.

Other indirect involvement with NALT includes working together with NALT staff and representatives from other environmental agencies on various committees including Salmon in the City, Mid Island

**PAGE**  
163

Stewardship Trust, Fisheries Renewal, City of Nanaimo Advisory Committee on the Environment (ACE) and acquiring the Nanaimo River Regional Park. With the exception of the latter, these are working relationships whereby agency staff represents the interests of their agency and constituents.

## **ALTERNATIVES**

1. To consider hiring NALT on a contractual basis for specific projects as required.
2. To create a separate function for all the Electoral Areas, the City of Parksville and the Town of Qualicum Beach to raise \$13,000 annually (or a lesser amount as determined by the Board) for NALT.
3. To deny the request for funding and encourage NALT to apply to the Grants-in-Aid program for project funding.

## **FINANCIAL IMPLICATIONS**

### *Alternative No. 1*

In the past NALT has requested small grants for specific projects for example Environmental Services provided \$1,125 towards the project to build a model watershed. Providing grants for specific projects is another method where by NALT could be provided funding. In addition, staff could hire NALT on a contact basis to assist in organizing community meetings to raise awareness of environmental stewardship. However, neither of these options addresses their request for ongoing core funding.

### *Alternative No. 2*

The third alternative is that the Board creates a separate function for all the Electoral Areas, the City of Parksville, and the Town of Qualicum Beach to raise funds for NALT. The City would not be part of this function as NALT is making a similar request to the City in the amount of \$35,000. The Board could not implement this initiative until the year 2002 budget as the 2001 budget has already been adopted. This function would allow for an amount to be available for the program, which would not meet the Grants-in-Aid criteria. Developing a separate grant-in-aid function for NALT could result in similar requests from other environmental non-profits that operate within the regional district. The long-term implications of entering into this relationship have not been fully investigated.

### *Alternative No. 3*

The third alternative is that the Board deny the request for funding. There are numerous sources of funds available to non-profits organizations to support projects and ongoing core funding; however, funding agencies generally provide project related grants rather than core funding as many funding sources have limited life spans.

The RDN has a Grants-in-Aid program that NALT could apply for project funding. This Committee meets twice a year. Generally, funding is provided for programs and projects only; this includes no funding for salaries or operating costs. In the past, NALT has not made an application for funds through this program. It is likely that they have projects that could qualify for funding.



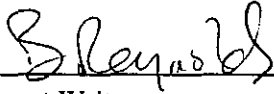
## SUMMARY/CONCLUSIONS

Nanaimo Area Land Trust (NALT) has requested ongoing core funding in the amount of \$13,000. NALT provides a service to residents within the City of Nanaimo and the RDN in the area of community stewardship and environmental protection. RDN staff work directly and indirectly with NALT in various capacities, including providing a grant for \$1,125 to build a model watershed; organizing community meetings to raise awareness of environmental stewardship, and working on NALT's conservation covenant committee.

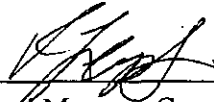
The long-term implications of creating a separate function to raise funds for NALT are not clear. Staff recommends that the two agencies continue to build a stronger relationship. The Regional District has a Grants-in-Aid program to provide non-profit groups with one-time grants; however, this program does not fund salaries. NALT has not yet taken advantage of this program. It is possible that they have projects that could qualify for funds from this program. This would be an appropriate place to begin building a funding relationship between the two agencies without a long-term commitment on the part of the Regional District of Nanaimo. In addition, RDN staff should continue to work with NALT on contract related services as well as other committees and projects.

## RECOMMENDATION

That NALT apply for project funding through the Grants-in-Aid program that is available on an annual basis and that staff continue to work with NALT on contract related services as well as other committees and projects.



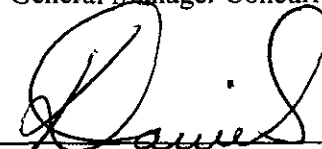
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

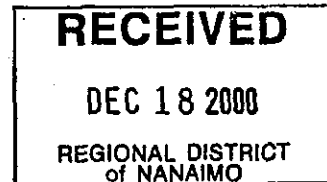
## COMMENTS:

*(see Attachment No. 1 supporting funding)*

*devsvs/reports/2001/1850 20 NALT.ja grant request.doc*

**Attachment No. 1**

3262 Wavecrest Drive  
Nanaimo, BC  
V9T 5W9  
December 16, 2000



Regional District Of Nanaimo

To Whom It May Concern:

I am writing this letter in support of the Nanaimo and Area Land Trust's funding appeal.

As you are aware, NALT has been active in many areas that are benefiting the Mid Island area, from protection and restoration of environmentally significant lands, to land acquisition and stewardship.

I hope you will support NALT's funding appeal.

Sincerely,

John Young

**PAGE**  
*106*



REGIONAL DISTRICT OF NANAIMO	
JAN 10 2001	
CHAIR	GMCrS
CAO	GMDS
CMC/S	CMES

**MEMORANDUM**

**TO:** Robert Lapham  
General Manager of Development Services

**DATE:** January 8, 2001

**FROM:** Pamela Shaw  
Manager of Community Planning

**FILE:** 3360 30 9617

**SUBJECT:** Home Based Business (HBB) Review  
Electoral Areas A, C, D, E, G & H- Land Use and Subdivision Bylaw No. 500, 1987

**PURPOSE**

To update the Board on the Home Based Business Review, including the results of public events on the Draft HBB Strategy and further, to request Board direction on proceeding with future public consultation.

**BACKGROUND**

The following actions have been completed to date on the RDN's Home Based Business Review:

<i>February 2000</i>	Draft HBB Provisions for Electoral Areas 'A', 'C', 'D', 'E', 'G', and 'H' were presented for Board consideration in a February 4, 2000 staff report
<i>April 2000</i>	Board direction to commence a comprehensive public consultation process designed to solicit input from the public on home based business options
<i>May/June 2000</i>	Open Houses and Community Forum Events were held in Electoral Areas A, C, D, E, G, and H to collect public comment on amending the current Home Based Business regulations. Referrals were also sent to known resident and business associations, government agencies, chambers of commerce, and by request. Development of a Home Based Business Strategy
<i>Fall 2000</i>	Strategy review
<i>November 2000</i>	10,000 copies of the 'Home Based Business Strategy' Newsletter bulk mailed all addresses in Electoral Areas A, C, D, E, G and H
<i>Nov/Dec 2000</i>	Presentation of the Home Based Business Strategy at four Open Houses and Community Forums, held at the Cedar Community Hall, Mountain View School, Parksville Community Hall and Lighthouse Community Centre
<i>January 2001</i>	Report to DSC on public events, request for direction on proceeding with future public consultation

The newsletter and the public events were intended to increase the transparency of the review process by providing an early opportunity for citizens to confirm or oppose the direction outlined in the RDN's Strategy for amending current home based business regulations. The presentation of the Strategy also facilitated public input on secondary issues, such as signage and parking.

For the Board's information, *Attachment No. 1* provides a summary of the four Community Forums, *Attachment No. 2* provides the newsletter which was delivered to 10,000 addresses in Electoral Areas A, C, D, E, G and H, *Attachment No. 3* provides a copy of the displays presented at the Open Houses, and *Attachment No. 4* provides written submissions received as part of the public consultation process.

In addition to comments on the Strategy, requests were made by the public to advance the Home Based Business Strategy to a 'draft bylaw' stage; that is, to present the Home Based Business Strategy in a bylaw format as it would appear as an amendment to the RDN's Land Use and Subdivision Bylaw No. 500, 1987. Input received to date suggests that further consultation (in the form of 'community forums') would be supported by the public as the Strategy advances toward a draft bylaw. A public consultation schedule is proposed in *Schedule No. 1*.

## ALTERNATIVES

1. To direct staff to produce a draft bylaw amendment based on public consultation to date on the Home Based Business Draft Strategy, and proceed to a series of public events as outlined in *Schedule No. 1*.
2. To refer the Draft HBB Strategy and proposed bylaw amendment process back to staff with direction to report back on the implications of alternatives as directed by the Board.
3. To abandon the proposed amendments to Bylaw No. 500.

## PUBLIC CONSULTATION IMPLICATIONS

The public through the written submissions and verbal comments at the Open Houses and the Community Forums raised a number of proposed amendments to the draft Strategy. These comments are summarized below, structured around the five key issue areas in the Home Based Business Strategy:

### *Activities*

The Home Based Business Draft Strategy proposed a new approach for regulating the uses permitted as a Home Based Business. Instead of providing a list of permitted uses (as does the current bylaw), the draft Strategy proposed a list of **prohibited** uses. The Strategy proposed only to restrict activities incompatible with a residential use due to health or safety implications or the generation of traffic, noise, odour, fumes, smoke or dust. Further, the Strategy proposed a range of services as home based businesses including bed and breakfasts, rental of recreation equipment, personal services, professional services, and business management. The Strategy also proposed expanded provisions for product sales in a home-based business.

Public comment on this issue ranged from concerns with specific uses (such as further restrictions on log processing and automotive repairs in Rural and Resource Management zones) to statements indicating that the list was, at best, incomplete, to concerns with the RDN's ability to restrict (and the RDN's role in restricting) traffic, noise and the visible impacts of home based businesses. Concerns were also expressed with limits on the size or hours of operation of bed and breakfasts, and potential limits on class sizes for home instruction in academics, arts, crafts or music. Comments were also received regarding the expansion of the provisions for sale of goods related or unrelated to the home-based business.

Generally, consultation on this issue supported the approach of providing a list of restricted uses rather than a list of permitted uses. However, further consultation is necessary to ensure that both residents and home-based business owners consider the list adequate. Further review is also required for the sales provisions in the Strategy (with comments generally focused on more lenient provisions and no limits floor area designated for unrelated goods).

### *Hours of Operation*

With respect to the establishment of Hours of Operation for Home Based Businesses, the Strategy proposed limiting the hours of operation from 8:00 am to 6:00 pm Monday to Friday for Residential zoned properties, and from 7:00 am to 10:00 pm for Rural or Resource Management zoned properties.

The public questioned the applicability of the hours of operation to bed and breakfasts, the logic behind restricting hours of operation for home based businesses with no discernable impact on surrounding properties, and the ability of the RDN to enforce hours of operation provisions. Instead, it was suggested by the public that the RDN consider the use of existing noise bylaws to limit the impact of home based businesses on surrounding properties and/or identify 'hours of impact' beyond which traffic and activity would be restricted to what would normally be expected in a residential setting.

Further consultation on the hours of operation provisions, with the intention of reducing or eliminating the regulations, is required.

### *Location*

The Strategy proposed restrictions for the location of home based businesses only on Residential 1 zoned properties less than 2000 metres square (approximately less than ½ acre- these parcels are found in Electoral Areas D, E and G) and for Residential 3 zoned properties. For these properties, the home-based business was proposed to be contained only within the dwelling unit. In addition, for all residentially zoned parcels, a bed and breakfast operation was proposed to only be permitted within the dwelling unit. In all other zones, the home-based business could be contained within a dwelling unit, attached garage or accessory building (with a bed and breakfast allowed in the dwelling unit or within an accessory building).

Public comment in some electoral areas supported the home based business or bed and breakfast being permitted in a dwelling unit or accessory building in any zone. It was suggested that regulations for the location of the home-based business not be included in the revisions to Bylaw No. 500. Further public comment on these provisions is required as the location of a home based business in an accessory building in a Residential zone is a significant shift from the current regulations.

### *Non-Resident Employees*

The Strategy proposed no non-resident employees for Residential 1 zoned properties less than 2000 metres square (approximately less than ½ acre) and for Residential 3 zoned properties, one non-resident employee for all Residential 2 zoned properties and Residential 1 zoned properties greater than or equal to 2000 metres square (approximately greater than ½ acre), and two non-resident employees for properties zoned Rural or Resource Management.

Generally, public comment has suggested one employee in any zone (similar to the home based business regulations of the member municipalities and adjacent regional districts). However, it should be noted that some residential neighbourhoods in Electoral Areas 'E' and 'G' have previously not supported these changes for smaller residential parcels.

Comments were more divided over the implications of allowing a greater number of employees; further consultation is required to ensure the future regulations adequately balance the need for modernized regulations against the preservation of the residential use of Residential, Rural, and Resource Management zoned parcels in the RDN.

### *Size*

The strategy proposed a sliding scale for the size of the home based business and number of bedrooms in a bed and breakfast based on zoning and parcel size.

There was general agreement that the home-based business should be secondary in size and impact to the residential use on the parcel. Beyond that, however, there were varied comments on this issue. Some individuals supported the unrestricted use of permitted accessory buildings for the home based business,

others supported the use of up to 49% of the dwelling unit for the home based business, other comments were concerned with increasing the number of allowable bedrooms in a bed and breakfast.

Again, a more detailed consultation with the public is required on the balance between size and impact of home-based businesses.

### **Business Registry**

The RDN has an existing application to the province for business licensing authority. Public comment to date has been generally negative with respect to business licensing; it is recommended that this application be formally rescinded.

The HBB Strategy recommends the establishment of a business registry. The intention of the registry as proposed is to provide HBB operators with a copy of the HBB regulations and would ask the HBB operator to state the HBB activity, size, location and number of non-resident employees. The registration process would then ensure that the operator is fully aware of key HBB regulations prior to the establishment of the HBB. It is also intended that the Central Vancouver Island Health Region would be notified of HBBs involved in food processing, childcare or B&B to ensure that appropriate Health approvals have been obtained. Registration is proposed to be on a one-time basis at a fee of less than \$40.00. Furthermore, a 1-year phase period was proposed, during which time no registration fee would be charged.

The majority of comments from the public indicate opposition to the registry in any form. However, a minority of individuals indicated that they could support the registry if the registry were used only as a business promotion/economic development tool, and if registration would be permitted at no charge.

In general, the public opposed the \$40 registry fee. Should the registry proceed, the public suggested that no fee be required for registration.

Further consideration of the incentives supporting the registry and the presentation of the proposed incentives to the public is required.

### **REFERRAL IMPLICATIONS**

The Draft HBB Strategy has direct implications for the Central Vancouver Island Health Region (CVIHR), and other provincial agencies. In conjunction with the proposed public consultation process on the draft bylaw, referrals will be provided to appropriate government agencies. In addition, referrals will be sent to known residents' associations, neighbourhood associations, chambers of commerce, business organizations, and to any other groups or individuals on request.

### **SUMMARY/CONCLUSIONS**

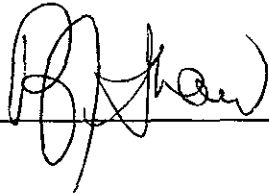
The Draft HBB Strategy (*Schedule 1*) was developed in response to information received from the Board directed Public Consultation Process. The Draft Strategy constitutes a marked departure from existing regulations by allowing ancillary sales and the sale of goods unrelated to the HBB, expanding location and size allowances, non-resident employees, and a business registry.

Should the Regional Board concur with the recommendation to receive the Draft HBB Strategy and endorse the proposed bylaw amendment process, staff will develop draft bylaw provisions based on the Draft Strategy for public review. The results of the public review and referrals to government agencies and citizen groups would be outlined in a report anticipated for the April 2001 Development Services Committee Meeting.

**RECOMMENDATIONS**

1. That the summaries of the Community Forums on the Home Based Business Draft Strategy and written submissions from the public be received for information.
2. That the public consultation process as outlined in *Schedule 1* be endorsed.
3. That the application to the provincial government for business licensing be formally rescinded.

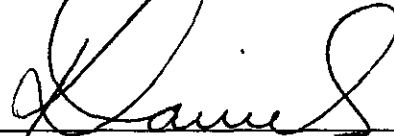
Report Writer



General Manager Concurrence



CAO Concurrence



**COMMENTS**

devsvs/reports/2001/txt3360 30 9617 ja 2001HBB strategy.doc

**SCHEDULE 1**  
**PUBLIC CONSULTATION PROCESS**

The following process and tentative schedule is provided:

<b>ACTION</b>	<b>TENTATIVE DATES</b>
Board review of Home Based Business Strategy report	February 2001
Preparation of draft bylaw provisions based on Draft HBB Strategy	February 2001
<p>Public Information Meetings on the Draft bylaw provisions.</p> <p>Four meetings would be held, one in each of Electoral Area 'A' (with notification to residents of Area 'C'), Electoral Area 'D', Electoral Area 'E', and Electoral Area 'H' (with notification to residents of Electoral Area 'G')</p>	February/March 2001
Provincial agencies, resident associations, business associations and First Nations referrals on the draft bylaw	February/March 2001
DSC consideration of report providing summary of public information meetings, recommended changes, and requesting 1 <sup>st</sup> and 2 <sup>nd</sup> reading on bylaw)	March 2001
RDN Board consideration of 1 <sup>st</sup> and 2 <sup>nd</sup> reading	April 2001
Public Hearing	Late April 2001
Board consideration of 3 <sup>rd</sup> reading and adoption of bylaw amendment	May 2001



## Home Base Business Draft Strategy

### Community Forum November 30, 2000 Parksville Community Hall

*Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

Attendance: 25 members of the public  
Pamela Shaw, Manager, Community Planning  
Lindsay Chase, Planning Assistant

P. Shaw welcomed the public to the Community Forum, briefly outlined the history and intent of the Home Based Business Strategy and indicated that this event was not a public hearing on the home based business regulations. Questions and comments were then invited from the public in attendance.

Matthiaus Tilla— operates a mobile Hydraulic Business from home. Mr. Tilla indicated that 95% of his work is done in the field, but there are some situations where clients come to his shop. Mr. Tilla has concerns about hours of operation that include that couriers often come before 8 a.m. and the daycare facility down the street also has parents dropping children off prior to 8 am. As a HBB he doesn't work 8-4. Customers appreciate the longer hours as they also don't have time during the workday. Mr. Tilla indicated that noise bylaws should take care of many issues, and that we already had noise bylaw in place to deal with this. Mr. Tilla indicated that the licensing fee is just another tax grab. If it were for the purpose of a published list of businesses every year still doesn't think it would be very useful for his business. If we are moving to licensing, Mr. Tilla would prefer to see a single license for the entire island. At present he technically needs a license for every town he works in. Mr. Tilla indicated that building size regulations are confusing. Mr. Tilla finds it ludicrous to have regulations for this when we already have building regulation in effect, and further, feels that existing regulations already cover this and that as long as buildings conform to current regulations and code, this should be enough. Mr. Tilla indicated that the number of vehicles related to business with logos should be increased to 2-3 per business as long as they are not derelict.

Mary Jane Puckrin- Ms. Puckrin indicated that there is a need to use Imperial measurement system in publications, as many people aren't used to using metric scale. Ms. Puckrin indicated that she has tried to follow rules, however her lot is less than 2000 m<sup>2</sup>. Ms. Puckrin indicated that she is happy with changes that have been made to previous HBB proposal, with a few exceptions:

1. Define HBB, as an economic endeavor to make a living in a residence. The current definition limits future occupations
2. The use of the terms incidental and subordinate could at some time be used to decrease the size of accessory building permitted
3. Happy with the change to the definition of processing

4. Hours of operation-12 comments out of 500 expressed concern, so why was this put in? Area 'H' is very touristy and the operators of HBB's rely on this trade to make a living. How can they do that with such limited hours of operation?
5. Any economic study indicates that a HBB is doomed if it cannot operate at night and on weekends
6. Happy with the registry concept and that no licensing is proposed. However, at present anyone can go down to the planning department and get information for free. What is the benefit to the business owner, or what would be offered as an incentive to register?
7. Size of sign permitted needs to be increased for some areas, not necessarily in residential though.
8. Would like to see an even greater increase in the size of building permitted for HBB.
9. The Non-resident employee status needs to be looked at more. Provided example of neighbour with t-shirt embroidery business whose sons worked with him, but no longer lived at home. Was run out of business by neighbour who was mad at RDN.

Ms. Puckrin provided her web-site address for further information

A member of the public indicated that handicapped people who operate HBB might need more than the permitted number of non-resident employees. Thinks that this should be increased to 2 non-resident employees

Matthias Tilla indicated that Hours of operation need review. Mr. Tilla often has people coming out at night and on Sundays, as these times are convenient for the customer. Unless a nuisance is created for the neighbours, this should not be limited.

J. Moss indicated that he is troubled by what he perceives as a one-size fits all approach. Mr. Moss indicated that Noise bylaws don't take care of barking dogs right now. Mr. Moss indicated that right now he is free to endlessly do his woodworking as long as he is not selling it. Mr. Moss indicated that it is difficult to see this as anything by the regulation of making money, and further, he can hire help to cut his lawn, take care of his elderly mother etc- but where is the line? Is he an employer? Mr. Moss indicated that he currently makes a component for another company. No clients come to his house, and he feels he will be victimized by one-size fits all approach to HBB. Mr. Moss indicated that, with regards to the license fee, traditionally you pay it in exchange for some benefit. What will be the benefit to him? Mr. Moss indicated that he doesn't think this will exempt or restrict businesses you might want to exempt or restrict. Mr. Moss requested a definition for an employee.

Pam Shaw responded by indicating there was no definition at this time, and requested that the public provide suggestions or recommended definitions.

A member of the public who lives in the Morello Road Neighbourhood indicated that there used to be restrictions in place, and then the zoning changed and permitted businesses. Currently unable to enjoy his property because of neighbours welding business makes so much racket. He indicated that with new regulations, industrial type uses would be allowed. If it is a business that doesn't disturb people, then fine, but business that creates noise is a different matter. Noise regulations are imperative.



A member of the public indicated that the RDN needs to improve noise bylaws. Noise issue is not a HBB issue.

MJ Puckrin indicated that a HBB must not disturb the neighbours.

A member of the public indicated that the RDN needs separate rules and regulations for noisy industry or business.

A member of the public indicated that the purpose of HBB regulations is to restrict impact on neighbourhood, and further, instead of limiting HBB, the RDN should consider noise limits, traffic limits, etc. Hours of local impact might be a way to express this.

Jack Roy questioned what is 2000m<sup>2</sup> in acres (approximately .49 acre) and requested clarification on attached and detached garage or accessory buildings.

A member of the public indicated that by over defining thing, the strategy would become dated very quickly.

A member of the public asked about bylaw enforcement complaints that started HBB review.

A member of the public indicated that Parksville is opening up HBB regulations even more with allowance for non-resident employees and use of accessory buildings

A member of the public questioned what are other rural type regional districts doing with HBBs? They must have similar issues and discussions around things like noise issues. He indicated that things are getting too complicated, use the KISS principle.

A member of the public indicated that as long as HBB doesn't create a nuisance to the neighbours, there is not a problem with it. However, we can't depend on people being civil anymore. There needs to be rules about the impact of HBB on the neighbourhood.

A member of the public indicated that there are certain industries where noise is not avoidable all the time.

A member of the public indicated that he wanted to know if what he did was a business or not and gave a definition of HBB as people who cannot afford rent in a commercial area

The public in attendance commented generally on the definition provided.

A member of the public inquired as to the next round of public consultation?

Pam Shaw gave timeline indicating further public consultation in January and February

There being no further comments from the public, the meeting ended at 9:25 p.m.

**REGIONAL DISTRICT OF NANAIMO**

**SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING  
HELD MONDAY, DECEMBER 4, 2000 AT 7:30 PM  
AT LIGHTHOUSE COMMUNITY CENTRE  
TO CONSIDER THE HOME BASED BUSINESS DRAFT STRATEGY**

*Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

**Present:**

Pamela Shaw                      Manager, Community Planning  
Deborah Jensen                 Planning Assistant

There were approximately 36 people in attendance.

The Manager of Community Planning opened the meeting at 7:37 pm and followed with greetings to the public and an introduction of the head table.

Staff stated the purpose of the public meeting, and provided a general overview of the Home Based Business Draft Strategy.

Staff invited questions/comments from the audience.

Mary Jane Puckrin, 5400 West Island Highway, Bowser, presented an overview of concerns regarding aspects of the Home Based Business Draft Strategy (written comments attached).

Carla Flegel, 5085 Gainsburg, Bowser, expressed concerns with respect to restricting the number of customers to a maximum of five at any given time, and questioned whether other business districts are restricted in this manner. Carla Flegel also inquired when a home based business is considered a commercial/industrial enterprise, and asked how the RDN will regulate e-business.

Staff responded the RDN does regulate on-site parking spaces for commercial areas. Staff stated that it is part of this home based business review to define that point where a home based business becomes a commercial or industrial use. Further, staff indicated that it can be difficult to identify home based e-businesses, although if stock is retained on site then the e-business is considered a home based business.

Leonard Ralph, 6253 West Island Highway, Qualicum Bay, stated he operates a bed and breakfast and is concerned that restricting hours of operation will hinder their business activity as they operate during variable hours seven days a week. Mr. Ralph is concerned with the proposed number of units allowed and does not believe this is realistic for a bed and breakfast, particularly as their use is strictly residential for 6 months of the year. Mr. Ralph is also concerned with the proposed signage regulations and feels there should be an "Application for Exception" for those situations that present sign location problems, for example, intrusive vegetation.

Staff responded that a bylaw is currently in place to regulate signage. In addition, the Ministry of Transportation and Highways may require an application for sign placement within a highway easement.

Marianne Tennet, a resident of the area, stated a better definition for "schools" is required, the proposed hours of operation are not feasible, and home based businesses should have the ability to operate during suitable hours so long as those hours are not intrusive to surrounding neighbours. Marianne Tennet also stated she does not want to see a registry in place.

Staff responded that this comment has been made in written submissions and at the earlier Community Forum.

A resident of the area stated that neither Bylaw 500 nor this proposed bylaw were wanted by the community, and questioned how the RDN could distinguish between animal breeding or logging/heavy equipment operations as permitted or prohibited uses. The resident stated he would rather have animal litters next door rather than log home construction. The resident also stated hours of operation are a problem, the definition of schools needs to be reviewed, and every time the RDN does something, it costs him money.

Carla Flegel, 5085 Gainsburg, Bowser, who operates an art school, expressed concerns that if children go outside to use the playground, this not an allowed use.

A resident stated they have no noise bylaws to protect them, and that home based business issues need to be addressed in a manner that also protects those residents who are affected by the operation of a home based business.

Chuck Fenton, Qualicum Bay, stated he has home based businesses operating on either side of him, and feels that rural residents have a greater capacity to work together in harmony. Mr. Fenton commends the RDN for proposing changes to the existing bylaw as they are less restrictive, but suggests the RDN should, with community support, encourage hours of operation rather than restrict them, particularly during high tourism time such as weekends. Mr. Fenton does have concerns with auto repair services operating as a home based business, and questioned whether the RDN would take a role in regulating any safety issues.

Elaine Gustafson, a resident of the area, does not have a home based business, but frequently has more people visiting than what the RDN is proposing for home based businesses parking allowances.

Mr. Gustafson, a resident of the area, does not have a home based business, but disagrees with placing restrictions on building size, particularly restricting size to no more than 2000 ft<sup>2</sup>.

Mary Jane Puckrin, 5400 West Island Highway, Bowser, relayed a discussion from a previous meeting whereby a Parksville resident stated he can make furniture in his shop to give away, but as soon as he sells the furniture, he is restricted in size and hours of operation.

A resident of the area stated that a home-based business should be defined based upon an economic value.

A resident of the area stated it should not matter what type of home-based business is operating so long as it does not offend the neighbours.

Andy Morrison, 6289 West Island Highway, Bowser, relayed an incident where the RDN determined he must cease home-based business operations. At that time, the bylaw enforcement officer consulted his neighbours and many were not aware his business was in operation. Mr. Morrison stated that the proposed regulations are for the public's benefit, but does not agree with the hours of operation, and believes that residential areas should not be restricted in their hours so long as operations are not affecting the neighbours.

Kate Lewis, 1060 Spider Lake, Bowser, suggested properties larger than five acres should be exempt from many regulations, including traffic, employees, and outbuildings, as these issues are not relevant to rural parcels and operations, with the exception of noise, do not affect neighbours.

Mary Jane Puckrin, 5400 West Island Highway, Bowser, inquired whether a bylaw enforcement officer could utilize the characteristics of a home based business, that is, non-intrusive, not visible and no noise, to bring offenders in line. Mary Jane Puckrin also inquired whether the registry would operate in the same manner as business licensing.

Staff responded that noise bylaws are difficult to enforce as noise typically occurs when bylaw enforcement officers are not immediately available. Staff stated that such issues are why hours of operation are being proposed, but that comments have been received on the rationale for creating hours of operation. Staff indicated that a potential use for the registry is to provide a listing of economic development and could be used for tourism purposes.

Carla Flegel, 5085 Gainsburg, Bowser, commends the RDN for withdrawing its business licensing request from the Province, and suggests regulations should be simplified, and businesses can operate with common sense. Carla Flegel also stated that regulations should indicate minimum limits, and inquired when a home-based business is deemed to be a commercial/industrial enterprise.

Yvonne Hooper, a resident of the area, stated income tax regulations should dictate the amount of space utilized by a home based business, for example, if over 50% of your home space is used, then 100% of the space is taxed.

Keith Reid, 85 Jamieson, Bowser, inquired whether any of the regulations affecting Rural zoned land would affect land in the ALR.

Staff responded that this draft strategy does not address issues covered under the Right to Farm Act, and indicated that farm businesses will be considered in a future review. e.

Mary Jane Puckrin, 5400 West Island Highway, Bowser, inquired whether the proposed regulations allow for greater use than what the ALR permits.

Staff responded in the affirmative and indicated the RDN is working with the Province on this.

A resident stated that further clarification is necessary for the definition of an employee.

A resident questioned why the RDN is restricting to one or two employees, and suggested the number of employees should be based on available parking.

Staff responded the RDN is reviewing this issue, and is exploring the possibility of a sliding scale based upon the size of the parcel.

Ella Lions, Bowser, inquired whether there were more flexible options for regulating employees.

Chuck Fenton, Qualicum Bay, inquired whether the RDN could use floor space restrictions to control the number of employees.

Mary Jane Puckrin, 5400 West Island Highway, Bowser, stated that, even if there is no home based business, people could still be working on a parcel, for example, a cleaning lady, cutting grass, and questioned how this differs from the regulations placed on a home based business.

Carla Flegel, 5085 Gainsburg, Bowser, inquired whether there are currently any restrictions on parking.

A resident of the area suggested the definition for "schools" is confusing.

Staff responded that a home-based business cannot operate a school as defined under the Schools Act, and that this would require public zoning.

John Trainer, a resident of the area, stated there must be guidelines in place, but should be organized such that a self-regulating Board of individuals be established to resolve potential issues.

Mr. Gustafson, a resident of the area, stated the process should be self-regulating, and residents must be sensitive to each other's needs. Mr. Gustafson also stated regulations should vary between residential and rural areas.

Mary Jane Puckrin, 5400 West Island Highway, Bowser, stated she has a web site for a home-based business initiative at [www.homebasedbusiness.org](http://www.homebasedbusiness.org).

Staff asked if there were any final questions or comments. Being none, the Manager of Community Planning thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at approximately 8:58 pm.



**REGIONAL DISTRICT OF NANAIMO**

**SUMMARY OF PROCEEDINGS OF A PUBLIC MEETING**

**HELD DECEMBER 6, 2000 AT 7:30 PM, CEDAR COMMUNITY HALL**

**TO CONSIDER CHANGES TO RDN HOME BASED BUSINESS REGULATIONS**

*Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

**PRESENT:**

Laurence Elliott  
Pam Shaw  
Jack Anderson

Director for Electoral Area A  
Manager of Community Planning  
Planner

There were approximately 20 people in attendance.

The Manager of Community Planning started the public forum portion of the meeting at 7:30 pm by introducing those present at the head table and outlining the HBB initiatives to date and requesting verbal or written comments on the proposal from those present.

Doug Miller stated that hours of operation should be based on degree to which the business is audible in the surrounding neighbourhood. He added that hours of operation should not apply to non-nuisance businesses.

Carol Miller stated that, to be consistent, existing businesses should also be regulated for hours of operation.

Dianna Elliott stated that the RDN should hold another meeting in January that would likely draw many more people. She asked why we would want to limit breeding to a maximum of 2 litters per year, citing the example of raising Guinea pigs as not being a neighbourhood problem. She also questioned what would be perceived as objectionable with tanneries such that we prohibit these operations. She stated that the RDN should address the allowance to take products produced on a farm to be finished elsewhere and returned for sale on the original property. She stated that in Duncan, with progressive thinking, you can put together a Coombs-op kitchen which allows farmers the opportunity to create value added products.

Doug Miller stated that the level of impact on neighbours should be regulated not the % of a product produced on the Property. He stated that if it doesn't impact on neighbours what does it matter to the RDN. He cited the example that if he made fishing lures in his home but sold more hooks than lures, which would be negatively impacted by the operation.

Carol Miller stated that people are more concerned about traffic and noise than most of the details illustrated in this proposal. She questioned why the issue of signage isn't addressed here.

Jim McKinnon stated his interest in a hobby related HBB and cited an example of a stamp or coin collector who sells and trades his products from his home although obviously the product is not produced on the property. He stated that such uses should be permitted and then questioned what other uses may be restricted on a Residential 2 zone. He further questioned why HBB are limited to 200 square meters.

Morley Atkinson stated his concern that the list of uses prohibited is vague. He stated his concern that he could not provide an automotive repair service on a Residential 2 property and questioned that if individuals can do auto repairs on their own property, why would doing repairs for others be prohibited.

Dianna Elliott stated that we should not restrict the size of HBB but allow the setback requirements to regulate HBB size.

Rhonda Valentim stated that the RDN currently limits the size of HBB signs to 2' x 2' and was concerned that this size be increased. She stated that if a person resides on a main highway there could be special permission for larger signs as vehicles traveling at higher speeds will not notice or be able to read the smaller permitted signs. She further questioned why the RDN is regulating the number of vehicles permitted on a property for HBB purposes and that the size of accessory buildings on rural properties should be increased.

Jim McKinnon stated his concern that existing businesses that do not fit new regulations will be challenged and shut down by the RDN. (Staff advised that existing businesses would be evaluated against existing regulations and may qualify as legal non-conforming under Section 911 of the Local Government Act).

Carol Miller questioned who was enforcing these regulations and how was the enforcement financed. She further questioned the proposal for a HBB registry and how individuals could be forced to register.

Doug Miller stated that there should be an allowance to warehouse a small amount of product, as the impact on neighbouring properties is negligible.

Mr. Levie asked staff how many dogs could an owner have before it is considered a kennel. (Staff indicated that a kennel is generally referred to the boarding of other person's pets).

Jack Moss (provided a detailed written submission) stated that he has his hackles up about the draft strategy to date. He stated that there are considerable inconsistencies in how neighbouring jurisdictions deal with similar issues. He noted that none of the Comox Strathcona, Alberni Clayoquot or Cowichan Valley Regional Districts requires business licenses. He stated that the proposed regulations are more restrictive than HBB business regulations within urban areas and cited the example of the City of Duncan. He believes there is something wrong with this picture if Regional Districts or Municipalities are not establishing regulations to promote economic development. He

believes that we should have the unfettered right to support ourselves on the condition it does not cause harm to others. He added that if an operation can't fit within a neighbourhood it should be pushed out. He stated that nothing appears broken so why are we fixing it and that the nuisance bylaws should be sufficient to regulate negatively impacting operations. He stated that the RDN needs a new definition of economic activity located on, and secondary to, the residential use. He stated that the HBB regulations should be structured to be the least possible number of rules. He is concerned that the proposed regulations will stop many businesses from starting up and will shut down many that exist.

Doug Stone suggested that we permit automotive repair in a Residential 2 zone and expressed a concern that the RDN need to listen to the people.

Jack Moss asked whether everything in the proposed regulations is subject to change. (Staff commented that it was subject to change and that was the purpose of these meetings).

Dianna Elliott asked whether there was going to be a separate set of regulations for ALR properties. (Staff indicated that the ALR issues would be addressed independently in a separate initiative pending the completion of this project).

Doug Miller stated he was apprehensive of certain prohibitions in the proposal because they may be allowed in certain situations. He cited the possibility of a property owner to save up widgets to take to the flea market on weekends but the inability to well widgets from one's property.

Rhonda Valentim asked if the current Home Occupation regulations and Domestic Industry regulations would be replaced by the HBB regulations. (Staff indicated in the affirmative).

There being no further submissions the Manager of Community Planning thanked the gathering for their contributions and adjourned the forum.

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A PUBLIC MEETING

HELD DECEMBER 7, 2000 AT 7:30 PM, MOUNTAINVIEW SCHOOL

TO CONSIDER CHANGES TO RDN HOME BASED BUSINESS REGULATIONS

*Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

**PRESENT:**

Pam Shaw

Manager of Community Planning

Jack Anderson

Planner

There were approximately 20 people in attendance.

The Manager of Community Planning started the public forum portion of the meeting at 7:20 pm by introducing those present at the head table and outlining the HBB initiatives to date and requesting verbal or written comments on the proposal from those present.

Heintz Swartz stated he felt the HBB proposal was very far reaching and was concerned that it would permit industrial uses in rural areas. He stated that many people have not been informed of these changes.

Brian Dempsey asked whether an embroidery use would be allowed in a home-based business. (Staff responded that an embroidery business would generally be acceptable in a HBB). He then suggested that an embroidery business working on weekends to complete a contract would not have a negative impact on neighbours although weekend use would be considered illegal under the proposed changes. He couldn't agree with this policy.

Kees Laus suggested that other uses such as artisan tours should be able to happen on weekends.

Stan Black stated that he was concerned that uses permitted on Resource Management zoned properties are also permitted in Rural zones properties. He questioned that those uses proposed to be permitted on RM and Rural zones such as outdoor log processing would have a heavy negative impact on noise and property aesthetics in rural neighbourhoods. He stated he is concerned that these regulations could allow for Rural Residential areas to become Industrial/Commercial areas. He questioned whether uses such as log processing and shake mills could be contained inside of buildings.

Helga Schmidt stated that she was opposed to certain things in the HBB proposal and that we need bylaw enforcement to control HBB. She suggested many will abuse the regulations and that she did not want to see industrial uses in rural areas. She stated

that she did not want Industrial uses near rural land. She noted that she was concerned about pollution from automobile repair operations and the attraction of wilderness predators to taxidermy operations. She indicated she was also concerned about uses that allow heavy equipment operations, as they would damage rural roads. She stated that she was concerned that the hours of operation are too long in rural areas if log processing and other noisy operations were to be permitted there. She questioned whether the parking issues have been properly addressed in this proposal and whether it will have an impact on road safety of neighbourhood children. She concluded that the rural community does not want industrial uses out there and shorter hours of operation. Kees Laus, asked whether the RDN is prepared to increase taxes to get extra enforcement for the HBB regulations.

Jack Van Dooren stated that the proposal appears quite good and would like to see some changes to hours of operation and an increase in accessory building sizes.

George Baker stated he was concerned that we not lose the ability to have agricultural uses as HBB since we need to protect food resources. He suggested that we might also have to allow some weekend activity since people who use vehicles Monday to Friday may need to do vehicle repairs on weekends.

Ms Gaspardone stated that she was concerned that non-resident employees be permitted for all HBB so that when the owner is sick someone can run the business.

A member of the public asked that if you have two HBB on your property would you be permitted non-resident employees for each. She asked as to why we would want to limit employees at all since job creation is highly valued in today's economy.

Kees Laus stated that a home with many family members could be a much greater impact on their neighbours than a small HBB with employees.

Brian Dempsey stated that he is concerned there is no allowance for any employees on properties less than 1/2 acre. He suggested we reconsider this policy since it is unlikely to have a negative impact on other neighbours.

Ian Natrass stated that he was involved in the RGMP and wondered what became of the plan for urban nodes where people were expected to work. He stated he supports the allowance for one non-resident employee on residential lots in urban areas. He also stated that HBB should be allowed in accessory buildings in Residential 1 zones particularly since HBB are permitted in an attached garage.

George Baker stated that it would be difficult for the RDN to force a company to fire 2 employees if their HBB currently employed 4 non-residents.

Stan Black stated his concern that the sale of goods from a residence could evolve into a retail store.

Lyle Trinkle stated that he was an artist with a gallery in his home on 5 acres and that the RDN should use the HBB policy to encourage employment rather than restrict it. He stated that he doesn't see how employees can harm an area.

Kees Laus stated that he would like to see a comparison of the HBB regulations between the City of Nanaimo and the RDN. He stated that he is concerned there may be some conspiracy on the part of the City of Nanaimo Directors on the Regional Board to vote to keep HBB more restrictive in the RDN thereby directing more business to the City.

Karen Brass stated that the statement on "rental of recreational equipment" might include the rental of recreational vehicles that would be inappropriate. (Staff clarified that was not the intent and that Zoning regulations will provide certain restrictions despite the fact the uses are not listed as prohibited uses on the display boards).

Marcie Black stated that she was concerned about allowing sawmills on rural property, as this would negatively affect noise and aesthetics in the neighbourhood.

Jack Van Dooren stated that by allowing some uses on rural properties they may be in conflict with other nuisance clauses in the bylaws.

Randy O'Donnell stated his concern that rural and resource management permitted uses not be the same. He also stated that heavy equipment use on a property should be regulated under unsightly premises regulations.

Lyle Trimble stated that the HBB should not exclude any farming operations.

Ms Bouchard stated that she was pleased to see that the proposal no longer supports implementing business licensing.

Kees Laus asked staff to clarify that if he had 20 employees building homes, although none of them work on his property where the business is operated, would this be perceived as illegal under the proposed bylaw? (Staff clarified that non-resident employees was intended to apply to employees who work within the business operations on the residential site).

Randy O' Donnell stated that he would like to complement staff and all those who have put this initiative together.

There being no further submissions the Manager of Community Planning thanked the gathering for their contributions and adjourned the forum.



Regional District of Nanaimo

# Home Based Business Draft Strategy

## Modernized Home Based Business Regulations Proposed for 2001!

In May of 2000, the Regional District of Nanaimo (RDN) Board initiated a review of Home Based Business regulations. The purpose of the review was to 'modernize' the RDN's regulations for 'Home Occupation' and 'Domestic Industry' uses— the two Home Based Business (HBB) uses currently allowed for in the RDN's Land Use and Subdivision Bylaw No. 500, 1987 (the RDN's zoning bylaw).

Six Open House and Community Forums were held across the RDN, along with referrals to community groups and government agencies, to collect information and comments on the changes needed to bring the current regulations up to date.

Citizen comments focussed on these key issues:

- What **activities** should be permitted as HBBs?
- What about **location**? Should HBBs be contained within the dwelling unit or permitted in accessory buildings?
- What should the **maximum size** be for an HBB?
- Should HBBs permit non-resident **employees**?
- Should the RDN initiate **business licensing**?

A **Home Based Business Draft Strategy** has now been developed. Your comments are important! Four Open Houses and Community Forums have been scheduled across the RDN— plan to attend!

### *Dates and Times*

#### **Parkville Community Hall**

193 Island Highway East, Parkville  
Thursday, November 30, 2000  
Open House 6:00 pm to 8:00 pm  
Community Forum 8:00 pm

#### **Lighthouse Community Centre**

240 Lions Way, Bowser  
Monday, December 4, 2000  
Open House 4:00 pm to 7:30 pm  
Community Forum 7:30 pm

#### **Cedar Community Hall**

2388 Cedar Road  
Wednesday, December 6, 2000  
Open House 4:00 pm to 7:30 pm  
Community Forum 7:30 pm

#### **Mountain View School**

Multipurpose Room  
2480 East Wellington Road  
Thursday, December 7, 2000  
Open House 6:00 pm to 8:00 pm  
Community Forum 8:00 pm

*Can't attend the Open Houses or the Forums? Mail, fax, email, or phone your comments to the RDN – contact information is listed on the back page*

Proposed Home Based Business Strategy..... see inside!

The following Home Based Business Strategy was developed from public and agency comments to date on Home Based Business issues. This proposed Strategy is open for further amendment based on comments received in response to this newsletter and through the Open Houses and Community Forums.

**Questions or comments?** Contact the RDN, or attend an Open House or Community Forum!

Approach	Strategy
<b>ACTIVITIES</b>	
<p><b>Goods</b></p> <p><i>Minimize regulations by restricting <b>only</b> those activities which, by their nature, are not compatible with residential use due to health or safety implications, or the generation of traffic, noise, odour, fumes, smoke or dust</i></p>	<p>The new Strategy proposes to <b>not</b> restrict what may be <b>produced</b> in an HBB EXCEPT for:</p> <ul style="list-style-type: none"> <li>• The following uses <b>would not be permitted</b> as a HBB: Animal breeding in excess of 2 litters per calendar year; dog boarding; public assembly use; school (as defined in the <i>Schools Act</i>); chemical manufacturing or processing; dry cleaning; slaughtering; butchering; smoking of food; seafood processing; canning of foods with a pH level greater than 4.5; lacquer factories; laundries; manufacturing fiberglass or pyroxlin products; paint, varnish, lacquer manufacturing; primary processing; rubber processing; tanneries; storage other than items accessory to the home based business; funeral parlour; warehousing; or vehicle wrecking yard</li> <li>• The following uses <b>would be permitted in Rural &amp; Resource Management</b> zones: Automotive repairs, automotive restoration, automotive maintenance, spray painting operations, taxidermy, operations dealing with heavy equipment or machinery, and log processing including the preparation of logs, fence posts, shakes, poles or firewood</li> </ul>
<p><b>Services</b></p> <p><i>Allow for the provision of a complete range of services</i></p>	<ul style="list-style-type: none"> <li>• Bed and Breakfasts (B&amp;Bs), where breakfast is the only meal served and where the occupancy of an individual does not exceed 120 days per year</li> <li>• Rental of recreational equipment</li> <li>• Personal services (e.g. hair stylists)</li> <li>• Professional services (e.g. counseling; consulting; treatment; childcare; and instruction in academics, arts, crafts or music)</li> <li>• Business management (e.g. office)</li> </ul>
<p><b>Sales</b></p> <p><i>Expand provisions for product sales in an HBB</i></p>	<ul style="list-style-type: none"> <li>• In any zone, an HBB could sell the products produced in the HBB as well as products directly related and ancillary to the HBB</li> <li>• In <b>Residential 2, Rural and Resource Management</b> zones, the HBB could also sell goods <b>not</b> related to the HBB (where a maximum of 33% of the sales floor area could be used for the onsite retail sale of goods unrelated to the HBB)</li> <li>• However, the onsite sale of foods designed for immediate consumption <b>would not be permitted</b> as an HBB in any zone</li> </ul>
<b>HOURS OF OPERATION</b>	
<p><i>Respond to the concerns raised by residents regarding hours of operation</i></p>	<ul style="list-style-type: none"> <li>• Properties zoned <b>Residential 1, 2 or 3</b> - 8:00 am to 6:00 pm Monday to Saturday</li> <li>• Properties zoned <b>Rural or Resource Management</b> - 7:00 am to 10:00 pm daily</li> </ul>



## Approach

## Strategy

### LOCATION

*Establish a strategy based on zoning and parcel size*

**HBBs, not including Bed and Breakfasts (see below):**

- For Residential 1 zoned properties <2000 m<sup>2</sup> (approximately <.5 acre) and all Residential 3 zoned properties, the HBB must be located **within a dwelling unit**
- In all other zones where HBBs are permitted, the HBBs may be located **within a dwelling unit, attached garage or accessory building**

**Bed and Breakfasts (B&B):**

- Residential 1, 2 or 3 zoned properties – B&B located **within** the dwelling unit
- In all other zones where HBBs are permitted, the B&B can be located within a **dwelling unit or accessory building**

### NON-RESIDENT EMPLOYEES

*Establish a strategy based on zoning and parcel size*

**Residential 1 <2,000m<sup>2</sup> and all Residential 3 zoned properties:**

- No non-resident employees

**All Residential 2 and Residential 1 zoned properties ≥2,000 m<sup>2</sup>:**

- 1 non-resident employee

**Rural and Resource Management Zoned Properties:**

- 2 non-resident employees

### SIZE

*Establish a strategy based on zoning and parcel size*

**Residential 1 <2,000 m<sup>2</sup> and all Residential 3 zoned properties:**

- Maximum area: 50 m<sup>2</sup> (538 ft<sup>2</sup>) or 40 % of the dwelling unit, whichever is less  
Maximum **2 bedrooms** for B&B purposes (located in a dwelling unit)

**All Residential 2 and Residential 1 zoned properties ≥2,000 m<sup>2</sup>:**

- Maximum area: 100 m<sup>2</sup> (1,076 ft<sup>2</sup>) or 40% of the floor area of a dwelling unit, whichever is less (contained in a dwelling unit or an accessory building)
- Maximum **4 bedrooms** for B&B purposes (located in a dwelling unit)

**Rural and Resource Management Zoned Properties:**

- Maximum area: 150 m<sup>2</sup> (1,614 ft<sup>2</sup>) or 40% of the floor area of the dwelling unit, whichever is less (contained in a dwelling unit or an accessory building)
- Maximum **4 bedrooms** for B&B purposes (located in a dwelling unit or an accessory building)

### ACCESSORY BUILDINGS

*To accommodate new permitted HBB size maximums, adjust accessory building sizes*

- All **Residential 1 zoned properties:** a maximum combined floor area of 75m<sup>2</sup> or 8% of the area of the parcel up to 150 m<sup>2</sup> (1,614 ft<sup>2</sup>)
- All **Residential 2 properties:** a maximum combined floor area of 75 m<sup>2</sup> (800 ft<sup>2</sup>) or 10% of the area of the parcel up to 200 m<sup>2</sup> (2,153 ft<sup>2</sup>)

## Approach

## Strategy

### BUSINESS REGISTRATION

*Shift the proposed role of the RDN from licensing/enforcement to **guidance & coordination***

The new Strategy proposes that the current request to the Province for business licensing be withdrawn and replaced with a request to establish a HBB registry and HBB hours of operation

#### **HBB Registry:**

- No licensing or inspection component
- HBB operators provided with a copy of the HBB regulations and asked to state their HBB's activity, size, location and number of non-resident employees to ensure the operator is fully aware of the key HBB regulations
- Notification of the Central Vancouver Island Health Region of those HBBs involved in food processing, childcare or B&B to ensure that appropriate Health approvals have been obtained
- One time registration requirement. Re-registration would only be required if the HBB changes its activity or location, or increases its size or number of non-resident employees
- Implementation of a 1 year 'phase in' program. During this first year, HBB operators notified of the pending registration requirement and advised that no fee will be charged for those HBB operators who voluntarily register their HBB during the phase in period. Following the first year, a fee of no more than \$40.00 charged to register a HBB

### ***Questions or comments?***

*If you would like more information or would like to comment on the proposed Home Based Business Strategy, please contact the RDN Planning Department*

phone 954-3798 or 390-6510 or toll free 1-877-607-4111





fax (250) 390-6511 email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

mail to PO Box 40, Lantzville BC V0R 2H0

in person at 6300 Hammond Bay Road, Nanaimo

## What's Happened So Far...






# Home Based Business Draft Strategy

-  **April 2000-** the RDN Board directed staff to begin a comprehensive public consultation process on amending existing home based business regulations
-  **May and June 2000-** Community Open Houses and Discussion Forums were held in Areas A, C, D, E, G & H
-  **May 2000-** Referrals were sent to known resident associations, business associations, Chambers of Commerce (*other groups on request*), and government agencies
-  **Ongoing-** Many additional submissions were received through the RDN website, phone, mail and fax.

# Home Based Business Draft Strategy

## Key Issues Identified
























### Key Issues Identified

-  **Activities:** What activities should be permitted or prohibited as HBBs?
-  **Location:** Should HBBs be contained to within the dwelling unit or allowed in accessory buildings?
-  **Size:** What should the maximum size be for HBBs?
-  **Non Resident Employees:** Yes or No? How many?
-  **Business Licensing:** Should the RDN initiate business licensing?

# Home Based Business Draft Strategy

## Restrictions on HBBS








### Proposed Prohibited Activities for Home Businesses

- |  |  |   |
|--|--|---|
|  chemical manufacture or processing                 |  animal breeding of over 2 litters/year               |  canning of foods with a pH level >4.5 |
|  school   |  dog boarding   |  dry cleaning                          |
|  slaughtering                                       |  butchering   |  smoking of food                       |
|  seafood processing                               |  public assembly                                    |  lacquer factories                   |
|  laundries  |  primary processing                                 |  paint                               |
|  manufacturing of fibreglass or pyroxlin products |  storage of items other than those accessory to HBB |  varnish or lacquer manufacturing    |
|  tanneries  |  rubber processing                                  |  funeral parlour                     |
|  warehousing                                      |  vehicle wrecking yard                              |   |

# Home Based Business Draft Strategy

## Limited Activities






### Proposed only for Rural and Resource Management Zones

-  Automotive repairs
-  Automotive maintenance
-  Taxidermy
-  Log processing (including preparation of logs, fence posts, shakes, poles or firewood)
-  Automotive restoration
-  Operations dealing with heavy equipment or machinery
-  Spray painting operations

# Home Based Business Draft Strategy

## Proposed Services

### Proposed Permitted Services for Home Businesses

-  Bed and Breakfast
-  Rental of Recreational Equipment
-  Personal Services (eg: hairstylists)
-  Professional Services (eg: counselling, consulting, treatment, childcare, instruction in academics, arts, music)
-  Business Management (eg: office)

# Home Based Business Draft Strategy

## Proposed Sales

### Proposed Strategy for Sale of Goods



- ❏ Onsite retail sales of goods **not** related to the HBB is proposed to be restricted to Residential 2, Rural and Resource Management zoned properties where a maximum of 33% of the sales area may be used for sale of goods unrelated to the HBB
- ❏ **No** onsite sale of foods intended for immediate consumption as an HBB in any zone



# Home Based Business Draft Strategy

## Hours of Operation

### Proposed Hours of Operation




-  **Properties zoned Residential 1, 2 or 3**  
8:00 am to 6:00 pm Monday to Saturday
-  **Properties zoned Rural or Resource Management**  
7:00 am to 10:00 pm daily

## Proposed Location

# Home Based Business Draft Strategy

## Location of HBBS and B&Bs

Proposed strategy does **not** restrict whether or not HBBS are located within a dwelling unit, attached garage or in an accessory building, except for:

-  **Residential 1** zoned properties less than 2000 m<sup>2</sup> and all **Residential 3** zoned properties– HBB only within the dwelling unit
-  **Bed and Breakfast**– only within the dwelling unit in Residential 1, 2 or 3 zoned properties
-  In all other zones, the **B&B** could be within the dwelling unit or an accessory building


# Home Based Business Draft Strategy

## Non-resident Employees


### Non Resident Employees proposal based on zoning and parcel size

 Residential 1 less than 2000 m<sup>2</sup> and all Residential 3  
zoned properties

***No non resident employees***

 All Residential 2 and Residential 1 zoned properties  
greater than or equal to 2000 m<sup>2</sup>

***One non resident employee***

 Rural and Resource Management zoned properties




***Two non resident employees***



## Proposed Size

# Home Based Business Draft Strategy

## Size of HBB based on zoning & parcel size


-  Residential 1 < 2000 m<sup>2</sup> and Residential 3 properties
  - Maximum Area 50 m<sup>2</sup> or 40% of the dwelling unit *(whichever is less)*
  - Maximum 2 bedroom B&B
  
-  Residential 2 and Residential 1 properties  $\geq 2000$  m<sup>2</sup>
  - Maximum Area 100 m<sup>2</sup> or 40% of the dwelling unit *(whichever is less)*
  - Maximum 4 bedroom B&B
  
-  Rural and Resource Management zoned properties
  - Maximum Area 150 m<sup>2</sup> or 40% of the dwelling unit *(whichever is less)*
  - Maximum 4 bedroom B&B

# Home Based Business Draft Strategy

## Accessory Buildings

To accommodate new permitted HBB size maximums, **accessory building** size will be adjusted as follows:

 **Residential 1:** maximum combined floor area of 75 m<sup>2</sup> or 8% of the parcel up to 150 m<sup>2</sup>

 **Residential 2:** maximum combined floor area of 75 m<sup>2</sup> or 10% of the parcel up to 200 m<sup>2</sup>

## **Business Registration**

# **Home Based Business Draft Strategy**

## **Shift from licensing & enforcement to guidance & co-ordination**

The new strategy proposes that the current request to the Province for Business Licensing be withdrawn, and replaced with a request to establish a registry and HBB hours of operation

One time registration requirement. The registry will have no licensing or inspection component. 1 year phase in program. Next year, fee will be charged. HBB operators will be asked to register, and will be provided with a copy of their HBB regulations

Central Vancouver Island Health Region will be notified of HBBs involving food processing, Childcare or B&Bs

# Home Based Business Draft Strategy

## *Questions or Comments?*

Please fill out a 'Comment Sheet' and  
place it in the drop box

**Or**

**Contact the RDN Planning Department**

phone: 390-6510 or 954-3798

or toll free 1-800-607-4111

fax: 390-6511 email: [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

Mail: PO Box 40, Lantzville, BC V0R 2H0

In person: 6300 Hammond Bay Road, Nanaimo

ATTACHMENT 4

JOHN LEWIS-KINGSLEY  
#7-120N FINHOLM STREET  
PARKSVILLE, B. C. V9P 1J4  
PHONE 250 248 2694  
E-MAIL  
KingsleyLewis@telus.net

24<sup>th</sup> NOVEMBER 2000

REGIONAL DISTRICT  
OF NANAIMO  
P.O.BOX 40  
LANTZVILLE  
B. C. VOR 2HO

PHONE 250 390 6510  
TOLL FREE--1 877 607 4111  
E-MAIL  
Planning@rdn.bc.ca  
6300-hammond bay road  
NANAIMO, B. C.  
FAX--250 390 6511

YOUR AGENDA DATED 24<sup>TH</sup> NOVEMBER 2000

HOME BASED BUSINESS DRAFT STRATEGY

WHAT ACTIVITIES SHOULD BE PERMITTED !!!  
WHAT ABOUT LOCATION !!!  
WHAT SHOULD THE MAXIMUM SIZE BE FOR A HOME BASED BUSINESS  
SHOULD HBBs PERMIT NON RESIDENTS!!!!  
SHOULD THE R.D.N. INITIATE A BUSINESS LICENCE!!!!!!

IN ANSWERE TO ALL THIS TOTAL NONSENSE.

I have to wonder if you people are serious about what you are doing, or if you people are really living in the real world. During a recent survey in the U.S.A Which included CANADA, there are 1.5 million e-mails sent every day of the Week. Frankly I do not think that all these e-mails are sent to mothers, friends Or girlfriends. A good percentage of these e-mails are business dealings, from Homes--hot els--home based businessess, are you people here to simply screw things Up for the local business man and or the travelling salesman



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

**From:** B&W Kosak [mailto:nmktrucking@home.com]

**Sent:** Tuesday, November 28, 2000 3:15 PM

**To:** planning@rdn.bc.ca

**Subject:** Re: Home Based Business Draft Strategy

At this point in time I am unsure if I will be able to make it to the meeting on December 7th at Mountain View School, I will try, but I am e-mailing to advise you of a problem I have right next door.

I strongly support not allowing animal breeding in excess of two litters per calendar year and dog boarding on regional district properties as home based businesses. I have a neighbour that is running a breeding and boarding operation, 3033 Jameson Road. She has a very large structure dedicated to this purpose, complete with large caged outdoor runs for the dogs. She has placed the kennel right on the property line. The volume of noise produced by these dogs is one thing, the stench when the wind blows our way is another. This kind of a business is a complete infringement on the use and enjoyment of the surrounding neighbours, particularly myself, but a neighbour several properties down the road complained to myself about the noise, and we are all on five acre parcels!


Now, in rural areas one expect dogs and barking to some degree, we have a large outdoor dog that barks when people enter the property ourselves, but a large scale kennel operation, such as the one next door, is something that should absolutely not be allowed under any conditions other than on a property where it can be totally excluded from all other neighbours.

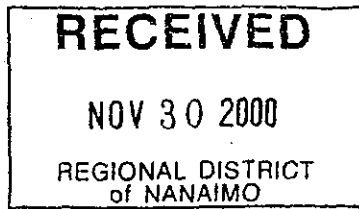
Now, I am not trying to be a bad neighbour, but this situation is one of extreme rudeness on the part of this neighbour as far as I am concerned.

I am sure she does not have the right to operate such a business on this property and I am currently awaiting a call back from a bylaw officer to see what can be done about this operation, but I just wanted to be sure that my voice is added to any opposition to dog kennel operations in the regional district.

Sincerely,

Wanda Kosak  
3043 Jameson Road  
Nanaimo

 **EMRAGE**  
**E-MAILED 11/28/00**  
*Dyrlaw Eng.*



1295 MARINA WAY  
NANOOSE BAY  
B.C. V9P 9C1

Nov. 29. 2000

Dear Mr. Ramenz

We received in the mail yesterday the H.B.B Draft Strategy. As I am unable to attend the Open House at Parksville which is the closest location, I should like to refer to the letter I wrote to you in Oct.

I am still concerned about the same issues, the location of an accessory building to a neighbour's property, the noise and smoke pollution and the suggestion that no licensing or inspection component may be in place.

I know you will consider my comments and do thank you for your update on this important matter.

Yours Truly

Jean M Fowler.

Attention: RDN Planning Department

**RE: proposed Home Based Business Strategy**

Isn't it just like the RDN to rub their grubby little mitts together at the prospect of gaining more power and raking in more money. There are already guidelines in place regarding HBB's and everything seems to be running just fine. Undoubtedly you are going through the process of asking our opinions because you are required to do so, and as usual you will inevitably do precisely what you want. That said, the following comments address the key issues:

Nowhere do you cover agricultural use, which is very important, even in properties <2000m<sup>2</sup>, and zoned R1. How would that be addressed in regards to your containing the HBB in the dwelling unit? What if someone wanted to grow vegetables or flowers in their greenhouse and sell them on the boulevard? What a wonderful thing to do. Accessory buildings built in compliance with the building code *should be permitted* to house a HBB.

Maximum sizes for HBB's are already addressed in the current bylaws. Re-addressing this issue would be a 'make-work' project.

Anyone with a HBB generally does so for monetary reasons (or should I say poverty), so I can't see the non-resident employee thing being a problem. Besides, if it were an issue, it would be sidestepped by saying, 'they are just friends', and paying wages under the table. As for business licensing, I think I covered that in my opening statements, but just to reiterate, let's not be greedy.

The RDN is sounding more and more like a dictatorship every year. Could big brother look over our shoulder any more than you do? If we wanted to succumb to communism, a move to our dear Soviet Block would allow more freedom of the constitution than living within your borders.

Sincerely,



Karin

PLANNING DEPT

-12- 0 4 2000

RECEIVED

John G. Debolt,  
5071 - Seaview Drive,  
Bowser, B.C.

December 2nd, 2000

Site 152 C-22 RR 1  
Bowser , B.C. VOR 1G0

Regional District of Naniamo.  
Planning Dept.,

PO Box 40,  
Lantzville BC VOR 2H0

Dear Sirs:

Regarding your HBB Strategy proposal;  
For your information, a restrictive covenant is registered in Victoria  
Land Registry Office applicable to all lots numbered 1 to 59 on  
property formerly known as Kopina Estates in Newcastle District Plan  
22249.

I am in possession of two written statements from two law firms that  
the above covenant is applicable and enforceable to and by any  
property owner in the above described area.

Mr. Richard Quittenton, our local representative on the RDN board is  
aware of the restrictive covenant as he is an original purchaser and  
resident owner of one of the above properties. I have repeatedly  
requested him to bring this matter to the attention of the RDN Board  
and as of this date, I have not been informed that he has done so or  
of any action on his part or of the RDN Board.

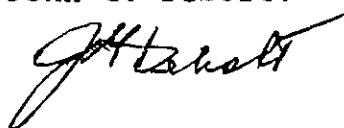
I suggest that the registered covenant become a basis for exclusion of  
the above noted properties from the HBB plan proposal. Otherwise I am  
fully prepared to test the covenant in a court of law

Many residents of the above noted properties are aware of this request  
to the Regional District of Naniamo.

CC R. Quittenton.

Very truly,  
John G. Debolt.

Attachment.



PAGE  
108

BUILDING RESTRICTIONS

1. No dwelling house constructed on the said lands shall be designed and constructed except for single family use and occupation, and shall contain a living area floor plan of not less than 1000 sq. ft., such measurement shall exclude the area of all basements, garages, patios and carports, covered passageways and other construction of a similar nature being outside the normal living area of a dwelling house.
2. No building shall be erected on any lot unless the plans of the exterior design of such dwelling house and the colour of the exterior painting have first been approved by Kopina Estate Ltd. before commencement of construction or painting.
3. No buildings to be erected on Lots 1 to 27 and 29 to 45 of Plan 22249 shall have a height of more than 15 feet.
4. No. buildings to be constructed on Lots 22 to 59 of said Plan 22249 shall be constructed without the consent of Kopina Estate Ltd. on said lots unless they have the following set-backs, viz:
  - Front Yard 30 feet
  - Rear Yard 30 feet
  - Side Yard minimum 5 feet, with  
minimum total side yard of 17 feet
5. The exterior of all buildings to be constructed on the said lands shall be completed within 12 months of commencement of construction.
6. It is the intention of the Grantor that the property contained in this Subdivision Plan shall be for residential purposes only and to this end no business, trade or profession shall be carried on upon the lands hereby conveyed, nor shall anything be done or maintained thereon which may be or may become an annoyance or nuisance to the said lands or to any lot or the owners thereof. Furthermore, no commercially licensed vehicle required by law to have the owner/operator's name thereon shall be permitted to operate from any lot in the said Subdivision Plan unless the said vehicle is kept in a closed-in garage whilst on the premises.
7. No sign, billboard or advertising matter of any kind (except the ordinary signs offering the said lands or buildings thereon for sale or rent) shall be placed upon the said lands, without the written consent of Kopina Estate Ltd.
8. Trailers or other temporary living accommodation shall not be placed on the said lands at any time except during the course of construction of a dwelling house on the lot on which such trailer or other temporary living accommodation may be situated

PAGE 03

**Shaw, Pamela**

**From:** Jack Moss [jmossis@home.com]  
**Sent:** December 4, 2000 1:30 PM  
**To:** pjshaw@rdn.bc.ca  
**Subject:** HHBs

Pamela Shaw

Here, as promised, are my thoughts on the RD's HBB Draft Strategy. After you've had time to look them over, I would be grateful for the opportunity to talk briefly with you about the realistic prospects for revision of the current draft. Thank you,

Jack Moss

Ph. 390-5051

Fax 390-5081

[jmossis@home.com](mailto:jmossis@home.com)

My impression is that this tends to be a one-size-fits-all regulation addressing only a general condition at drastic cost to the long list of permutations of 'the home as a base for generating an income'.

My perception is that, in consequence of the generality of its' approach, it will eliminate many existing HHBs, and will serve to discourage the creation of many others, whose innocent activities would never provoke a need for any regulation.

In the instance of a home shop, one is free to build an endless variety of items for their own use; a house-full of furniture comes to mind. Having done so, one is then free to similarly stock the homes of their children and those of their friends, ad infinitum. In so doing, they are free to work nights and Sundays, unrestrained by any regulation save noise bylaws and common civility. But... the moment a piece is sold, one is brought under the big umbrella of the proposed regulation and, in too many cases, identified as a 'violatee'; this despite the fact that the physical process remains unchanged... the same people perform the same actions under the same conditions. The only new element is that the homeowner realizes some income from the process.

In instances uncomplicated by collateral factors (parking, noise, debris, etc.), the regulation becomes difficult to reconcile, save as a device for criminalizing an otherwise legitimate and inoffensive process. If one assumes the above-mentioned collateral factors to motivate RD planners, then those HHBs innocent of their commission should logically be considered 'conforming' under the terms of the regulation. The unfortunate impression is of an underlying motivation to thwart the generation of income in one's home in all but a few, select instances.

Proposed hours of operation seem contrived to discourage the majority of HHBs. Couriers commonly arrive before 8AM. Teachers and instructors in all categories, child caregivers, consultants, counselors and numerous other service providers, comprising the bulk of HHBs, must offer their services at hours and days outside the proposed limits as their clientele are, more often than not, working folk with no other time available.

This regulation's harshest critics would concede the need for some medium of control. Obviously, the working hours of a noise-producing HBB must be limited. Similarly, an HBB generating waste materials must conform to some reasonable standard. We're all aware of the large body of bylaw regulations now in place which, if aggressively enforced, effectively address these problem areas. This proposed regulation takes on the look of a large cannon employed to kill a tiny gnat. Neither a woman teaching a sewing class nor a man teaching computer skills offers justification for a regulation of the scope and magnitude of the one proposed. While I doubt these to be the intended primary targets of the regulation, its details do insure that many such small HHBs will inevitably fall victim to its generic approach. There is small consolation in assurances that bylaw officers shall have wide-ranging discriminatory powers; no HBB owner would willingly agree to be governed by an enforcer's whim.

Even parking seems unreasonably limited in select instances. One category of service provider or product vendor may commonly attract a few cars over a long period, others many over a short period. Limits should result from fair standards. My own neighborhood, like many others, includes a number of 'party' folks whose frequent soirees commonly attract two dozen cars. Appropriately parked, no law is broken. It would be natural to feel HHBs to be the subject of discrimination if limits were less than residential standards. My wife works in a downtown Nanaimo office in the vicinity of the Public Works yard. As the City fails to provide parking, PW employees occupy all available spaces for blocks around and she must park far away. City administrators are on record as accepting this situation as 'normal' and 'acceptable'. Indeed, similar conditions abound and are on the increase. How do RD planners regard this trend in the context of HBB parking?

I feel the regulation to be in need of a great deal more work in the area of allowable employees as it makes no logical distinction between the work done in one's home by tradesmen, craftsmen or casual laborers for their own financial benefit, as opposed to those same people performing the same processes, under the same conditions, for the financial benefit of the HBB. Every homeowner occasionally hires on-site service people. His use of their services is unlimited; i.e., they may be employed for days, weeks, months... until the moment that he is able to profit by their work. At that point, his activity becomes 'nonconforming' and he risks being dealt with as a 'violatee'. Planners should expect great resistance to their intent to forbid and to limit 'non-resident' employees. Within bounds dictated by common sense, no regulation prevents numerous friends, neighbors or well-wishers from gathering repeatedly at a site to consult, instruct, construct, process, manufacture or swap. Quilting bees and barn-raising come to mind. Again, the activity only becomes 'regulated' when money becomes involved and someone is 'paid' for their efforts. Out here in the land of the regulated, this is perceived as a high degree of whimsicality and arbitrariness.

12/04/2000

**PAGE**  
110

I don't doubt for a moment that a number of HBBs, in consequence of their purpose or of their location, may be inappropriate as employers. However, numerous others could easily absorb one, or more, employees without measurable impact on neighborhood life. It's typical of this era that Municipalities, Provinces and even the Federal Government are in the habit of making significant concessions to existing legislation in order to encourage a climate for job-creation. Against such a background, it would simply not be credible that an administrative body might generate new regulations seen to discourage this possibility...the more so as, in many instances, the presence of a non-resident employee would impact the neighborhood no more than a visitor and likely less than an on-site service person.

It is not reasonable to expect that everyone currently out of work might find financial salvation in the creation of his own private, self-contained HBB. On the other hand, it's not unreasonable to expect that a successful HBB might prosper and profit from the inclusion of one or more non-resident employees. I'm sure I don't have to remind anyone that many successful local businesses had their origins in a garage or an outbuilding under circumstance that would be blatantly 'non-conforming' by the terms of this proposed regulation...and that at a time when their imaginations and productive skills were far less essential to a healthy economy.

HBBs exist, in their numbers, today as a natural and desirable reaction to reduced job opportunities. David Foot, oft-quoted author of 'Boom Bust & Echo', says of this cool-down that, "...of course we have deregulation, globalization and downsizing, three catchwords that translate into fewer jobs in both private and public sectors". He projects a rise in home offices and businesses on a grand scale. Thus motivated, why wouldn't planners and administrators everywhere embrace HBBs as a source of job creation and cut them every bit of slack possible to that end.

Area restrictions provide another example of the failure of one size to fit all. A given area, fifty square meters (538 square feet) for example, constitutes 54% (1/2) of the area of a 1000 sq.ft. dwelling but only 18% (1/5<sup>th</sup>) of the area of a 3000 sq.ft. dwelling. Hopefully, the ongoing process will more equitably relate HBB area to the total available space and will consider that many HBB operations can comfortably co-exist with residential routine.

If RD planners intend to stick to their proposed limits on 'location', they must offer some very compelling justification for the limiting and the exclusion of accessory buildings. Again the uses, and hours of use, of a conforming building are, for practical and reasonable purposes, unrestricted; only when some income-generating activity takes place does the regulation move to limit the activity. My imagination cannot conceive any legitimate justification for banning the use of a 'conforming' accessory building as an HBB site, regardless of its size, in the absence of some overriding breach of regulation. Surely, planners have already gotten a large dose of this sentiment from the HBB community...and surely no regulation ignoring it will inspire a spirit of cooperation and of voluntary compliance.

I will say briefly that while an argument may be made for eventual licensing, it is viewed by most HBBs as the 'thin edge of the wedge'. The suggestion invokes the specter of Registration/Licensing/Taxing/More Licensing/More Taxing; a classic dynamic. It may well be that the time is ripe for an upgrade of the administrative software. As unemployment increases and social programs shrink, the unemployed and marginally employed become an ever more inappropriate subject for new taxes and new fees. Their entrepreneurial imaginations are truly a last-ditch resource deserving of every opportunity to succeed.

I will oppose licensing unless it can be shown that the licensee realizes some tangible and appropriate benefit in exchange...I do not consider a listing in a 'directory' of HBBs to be such a benefit.

The process of 'regulation' traditionally results from a community's need to control activity prejudicial to, or in conflict with, the established usage of an area or to abate threats and hazards to the community. One would reasonably expect this to take place in an atmosphere of far-sighted planning with the community's welfare as its first priority.

In British Columbia, on Vancouver Island, in the year 2000, our economic situation may be summed up in two sentences;

Every day, there are more people.

Every day there are less jobs.

The media reminds us frequently...economists and demographers alike agree; Home Based Businesses form a growing and essential sector of our economy. In such times, it is to be expected that competent administrators will work to limit obstacles to the creation of HBBs and to integrate them seamlessly into the fabric of our economy.

If one accepts the inevitability and the desirability of such integration, elements of the proposed regulation then appear counterproductive;

- Unreasonably limited hours of operation insure the failure of a wide range of HBBs.
- Limiting access to employees cripples a variety of otherwise viable HBB operations.
- Forbidding the use of conforming but detached buildings prevents many startups and insures the loss of many existing HBBs.
- Limits on usable dwelling space fail to allow the efficient joint use of such space.
- Too wide a net is cast...many 'nonconforming' HBBs do not require regulation.
- An eventual licensing fee with no *quid pro quo* will be regarded as a 'tax grab'.
- Possibly most significant...too many of the proposals focus on exchange of money as the defining element.

A considerable body of bylaw regulations now in place control the nuisance, hazard and health aspects of life in the RD. These, if aggressively enforced, appear to satisfy the need for administrative control. Only by the greatest stretch of imagination can I conceive the need for this proposal on the basis of a perceived, unregulated threat to the community posed by HBBs.

At cost of repeating myself, I say again; my perception is that in consequence of the generic nature of its many limiting factors, and for want of a broader view of the role of HBBs in the community's economy, this will eliminate many existing HBBs, and will serve to discourage the creation of many others, whose innocent activities would produce desirable benefits without any need for regulation.



# Spider Lake Community Association

1060 Spider Lake Road  
Qualicum Beach, B.C. V9K 2L7

Home Phone 757-8221  
Email klewis@nanaimo.ark.com

December 4, 2000

Planning Department  
Regional District of Nanaimo  
Nanaimo, B.C.

## Re: Home Based Business Draft Strategy

We all realize that these strategies cover a large number of differing types of residences, but in Spider Lake there are no properties under 4 acres and we do not feel these regulations should apply. I would like to suggest that any acreages over 4 acres be allowed to opt out of the RDN Home Based Business Regulations. I will explain further:

- \* If a business is started up in our area, and it is causing undue noise and environmental pollution, there are regulatory bodies to handle that.
- \* The types of businesses should be left up to the individual, taking into consideration the noise and environmental pollution points.
- \* Because of the larger acreages the location of the business should be left up to the residents. Whether the business is indoors or in outbuildings is of no consequence.
- \* We do not feel maximum size is a problem on larger pieces of land.
- \* The number of employees is also not a problem, as there would be no parking problems and the vehicles would not be visible from the road.
- \* We are strongly opposed to the Registration Fee that the RDN proposes to charge. We are not against a list, per se, but we object to having to pay the RDN \$40.00 when we would receive nothing in return. We ask you to please scrap this added tax.

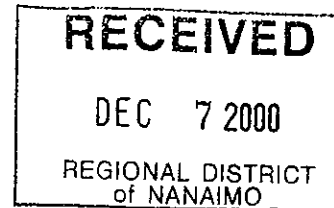
Thank you for listening to our opinions and concerns.

Sincerely

Kathleen A. Lewis  
Spider Lake Community Association

**PAGE**  
1/3

ERNEST SKELTON  
2828 BOYD DRIVE  
NANOOSE BAY BC V9P 9E9  
PHONE 250 468 9202



Monday, 04 December, 2000

Regional District of Nanaimo  
H B B Draft Strategy  
P O Box 40  
Lantzville B C V0R 2H0

Reference: Home Based Business Draft Strategy

I wish to make a few comments regarding the above mentioned topic mailed to all residents in the Regional District.

I do not have a home based business of any kind, but would like to address the issue from the perspective of a homeowner who may be annoyed by noisy or unsightly premises of a nearby home based business operating in a residential area.

The particular paragraph I wish to deal with is under the heading of 'Business Registration'.

Quote: *Shift the proposed role of the R D N from licensing/enforcement to **guidance & coordination.***

**HBB Registry:** No licensing or inspection component; etc, etc.

It would appear that all licensing would be on a voluntary basis and that those who register can get on board free and save \$40.00! I feel that very few people would volunteer whose business is 'out of sight, out of mind'. The owner of a small office type business with little or no traffic flow, or a handycraft business, business card printing, etc. would surely not invite the intrusion of the local authority to inspect and measure up the appropriate square footage of their private house? Would this lead to a business tax being imposed in the not too distant future, and the premises also having an increased tax base?

If the RDN want to remove enforcement from the proposed Regulations and not include the Bylaw Enforcement Officers as part of those proposed regulations, what is the point of removing the jurisdiction from the Province?

It would appear that no penalties for non-compliance are proposed at the present time so what is the point of this exercise? Is there a hidden agenda here which will only come to light a few years after the regulations are finalized and bylaw amendments begin to be passed for fees and property tax increases?

With regard to voluntary registration and apparently no enforcement, just "Guidance &

**PAGE**  
114

Coordination', I would like to draw everyone's attention to the Nanoose Noise Bylaw, which was passed in 1997. This provides for regulation of noise from barking dogs, loud radios, construction equipment, etcetera. with, presumably, provision for a fine for non-compliance. How many prosecutions have been taken before the Courts under this Bylaw since its inception? NONE. The reason for this is that the Crown Counsel will not place a bylaw offence before the Court, presumably because it is not cost effective to spend time and money for what would probably result in a small fine, and a recurrence of the offence after the offender leaves the Courthouse, with no criminal record.

I feel that the proposed regulations should have enough power to be enforced by the Bylaw Officers and for the RDN to stop pussyfooting around on what amounts to an expensive exercise in futility. If you can not enforce the regulations, then don't waste your time and our money in countless meetings and legal fees, producing a large pile of waste paper.

*G. Shelton*

- Pam -

Mon., Dec. 4  
Lighthouse Community Centre, QUALICUM BAY not Bowser

My name is Mary Jane Puckrin. I run a HBB, Wood'n'Stuff, at 5400 W. Island Hwy.

Dick Quittenton, our area director, is not able to be here tonight and asks me to pass his greetings on to you.

We are here tonight to learn about the draft HBB strategy the RDN has developed for the rural areas of the RDN. I appreciate that the RDN has listened to us and is returning to ask for our constructive comments on what they have written.

I am of the opinion that this strategy is heading in the right direction - an attempt to modernize our HBB bylaws and facilitate the success of HBBs in our region.

**Some positive comments:**

All HBB would be able to sell products related to and ancillary to what they produce and would be allowed better signage opportunities.

**Some, but not all,** HBBs would be allowed larger signage opportunities, to sell non related items, to operate from an accessory building, to hire non-resident employees, and occupy a larger floor area.

I believe that the definition of the word processes is much improved and view the shift in role of the RDN from licensing/enforcement to guidance and coordination is a huge and desirable change in attitude.

I am of the opinion that there are still changes needed prior to this draft becoming a bylaw. That's why we're here tonight, to acknowledge agreement in certain areas and to clarify refinements that we still see to be necessary. Remember, this is not a carte blanche to ask for and expect everything you want Santa to bring. Responsible judgment and the ability to separate individual wants from the needs of our society as a whole are required. HBB bylaws must strike a balance between the needs of HBB operators, neighbors, and the goals of our OCP and GMP. The bylaw that is being constructed is here to protect you. It will give you, a HBB operator, protection from unfair complaints and it will allow all of us, as residents, protection from inconsiderate, bad apples who do not respect the rights of others.

**Refinements and changes I would still like to see:**

I am of the opinion that **all** HBBs should be allowed an increase in floor space, the right to hire non-resident employees, and the choice of being able to operate from an accessory building or from the dwelling. The municipality of Parksville allows non-resident employees and use of an accessory building for all HBBs. Why would HBB bylaws for the rural areas have tighter restrictions?

I would prefer the term secondary, versus incidental, being used to describe HBBs. Webster's definition of incidental is, "occurring merely by chance or without intention or calculation." Our HBBs have not occurred by chance. The RDN has indicated its support for HBB. It is important that they use a word, such as secondary, not incidental, to reflect this view.

I do not agree with the restriction regarding hours and days of operation, specifically for Residential 1,2, and 3 properties. We were not asked for feedback on this topic during the spring open houses. The directors instructed the planners to go to the public and ask for feedback on HBB issues. This issue was not raised. In fact, the public did not indicate that this was a concern. Over 800 comments were presented to the directors. Only 12 or .02% mentioned a need for hours of operation. I am of the opinion that there is no rational, nor numerically significant demand for this restriction. It would cause hardship for many HBB operations. If enacted it would possibly cause many HBBs dependent upon tourist traffic to close down. Those HBB operators who meet their clients at night, after the clients have finished with their day's work or schooling would be unable to function. Those HBB operators who don't have clients come to the door won't put out a sign, but work away quietly in what I would predict to be an ever increasing underground HBB economy. To compete in the new, highly competitive global economy we need to open up, be innovative and change how we do business, not restrict such basic things as hours of operation. To succeed as a HBB operator one must be prepared to work long hours.

Hours of operation should not be part of the HBB bylaw. What is the fear underlying such a restriction? According to proposed definitions a HBB may not disturb the neighbors as they may not create noise,..... detectable off the parcel to the normal senses, change the outside appearance of the building, or create other visible evidence of its existence other than a sign.. The only concern or disturbance, not covered elsewhere, that hours of operation might address relates directly to the noise that might result from vehicles going to and from **some** HBBs. I urge you to create a bylaw that deals specifically with clearly stated and isolated concerns, to stay away from sweeping, one size fits all restrictions that impact the ability of **all** HBBs to survive.

I am receiving mixed reactions regarding the Registry. Personally, I understand and accept the RDN's request for a HBB registry. I say this, trusting the RDN's statement that they are proposing to change their role to one of guidance and coordination. Also I realize that the RDN takes very seriously the goal of economic prosperity for the district and that they view HBBs as an important component of this priority. The effort to modernize the HBB bylaws is to assist HBB operators ability to flourish successfully.

It is difficult and costly for the RDN to deal with an individual that is breaking the rules. If the RDN is able to advise HBB operators prior to the business starting, through a registry, chances are that their will be fewer problems arising from lack of awareness of the rules. Remember it is your tax dollars paying for court costs and your neighbor that may be causing a disturbance and hindering your ability to enjoy your home. I understand distrust of bureaucracies, but give this some thought. How can we expect the RDN to do their job is we don't allow them some powers to do so. They've listened to our needs. Are you willing to listen to theirs?

I don't believe the RDN should charge for registering HBBs. I have considered this matter seriously and it is not a concern with the small cost of a one time fee. I believe communicating

with the public, informing us of regulations and bylaws is part of the RDN's responsibilities. The RDN wants this registry to facilitate their work. It should save the RDN money from the costs of bylaw enforcement time and court costs.

Our survey results for area H indicate that the majority of the community is not in favor of a business license or letter of approval with one time fee. Over half of the respondents were not HBB operators. Sixty three percent indicated that they wanted no licensing, letter of approval or one time fee. The approach of the registry needs to be one that enhances and encourages economic prosperity, not penalize. The RDN wants the registry to better our community and save money.

I am concerned that many of the suggested restrictions are unnecessary for the majority of HBBs and will result in unnecessary hardships. One rule does not fit all. Here is an example:

1. My HBB is on the highway. I believe the size of the sign needs to be increased and height restriction removed for reasons of traffic safety. Visibility of low, small signs is limited due to faster speeds, heavier traffic, lack of lightening and frequently, heavier vegetation. This may not be necessary in a high density neighborhood with little traffic, slower speeds and street lights.

I think we need to distinguish between facts and opinions, whether held by the RDN, HBB operators, or citizens.

In conclusion, I would suggest the following three step approach be considered when writing the HBB bylaw.

1. **Define a HBB.** In my opinion a HBB is an economic activity located in, but secondary to , the residential use of the building. It is not, as the RDN defines it, a listing of what you may do.

2. **Identify the objectives of the HBB bylaw.** I suggest the objectives might be:

1. To encourage the economic success of HBBs.
2. To protect the rights of neighbors to enjoyment of their property without undue disturbance.
3. To protect the residential nature of high density, residential areas.
4. To oversee responsible stewardship of the environment.
5. To plan for the future success of the district in keeping with the vision and goals of the GMP and OCPs.

3. **Evaluate each restriction in light of the stated objectives.** Does the restriction positively assist in meeting any of the objectives? Is the restriction detrimental to meeting any of the objectives? Is the restriction applicable to the objectives? Are there more restrictions then are necessary to successful meet an objective? I would suggest this be done in a chart form.

To illustrate how this would work.

I use the example of floor space usage - 40% with a maximum of 100sq.m., whichever is less.

The conclusion I reach is the following:

The restriction is detrimental to the economic success of HBBs that require more space. The restriction is not applicable regarding protecting the rights of neighbors, protecting the residential nature of the area, or protecting the environment as the restriction already exists that a HBB (in my words) may not be seen, heard, smelled, or felt so the floor space used doesn't change the fact that the HBB may not be noticeable from the exterior. The restriction is partially detrimental to the future success of the district because it does not fully allow the HBB operator to use the space that each individual operator feels is needed to be successful.

My conclusion: This restriction is either detrimental or non applicable. It does not meet any of the objectives.

I encourage you to stand up and state your views. The RDN has come a long way from the original draft and traveled today to hear our opinions. I thank them for their efforts and you for listening to what I have said.

Jack Moss  
Presentation at  
Area A HBB  
Dec 6/00

Since the Parkville forum last week, I've taken the time to have a casual look at the relevant bylaws of our adjacent jurisdictions. I phoned or visited each one and, in every instance, I talked at some length to a bylaw officer .

Not surprisingly, two fairly clear patterns emerge. The RDs appear to have developed one set of standards and the Municipalities another. My purpose in this was to determine if this draft strategy conforms to some recognizable norm for this level of government in this part of the world.

Based on what I'm able to learn in this short time, I have to say that it doesn't. Naturally, I've focused on the areas of the draft that have the most significance to me. I have copies of all the bylaws and I can see that there are other areas of inconsistency but, for now, let me just zero in on these few.

I'm comparing the bylaws of the RDN to those of the Comox-Strathcona RD, the Alberni-Clayoquot RD and of the Cowichan Valley RD. Here's what I see...

- As regards Location, all three of the others allow the HBB to operate in the dwelling or in any conforming accessory building...in all zonings.
- As regards Size, all the others allow the use of 150% to 200% of that allowed by the RDN draft...
- Regarding Non-Resident Employees, the others allow 1 in all instances and 2 in some.
- Regarding Accessory Buildings, the others all allow the use of any conforming structure to the limits of allowable area.
- Though the C-S RD does require a "letter of approval" from the region, none of them require licensing...nor, they tell me, is licensing "in the works".

I'm not talking about subtle nuances of interpretation here...these are remarkable differences. This draft proposes regulations stricter than those the towns of Courtenay and of Duncan apply to their most densely built-up areas.

So...what's wrong with this picture? I readily admit that I am struggling to convince myself there's no hidden agenda here...but I've got to ask, has this happened because RDN planners truly believe that RDN HBBs really require controls twice as strict...limits twice as restrictive...as those of all adjacent jurisdictions? Even the existing regulation, "Bylaw 500", controlling "domestic industry" and "home occupation" allows one "employee" in cases where this draft allows none.

Here's what I think is wrong with this picture...we're living in a time when Municipalities, Provinces and even the Federal Government routinely make very significant concessions in order to encourage job-creation. That's the buzz word of our age; "job creation". It's been invoked by Municipalities and Regional Districts to justify suspending zoning laws, been invoked by Provincial governments to suspend labour laws, by multinational business interests everywhere as an excuse to violate international trade agreements. It's been a notorious excuse for our own Federal government to make enormous unsecured loans to problematic business ventures. So...against a background like this, it's simply not credible for an administrative body to generate new regulations that will inevitably reduce job opportunities.



All of us here live in a 'residence' of some sort. I do, and I'll be quick to admit that there are aspects of that residence that the RDN should be able to control...in fact, I'm glad they do. But, listen up...this is Canada...this is the year 2000... and I'm not ready to back off to the middle ages and let the government tell me what I can do in the in the confines of my own house. Canadians are on record as telling the government to stay out of their bedrooms...so why would we want them in our kitchens and living rooms?

The classic enemy of the HBB says, "Hey, I don't want a wrecking yard or a pig farm next door to me!" Well, hey...I don't either. We're not here talking about neighborhood wrecking yards and pig farms. We're talking about the unfettered right to support ourselves by our own labours on terms that harm no one.

I assume that everybody agrees with me when I say that 'if a HBB can't meld peacefully and quietly into the neighborhood, then it ought to be regulated right out of the neighborhood'. The existing bylaw regulations are a vast body of regulations that provide for the control and abatement of noise, of hazards, of threats to health...they even provide for the control of "unsightliness". Enough is enough. Nothing appears broken here. Why do you suppose it's being fixed?

This draft proposes to tell us exactly where we can work...in our own shops and garages...inside our own homes. It proposes to tell us exactly how much of our own floor space we can choose to work on...inside our own homes...unseen and unheard by neighbors or by bylaw enforcers. It permits tradesmen, craftsmen or casual laborers to work in our homes for their own financial benefit, but it forbids the same people, performing the same processes, under the same conditions, to work there for the financial benefit of the homeowner. The moment that he profits by their work, his activity becomes 'nonconforming' and he becomes a 'violateur'. Mind you, all this in the absence of any overriding breach of regulation.

This thread runs through the whole draft. Within the bounds of noise bylaws and common civility, the uses, and the hours of use, of a conforming building are, for all practical purposes, unrestricted. It's only when some income-generating activity takes place in the building that the regulation moves to limit the activity.

So what's the point of the regulation? It's certainly not there to limit the 'process' because we're perfectly free to work our sox off...nights and Sundays...upstairs, downstairs, all around the house. We're just not free to make any money at it. So, is that the real point...don't make any money at it? Hey, you tell me. I'll tell you, I don't think it's the mandate of the RDN to try to control the economy.

...and now I've told you what the RDN shouldn't do, let me tell you what I think they should do. First, they should get up off their definition of a HBB on the basis of a few types of usage that they suggest. But since it's obvious that it'll have to be defined, it should be called what it is; "an economic activity located in, but secondary to, the

residential use of the building.” Since regulations, by their nature, must describe it, and since those regulations are going to govern all the possible permutations of it...until they’re amended...planners should define it by listing what it can’t do, not what it can...not begin by limiting it to those few things they are currently able to imagine folks might do for profit in their homes.

This is a real wave of the future. Economists and demographers everywhere project the rise of home offices and HBBs on a grand scale. It’s not because they’re cute...like a red convertible...it’s because they’re an absolutely essential component of every community’s economy.. The regulations that govern them shouldn’t start out like straightjackets, with men in white coats loosening up the laces a little bit at a time as the patient proves he’s not violent. They should be the least possible number of rules...they can be amended if they have to be.. ..just remember, the dynamic has it that over time the statute books always get thicker, they never get thinner.

In the absence of some overriding breach of regulation, I’m not willing to be told what I may do in the privacy of my own home and shop. My imagination can’t conceive of any legitimate reason to ban the use of a ‘conforming’ accessory building, regardless of its size...in the absence of some overriding breach of regulation. Planners have probably gotten a large dose of this sentiment from the HBB community...and certainly no regulation that ignores it is going to inspire a spirit of cooperation or voluntary compliance.

Any regulatory process that hopes to “guide and co-ordinate” HBB activity...without a court order...is going to have to demonstrate by the nature of its regulations, that it has at heart the best interests of HBBs. It can’t unfairly and unilaterally forbid non-resident employees. It can’t impose hours of operation that guarantee the failure of half of the startups. It can’t be the only regulation in this part of the world that restricts activity to the dwelling...denies the use of conforming outbuildings. It can’t be the only Regional District in this part of the world to impose licensing without some *quid pro quo*. In the absence of some overriding breach of regulation, it can’t do any of these things and still hope to generate the level of trust and respect that will result in voluntary compliance.

A couple of last things: except for the limits on ‘employees’ and of ‘maximum areas’, this is a step up from Bylaw 500...albeit far too short a step. Still, planners ought to get a pat on the back for the progressive thinking they’ve put into it.

On the other hand, it looks obvious to me that this regulation, in this form, is destined to discourage and to prohibit the creation of many HBBs, and that it’ll destroy many existing ones...who aren’t broken and don’t need fixing.

Last night I talked for hours to Andy MacDougall of the Comox Valley HBB Association.....

PLANNING DEPT

-12- 07 2000

RECEIVED

1935 Morello Road  
Nanoose Bay, V9P9B1  
December 06, 2000.

Dear Regional District of Nanaimo:

Regarding the Home based business regulations for 2001, I would like to make my concerns known for the Nanoose area. I do not want to see anything resembling the Coombs/Errington area where a mill, commercial / industrial operation, or a wrecking yard can go in a residential area such as Nanoose Bay, where I reside. It is bad enough that there is zoning approved for a quarry [ that I am actively opposed to ]. Appropriate small home based businesses are the backbone of our economy as long as they do not interfere with the quiet rural lifestyle that people choose to live in, and by this I mean hours of operation that exist in urban by-laws. Residential should mean just that, residential. I approve of hobby farms only, as that is consistent with rural lifestyles. Size should be Rural and Resource Management Zoned, hours of operation Residential 1,2,or 3 only, farm gate products are acceptable, and ABSOLUTELY no automotive uses of any kind,taxidermy, heavy equipment use of any kind, log processing or anything related to it. That is why industrial areas exist, not rural communities.

Sincerely,  
Ken and Judy Johnson

**PAGE**  
123

PO Box 114  
Lantzville, B.C. V0R 2H0

December 7th, 2000

Planning Department  
Regional District of Nanaimo  
PO Box 40  
Lantzville, B.C. V0R 2H0

Dear Sirs:

re: proposed Home Based Business Regulations

**1) Unless you can successfully define "business" any home based business regulations will be inherently flawed, and unenforceable.**

- is my doily crocheting grandma running a home based business because she sells her surplus production?

- Revenue Canada views this situation as a hobby because there is no reasonable expectation of profit. In the past, Revenue Canada has successfully argued in the courts that some fairly large "businesses", with employees, are in reality hobbies because of the probability of profit generation.

**2) Most of the problems with home based business lie in inconvenience to the neighbors.**

- Is grandpa's work shop any more noisy when he makes toys for sale than when he makes toys to give to his grandchildren?

- And what difference does it make if he works in his basement or in a separate workshop in his back yard?

- Are the parked cars somehow different during the Jones' Saturday night wingdings than during Dr. Jones' group therapy sessions?

**3) Location regulations must flex to meet the situation.**

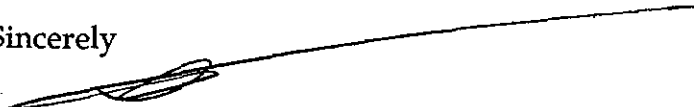
- Dr. Jones' anger management group may function much better in the tranquillity of her large garden than confined to a room in her home, or an office downtown. On the other hand, some operations, even at a low level, are too unsightly, and/or noisy, to operate outside.

**4) employees are not always neatly categorized**

- Dr. Jones can have a cleaner, a gardener, and a live out nanny ... what difference would it make if these employees also answered the business phone and showed patients to the waiting area?

There are many major flaws in this proposal. Clearly, considerably more research is needed prior to it being taken to the board for consideration.

Sincerely



Lynn Reeve (Mrs.)

Wilma Warth  
2720 Lana Road  
Nanoose Bay, BC  
V9P 9B2

Dec. 7<sup>th</sup>, 2000

To: RDN Planning Department

Re: Home Based Business

I am strongly opposed to the proposed new Home Based Business regulations.

Since 2 years we are living beside a Welding Shop. It operates as long as the owner has work, it means from 6.00 a.m. till deep in the night without any consideration for the neighbors. The whole operation is very noisy, it includes welding, cutting, grinding, sanding, hammering, Delivery trucks and other cars, etc.

I know, Welding shops, Automotive repairs, Automotive maintenance, Taxidermy, Log processing (including preparation of logs, fence posts, poles or firewood), Automotive restoration, Operations dealing with heavy equipment or machinery, Spray painting operations, etc. can not operate quietly and environmentally friendly.

These kind of Businesses belong absolutely in an Industrial Park. What are these Industrial Parks good for?

The RDN should always initiate Business licensing and inspect Business operations, like Noise, Pollution, Hours of operations etc.)

Sometimes I wish, I would live in an Industrial Park, at least I know, they shut down at 6.00 p.m. and don't work on weekends.

*Wilma Warth*

# Planning Department

Heinz Warth  
2720 Lana Road  
Nanoose Bay, BC  
V9P 9B2

Dec. 7<sup>th</sup>, 2000

Re. Home Based Business

1. Rural zoned properties 2 ha or less should be residential.  
Rural residential should have the same protection against noise, Pollution, odour, fumes etc. as other residential properties.
2. Under Services  
Rental of recreational equipment should be limited to non-motorized Equipment (pollution, Noise, Enviroment).
3. Hours of Operations should be for all Properties the same  
8.00 a.m. to 6. p.m. weekdays.
4. No Non-resident Employees except in professional services and Business management .
5. The role of the RDN must be Licensing and Inspection, otherwise it Abrogates its responsibilities. It would be unfair competition to Established small Businesses.

*J. L. M.*

## Anderson, Jack

**From:** David Haynes [dhaynes@island.net]  
**Sent:** December 8, 2000 7:39 AM  
**To:** Judith Reid MLA (E-mail); Jack Anderson (E-mail)  
**Subject:** FW: Draft 2

Subject: Is the RDN on Drugs? to Geo. Holmes Re: RDN Planning  
to  
downgrade Zoning to allow heavy business in Rural areas

Dear George,  
What's going on?  
Firstly there was the Jameson quarry which seems to be a real foul up, next the Dufferin Quarry which has been a complete blunder and now under dispute. These issues which for your information, have galvanized our Community in Nanoose to question the RDN, Ministry of Energy & Mines, and several other Government agencies. Now the RDN is introducing a idea to downgrade our Property Zoning from Rural 1 to Rural 5 to group us for business allowance like Errington and Bowser. I assume you know something about this, but I suggest you investigate what's really going on with the Planning department. I wonder why they haven't read the Official Community Plan Nanoose adopted and passed over 3 years ago by Nanoose residents and the RDN? Doesn't the RND planning department realize residents will fight them if ignored. The proposed "Business Plan" amendments, if approved, come into effect in our area, but the planning department feels we, as a community, are not justified or respected enough to have a local area meeting regarding these proposed changes? A little history: This for the most part is a RURAL RESIDENTIAL AREA, where most enjoy the rural life. However, times being what they are, allot of people do entertain a small business. However, their businesses are enclosed within the approved home structure of the area and pose no eyesore to local residents. With the new proposed plan by the RDN, they plan to amend the current bylaw on "Home Based Business" to now include "Auto Repair, Taxidermy, Sawmill, etc", just to name a few. This type of business will change the look of our area. To have a Office, Hair Salon, Accountant/Lawyer office or Mail Order business is common in our area and is not normally noticed since they are well within the home structure. But what the RDN board is suggesting to allow business which will overall change the look of any neighborhood, and they will not be involved in the enforcement of the industry. I read the RDN is thinking of charging a \$40.00 permit fee, but exempting itself from the responsibility

of ensuring these licensed businesses comply with disposal regulations. To grant the permit is one thing, but to change a bylaw, charge a fee, and then exempt yourself from responsibility is nuts. Do you expect the area residents from all these varying communities you will be effecting by this change to pick up the bill? Why is only a select few area's allowed to voice a concern at these meetings? Nanoose is not an area for you to test as a "Business Development Region" without input, we have all spent to much energy, time and money on our neighborhood to allow this decision to just be passed without the respect to contribute. We are not disputing that the former Home Business bylaw needs to be revised, but we definitely did not want to see Automotive Repair, Sawmills and the like, added to the amendment. "Home" business is just that!, contained within the home structure. Area residents I have talked to agree with changes to the non-resident working for the home business, but they also agree, a "Home" business should not change the appearance of our neighborhood. I would like to see amendments to the current "Home Business" plan, but are not confident the planning department has residents in their best interest. I feel the planning department in the past, has been unfamiliar with the community areas they represent. I would like written confirmation explaining the proposed Zone reclassification and request a meeting with Nanoose residents before this bylaw is passed. This is a large area and residents deserve the right to input their views before a bylaw is amended which quite frankly, covers to many varying area's. Also, I also request a review of "Dennis Monroe" and his relationship with the Regional District of Nanaimo. It has been rumored that Mr. Monroe has been a long-time contractor with the RDN. Hence, the recent appearance of a structure on his property, with the lack of any building permit, has reinforced the rumors he is exempt. In all fairness, I request written clarification to clarify this situation, the date of the permit, and the inspection sign-off sheet which we all had to endure when building. Furthermore, I also request the dates and the papers the "Public Notice" was placed in when the review board assessed the former change in zoning on the property listed as "DL 32", formally owned by Scotty McKillops, which happened about 3 years ago as confirmed by our MLA Judith Reid. In that meeting, it also became apparent that the property was not always zoned for "Aggregate Removal". I now also request copies of the declassification of that zoning, the local residents contacted for this change (with supporting paperwork), the residents that attended that meeting (with supporting paperwork), and the local area papers in which the zoning downgrade was advertised. I understand the RDN has been considering legal action against



Mr. Munro as he has not complied with your reasonable requests. What is your decision? I and 115 residents await your decision and want an answer immediately. Enough time has elapsed "for Considering". The RDN must follow its own rules and procedures to protect the public whom elected and voted approval of various bylaws. I feel it is possible someone's head is going to roll because of various violations, but you live and learn. I request a reply about the above concerns by December 12th, as I will be meeting with other area residents on December 14. I would prefer to be informed for that meeting and possibly correct any rumors that circulating about the RDN involvement. However, as you might tell by my letter, I am opposed to the idea of downgrading the zoning of Nanoose to an Errington, Coombs, or Bowser approach since these area's are totally unlike, and it is clearly not what our area wanted and approved in our "Community Plan". If the R.D.N.'s getting pressure from special interest groups or business to relax regulations, Too Bad. There is a understanding, but it is what you as our "Representatives" get paid for.

Enforcement of zoning is partly why I pay my Taxes. I worked for, & like the OCP and will fight to see it enforced. In our area, we all depend on wells for water. If a heavy duty mechanic were to set up shop here there will be (inevitably) spills, some of which will go onto the ground, but eventually seep into the rain water, then possibly to our wells, and then onto some streams poisoning the fish and other sources of water. If these proposals are passed, heavy logging, sawmills and auto body shops could operate from 7 AM to 10 PM 7 days a week. This would not be good for our community. These problems would only be "enforced " with a complaint ,vs. a business which is "struggling to survive" and a bias will be there (I think) for the RDN to support the business as it gets \$ 40.00 in fees. This is a nice source of Revenue, and less work for it. It's free money. No monitoring of these operations will happen. You and I both know this. I bought property in this area specifically because I didn't want to have the problems they have in Errington. Remember the sawmill beside Errington Elementary. The school had to be shut as a result of this. It could happen here. I don't care to see this even start. How about the roads?

Are they designed to take traffic of a type which can carry heavy machinery? Morello road is fragile at best. There are considerable Potholes in the road every year from frost heave. This road is not asphalt, even. How will it withstand an increase in traffic? Who will pay for this? The taxpayer. You and I will so that the planning department can let a few special interest people "do their own thing" and not have to confront them anymore. Uh Uh. This is not going ahead. I won't allow it, my neighborhood won't allow it. Get the planning & enforcement department to get going again,, as from these situations they appear to be both

incompetent and Lazy. Better yet get a new department, and send these folks away to pick up garbage, this way they still work for CUPE, and you won't have to pay them severance. These situations are not right. I pay taxes and want to see them in use, or I don't want them collected anymore. Sell the RDN buildings, fire the employees, and let's have a free for all if it no longer wants to represent the people. Or stick by the OCP; we went through the process for many good reasons. It's very valid and as you can see I will club the RDN with it if it wishes to cause a variance. Let's stick with it, it's good. A few amendments are fine, but really, a Sawmill or Automotive repair shop!! Where is your concern for the community?

Cheers,  
David Haynes  
1571 Morello Road.  
Nanoose, BC  
V9p 9b2  
468-9534 ph/fx.

**Beetstra, Marion**

**From:** Douglas Miller [millerdoug@home.com]  
**Sent:** Monday, December 11, 2000 8:58 AM  
**To:** planning@rdn.bc.ca  
**Subject:** Nanaimo Reg Dist Home Business Strategy

Dec. 11, 2000

Doug Miller  
3697 Bell Rd  
Nanaimo, B.C.

Dear Sirs and Madams;

My wife and I attended a meeting last week in the Cedar Community Hall where you reviewed your proposals for Home Based Business. In a nutshell you appear to be regulating all home based business on the basis of their presumed impact assuming the greatest or largest case scenario. I don't feel that such a method is valid. For example you would prohibit a taxidermy business in an urban area yet the impact on the neighborhood of a person mounting a few small animals or birds per week (in the privacy of their basement) would be no different than someone preparing the Xmas turkey for cooking. Further many small business's warehouse materials to some extent (another prohibited activity) and with regard to another prohibition; what difference does it make what proportion of goods sold are actually manufactured on site as long as local traffic and noise bylaws are obeyed?

It is my opinion, which I feel was echoed by all those who spoke at the meeting, that instead of regulating or prohibiting activities on the basis of categories, they should be assessed on the basis of their particular impact on the immediate neighborhood. A quiet business operating indoors and with minimal customer traffic to the door should be allowed to operate whatever hours it chooses. A home sales office with adequate parking and acceptable traffic flow should be allowed to sell whatever it choses (within legal boundaries of course) regardless of point of manufacture.

The other opinion that I formed while at the meeting was; why should a HBB register with the Regional District if the only result is to bring it under public scrutiny for compliance with regulation. My personal experience with government regulation has been that no matter how well intentioned, regulations often did not reflect the reality of my work place. I had the definite impression that many of the other attendees to the meeting had similar experiences or concerns. Perhaps part of the solution from your perspective is to dangle a carrot to the HBBs to encourage them to register. One example that comes to mind is a listing on a Regional District web page preferably accompanied by a search engine and hot links to individual business web pages. All this of course at minimal cost to the HBB. I think it fair to say that no one wants to pay a large sum of money and get nothing in return ( a gunsmithing license for example costs \$250/ year to the province and does not certify knowledge or competence; it appears to be only a punitive tax). To sum up then registration would offer some benefit to the business at minimal cost and would not be perceived as yet another tax nor layer of unnecessary regulation.

Thank you

Doug Miller

**Beetstra, Marion**

---

**From:** Jean Compton [jcompton@island.net]  
**Sent:** Friday, December 15, 2000 1:27 PM  
**To:** RDN Planning Department  
**Subject:** Home Based Business Strategy

I understand the reason behind easing up on the regulations. I support the concept of diversification of the economy, and appreciate that home-based business is an important part of our economy. However, I am concerned about several aspects of the proposed changes to the HBB regulations. First of all, I am concerned about **groundwater** in Area A and I try to take this into account when evaluating a proposal. In this case there are several areas which could have potentially serious impact on **groundwater**.

1. Bed and Breakfasts - A 4-bedroom bed and breakfast has the potential to use large quantities of groundwater as well as create much waste-water. (Laundry, showers, etc.) Where I live (rural zone), we must always be conserving of groundwater. We are always aware of how limited our well is. Our first well went dry several years ago and we are now on our second well. A neighbour of mine takes her family's laundry to a laundromat, she is so cautious with their water use. Other neighbours have had their well water supply and quality affected by a neighbour's overpumping their well.

2. Semi-industrial operations - (Automobile repairs, maintenance, restoration. Heavy equipment operations, spray painting.) These types of operations, by nature, use solvents and chemical cleaning products. Where do these products end up? In the ground, which certainly has the potential to contaminate a neighbouring water supply. I certainly would have strong objections to that type of operation opening next door to me.

- As well as the water consideration, I am concerned about the potential for noise, fumes and dust from these types of operations. Why would they be inappropriate in a residential area and permitted in the rural area? They belong in an industrial area.

- Also, I can't understand why hours of operation would be restricted to 8am-6pm Mon. to Sat. in Residential zones, while in Rural zones, hours of 7am-10 pm every day of the week are acceptable. Rural zones are residential as well.

- Also, I would like to know what a Resource Management Zone is.

Thanks  
Jean Compton  
ph 722-3167

PLANNING DEPT

-12- 18 2000

RECEIVED

Helga Schmitt  
2004 Rena Road  
Nanoose Bay, V9P 9B1

December 16, 2000

Regional District of Nanaimo  
Planning Department  
P.O. Box 40, Lantzville, B.C. V0R 2H0

Dear Ms. Pamela Shaw:

**RE: Modernized Home Based Business Regulations Proposed for 2001**

I attended the open house at Mountain View School on December 7, 2000. At that meeting I expressed great concern about a number of proposals which would include the area where I live. This letter is to confirm my position on those topics which I had addressed.

Firstly, I feel very strongly against grouping Rural and Resource Management together. I do not think there are many people out in our community who would want a gravel pit operation or quarry next door to their home. If the land owners have vast acreages it would provide somewhat of a buffer between them. When you are dealing with five acre parcels, it is too close to your neighbour and becomes an annoyance, and is detrimental to the land owners' health and well being. I feel that the proposed permitted uses which include automotive work to heavy equipment and machinery, sawmill operations and taxidermy, are more industrial types of work and belong in a commercial area. Nanoose may need a separate classification for home based businesses, different zoning or something of that sort. We pay very high taxes and would have moved to Coombs if we wanted open -zoning or all types of industry next door to our homes. All of these types of industries also cause the potential for our ground water to become contaminated from fuel and/or lubricant spills. Given our high water table in Nanoose, that is very important when assessing suitability. They also are creating a disturbance due to the noise generated from them. I'm sure nobody wants to be upwind from a spray painting operation.

Secondly, in the service industry, I am very much for professional services gravitating towards the home. I do have a reservation regarding Bed & Breakfasts and rental of recreational equipment. If the recreational equipment was non motorized, it would be no problem. As soon as it becomes motorized, it gets loud and noisy, ruining the peace and tranquility of the rural neighbourhood, which we all moved here for. With the B&Bs, I foresee a problem arising from landowners turning their accessory buildings into apartment type rentals. There is no way to monitor how long a visitor has stayed, and given the allowances of 120 days per year (4 months) it will be taken advantage of by many. I feel that the current regulation with the two bedrooms being within the primary residence, creates some assurance of adhering to the bylaws. Also, B&Bs, bring many transient people into the area, increased traffic, and the potential for B&Es, who flee.

My third concern is the hours of operation which is proposed for Rural areas. I don't think it

PAGE  
133

makes anyone happy to have business carried out from 7:00 am to 10:00 pm next door to you on possibly both sides and across the street from you. We moved here because these rural acreages were quiet and tranquil, yet close enough to all other amenities. For people who work shift work, that could be very troublesome. There are many elderly, retired people moving to this area, because of the close proximity to amenities, and yet hold the country ambiance. I understand that a professional who works at night may get most of their cliental due to the extended hours of operation. If it is a professional, I see it as posing no disturbance.

Lastly, in all operations of business, I feel that the RDN has a committed responsibility to ensure to each and everyone of us, that the bylaws will be enforced and upheld. All business operators should have to provide adequate septic systems and water should they provide services to the public. There also needs to be adequate off road parking. If a resident operates a business from their home where the public visits for certain services, that business should be registered and made public. I feel that the RDN should do inspections to ensure proper procedures are being carried out.

To conclude, I am strongly opposed to commercial or industrial operations being carried out within my neighbourhood. I feel that the RDN should look at the areas on an individual basis when they are determining what operations they will be permitting. To classify the Nanoose area with those who live in Bowser is unfair. Even our taxes do not reflect the sameness. Nanoose also has a very unique and sensitive eco-system. The environment also needs to be taken into consideration. I truly hope that the RDN addresses all issues. I thank you for your time in hearing my concerns.

Sincerely,



Helga Schmitt

December 18, 2000  
Lantzville, B.C.,

Pamela Shaw;

The following reaction marked the beginning of a canvass of Nanaimo and RDN businesses on the subject of HBBs. "Ah-ha", sez the downtown merchant, "it's a cute concept for a privileged few, but how'd you like it if I did that...if we all did?" Well, truth is, I'd like it because if they did, our business district would look and function much like 'Tin Town', on Cousins Street in Courtenay; a classic example of the way to create an Economy: Here's a cluster of two-story live-up/work-down units. While Courtenay's economy generally spirals down, Tin Town thrives...the developers and businesses involved are a commercial success. It has everything in common with the cottage industry era...makes for good neighbors, solves child-care problems, makes it practical to share some services, overall demands on everybody's time and effort are less because their financial needs are less. Far more efficient use of the land. Tin Town's well-known locally as a 'no crime' zone because when folks lock up their shops, they just walk upstairs and they're home. Nobody robs their house while they're at work...nobody robs their business while they're home. All the virtues of a community...none of the vices of the store-front business centre. The developers fought a long bitter war with the City but now it's held up as a shining example of commercial success. And, ya'know, there are very few businesses that couldn't profit by its example...maybe a used car lot.

Yaletown, in Vancouver offers another good live/work example; industry fled to the suburbs, remaining businesses went belly-up, plundered by thieves and vandals, broken glass and graffiti. Then new owners cleaned up, remodeled the warehouses and industrial buildings... developed them as a live/work concept. Very successful, it's become Vancouver's high-tech centre; film, computers...crime lower than surrounding areas. These days, of course, it's a showpiece, and a significant force in the City's economy. Vancouver's District 2 bylaw says it best; "Here is where you will find Yaletown, a community made up of a contemporary mix of commercial, light industrial and residential uses in wonderfully renovated and converted heritage warehouse buildings." Yaletown is often cited for its most efficient use of the City's resources.

It's easy to miss the connection between resources and HBBs...unless you happen to be an HBB operator. Just commuting to work uses up resources in several ways. First, the fuel to drive to work. Then, each mile of expanded highway to accommodate rush hour traffic costs us around 2 million bucks a mile and creates 3,000 tons of global warming gasses. The remote, 40-hour workplace is made of material that's in use less than 24% of the time but heated 100%; pitiful resource efficiency. An HBB often eliminates the need for a second car and its associated costs in \$ and resources...creating a car produces as much pollution as driving it. The short version would be that an HBB can easily represent energy savings in excess of a thousand bucks a year.

All the above in addition to the wealth of collateral damage; the prep for work, the wardrobe, the 'lunch plan', the commute, the school and child-care issues. At the other end of the commute, there's parking, utilities, maintenance, office security, insurance. Any time 'homepreneurs' do something to simplify their lives and control their costs, their personal health improves, as does the health of the planet. As the planet is home for all of us, looking after it is the ultimate home-based business.

In this Mall Era it's easy to forget that an economy begins with people making things, and selling them. Kids have grown up since the 60s, at one remove from the process of making things, so it's easy for them to believe that an economy results from the creation of a storefront.

Anyone who's interested quickly learns that one in every four Canadian homes is conducting some economic activity...that one half of Canadian businesses started 'at home'...that 57% of all new jobs are created by Home Based Businesses...fastest growing sector of North America's economy.

This last decade has focused academic attention on self-employment and today it's a rare College or University that doesn't teach entrepreneurial skills to packed classes.

In our part of the world;

- Raphael Amit, Ph.D., UBC Business Faculty and Director of Entrepreneurial Research Alliance,
  - Thomas Ross, Ph.D., UBC Commerce and Business Administration Faculty and Foundation Prof. of Regulation and Competition Policy,
  - Ronald Mitchell, Ph.D., UVIC Business Faculty and Director of Entrepreneurial Programs,
  - Patrick Smith, Ph.D., Simon Fraser Political Science Faculty,
- ...are Department Heads who have produced a wealth of publications and working papers favorable to entrepreneurial enterprise, and are involved in programs "...to unite theory with practice by fostering a cooperative dialogue between researchers, the business community, policy makers and other stakeholders." This picture is reproduced in each of the dozens of Canadian Universities and Colleges I've canvassed on the Net.

Theory and practice have, in fact, met and shaken hands in many jurisdictions across Canada. In the past three years, the cities of:

- Gander, Newfoundland
- Barrie, Ontario
- Brantford, Ontario
- Red Deer, Alberta
- Maple Ridge, British Columbia
- Langley, British Columbia

...have won awards sponsored by Royal Bank, Canada Post and Home Business Report, as "most friendly" to home-based business. Royal Bank Vice Chairman, Jim Rager said, at an award ceremony, "Home-based businesses are an important incubator for innovation and ideas. As Canada's largest bank, we see great value in promoting jobs, including those that are created one at a time at home". Canada Post's VP of Marketing, Daniel Sawaya, expressed the importance of HBBs in the marketplace and their value to the economy.

Maple Ridge's Brock McDonald, Director of Community & Business Relations, says, "It was in our Community and Economic Development Plan that we first formally recognized the importance of home-base businesses and decided to promote this sector". In 1993, Maple Ridge and neighbouring Pitt Meadows began offering seminars on starting HBBs and on marketing products and services. Brock's office organized a juried trade fair, featuring HBBs, in the area's largest mall, Haney Place. 30 HBBs exhibited their wares and their companies were featured in the local press. This two-day weekend fair has been held for the past five years during Small Business Week and is now co-sponsored by Brock's office, the Ridge-Meadows HBB Association, the *Maple Ridge-Pitt Meadows Times* and Haney Place Mall. Brock says, "We've nurtured the home-based sector because it creates business and jobs. 1200 HBBs are now registered with the City. Many people come here to escape the Vancouver rat race. HBBs help keep our economic engines moving".

Libby Staple, Director of Economic Development in Gander, developed programs to help HBBs grow; offered set-up advise, counselling, and, in some cases, financial assistance. A six-week certificate course by the Business Development Centre, annual trade shows for HBB products and services, and proactive zoning bylaws have all helped put Gander's unemployment rate at 7 to 8 percent in a province notorious for its 24 percent rate.

These experiences are typical of the success stories of HBB-friendly communities who have created accommodating environments for entrepreneurial activity.

Three years ago, in Courtenay, screen processor Andy MacDougall was given his walking papers by an enforcement officer. He persevered...organized Comox Valley Home Based Business Association and argued the case for appropriate bylaws at the valley jurisdictions. Two years later he got a gratifying letter of commendation from Courtenay's Mayor, along with the award for Best Home Business of the Year.

Encouraging support for HBBs comes from a predictable variety of sources. The summer, 2000, issue of *Champions*, Royal Bank's 'Strategic Markets' publication salutes women entrepreneurs, saying



,"Many women entrepreneurs across Canada have taken advantage of the programs and initiatives offered or sponsored by Royal Bank to help them better manage and grow their businesses". The article features five women including Nikki Duyvestyn, Kanaka Greenhouses Ltd., of Pitt Meadows. Ms. Duyvestyn planned the expansion of her business assisted by a Strategic Growth Seminar offered by Royal Bank in November, 1999. Ms. Duyvestyn's work shares her home and lies just outside her back door.

Live/work accommodations are indeed an idea whose time has come. Marx would surely say, "Thesis; deregulation, globalization, downsizing. Antithesis; economically essential work left undone. Synthesis; the Home Based Business!"

In Victoria, city planner, Michael Dillistone, says, "there is certainly more interest in living and working in the same space. People in the arts and high tech like it because it offers flexibility and the ability to work at any hour. There are an incredible number of people in home offices, and we're trying to respond to that. I find the whole concept very exciting, and I hope the market will respond too."

Already popular in San Francisco and other American cities, a flurry of live/work construction projects is off the drawing board and becoming a solid reality in Victoria where the Mosaic Building features 85 live/work units in the new incarnation of the old office building. In an interesting twist on an older trend, zoning administrator, Tom Pebernat tells me, "the city will not mandate that residents work in their units."

Jan Zak, project architect for Street Architecture Studio Inc. is working on another live/work project next door to the Mosaic, as well as a project that will see the conversion of the city's first movie theatre into large live/work units.

Tom Moore, Moore Patterson Architects Inc, has resurrected a former Chinatown tenement. The abandon Old Town structure has reappeared as 12 three-story showcase, live/work condominiums. He explains, "It's all part of the paradigm shift in lifestyle and technology that is propelling the notion of working at home. Live/work has been happening internationally for decades and Victoria is part of that trend."

.De Hoog & D'Ambrosio Architects incorporated live/work into the new Selkirk Waterfront community where the units have made a stellar impression. "It's absolutely the right time for this concept, and we have achieved phenomenal success," says Norma Butterfield, marketing director for Shoal Point. "It allows people to carry on a business who may not have been able to afford separate living and working spaces."

Vancouver's bylaws cite the following vision for the False Creek community; "We envisage Southeast False Creek as a neighbourhood in which people choose to live and work because it supports their desire to live sustainably, by maintaining and balancing the highest possible levels of social equity and livability, ecological health and economic prosperity. A wide diversity of housing for 5,000 to 7,000 people will be planned into SEFC with families and live/work as priorities. Community amenities and commercial/industrial space will provide opportunities for residents to live, work, play, learn and interact with their neighbours."

Economics is just one of the motivations spurring the trend, verified by the 300,000 home offices that have blossomed in the province, according to stats from Telus. The HBB is well ingrained as a first-class option for generating a livelihood. According to Kevin Thurston of the Victoria Chamber of Commerce's Home Office Support Team, "There has been a staggering increase in the number of home-based businesses in the last few years. Fifty per cent of all new memberships in the Chamber are HBBs. People are getting downsized and turning to self-employment. We now have more than 400 HBB members in our organization." Victoria's enthusiasm has resulted in the scrutinizing and altering of their zoning bylaws, on a site-specific basis, to facilitate the construction of more live/work accommodation. Without doubt, the pendulum is swinging.

Nanaimo's Chamber makes no distinction between between 'store front' and HBB registrations, but acknowledges a "significant number" of the latter. They sponsor a 'mini trade show' every October in

To: Pamela Shaw  
Manager of Community Planning

Date: December 18, 2000

From: Jack Moss (390-5051)  
Mary Jane Puckrin (757-8854)

Subject: Home Based Business Provisions, Land Use and Subdivision Bylaw No. 500, 1987

---

## PURPOSE

To respectfully submit alternative draft Home Based Business (HBB) provisions with intent to assist in the process of balancing the needs of HBB owners, neighbors and the RDN. The information and content covered, while not complete, does attempt to touch upon main concerns and issues, using a format and language style that could be understood by all parties.

## BACKGROUND

**At the fall Open Houses some basic concerns still continued to be heard. This alternative draft attempts to address these ongoing concerns.**

If an HBB operation is not, and may not be, noticeable from the exterior...  
then why should its interior function be restricted?

If normal residential activity involves the daily going to and arriving from work ...  
then why disallow employees that come to work and leave to go home?

If an accessory building is conforming...  
then why should its use not be at the discretion of the owner,  
in the absence of any overriding breach of regulation?

If a specific activity, undertaken by a few HBBs may cause neighborhood disruption....  
then why are blanket restrictions being suggested for all HBBs....  
versus restrictions that address the specific activity undertaken by those few?

If public input does not concur with a proposed restriction...  
then why is the regional district not required to support its opinion  
by providing factual evidence of related, area specific complaints?

If the reality, and society's perception, of HBB involvement in our communities is changing....  
then why are we modifying regulations to fit outdated zoning concepts....  
(trying to fit a square peg into a round hole)  
versus changing the definition of the term residential?

Bylaws that reflect a balance  
between the needs of HBBs and the communities  
need be flexible, open ended and adaptable to future requirements of a changing society;  
need to safeguard the needs of all by considering dispute resolution techniques,  
enforcement requirements and encouragement of voluntary compliance.

**RATIONAL**

The rational for the alternative draft HBB provisions was compiled by gathering information from the following sources:

**1. Municipal HBB regulations**

The HBB bylaws from the three municipalities within the RDN (Nanaimo, Parksville and Qualicum Beach) have been examined and the **least** restrictive approach for each key issue was incorporated into the chart.

**opinion:** Regional Distinct bylaws for rural areas should be less restrictive of HBBs than those of the municipalities within the same district.

**2. Regional Districts**

The HBB bylaws from two neighboring Regional Districts (Comox-Strathcona RD, Cowichan Valley RD) have been examined and the **least** restrictive approach for each key issue was incorporated into the chart.

**opinion:** HBB bylaws, to reflect the RDN's stated priority of achievable economic prosperity, need to be equal to or less restrictive than HBB bylaws of neighboring regional districts.

**3. Comments from public**

Summary statements from (a) the comments presented to the directors in August 2000; (b) results of citizen's survey spring 2000; and (c) from comments heard at fall 2000 Open Houses.

**opinion:** In April 2000, RDN directors instructed staff to gather public input to effectively promote the goal of a modernized HBB bylaw. The resulting bylaw must be seen to incorporate the flavour of the public's input.

(NOTE: Throughout this document, the term 'accessory building refers to a conforming structure.)

DATA AND RATIONAL FOR THE ALTERNATIVE DRAFT HBB PROVISIONS	
<b>LOCATION (excluding B&amp;B)</b>	
Municipalities:	Nanaimo and Parksville <b>allow</b> the use of an accessory building for all HBBs.
Reg. Districts:	Both regional districts <b>allow</b> the use of an accessory building for all HBBs.
Comments:	May comment sheets - 70% <b>agree</b> to accessory building use, as HBB chooses Our survey - 94% <b>agree</b> to accessory building use, as HBB chooses Dec. Open Houses - "one rule doesn't fit all, <b>owner's choice</b> "
Conclusion:	The RDN strategy is too restrictive. It <b>does not allow</b> all HBBs to use accessory buildings.
Alternate draft	<b>All HBBs can be located in a dwelling unit, accessory building or combination thereof.</b>
<b>LOCATION B&amp;Bs</b>	
Municipalities:	The municipalities do not allow use of an accessory building.
Reg. Districts:	Comox-Strathcona <b>allows</b> use of an accessory building.
Comments:	May comment sheets - 71% <b>agree</b> to accessory building use, as HBB chooses Our survey - 85% <b>agree</b> to accessory building use, as HBB chooses Dec. Open Houses - "one rule doesn't fit all, <b>owner's choice</b> "
Conclusion:	The RDN strategy is too restrictive. It <b>does not allow</b> RS1,2,3 to use an accessory building.
Alternate draft	<b>All B&amp;Bs can be located in a dwelling unit, accessory building or combination thereof.</b>

**ALLOWABLE FLOOR SPACE USAGE: within the dwelling**

Municipalities: Nanaimo allows 100m<sup>2</sup> to a maximum of 50% of dwelling  
 Reg. Districts: Cowichan allows, by parcel size, 100m<sup>2</sup> and 200m<sup>2</sup>  
 Comments: May comment sheets - 85% state an increase in size is required  
 Our survey - RS 93% state increase required; RU 82% state increase required  
 Dec. Open Houses - "one rule doesn't fit all, owner's choice, if no noise allowed, size n/a"  
 Conclusion: The RDN strategy is too restrictive. RS3 and some RS1 are allowed no increase (50m<sup>2</sup> to a max of 40%). RS2 & large RS1 allowed 100m<sup>2</sup> to a max. of 40%. Rural allowed 150m<sup>2</sup> to a max. of 40%.  
 No increase in percentage floor space used allowed in any zones. An HBB must be secondary to residential use. It may not be seen, heard, smelled or sensed from the exterior. The floor space used inside is not noticeable from the outside and should only be restricted by nature of being secondary.

Alternate draft All HBBs may use up to 49% of dwelling floor space

**ALLOWABLE FLOOR SPACE USAGE: accessory buildings**

Municipalities: Parksville allows up to 50m<sup>2</sup>  
 Reg. Districts: Cowichan allows, by parcel size, 100m<sup>2</sup> and 200m<sup>2</sup>  
 Comments: Comment sheets and our survey did not ask for specific space usage in accessory building but if an accessory building could be used.  
 Dec. Open House - some comments indicated unrestricted use of allowed, conforming, accessory buildings.  
 Conclusion: RDN's draft provisions indicate increasing accessory building size under associated provisions. Further clarification of this issue is requested.

Alternate draft:

**B&Bs number of bedrooms**

Municipalities: Nanaimo, Qualicum allow 2 to 4 bedrooms according to zoning or lot size.  
 Reg. Districts: Both regional districts allow 3 bedrooms. (which is the ALR limit. The ALR is currently reviewing their HBB bylaws.)  
 Comments: May comment sheets - 84% support increasing number of bedrooms allowed  
 Our survey - 91% support increasing number of bedrooms allowed  
 Conclusion: The RDN strategy allows 2 to 4 bedrooms depending on zoning.

Alternate draft Further increase the number of bedrooms allowed in Rural zoning.

**Sales**

Municipalities: Parksville allows ancillary sales and 100% sales area for unrelated goods in all zones.  
 Reg. Districts: Both regional districts allow ancillary sales  
 Comments: May comment sheets - 88% indicated a need for more lenient regulations  
 Our survey - 76% agree to related sales  
 Conclusion: The RDN draft strategy allows ancillary sales in all zones and 33% sales area for unrelated goods in RS2, RU and RM zones.

Alternate draft Put forward the draft strategy sales provisions but suggest we match Parksville.

**Hours of Operation**

Municipalities: Parksville and Qualicum **do not regulate**. Nanaimo only regulates hours for traffic.  
 Reg. Districts: Both **do not regulate** hours of operation.  
 Comments: May comment sheets - This was not raised as an issue. Of the 800+ comments submitted to the directors, only 12 or **0.02%** suggested hours of operation  
 Dec. Open Houses - **do not agree** with hours of operation. One rule does not fit all.  
 Conclusion: The RDN strategy is too restrictive. Most HBBs must work long hours to survive. Restricting hours of operation of HBBs which must serve their clients after normal working hours, and of tourist areas, will unnecessarily put those HBBs at an intolerable disadvantage. This restriction may be an attempt to control vehicle traffic in a residential neighborhood. If this the case, deal with the specific concern, versus restricting all with one general rule.  
 Alternate draft **Do not regulate hours of operation for all HBBs.**  
 If necessary regulate hours when vehicles may arrive and depart:  
 6:30 am to 10:30 PM Mon. to Sun.  
 These hours should reflect times when traffic commonly occurs in most neighborhoods.  
 (B&Bs and Daycare facilities may require exemption from this restriction...and others?)

**Non-Resident Employees**

Municipalities: **All allow** one employee  
 Reg. Districts: Both **allow** up to two employees  
 Comments: May comment sheets - **93% agree** to employees; many indicate over 5 or as owner wishes  
 Our survey - **70% agree** to employees; 63% RU more than 1; 56% RS more than one  
 Dec. Open Houses - all HBBs should be **allowed** employee(s)  
 Conclusion: The RDN strategy is too restrictive. Only **some HBBs are allowed** employees. Only Rural zoning allowed 2 employees  
 Alternate draft **All HBBs allowed a minimum of one employee, with increases according to zoning or parcel size.**

**HBB Registry**

Municipalities: All have business licensing.  
 Reg. Districts: Cowichan has **no registry**. (Comox-Strathcona has registry)  
 Comments: May comment sheets - Asked about bus. license, not registry. 74% disagreed with license.  
 Our survey - **12% in favour** of registration  
 Dec. Open Houses - A mixture of reactions for and against.  
 Conclusion: There is no clear direction on this issue. The RDNs attitude shift to guidance & coordination combined with their prediction that fewer infractions would occur if HBB operators were informed of regulations prior to starting a business shifts the scale in favour of a registry for the benefit of the RDNs needs. It is suggested that the registry involves no fee. Can it offer some benefit to the HBB? It is also suggested that all restrictions are carefully studied to ensure they are not over restrictive. If HBB regulations are workable and conducive to the success of HBBs, if the registry includes some incentive and is not punitive, it may well end up being welcomed by the majority of HBBs.  
 Alternate draft **All HBBs are required to register their HBB with the RDN.**

<b>Descriptive words</b>	
Municipalities:	Nanaimo uses <b>no descriptive words</b> . (Parksville - incidental & accessory; Q.B. - accessory)
Reg. Districts:	Comox - incidental & secondary; Cowichan - subservient & incidental
Webster's Dict.:	incidental, "occurring merely by chance or without intention or calculation"
Conclusion:	The RDN presently uses the word 'accessory', but proposes to use the words 'incidental & subordinate' Words used often say more about attitude than statements made. If the RDN supports HBBs they will not use words that mean a chance happening. They will chose to use words that reflect their view. Our HBBs occur because of a lot of planning and thoughtful intent.
Alternative draft:	<b>An HBB is secondary to the residential nature of the parcel.</b>
<b>Number of clients at one time</b>	
Municipalities:	Parksville <b>does not</b> restrict number of clients at one time nor vehicle trips per day, nor amount of floor space for clients use.
Reg. Districts:	Comox <b>does not</b> restrict. Cowichan restricts to <b>20 trips</b> a day.
Comments:	May comment sheets - this question was not asked, although charts mentioned that activities allowed, size and employees could effect vehicular traffic. Some comments did suggest restricting number of clients. Dec. Open Houses - <b>concern</b> with this issue.
Conclusion:	The RDN suggests a <b>restriction of 2 to 5 clients</b> at a time. This restriction would be detrimental to some HBBs and difficult for the RDN to enforce. Allow use of 49% of floor space for all HBBs and if necessary, restrict only those HBBs having retail display or meeting of groups of clients to a limited percentage of total space that may be used for this purpose, at one time. By further restricting all parking to being on-site, the number of clients able to be on the site at one time is controlled by lot size.
Alternate draft	<b>The floor space used by an HBB for the meeting of groups of clients or retail display, at any one time, is restricted to a maximum area according to parcel zoning. This does not apply to child care facilities and B&amp;Bs.</b>  And herein lies the fear. What other HBBs must be excused from such a restriction, a restriction that is to counteract what <b>maybe</b> could be a potential problem and that many do not feel is a problem.

### ***ALTERNATIVE DRAFT HOME BASED BUSINESS (HBB) PROVISIONS***

#### **1. These bylaws are intended to:**

- (a) Minimize the potential for HBBs to interfere with neighbor's rights to peaceful enjoyment of their property;
- (b) Recognize and encourage the positive effects of HBBs on local economy through their creation of employment opportunities and sustainable small business growth;
- (c) Provide a clear set of rules and guidelines under which both the RDN and HBB owners may operate, allowing the RDN to regulate the activity through the application of the bylaws, and HBBs to operate without unfair and unreasonable restrictions;
- (d) State the RDN's shift in role from one of licensing/enforcement to guidance & coordination.
- (e) Provide guidelines to allow the RDN and affected HBBs to deal with the following areas of concern:
  - (i) Hours of operation for specific activities that have the potential for undesirable impact on the neighborhood
  - (ii) Satisfactory and speedy resolution of disputes between the RDN, HBBs, and third parties.
  - (iii) Wiggle room for expansion.

**2. The following primary definitions would be added to the zoning bylaw:**

**home based business** means an economic activity conducted on a residential zoned property whereby:

(a) the home based business: *(performance requirements)*

- (i) is secondary and subordinate to the residential use of the parcel and dwelling unit;
- (ii) is conducted by permanent residents of the parcel;
- (iii) provides off street parking for HBB activity, including, but not limited to: one parking space for each non-resident employee; and a minimum of one parking space per HBB or one parking space for each bedroom used for B&B purposes; and not to exceed what would be considered normal residential use of on-street parking;
- (iv) is allowed to install one non-illuminated business identification sign, of specified size and height<sup>+</sup> on an exterior wall of a dwelling unit or fence, or erected as a free standing sign within the lot setback lines of the property;
- (v) shall register with the RDN and agree to comply with all restrictions listed below and relating to specific zoning;
- (vi) if located within the ALR, must follow ALR guidelines, or seek ALR approval to do otherwise;
- (vii) shall obtain written approval from the Regional District and Health Authority, where required, prior to commencing the business.

(b) the home based business **does not**: *(Restrictions)*

- (i) create noise, vibration, glare, fumes, odours, dust, or smoke detectable off the parcel to the normal senses other than that normally associated with a dwelling or residential use;
- (ii) change the outside appearance of the building, or create other visible evidence of its existence other than a sign and outdoor play areas for child care facilities; or
- (iii) include the onsite retail sale of foods designed for immediate consumption (B&Bs are excluded by definition); animal breeding in excess of two litters per calendar year; dog boarding; public assembly use; school; chemical processing; dry cleaning; slaughtering; butchering; smoking of food; seafood processing; canning of foods with a pH level greater than 4.5; laundries; manufacturing of fiberglass or pyroxilin products; paint, varnish or lacquer manufacturing; primary processing; rubber manufacturing; tanneries; storage other than the storage of items accessory to the home based business; funeral parlour; warehousing; vehicle wrecking or dismantling; recycling; or any other uses specified in Section 6.4
- (iv) in the case of a facility licensed pursuant to the Provincial Child Care Facilities Regulations, have no more than one category of license per dwelling unit;

**bed & breakfast** means an HBB involving the provision of bedrooms and the first meal of the day for the temporary accommodation, to a maximum of 120 days per individual per year, of the general public.

<sup>+</sup> In the event of inconsistency between these sign provisions and any other provision of this Bylaw or "Regional District of Nanaimo Sign Bylaw No. 993. 1995", these provisions will apply.

3. The following regulations would be added to individual existing zoning regulations under the heading of "Other Regulations". *(Are the restrictions on floor space suggested for retail display and meeting groups of clients necessary?)*

(a) **Parcels zoned RS1 smaller than 2,000m<sup>2</sup>; all RS3 parcels**

**Home Based Business:**

- (i) does not include the onsite retail sale of non-ancillary goods; automotive repairs, restoration, or maintenance; spray painting; taxidermy; operations dealing with heavy equipment or machinery; or log processing including the preparation of logs, fence posts, shakes, poles or firewood;
- (ii) maximum of two bedrooms on a parcel may be used for bed & breakfast purposes;
- (iii) maximum of one non-resident employee may be hired;
- (iv) the business identification sign may not exceed 0.4m<sup>2</sup> in area and 1.5m in height;
- (v) a maximum of 25% of dwelling floor space area or accessory building floor space may be used for retail display and meeting groups of clients, at any one time.

(b) **Parcels zoned RS1 larger than or equal to 2,000m<sup>2</sup>**

**Home Based Business:**

- (i) does not include the onsite retail sale of non-ancillary goods; automotive repairs, restoration, or maintenance; spray painting; taxidermy; operations dealing with heavy equipment or machinery; or log processing including the preparation of logs, fence posts, shakes, poles or firewood;
- (ii) maximum of four bedrooms may be used for bed & breakfast purposes;
- (iii) maximum of two non-resident employees may be hired;
- (iv) the business identification sign may not exceed 0.4m<sup>2</sup> in area and 1.5 m in height;
- (v) a maximum of 30% of dwelling floor space or accessory building floor space may be used for retail display and meeting groups of clients, at any one time.

(c) **Parcels zoned RS2**

**Home Based Business:**

- (i) does not include automotive repairs, restoration, or maintenance; spray painting; taxidermy; operations dealing with heavy equipment or machinery; or log processing including the preparation of logs, fence posts, shakes, poles or firewood;
- (ii) maximum of 33% of the floor area used for the onsite sale of goods manufactured or grown on the parcel may be used for the on-site retail sale of non-ancillary goods;
- (iii) maximum of four bedrooms may be used for bed & breakfast purposes;
- (iv) maximum of two non-resident employees may be hired; plus one for parcels larger than 4000m<sup>2</sup>;
- (v) the business identification sign may not exceed 0.8m<sup>2</sup> in area and 1.5 m in height;
- (vi) a maximum of 30% of dwelling floor space or accessory building floor space may be used for retail display and meeting groups of clients, at any one time.

(d) **Parcels zoned RU1 - RU9, RM1 - RM5, RM7 - RM9**

**Home Based Business:**

- (i) maximum of 33% of the floor area used for the onsite sale of goods manufactured or grown on the parcel may be used for the on-site retail sale of non-ancillary goods;
- (ii) maximum of five bedrooms may be used for bed & breakfast purposes;
- (iii) maximum of four non-resident employees may be hired;
- (iv) the business identification sign may not exceed 1.4m<sup>2</sup> in area and 2 m in height;
- (vi) a maximum of 35% of dwelling floor space or accessory building floor space may be used for retail display and meeting groups of clients, at any one time.



#### **4. Dispute Resolution Techniques**

This is an area for consideration and possible inclusion, as appropriate, within the resulting bylaw.

One suggestion relates to the increased flexibility given to regional districts within the *Local Government Act* to establish committees and local community commissions. The booklet from the Ministry of Municipal Affairs, Making the Most of Municipal Act Reform page 10, states that, "The *Local Government Act* gives more recognition and self-reliance to electoral areas...gives regional districts authority to establish whatever commissions they wish....local *Community Commissions* provide opportunities for electoral areas to benefit from the local expertise and interests of residents who wish to participate in most decision-making processes." Could *Community Commissions* be set up to assist in dispute resolutions?

In order to resolve any disputes between the HBB, RDN and neighbors, an independent committee would be a first level dispute resolution opportunity. Such a committee would be able to consider specific community concerns and possibly solve a disagreement without the need for enforcement techniques. Representatives from local HBBs, Chambers of Commerce, area residential groups, planning department and area directors might sit on the committee.

Develop application guidelines/dispute resolution providing site-specific exemption for a one year trial period, prior to permanent approval. Existing HBBS that are not presently disturbing the neighborhood but would not be found conforming under the new regulations could possibly continue to operate if such a committee were in existence.

Consideration of encouraging HBBs in various areas of the district to get together and develop a best practice list. Such a list would encourage self-regulation on a community basis. This is a concept that is emerging and developing acceptance within big business groups.

**5. The following definitions would be added or revised as follows:***(Italics indicate an addition or revision.)*

*accessory building means a conforming structure in addition to the dwelling.*

*boarder means a person other than a resident to whom lodging, with or without meals, is provided for compensation; does not include bed & breakfast.*

*dwelling floor space means for, for the purpose of calculating floor space that may be used by an HBB and where an HBB may be located, the floor area of a dwelling unit that is wholly contained within the exterior walls of the building; includes areas designed for storage of vehicles and household items, if the height of the ceiling in these areas exceeds seven feet.*

*dwelling unit means one self-contained unit contained within common walls with a separate entrance intended for year-round occupancy and the principal use of such dwelling unit is residential with complete living facilities including permanent provisions for living, sleeping, cooking, sanitation, and storage.*

*economic endeavour in regards to an HBB includes the storage of goods, exchange of goods or meeting of clients.*

*habitable floor area substituted by term: dwelling floor space . (NOTE: habitable floor area was used to indicate where an HBB could occur and in the calculation of dwelling size. It excluded an attached unit not internally accessible. e.g. a basement with exterior entrance. It also excluded an attached garage. Why would either area be excluded for use by an HBB?)*

**household** means (a) one or more persons related by blood, marriage, legal adoption, legal guardianship or common law relationship living together in common occupancy with a maximum of two borders; or (b) a maximum of four unrelated persons living together in common occupancy.

**manufacture** means to transform a good through significant alteration into a new, separate and distinct good.

**non-ancillary good** means a good not manufactured, grown or raised on the parcel and not customarily incidental, clearly subordinate and exclusively devoted to

(a) a good manufactured or grown on the parcel; or

(b) a personal service or professional practice provided by the home based business.

**non-resident employee** means an employee of a home based business who is not a permanent resident of the parcel on which the home based business is located, or their part-time equivalent based on a 40 hour work week provided that the total number of part-time employees on the parcel at any one time does not exceed the maximum number of non-resident employees as established for each residential zone.

**personal service** means the provision of a service related to the grooming of persons; does not include a recreation facility.

**process** means to manufacture, assemble, modify, finish, package, maintain, repair or restore a good.

**professional practice** means the provision of consulting services, counseling, treatment, childcare or instruction in academics, arts, crafts, or music to persons or clients.

*resident means a person that is defined as living in a household.*

**residential use** means the accommodation and homelife of one household within a dwelling unit.

**retail sale** means the sale of goods directly to the consumer.

*wholesale means the sale of goods to be retailed offsite by other*

## Shaw, Pamela

---

**From:** Beetstra, Marion  
**Sent:** December 19, 2000 2:27 PM  
**To:** Shaw, Pamela  
**Subject:** FW: Comments Regarding RDN "Home Based Business Draft Strategy"

copy only, original to file

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

**From:** Hans J. Larsen [mailto:hjlarsen@nisa.net]  
**Sent:** Tuesday, December 19, 2000 2:19 PM  
**To:** planning@rdn.bc.ca; denisehaime@home.com  
**Subject:** Comments Regarding RDN "Home Based Business Draft Strategy"

Hi There,

Began reading your mail-out on the above subject and, with the basic premise in mind that this was going to help "level the playing field" between conventional and home-based businesses, I was generally impressed with your approach of public consultation (hopefully meaningful) and the development of the various aspects of the issue (activities, location, size, etc.). As it stands, a home occupation use is essentially a conventional business without the rental costs, taxes, permits and servicing costs.

I prefer the allowed goods as described in Bylaw 500, i.e., "e) there is no sale on a parcel of a commodity not produced on the parcel" better than this extensive but surely incomplete listing based on some unspecified criteria (you just can't think of everything!). Also, the definition of "home occupation use" in Bylaw 500 requires that "the home occupation use is confined to the interior of the habitable portion of the dwelling unit" and prohibits "storage exterior to the dwelling unit of any materials or equipment used directly or indirectly in the processing of any product" and requires that "the home occupation use not be visible from the exterior of the dwelling unit" - all very important items from a neighbourhood perspective yet not part of the draft regulations! There is also no specific restriction on signage included with the draft regulations whereas Bylaw 500 sought to protect neighbourhood character by restricting signage to "one non-illuminated business identification sign, not exceeding 0.4 sq. m. in area" - do the generous allowances of Bylaw 993 apply here then?

Since there is no restriction on the number of 'resident' employees, it is conceivable that 5 or even more people could be involved in a home-based business, which therefore, could be a considerable size. As I began to read the section on 'Activities', I started to notice that, although they were mentioned, there was very little substance intended to deal with the two important aspects of traffic and noise. For example, the noisy and potentially dusty activities of woodworking (on any scale) were not prohibited and, although traffic is controlled indirectly (through things such as number of non-resident employees and size), there are many ways in which an allowed business could generate significant traffic. There is also no specific restriction on the maximum number of parking spaces which could further aggravate the traffic problem - if the parking were restricted, the number of cars/clients handled would also necessarily be restricted. This needs to be looked at more carefully!

As to 'Hours of Operation', in a residential neighbourhood, I would certainly like to see statutory holidays added to the days excluded. When we are home from work and/or attempting to celebrate a special, meaningful day, we don't need the wheels of commerce grinding on around us.

Now for the real "kicker". I turn over to read the last page ("Business

Registration") and I find that this is essentially a voluntary program. Well, so much for that "level playing field" I was expecting - these proposed regulations will actually create one more impediment to a level playing field! Rather than try and place some kinds of reasonable controls on 'Home-Based' Businesses and have them compete more fairly with conventional businesses in terms of rental costs, taxes, permits and services, this appears to be just another bureaucratic imposition into the lives of decent, law-abiding people. This doesn't "level the field" nor does it protect the peace and tranquility of the neighbours of 'Home-Based' Businesses.

Some people will sign up, many will not, some people will tell the truth, many will lie and the decent person (the one who follows the rules in the belief that they are for everyone's good, gets shafted yet again). Will there be penalties for not signing up or for lying on the registration document? With no inspection component, there will be no verification of adherence to the regulations which are supposed to protect neighbourhood values. How do you propose to identify the HBB operators in the first place, using an expensive mass mail-out? With no inspection/enforcement component, what makes you think that 'Home-Based' businesses will register (what's in it for them?) and why should they worry about a \$40 registration fee being charged if they don't register within the 1 year 'phase-in' period? They will simply choose not to register at all! At least the current regulations, being part of Bylaw 500, are subject to inspection and enforcement. Let's be careful not to take a BIG step backwards here!

One more thing, having spent 3 years as the Alternate Director for Area 'D', I can tell you that awareness of regulations hasn't stopped anyone from doing just what they darn well please - and getting away with it! I heard on more than one occasion (and experienced it first hand several times) that the way to get things done in the RDN is to just do them and let the RDN see if they can catch you and then all you had to do is appear before the Board and tell them that you didn't know or some other hard luck story - asking first was definitely the dumbest thing you could do! Before the RDN brings in another set of 'voluntary' rules (benefitting mainly the bureaucracy), you owe it to all the residents of the RDN to significantly improve your record in enforcement of things that are not voluntary, e.g., building regulations, development permit conditions etc. All you have to do is look at your handling of the Bill Binns junkyard, the Jemco landscaping/parking fiasco, the Sun-Glo development permit situation (i.e., no bike rack, no park bench, parking in marked off areas, building materials clogging the parking spaces and the pedestrian pathway) in order to assess your record in this regard. Do NOT foist more regulations with no teeth in them on us because all you are doing is costing the residents the administrative costs and providing yet one more way in which unscrupulous individuals can take the upper hand. Don't deign to impose upon us rules/regulations that you aren't prepared to monitor/enforce. There is something inherently unethical about imposing regulations which will put decent, law-abiding people at a disadvantage to the dishonest individuals - voluntary regulations simply create more unscrupulous people!

Sincerely,

Hans J. Larsen  
aka "Road Warrior"

**Beetstra, Marion**

---

**From:** Mike Cartlidge [mcart@bcsupernet.com]  
**Sent:** Wednesday, December 20, 2000 3:30 PM  
**To:** planning@rdn.bc.ca  
**Subject:** Home Based Business Draft Strategy

From: Mrs G M Cartlidge 2443 Garry Oak Drive  
Nanose Bay V9P 9G1 Email [mcart@bcsupernet.com](mailto:mcart@bcsupernet.com)  
I was unable to attend any of the Open Houses or  
Community Forums but hope I can convey my comment  
on the HBBs Newsletter which I see as not addressing  
an important aspect. This concerns ACCESS to a  
residential property whose owner wishes to run a HBB.  
Question: would you agree to an owner who either shares  
an access to the property from the public road or whose  
access to the property crosses a neighbour's property,  
i.e. an easement, to operate a home based business?  
There are two easements and one shared access on  
Garry Oak Drive, and two properties on Chain Way use  
one access from the public road.  
This is not just an academic question. We have  
experienced a renter of the next door property (whose  
access is by an easement across our lot) operating a  
childcare service. You may not view 4-6 cars morning  
and afternoon as "traffic" but in the circumstances here  
the renter's activity caused great nuisance to us.  
I agree with your approach "minimize regulations" and  
"allow a complete range of services" but foresee your  
agreement to a HBB in some situations creating  
disputes and unfair pressure on some owners,  
particularly where a property has changed hands.  
I would like to see the Draft Strategy include mention of  
a property having its own direct access to the public  
road before being considered for HBB use.

December 21, 2000

Pamela Shaw  
Manager of Community Planning

RE: Alternative draft HBB provisions; Moss/Puckrin

Pam:

Thank you for taking the time to meet with us on Dec. 18. It must seem like an impossible task to deal with your workload and yet find the time to talk with concerned citizens.

Since the meeting I have had the time to reread our submission and noticed a few glaring omissions or corrections that I feel I must mention (along with some minor clerical errors). The three corrections I would like to draw to your attention are:

- (1) Page 5 At the bottom, point l.(a) (i): "Hours of operation" should read "Restrictions"
- (2) Page 6: No mention has been made of the dwelling floor space usage of 49%. Have not decided if this should be worded as a performance requirement or a restriction. Secondly, we had wanted to tie this in with a statement that included the floor space allowed in accessory buildings. A statement such as, "Maximum floor space use of xx% of dwelling, accessory building or combination there of." But, we realize that such a simple statement requires a better understanding of, and changes to, accessory building allowances.
- (3) Page 7, (c) parcels zoned RS2 insert after (i) does not include automotive repairs, restoration, or maintenance: "(if parcel size is smaller than 1/2 acre)". We agree that public opinion indicates that automotive repair on small parcels in high density areas is a concern. But at the same time we feel that the nuisance clause of no noise etc., and requirement that the activity be contained within a building should, ideally, be the only restriction. Parksville does not restrict such an activity on any size of lot. We do not feel any restriction on specific activities should be written because of noise, etc., because such activities are controlled by nuisance bylaws.

Pam, we still feel this current draft to be too restrictive. We do believe that restrictions to containment within a building and observance of nuisance bylaws (along with other restrictions such as environmental) should be all that is required. We've made an attempt to find a middle ground on issues that we consider to be of greatest concern to the RDN.

Have a healthy and peaceful Christmas.

MJ Puckrin  
757-8854

**PAGE**  
151

Regional District of Nanaimo  
Home Based Business Strategy  
Open Houses and Community Forums  
November 30 and December 4, 6, 7- 2000  
**Comment Sheet**

RDN Planning Dept. 8

I AM TOTALLY AGAINST THIS HBB STRATEGY AS IT PERTAINS TO MY "RURAL" ZONE. FOR 3 DECADES I'VE BEEN RESIDENT IN NANOOSE ON MY "RURAL RESIDENTIAL" ACREAGE. MY NEIGHBOURS AND I PURCHASED OUR 5+ ACRE LOTS WITH BUILDING RESTRICTIONS IN PLACE — THIS WAS TO INSURE THE AREA'S INTEGRITY & FUTURE VALUE.

SOMEHOW IN THE LAST 3 YEARS (WHILE I WAS TENDING TO MY AILING WIFE (NOW DECEASED)), THE RDN MANAGED TO CHANGE THE STATUS OF MY ADJACENT NEIGHBOUR'S PROPERTY (DENNIS MUNRO — ROCTECH) TO ROCK PIT STATUS AND VIRTUALLY DESTROY THE SALEABILITY OF MY HOME & PROPERTY. HOW THIS SHOULD HAVE BEEN DONE WITHOUT US BEING WARNED IS INCONCEIVABLE. (MORE OF THIS LATER).

NOW, YOU'RE TRYING TO COMPOUND IT BY LEGISLATING OUR NEIGHBOURHOOD INTO ANOTHER ERDRINGTON. I WON'T ACCEPT THIS.

7 DAY A WEEK 0700h → 2200h. COMMERCIAL AUTO REPAIR/DESTRUCTION, TAXIDERMAY, Hvy EQP, SPRAY PAINT LOG PROCESSING — ARE YOU PEOPLE TOTALLY LOONY?

PUT THIS CRAP IN YOUR BACKYARD, WATCH YOUR RETIREMENT INVESTMENT GO DOWN THE DRAIN

Name: ROBERT ALLAN HALL

Address: 2781 LANA RD, NANOOSE BAY, B.C.  
V9P9B2

Leave your comments with staff or fax, email, mail or telephone your comments to the RDN Planning Department

(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511

■ email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0

C.C. Judith Reid, M.L.A.

PAGE  
152

DEC 8, 2000

M.S. JUDITH REID, M.L.A.  
101 - 191 JENSEN AVE. EAST  
PARKSVILLE

DEAR JUDITH:

THANK YOU FOR HOSTING THE MEETING OF NOV. 28<sup>TH</sup> RE THE DUFFERIN ROAD QUARRY. YOUR SINCERE INTEREST IS MUCH APPRECIATED AS THE COMMUNITY IS EXTREMELY STRESSED OVER THE DEGRADING OF OUR NEIGHBOURHOOD.

(A SAD FOOTNOTE IS THE FACT THAT JIM DINSMORE - WHO WAS FRONT ROW EXTREME LEFT AT THE MEETING - HAD A STROKE ON NOV 29<sup>TH</sup> AND IS PRESENTLY IN I.C.U. AT VANCOUVER HOSPITAL (HE'S ONLY 55 YRS OLD) - I'M SURE THEIR CONCERN OVER THE LOSS OF PROPERTY VALUE DUE TO THE QUARRY QUESTION ADDED TO THEIR STRESS.

THERE IS SOMETHING MORALLY, ETHICALLY, TOTALLY WRONG IN THIS PICTURE.

HOW IS IT THAT WE HAVE PURCHASED OUR PROPERTIES WITH BUILDING COVENANTS AS TO SIZE OF HOUSE, NEATNESS OF LAND, ETC. & FOR 3 DECADES HAVE PAID OUR RURAL RESIDENTIAL TAXES AND ASKED FOR VIRTUALLY NOTHING OF THE RDN. - THEN, ABOUT 3 YRS AGO WHILE I WAS TENDING TO MY DYING WIFE, THE RDN CHANGES THE ADJACENT ACREAGE TO ROCK PIT STATUS WITHOUT MY KNOWLEDGE AND REC-TECH WITH A STROKE OF THE PEN DEVALUES OUR NEIGHBOURHOOD VALUE BY 25%. IN MY CASE, BEING  $\approx$  150M. FROM THE PROPOSED BLAST SITE - MY PROPERTY IS WORTH PEANUTS IT USED TO BE THE CHOICEST SITE.

THIS ISN'T RIGHT, IT JUST ISN'T RIGHT.



NOW, I'M SURE ROC-TECH WILL GET KUDOS FOR BUSINESS GENIUS.

THEY SCOOP THE LAND FOR FIRE-SALE PRICE THE LAND IS RE-STATUSSED SO ROC-TECH CAN WRITE IT OFF — FINANCIAL GENIUS.

THAT 115 RESIDENTS' LIFETIME SAVINGS ARE DRASTICALLY PERILLED SEEMS TO BE NOTHING.

NOW THE RAN HAS BROUGHT UP THIS "HOME BASED BUSINESS STRATEGY", THEY WANT TO TURN OUR NEIGHBOURHOOD INTO AN ERRING FREE FOR ALL. THIS IS REALLY DEPRESSING.

WHAT KIND OF IDIOTS ARE WE PAYING TO ENHANCE OUR CENTRAL V.I. AREA?

JUDITH, YOU SEEM A NORMAL, SENSIBLE BEING WHAT MUST WE DO TO GET SANITY INTO THIS SCENARIO?

Yours SINCERELY,  
Robert A. Hall

ROBERT A. HALL,  
2781 LANA RD.,  
NANOOSE BAY, B.C.  
V9P9B2

**Regional District of Nanaimo  
Home Based Business Strategy  
Open Houses and Community Forums  
November 30 and December 4, 6, 7- 2000  
Comment Sheet**

1) I like the idea of storing items in an outbuilding. I do not like the size. I think the maximum ~~outbuilding~~ outbuilding size should be 50% of Main Floor living space of the residence to a Max 550 sq ft.

2) I support your Prohibited Activities for HBB.

3) On your Special rules for Rural Resume Msat I feel that those exceptions only be allowed on properties with 5 or more continuous Acres. Less than a 5 acre Parcel should be the same as Urban rules.

4) I do not want the RDN to initiate Business licensing. I would support a HBB registration with a 1 time fee per business at a cost of \$10 to cover paperwork only.

5) I AM concerned with parking for customers & Employees. Restrictions should be in place for the max. allowable space that can be used, ie 10-15% of property size.

6) Proposed Hours of operation should be ~~etc~~ changed. Properties zoned Residential As proposed is O.K. Rural operation time should be ~~8-8pm~~ 8am-8pm As per special rules for 5+ Acres.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Leave your comments with staff or fax, email, mail or telephone your  
comments to the RDN Planning Department  
(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511  
■ email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0

PLANNING DEPT

-12- 0 4 2000

RECEIVED

Regional District of Nanaimo  
Home Based Business Strategy  
Open Houses and Community Forums  
November 30 and December 4, 6, 7- 2000

Comment Sheet

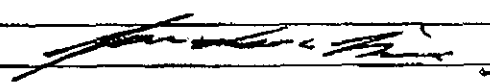
DECEMBER 03, 2000

Dear sir,

I strongly opposed the proposed change of zoning. Commercializing of this area, would drastically increase noise and other type of pollution, that in turn reduced enjoyment of living in my home presently located and zoned semi rural - residential area.

The possible solution to this problem is: have proposed change in area, where people would like this type of zoning. After talking to my neighbors it is not in my neighborhood.

I would like to see additional hearing somewhere in Nanoose, with sufficient notice for people to attend.



Name: Mr. and Mrs. Vondra  
Address: 2660 LANA RD., NANOOSE BAY, B.C. V9P 9B2

Leave your comments with staff or fax, email, mail or telephone your comments to the RDN Planning Department

(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511

■ email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0

PAGE 15/6

**Regional District of Nanaimo  
Home Based Business Strategy  
Open Houses and Community Forums  
November 30 and December 4, 6, 7- 2000  
Comment Sheet**

**BED & BREAKFAST:** — SHOULD BE ALLOWED IN ACCESSORY BUILDING (E.G. COTTAGE) AS THERE ARE MANY IN THE AREA, AND WOULD BE LESS TRAFFIC THAN MONTHLY RENTALS. NO PARCEL SIZE RESTRICTION!  
**NON-RESIDENT EMPLOYEES:** — NO RESTRICTIONS — DEPENDS ON TYPE OF H.B.B. JOBS ARE NEEDED IN THIS AREA  
**PROPOSED SIZE:** — RS 2 & RS 1 < 2000 m<sup>2</sup> SHOULD BE O.K.

**ACCESSORY BUILDINGS:** — RS 2 FLOOR AREA SHOULD BE LARGER — A DOUBLE GARAGE IS 53 M<sup>2</sup>, THAT LEAVES ONLY 21.9 M<sup>2</sup> FOR H.B.B. — USELESS!  
 RURAL — LARGER FLOOR AREA TOO!

**BUSSINESS REGISTRATION:** — NON — EXCEPT FOR HEALTH CONCERNS.

THE PROBLEM WITH THIS DRAFT STRATEGY IS THAT IT IS A BLANKET FOR A NUMBER OF AREAS — WHAT IS GOOD FOR QUALICIM IS NOT GOOD FOR BOWSER — DIFFERENT BY-LAWS SHOULD BE IN PLACE FOR DIFFERENT AREAS.

Name: CHRISTO KUUN

Address: RDA1, SITE 160 C70, BOWSER, B.C. V0R 1G0.

Leave your comments with staff or fax, email, mail or telephone your comments to the RDN Planning Department

(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511

■ email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0

Regional District of Nanaimo  
Home Based Business Strategy  
Open Houses and Community Forums  
November 30 and December 4, 6, 7- 2000

ATTENTION: PLANNING DEPT. **Comment Sheet**

*Dec 5/2000*  
We feel strongly that there should be no building size restrictions on property over 4 acres. Other agencies or organizations within the Regional District have conditions in place that protect neighbors.

We believe there should be no fees for licensing HBB. We need to encourage employment - NOT discourage it, the province benefits in not making social welfare payments & by collecting PST on sales.

Thank you for the many conditions IN PLACE that do protect all of us - we appreciate your efforts.  
Clare & Arnold Gustafson

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Leave your comments with staff or fax, email, mail or telephone your comments to the RDN Planning Department

(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511

■ email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0

Regional District of Nanaimo  
Home Based Business Strategy  
Open Houses and Community Forums  
November 30 and December 4, 6, 7- 2000  
**Comment Sheet**

"Hours of Operation" would be better defined as "Hours of local impact."

~~Homebased biz. cum~~

State the ~~unacceptable~~ consequences of home-based bus that may or may not be permitted

eg. On residential 1 a home-based business may not have any visible components nor any impact on the neighbors.

Name:

Julia Russell

Address:

Farkerville (Temporary - anticipate possible move to RDN)

Leave your comments with staff or fax, email, mail or telephone your comments to the RDN Planning Department  
(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511

■ email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0

Regional District of Nanaimo  
Home Based Business Strategy  
Open Houses and Community Forums  
November 30 and December 4, 6, 7- 2000

**Comment Sheet**

I am opposed to expanding HBB regulations in the Residential 1 zones. Reasons include:

Negative impact on the residential character of the existing neighbourhoods

Negative impact on community water and private septic systems.

Negative impact on commercial village areas

Potential for excessive traffic into residential neighbours

Proposed Business Registry has no legal status

HBB should not be situated in accessory buildings.

These buildings may be situated in front of the principle residential ~~reside~~ use, thus giving a commercial character to the property

Employees are not necessary - should be restricted to residents only.

Residential neighbours should remain residential. Let's promote our village centres instead.

Name: 

Address: LANTZVILLE BC

Leave your comments with staff or fax, email, mail or telephone your comments to the RDN Planning Department

(by December 8, 2000):

Phone 954-3798 or 390-6510 or toll free 1-877-607-4111 ■ Fax (250) 390-6511

■ email [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

■ 6300 Hammond Bay Road, Nanaimo ■ PO Box 40, Lantzville, BC V0R 2H0