

**Attachment 1 – What We Heard Summary**

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REGIONAL  
DISTRICT  
OF NANAIMO

# What We Heard Engagement Summary Report

**Project Name: Bylaw 500 Review and Update Project**

**Date What We Heard Engagement Summary Report Drafted: November 21, 2023**

**Date What We Heard Engagement Summary Report Approved: November 24, 2022**

## **Overview of the Project/Process and Objective for Engagement**

The Bylaw 500 Review and Update Project (the Project) is a targeted review and update of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) to address known problems and to improve bylaw components that are unclear, inconsistent, or are challenging to administer or enforce. Upon completion of the Project, the goal is to have an updated modernized zoning bylaw with a new bylaw number and a modern look and feel to replace Bylaw 500. Bylaw 500 applies to Electoral Areas A, C, E, G, and H and does not apply to Electoral Areas B and F.

The objective for this round of engagement was to obtain community feedback on the first draft of the revised Bylaw 500 which is now referred to as "Regional District of Nanaimo Zoning Bylaw 2500" (Bylaw 2500).

## **Outline the Process**

*The following tools were used to gather community feedback on draft Bylaw 2500.*

- **Online Questionnaire:** The draft bylaw was made available for review by the public, allowing interested members of the community to understand the key changes that are being proposed. An online questionnaire was available from early November 2022 until January 4, 2023 and provided the community with the opportunity to share feedback on their level of support for key changes.
- **Virtual Public Meetings:** A series of three virtual public meetings were held on issues that held the most interest from participants. Session 1 was an opportunity to provide feedback on all bylaw focus areas. Session 2 was an opportunity to discuss building heights. Session 3 was focused on setbacks and structures.
- **Feedback received through email:** Throughout the time when draft Bylaw 2500 was available to the public for feedback, staff responded to questions and collected feedback via email.

## **Awareness and Engagement Activities Undertaken**

The following methods were used to promote the engagement opportunities:

- The project Get Involved Page registrants were notified and the page was updated





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# What We Heard Engagement Summary Report

- A news release was distributed and an article was published in the November 18, 2022 edition of the PQB News.
- Advertisements were placed in the PQB News and Nanaimo New Bulletin in November 2022.
- Email invitations to the interested parties were sent.
- Facebook posts were published to raise awareness about opportunities to participate.

## What We Heard

*Online Questionnaire:* There were a total of 47 responses to the questionnaire. The following table identifies common themes in relation to the most significant changes included in Bylaw 2500 and the proposed response and rationale in Bylaw 2500. Please refer to Schedule 1 – Online Questionnaire Results for the full results of the survey.

Focus Area	Summary of Comments	Proposed Response	Rationale
Building Height	Most (80%) respondents did not feel that any additional changes were needed to the draft bylaw.	No changes recommended.	Appears to have support.
Structures	A desire by some respondents to allow shipping container use beyond 30 days or on a permanent basis.	Draft Bylaw 2500 has been updated to increase the duration that a shipping container can be on a property and during construction activities. Longer durations may be considered through a Development Variance Permit.	The primary considerations in allowing shipping containers are safety and aesthetics. Please refer to the marked-up version of the draft Bylaw document links to safety-related information. Staff are reluctant to recommend shipping containers be permitted on a permanent basis as it is difficult to address the safety-related concerns.
Setbacks	The majority (65%) of respondents indicated that additional changes are not needed to the draft bylaw with respect to setbacks.	No changes recommended.	Appears to have support.
Secondary Suites	The majority (54%) of respondents indicated that no additional	Draft bylaw 2500 has been updated to allow	The written comments may partially be





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# What We Heard Engagement Summary Report

Focus Area	Summary of Comments	Proposed Response	Rationale
	changes are needed to this section of the draft below. Of those who provided comments, common themes include desire for larger suites and allowing suites on more properties.	detached suites on parcels with community water that are 2,000 m <sup>2</sup> rather than 8,000m <sup>2</sup> .	addressed by further changes to the bylaw in response to Bill 44 – 2023 Housing Statutes Amendment Act.
Home Based Business	The majority (53%) of respondents indicated additional changes to the draft bylaw are needed in relation to home based business. A common theme appears to be wanting less restrictions.	No changes recommended.	Draft bylaw 2500 allows for a broad range of home-based business uses. Adding more uses with fewer regulations may impact adjacent property owners.
Zone Consolidation	The majority (73%) of respondents indicated that additional changes are not required to the draft bylaw.	No changes recommended.	Appears to have support.

### *Virtual Public Meetings*

Three virtual public meetings were held via Zoom on November 21, 2022 (ten people in attendance), November 24, 2022 (three people in attendance), and November 28, 2022 (eight people in attendance). Although meeting attendance was relatively low, the meetings provided an opportunity for the public to ask questions and discuss the draft in detail. While common themes did not emerge, the meetings provided an opportunity to explain the proposed changes in a small group setting online. Please refer to Schedule 2 – Virtual Public Meeting Summary for an overview of these public meetings.

### *Email Submissions*

The first working draft bylaw has been available on the project website since August 2022 and staff have been making efforts to advise the region's residents that the project is underway. We are in receipt of 23 pieces of correspondence received by email in relation to the first working draft of the Bylaw. Please refer to Schedule 3 – Email Correspondence.

### **Who We Heard From**

Bylaw 2500 is a very technical document that does not affect most residents on a regular basis. In addition, the nature of the proposed changes is not likely to have significant implications for property owners. Therefore, we do not anticipate widespread public interest in the project. As the project has been ongoing and available to the public since March of 2020 when the project Terms of Reference was approved by the Board, there has been an early and ongoing opportunity for residents to participate in the process.





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# What We Heard Engagement Summary Report

So far we have heard from a broad cross-section of the community including frequent bylaw users such as surveyors, other professionals, developers and residents.

## **Next Steps**

Bylaw 2500 is now being presented to the RDN Board for consideration of 1<sup>st</sup> reading in recognition that further public engagement and refinement is necessary to finalize the bylaw. Should the RDN Board grant 1<sup>st</sup> reading and endorse the public engagement process, staff will seek public input on draft Bylaw 2500 in accordance with the proposed engagement plan which is available online on the project Get Involved Page at <https://www.getinvolved.rdn.ca/bylaw-500-review>.



**Schedule 1 – Online Questionnaire Results**

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# Bylaw 500 Survey - Feedback confirmation

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## **SURVEY RESPONSE REPORT**

04 November 2022 - 04 January 2023

### **PROJECT NAME:**

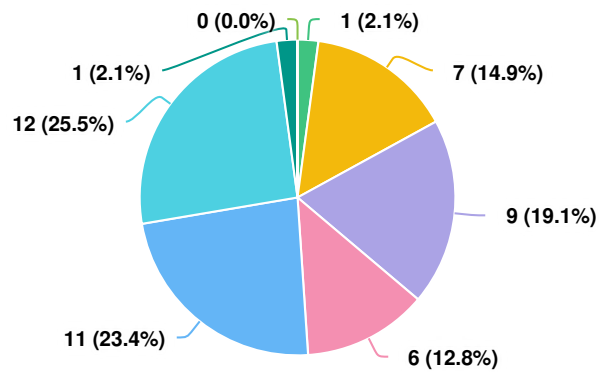
Bylaw 500 Review and Update Project



SURVEY QUESTIONS



**Q1** Indicate your age group:

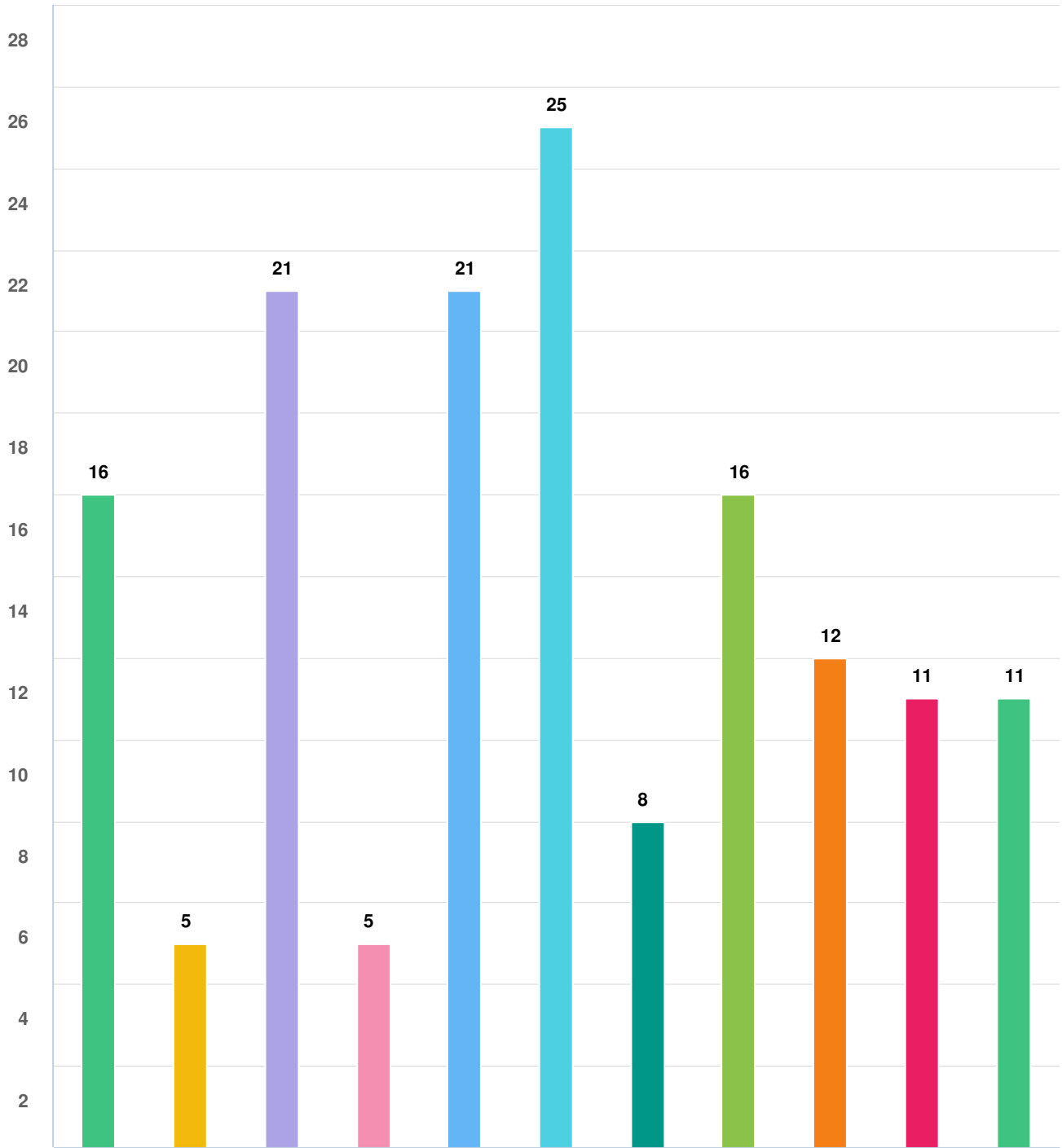


**Question options**

- 16-24 years
- 25-34 years
- 35-44 years
- 45-54 years
- 55-64 years
- 65 years or over
- Prefer not to answer
- Under 16 years\*

Mandatory Question (47 response(s))  
Question type: Radio Button Question

**Q2** Bylaw 500 is being updated to address inconsistencies, to update and modernize regulations for greater interpretation and for better enforcement. Changes have been proposed to the bylaw based on stakeholder and public feedback that has included:



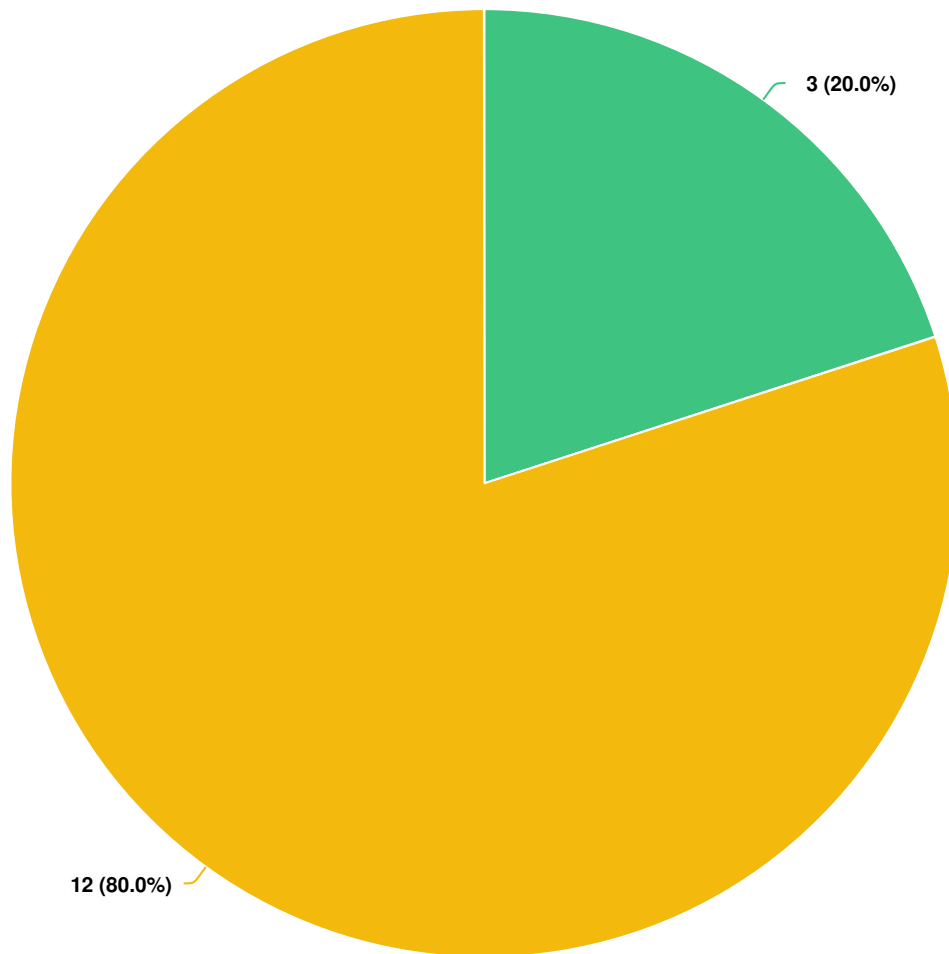
**Question options**

- Building Heights
- Food Trucks/Mobile Vendors
- Structures
- Signs
- Setbacks
- Secondary Suites
- Parking
- Home-Based Business
- Zone Consolidation
- Landscaping
- Housekeeping

Optional question (39 response(s), 8 skipped)

Question type: Checkbox Question

**Q3** Are there any additional changes needed to the proposed bylaw in relation to building height?



**Question options**

- Yes
- No

*Optional question (15 response(s), 32 skipped)*  
*Question type: Radio Button Question*

**Q4** Please tell us if we have missed anything else about building height.

Anonymous

11/11/2022 08:44 AM

The height limit is not enough. We are in housing crisis and shall allow up to 3 story buildings up to 10 m height.

Anonymous

11/18/2022 08:21 PM

Let people build as tall as they need within reason!

Anonymous

11/22/2022 08:50 AM

Fully agree with bullet one and three, but not with: "Increase maximum height in industrial zones from 8 metres to 12 metres to better support the permitted industrial uses." - Vancouver Island is praised for its natural beauty and livability; stimulating (older) industry to be more visible and present in this region is not something we should do. Invest in future industries, don't support older ones that need huge machinery.

Anonymous

11/28/2022 10:28 PM

Are Cupolas included in the height measurement?

Anonymous

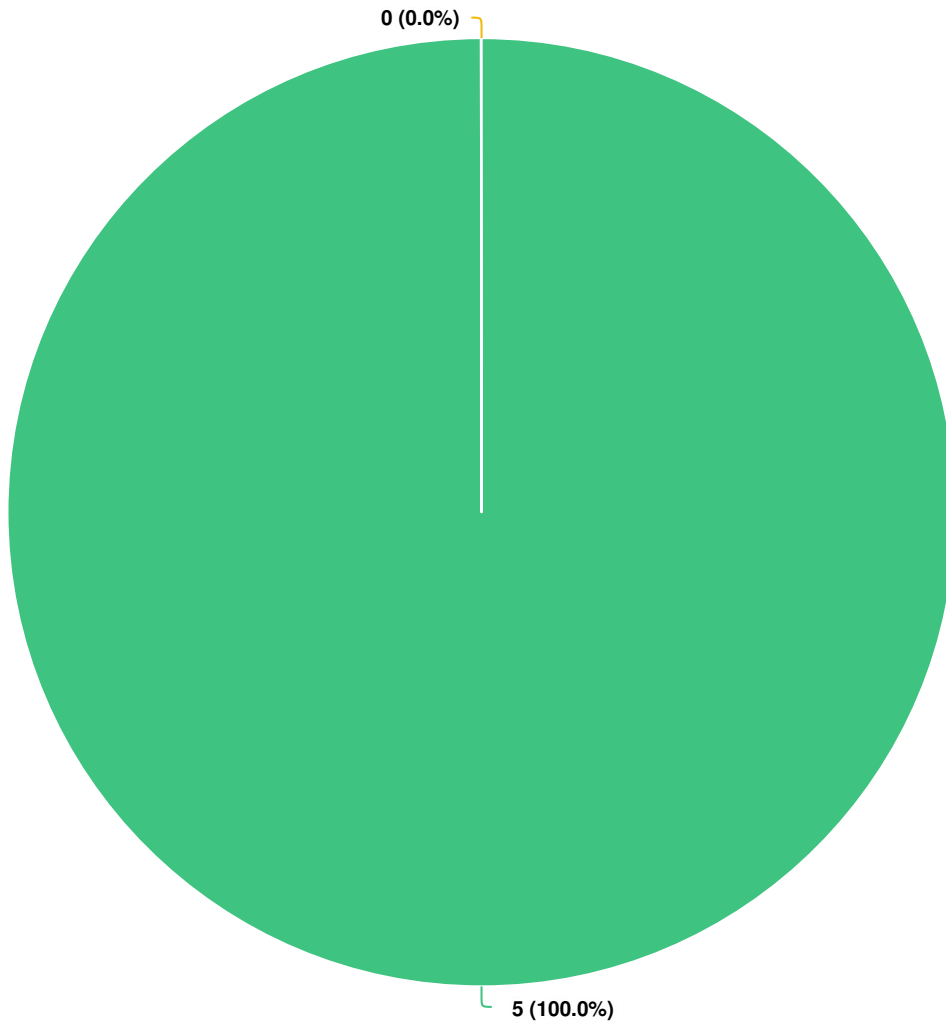
12/30/2022 05:58 PM

If a proposed building comes within 5% of the allowable maximum, a second independent survey, prior to construction, should be required to minimize variance board interventions after construction.

**Optional question** (5 response(s), 42 skipped)

**Question type:** Essay Question

**Q5** Are there any additional changes needed to the proposed bylaw in relation to food trucks/mobile vendors?



**Question options**

- No
- Yes

*Optional question (5 response(s), 42 skipped)*  
*Question type: Radio Button Question*

**Q6** Please tell us if we have missed anything else about food trucks/mobile vendors.

Anonymous

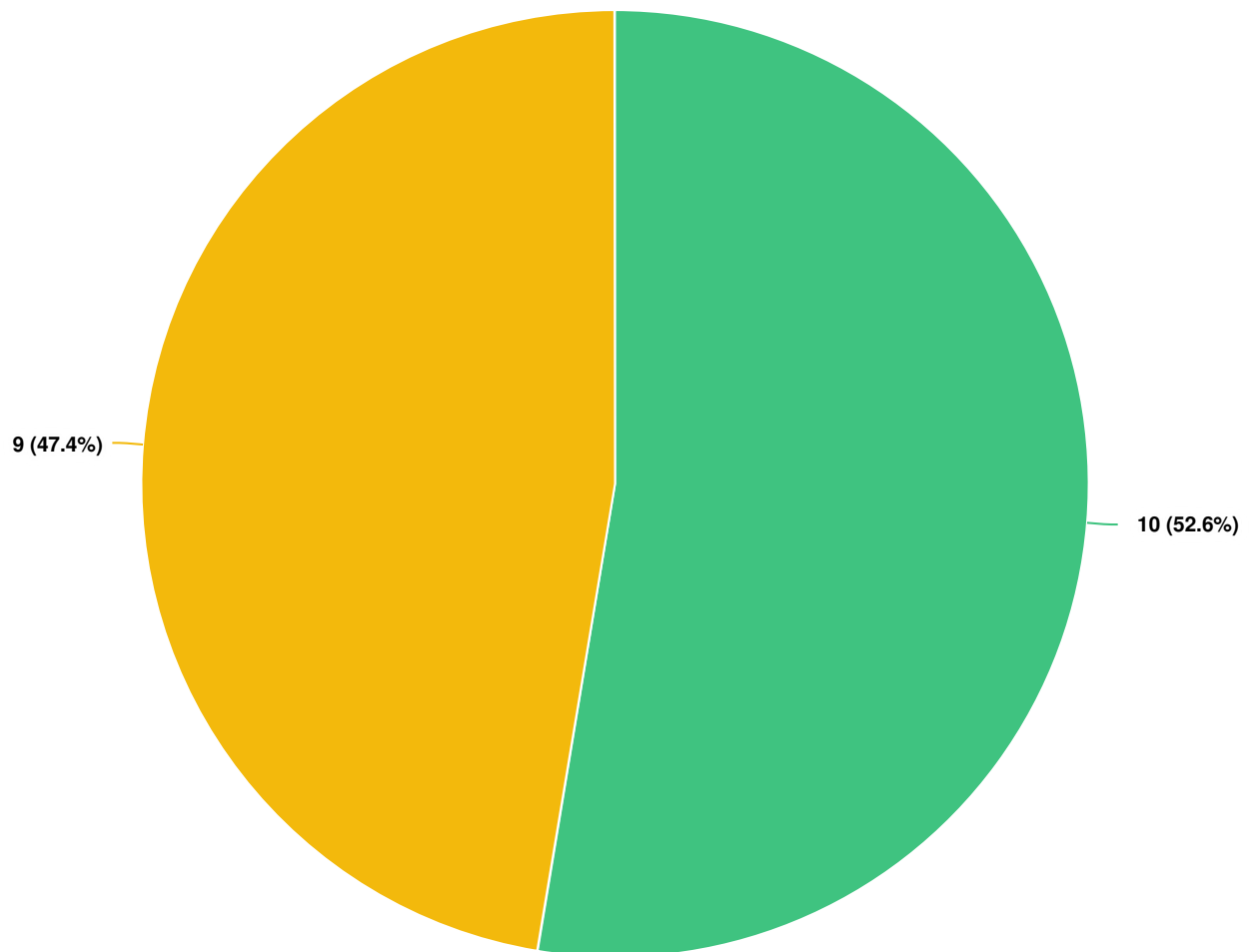
All good

11/18/2022 08:21 PM

**Optional question** (1 response(s), 46 skipped)

**Question type:** Essay Question

**Q7** Are there any additional changes needed to the proposed bylaw in relation to structures?



**Question options**

- Yes
- No

*Optional question (19 response(s), 28 skipped)  
Question type: Radio Button Question*

**Q8 Please tell us if we have missed anything about structures.**

Anonymous

11/11/2022 05:13 AM

Cedar Farmers Market: We use a shipping container to hold all of our equipment, including tables and seating. As far as I can tell in these documents, these rules would shut down our operations. Surveys going back to 2007\* (ahead of the OCP) show Cedar residents strongly in favour of a public facility capable of hosting large events. That need has only increased over the past 15 years and yet no progress has been made. The Community Hall is too small to host a farmers' market. When the Community Hall was placed at Cedar Road and Quennell Road in 1922 no one could have imagined that the small parcel would be enveloped into a new Agricultural Land Reserve in 1973, making it impossible for the Hall to expand to meet the needs of the growing population. Between the siting of the Hall, the ALR, and the lack of action on providing large community space in Cedar, our resident's needs are being ignored. The Farmers Market needs a shipping container for storage in addition to containers used by the school. We also need 4 acres to build a proper market and prevent our extinction. - Kate P.

Anonymous

11/11/2022 08:07 AM

I think the 90 day for the shipping container on a rural site is ridiculous. Perhaps add "unless screened from view from street & neighbors" for longer duration use as storage as long as setbacks are met. The definition of a shipping container should also include a commercial tractor trailer or any "non recreational" trailer.

Anonymous

11/16/2022 04:13 PM

These concerns are hopefully entered here, correctly, to address the residential building foundational structure matters, upon which and from which heights may or may not be measured, but surely ARE built and resting upon. IF THEY ARE MORE CORRECTLY PLACED IN ANOTHER LOCATION IN THE SURVEY, PLEASE ATTACH TO THE CORRECT LOCATION/TOPIC: Regulations should also stipulate "code" for how to manage ground water table and run off, with adequate EFFECTIVE TOTAL "SEAL" of foundation, floor (crawl space, basement) and walls PREVENTING water table and surface run off changes/pressures from seeping into the above spaces. One way drain valves and integrated sump pump systems for early effective removal of water prior to (prevention) and post (responsive management) of water ingress. It should not be a secondary (or later) owner who is left with the responsibility/expenses to "secure" the sealing the foundation and floors of basements/crawl spaces, against all water threats, after the fact, when shoddy / careless codes or builders/trades have left the scene years earlier - in order to secure their own profits over/above code requirements/costs. Inspectors ought to enforce quality code requirements on all builders, trades,



and parties to new or significant structural renovation projects. Homes built on pre-existing or historically low, & or marsh/swamp (as in the above) require specific regulatory SEALING requirements, to ENTIRELY PREVENT NON-DECLARED DISASTER water ingress/incursions. The fact that they are or have been built in "high water table" areas should be declared on title as a listed caveat alert, at each sale or title transfer. Health concerns (unsuspecting/uninformed) home buyers may encounter, from unknown or unexpected consequences of chronic water incursions, in places rarely accessed or used, can include serious mould, and/or other health threats, when regulations/codes ignore or do not adequately address real health concerns.

Anonymous

11/17/2022 04:27 PM

The number of structures one can have on their property. The condition of such properties. Enforcement of bylaw when homeowners don't comply with bylaws. Just issuing fines which go on the title don't solve anything. Fines need to be put on taxes.

Anonymous

11/18/2022 08:21 PM

Allow people to use container storage all year long, seems overbearing to enforce this especially on acreages!

Anonymous

11/22/2022 01:52 PM

Agricultural use of shipping containers to house livestock and/or feed and food products should be exempt from the regulations (ie: no limitation as to quantity used or time limit for their deployment). As food security is a burgeoning issue for the community (and the world), innovative practices must not be hindered. The use of shipping containers in an agricultural context is a practical innovation that benefit the greater community.

Anonymous

11/28/2022 05:06 PM

Do not agree with restricting use of shipping containers. Do not restrict shipping containers.

Anonymous

12/04/2022 10:50 PM

Accessory building maximum lot coverage should be based on a percentage of lot size rather than the current set amount no matter the lot size.

Anonymous

12/05/2022 06:48 AM

Farm buildings. From the current bylaws there continues to be some room for interpretation if they are included in the 400 sq meter lot coverage classification of accessory building or if a farm building on RR2 is excluded from the 400 sq meter and seen as agriculture and farm use.

Anonymous

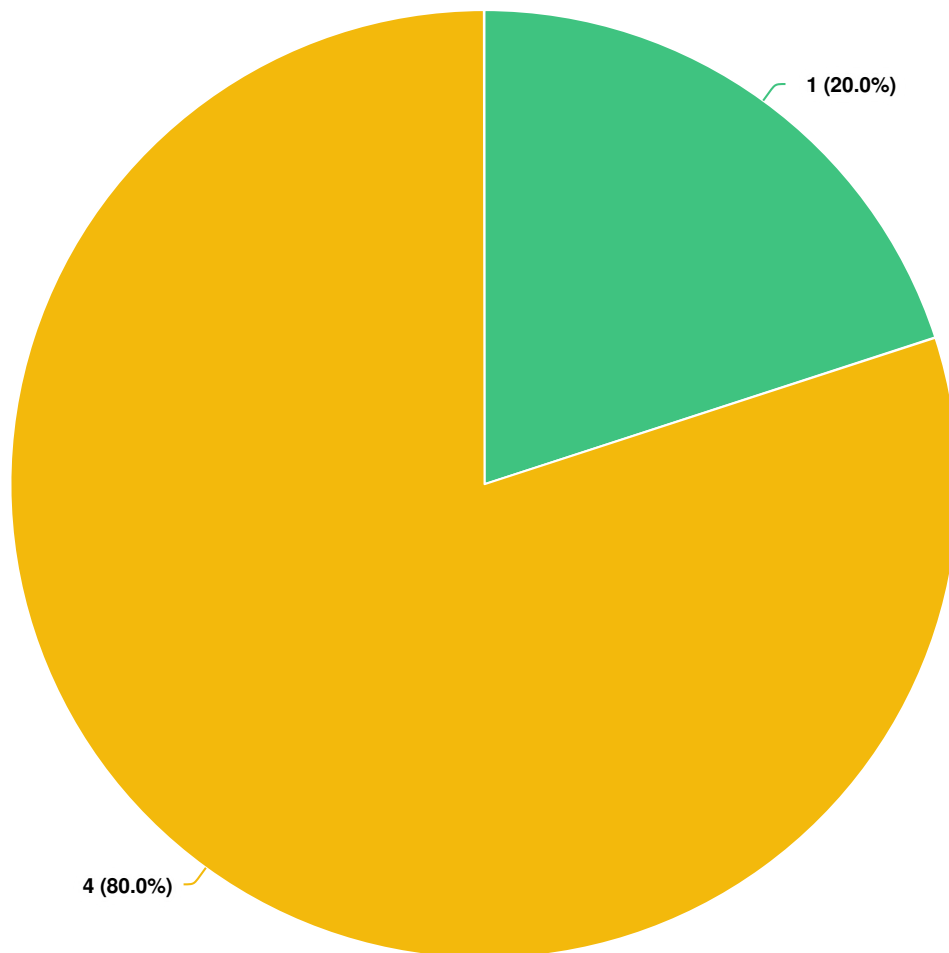
12/05/2022 11:32 PM

Clarification needed on how farm buildings are classified in RR2 zoning with farm status. The current bylaw 500 contains no set of bylaws to deal with non ALR farm status properties and how such buildings should be classified in relation to the accessory building size restrictions. Farm buildings are not accessory to the main house as they are primary agriculture use for farm animals and activities. Please specify this in the bylaws as to not cause confusion or grey areas. The RDN is not following the example of neighboring districts which use lot coverage for accessory buildings. The RDN current policy makes no distinction between a 50 acre parcel and a 1 acre parcel when it comes to accessory building allowances.

**Optional question** (10 response(s), 37 skipped)

**Question type:** Essay Question

**Q9** Are there any additional changes needed to the proposed bylaw in relation to signs?



**Question options**

- Yes
- No

*Optional question (5 response(s), 42 skipped)*  
*Question type: Radio Button Question*

**Q10** Please tell us if we have missed anything about signs.

Anonymous

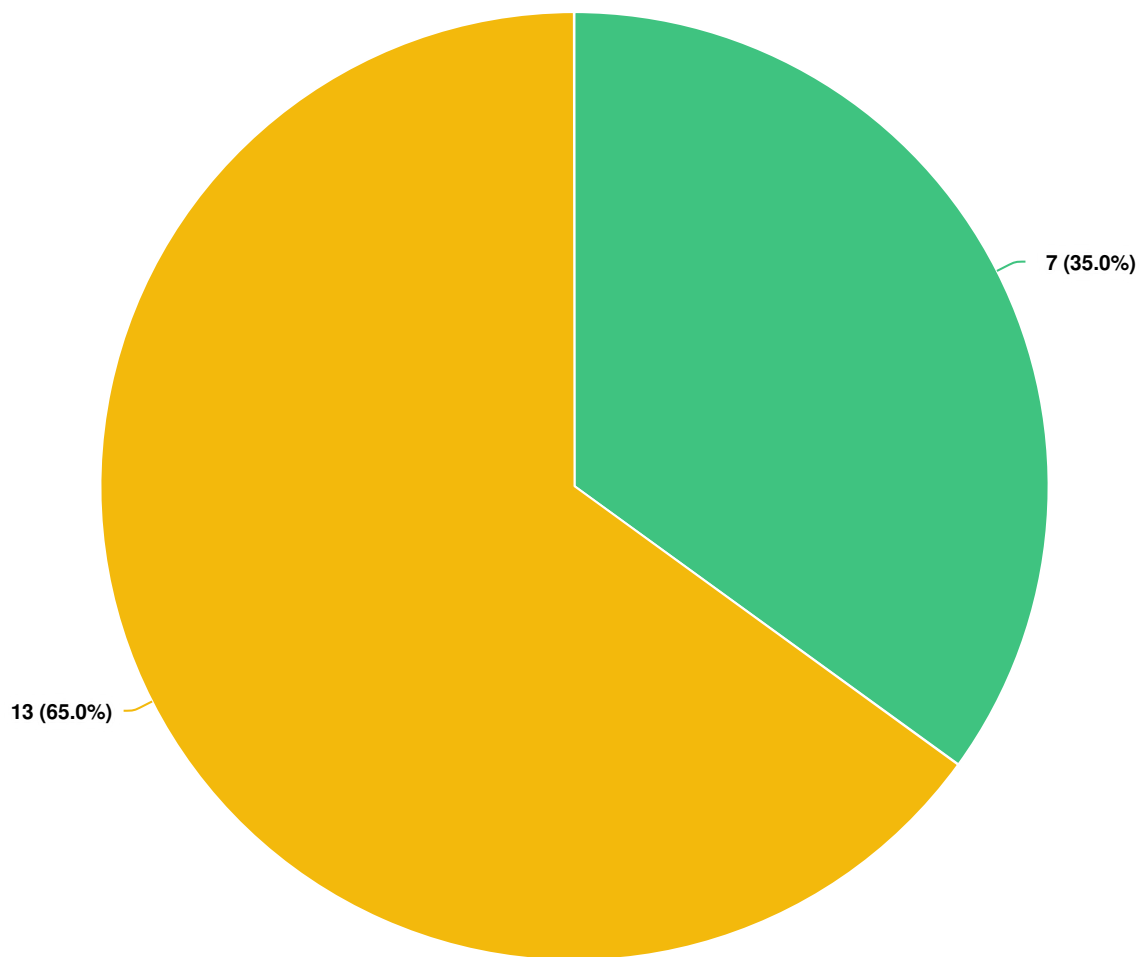
11/16/2022 04:13 PM

FACIA BUSINESS SIGNAGE regulations ought to account for (grant allowance) for certain buildings to require/need signage of TWO (2) or more SIDES - depending on specific location relative to visual and practical access/egress information for travellers on roads, streets, highways approaching from various directions.

**Optional question** (1 response(s), 46 skipped)

**Question type:** Essay Question

**Q11** Are there any additional changes needed to the proposed bylaw in relation to setbacks?

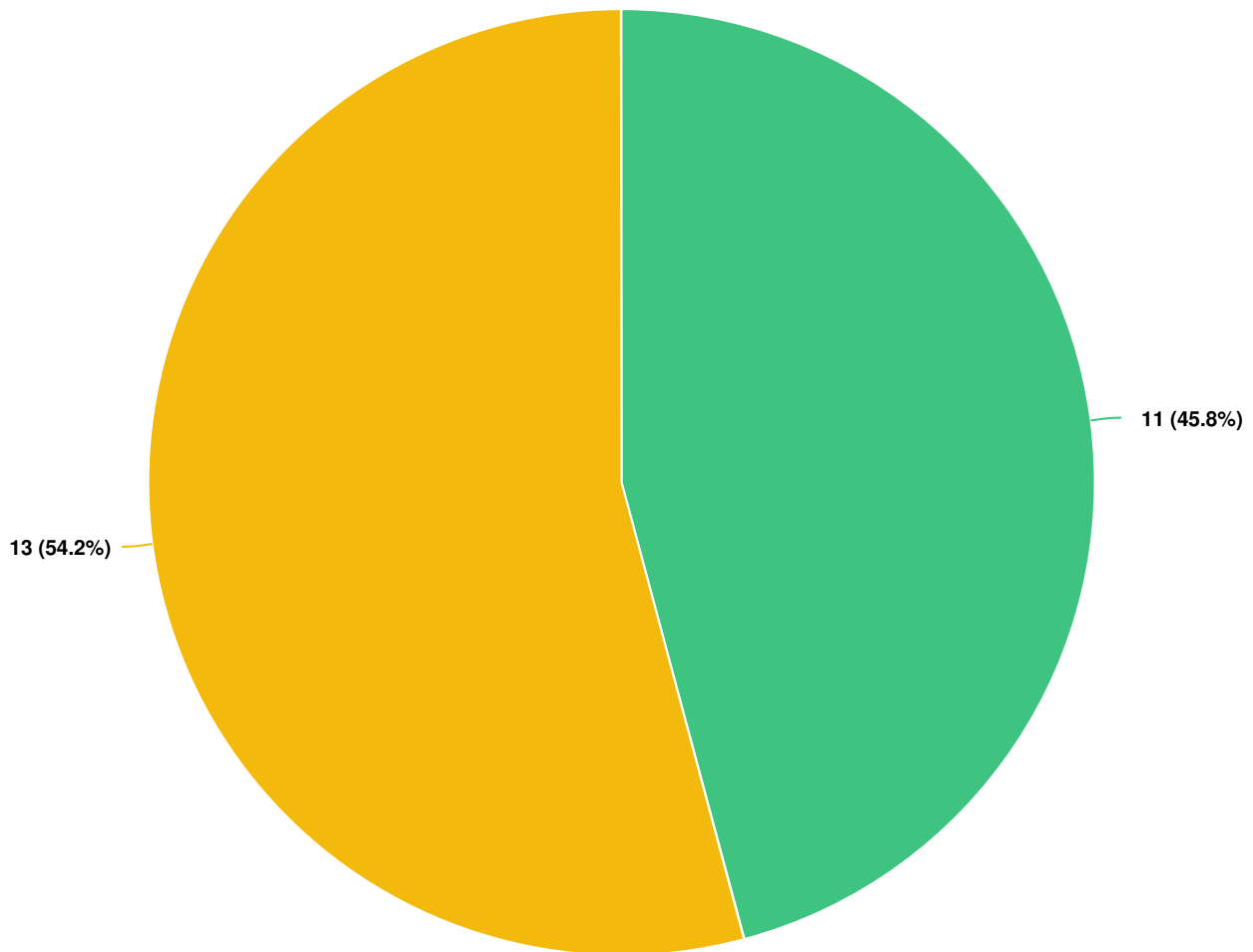


**Question options**

- Yes
- No

*Optional question (20 response(s), 27 skipped)  
Question type: Radio Button Question*

**Q12** Are there any additional changes needed to the proposed bylaw in relation to secondary suites?



**Question options**

- Yes
- No

*Optional question (24 response(s), 23 skipped)*  
*Question type: Radio Button Question*

**Q13 | Please tell us if we have missed about secondary suites.**

Anonymous

11/11/2022 08:44 AM

We are in housing crisis, increase the size to 100 Square meter

Anonymous

11/18/2022 08:21 PM

Allow larger secondary suites

Anonymous

11/22/2022 10:58 AM

Ensuring off street parking is included for secondary suites.

Anonymous

11/22/2022 01:52 PM

The Province is realizing that restrictive residential zoning is a huge contributor to homelessness. Bylaw 500 should be relaxed to allow for greater flexibility in housing. This should include additional secondary suites permitted, additional budlings permitted (such as carriage houses), and the use of recreational vehicles as dwellings. Regulate the life safety issues but not the quantity of additional housing in residential and rural zones.

Anonymous

11/22/2022 02:33 PM

Tiny home (the size of a 1 car garage) detached on property of main house or 4 to a lot with a little yard each.

Anonymous

11/27/2022 09:03 AM

The floor space in regards to 90m squared needs to be increased to meet family needs. Multi generational living is becoming common with the ever rising home prices and 49% of a 2400 sq ft family home = 1176. 982 sq ft versus 1176 makes a big difference when it's a detached carriage home especially when considering buying a home with family.

Anonymous

11/28/2022 05:06 PM

Stop restricting the ability to add secondary suites. We need more accommodations and not restrictions on what qualifies as a legal suite.

Yvonne Zillmann

11/28/2022 05:07 PM

The property taxes should definitely reflect the increased density.

Anonymous

12/04/2022 10:50 PM

Secondary suits in accessory buildings such as a shop are very restrictive. The Current size and hight restriction only allow for a small handful of designs which all do not allow the accessory building to be very large in comparison to the suit.

Anonymous

12/09/2022 04:20 PM

Increasing 90m2 to a bigger number. The number should be increased to 120m2 for detached secondary suites only. The property is over an 2 acres off community water and services and there is room for a bigger detached suite, there needs to be consideration for these types of properties. There is no reason for not increasing this number for physically detached suites - please make a consideration for this.

Anonymous

12/30/2022 05:58 PM

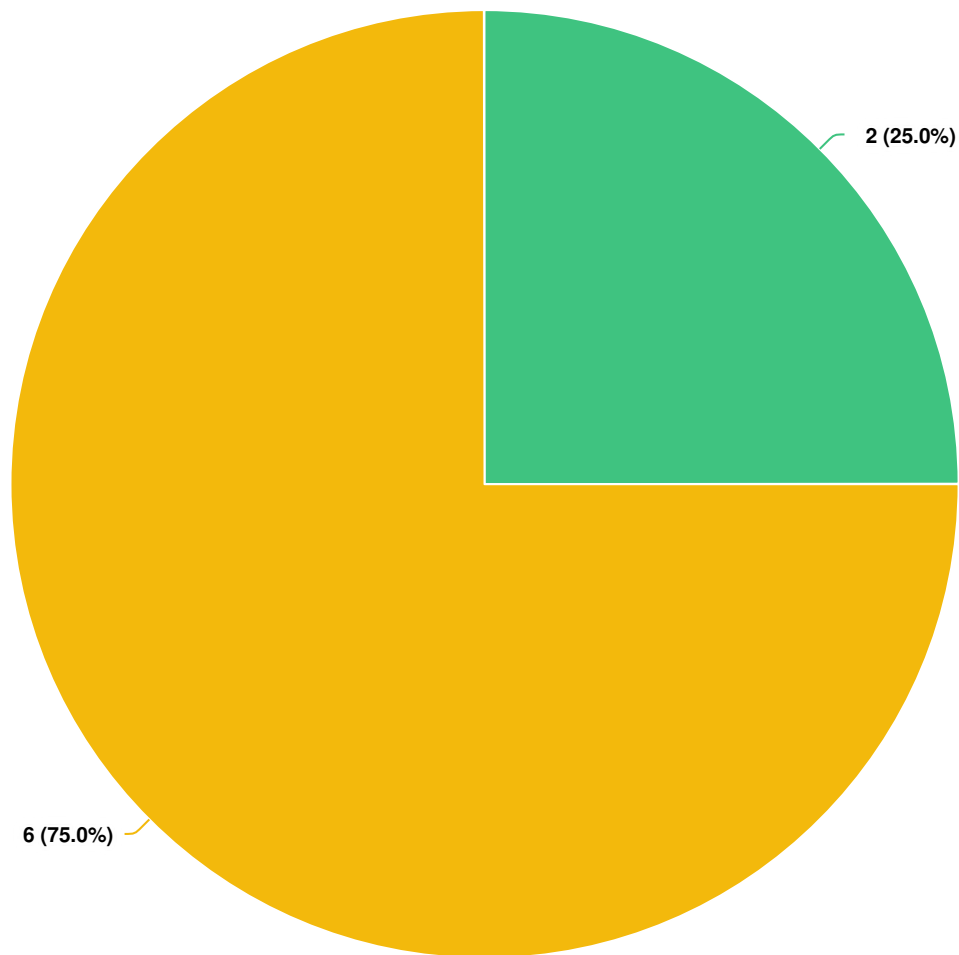
In areas lacking community water services, the bylaw needs to specify a requirement for hydrological engineer confirmation that the new secondary suite will have little to no impact on surrounding properties water supplies.

**Optional question** (11 response(s), 36 skipped)

**Question type:** Essay Question



**Q14** Are there any additional changes needed to the proposed bylaw in relation to parking?



**Question options**

- Yes
- No

*Optional question (8 response(s), 39 skipped)*  
*Question type: Radio Button Question*

**Q15** Please tell us if we have missed anything about parking.

Anonymous

11/17/2022 04:27 PM

The number of vehicles allowed on a property and no vehicles (trailers, boats, business trailers, etc) should be allowed . Parking on lawns should also be disallowed.

Anonymous

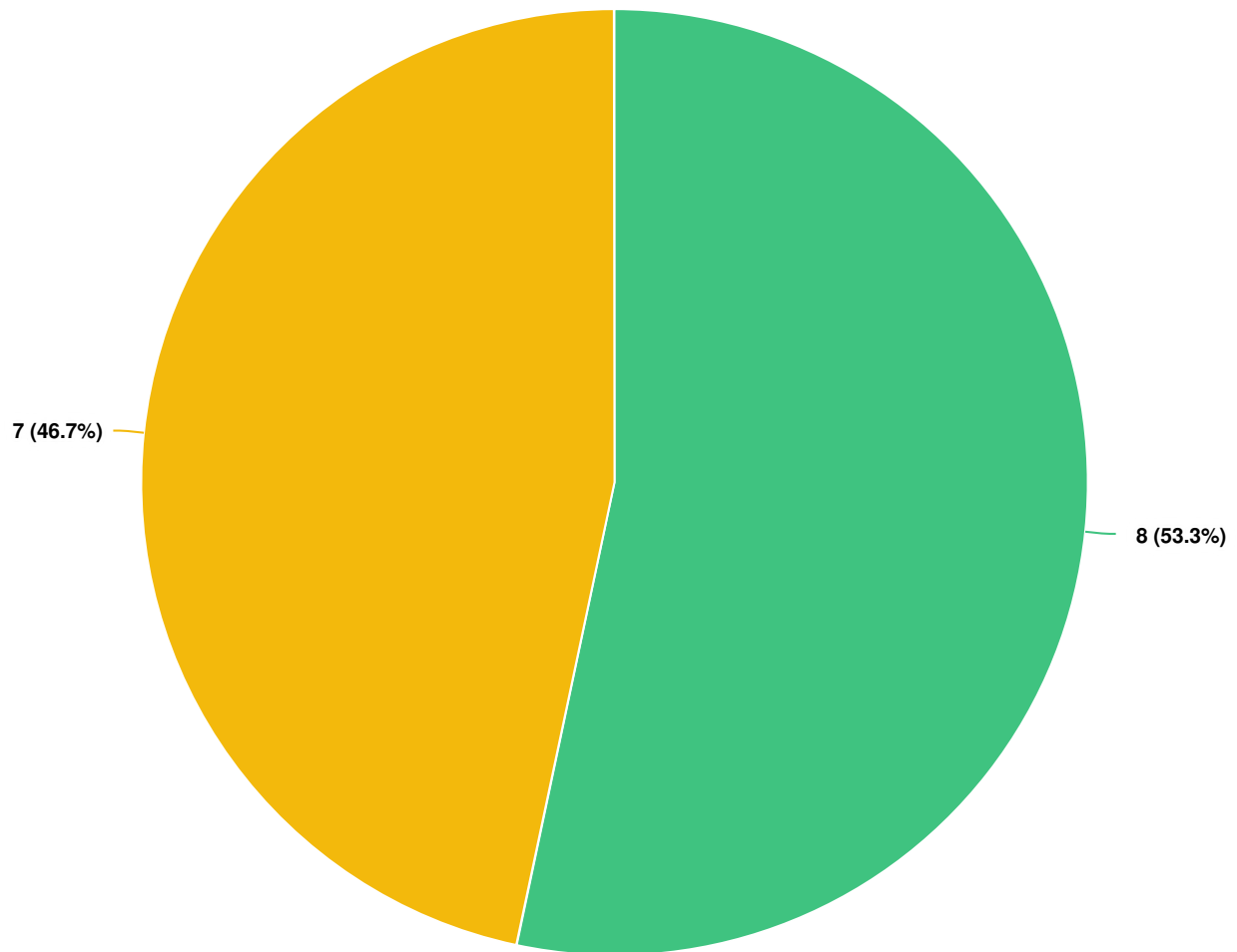
11/19/2022 09:16 AM

Motorscooter and escorted ebike parking and storage

**Optional question** (2 response(s), 45 skipped)

**Question type:** Essay Question

**Q16** Are there any additional changes needed to the proposed bylaw in relation to home-based businesses?



**Question options**

- Yes
- No

*Optional question (15 response(s), 32 skipped)*

*Question type: Radio Button Question*

**Q17 Please tell us if we have missed anything about home-based business.**

Anonymous

11/18/2022 08:21 PM

The restrictions are extremely strict, if a person is operating a home based business without issue and ensuring neighbours aren't disturbed, why dissuade entrepreneurship?!

Mmudford

11/22/2022 10:39 AM

The permitted home businesses do not indicate if farming when it is done to generated income is considered a home-based business. 3.15 (b) (xxviii) it is not clear if "automotive repairs, vehicle restoration and maintenance" includes heavy equipment (ie is there a size RGVW restriction?) Item (xx) states that marshalling of vehicles, equipment and machinery is prohibited, which indicates that a heavy equipment maintenance/repair business would not be allowed in RR1 and 2, if it is possible to provide more clarity around this it could be helpful

Anonymous

11/22/2022 10:49 AM

Clarify and Allowing for seasonal exemptions for outdoor business activities. IE if i have a home based business licence, but i want to host a Christmas related outdoor seasonal business activity for halloween or christmas for a short period of time. Allowing for events based businesses such as weddings/photography/farm supporting activities but limiting the amount of days per year that one vendor can operate. IE Rural properties over 1acre should be able to do commercial activities or events like weddings (if they have parking) a maximum of 10 days per year to allow business sustainability but also minimize neighbour disruption.

Anonymous

11/22/2022 01:52 PM

Ensure that Home Based Business Regulations and Poultry Regulations do not include prohibition or regulation of bona fide farming operations (some farms are NOT in the ALR) and/or farm related activities including, but not limited to, slaughtering; butchering; smoking of food; and/or any other processing of agricultural commodities normally produced on site.

Anonymous

11/26/2022 08:32 PM

allow home based business in rural area to have outdoor activities as in wedding photographing. Currently almost nothing available mid island. A wedding is a few hour long celebration not an all day mill operation. It should be a happy occasion, while currently it is very stressful trying to find a suitable venue, as in there are none.

Anonymous

Do not restrict the ability to have a home based business. Small

11/28/2022 05:06 PM

businesses make up the back bone of our economy in BC.

Anonymous

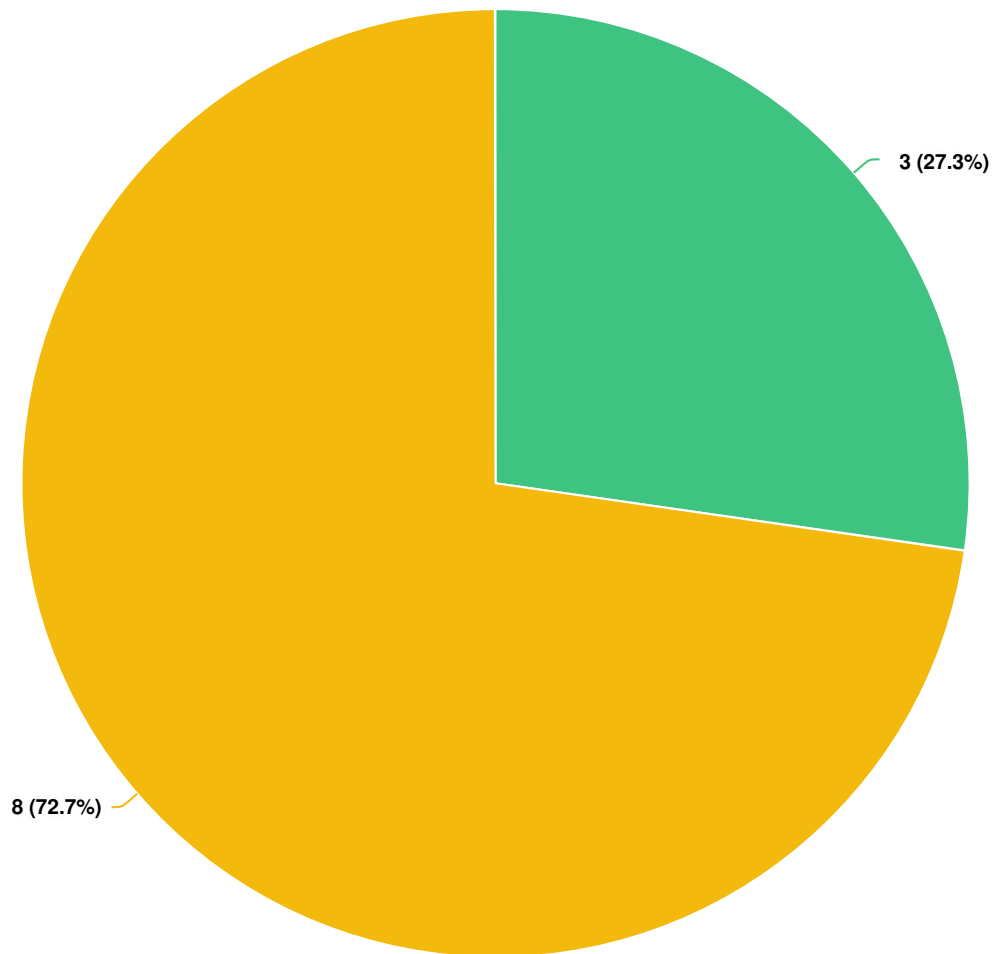
12/30/2022 05:58 PM

Provide a decibel threshold at the nearest property edge above which effective noise control measures must be implemented. Any automotive and machine repair home based businesses must provide assurances that contaminants from oil, gas and other petroleum products are captured at source.

**Optional question** (7 response(s), 40 skipped)

**Question type:** Essay Question

**Q18** Are there any additional changes needed to the proposed bylaw in relation to zone consolidation?



**Question options**

- Yes
- No

*Optional question (11 response(s), 36 skipped)*  
*Question type: Radio Button Question*

**Q19** Please tell us if we have missed anything about zone consolidation.

Anonymous

11/22/2022 01:52 PM

Fairgrounds have been removed from Commercial Zone and seems to not have been added back in to any other zone. With the VIEx requiring relocation soon (and with the Coombs Fair ongoing at its traditional site), Fairgrounds should be a permitted use in Rural Zones. I'm not sure why commercial zoning can't accommodate Fairgrounds, but if that is true, they need to be permitted elsewhere. As well, camping for exhibitors as an adjunct to the operation of a Fair at a Fairground should be permitted.

Anonymous

12/05/2022 11:32 PM

RDN needs to address how farm status affects specific bylaws within RR2 zoning such as the definition of an agricultural building vs accessory building

Anonymous

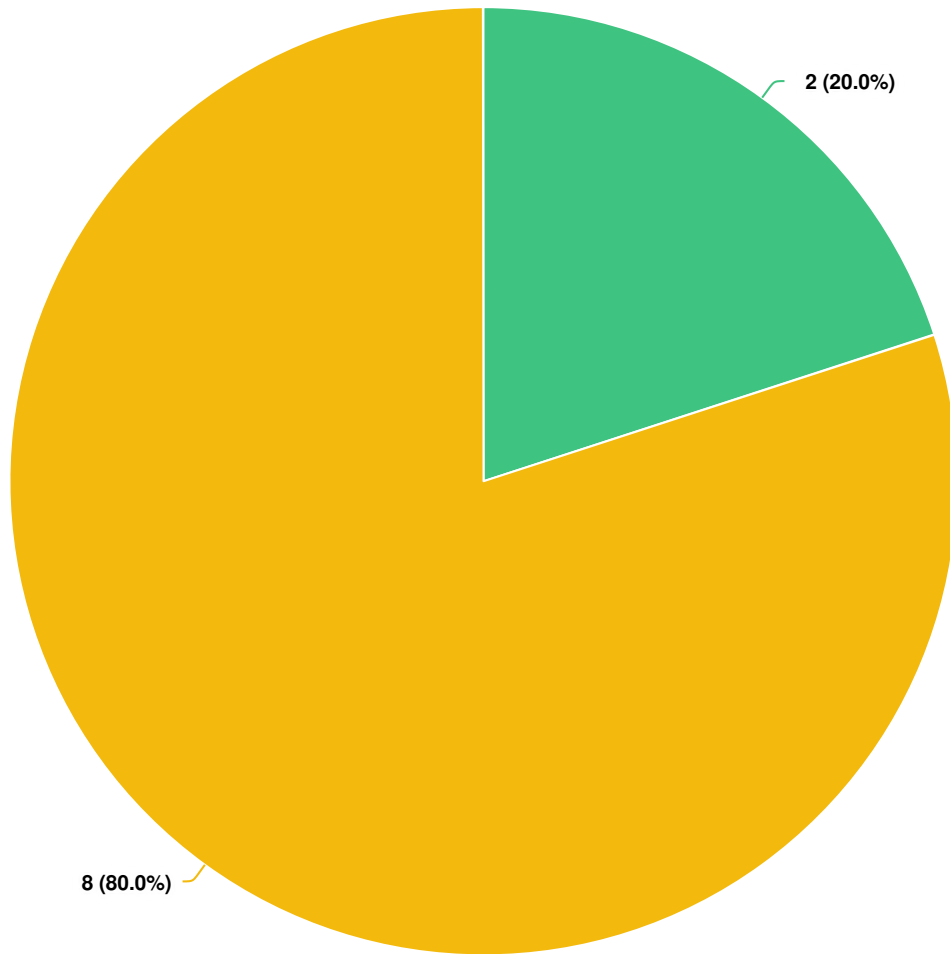
12/30/2022 05:58 PM

Use sub zones to implement OCP objectives not clearly covered in the main zoning.

**Optional question** (3 response(s), 44 skipped)

**Question type:** Essay Question

**Q20** Are there any additional changes needed to the proposed bylaw in relation to landscaping?



**Question options**

- Yes
- No

*Optional question (10 response(s), 37 skipped)*  
*Question type: Radio Button Question*



**Q21** Please tell us if we have missed anything about landscaping.

Anonymous

11/11/2022 07:39 AM

Please ensure that there is something that protects trees from being removed or damaged during construction. Please also include something about planting climate-appropriate trees, including a tree replacement policy when there is no other choice but to remove a tree. It is terrifying to see the tremendous loss of canopy cover in the region and we will be paying significantly more in future (drinking water, health, mental health, energy, etc.) if we don't address the rapidly deteriorating conditions now. This is a window of opportunity to be a leader in managing our region's natural assets and, while I understand the jurisdictional limitations make this a challenging issue to address, I encourage you to use your expertise and creativity to find a solution on behalf of the people in this region. Thank you.

Anonymous

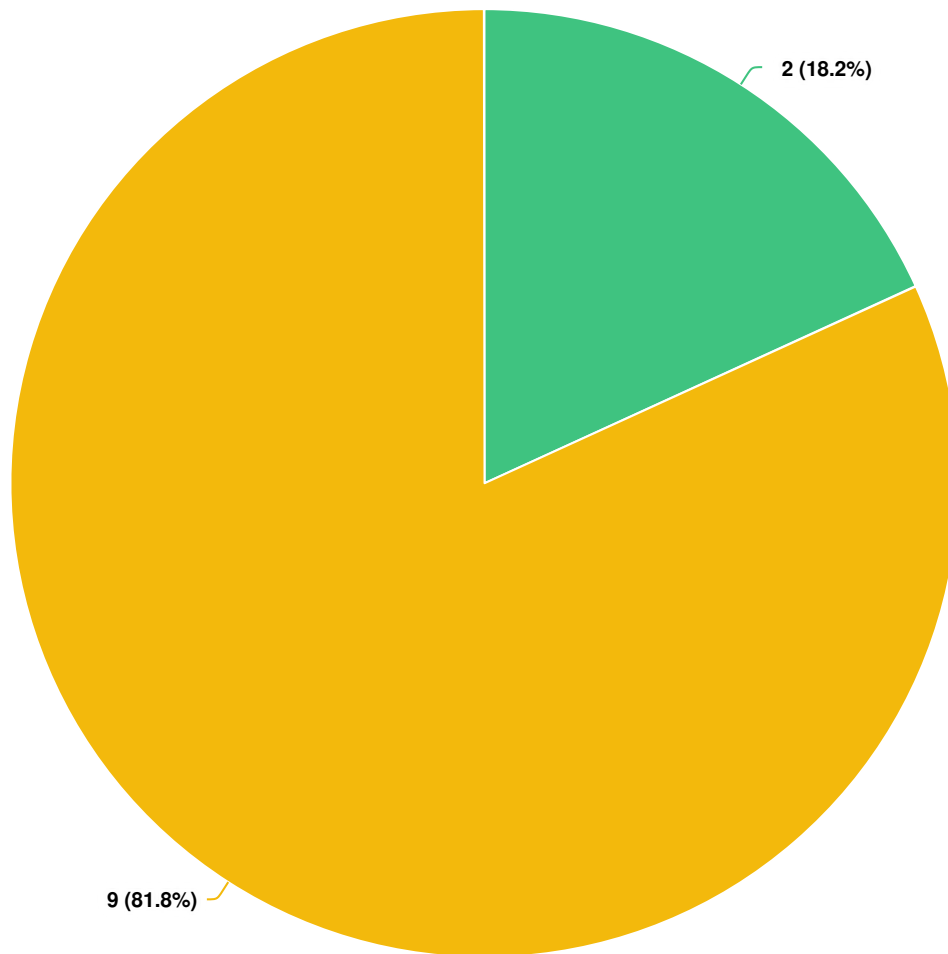
12/30/2022 05:58 PM

It is unclear to whom landscaping requirements apply. It is essential that landscaping requirements protect neighboring properties right to predevelopment natural screening.

**Optional question** (2 response(s), 45 skipped)

**Question type:** Essay Question

**Q22** Are there any additional changes needed to the proposed bylaw in relation to general bylaw updates?



**Question options**

- Yes
- No

*Optional question (11 response(s), 36 skipped)*  
*Question type: Radio Button Question*

**Q23 | Please tell us if we have missed anything in the proposed general bylaw amendments.**

Anonymous

11/25/2022 10:32 AM

Graphic example not to scale. One exterior line road setback is thick for 5 metres, but the second exterior line road setback is thinner, misleading to think it is 2 metres.

Anonymous

11/25/2022 10:39 AM

No mention of AIR QUALITY. Perhaps this is covered in Building Code. However, a annual chimney inspection and cleaning should be enforced and chimney clearance from trees verified. Strict penalties for burning garbage and incomplete combustion (smoking fires) should be imposed.

Anonymous

12/04/2022 10:50 PM

The way setbacks are written for farm buildings from property lines as well as wells is very restrictive to hobby farms. Most lots in the RDN do not have the required width to accommodate a barn as the setback is currently 30m from property line and 30m from a well. Hobby farms should have reduced setback requirements as they are not a commercial application and don't have the same impact. Currently it is my opinion that most property's running a hobby farm with farm animals (besides chickens) are not in compliance due to setback requirements. Again these setbacks are really written for ALR and commercial properties.

**Optional question** (3 response(s), 44 skipped)

**Question type:** Essay Question

**Q24 | If you would like to be entered into the draw for a \$50 gift card to the grocery store or bike store of your choice please enter your email address below.**

Anonymous

11/11/2022 04:47 AM

[REDACTED]

Anonymous

11/17/2022 04:27 PM

[REDACTED]

Anonymous

11/18/2022 08:21 PM

[REDACTED]

Anonymous

11/19/2022 09:16 AM

[REDACTED]

Anonymous [REDACTED]  
11/22/2022 08:50 AM

Anonymous [REDACTED]  
11/22/2022 09:39 AM

Anonymous [REDACTED]  
11/22/2022 09:53 AM

Mmudford [REDACTED]  
11/22/2022 10:39 AM

Anonymous [REDACTED]  
11/22/2022 10:49 AM

Anonymous [REDACTED]  
11/22/2022 10:58 AM

Anonymous [REDACTED]  
11/22/2022 01:52 PM

Anonymous [REDACTED]  
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Anonymous [REDACTED]  
11/25/2022 10:32 AM

Yvonne Zillmann [REDACTED]  
11/28/2022 05:07 PM

Anonymous [REDACTED]  
11/28/2022 10:28 PM

Anonymous [REDACTED]  
11/29/2022 07:40 AM

Anonymous [REDACTED]  
12/04/2022 10:50 PM

Anonymous [REDACTED]

12/05/2022 06:48 AM

Anonymous



12/17/2022 01:32 PM

Anonymous

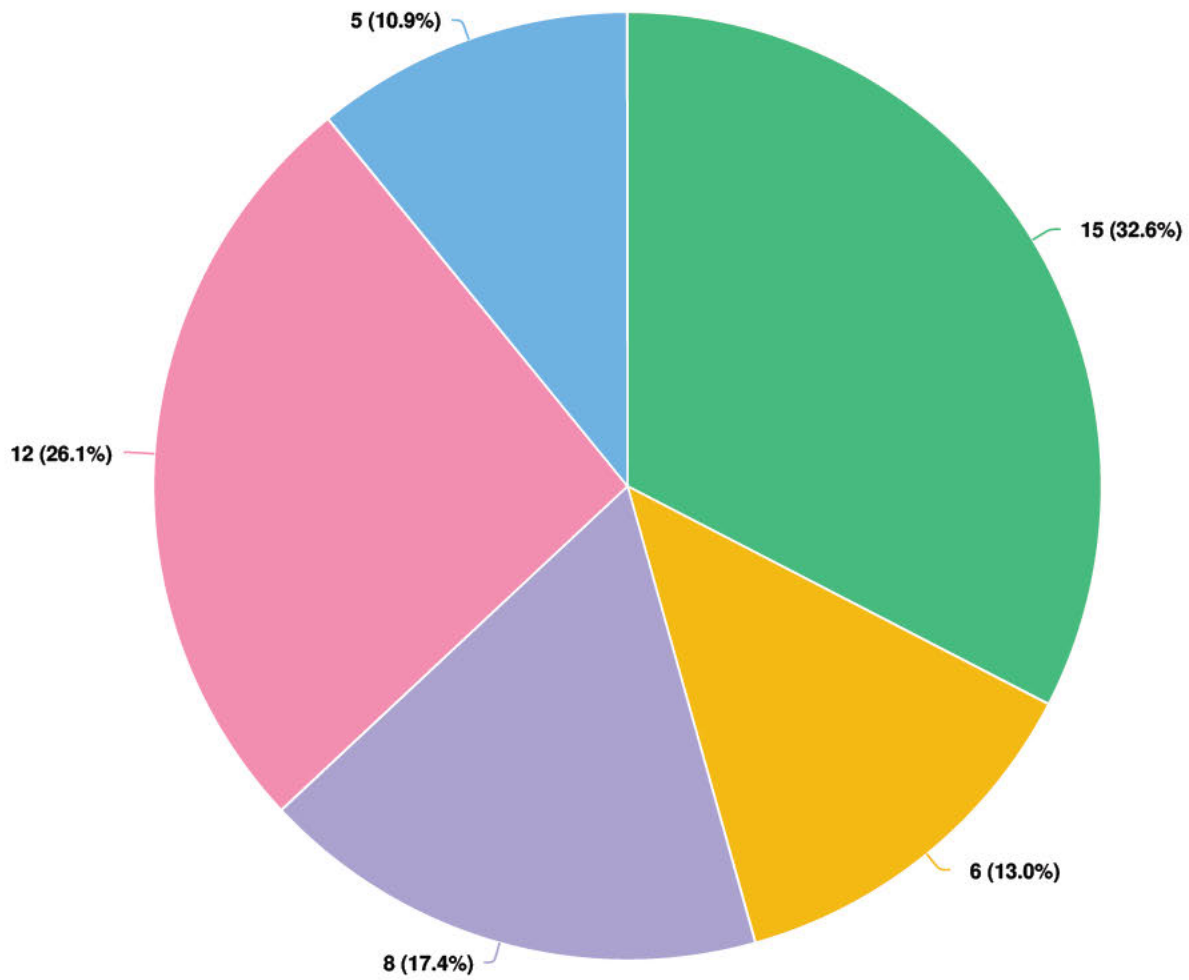


12/30/2022 05:58 PM

**Optional question** (20 response(s), 27 skipped)

**Question type:** Email Question

**Q25** How did you hear about the project/survey?

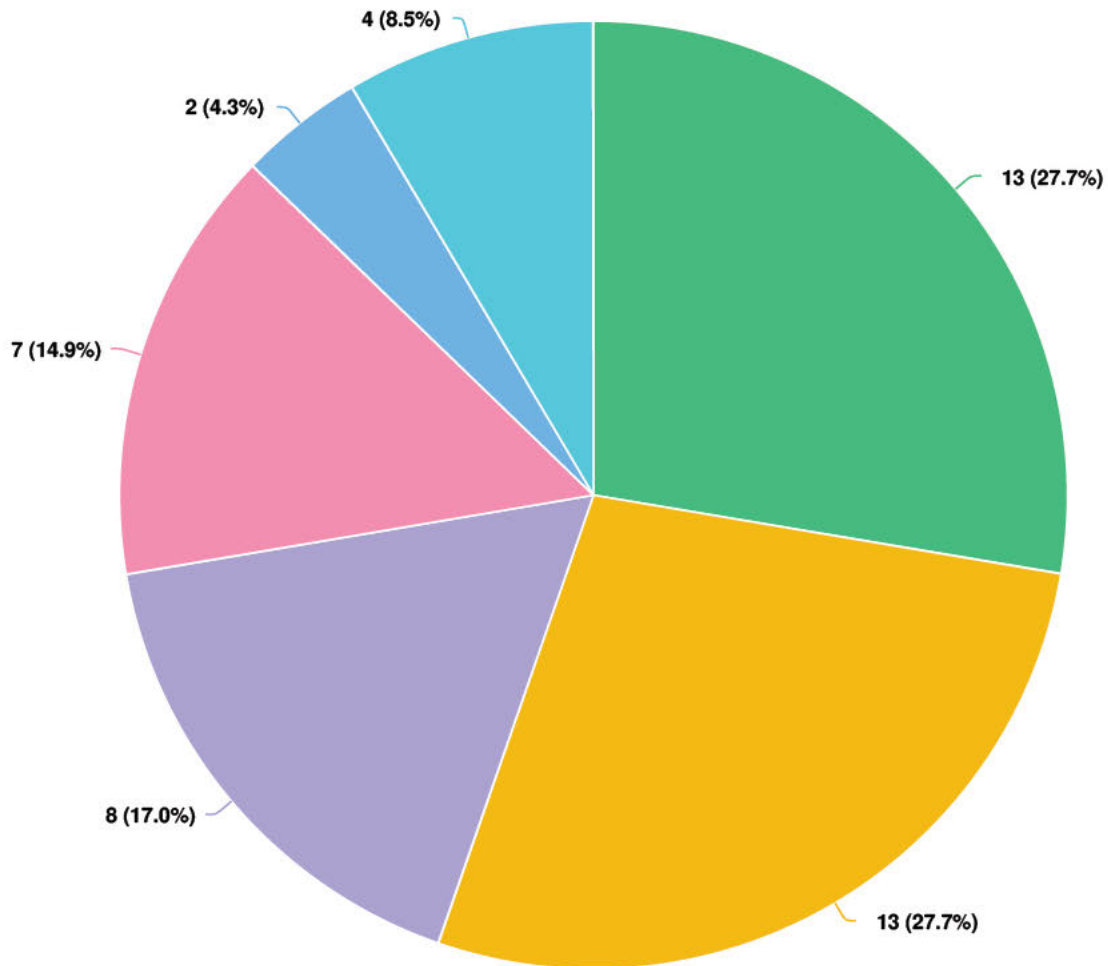


**Question options**

- Website
- Newspaper
- Email
- Word of Mouth
- Other (please specify)

Optional question (46 response(s), 1 skipped)  
Question type: Radio Button Question

**Q26** | Where do you live or own property? (Choose one Option)



**Question options**

- Eecora Area A (Cedar Cassidy South Wellington)
- Eecora Area C (Jungle Point East Wellington Extension)
- Eecora Area E (Nanosee Fairwinds Red Gap)
- Eecora Area G (San Pare French Creek Dashwood)
- Eecora Area H (Quacum Bay Bowser Deep Bay Horne Lake)
- Other (please specify)

Optional question (47 response(s), 0 skipped)  
Question type: Radio Button Question

**Schedule 2 – Virtual Public Meeting Summary**

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## Virtual Public Meeting Summary

The Regional District of Nanaimo (RDN) is updating its Land Use and Subdivision Bylaw No. 500, 1987 (Bylaw 500). Bylaw 500 is a planning document that regulates the use of land, buildings, and structures in the following five electoral areas.

- Electoral Area A (Cedar, Yellow Point, Cassidy, South Wellington)
- Electoral Area C (Extension, Nanaimo Lakes, Jingle Pot)
- Electoral Area E (Nanoose, Fairwinds, Red Gap)
- Electoral Area G (Englishman River, San Pareil, French Creek, Little Qualicum, Dashwood)
- Electoral Area H (Bowser, Horne Lake, Deep Bay, Qualicum Bay)

Bylaw 500 covers a wide range of rules that all property owners must follow when developing or using private lands. This includes land and building use, building heights, home-based businesses, secondary suites and more. At more than 36 years old, Bylaw 500 is outdated in many areas. When the update is complete later this year, the bylaw will better reflect the range of land uses and building types that are in demand today. Several sections of the bylaw are inconsistent, unclear and difficult to interpret. As a result, Bylaw 500 is challenging for the RDN to administer and for property owners to understand.

The Bylaw 500 Review and Update Project (the Project) is a targeted review and update to address known problems and to improve bylaw components that are unclear, inconsistent, or are challenging to administer or enforce

As a targeted review, the project is built around the following focus areas:

- Building Heights
- Food Trucks
- Usability
- Structures, Shipping Containers & Retaining Walls
- Signs
- Setbacks
- Secondary Suites
- Off-Street Parking
- Household Poultry
- Home Based Business
- Zone Consolidation
- Landscaping
- General Housekeeping Updates

In November 2022, the RDN held three virtual public sessions on these focus areas with two of the sessions being more specific on building heights and structures/setbacks, two topics identified by the public for further discussion. These sessions were held to gather feedback and input on the draft amendments to the bylaw for consideration of additional changes to Bylaw 500.

This feedback will be combined with responses from a public survey that is open until December 31<sup>st</sup>, as well as feedback from a detailed staff review and legal review on the proposed amendments. A final draft of the amendments is anticipated to be available in February 2023.

## Virtual Meetings Summaries:

### Meeting #1 – All Focus Areas

This first virtual meeting was held on November 21, 2022. The agenda for this meeting was to provide a summary of the project and discuss all bylaw focus areas.

#### **Focus Area: Food Trucks**

- **What we heard:** Will there be a bylaw to allow food trucks on properties in Area G as a home-based business if safety of the customers is ensured?

**Our Response:** *The proposal is not to allow Food Trucks to set up on a parcel as a home-based business. However, catering is permitted as a home based and as such, the preparation of food to be sold in a Food Truck as well as the restocking of a food truck would be permitted as a home-based business.*

#### **Focus Area: Home-based Businesses**

- **What we heard:** Currently, home based business owners are allowed to employ only 1 individual. Will there be an allowance to increase the number of employees in future in Area G?

**Our Response:** *Bylaw 500 currently allows a maximum of one non-resident home-based business employee per parcel, with the exception of a maximum of two non-resident employees in the RS2, AG1, and AG2, RU1-RU4, RU6-RU9, RM1-RM5, and RM7-RM9 zones. Draft Bylaw 2500 does not propose to change this.*

#### **Focus Area: Secondary Suites**

- **What we heard:** There are heavy restrictions on the size of suites in the accessory buildings in Rural 2 zone.

**Our Response:** *Maximum secondary suite floor area is 40% of the habitable floor space of the principal dwelling unit which it is associated with nor 90 m<sup>2</sup> of total floor space, whichever is lesser regardless of whether a suite is located within a dwelling unit or an accessory building. The distinction is that if an accessory building containing a secondary suite, the total floor area of the accessory building is included in the calculation of secondary suite floor area. This is to ensure that there are no opportunities to expand secondary suite floor area into other areas of the accessory building.*

- **What we heard:** For a property (less than an acre in size) in Area G, the regulation to keep secondary suites under 10% of the size of main suite feels restrictive, especially when the size of main suite is smaller. What is the logic and reasoning behind this regulation?

**Our Response:** *Secondary suites are considered accessory to the main dwelling unit. The reason behind this regulation is to have a standard measure that ensures that secondary suite is indeed an accessory unit and to ensure the overall density is under control at the property.*

- **What we heard:** Can existing building (manufactured home) on a property that is renovated as per the building codes be considered secondary detached suites?



**Our Response:** *In some cases a manufactured home could be considered a detached secondary suite. However, it's always best to contact the RDN to discuss the particular details and discuss potential options.*

### **Focus Area: Setbacks, Structures and Retaining Walls**

- **What we heard:** Was aggregation of multiple buildings of similar size that are for the same purpose/use but all less than 10 m<sup>2</sup> considered? Should similar buildings of size and use in close proximity to each other be aggregated and then the total size of all those same type/use buildings be considered for the minimum setback. This same concern was raised during public consultation in 2016, however it was dismissed by stating that a farmer would build the correct size building for his purposes, however we now have evidence that this is not the case and a property owner could look to exploit this loophole in the current bylaw and build multiple smaller size buildings simply to avoid having to comply with a greater setback requirement. This bylaw as written would allow a property owner to build numerous buildings less than 10 m<sup>2</sup> to house livestock and could line his entire property line with them.

**Our Response:** *This suggestion was considered in 2016 and it was decided to not include this in the bylaw amendment approved by the Board in 2016. This was due to the challenges in administering such regulation, a desire to simplify the regulations, and the low probability of impacts resulting from the regulation. As this was previously considered, staff are not recommending that this be included in the bylaw at this time.*

- **What we heard:** 3.11 (a) (xi) Setbacks Buildings & Structures: Definitions of land is not clear, does this mean any area of land where agricultural solid waste is stored or composted? The definitions for "agricultural liquid or solid waste, on farm composting or compost storage" should be provided to avoid ambiguity or misinterpretation. For example, it is unclear if manure and soiled animal bedding will be considered "agricultural solid waste".

**Our Response:** *Minimum setback requirements apply to buildings and structures with the exception of a feedlot, confined livestock area, on-farm composting, event areas for gathering for an event. No changes to this section of the bylaw are proposed.*

- **What we heard:** 3.11 (a) (xv) (A) Watercourse Setbacks: Should this be expanded to not just be "feedlot" but rather all areas where feeding of livestock occurs and all areas where manure is stored be it in a building or otherwise (e.g., confined livestock area, temporary field storage of manure) should be 30 m from a domestic well. This will make the bylaw consistent with other provincial regulations (e.g., Public Health Act, Environmental Act) and will also align to the information that is being presented in the RDN Well Smart Program.

**Our Response:** *This goes beyond the scope of this project and therefore, staff is not recommending this amendment at this time.*

### **Focus Area: Others**

- **What we heard:** In RU2 zone, there are heavy restrictions on the suite size of accessory buildings. Will there be a provision to measure the area of the accessory building based on parcel size as opposed to having a limit on the maximum area of accessory buildings?



**Bylaw  
500**

REVIEW &  
UPDATE PROJECT



**Our Response:** *No, this is not within the scope of this project. Also, secondary suites must be accessory to the principal dwelling unit. In practice this is typically applied as less than half the size of the principal dwelling unit. If a suite is no longer considered accessory to the principal dwelling unit, it becomes a dwelling unit and it counted towards the maximum parcel density. The implication being that larger suites could not be considered without amendments to the Official Community Plans.*

*Changing the maximum accessory building floor area to be based on the area of the parcel, would have the potential for significant impacts, especially on larger parcels. In addition, small parcels would become significantly constrained. This suggestion could result in significantly larger accessory buildings that could have a number of neighbourhood impacts. Further, this change is not within the scope of this project.*

- **What we heard:** The New Island Highway severed six residential parcels of Area G. These six residential parcels are in close proximity to the industrial area. Can there be more clarity and certainty to reduce these unintended consequences of the severance of Area G that puts these six residential parcels close to industrial area?

**Our Response:** *The scope of this project will not be able to cover this issue. This issue can be resolved by amending the regional growth strategy, official community plans. This comment will be part of the public record and can be dealt in the future.*

- **What we heard:** Are the implementation considerations for tiny houses covered in this bylaw?

**Our Response:** *Tiny houses are not covered during this phase of the project. Next phase of the bylaw 500 update project will focus on housing affordability that may cover tiny houses. However, tiny houses implementation is affected more by the building codes than zoning bylaws. There are not many restrictions in building tiny homes if the standards in building codes are met. The RDN has prepared a report on tiny houses that outlines challenges and constraints of tiny houses that can be made available upon request.*

- **What we heard:** For area C, will the subdivision of the existing property in half be possible? Would like to see changes to the minimum lot size to 2 acres instead of 5 acres.

**Our Response:** *Changes to minimum parcel sizes are not within the scope of this project and would require changes to the Official Community Plans and potentially the Regional Growth Strategy.*

- **What we heard:** Can you provide the link to the draft changes for Campground Regulations and Standards in this bylaw?

**Our Response:** *The campground regulations are contained in Section 3.23 of draft Bylaw 2500. Note, no changes to the campground regulations are being proposed as part of this project at this time.*

- **What we heard:** Setback (in table 3.8 item 1 and 2) for building and structure that house livestock and are less than 10 m<sup>2</sup> in area is proposed as zero meter in the updated bylaw.



**Bylaw**  
**500**

REVIEW &  
UPDATE PROJECT



Currently, this setback is eight meters. Is the revised setback a typo? If not, what is the rationale behind the reducing the setback to zero meters.

***Our Response:*** *This was a typo and will be corrected to reflect 8 metres.*

## Meeting #2: Building Heights

This second virtual meeting was held on November 24, 2022. The focus area covered in this meeting was Building Heights.

### ***Focus Area: Building Heights***

- **What we heard:** How do the proposed changes for building heights affect the farm buildings?

***Our Response:*** There is no proposal in the draft bylaw to change the height requirements for farm buildings.

- **What we heard:** Is there a limit on the number of building corners to calculate average natural ground level?

***Our Response:*** There is no limit with the number of building corners to calculate the average natural ground level as per the proposed changes.

### ***General***

- **What we heard:** Will the Regional District organize any public meetings/ open houses to discuss the proposed changes to the bylaw 500?

***Our Response:*** For this project, the Regional District of Nanaimo is engaging the public in many ways including: virtual meetings, ongoing public surveys, meeting directly with frequent users of the bylaw, and through the project website. Given the technical nature of this document, the Regional District does not intend to organize in-person public meetings or open houses.

## Meeting #3: Structures and Setbacks

This third virtual meeting was held on November 28, 2022. The agenda of this meeting was to discuss the focus area of Setbacks and Structures.

### **Focus Area: Setbacks**

- **What we heard:** Will the proposed changes to the way in which watercourse setbacks are measured affect the previous Riparian Areas Protection Regulation reports?

***Our Response:** No, the proposed changes will not have any effect on these reports. If a development takes place within a Freshwater and Fish Habitat Development Permit Area (DPA), it must the applicable DPA guidelines and all applicable regulations.*

- **What we heard:** What is the setback from livestock to wells?

***Our Response:** There are no minimum setbacks in Bylaw 500 or the draft Bylaw 2500 that apply to areas where livestock graze. All buildings and structures that house any livestock or poultry (except household poultry) or store manure and all areas used for a feedlot shall be a minimum of 30 metres from a domestic well, spring, or the natural boundary of a watercourse.*

- **What we heard:** Can you please confirm that a retaining wall will not be allowed within the setbacks?

***Our Response:** If retaining wall is considered a structure, it will be required to meet minimum setback requirements as per the bylaw otherwise it is not required to meet the minimum setback requirements. Draft Bylaw 2500 proposes to clarify the characteristics of retaining walls that are considered structures, and therefore are subject to minimum setback requirements.*

- **What we heard:** Can you elaborate on changes to setbacks for Agriculture Land Reserve (ALR)?

***Our Response:** There are no proposed changes to setbacks regarding agricultural buildings or within agricultural zones.*

- **What we heard:** Is a fence considered a structure?

***Our Response:** Fence is considered a structure only if its height is 2 meters or more, therefore, if a fence's height is less than 2 meters, it is not required to meet the minimum setback requirements.*

### **Focus Area: Structures, Shipping Containers & Retaining Walls**

- **What we heard:** Will the revised bylaw allow 'shipping container on a trailer' to be parked on the property?

***Our Response:** Draft Bylaw 2500 currently proposes to allow shipping containers to be placed on a parcel in specific zones and primarily on a temporary basis. The use of shipping containers on a*



**Bylaw  
500**

REVIEW &  
UPDATE PROJECT



*trailer is not contemplated by the draft bylaw. The draft bylaw will be referred to the local fire departments, which may result in changes in the approach to shipping containers.*

- **What we heard:** Will shipping containers be no longer allowed on properties?

***Our Response:** Currently, shipping containers are typically not allowed on properties unless they are modified into buildings. Draft Bylaw 2500 currently proposes to allow shipping containers to be placed on a parcel in specific zones and primarily on a temporary basis.*

- **What we heard:** Will existing shipping containers be grandfathered?

***Our Response:** For a use to have legal non-conforming status (to be grandfathered), it must have been established at time when the zoning permitted it. Shipping containers have never been specifically allowed on properties covered by Bylaw 500; therefore, they will not be grandfathered.*

- **What we heard:** Please elaborate on whether semi-tractor trailers are considered as shipping containers.

***Our Response:** No, shipping containers are considered different from semi-tractor trailers because of the difference in their structures. For example, shipping containers do not have wheels and are based on ground*

- **What we heard:** Are there any proposed changes for unlicensed semi-tractor trailer in this bylaw?

***Our Response:** Semi truck Trailor will be treated like any unlicensed vehicle. This bylaw will not cover the details on the regulations on semi-tractor trailers.*

- **What we heard:** The proposed change for 2:1 slope for retaining wall does not leave any advantage for brick or block retaining walls against stacking dirt.

***Our Response:** The proposed changes only provide clarity on the regulation rather than proposing any major change. There are only slight modifications to the measurement of height of retaining walls in different scenarios.*

### **Focus Area: Secondary Suites**

- **What we heard:** Will there be changes to secondary suites in this bylaw?

***Our Response:** Draft Bylaw 2500 proposes to clarify the distinction between attached and detached secondary suites, increase the proportion that a secondary suite can be in relation to the principal dwelling from 40 to 49 percent, and reduce the amount of land that is required for a detached suite from 8,000 m<sup>2</sup> to 4,000 m<sup>2</sup>.*

- **What we heard:** Could you please provide insight on how the accessory building maximum (400 m<sup>2</sup>) regulation applies to RU1 properties with farm status and if that falls under different bylaws and regulations if buildings are for farm use?



***Our Response:** There is no proposal to make any changes to this regulation. Farm buildings whose principal use is for agriculture are not considered an accessory building, and any maximum floor area and or height regulation will not be applicable to these buildings.*

#### **General Questions**

- **What we heard:** When will the RDN GIS aerial photography be updated?

***Our Response:** We estimate that that the RDN will have 2022 air photos available in late January of February 2022.*

- **What we heard:** Confirm if there will be any further public consultations regarding this project.

***Our Response:** For this project, the Regional District of Nanaimo is engaging the public in many ways including: virtual meetings, ongoing public surveys, meeting directly with frequent users of the bylaw, and through the project website. Given the technical nature of this document, the Regional District does not intend to organize in-person public meetings or open houses. Should draft Bylaw 2500 receive 1<sup>st</sup> and 2<sup>nd</sup> reading a public hearing would be held.*

**Schedule 3 – Email Correspondence**

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Summary of Email Correspondence

Name	Summary of Comment/Concern	Staff Recommendation	Rationale
K. Staines	Concerned with the project process. Wants to be able to subdivide subject property.	Receive for information	OCP policy does not support rezoning to allow for subdivision of subject property.
Cranberry Volunteer Fire Department	Advised that they can not provide fire services to buildings over 9.0 metres in height.  Wish to allow shipping containers on firehall lands.	Amend height requirements based on building type.	BC Building Code requirements for some types of industrial buildings require additional measures for fire protection.
S. Farlinger	Concerned that the project is not advancing quick enough.	Receive for information	At this time the bylaw is with the project consultant who is preparing the final version.
A. McPherson	Supports use of shipping containers on rural properties with limitations on materials stored and venting.	Receive for information and consider venting should shipping containers be allowed.	Regulating the contents of shipping containers is not practical. The RDN through a citing permit could require shipping container to be adequately vented to reduce the risk of explosion.
R. Moxley	Wants to be allowed to live in an RV on a permanent basis	Receive for information	Most recreational vehicles are not designed to be lived in on a full time basis. Should there be interest in discussing the role of recreational vehicles in providing affordable housing, phase two of the Bylaw review and update project includes reviewing the possibility of living in recreational vehicles and tiny homes.
C. Delcourt	Wants bylaw to support shipping containers	Receive for information	Allowing shipping containers without the ability to regulate their contents poses risks to fire responders. In addition, allowing shipping containers on a permanent basis is likely to have long-term neighbourhood impacts.

Summary of Email Correspondence

Name	Summary of Comment/Concern	Staff Recommendation	Rationale
North Cedar Improvement District	Would like to support shipping containers	Receive for information and amend regulations to allow shipping container for emergency response and preparedness.	Allowing shipping containers without the ability to regulate their contents poses risks to fire responders. In addition, allowing shipping containers on a permanent basis is likely to have long-term neighbourhood impacts.
Cranberry Volunteer Fire Department	Concerned with proposed increase to industrial heights from 8 m to 12 m and height on airport lands.	Amend height requirements based on building type.	BC Building Code requirements for some types of industrial buildings require additional measures for fire protection.
Home Lake Community Association	Would like to increase the maximum combined cabin and porch footprint from 110 m <sup>2</sup> to 145 m <sup>2</sup> .	Recommend increase to 120m <sup>2</sup> maximum combined footprint.	The proposed amendment represents a modest increase in the overall footprint of cabins at Horne Lake and is considered a compromise to address community input in a way which maintains the intent of the zone.
E. Fable	Requests bylaw to define the difference between farm buildings used as a principle use and accessory buildings.	Receive for information.	There are too many variables to define this in a way that would be easy administer and enforce. Our current practice of working with property owners to determine if a building is a farm building appears to be working.
A. Osborn	Concerned about the cumulative impact on the aquifers as a result of secondary suites.  Wants to limit further growth in Electoral Area A until water needs can be met.	Receive for information.	Not within scope of project. Much of the suggestions provided would be best dealt with through Official Community Plan policies or Development Permit Area guidelines.

Summary of Email Correspondence

Name	Summary of Comment/Concern	Staff Recommendation	Rationale
	<p>Wants water availability to be a factor in permitting secondary suites.</p> <p>Wants better mechanism to protect biodiversity.</p> <p>States that current enforcement penalties are inadequate.</p> <p>Concerned with the impacts of development on adjacent properties and wants additional notification.</p> <p>Wants to maintain rural character.</p>		
H. Kreiberg	<p>Suggests the RDN adopt consensus-seeking bylaw enforcement mechanism to help resolve conflicts that arise between a developer and a neighbourhood.</p> <p>Requests improvements to the notification of bylaw amendments.</p> <p>Wants Bylaw 500 to consider growth-management objectives including environmental protection.</p>	Receive for information.	The suggestions go beyond the scope of this project and would require amendments to Board policy and other regulatory bylaws.

Summary of Email Correspondence

<b>Name</b>	<b>Summary of Comment/Concern</b>	<b>Staff Recommendation</b>	<b>Rationale</b>
<p>Steven Stacey, C/O Lewkovich Engineering Ltd.</p>	<p>Suggestions regarding increasing retaining wall height to 1.2 metres in line with EGBC Guidelines for retaining walls. Suggests that the regulations should be simplified. Suggests some modifications to the tiered retaining wall diagram to reflect engineering practices. Suggests differentiation between engineered vs. non-engineered retaining walls.</p>	<p>Refine diagram for tiered retaining walls.</p>	<p>The proposed diagram updates provide clarification.</p> <p>The proposed retaining wall regulations are a shift from regulating retaining walls through a definition, which is unclear and difficult to administer, to general regulations that aim to capture current practice and provide clarification on how to determine if a retaining wall is required to meet the minimum setback requirements.</p> <p>The requested increase in retaining wall height is recommended as it would help to account for historic inconsistencies in how retaining wall height has been measured. In addition, there would be an engineering basis for retaining walls that are required to meet minimum setback requirements.</p>
<p>J. Allard</p>	<p>Wants parcels severed by the construction of Highway 19 to be reviewed and zoning changed.</p>	<p>Receive for information.</p>	<p>This is a known complex and longstanding issue that would require changes to the RGS, OCPs, and the Zoning Bylaw(s). Proposal is beyond scope of this project.</p>
<p>J. Anderson (Greenplan)</p>	<p>Wants detached secondary suites to be permitted on parcels less than 4,000 m<sup>2</sup>.</p>	<p>Create a range of scenarios based on servicing. Change requirement to 2,000 m<sup>2</sup> with community water and 4,000 m<sup>2</sup> on parcels without community water or community sewer.</p>	<p>Proposed change would recognize the predominant 2,000 m<sup>2</sup> parcel size by not excluding these parcels from having detached suites.</p>

Summary of Email Correspondence

Name	Summary of Comment/Concern	Staff Recommendation	Rationale
S. Wilson	Want the bylaw to regulate number of dogs a person can own.	Receive for information.	Not within scope of the project and not something a zoning bylaw can do effectively.
K. Gibson	Concerned with ability to register a building strata.	Receive for information.	See comments on building strata below.
MacDonald Gray Consultants	Want to permit detached suites on any parcel where parcel coverage is not exceeded and Island Health has approved the sewage disposal.	Receive for information.	There could be implications for neighbourhood character, servicing considerations, and drainage concerns.
R. Christie	Concern about people living in Recreational Vehicles	Receive for information.	Not within scope of project.
Williamson and Associates Professional Surveyors	Concern with changes that would prohibit new two-unit building strata development.	Receive for information.	Many issues have arisen for property owners who own a lot in a building strata. This type of subdivision does not require subdivision approval and as a result does not undergo review. Where, the OCPs support it, property owners will be provided an opportunity to achieve similar results through a building strata conversion.
L. Goodfellow	Suggests that fences on top of retaining walls should be allowed to be functional given changes in topography.	Receive for information.	The impacts of retaining wall/fence combinations can be substantial for the property at the bottom of the slope. In addition, the draft bylaw accommodates the request by allowing a retaining wall/fence combination to be up to 2.5 metres in height where the existing bylaw only allows 1.0 metre.
G. Jenner	Concern over ability to have household poultry on lots less than 2,000 m <sup>2</sup> .	Receive for information.	The keeping of household poultry support food security and overall has not been an issue.

Summary of Email Correspondence

<b>Name</b>	<b>Summary of Comment/Concern</b>	<b>Staff Recommendation</b>	<b>Rationale</b>
G. Farstad	Concern over excessive regulation	Receive for information.	No specific request or example. Draft by/law 2500 clarifies and simplifies regulations.



## Greg Keller

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**From:** Kris Staines [REDACTED]  
**Sent:** Monday, July 10, 2023 11:40 AM  
**To:** Lauren Melanson  
**Cc:** bylaw500review@rdn.bc.ca  
**Subject:** RE: 2775/2795 Webster Road - RDN subdivision info

You don't often get email from kris@lansonsdrywall.com. [Learn why this is important](#)

**EXTERNAL** Verify links before clicking.

Morning Lauren,

Thank you for responding. No worries on delay. These things take time. I have included bylaw 500 review, on this email as well as suggested. (I wasn't able to comment on bylaw 500 page, only RGS)

I am surprised and very disappointed to see that there was already meetings regarding this. (Not your faults specifically, but how public is informed needs to be looked at) Just prior to June 8<sup>th</sup> 2022 we started inquiring again about subdividing and were never told about anything about what you mentioned below. Please see email at bottom of this email chain from Alan Cavin, with RDN Planning and Development response June 8<sup>th</sup> 2022 for reference. (We originally looked into subdividing back before covid to have options in the future)

There was no mention to get involved or that there was meetings already going on and there for disappointed I wasn't informed and therefore involved at the beginning of this bylaw 500 review as well as the Regional Growth Strategy. **(Which greatly affects if I will be able to afford to live on my property in the future)**

- (Side note: The system utilized to inform residents of affected areas of bylaw review is flawed and needs to be addressed. The residents in affected areas should receive a newsletter by mail, or an email. Those who reach out like we did, should be added to an email list for anything affecting our property and surrounding areas. The lengths that the city/RDN goes through to inform surrounding neighbors of a 1-1/2" over variance I had to do on my shop was more informative lol)
- (Side note: Regarding the surveys, there is less than 43 responses on any particular survey question. There should be a minimum. If minimum not met then letters/pamphlet should be mailed to all residences in affected areas. Then extend survey by at least 37 days minimum. Seven day allowance for mail delivery and thirty days for response)

Now that I am now involved and registered, I believe your system will now email me every time there is a bylaw or anything changed. I tried adding to bylaw 500 survey but is now closed. The order of events shows the bylaw review is at Community Input Phase. Where do I input for bylaw 500? Just this email? There is no mention of dates (that I can find) of the bylaw amendment Introduction or public hearing. Am I suppose to just keep checking weekly? I don't want to miss anymore of these discussions. The RGS I was able to submit a comment.

Lauren already knows this but my ultimate goal for being involved with this review process of the bylaw 500 & RGS policies and hopefully soon the Official Community Plan, is to hopefully get parcel size down to 2 acres, or at the very least 1 hectare (2.471 acres), so I may subdivide and not have to sell my property when financial costs out weigh my income in the coming years. The high cost of living... food, fuel, property tax's, insurance, maintenance, mortgage costs are being felt not only with my family but a lot people I've talked to this year. I operate multiple business's and feeling the financial burdens of todays economic climate on my business's as well as personal.

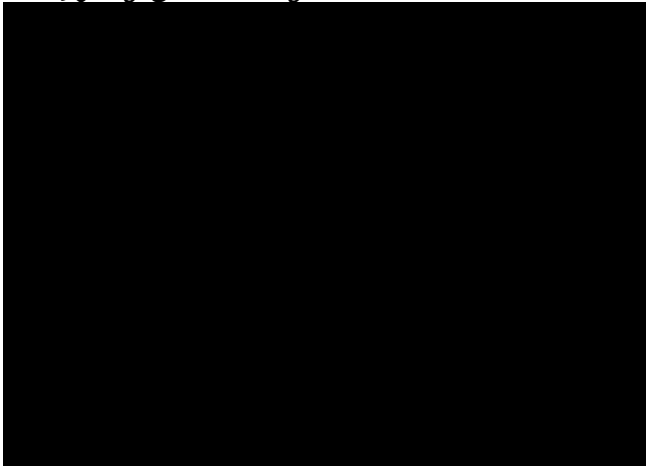
- Side Note: we all ready have second house built with people living in it since 2019... only change necessary would be the paperwork to subdivide and change ownership of that part of property. No new homes built, roads etc... just paperwork.

In closing, yes I would love to meet with you Lauren, onsite, to discuss my current options and concerns. I am free this week. Next week I am camping. The following week of July 24<sup>th</sup>-28<sup>th</sup> I am free as well to meet. Can provide further dates if required.

Thank you for reading my comments and concerns. Look forward to meeting with you and discussing this further. Please feel free to call last minute if you have time free up. I can pop out pretty much anytime to discuss.

Regards,

*Kris Staines*



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**From:** Lauren Melanson <lauren.melanson@rdn.bc.ca>  
**Sent:** Friday, July 7, 2023 7:43 PM  
**To:** Kris Staines [REDACTED]  
**Subject:** RE: 2775/2795 Webster Road - RDN subdivision info

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kris,

Thank you for your patience, June was an exceptionally busy month for the RDN directors, and I do appreciate that this is a long overdue reply.

I have reached out to Stephen and also the Planning General Manager Lisa Grant to discuss potential options for your file.

There have already been several in person public meetings for the updating of the RGS and Bylaw 500. However, if you would like to view drafts and contribute feedback there are active links on the RDN "Get Involved" webpage which are then included in the public record. I have included a link below for your convenience. I would highly recommend adding a review, it is the best way for the entire Board to hear your comments.

[https://link.edgepilot.com/s/9c7a5cff/QtNYxh0hXEi1Z\\_oWXMojGQ?u=https://www.getinvolved.rdn.ca/bylaw-500-review](https://link.edgepilot.com/s/9c7a5cff/QtNYxh0hXEi1Z_oWXMojGQ?u=https://www.getinvolved.rdn.ca/bylaw-500-review)

If you are free sometime in the coming weeks, I would be happy to come see your property and hear your concerns in person. Generally speaking I prefer to speak in person as I find so much nuance can be lost via email.

Sincerely,

Lauren Melanson (she/her)  
RDN Director, Electoral Area C  
[lauren.melanson@rdn.bc.ca](mailto:lauren.melanson@rdn.bc.ca)

*I respectfully acknowledge that I live and work on the traditional lands of the Snuneymuxw People, which they have resided on since time immemorial.*

---

From: Kris Staines [REDACTED]  
Sent: Thursday, June 8, 2023 11:19 AM  
To: Lauren Melanson <[lauren.melanson@rdn.bc.ca](mailto:lauren.melanson@rdn.bc.ca)>  
Cc: Tanina Staines [REDACTED]  
Subject: RE: 2775/2795 Webster Road - RDN subdivision info

You don't often get email from [REDACTED] [Learn why this is important](#)

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Morning Lauren,

Thank you for the response. We are happy to hear, not only the RGS and OCP being reviewed but bylaw 500 as well! Will there be any sort of public forum to chime in on these before they are finalized?

In regards to our property, yes feel free to review our property files. We haven't filed anything for subdivision yet as it wasn't recommended by Stephen Boogaards, Planner/Planning & Development division. (See email chain below) Hence why I reached out to you.

For us to get this subdivision we realize, we would need to:

- First, either get an amendment to the RGS, OCP and bylaw 500 (Expensive way to go) or have these policies reviewed and hopefully adapted to todays economic climate in our favor.
- Setup another well and water system for proposed division of property. (Spot for water system already in place, just need to drill well and attach)
- Probably adjust access to our portion of property due to the hopeful/probable minimum requirements of a 1 hectare lot size. (would prefer 2 acre!!!)
- Apply for subdivision.
  - o Get Site surveyed
  - o Pay all applicable fees

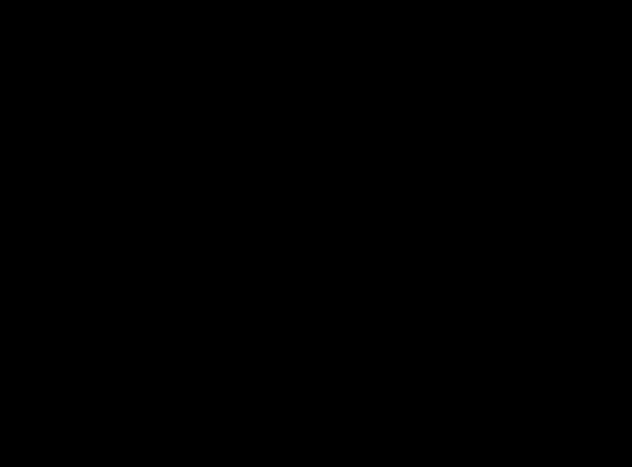
Other than that we would meet the rest of the requirements, that we are aware of:

- Road frontage. (With our property surrounding the cul-de-sac in middle of property. We tried knocking it back to a hammer head dead end and purchasing the extra bit of land it would have provided but was shut down)
- Sewer. (Already setup on its own septic system)
- Set backs. (to new proposed property lines)

We are definitely looking forward to discussing this further in detail with you. If it helps, we could meet on our property to discuss in person, with my wife and I.

Regards,

*Kris Staines*



---

**From:** Lauren Melanson <[lauren.melanson@rdn.bc.ca](mailto:lauren.melanson@rdn.bc.ca)>  
**Sent:** Wednesday, June 7, 2023 9:45 PM  
**To:** Kris Staines [REDACTED]  
**Subject:** RE: 2775/2795 Webster Road - RDN subdivision info

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kris,

Thank you for reaching out to me. I am always happy to talk to Area C residents. With housing costs and general inflation so high these days the concerns you bring forward are certainly becoming increasingly common.

The Regional Growth Strategy is actually currently being updated. It is in the final phase of a several year long update. Likewise, Bylaw 500, which governs land use is also currently being updated. The regional OCPs are updated cyclically. That cycle was interrupted by covid but, I believe Area C's OCP is due for an update soon, although I would have to check with staff to know exactly when.

I would be interested in discussing your property and in more detail if you are interested. Would you mind if I asked staff to let me view your file so that I am up to date on the details of your case?

Sincerely,

Lauren Melanson (she/her)  
RDN Director, Electoral Area C  
[lauren.melanson@rdn.bc.ca](mailto:lauren.melanson@rdn.bc.ca)

*I respectfully acknowledge that I live and work on the traditional lands of the Snuneymuxw People, which they have resided on since time immemorial.*

---

**From:** Kris Staines [REDACTED]  
**Sent:** Thursday, June 1, 2023 11:16 AM  
**To:** Lauren Melanson <[lauren.melanson@rdn.bc.ca](mailto:lauren.melanson@rdn.bc.ca)>  
**Subject:** 2775/2795 Webster Road - RDN subdivision info

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Morning Lauren,

Through my wife's research with planning and development department (email chain below) to sub-divide our property, we got to a point where it was going to cost us a big chunk of money, with no guarantee, to get approval. So I decided to look into the policies/regulations that regulate Nanaimo's growth. Specifically the OCP – Official Community Plan and the RGS – Regional Growth Strategy. Upon my research, I discovered 2 things, first was the policies/regulations are out dated and second, I need to contact a RDN committee member to help get the ball rolling for review of said policies/regulations. As you are representing my electoral area, I'm hoping you are the right person to ask and present getting a motion carried with the RDN committee. *The motion is to review and update the OCP – Official Community Plan & RGS - Regional Growth Strategy through a community meeting.*

*January 13<sup>th</sup>, 1998 was the last amendment to the OCP (25 years) and November 22<sup>nd</sup>, 2011 for the RGS (12 years).* When these were adopted and amended it suited the current needs of it's communities. Since then, a lot has changed. Including our population, cost of living, high rental rates (due to lack of inventory and landlord mortgage costs), property values soaring and communities being restricted, due to outdated policies/regulations. Please note, the OCP was only intended for a 5-10 year outlook according to PG#5 – paragraph 1.5. So I believe there is just cause to review and update these polices/regulations. (Without any cost to my family, based on the information I provided)

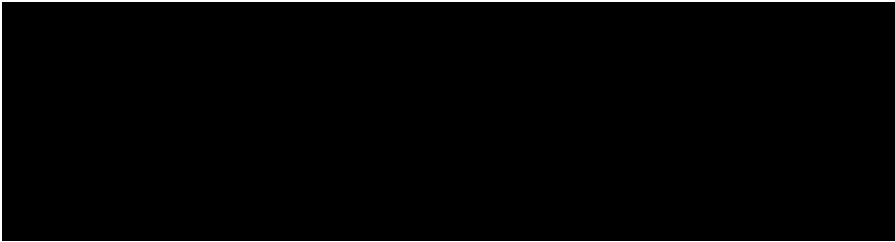
I propose, a meeting to be held, to discuss and update these policies/regulations to better reflect our communities current situation, as well as look ahead for the next 10 years.

My ultimate goal for pursuing this review of the OCP & RGS policies, is to hopefully get parcel size down to 1 hectare, so I may subdivide and not have to sell my property when financial costs out weigh my income in the coming years. The high cost of living... food, fuel, property tax's, insurance, maintenance, mortgage costs are being felt not only with my family but a lot people I've talked to this year. I operate multiple business's and feeling the financial burdens of todays economic climate on my business's as well as personal. Please note: we all ready have second house built with people living in it since 2019... only change necessary would be the paperwork to subdivide and change ownership of that part of property.

Thank you for your consideration and looking forward to your response.

Regards,

*Kris Staines*



Talked to RDN guy. More info below. It's pretty much a no go. They won't even take an application unless it meets community plan which it doesn't. It would cost thousands to even attempt for an amendment which would change it for everyone. Some reading material for your lunch if you get this email. More than one amendment needed. Crazy. He doesn't see it changing in 5 years like you think. They like to avoid rural areas because of the lack of services (water, septic all on their own). He predicts growth in urban areas but not rural.

[Sent from Yahoo Mail on Android](#)



Hi Tanina,

Further to our conversation, if the proposed development does not comply with the Official Community Plan then we cannot consider a zoning amendment.

If you are to pursue an Official Community Plan amendment, then an amendment to the Regional Growth Strategy will also be necessary. The following policy is in the Regional Growth Strategy which would restrict changes to minimum parcel size in the Official Community Plan:

*5.2 The minimum parcel size of lands designated Resource Lands and Open Space or Rural Residential, will not be decreased below the minimum size established in the relevant official community plan in place at the time of adoption of this RGS.*

<https://link.edgepilot.com/s/a697ea9e/Rp41qAOwHkmSkrgHETpnsq?u=https://www.rdn.bc.ca/sites/default/files/inline-files/Bylaw%25201615%2520text%2520%2528consolidated%2520to%252003%2529.pdf>

For reference here is the amendment form: <https://link.edgepilot.com/s/bd9589cf/DQO5w70otUSjYviZ-JVJTQ?u=https://www.rdn.bc.ca/sites/default/files/inline-files/Amendment%2520Application%2520Form%2520Package%2520Fillable%25202022%25200.pdf>. Since a change to the minimum parcel size is not consistent with the growth management principals of the Regional Growth Strategy, as staff we would not be able to support an amendment. Here is also a link to our fee bylaw:

[https://link.edgepilot.com/s/59908cbf/R\\_zeXAz7PEiHFxiXrQNXcg?u=https://www.rdn.bc.ca/sites/default/files/inline-files/Notification%2520Procedures%2520and%2520Fees%2520Bylaw%25201845%2520C%25202022.pdf](https://link.edgepilot.com/s/59908cbf/R_zeXAz7PEiHFxiXrQNXcg?u=https://www.rdn.bc.ca/sites/default/files/inline-files/Notification%2520Procedures%2520and%2520Fees%2520Bylaw%25201845%2520C%25202022.pdf). An official community plan amendment which includes a Regional Growth Strategy amendment is \$4500 (\$3700 RGS + \$800 OCP).

Any full Official Community Plan review would be at the direction of the RDN Board.

Regards,

Stephen

**Stephen Boogaards**

Planner, Planning & Development

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

T: 250-390-6524 | Email: [sboogaards@rdn.bc.ca](mailto:sboogaards@rdn.bc.ca)

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**From** [REDACTED]  
**Sent:** Thursday, November 24, 2022 1:42 PM  
**To:** Stephen Boogaards <[SBoogaards@rdn.bc.ca](mailto:SBoogaards@rdn.bc.ca)>  
**Subject:** RE: Webster Road - RDN subdivision info

Would you mind calling me when you have a moment? 250-619-0567.

Thank you

[Sent from Yahoo Mail on Android](#)



Hi Tanina,

I noticed an issue with demonstrating compliance with the Official Community Plan Rural Residential Designation. Policy 5 in the attached document says:

*“Notwithstanding Policy 4.3.1, the subdivision of a parcel, **which existed prior to the adoption of this Plan**, to parcels less than 2.0 hectares in area shall be permitted within the Rural Residential designation without amendment to this Plan provided that:”*

The [Official Community Plan](#) was adopted January 13, 1998, whereas the parcel appears to have been created December 13, 2011 (after the adoption of the Plan). Therefore, we will not be able to consider a zoning amendment if the request does not comply with the Official Community Plan. Given it is not consistent with the Official Community Plan, I do not think you should pursue this application.

Feel free to contact us if you have any further questions.

Regards,

Stephen

**Stephen Boogaards**

Planner, Planning & Development

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



T: 250-390-6524 | Email: [sboogaards@rdn.bc.ca](mailto:sboogaards@rdn.bc.ca)

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**From:** [REDACTED]  
**Sent:** Thursday, November 24, 2022 10:34 AM  
**To:** Ask Planning <[askplanning@rdn.bc.ca](mailto:askplanning@rdn.bc.ca)>  
**Subject:** Re: Webster Road - RDN subdivision info

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Hi Alan,

We are ready to proceed with trying to rezone our property so we can try to subdivide (2775 & 2795 Webster Rd). Can you please tell me the steps required? Is there an application? What does it cost? You mentioned the rezoning needs to meet the OCP and at this time I think they want to keep the bigger parcels of land in the area I live in...however nothing would actually change. The reason we want to subdivide is to sell a rental house we have to the tenants. There would be no physical changes to the property. It is strictly to change the ownership. There is already a separate septic, separate address and it is set up to get a separate well very easily if it is approved. Any information you can provide me is appreciated.

Thank you for your time,

Tanina Staines

**From:** Ask Planning <[askplanning@rdn.bc.ca](mailto:askplanning@rdn.bc.ca)>

**Sent:** Wednesday, June 08, 2022 10:53 AM

**To:** Tanina Staines

**Subject:** RE: Tanina Staines - Webster Road

Hello Tanina,

In order to subdivide your lot into two parcels you would need to make a subdivision application. However, in order to be considered eligible for subdivision, the property would have to meet our requirements including being able to meet the minimum parcel size requirements as set out in the zoning bylaw (Bylaw 500). This parcel is in subdivision district 'D' which sets a minimum parcel size of 2.0 hectares (4.94 acres) meaning that the smallest lot that can be created through subdivision is 2.0 hectares so you would need at least 4 hectares to be able to create 2 two hectare lots. Since the property in question is less than 4 hectares in size, it is currently not able to be subdivided.

So in order to subdivide you would need to first rezone the property to allow for smaller parcel sizes. A zoning amendment requires the approval of the RDN Board who will be looking to see if the proposed amendment meets the objectives and policies of the Official Community Plan (OCP) as well as other factors such as whether the site has adequate on-site septic disposal capability and potable water supply to service the proposed lots. I've attached the relevant section of the OCP for the land use designation that your property falls under. Let us know if you want more information about this. I've also attached the property's zoning, the minimum parcel size requirements (both from the Bylaw 500), and a property summary report.

Kind regards,

**Alan Cavin**

Planning Technician, Planning and Development

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

T: (250) 390-6510 | | Email: [askplanning@rdn.bc.ca](mailto:askplanning@rdn.bc.ca)

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Cranberry Volunteer Fire Department  
1555 Morden Road  
Nanaimo, BC V9X 1S2  
Phone: 250 754 6068  
cranberrydistrict@gmail.com

BY EMAIL: [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)

May 3, 2023

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

Attention: Bylaw 500 Review and Update Project Team

Dear Sir/Madam:

Re: Bylaw 500 Review and Update Project – Effect on Fire Services

---

I am writing to you as the Chair of the Board of Trustees of the Cranberry Fire Improvement District.

First, concerning my letter to you dated March 1, 2023 and your email to us dated March 14, 2023, I can confirm that the information in my letter of March 1, 2023, and specifically the fact our fire department cannot provide fire services to buildings over 9m (30 feet) in height, came from our Fire Chief. We are not in a position to offer advice concerning the use of sprinklers in buildings.

Second, I note that the proposed Bylaw 500 would place restrictions on the use of shipping containers in the Public 1 (PU1) zone, which is the zone for our firehall lands. We use shipping containers on our lands for year-round training. While the shipping containers that we have now would be “grandfathered” to the new zoning bylaw, we believe that it would be more appropriate for you to give Public 1 zoning the same ability to use shipping containers as you are proposing for Industrial Zones; that is, up to 5 for a purpose associated with the primary use with no limit on the timeframe.



Colen Henson, Chair  
Cranberry Fire Protection District



Cranberry Volunteer Fire Department  
1555 Morden Road  
Nanaimo, BC V9X 1S2  
Phone: 250 754 6068  
cranberrydistrict@gmail.com

- cc. Jessica Stanley, RDN Director for Electoral Area "A" ([jessica.stanley@rdn.bc.ca](mailto:jessica.stanley@rdn.bc.ca))  
Lauren Melanson, RDN Director for Electoral Area "C" ([lauren.melanson@rdn.bc.ca](mailto:lauren.melanson@rdn.bc.ca))



Cranberry Fire Protection District  
1555 Morden Road  
Nanaimo, BC V9X 1S2  
Phone: 250 754 6068  
cranberrydistrict@gmail.com

BY EMAIL: [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)

June 22<sup>nd</sup>, 2023

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

Attention: Bylaw 500 Review and Update Project Team

Dear Sir/Madam:

Re: Bylaw 500 Review and Update Project – Effect on Fire Services

I am writing to you as the Chair of the Board of Trustees of the Cranberry Fire Improvement District. I write in response to the email from Mr. Greg Keller dated May 9, 2023. I have used the questions from Mr. Keller as headings in this letter.

**1. Does the CVFD have mutual aid agreements in place with the City of Nanaimo or other departments who could provide assistance should there be a fire in a building over 9 metres in height where roof access is required or in cases where there was an intense fire in an industrial building or property for example?**

The CVRD does have mutual aid and automatic aid agreements in place with various departments. However, this does not mean that these departments are available to provide assistance in every case where there is a fire in our jurisdiction. We cannot assume that such assistance will always be available. We also do not believe that it would be responsible or fair to effectively foist our responsibility for protecting the buildings in our jurisdiction onto the fire departments and tax-payers in other jurisdictions.

**2. Would taller buildings affect the fire rating and/or insurance rates for these owners or does it come down to other factors like on-site water storage capacity?**

This is not a question that we can answer for you.

**3. Also, can you help me understand, how taller buildings limit the ability of the fire department to provide fire protection. For example, is it a requirement that fire fighters must have a ladder to access the roof? In areas with very tall buildings like the City of Nanaimo or**



Cranberry Fire Protection District  
1555 Morden Road  
Nanaimo, BC V9X 1S2  
Phone: 250 754 6068  
cranberrydistrict@gmail.com

**Vancouver, fire departments would not be able to access the roof via ladder so in those cases how do they overcome similar concerns?**

We cannot answer your question with respect to legal requirements. We do note that high buildings are usually subject to specific fire-safety requirements: See for example BC Building Code 2018, Division B, section 3.2.6.

**4. Would building design and fire safety considerations such as non-combustible building materials, installing sprinklers, and onsite-water storage affect the departments position on industrial buildings taller than 9 metres?**

We are not taking a "position". We feel that it is important for the RDN to be aware of the fact that the CVFD does not have the capability to provide fire protection services to building heights exceeding 9m (30 feet) as the RDN considers making updated to its Bylaw 500.

Martin Buhler, Chair Cranberry Fire Protection District

cc. Jessica Stanley, RDN Director for Electoral Area "A" (jessica.stanley@rdn.bc.ca)  
Lauren Melanson, RDN Director for Electoral Area "C" (lauren.melanson@rdn.bc.ca)

Signature:

Email:



**Greg Keller**

---

**From:** susan farlinger [REDACTED]  
**Sent:** Tuesday, May 2, 2023 2:32 PM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Delay of revisions to bylaw 500

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To the RDN Board

I have eagerly been awaiting updates on the proposed bylaw after some three years of meetings, surveys and a draft bylaw last year. Although the bylaw was to begin readings in March, no updates have been provided and, on inquiring, I understand none of this final portion of the process has occurred.

Personally, that means to me that I must continue to delay plans for a detached secondary suite. Like others in our demographic, this can allow us to provide our house and property to my son and family and to live in the smaller suite.

Given the many layers of challenges with housing and the need for young families to become owners of their own housing in the now permanent market conditions, extended family solutions seem an obvious one of the many necessary to make a difference in this area.

More generally, it is well known in the complexities of housing issues that permitting and restrictive bylaws are one of the primary problems in addressing housing issues.

It is difficult to understand why this bylaw has not yet entered the reading or final hearing stage when it is so urgently needed by many in the regional district.

As a taxpayer since the late 1960s, I am concerned about a bureaucracy unable to make progress in this critical area, given the broad citizen awareness of housing and affordability problems in this area and across the country.

We encourage you as Directors of the RDN to direct the time and resources provided by other levels of government as well as increased taxes to this doable but important measure.

Respectfully

Susan Farlinger  
Robb Wilson  
[REDACTED]

Comments on Bylaw 500 Upgrades and Review Document

1. I will not comment on BC Association of Fire Chiefs narrative on the death of the volunteer firefighter in Enderby.
2. The Upgrade and Review Document should, in my opinion, centre its regulatory initiatives primarily on steps to provide first responders information on the contents of the former shipping containers.

The document narrative that shipping containers only be “temporary” does not recognize the realities of rural living – particularly for residents on larger acreages. The majority of the units now in use are utilized for storage of a number of items not considered dangerous goods. The containers provide a potentially higher level of security – something that stick built buildings do not. The theft of items in rural areas has been increasing dramatically over the past decade. Thefts are reported almost daily of cars and contents, recreational equipment, small to mid-size tractors/ attachments, tools, kayaks, canoes. Despite reporting these to the police, there is NIL follow-up investigation as the incidents are so commonplace that victims are advised by the police these thefts are not a priority item for them. . Recommendations from various animal welfare groups have included separation of livestock living areas from feed storage. These recommendations have stemmed from incidents where forage crops have been exposed to moisture and spontaneous combustion has resulted in the loss of livestock. The use of a container for storage for feed provides the necessary separation to eliminate that concern and applies to both farm and non-farm properties where agriculture is permitted.

3. The concerns expressed about the containers being unsightly and extending this narrative to include all properties again does not recognize the realities of the larger rural properties. I, for example, reside on a 5+ acre property. The properties on all but one side of our lot are unoccupied and unlikely to be developed in the near future. The 5 acre property on our east side is separated by a grove of trees. Within one kilometre of our residence, there are at least two dozen properties with similar demographics. Most rural people know their neighbours and, if there is something they would like to see changed they discuss it with their neighbour and do not rush to file complaints; although, in recent years, some of the retirees who have moved from the cities exhibit a less *laissez-faire* attitude. If regulatory action is required, it is suggested that it focus on small lots with higher density development. As an aside, while the focus is on shipping containers and their contents, there are no concerns expressed about the contents of a garage – particularly on small lots. One can only imagine the quantities and mixes of regulated products therein.

Regulatory action should be centred on the contents of the former shipping containers. For more than thirty years, I was involved in the marine industry with movement of passengers, cars, railcars and tractor trailers.

During that time, there were only two incidents of any magnitude involving dangerous goods. One involved the compound action of heavy seas and a mechanical failure of the leg support on a trailer. The precautionary steps required were somewhat onerous. The situation was handled without



injury to personnel or the general public. The other incident was a trailer leaking an unknown, non-manifested product at its rear doors. When there were incidents involving such units, the first call was to CANUTEC, the Canadian Transport Emergency Centre operated by the Transportation of Dangerous Goods (TDG) Directorate of Transport Canada. Canutec is staffed by chemists who will readily advise on how dangerous goods will interact and guide first responders on how to control the situation. In this instance, the carrier also failed to manifest another product whose interaction with that leaking container. It highlights the fact that, no matter how regulated goods and practices are, there will always be “bad actors” who ignore them when convenient to do so without any thought for the potential for adverse consequences. In the latter incident, the carrier was assessed large financial and operating penalties. Over the many years, investigation of all incidents highlighted the fact that equipment failure posed the greatest risk of mishap.

4. As noted previously, regulating the contents of storage units should be the top priority. Proper placarding of the storage units to give first responders some idea of what may be involved requires some level of cooperation from those utilizing the former shipping containers for storage of items. If local government's intent is to get the necessary cooperation to be effective then the regulations need to seem reasonable, easily accomplished and not overly costly. Alternatively, if the application of regulations are for the purpose of limiting local government's liability then there will be low levels of compliance by users – particularly, if such regulations threaten their livelihoods. I strongly suggest that placards be utilized to provide information on the container's contents. If, for example, the contents of a unit are non-dangerous goods (e.g. documents, bales of hay, small equipment, tools) the placard would indicate this. Limited consumer quantities of fuels, paint and other flammables held in approved containers might warrant a second or different placard. The BC Ferry Corporation regulations allow for carriage of consumer quantities of many chemicals and flammable products without placarding; although, they must be declared at entry to the terminal for inspection as deemed necessary. There is a recognition that transport of certain quantities of hazardous goods is necessary for day-to-day living needs. One frequently sees trailer load quantities of forage feeds on the BC Ferry vessels with the only requirement being that they be tarped so as to limit airborne particles. There is some recognition by Transport Canada that relatively minor quantities of certain products do not pose a significant hazard to the public. The same sort of understanding should be applied in the instance of the former shipping containers but with the added factor of requiring them to be placarded. Uniformity in size of placards and information thereon dictates that the regulatory body provides the placards at nominal cost. The number of placards and location on the unit would also need to be regulated.

Again, if the regulations are viewed as onerous and impairing their ability to stay in business then there will be limited compliance. The tools available to the regional districts to enforce such regulations are limited.

5. I am concerned that both Fire Departments and community utilities are being denied use of a storage container or trailer van on their properties to hold emergency response supplies such as containment booms for oil and chemical spills. Or in the case of the NCID water treatment plant which must meet the stringent requirements of the Island Health Authority. This necessitates having bagged chemicals on hand to meet water quality requirements. Some of these bagged chemicals require advance purchase. It is not practical for these to be held at

a remote site so a former shipping container has been situated on site. The certification levels required for the environmental operators of the treatment plant ensure that these individuals are intimately familiar with the potential reactions and interactions. Storage of such items similarly aids response organizations in carrying out their duties in a timely fashion. Utilities and first responders should not be denied aids that make them more efficient in serving the needs of the community. Regulations should not be used to limit their effectiveness or impair their ability to meet the regulatory requirements of other government organizations such as Island Health Authority.

commonly stored trailer loads of emergency supplies for cleanup of spills within water systems by the designated first responders so that these supplies were closer to where they might be needed. The designated bodies simply had a tractor unit call at the terminal and move the trailer units to where they were needed. The time saved in not having to move these essential supplies out of a warehouse and transport them long distances was a boon to the petroleum industry amongst others. Protection of the environment was the number one concern.

6. I am in agreement that former shipping containers not be used for long-term use of dangerous or hazardous goods on residential properties. Other levels of government have sets of regulations that dictate where and how such goods can be stored and they are typically on properties zoned Industrial.
7. I am in agreement that the former shipping containers not have any electrical connections.
8. I am in full agreement that the containers be situated so as to allow access by first responders and their equipment. Note that this assumes that the access routes will support the heavy equipment in common use by first responders.
9. I do have a concern with adding non-powered air circulation units. My concerns would mainly lie with what constitutes an approved or acceptable unit as well as how they are installed. Cutting into the shipping containers could well provide access routes for moisture if crudely installed.
10. I have had contact with several builders who, admittedly, are reluctant to undertake work within the RDN. I did not pursue this area of conversation as I have heard from multiple other builders over the past several years. As interesting was the advice from two that shipping containers have been regulated within the City of Nanaimo for some time. It appears that the Building Inspectors and Bylaw Enforcement have found some innovative ways to allow businesses that utilize them to continue to use them. Minor modifications in one instance resulted in the business constructing a small roof over the container to be able to continue to use the container for storage. While anecdotal, I remain hopeful that alternate solutions will be found as any regulations mature.

Respectfully submitted,


Alec McPherson, [REDACTED]

## Greg Keller

---

**From:** Robin Moxley [REDACTED]  
**Sent:** Friday, March 17, 2023 12:11 PM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** RV

You don't often get email from [REDACTED] [Learn why this is important](#)

 **EXTERNAL** Verify links before clicking.

Hi. I'd like to know if there is a possibility for folks on their own land, with full proper hookups, to live in an RV. With the housing shortage and more people being forced to live in RV's. The property was bought in '62. There has always been 3 houses and an RV on the property. Houses have changed hands over the years by family. So, we sold our house to my son and while waiting for my in-laws to get a place in retirement home, we bought a 5th wheel and parked it where my sons was. RDN showed up and gave us the boot. If you take a drive in Cassidy every other yard has RVs. The farm across from us has 4. We are at [REDACTED] for now but come Easter weekend there is no where to go. All campgrounds are full. What is a person to do?

I realize we will be stuck with no where to go, but it just isn't fair to hard working folks who tried to do the right thing for family.

Robin

## Greg Keller

---

**From:** Carl Delcourt [REDACTED]  
**Sent:** Thursday, March 16, 2023 12:39 PM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Bylaw

You don't often get email from [REDACTED] [Learn why this is important](#)


 **EXTERNAL** Verify links before clicking.

Hi I have seen people express there views that containers are unsightly so then because of some people that don't like rectangles or the color of a building you will limit others rights to inexpensive storage on there property not yours .fact shipping containers are not permanent structures unless anchored to slab.They are neat and clean .They are structurely stronger than most buildings on ships they can have 32000.00 pounds in a 40ft container stacked five high and extremely resistant to hi torque loads.They pose no environmental problems simply put any restrictions are based on people who think it's there right to tell me what my property should look like and property is clean and well organized due to sea cans thank you for your time sincerely Carl Delcourt.

## Greg Keller

---

**From:** Jennifer Bradley [REDACTED]  
**Sent:** Thursday, March 9, 2023 11:39 AM  
**To:** bylaw500review@rdn.bc.ca  
**Cc:** Jessica Stanley  
**Subject:** Bylaw 500 Update Project  
**Attachments:** Bylaw 500 Update.pdf; Shipping Container Bylaw RDOS.pdf

 **EXTERNAL** Verify links before clicking.

Good Morning Ms. Stanley

I was reviewing the proposed changes to Bylaw 500 and found the attached document "Focus Area: Structures, Shipping Containers and Retaining Walls". This document recommends not allowing containers on properties for more than 3 months a year and on commercial properties for a max of 1 calendar year. These containers are used by public, commercial, industrial and agricultural zoned properties as a in expensive and secure means of storage. The North Cedar Improvement District has had a container on our property located at 1723 Cedar Road for 4 years now as storage. The container was an inexpensive alternative to the District for storage that is secure, weather proof and fire proof. I hope that the RDN reconsiders what is proposed and look to allowing shipping containers being permitted. I have also attached a copy of a draft bylaw from the Reginal District of Okanagan-Simikameen which sets regulations to allow the use of shipping containers (metal storage container).

Thank you

Jennifer Bradley | Administrator | North Cedar Improvement District

2100 Yellow Point Rd, PO Box 210, Cedar BC V9X 1W1 | Tel: 250.722.3711 | Fax: 250.722.3252 | Website: [www.ncid.ca](http://www.ncid.ca)  
|

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## Cranberry Fire Protection District

1555 Morden Road  
Nanaimo, BC V9X 1S2

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BY EMAIL: [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)

March 1, 2023  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Attention: Bylaw 500 Review and Update Project Team

Dear Sir/Madam:

Re: Bylaw 500 Review and Update Project – Effect on Fire Services

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I am writing to you as the Chair of the Board of Trustees of the Cranberry Fire Protection District. We are responsible for the Cranberry Volunteer Fire Department ("CVFD"). The CVFD is responsible for providing fire protection services in South Wellington and, through contract with the RDN, Cassidy. This area includes the industrial lands along the Trans-Canada Highway and the Nanaimo Airport.

It has come to our attention that your proposed amendments to Bylaw 500 would increase the maximum building heights in all industrial zones from 8m to 12m. The proposed Bylaw 500 also creates a new Nanaimo Airport, Development Area B – Airport Commercial zone, in which maximum building heights would be 15m for hotel use and 10m for other uses. All of these proposed new heights are beyond the capability of the CVFD to provide fire protection services.

The CVFD is able to provide fire protection services to a maximum building height of 9m (30 feet). The CVFD could not provide fire protection services to the new maximum building heights in the proposed Bylaw 500 for industrial lands and the Nanaimo Airport, Development Area B – Airport Commercial zone. We feel it important for you to take this fact into account in considering maximum building heights in the proposed Bylaw 500. If you intend to keep the proposed new heights, please let us know how you intend to ensure that the buildings in the affected zones will have adequate fire protection services available to them. Thank you.

Chair, Board of Trustees  
Cranberry Fire Protection District



cc. Jessica Stanley, RDN Director for Electoral Area "A" ([jessica.stanley@rdn.bc.ca](mailto:jessica.stanley@rdn.bc.ca))  
Lauren Melanson, RDN Director for Electoral Area "C" ([lauren.melanson@rdn.bc.ca](mailto:lauren.melanson@rdn.bc.ca))



Horne Lake Community Association

February 24, 2023

Regional District of Nanaimo Planning Department

By email: [planning@rdn.bc.ca](mailto:planning@rdn.bc.ca)

*and*

6300 Hammond Bay Road

Nanaimo, BC

V6T 6N2

RE: Bylaw 500 Review and Horne Lake Comprehensive Development Zone 9 Amendments

Dear Directors of the Regional District of Nanaimo,

The Horne Lake Community Association (the Association) is comprised of all of the owners of Strata Plan VIS 5160. The Association serves and advocates on behalf of the owners in the Horne Lake Comprehensive Development Zone 9.

Representatives of the Association have met with Planners at the RDN over the last two years as part of the stakeholder engagement sessions related to the Bylaw 500 review, which specifically includes an update of the CD9 Zone.

For context, the CD9 Zone applies to a very specific area within the District and it is comprised solely of members of the Horne Lake Community Association. The Association delivers consistent, democratically-driven advocacy and communication on behalf of the community. Unfortunately, throughout the various meetings with Planning Department staff, our community through our representatives, have not been consulted on any of the proposed changes. We have been informed, but not consulted.

The Association is now writing to the Regional District of Nanaimo, including the elected members of the Board to express our frustration and disappointment with the lack of meaningful engagement in general, and to express our dissatisfaction with a specific change that we have been informed will be included in the draft changes to the CD9 Zone.

The Association is pleased the draft rewrite of the CD9 Zone will no longer require a variance application where an owner desires to build a dwelling in the Zone with all of the allowable floor area on a single level. We welcome this change as it will eliminate an ill-conceived and discriminatory building restriction that disadvantaged members of our community who had mobility issues, and for whom multi-level accommodations, particularly in an off-grid community, presented a serious, significant and unfair barrier to the enjoyment of their properties.

However, the Association is frustrated and angry to learn that this change in the floor area restrictions will come at the sacrifice of the already allowable exterior deck space of the dwelling. For clarity, the



existing CD9 allows building plans that incorporate two levels of living space up to 70m<sup>2</sup> of living area footprint on one level and up to 35m<sup>2</sup> on a second level (for a total of 105m<sup>2</sup> of interior floor area), plus up to 40m<sup>2</sup> of exterior deck space – provided all required setbacks and other reasonable restrictions are met. The existing writing of the Zone allows owners who are able to move within a two-level structure the benefit of having outdoor deck space.

However, we have been informed that under the revised CD9, proposed building plans that exceed 70m<sup>2</sup> on a single level will have their allowable deck space (40m<sup>2</sup>) reduced in a one-for-one calculation up to the maximum allowable floor area of 105m<sup>2</sup>, leaving as little as 5m<sup>2</sup> of allowable deck space. This proposal discriminates significantly and unnecessarily against members of our community who have mobility issues and cannot – for practical as well as safety reasons – avail themselves of a second level within the dwelling. Our representatives have requested justification for this arbitrary and discriminatory restriction and the Association is unsatisfied with the response we have received from the Planning Department.

Allow us to present an example:

The Smith family is an able-bodied family unit that own a property at Horne Lake. They are planning to rebuild a dilapidated cabin in the CD9 Zone. They submit their plans for a compliant structure that includes 70m<sup>2</sup> of main floor living area (including a simple kitchen, dining/sitting area, bathroom and one bedroom) as well as 35m<sup>2</sup> of second floor living area (for two additional bedrooms) serviced by a set of stairs. In addition to this compliant design, they have included 40m<sup>2</sup> of outdoor deck space as they are entitled to under the Zone, which includes a covered entry and a deck on the back side of the cabin to enjoy the outdoors. They meet all of the required setbacks from the lake, property lines, etc. Their plan would be granted a building permit with no required changes according to the existing Zone requirements.

The Benson family are neighbors to the Smiths. After years of using an old RV for accommodations supplemented by tents, they are finally in a position to build a cabin on their lot. They count 3 generations in their family unit and wish to build a cabin that will accommodate all members of their family at the property. However, grandfather is wheelchair bound, and grandmother has two artificial hips which cause her significant pain when climbing or descending stairs. In addition to this their son is confined to a wheelchair. The Benson family would like to build a one-level, level-entry cabin so that all of the bedrooms can be accessible to family members who can't move up and down stairs. The Bensons submit a building plan with 105m<sup>2</sup> of living space on the main floor (same total living area as their neighbors, the Smiths), and 40m<sup>2</sup> of outdoor deck space which includes a covered entry and a deck on the back side of the cabin to enjoy the outdoors (the same as their neighbors, the Smiths had approved). The Bensons meet all of the required setbacks from the lake, property lines, etc. However, unlike the Smiths, when the Bensons submit their request for a building permit it is denied, and they are told that they either have to reduce the size of the deck to 5m<sup>2</sup>, or they have to reduce the combination of the floor area and the deck to 110m<sup>2</sup> or less. When they say that doesn't meet their needs, it is suggested that they can build a patio in lieu of a deck. Frustrated, the Bensons point out that – like the majority of properties at Horne Lake - a patio cannot be built on the same level as the living area due to the natural grade of the lot. Thus they will require stairs or a ramp to access any patio, which places an unfair and





discriminatory burden on their family due to the mobility issues of family members that their neighbors the Smiths don't have to endure.

While they are fictional families, the Smiths and the Bensons represent reasonable, plausible examples of families that make up our community. Our Association has not been presented with a reasonable argument for denying people with mobility issues the same amenities and features in a cabin that able-bodied users are afforded.

Representatives of the Association have presented this issue of discriminatory building restrictions in our engagement sessions but so far we have not received the support of the Planning Department to eliminate this discrimination.

By way of this letter, the Association would like to register the following points on the record for the Regional District of Nanaimo:

- As the elected representatives of the community of Horne Lake (Strata Plan VIS 5160) the Association represents the majority of owners. The Association supports amending the CD9 Zone to eliminate all forms of discrimination in the building restrictions by allowing single-level structures to include up to 105m<sup>2</sup> of interior living spaces and up to 40m<sup>2</sup> of deck space, as is available to members of the community who are able to enjoy multi-level structures
- The Association offers that such a change will not alter the intended use of the properties, nor will it increase the density or intensive use of the properties in any way – it would simply allow people to live on one level instead of two
- We also offer that the potential increase in total lot coverage as a result of this change will be negligible - indeed infinitesimal – in comparison to the overall volume of land included the Horne Lake community (which includes over 1,300 hectares or 13,000,000m<sup>2</sup> of land, with less than 400 dwellings allowed in that space), and thus will not have a measurable impact on the environment
- We further offer that allowing single-level structures to include up to 105m<sup>2</sup> of interior living space and up to 40m<sup>2</sup> of deck space would not alter or supersede in any way the existing setback requirements from the lake, watercourses, property lines and other landmarks, which are scientifically-supported restrictions on buildings designed to protect the Horne Lake ecosystem, and which the Association supports and actively enforces to the limits of our ability
- Finally, we submit that the original CD9 Zone requirements unintentionally discriminated against persons with mobility issues and that all forms of discrimination should be eliminated immediately and forever from the Bylaws of the Regional District of Nanaimo

The Association, on behalf of the members, would like the Regional District of Nanaimo to commit to eliminating the existing discriminatory building restrictions in the Horne Lake Comprehensive Development Zone 9 as part of the Bylaw 500 review process.



Sincerely and respectfully,



Erika English, Managing Broker and Strata Agent on behalf of the Elected Council of Horne Lake Community Association

*BCC: Vanessa Craig, Board Chair, Director Electoral Area B  
Tyler Brown, Vice-Chair, City of Nanaimo  
Jessica Stanley, Director, Electoral Area A  
Lauren Melanson, Director, Electoral Area C  
Bob Rogers, Director, Electoral Area E  
Leanne Salter, Director, Electoral Area F  
Lehann Wallace, Director, Electoral Area G  
Stuart McLean, Director, Electoral Area H  
Leonard Krog, City of Nanaimo  
Sheryl Armstrong, City of Nanaimo  
Ben Geselbracht, City of Nanaimo  
Erin Hemmens, City of Nanaimo  
Paul Manly, City of Nanaimo  
Janice Perrino, City of Nanaimo  
Ian Thorpe, City of Nanaimo  
Doug O'Brien, City of Parksville  
Sean Wood, City of Parksville  
Mark Swain, District of Lantzville  
Teunis Westbroek, Town of Qualicum Beach*

## Greg Keller

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**From:** Ea Fable [REDACTED]  
**Sent:** Friday, February 17, 2023 1:28 PM  
**To:** Greg Keller  
**Subject:** Re: Bylaw 2500 revisions

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Hi Greg,

I am just following up on my email once more as I did not hear back from you. Hoping you can clarify the things I asked about.

Thanks

On Tue., Nov. 29, 2022, 4:33 p.m. Ea Fable [REDACTED] wrote:

Hi Greg,

I was at the setbacks meeting last night, [REDACTED]. I had asked about the classification of accessory buildings vs agricultural buildings in RU1 zoning. Last night i further combed over the draft of bylaw 2500. The issue i see is that the bylaw lacks any specific regulations around farm status. There are many clarifications under the AG1 and AG2 zones but under RU1 it does not specify how farm status and agriculture relate to buildings. This is an obvious grey area that i could see causing issues down the road. You suggested that under farm status, all primary agriculture use buildings (e.g: barns, hay storage) fall under a different classification than "accessory" buildings. While this makes sense logically, there is no bylaw to back this up. If i were to apply for a building permit to build a barn, i feel i would likely be turned down because we are maxed out on our allowable "accessory building" square metres. I believe it makes sense to include in bylaw 2500 a section that outlines the definitions and classifications for buildings on a property with farm status in various agriculture permitted zoning in order to reduce conflict and confusion for people operating farms in rural zoning.

[REDACTED]

thanks for your time,


Ea Fable

## Greg Keller

---

**From:** Andrea Osborn [REDACTED]  
**Sent:** Sunday, January 1, 2023 3:35 PM  
**To:** Jessica Stanley; bylaw500review@rdn.bc.ca  
**Subject:** Comments on Bylaw 500 Review  
**Attachments:** RDN Letter Andrea Osborn 2022 12 31.pdf

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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Hello RDN! Happy New Year,

Please find attached a signed copy of the comments below on the amendments to Bylaw 500.

Thank you for the opportunity to contribute to this process.

Andrea Osborn

December 31, 2022

I would like to first thank RDN staff for the great job on the bylaw amendments. The addition of images to the document, reformatting for clarity, and targeted approach to improving specific issues that have created problems or inconsistencies is very much appreciated. In reading through the amendments and additions, they are logical and well described. My specific concerns were generally well addressed as I worked through the details.

I do have a few comments to share on the bylaws, as well as some overarching related thoughts about ongoing sustainability and maintenance of healthy communities.

### RR2 Zoning and Secondary Suites – Impacts on Water Availability

We continue to face population growth on the Island and it's unlikely that the pressure will decline in the coming years. I think it is important to consider the potential cumulative impact on the area, should all property owners pursue these options. While not everyone with the option to add a second dwelling place or secondary suite will do so, I feel it's important to look at what could potentially happen if they did.

If I am reading correctly, each property in an RR2 zone will be allowed to have 2 dwelling places if it is greater than 2 hectares in size. Given the bylaws on secondary suites, each of those dwelling places could also have a secondary suite (with one of those being detached).

Given these allowances, the population on my own road [REDACTED] could easily be more than doubled. Even with the Yellow Point Aquifer DPA requirements in place for construction of new dwelling places, the most recently constructed home on my road has insufficient water for their needs, in addition, our neighbors on the waterfront have had their wells become saline over the last 15 years.

Secondary suites are exempt from the requirements of the Yellow Point Aquifer DPA, and I feel that that water availability needs to be considered for their addition, both in Area A and throughout the RDN. There needs to be a point for each area when we can say 'no' to further population growth until we have the means to meet our cumulative basic water needs.

While I understand the need for consistency across the entire RDN, the individual nature of each area needs to be considered. The limitations on growth could be addressed either by amendments to development permit areas, or use of sub-zones within the RR2 zoning.

### **Habitat Loss to Development**

The other issue that I feel needs to be considered on a larger scale is the net loss of biodiversity and habitat from development. In a recent development on my road, many established trees were removed for the construction of an accessory building. These trees, owned by an individual and legally removed, provided an ecosystem service that has now been lost. Consideration should be given to how we replace that ecosystem service to support the maximum biodiversity of our entire area; this could occur through restoration projects as a requirement of property development, or provision of more protected areas within our communities.

The maintenance of biodiversity is one of the tools available to protect our own populations against emerging infectious diseases. For example, with climate change and habitat degradation we all now live in an area at increased risk for [Lyme Disease](#). The [BCCDC is currently studying](#) this too help us understand how to adapt to these changes, however, as a general concept, forest and wetland preservation can minimize the ideal habitats for disease vectors such as ticks and mosquitos. These measures should be included in overall community planning for public health protection.

### **Fines and Enforcement**

The current fines for bylaw infractions are inadequate. \$1000 or \$500 will do little to prevent bylaws being broken when an individual stands to gain a great deal from development. A staggered approach to fines should be considered to allow the RDN to levy a small fine in the instance of an honest mistake, to much more significant fines in the face of egregious disregard of rules put in place to protect us all.

### **Impact of development on neighboring properties**

Having recently had one of our neighbors build a large accessory building, I would like to provide some comments on the development process on our neighborhood.

The recent addition of a large accessory building on [REDACTED] has created conflict and tension in the neighborhood. I would like to ask the Regional District to consider a change to the existing protocols, particularly when neighboring properties are impacted.

It would be beneficial for neighbors to have prenotification of development activities, particularly if structures are large, near the maximums allowed, or taken all the way to minimum setback requirements. If the neighbors are concerned about the ability to enjoy their own properties as a result of the new development, mitigation measures need to be identified before development is allowed to occur. For visual impacts, some form of screening should be required, for noise related concerns, sound proofing of buildings or activity limitations could be considered. Mitigation measures would need to occur on a case-by-case basis depending on the nature of the development and neighborhood concerns.

I am very strongly supportive of being able to maintain the rural nature of Area A as has been outlined in our OCP. A balance needs to be struck between population growth, the ability to produce food locally and the protection of biodiversity for human, animal and environmental health. The consideration of the cumulative effects of population growth and development in our area is critical to enable all of us to thrive.

Thank-you for your consideration of these thoughts, and for the great work on the bylaw amendments.

Andrea Osborn


[REDACTED]

Sent from [Mail](#) for Windows

## Greg Keller

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**From:** Henrik Kreiberg [REDACTED]  
**Sent:** Saturday, December 31, 2022 4:47 PM  
**To:** Jessica Stanley; [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)  
**Subject:** Bylaw500 Review notes and submission  
**Attachments:** BL500 subm Kreiberg 221231.pdf

 **EXTERNAL** Verify links before clicking.

TO:

- 1) Jessica Stanley, Director for Area A: [Jessica.stanley@rdn.bc.ca](mailto:Jessica.stanley@rdn.bc.ca)
- 2) Greg Keller, RDN Sr Planner: [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)

Dec 31, 2022

Dear Jessica and Greg

Re the Bylaw 500 review, Andrea and I have both spent much of the past few days deep in the good and abundant documentation provided in support of the review. We turned in our survey, and we are each submitting a letter with remarks on the draft bylaw. Mine is attached, and as Greg's email is the same as the contact email for citizen submissions, I trust my letter will join the others received.

I want to place with you both a thought which emerged from the time our household spent with the draft bylaw and documentation:

The bylaw revisions go visibly toward control of pinchpoints for EA residents, i.e., those property-development activities which create the most tension and upheaval for neighbours. That is positive.

What's still well from complete is addressing how the RDN can be more pro-active in brokering solution-finding where a property-owner's wishes come into sharp conflict with the interests of neighbours. EAs characteristically fall under lighter and less intensive regulation than municipal areas, and those neighbourhood clashes are a continuing hallmark of life in an EA.

As it stands now, we have a confrontation-based process for handling neighbourhood clashes over property development. It would be a relief to all concerned if case-specific consensus-seeking mechanisms could become part of BL500's scope, and be supported by other RDN oversight mechanisms.

Arbitration is a well-established tool for resolving serious conflict in many areas of human endeavour. There would appear to be good reason to explore using the lessons and principles of arbitration in a growth-management context. I have not looked for it methodically, but a search for that would be something well-suited to contracting out, and might still fit the timetable for BL500.

I hope this is thought-provoking. With so many local government entities in the first world, there will almost certainly be examples of consensus-finding approaches and analogies to build on, and to help the RDN take a broader leadership role in constructive management of its responsibilities.

Best/HK

(Henrik Kreiberg)



Bylaw 500

REVIEW & UPDATE PROJECT



## Focus Area: Structures, Shipping Containers & Retaining Walls

### Overview

Bylaw 500’s current definition of a Structure needs to be updated to better clarify what it entails and how it is to be applied. An updated definition will help to clarify what is considered to be a Structure along with where and how exemptions are applied for better consistency and comprehension, specifically as it relates to setbacks. Furthermore, Bylaw 500’s current regulations for retaining walls are not sufficiently clear enough to enforce the various retaining walls being constructed. Similarly, Bylaw 500 does not currently include regulations for shipping containers.

**Project Goals:**  
The purpose of the update to Bylaw 500 is to simplify and modernize the bylaw to make it more usable and effective and to reduce overlaps or redundancies with other legislation or planning documents.

### Background

Bylaw 500 currently includes a broad definition for a Structure where certain specific items are either included or excluded. While Retaining Wall is separately defined, the definition of a Structure also includes the extent of regulations related Bylaw 500’s retaining wall requirements. The current definitions in Bylaw 500 are:

***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, fences under 2.0 m in height and transparent fencing or transparent vertical extensions greater than 2.0 m in height where the fence is required for agriculture or farm use.*

***Retaining Wall** means a structure erected to hold back or support a bank of earth.*

No additional regulations for retaining walls are currently part of Bylaw 500 nor are these definitions sufficiently clear to address:

- negative impacts of small retaining walls in inappropriate locations that do not technically meet the size requirements for a retaining wall;
- overly large retaining walls that should be tiered;
- the mitigation of
- how the size of

WE THINK ANY CHANGES TO THE BYLAW SHOULD SIMPLIFY THE RETAINING WALL RULES. WE DON'T THINK ANY UPDATES SHOULD ATTEMPT TO OVERCOMPLICATE AND ACT AS A CATCH-ALL FOR ALL POTENTIAL CIRCUMSTANCES. EGBC HAS A GOOD AND COMPREHENSIVE GUIDELINE FOR RETAINING WALLS. I THINK THAT WOULD BE A GOOD AND SAFE RESOURCE TO REFERENCE.





**Bylaw  
500**

## REVIEW & UPDATE PROJECT



Shipping containers are not currently identified in Bylaw 500 and therefore are a de facto Structure; however, the regulations for structures do not sufficiently address the considerations for shipping containers.

### General Structure Considerations

A Structure is typically an umbrella definition that includes anything that is built or constructed. All Structures within Bylaw 500 must meet minimum height and setback requirements. The implications of these requirements to different building or structure types can be significant.

Specific types of structures vary between residential and commercial contexts. For example, some structures may be appropriate to be located within the setback area of a residential property. These may include structures related to landscaping or temporary uses.

Key questions to guide what should be a Structure or not include:

- What objects are required for the development but are challenging to locate outside of the setback area and / or have minimal impacts on adjacent properties (such as light, noise and privacy)?
- What objects are optional for development and / or can meet minimum setback requirements with minimal efforts? (such as hot tubs, pools, and heat pumps)

While structures can vary between residential and commercial contexts, these items located within the minimum setback area can have negative impacts on adjacent property owners. It is important to establish what items are necessary to define as a Structure, and which are not. If an item is not considered to be a Structure, they will not be required to meet the minimum setback, which can result in them being closer to an adjacent property. This as a result, has the potential to negatively impact said adjacent property and is an important component to keep in mind on the reasonableness of an item requiring a setback or not.

One proposed solution for addressing how Structures relate to setbacks is to clarify the definition of a Structure to include or exclude certain objects or forms of development. This option is similar to how the RDN currently defines a Structure but would expand that definition further. Conditions embedded in the definition would apply to all Structures in areas affected by Bylaw 500 and could get cumbersome if too many considerations are required. If that occurs, there is an opportunity to add general regulations to Bylaw 500 that can further clarify different aspects of how a Structure is interpreted or applied.

### Retaining Wall Considerations

A type of structure that requires particular attention regardless of zone is the retaining wall. Retaining walls have additional structural and engineering requirements as they increase in size and retain more earth. There are a variety of examples of how retaining walls are used to adjust the grade of land to accommodate development and buildings. Most retaining walls are located on the property line to delineate between two different properties and so cannot meet setbacks. Based on the definition of a Structure, a retaining wall becomes a Structure when it is **over 1 metre** in height that retains more than 1 metre of earth'. However,

**THIS SHOULD BE CHANGED TO 1.2m**



despite the definition of Height (see the Discussion Paper on Building Heights), there are still questions specific to retaining walls such as where height is measured from or where the amount of soil is measured from, specifically whether these points of reference are on the exposed side or the back-filled side. In the measurement of soil, the 1 metre requirement would need to be increased to 1.5 metres if the exposed side was used as the measurement reference point. Bylaw 500 also does not address how to calculate height in situations whether a fence is placed on top of a retaining wall. An additional level of detail or clarification would aid interpretation.

The following diagrams illustrate the options for where both height and width of retaining walls are calculated from. Figure 1 focuses on the low and high points of where height is to be measured. Point A and Point B relate to the different sides of the wall that could have substantially different heights depending on the wall. Point C illustrates a low point where riprap is included in the overall support of the wall. Rip rap is technically not a Structure if the slope is less than 1:1. Points D and E are the high points for the wall that could either be the top of the wall or the top of an additional fence in some cases.

**RETAINING WALL HEIGHTS SHOULD BE MEASURED FROM B TO D**

**Figure 1: Retaining Wall Height**

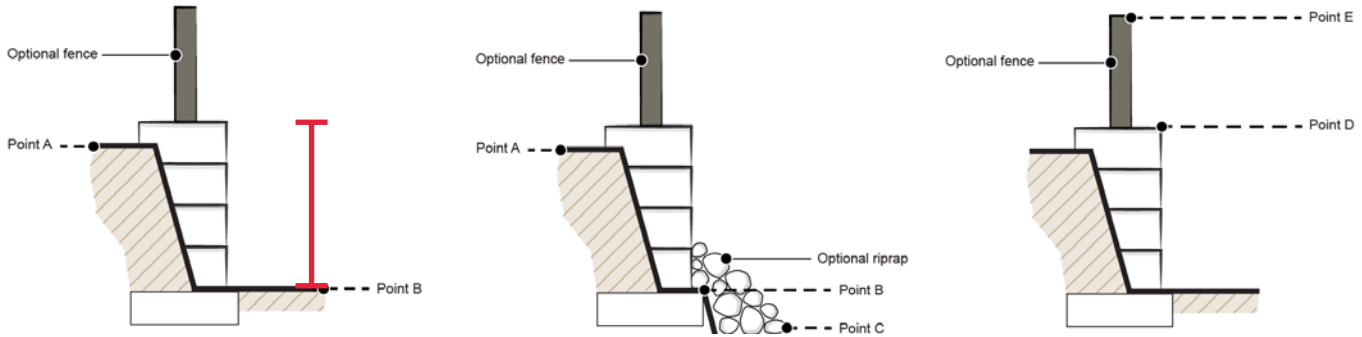
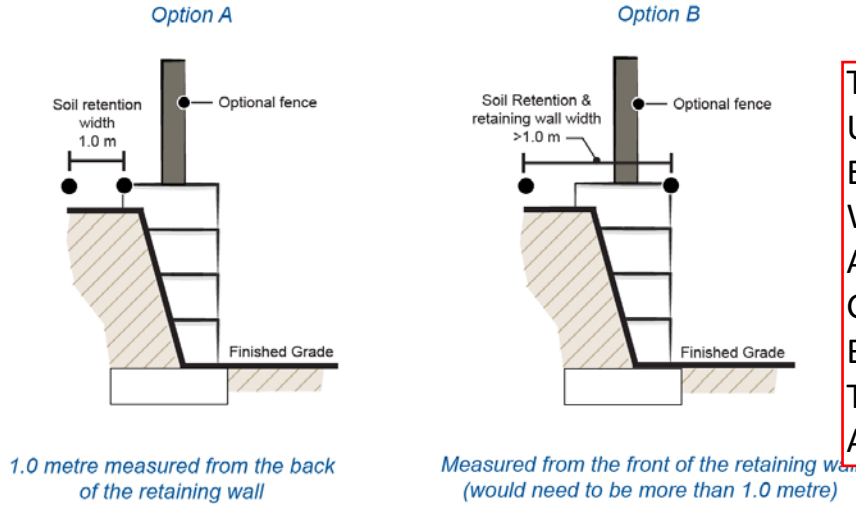


Figure 2 illustrates the options for measuring '1 metre of earth' where the point of reference on the retaining wall is either the back-filled or the exposed sides. Note that if the measurement is taken from the exposed side, it is also recommended that the current 1 metre be increased to 1.5 metres to incorporate the width of the wall itself.

**THE THRESHOLD FOR "ENGINEERED" VS "NON-ENGINEERED" SHOULD BE 1.2m; THE RDN BYLAW SHOULD DEFER TO THE EGBC RETAINING WALL GUIDELINES FOR MORE SPECIFIC INFO.**



**Figure 2: Retaining Wall Width Considerations**



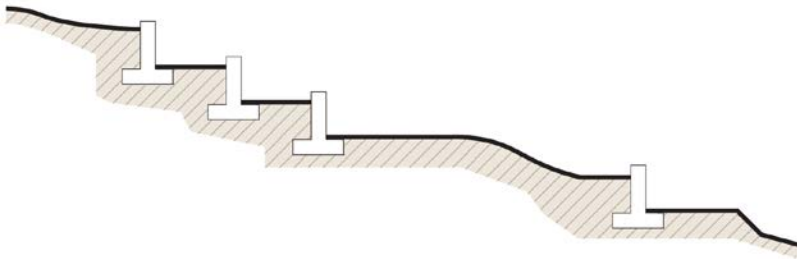
THIS OPTION SHOULD NOT BE USED TO MEASURE RETAINED EARTH FOR NON-ENGINEERED WALLS. OPTION B WOULD BE APPLICABLE IF IT INCLUDES THE GEOGRID REINFORCEMENT BEHIND THE WALL. THIS IS DETAIL IS AWKWARD AND CONFUSING.

Furthermore, large retaining walls are used to address significant elevation changes. When adjacent to side yard setback or a public space or sidewalk, these types of walls are often imposing. Where this occurs, what additional considerations for retaining walls can limit the perceived size and massing of a 'large' or 'imposed' retaining wall or series of retaining walls?

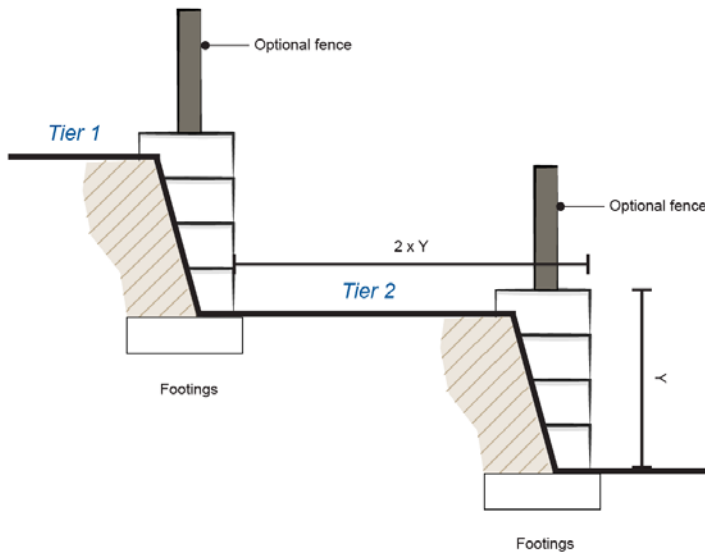
In many cases, large retaining walls are terraced or tiered to decrease the size and requirements of the structure. In the Capital Regional District, retaining walls require a building permit except where the distance between terraces is equal to or greater than twice the height of each terrace (see Figure 3). This approach encourages retaining walls to be smaller with flexibility to spread retaining walls throughout the site where possible. This approach is not always possible, however, as it also takes up more horizontal space.



**Figure 3: Tiered Retaining Wall Example**



**Figure 4: Option for Calculating Minimum Distances Between Tiered Retaining Walls (from Capital Regional District)**



IN THIS EXAMPLE, THE SEPARATION COULD BE JUST "Y", NOT 2 x Y. PROVIDED THE HORIZONTAL SEPARATION IS  $\geq Y$ , THIS IS FINE AND THE WALLS WOULD STILL ACT INDEPENDENTLY. ENGINEERING SHOULD NOT BE REQUIRED WHEN  $Y \leq 1.2\text{m}$ , AND THE HORIZONTAL SEPARATION IS  $\geq Y$ .

### Shipping Container Considerations

Shipping containers are increasingly being used for storage on both residential and non-residential parcels, or are being repurposed and converted into buildings and building additions. Shipping containers are typically considered a structure in zoning bylaws as they do not meet Building Code requirements without significant upgrades. Where these upgrades occur and the proper Building Permits are issued, a shipping container may



**Bylaw  
500**

## REVIEW & UPDATE PROJECT



then be considered a Building and is no longer a shipping container. Bylaw 500 does not currently include specific regulations for shipping containers.

Regulations for shipping containers typically include:

- Zones where shipping containers are permitted with different standards for different zones;
- The number of containers per parcel;
- Maximum allowable size and / or height;
- Standards for appearance (colour, style, and materials used for exterior walls); and
- Duration of use as they typically are considered temporary.

## Initial Engagement

Stakeholders were asked four main questions relating to structures including:

1. What objects should not be considered a structure and therefore not be subject to minimum setback requirements without impacting adjacent properties?
2. What objects should be considered a structure that are required to meet setbacks?
3. What graphics would help interpret or understand regulations for retaining walls?
4. What considerations for retaining walls would limit the perceived size and massing of a large retaining wall (or series of retaining walls)?

Stakeholders listed signage, accessory buildings and retaining walls as things that should not be considered a structure and therefore not required to meet setbacks. Swimming pools, tennis courts, and oversized ornamental features were listed as things that should be considered a structure.

In both measuring the height of retaining walls and soil retention, stakeholders supported measuring from grade of the exposed side to grade of the back-filled side with graphics to aid in the interpretation and understanding. There was support for tiered retaining walls over a certain height to include limitations to minimize the perceived size and massing of large retaining walls.

## Options for Bylaw 500

The following options have been identified for consideration for Bylaw 500:



### General Structure Options

**1. Clarifying regulations in the General Regulations for Siting Exemptions:**

- a. Expand and clarify the list of structures and building requirements including retaining walls, landscaping features, swimming pools, hot tubs, water tanks, heat pumps, and architectural features (eaves, bay windows, pop-outs etc.) that are subject to minimum setback requirements.

### Retaining Wall Options

**2. Add regulations and graphics to General Regulations for Retaining Walls, such as:**

**a. Clarifying the reference points for how height and width are measured, such as;**

*Retaining Walls*

**BASED OF EXPOSED WALL FACE**

- i. *The height of a retaining wall shall be measured from [add reference point] to [add reference point].*

**TOP OF EXPOSED WALL FACE**

- ii. *Remove the reference to 'retaining less than 1.0 metre of earth'.* **AGREE**

**b. Clarify that height measurements may also include fences and / or rip rap, such as;**

*Where a fence or rip rap are included, they will be considered part of the overall retaining wall structure and will be included in the overall height calculation from the bottommost point of the rip rap above surface water to the uppermost point of a fence.*

**c. Add an overall maximum height for retaining walls to encourage tiered walls, such as;**

*The maximum height for a combined retaining wall with either fences and / or rip rap, is 2.5 metres, with the maximum height for a retaining wall without either a fence and/or rip rap to remain at a maximum height of 1 metre. **1.2m***

**d. Add specific regulations on how tiered retaining walls are measured, such as:**

*For multiple retaining walls, the minimum distance between walls is 2.0 metres as measured from the outer face of each retaining wall. If the minimum distance is less than 2.0 metres, the series of walls will be considered as one wall for the purposes of measuring height.*

**DOES THIS SPEAK TO RIP RAP BELOW OR ABOVE THE WALL? THIS SHOULD ONLY COME INTO PLAY FOR A RETAINING WALL WHERE THE RIP RAP SUPPORTS THE WALL, OR PUTS A SURCHARGE ABOVE THE WALL.**

**THIS IS TOO GENERIC. DISTANCE BETWEEN THE TIERS SHOULD BE A FUNCTION OF THE TIER HEIGHTS.**

## Greg Keller

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**From:** bylaw500review@rdn.bc.ca  
**Sent:** Monday, November 21, 2022 8:54 AM  
**To:** Jim Allard  
**Cc:** Dan Allard; Nicholas Redpath  
**Subject:** RE: BYLAW 500

Hi Jim and Dan. Thank you for your email. I am very well aware of your concerns with respect to these parcels. However, the Bylaw 500 Review and Update Project is a targeted review focusing in on specific aspects of the Bylaw. The project does not include changes to land use zones other than zone consolidation to simplify the bylaw and include a broader range of complimentary and compatible uses. For example, changing zones from Rural to Residential or Commercial is not within the scope of this project and can not be considered.

In addition, what you are asking for would require changes to the Regional Growth Strategy, both the EAG and EAF OCPs, and zoning bylaws. It may also need a Electoral Area boundary amendment.

Your input has been recorded and will be included as part of the public record that gets presented to the Board. Based on the above reasons, I can not recommend the Board proceed with your request as part of the Bylaw 500 Review and Update Project. I have CC'd Nick Redpath, the Electoral Area F OCP Review Project Lead who could provide you with an update on the status of the EAF OCP review.

If you would like to attend the Zoom meeting this evening the link is: <https://bit.ly/bylaw500meeting1>. Please visit the project page for more information at <https://www.getinvolved.rdn.ca/bylaw-500-review>

Hay ch q' a/Thank You/ Merci

Greg Keller, RPP, MCIP (He/Him/His)  
Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2  
T: 250-390-6527 | Email: [gkeller@rdn.bc.ca](mailto:gkeller@rdn.bc.ca)

[RDN](#) | [Get Involved RDN](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [Find My Zoning](#)

*We acknowledge that since time immemorial the Coast Salish First Nations have been deeply connected to the territories where we now work.*

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**From:** Jim Allard [REDACTED]  
**Sent:** Monday, November 21, 2022 8:04 AM  
**To:** bylaw500review@rdn.bc.ca  
**Cc:** Dan Allard [REDACTED]  
**Subject:** BYLAW 500

You don't often get email from [REDACTED] [Learn why this is important](#)

I earlier sent you an email requesting to appear tomorrow November 21,2022 at your virtual public meeting to submit some issues that I feel need to be addressed in your process to update your Land Use and Subdivision Bylaw 500, 1987 (Bylaw 500) specifically the land use portions for AREA "G". I have attached the issues that are important to our property on [REDACTED]. The following submission sets out some of my concerns that I respectfully offer for your consideration in the reviewing of a 36 year old OCP.

In June of 2020, we were advised by Courtney Simpson that "The Area F OCP Update is currently on hold due to COVID-19 restrictions on in-person gatherings. Prior to the pandemic, one option we suggested to you was to wait for the OCP process to advance, as consideration would be given to the boundary amendment between Areas G and F covering your 80 acre property. The restart date of this project is currently unknown, but it is expected to restart as soon as possible and result in a revised OCP."

The purpose of this submission is to correct the unintended consequences of the construction of highway #19.

A): The first attachment is a press article dated November 18,2022 that advises that the NRD is requesting input to the BYLAW 500 and the article identifies AREA " G"which is the electoral area that includes our property.

B): The second attachment is another article dated December 21,2017 that again discusses concerns over land use in AREA "G" and this article parallels my concerns

C): This attachment is the December 12,2017 staff report and minutes of the RDN board meeting which includes item 9.1.7 which identifies the land use problem of AREA "F" and AREA "G" and requested a possible boundary area amendment (Item 17-606)

D): This attachment is a staff report by JAMAI SCHILE to the EASE dated November 28,2017 again summarizing the issue that the new island highway #19 created when it severed 6 parcels of land from the main areas of electoral area G.

E): This attachment is the EASC agenda dated October 11,2016 and staff report dated September 26,2016 setting out some of the problems created by the highway #19 severing 6 parcels of area G lands.

F): These attachments include a map in colour that identify the 6 properties severed by the highway #19 and the list of those properties

Sent from my iPad

Sent from my iPad



## Greg Keller

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**From:** Jack Anderson [REDACTED]  
**Sent:** Wednesday, November 9, 2022 2:25 PM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Bylaw review feedback

You don't often get email from [REDACTED] [Learn why this is important](#)

**EXTERNAL** Verify links before clicking.

Greg Keller & review team

I have spoken previously to some of these issues and will provide further comments on the proposed bylaw here with intentions to follow up at any other opportunity for public input. I have a few concerns but wish to address one here as I see a serious oversight in the thought process behind this intended bylaw amendment. Specifically, I speak to the issue of limiting carriage homes to properties of 4000m<sup>2</sup> or greater in the rural areas of our communities. My concerns:

- All communities in this province are under tremendous pressure to identify further options of creating affordable housing for our growing populations. This challenge has been directly addressed in many communities by the ability to provide smaller footprint carriage homes on any lots deemed appropriate to handle the additional density, (often on lots as small as 800m<sup>2</sup> - although with water and sewer services).
- For decades the Ministry of Transportation and Infrastructure have approved subdivision of lots to a minimum of 2000m<sup>2</sup> on properties that have community water but require a septic system for waste handling. As a consequence, there are hundreds of lots in our communities that are just over 2000m<sup>2</sup> with a much smaller fraction of lots that exceed 4000m<sup>2</sup> as most lot developers sought optimum development options.
- The RDN has supported secondary suites of max 90m<sup>2</sup> on these 2000m<sup>2</sup> lots with the proviso of having to meet professional septic system design and approval, (ROWP) to handle the additional septic loads within the 2000m<sup>2</sup> lots. Regardless of secondary suite or carriage home, a registered septic professional will need to ensure all septic can be handled safely on site
- So while all secondary suites and carriage homes are permitted to have a maximum of 2 bedrooms, somehow it has been deemed inappropriate for these smaller accessory residences to be separated from the main residence on the land where a septic system is required. The projected number of residents in a secondary suite should be fairly comparable to a carriage home given the fact the home size (90m<sup>2</sup>) and the number of bedrooms (2) are identical by bylaws as enforced by the Building Inspection department.
- Many of the original homes built on these 2000m<sup>2</sup> lots are restricted by appropriate setbacks and driveway locations and the original homeowners often located their septic fields relatively close to the homes for cost savings. Now, due to these restricting factors, there may be limited area to provide a 90m<sup>2</sup> addition attached to their original home as required by secondary suite regulations. Getting that extra affordable housing on the property is now a physical or financial cost if it requires the relocation, (rather than simple expansion) of the septic field. Meanwhile elsewhere on the property a 90m<sup>2</sup> home, (only a 4.5% parcel coverage based on 2000m<sup>2</sup>) space exists for a carriage home if permitted. This could provide critical options for interested homeowners.
- In many cases these carriage homes are utilized as providing family options, (moving parents closer to children who offer care or providing a stepping stone for young adults seeking some autonomy from parents prior to being able to afford their own homes). In other cases, they offer potential mortgage helpers and could be a significant piece in the solutions for affordable housing in our communities.

I have been involved in community planning for most of my life and I cannot see any justification for penalizing all those folks, (the majority in our rural residential communities) who created ½ acre lots as encouraged by MOTI for decades by

limiting their ability to explore all options for creating affordable housing on their land by insisting that carriage homes are only permitted on lots greater than 4000m<sup>2</sup>. Greg, can you please provide the logic on which this projected limitation decision was made so that I can see a rationale that will avoid me taking action to challenge this apparent short-sightedness at all public input sessions and public hearings.

Respectfully

**Jack Anderson, MCIP, RPP**

Greenplan



## Greg Keller

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**From:** Shirley Wilson [REDACTED]  
**Sent:** Tuesday, November 8, 2022 11:07 AM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Rdn

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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I would like to see a bylaw referring to the amount of dogs in a house. I live on [REDACTED] and the neighbor behind me [REDACTED] has 5 dogs. We neighbors 5 or 6 of us have problems with this one neighbor with the 5 dogs. When one barks they all bark. We are in residential and the lots are not the biggest. He town of Parksville just down the road from me have a limit of 3 dogs. I would like to see the same for us in Rdn in residential neighborhood. Any more than 3 dogs then you wonder if they have a business with these dogs. I am told Rdn has no limit on dogs. There must be a limit to establish a sense of order! Thx Shirley wilson [REDACTED]


Sent from the iPad of Shirley Wilson and Doug knowles

## Greg Keller

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**From:** Kyle Gibson [REDACTED]  
**Sent:** Sunday, November 6, 2022 1:30 PM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** RR2 zoning building permit question?

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

 EXTERNAL Verify links before clicking.

Good afternoon.

Was just reviewing the proposed changes to land use plan for the RDN and came across the section for RR2 zoning which pertains to our family property. Our concern stems from section 5 under dwelling units/parcel. (Please see attached photo) we purchased our land with the intention of building two homes one for ourselves and the other for our in-laws. The new wording suggests we would have to wait until the first house is built before we could apply for the second house building permits. This would not work for us as getting both houses built ASAP is essential as we are all renting currently and want to occupy our land and homes in as short a time as possible. I realize that this is still a draft bylaw and that the bylaw in its current form still stands but this is of great concern and we request clarification and assurance.

Thank you

Kyle

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

Ac 205 of 300

combined floor area of 400m<sup>2</sup>

Dwelling units/parcel

(1) on a parcel having an area of 2.0 ha or less 1

***For Electoral Areas 'A, C, E and H'***

(2) on a parcel having an area greater than 2.0 ha for Electoral Area 'G' 2

***For Electoral Area 'G'***

(3) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '5B Subdivision District – Minimum Parcel Sizes' 2

(4) Notwithstanding subsection (3), on a parcel located in this zone and created 2



---

macdonald gray

**BY EMAIL**

November 4, 2022

**Greg Keller, MCIP, RPP, Senior Planner**  
**Regional District of Nanaimo**

6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

T: (250) 390-6510 | Email: [gkeller@rdn.bc.ca](mailto:gkeller@rdn.bc.ca)

**Attention: Greg Keller, MCIP, RPP, Senior Planner**

**Re: Bylaw 500 Review – Secondary Suites / Recommended Revisions to Draft Bylaw Language**

This following letter is intended to provide an alternative solution for RDN Staff on proposed revisions to the current draft Bylaw 500 language in order to secure the following pragmatic and dignified housing solutions within single family residential zones:

1. A broader spectrum of Attainable Housing opportunities for local residents;
2. Housing dignity for the Seniors who built our region;
3. Rental income for young families entering the housing market.

**1) HOW THE CURRENT SITUATION HAS AFFECTED OUR FAMILY**

Cara's (owner) father [REDACTED] was born and raised [REDACTED], within Area 'G' of the RDN. [REDACTED] spent most of his working years in the region installing civil services for subdivisions of new homes, servicing septic systems and later working as a roofer [REDACTED]. [REDACTED] came back to our community to spend his remaining time close to his daughter in [REDACTED].

He was lucky enough to know of a suite in an older non-conforming 4-plex [REDACTED] close to town. As [REDACTED] has mobility issues due to his age and work injury, living close to the service centre of the City of Parkville was an ideal opportunity for him to age-in-place within his home community with some dignity.

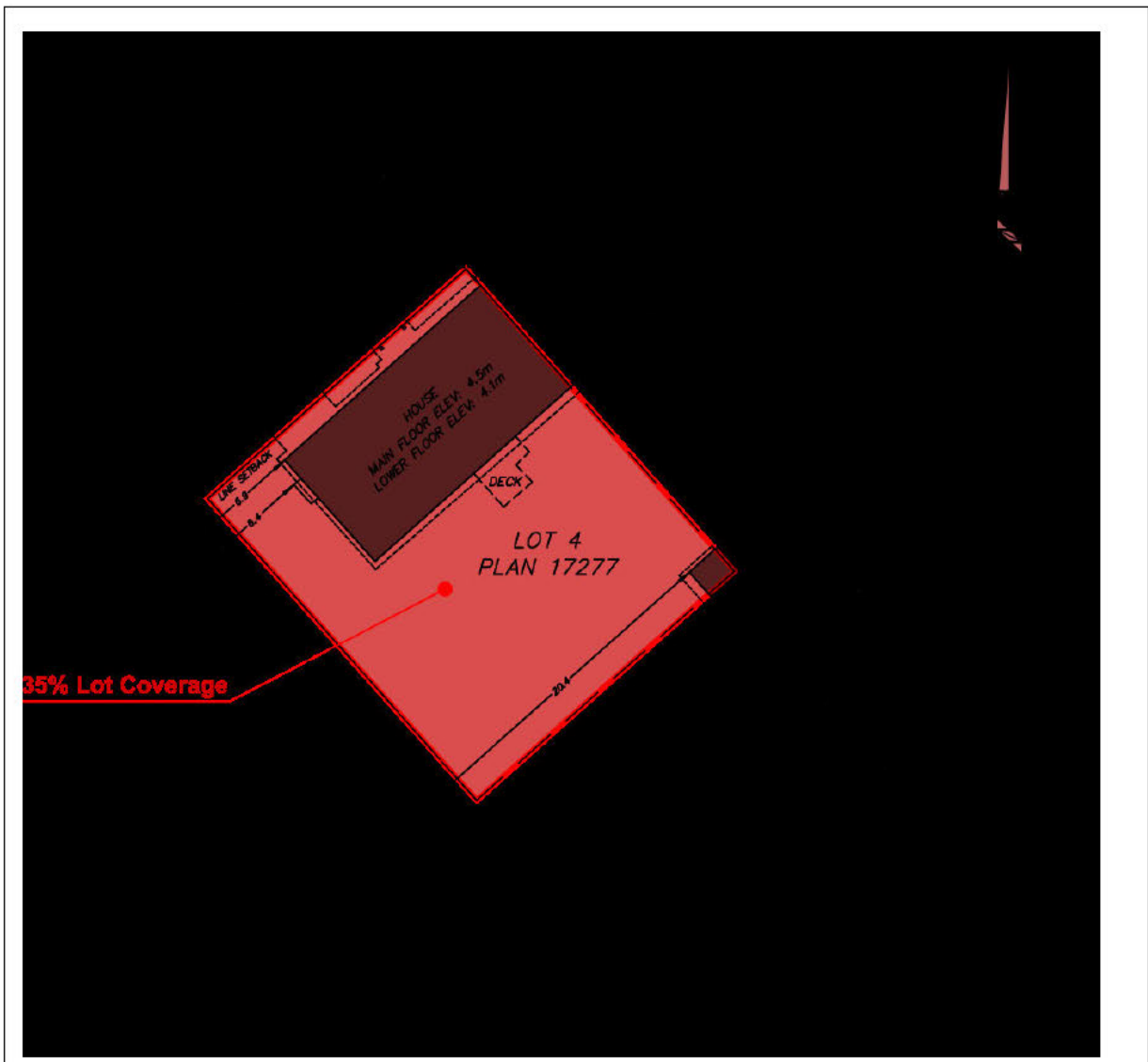
Unfortunately, the property where [REDACTED] lived was sold to an unscrupulous developer who lied to him and proceeded to 'demo-evict' him. The building was not demolished and the landlord proceeded to rent out the unit for twice the amount that [REDACTED] was paying. Cara and I are essentially care givers for her father who has health issues. We were not able to find any affordable seniors housing within the region of any kind. This forced us to move him into non-profit seniors housing apartment [REDACTED], where he is now isolated from his family and friends in a unfamiliar community.

The sick irony is that [REDACTED] spent his working years building homes for retirees coming from outside the region who's demand for housing has pushed him out of his home community.

2) [REDACTED] – THE FAMILY HOME

Cara and are undeniably fortunate to live in the MacDonald family home [REDACTED]. The house itself was built in 1943 at Northwest Bay Logging Camp. Her Grandfather worked as driver for [REDACTED] at the time and when the camp was closed the home was moved on the back of his logging truck to the new subdivision in the 1960s. The Original 24' x 24' camp house was one of three original (camp) houses moved into the subdivision at that time.

The house was completely renovated with addition and detached garage in 2008. The Garage was designed to accommodate a future suite for [REDACTED] when the time came. Unlike new builds that maximize the footprint of the home to achieve maximum value, the current home is a modest 167sq.m. (1,776sq.ft.) 2-bedroom floorplan that occupies a mere 17% of the 15,071sq.ft. (1,400sq.m.) lot. This is less than half of the allowable 35% lot coverage. Due to the location of our septic system, further addition to the primary dwelling is not possible. Refer to the Exhibit below.



**3) PRAGMATIC REALITIES & JURISDICTIONAL AUTHORITY**

**A) Detached Secondary Suites should not be tied to the site area as this is a completely arbitrary number.**

- i) The actual ability to accommodate septic sewerage on a given site is based on numerous factors including available space, slope and ground conditions;
- ii) Planning, installing and maintaining onsite sewage systems are based on Sewerage System Regulation requirements, typically based on the number of bedrooms, and household occupancy, not lot size for single family applications;
- iii) This is also regulated and administered by Island Health, which is a higher level Provincial Ministry authority than the RDN;
- iv) What possible technical difference does it make to public health and safety if the suite is detached?

**B) There are many small older pioneer homes on large residential lots that are far below the maximum allowable buildout and lot coverage.**

- i) If the addition of a Detached Secondary Suite does not exceed the maximum lot coverage, then what difference does it make if the suite is in a detached building?
- ii) If approved sewage disposal can be shared or accommodated on the property, then what difference does it make if the suite is in a detached building?

**4) PROPOSED SOLUTIONS (REVISIONS) TO THE CURRENT DRAFT BYLAW 500 LANGUAGE:**

**A) Detached Secondary Suites should be permitted where:**

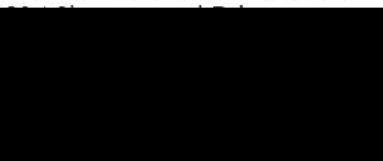
- i) The parcel coverage has not been exceeded, and;
- ii) on parcels without community sewer services, have the approval of the local Health Authority with respect to the provision of sewage disposal.

Thank you for your time and consideration,

**Nigel Gray**, MCIP, RPP, MBCSLA  
**Principal Planner / Project Manager**

**Cara MacDonald**, MBCSLA, ISA / Secwepemc (Shuswap)  
**Owner / Registered Landscape Architect**

**MacDonald Gray Consultants Inc.**



Cc: Lehann Wallace, RDN Electoral Area G Director



## Greg Keller

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**From:** Parksville Heavy Equipment [REDACTED]  
**Sent:** Friday, October 28, 2022 9:22 AM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Re: Regional District of Nanaimo Bylaw 500 Review and Update Project Update

You don't often get email from [REDACTED] [Learn why this is important](#)

Hi Greg,

How will the bylaw review deal with the enforcement of people living in RV's on properties not zoned for that purpose?

Regards,

Ryan Christie

On Fri, Oct 28, 2022 at 9:14 AM [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca) <[bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)> wrote:

Hello,

We are sending this email out to community groups, stakeholders, and those who expressed an interest to stay informed about opportunities to get involved in the Bylaw 500 Review and Update Project.

We hope you can help raise awareness of the project and to advise that a draft bylaw is available for public review at: [getinvolved.rdn.ca/bylaw-500-review](http://getinvolved.rdn.ca/bylaw-500-review).

Please see the attached project poster for more information about the project. We would greatly appreciate if you could share the poster with your networks and organizations as we wish to ensure that as many people as possible are aware of the project.

Lastly, if you have not already, we encourage you to register to our project webpage to learn about upcoming opportunities for public input on the [proposed draft bylaw](#) through an online survey and topic-specific virtual open houses later this fall. Dates and registration information will be made available on the project website in the coming weeks.

If you have any questions, please feel free to contact me.

Hay ch q' a/Thank You/ Merci

Greg Keller, MCIP, RPP

Senior Planner

Regional District of Nanaimo

6300 Hammond Bay Road

Nanaimo, BC V9T 6N2

T: (250) 390-6510 | Email: [gkeller@rdn.bc.ca](mailto:gkeller@rdn.bc.ca)



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**Parksville Heavy Equipment**

[www.parksvilleheavyequipment.com](http://www.parksvilleheavyequipment.com)

1149 Smithers Road  
Parksville BC V9P 2C1  
Office: 250 248-7030  
Email: [REDACTED]

## Greg Keller

---

**From:** Liz [REDACTED]  
**Sent:** Monday, May 16, 2022 10:45 AM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Question About Retaining Walls and Fences

 EXTERNAL Verify links before clicking.

Good Morning

I've gone through the document library and have a question about the proposed changes to retaining walls.

And please pardon my ignorance, I'm not an engineer nor particularly good at math...

The proposed bylaw change as I read it indicates that a retaining wall and fence cannot be any higher than 2.5 meters and that a retaining wall cannot be any higher than 1 meter.

If I consider the land between my neighbour and myself, which is at this time, is hanging in the balance due to his trespass and building, I require a retaining wall (according to the engineers I've brought in) that is at its highest, needs to be about 2 meters high. Is it my understanding that I would only be allowed a fence that is 0.5 meters?

Problem with this is that this doesn't take into consideration the differences in slope. A fence that is only 0.5 meters high would be even with the top of my slope and wouldn't be a fence at all (think dog leaping easily over it and down into the neighbours yard).

Any and all clarification appreciated.


Cheers

Liz Goodfellow

**Greg Keller**

---

**From:** Grace & Brock [REDACTED]  
**Sent:** Monday, May 16, 2022 10:26 AM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Area H discrepancy in bylaws

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Hello, [REDACTED].

We have a creek running thru our front yard, every house on the south side of the street has a set back due to the creek. Even though our property taxes show we have approx half an acre. Our living space/allowed building space due to the creek is much less than half an acre.

How is it in the bylaws that a household can have over a dozen chickens on lots that are less than half an acre? Seems there is a discrepancy in the bylaws.

The allowed living area is just too cramped for large amount of poultry. And now with the Avian Bird Flu, not sure how save it is to our water ecosystem as the creek runs right into the Ocean.

Not sure if this discrepancy is the correct department or subject to email but it is a concern.

Sincerely,  
Grace Jenner

**Greg Keller**

---

**From:** Graham Farstad <[REDACTED]>  
**Sent:** Thursday, May 12, 2022 3:02 PM  
**To:** bylaw500review@rdn.bc.ca  
**Subject:** Zoning Bylaw 500

 **EXTERNAL** Verify links before clicking.

I am a relatively recent resident of [REDACTED] and just noticed the updating process for Zoning Bylaw 500. I understand this updating process is well underway. There is a very detailed discussion of issues on the NRD website which is very helpful. However I am concerned about excessive regulation, particularly when the new Delta Zoning Bylaw and the City of Vancouver are referenced as models. Is there a point where I can provide input?

**Graham Farstad, MCIP, RPP**  
**Principal**

[REDACTED]

## Greg Keller

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**From:** Tyler Hansen - Williamson & Associates <tyler@vibcls.ca>  
**Sent:** Tuesday, September 20, 2022 2:51 PM  
**To:** Greg Keller  
**Cc:** bylaw500review@rdn.bc.ca  
**Subject:** RE: Proposed Changes Rural Residential 2 RR2 Zone

 **EXTERNAL** Verify links before clicking.

Hi Greg;

If 2.5 acre lot size is not in alignment with the OCP and RGS, then a review of the OCP and RGS should have happened first. I have less expertise with the various OCP and have never had need to read the RGS, so I can't make any comment as to whether this change would be opposed to the OCP and RGS. It sounds like on top of a home density of 1 house per acre and another density minimum metric with a lot size of 2 hectares. Do I have this correct?

It sounds like an "overarching planning policy document" like the OCP might have been drafted too prescriptive to allow fluidity and flexibility in the bylaws that are required to align with it. The RGS and most of the OCP bylaws appear to be 11 years old or older (Deep Bay OCP is 5 years old)... and at that time, the province of BC hadn't declared a housing affordability crisis. Doing a Zoning Bylaw update is needed as the Zoning Bylaw was enacted 30 years ago, but if it needs to align with provincial priorities, the OCPs and the RGS, I suggest that the RDN shouldn't have started with the Zoning Bylaw.

In my opinion, if changing the minimum lot size from 2 hectares to 1 hectare is not an option, then the short term solution is to make no change limiting building stratas in the zoning bylaw. This is still against the intention of the SPA, and contrary to the public interest. This does nothing but delay occupancy of a second home and second secondary suite by at least 12 months or more depending on the speed at which the RDN processes the strata conversion application... if it is even successful. And who would financially risk building a second home if there is a chance the RDN board would reject the application.

What does a landowner with two homes and two secondary suites do if their strata conversion application is rejected after waiting the 12 months and then applying for the strata conversion after completing the home? They would then have to apply to rezone and subdivided... a process that I would anticipate would take 24 months minimum. What kind of solution does that sound to you?

I approximate a possible timeline for the construction of one of these projects as the following:

First, get a building permit for a house and suite and then build a house (3,000 sq. ft for example).... I guess 6 to 12 months depending on labour force and supply chain factors.

Then, the owner occupies the home for 12 months or get renters for house and suite.

Next, and once the 12 months have elapsed, obtain second permit and construct the second house and second suite.

After about 2-6 months of construction, and once the house is sealed up, the strata plans and strata conversion application can proceed. I pessimistically assume that bringing a strata conversion to the board for approval (unless delegated to staff) would take at least 6 months.

The registration of the strata plan can only proceed once the approval is given and submitted to Land Titles.

Adding all of these together suggests it would take 20 to 30 months or more to complete what, under current rules, takes now only 8-14 months (construction and registration of strata plan). This also additional logistical costs. Instead of digging two basements with one excavator at one time, then excavator would dig one basement, and then leave and come back to dig the second basement. Now consider that for all of the various trades required and the supplies. This is a large waste of money, fuel, and people's time.

The interesting note is that if the RDN does approve the strata conversion application, you still have a two house building strata which is something you and I believe should not be the land tenure for these parcels.

Please strike this proposed change to the zoning bylaw but let's continue to work on a solution to the overarching problem. I look forward to working with you and the RDN in possible solutions. If you would like to meet with the local land surveyors, we can reach out to all the surveyors that work in the RDN (surveyors from Comox down to Duncan). I do know that Prism and Turner are both interested as well as JEA.

Regards

**Tyler Hansen, BCLS**



**WILLIAMSON & ASSOCIATES  
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**From:** Greg Keller [mailto:GKeller@rdn.bc.ca]

**Sent:** September 20, 2022 8:55 AM

**To:** Tyler Hansen - Williamson & Associates <tyler@vibcls.ca>

**Subject:** RE: Proposed Changes Rural Residential 2 RR2 Zone

Hi Tyler. I appreciate your comments. As you point out the real issue is that the zoning allows two dwelling units on a lot just over 2ha. I agree that changing that would be the best option. However, that would require a significant policy shift at all levels including amendments to most RDN OCPs and the RGS which is outside of the scope of this project and would require a very strong rationale, which demonstrates that overall density is not being increased. One of the challenges is that with detached suites, some may see this as essentially doubling of the density.

I believe the way to gain traction on this issue would be for all surveyors in our region to get together with us to discuss issues and solutions to this challenge. We may need both a short-term and long term strategy that we can propose to the Board. Perhaps the timing between the first and second dwelling is the short term part to limit these units to what we have and the long term is to help existing owners wind down the stratas as well as think about how we manage density in rural areas in a more appropriate fashion.

If you are interested in trying to get a group of local surveyors together to discuss this, please let me know. Perhaps with your connections we could make this happen.

**Hay ch q' a/Thank You/ Merci**

**Greg Keller, RPP, MCIP (He/Him/His)**

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**From:** Tyler Hansen - Williamson & Associates <[tyler@vibcls.ca](mailto:tyler@vibcls.ca)>

**Sent:** Monday, September 19, 2022 11:20 AM

**To:** [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)

**Cc:** Greg Keller <[GKeller@rdn.bc.ca](mailto:GKeller@rdn.bc.ca)>

**Subject:** RE: Proposed Changes Rural Residential 2 RR2 Zone

 **EXTERNAL** Verify links before clicking.

Good morning Greg,

Thank you for the quick and very detailed response. I can see that you have put a lot of thought and dedication to this. I would love to respond as you raise some great points, but I feel that there are some misconceptions as well. I have added my comments below in red to each of your points.

**Tyler Hansen, BCLS**



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**From:** [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca) [<mailto:bylaw500review@rdn.bc.ca>]

**Sent:** September 13, 2022 12:54 PM

**To:** Tyler Hansen - Williamson & Associates <[tyler@vibcls.ca](mailto:tyler@vibcls.ca)>

**Subject:** RE: Proposed Changes Rural Residential 2 RR2 Zone

Thank you for your comments Tyler. You are partially correct in your understanding of the rationale for this amendment, but I thought I would share the following additional rationale.

The purpose behind the amendment is to close the loophole that has allowed this type of subdivision (these are not subdivisions but I know that from a layperson perspective, they can look like one) to occur without any regulatory oversight and in a form contrary to RDN minimum parcel size (but not contrary to RDN minimum density). The proposed amendment does not include any provisions for park land or cash in lieu as part of a building strata conversion. Should the Board wish to consider something like that in the future, it may be able to do so through the building strata conversion policy. However, I will reiterate that this is not something on the table at this time.

With respect to someone who wishes to build two homes at the same time and not register a building strata, I am open to ideas on how to accomplish this in a zoning regulation in a way that will prohibit the registration of a building strata plan. In my professional opinion, there is no ability of local government to legally regulate the registration of a building



strata plan as there is no requirement to get a local government approval for a building strata plan. The challenge we have is to write a regulation that would accomplish this while not reducing the number of dwelling units currently permitted in a consistent and clear manner. You are trying to impose regulation on a form of land tenure in which the RDN doesn't have legal jurisdiction – that is what that sounds like to me. The easy solution I see that is completely within your control and jurisdiction is to change the lot minimum to 1 hectare and remove the two houses per lot if the lot is 2 hectares. This would incentivize subdividing the parcel into two lots where it is viable and would completely eliminate the building strata option that is currently the primary solution to the tenure challenge.

Building strata subdivisions (the filing of a building strata plan is not a subdivision) that are being registered in the current way are well known at the provincial level as 'Nanaimo Stratas' by LTSA staff as it is our understanding that they don't tend to occur elsewhere to the extent as they do here. Though they are called "Nanaimo Strata", this area is not the only region where these happen. You can find these building strata plans everywhere the zoning allows for two single family dwellings on one lot... greater Victoria area and Kelowna area also have this issue. In Victoria, the BC Land Surveyors have historically not used "Private Yard Area". A couple of years ago, the Association of BC Land Surveyors changed the survey rules regarding these "Nanaimo Stratas". It is now no longer professionally permissible to register a "Nanaimo Strata" in which the yard areas are "Part of the Strata Lot". The only acceptable form of building strata plan for two houses on one parcel in any BC Jurisdiction is to have all exterior areas to be Common Property or Limited Common Property. This form of subdivision (not a subdivision) is taking advantage of essentially a loophole or oversight in Section 68(1) of the Strata Property Act which allows strata lot boundaries to be 'Unless otherwise shown on the strata plan'. This is no longer professionally permitted in BC. Please feel free to contact [REDACTED] (Secretary/Registrar) at the ABCLS for more information. I believe that the intent of building strata forms of subdivision (not a subdivision) was where there are multiple units within the same building or group of buildings. As a layperson, I get the sense of this when I see two-dimensional building strata plans which lack specificity of showing attic space, crawl, roofline, wall dimensions, etc. for the building itself. The purpose and intent of all stratas at a very basic level is this: For the benefit of multiple arms-length owners that commonly own a parcel of land, a strata plan clearly shows the limits of the parts of the parcel of land that are designated as exclusive use to a particular owner and the extent of the parts of the parcel that are to be commonly used by all owners.

On paper, and to the average person, this form of subdivision (not a subdivision) appears as a bare land strata that circumvents the minimum parcel size specified in the zoning bylaw and the subdivision approval process. First, the average person is at a disadvantage with respect to all stratas. In my opinion, this is due to a lack of education... in general, people have a low understanding about what these are. One problem with the SPA is that they create "Strata Lots" which is too synonymous to "Lots", and therefore people think they are purchasing a Lot and not a Strata Lot. Other provinces use the term "Unit" instead of "Strata Lot" to provide more distinction. It is also not equitable to those who already have one dwelling unit and wish to build a second and create separate title. Agreed, and the remedies for this instance are not cheap or fast, but they have options. I believe that the fastest remedy to this issue is the elimination of the RR2D zone. I believe a comprehensive review of the urban fringe RDN lands needs to be done and a change of subdivision district from D to F is the best option. We should look into an expedient way for the existing RU1D strata owners to windup their stratas and subdivide into fee simple parcels unless there are major issues with topography, access, well water, septic fields that prevent it.

These strata types are a concern from a planning perspective as they do not undergo any regulatory subdivision approval process (agreed - as they are not subdivisions), do not contribute towards community park land provisions (neither would a two-lot subdivision), do not help support road and drainage improvements, and there is no oversight from a servicing perspective. This statement is perplexing to me as it appears to foreshadow what planning objectives the RDN would strive for if they required a landowner into a strata conversion or rezoning – you want park contribution and road and drainage improvements? If a 2 hectare RR2 parcel is rezoned and subdivided into 1 hectare parcels, there is no park contribution that I know of other than trying to get CACs, and I have not seen much in the way of road frontage works and services being required by MOTI in the RDN. If Road and Drainage improvements are needed when developing a 2 hectare parcel, why not trigger Section 506(8)(b) of the LGA? For example a parent subdivision must prove water for one lot not two. It feels like you are mixing up subdivision with density in this... in a parcel that allows two houses with suites, the overall property needs water and septic for up to four dwelling units of density (two homes

and two secondary suites). Whether you chop that parcel into two fee simple lots or two strata lots does not change this. Further, what we are seeing here also supports the notion that building stratas are not resulting in affordable housing as many of the plans that are submitted are for large custom homes with LCP or CP which is typically 1.0 ha or more in area. This is true... 1 hectare plots of land close to an Urban Center are going to attract wealthy purchasers, and those looking for larger parcels for a purely residential use... always. The 1 hectare lot area is a function of a lack of sanitary sewer disposal options. Though we do not have data to prove this, common sense would suggest that building strata's are actually fueling real estate speculation rather than providing housing which is affordable. The only element of affordability that I see may be if we consider secondary suites in each unit, which the zoning allows anyway. Two possible solutions to bring down prices for large lots close to urban centers is to either increase the overall density of homes which would require water and sanitary servicing improvements, or reduce the size of the homes by zoning the parcel (lowering the lot coverage and FAR). I believe that bringing additional lands from the RDN into the urban municipalities through moving the incorporation boundary would also alleviate pressure on the RDN. I have heard that the local government boundaries have been pretty static for the past 50 years (Lantzville being the exception). Is this true?

I can not tell you how many calls we receive from confused and upset real estate agents and potential buyers and owners who are unaware that they are dealing with a form of strata. They are totally unaware in many cases of the zoning implications as well. I can tell you from my experience, many people have called us with significant concerns with this form of subdivision (stratas are not subdivisions) when then find out what they have bought into and what it means in terms of what they can do on the parcel. I have heard the exact same comment from [REDACTED] the City of Nanaimo. It's a very misleading form of subdivision (again – these are not subdivisions). Its great for the developer, not so great for the current or future owners. It is great for the landowner and future home owners... it is unfair to paint everyone developing a parcel as a developer as this carries a publically negative connotation.

Perhaps more importantly, what we are seeing more and more of as the units age, is the very challenging situation owners find themselves in when it comes time to renovate, add to, or replace buildings shown on the plan. 100% agree, and we, as a community, are going to have a massive problem as these strata houses age. We have had multiple owners coming forward advising us that they are having difficulty getting insurance as well as insurance companies, not knowing how to properly insure these types of building stratas. Some appear to treat them as commercial properties, at least a few insurance companies that I have spoken with. Perhaps this is due to their unusual form of subdivision. Again this does not appear to benefit owners as we have been advised, this results in particularly high cost of insurance or in some cases inability to insure. Im not sure if all agencies fully understand what this form of subdivision is and whether they all treat them the same in terms of coverage. The simplest, fastest fix for this is to eliminate the 2 hectare, 2 house parcels in favour of 1 hectare minimum parcel size with one house per parcel. It is my opinion that if the RDN rezones all parcels with the RU1D zoning to RU1F, landowners would gladly windup these stratas and apply for conventional subdivisions. This fixes the insurance issue and the misconception issues you raise. The problem is your zoning allows for two house per parcel, and the only ways this can be dealt with to create two separate ownership titles are:

- Rezoning followed by a subdivision or Bare Land Strata,
- Building Strata, or
- Air Space Parcel \* (never been tried in this scenario to my knowledge)

Finally, we are also starting to see surveyors coming forward with concerns about their responsibilities with respect surveys conducted in relation to owners who want to do additions to existing buildings and/or to add new buildings on existing building strata lands as it pertains to amending the registered plan of subdivision to show these new builds. For example, if someone applies for a permit for an addition, they survey would show that the addition is located on common property. How should we deal with this is the question we have heard from some surveyors. We recently met with LTSA staff to discuss this and were advised of the intricacies of amending the strata plan as well as the challenges associated with combining common property with a building strata lot. We think it can be done, but we need to develop a clear process. Again, this does not benefit owners who may need to go through a complicated and expensive process of amending a strata plan, who may not get agreement with the owner strata owner, to construct a simple addition or alteration or to add an accessory building. I have already had discussions with other surveyors regarding additions to building stratas, and I do not want to take any of these on. Revising a Strata Plan for a building addition in all cases is

very cumbersome and expensive due to the SPA being completely unable to handle this well. In some instances, it can take up to 5 survey plans and the subdivision approving officer approval as well as unanimous strata board approval. When we go right back to what a strata plan intention is (the division of exclusive use and common use areas), this makes no sense. The SPA is broken in this respect but there is no willingness at any level to fix this. Building Stratas are not the appropriate legal mechanism that should be used to create separate titles for these 2 hectare lots with two houses, but they are the fastest, legal option that a land owner has to creating two titles. I just wish it wasn't. My request to you is to eliminate this problem by getting rid of these lots completely... make them 1 hectare minimum sized lots and allow for only one house. The RDN is not the only one that is dealing with this problem. The City of Nanaimo also has similar zoning (but for smaller lots) and once those houses reach the age where renovations and additions become desirable, they will also have to deal with this issue.

We anticipate that further direction may be forthcoming in regards to the process for amending these plans to protect the interest of current and future property owners. What I know at this time is that it appears to be a challenging process that is likely to require approval of the RDN Board through the building strata conversion process. I will be advocating that our professional association (ABCLS) work with the province on changes to the legislation, regulations and rules around amending building strata plans to handle changes made after initial construction. However, as the process is very detailed and technical in nature, this may take quite some time. Until then, MOTI and the RDN will see building strata amendments come across your desks as these require a subdivision application (but not a Land Title Act Subdivision).

Again, I appreciate your comments. I am hopeful that you will understand our concerns and the rationale for the amendment. I reiterate my professional opinion with respect to the Zoning Bylaw change in that the proposed clause is against the intention of the SPA and contrary to the best interests of the people of BC. There's a lot of work that needs to be done to prepare ourselves for how we manage replacements and additions as these units age. I anticipate many angry and frustrated owners and am learning more about the implication of this unusual form of subdivision (not a subdivision) as these units age. From our perspective, we would prefer that surveyors in our area stop being agreeable to these types of stratas and seek to gain support from their professional organization to support other surveyors to do the same from a public interest perspective given the issues that are starting to arise with this form of subdivision. I recommend rezoning to all clients that come to me with these, but all are not willing to wait to get the rezoning application and approval, then apply for subdivision. If the RDN process was faster and cost neutral, they would probably do it. I have to provide my professional recommendations with full disclosure including time and cost and that turns every single client away from anything but a building strata plan. The RDN has the power to change this with your zoning bylaw. Adding cost and time to a project will only make housing more expensive.

Thank you for your very informative response to my question. I too hope that we can work to get the new zoning bylaw better and I agree that these stratas are a big problem and I want to do something that fixes them. However, your solution is to tighten the rules down, and I feel that is not the correct path.

I would be happy to discuss this with you further and am open to ideas and suggestions on how we could help home owners who are struggling with this form of subdivision as well as regulate density in a way which avoids more building strata subdivisions from being created. I would love to further this discussion. Please review my comments and feel free to ask any further questions of me by email or call me. Please include this email discussion as part of the feedback to the RDN Bylaw review to go to the board.

**Hay ch q' a/Thank You/ Merci**

**Greg Keller, RPP, MCIP (He/Him/His)**  
Senior Planner  
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**From:** Tyler Hansen - Williamson & Associates <[tyler@vibcls.ca](mailto:tyler@vibcls.ca)>

**Sent:** Monday, September 12, 2022 12:41 PM

**To:** [bylaw500review@rdn.bc.ca](mailto:bylaw500review@rdn.bc.ca)

**Subject:** Proposed Changes Rural Residential 2 RR2 Zone

 **EXTERNAL** Verify links before clicking.

Good morning,

With respect to the Proposed new RR2 zone and subsection (c)(ii)(5) which requires 12 months occupancy before allowing the second home. It has been relayed to me that this is intended to trigger the "Strata Conversion" provisions in the Strata Property Act. It was implied to me that this is so that the RDN could potentially secure additional financial contributions from the land owner for parks or affordable housing.

I professionally believe that this proposed bylaw change is against the intention and spirit of the Act, and that this delays construction of homes by either requiring the owner to apply for a rezoning, or to wait one year to build the second home and an indeterminate amount of time to get through the strata conversion application process. In a time of a housing crisis, this is not in the best interest of the people of British Columbia in my opinion. Even if the homes are not to be registered in a building strata and just intended as rental homes, this provision requires a 12 month delay.

Please record these comments as my professional objection to this proposed change of the bylaw.

Thank you.

**Tyler Hansen, BCLS**



**WILLIAMSON & ASSOCIATES  
PROFESSIONAL SURVEYORS**

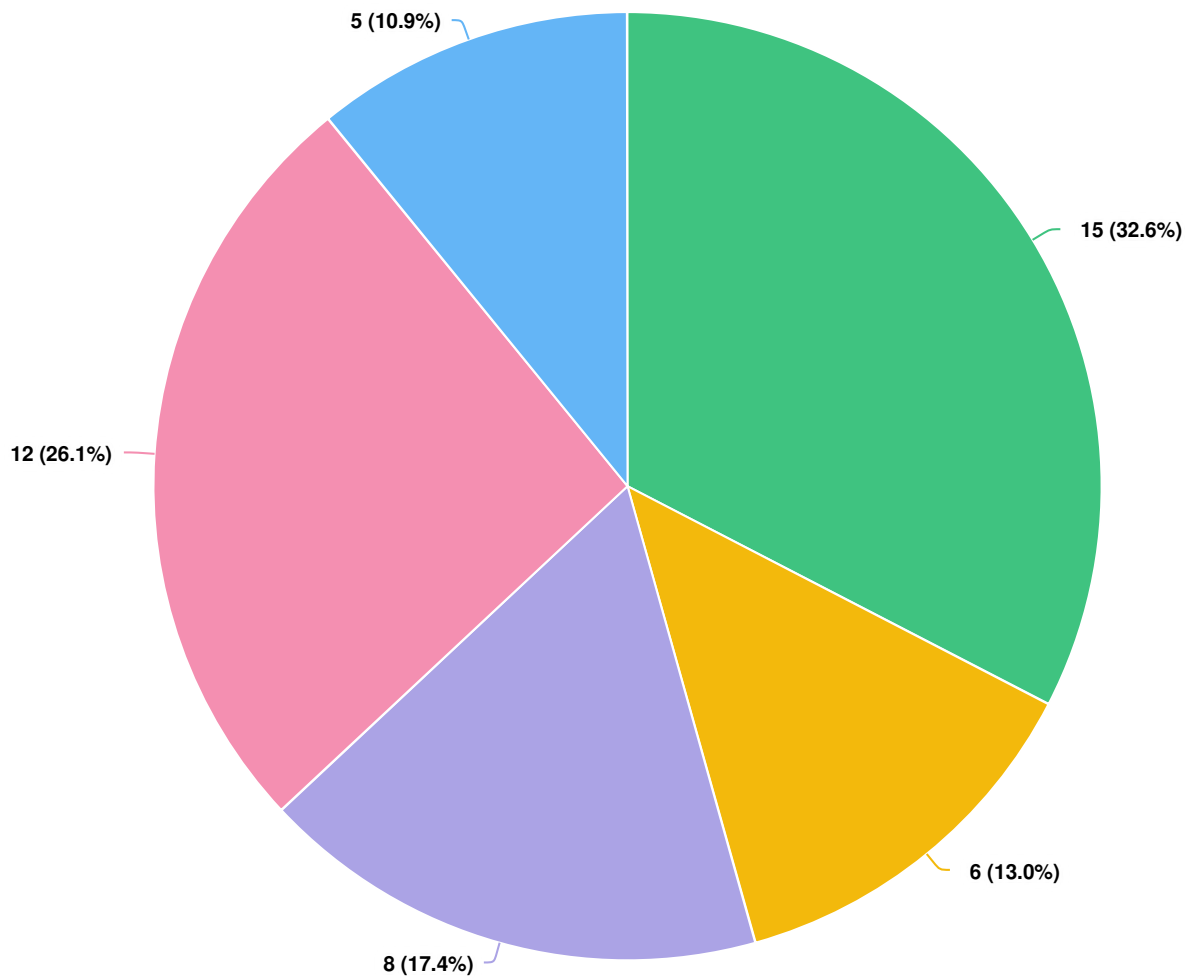


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**Q25** How did you hear about the project/survey?

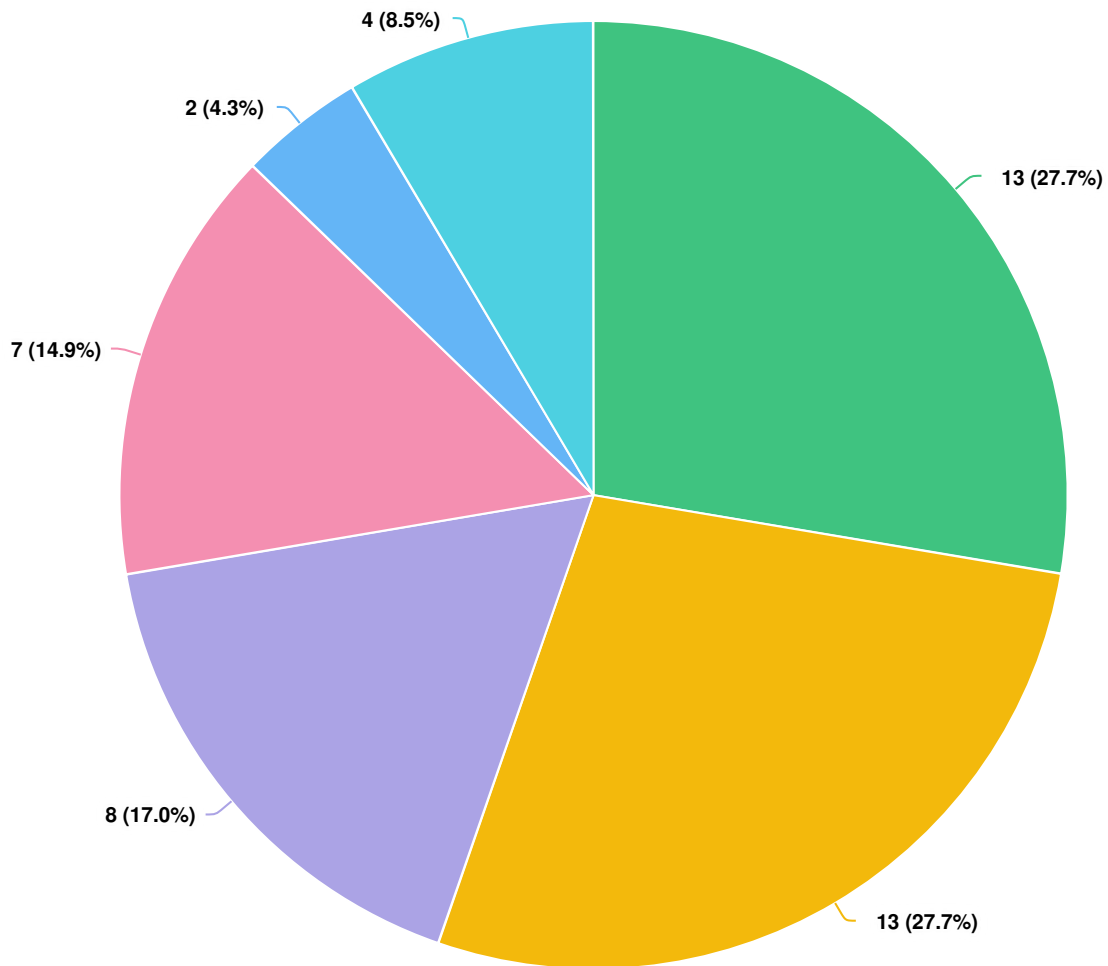


**Question options**

- Website
- Newspaper
- Email
- Word of Mouth
- Other (please specify)

Optional question (46 response(s), 1 skipped)  
Question type: Radio Button Question

**Q26** Where do you live or own property? (Choose one Option)



**Question options**

- Electoral Area A (Cedar, Cassidy, South Wellington)
- Electoral Area C (Jingle Pot, East Wellington, Extension)
- Electoral Area E (Nanosee, Fairwinds, Red Gap)
- Electoral Area G (San Pareil, French Creek, Dashwood)
- Electoral Area H (Qualicum Bay, Bowser, Deep Bay, Horne Lake)
- Other (please specify)

Optional question (47 response(s), 0 skipped)  
Question type: Radio Button Question