

**MINUTES**  
SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO  
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC  
ON THURSDAY, 2015-FEB-05 COMMENCING AT 7:00 P.M.

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PRESENT: His Worship Mayor W. B. McKay, Chair

Council: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor J. Hong  
Councillor J. A. Kipp  
Councillor W. L. Pratt  
Councillor I. W. Thorpe  
Councillor W. M. Yoachim

Regrets: Councillor G. W. Fuller

Staff: B. Anderson, Manager, Planning & Design Section, CD  
D. Stewart, Planner, Planning & Design Section, CD  
P. Masse, Planning Clerk, Planning & Design Section, CD

Public: There were 4 members of the public in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

The Special Meeting was called to order at 7:00 pm.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. CALL THE PUBLIC HEARING TO ORDER:

Mayor McKay called the Public Hearing to order at 7:00 pm and advised that members of City Council, as established by Provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Anderson explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. Mr. Anderson advised this is the final opportunity to provide input to Council prior to consideration of further Readings of Bylaws No. 6500.027 and 4500.073 at this evening's Special Council meeting.

(a) Bylaw No. 6500.027– OCP00073 – Various Properties

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500".

Councillor Kipp asked for clarification on whether or not the minor collector road is related to the School District 68 small lot subdivision.

Mr. Stewart noted the minor collector road is part of the Linley Point subdivision and it has been constructed.

Councillor Thorpe asked for clarification on the proposed redesignation of the Cable Bay Trail from Resource Protection to Parks and Open Space.

Mr. Stewart stated that the redesignation of the Cable Bay Trail from Resource Protection to Parks and Open Space is to recognize the existing use of the trail as a park right-of-way.

Councillor Bestwick asked for clarification regarding the predicted reductions of green house gas emissions and how much emission levels have been reduced since 2007.

Mr. Anderson noted that a green house gas monitoring system has not been instituted as of yet; the expectation was that a five-year monitoring cycle would undertake examination of emissions. The green house gas reduction proposal was endorsed by Council in 2012; therefore, examination of emissions could occur in 2017.

Councillor Bestwick asked for clarification on where the minor collector road in the Linley Valley is located.

Mr. Stewart noted the minor collector road is identified as the existing road coming off of Vanderneuk Road into the Linley Point Subdivision.

Councillor Hong asked if there will be a future connection of the minor collector road to Rutherford Road.

Mr. Anderson noted that the Mobility Map in the Official Community Plan (OCP) does identify a connection from the minor collector road to Rutherford Road as a future road alignment. Staff is undertaking a review of the possible options for connections to and from the Linley Valley.

Councillor Thorpe asked Staff for confirmation that the minor collector road has already been constructed and the redesignation is due to increased traffic flow.

Mr. Anderson stated the redesignation is to recognize that the road is an existing road; the current current designation in the OCP identifies it as a future road. The redesignation is to change it from a future road to an existing road, as it is already constructed.

Mayor McKay noted that the R2 Small Lot Policy allows for a home with a secondary suite if the lot is greater than 370m<sup>2</sup>.

**Mr. David Bain, 5782 Brookwood Drive – Opposed to 6500.027 i) (2)**

- Mr. Bain's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 6500.027".

Councillor Kipp asked the speaker what direction traffic flows from his neighbourhood.

Mr. Bain stated that area residents use Brookwood Drive to funnel onto Rutherford Road.

Councillor Kipp asked Staff for clarification on whether or not the existing minor collector road is currently built to minor collector road standards.

Mr. Anderson confirmed the road has been built to minor collector road standards.

Councillor Hong asked for confirmation that a connection from the minor collector road to Rutherford Road is not in the five year capital budget plans.

Mr. Anderson noted that a connection from the minor collector road to Rutherford Road is included in the OCP as a future road alignment. This amendment is not related to that future connection; it is proposing to change the designation of the road east of that, which is already constructed, from future minor collector road to existing minor collector road.

Councillor Thorpe asked Staff for clarification on whether or not a connection from the minor collector road to Rutherford Road would require public consultation.

Mr. Anderson confirmed that a study is currently being undertaken regarding the existing minor collector road to Rutherford Road; alignment options and road function will be a part of that study. A consultation process is anticipated as a part of that study.

Mayor McKay noted that the purchase of Linley Valley lands resulted in a major change to the anticipated road network for the area; therefore, the road network needs to be amended.

Councillor Bestwick asked Staff what the result would be if Council did not approve the redesignation of the road to a minor collector road.

Mr. Anderson stated that the redesignation of the road is a housekeeping issue; the OCP indicates whether a road is existing or future, if Council does not approve the redesignation it would result in a section of the road having no stated designation. The road is constructed and is functioning as a minor collector road. This is to recognize an existing condition as the road status has gone from future to existing.

Councillor Bestwick asked for confirmation that no costs or tree removal would be required for the construction of the road.

Mr. Anderson confirmed the road is an existing and functioning road.

Councillor Bestwick asked if the road could be extended in the future.

Mr. Anderson noted that there is a portion of Linley Valley Drive that could be extended east in tandem with possible future land development, the other direction of the road is the portion being considered to connect to Rutherford Road.

There was one verbal and five written submissions received with regard to Bylaw No. 6500.027.

(b) Bylaw No. 4500.073 – ZA1-51 – Various Properties

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of "ZONING BYLAW 2011 NO. 4500".

Mayor McKay made reference to Amendment No. 19 (Condition of Use for Recycling Depots in the I4 Industrial zone), noting that Council may have received correspondence that indicated a belief that this amendment is related to the new recycling exchange on Old Victoria Road; which is not in the I4 zone. This amendment is in regard to Duke Point.

Councillor Bestwick asked for confirmation regarding Amendment No. 22 (encroachments into watercourse leavestrips), and whether or not the setback requirements in riparian areas is 15m.

Mr. Stewart confirmed that setback requirements, especially within creeks, vary between 7.5m and 30m, depending on the condition of the creek. The 15m setback requirement applies to all lakes, wetlands and the ocean.

Councillor Bestwick asked for clarification regarding Amendment No. 22 (encroachments into watercourse leavestrips from 6.3.1 to 6.3.5).

Mr. Stewart noted that this amendment is referencing section numbers of the Zoning Bylaw; this amendment is to correct the reference of the section number for encroachment requirements.

Councillor Kipp asked for clarification regarding the lands that have been rezoned into park land; he was under the impression that changes to parkland require a public approval process.

Mr. Stewart stated rezoning of park land requires a Public Hearing; to change the disposition of land dedicated as park land would require an Alternative Approval Process or a referendum. The properties in question have not been dedicated as park land, only the zoning is being changed.

Councillor Kipp made reference to the map for Amendment No. 28, noting that some of the existing park land on the former road is not indicated as so on the map.

Mr. Stewart confirmed Staff would correct the mapping error in a future housekeeping amendment.

Councillor Hong asked for clarification regarding Amendment No. 29 (Tax exemption for 2020 Estevan Road); and whether or not the tax exemption would carry forward on the subject property.

Mr. Stewart noted that taxes would be based on the actual use of the subject property and the entire property is a church use.

**Ms. Shirley Petrie – 819 Douglas Avenue - Opposed**

- Believes the properties for the new recycling depot on Old Victoria Road were rezoned to the I4 zone; therefore, Amendment No. 19 would apply to those lands.

Mayor McKay noted the recycling depot property was not rezoned to the I4 zone.

Mr. Stewart confirmed that the properties on Old Victoria Road are zoned I2 and I3.

Mr. Anderson confirmed that outdoor storage is not permitted for the recycling depot located on Old Victoria Road.

There was one verbal and no written submissions received with regard to Bylaw No. 4500.073.

The Public Hearing was adjourned at 7:58 pm.

4. BYLAWS:

- (a) "OFFICIAL COMMUNITY PLAN BYLAW 2014 NO. 6500.027" (OCP00073 – to include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500") pass Third Reading.

It was moved and seconded that "OFFICIAL COMMUNITY PLAN 2014 NO. 6500.027" pass Third Reading. The motion carried unanimously.

It was moved and seconded that "OFFICIAL COMMUNITY PLAN 2014 NO. 6500.027" pass Final Reading. The motion carried unanimously.

- (b) "ZONING AMENDMENT BYLAW 2014 NO. 4500.073" (ZA1-51 – to include text amendments and update mapping layers in order to increase the effectiveness of "ZONING BYLAW 2011 NO. 4500") pass Third Reading.

It was moved and seconded that "ZONING BYLAW 2014 NO. 4500.073" pass Third Reading. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 8:01 pm that the meeting terminate. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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CORPORATE OFFICER

**Attachment A**

**Submissions**

**For**

**Bylaw No. 6500.027**

*(OCP00073 – Various Properties)*

## Penny Masse

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**From:** Bruce Anderson  
**Sent:** Thursday, January 22, 2015 1:30 PM  
**To:** Penny Masse  
**Subject:** FW: Review - City of Nanaimo OCP Amendment No. OCP00073  
**Attachments:** OCP Amendment - City of Nanaimo - January 22, 2015.pdf

Please include the Island Health comments in the Public Hearing binder and the OCP00073 file. Thank you.



BRUCE ANDERSON, MA, MCIP, RPP  
MANAGER, PLANNING & DESIGN  
CITY OF NANAIMO  
P: (250) 755-4402  
F: (250) 755-4439

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**From:** Lawson, Christal [<mailto:Christal.Lawson@viha.ca>]  
**Sent:** Thursday, January 22, 2015 9:57 AM  
**To:** Bruce Anderson  
**Cc:** Yehia, Jade; Anthony Griffin (VIHA)  
**Subject:** Review – City of Nanaimo OCP Amendment No. OCP00073

Hello Bruce,

Please find attached a review of the City of Nanaimo's OCP Amendment No. OCP00073 by Dr. Paul Hasselback.

Thanks

**Christal Lawson**  
MHO Administrative Assistant  
Island Health, Central  
3rd Floor, 6475 Metral Drive  
Nanaimo, BC V9T 2L9  
Tel: 250.739.6304  
Fax: 250.755.3372  
Email: [christal.lawson@viha.ca](mailto:christal.lawson@viha.ca)

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Excellent care, for everyone,  
everywhere, every time.



January 22, 2015  
16409

VIA EMAIL: [Bruce.Anderson@nanaimo.ca](mailto:Bruce.Anderson@nanaimo.ca)

Bruce Anderson  
Manager  
Planning and Design  
City of Nanaimo  
455 Wallace Street  
Nanaimo, BC V9R 5J6

Dear Mr. Anderson:

**Re: Review – City of Nanaimo OCP Amendment No. OCP00073**

Thank you for the opportunity to comment on the City of Nanaimo's Official Community Plan (OCP) Amendment. Island Health appreciates the opportunity to provide health evidence based recommendations and comments for this OCP five year review. Highlights as well as suggestions are itemized below:

**Themes to Highlight:**

*Small Lot Policy (Amendment No.3):*

In reference to the small lot residential policy being proposed, Island Health is supportive of what will be encouraged within neighbourhoods for the following reasons:

- Infill development is one way to encourage urban densification. Using vacant or underutilized land in a neighbourhood can help prevent the negative effects of sprawl, i.e. impacts to air quality. Additionally, numerous studies identify distance as a barrier for engaging in active transportation. Densification can increase proximity to work, school and recreational opportunities, therefore increasing engagement in walking, cycling and physical activity.
- Ensuring a site is within walking distance or accessible by transit to a local service centre, and existing neighbourhood amenities can encourage equality by enhancing mobility among a wide range of vulnerable groups including children, older adults and people with disabilities.
- Diversifying a mix of housing types within an existing neighbourhood or proposed development, and having access to a variety of amenities within close proximity of homes makes active transportation or recreational physical activity more convenient. In general, increasing the mix of land use and proximity of amenities is important for encouraging physical activity.

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**Medical Health Officer**

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[viha.ca](http://viha.ca)

- The statement that the “proposed development encourages attractive, pedestrian oriented housing.” Enhancing connectivity and/or greenways can encourage people to walk or cycle for recreational or transportation purposes. Connectivity has the potential to increase total physical activity levels in residents thereby reducing obesity.

*Parks and Open Space Re-designation (Amendment No.9):*

Regarding the re-designation of lands from “Neighbourhood” to “Parks and Open Space” within the City of Nanaimo, aligning with planNanaimo, this is a commendable amendment to reflect parks zoning, to correct mapping discrepancies, and to include, for example, parkland acquired through purchase or subdivision applications, as applicable. Island Health identifies this amendment as an important step towards creating a healthier community as a result of the health evidence showing that:

- Expanding natural elements across the built environment increases human access to and interaction with green space. This increases opportunities for positive health outcomes associated with exposure to nature.
- By expanding green spaces across the landscape, the beneficial effects of vegetation are spread throughout the built environment; thereby increasing the role vegetation has in mitigating air pollution and the urban heat island effect.
- Current research indicates that vegetation has the potential to clean the air of a significant amount of air pollutants, such as particulate matter and ground level ozone (smog). Breathing clean air can help prevent the onset of cancer, cardiovascular disease and respiratory difficulties.
- Also, the zoning for “Parks and Open Spaces” allows for future greenway trail development that has a host of benefits, such as the ability to promote and encourage active transportation in the local area and greater community. Providing easy access to trails and paths can encourage walking and cycling for active transport. Trails and paths should be located within residential areas to improve accessibility. (*Reference document: The Provincial Health Services Authority and Healthy Built Environment Alliance developed – Healthy Built Environment Linkages Toolkit* [http://planh.ca/sites/default/files/linkages\\_toolkit\\_final\\_april\\_8\\_2014\\_full.pdf](http://planh.ca/sites/default/files/linkages_toolkit_final_april_8_2014_full.pdf)).

**Recommendations for Consideration:**

Under Amendment No. 4, in the *Greenhouse Gas Emissions Target* Section:

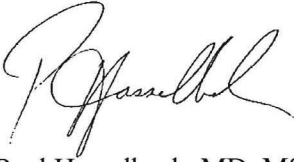
It states that, “proposed amendments to the Official Community Plan, based on recommendations of the Community Sustainability Action Plan, would reduce the target from 33% to 3% below 2007 levels by 2020, and from 80% to 39% of 2007 levels by 2050.” A comment for this section is – it is found to be slightly misleading as it is our interpretation that the percentage reductions are based on projected emission rates hence a note would be only to provide some greater clarity here.

*Demographic Information:*

For further information on health demographics within the community please refer to the Local Health Area profiles [http://www.viha.ca/mho/stats/lha\\_profiles.htm](http://www.viha.ca/mho/stats/lha_profiles.htm) or the recently created Community Health Profiles <http://www.phsa.ca/HealthProfessionals/Population-Public-Health/community-health-data/community-health-profiles.htm>.

If you have any questions or comments please do not hesitate to contact the undersigned for further clarification or to discuss further.

Yours in Health,

A handwritten signature in black ink, appearing to read 'P. Hasselback', written in a cursive style.

Paul Hasselback, MD, MSc, FRCPC  
Medical Health Officer

c.c.: Jade Yehia, Regional Built Environment Consultant, Island Health  
Anthony Griffin, Environmental Health Officer, Island Health

PH/cl

## Penny Masse

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**From:** Bruce Anderson  
**Sent:** Tuesday, January 27, 2015 10:55 AM  
**To:** Penny Masse  
**Subject:** OCP73 Amendment

Penny for the PH binder and file. Thank you.

**From:** Henigman, Margaret FLNR:EX [<mailto:Margaret.Henigman@gov.bc.ca>]  
**Sent:** Friday, January 23, 2015 9:10 AM  
**To:** Dale Lindsay  
**Cc:** Andres, Selina ENV:EX  
**Subject:** Nanaimo OCP Amendments (Cliff 102874)

Hi Dale; I know Deborah is no longer with Nanaimo but just wasn't sure who to send this to now. I've just taken a look at your OCP Amendment No. 00073 and have no objections to the proposed changes.

Maggie Henigman, MA  
Sr. Ecosystems Biologist  
Ministry of Forests lands and Natural Resource Operations  
2080-A Labieux Rd.,  
Nanaimo, BC, V9T 5C1  
250-751-3214  
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## Penny Masse

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**From:** Public Hearing  
**Subject:** FW: Bylaw 6500.027 item i) amend Map 2 Linley Valley minor collector road

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**From:** David Bain [<mailto:davidbain822@gmail.com>]  
**Sent:** Wednesday, February 04, 2015 3:10 PM  
**To:** Public Hearing  
**Subject:** Bylaw 6500.027 item i) amend Map 2 Linley Valley minor collector road

Public hearing February 5, 2015 at 7:00 p.m.

Vancouver Island Conference Centre, Nanaimo, B.C.

Mayor McKay, Councillors, Staff, and members of the public,

My name is David Bain. I am a resident homeowner at 5782 Brookwood Drive. I wish to discuss the amendments to minor collector status of proposed, and built, Linley Valley Drive. This hearing requires me to take a position, thus I would be opposed to the specific amendment of Bylaw 6500.027 i) (2) as presented on Map A.

I live in the upper Cottle creek watershed, in Sunshine Ridge subdivision, south of and more or less adjacent to Linley Point subdivision. Linley Valley Drive (LVdr), a minor collector road as proposed in the current Official Community Plan (OCP), is being amended to delete a central portion. I understand this deletion is to reflect the recent acquisition of property recommended for designation as park. My question this evening is: if most of the proposed Linley Valley Drive is being deleted as a "minor collector" road, does this not change the function of the remaining portions of Linley Valley Drive to neighborhood collector? Thus should not the entire proposed Linley Valley Drive be reassessed as to its status in the OCP as minor collector road?

How does this affect me, a resident of the neighboring subdivision? I and 128 neighbourhood households will be directly impacted in three significant ways if the proposed Linley Valley Drive is actually built. Firstly, the sound of traffic on the steep south facing slope portion of proposed LVdr will change the calm of our neighborhood. One reason I bought this house and property was its quiet and natural surroundings. Secondly, the view of mature forest will be significantly altered by construction of LVdr on the steep forested south slope. Third, a rich environmental asset will be compromised. Proposed LVdr bisects and destroys much of a steep south slope mature Douglas fir forest. It is well documented that such forests are rare in the Coastal Douglas Fir ecosystem on the BC south coast, and that they provide significant wildlife habitat. No longer could I hike from Oliver Woods Park on trails through forest into the long narrow park in between our subdivisions, then into the larger new Linley park. If proposed LVdr is built, continuity of forested land from Oliver Woods Park through to the new park will be broken.

Our quality of life, and peaceful enjoyment of our homes, 129 households, will be significantly diminished.

I am here tonight to ask mayor, council and staff to **delay amending** Linley Valley Drive as built (in the Linley Point subdivision) to "minor collector" **built** status. I realize that the existing OCP led to a development permit requiring construction of a "minor collector" road. However, tonight the OCP is being amended to establish significant parkland and a large portion of a proposed minor collector road is suggested for deletion. May I request that no further amendment of built Linley Valley Drive to minor collector status be undertaken until

public consultation occurs? It is presently a neighborhood collector only. There needs to be further consultation on the need for, and the route of, a proposed minor collector road for Linley Point subdivision.

Thank you for listening.

David Bain  
04)

(speaking notes dated 2015 Feb

## Penny Masse

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**From:** Edgar, David D TRAN:EX [David.Edgar@gov.bc.ca]  
**Sent:** Monday, December 22, 2014 3:22 PM  
**To:** Deborah Jensen  
**Subject:** RE: Official Community Plan Amendment - OCP00073

Deborah

Thank you for the referral dated Dec 17, 2014. The Ministry has no concerns over the proposed amendments to Nanaimo's OCP.

Take care,

Dave

**Dave Edgar** P.Eng.  
Transportation Planning Engineer  
Ministry of Transportation and Infrastructure  
3rd Floor - 2100 Labieux Road  
Nanaimo, B.C. V9T 6E9  
Phone (250) 751-3276  
Fax (250) 751-3288  
Email [David.Edgar@gov.bc.ca](mailto:David.Edgar@gov.bc.ca)

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**From:** Deborah Jensen [<mailto:Deborah.Jensen@nanaimo.ca>]  
**Sent:** Wednesday, December 17, 2014 4:20 PM  
**To:** Edgar, David D TRAN:EX  
**Cc:** Bruce Anderson; XT:Masse, Penny LCLB:IN  
**Subject:** Official Community Plan Amendment - OCP00073

Good afternoon, please see attached.

A link has also been provided for the full Council report and amendment bylaw (see page 30), which was given 1<sup>st</sup> and 2<sup>nd</sup> readings at the regular Council meeting of 2014-DEC-15.

[https://www.nanaimo.ca/UploadedFilePath/Site Structure/Corporate Services/Corporate Administration/2014 Council Agendas/C141215A.pdf](https://www.nanaimo.ca/UploadedFilePath/Site%20Structure/Corporate%20Services/Corporate%20Administration/2014%20Council%20Agendas/C141215A.pdf)

If you have any questions, please feel free to contact Bruce Anderson, Manager, Planning & Design, at (250) 755-4402.

Thank you.

Deborah

*Deborah Jensen, MCIP, RPP*  
*Community Development Planner*  
Community Development Division  
City of Nanaimo



6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Strategic and Community  
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Web: [www.rdn.bc.ca](http://www.rdn.bc.ca)

September 30, 2014

VIA EMAIL: [djensen@nanaimo.ca](mailto:djensen@nanaimo.ca)

Planning and Design Section  
Community Development Department  
City of Nanaimo  
455 Wallace Street  
Nanaimo BC V9R 5J6

**Attention: Deborah Jensen, Community Development Planner**

Dear Ms. Jensen:

**Re: OCP Amendment No. OCP00073**

**Official Community Plan Five Year Review – General Amendments**

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Thank you for providing RDN staff with an opportunity to provide initial comments on the **proposed amendments to the City of Nanaimo's Official Community Plan** as outlined in your letter dated September 25, 2014.

We have reviewed the proposed amendments and do not have any changes to suggest at this time.

Thank you for the opportunity to provide initial feedback prior to your report going to City Council.

Sincerely,

Geoff Garbutt  
RDN General Manager, Strategic & Community Development ([ggarbutt@rdn.bc.ca](mailto:ggarbutt@rdn.bc.ca))

cc: Paul Thorkelsson, RDN Chief Administrative Officer ([PTHorkelsson@rdn.bc.ca](mailto:PTHorkelsson@rdn.bc.ca))  
Paul Thompson, RDN Manager, Long Range Planning, RDN ([pthompson@rdn.bc.ca](mailto:pthompson@rdn.bc.ca))  
Lisa Bhopalsingh, RDN Senior Planner, Long Range Planning ([lbhopalsingh@rdn.bc.ca](mailto:lbhopalsingh@rdn.bc.ca))

## Penny Masse

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**From:** Sue Pillon [deerfootvan@shaw.ca]  
**Sent:** Friday, January 30, 2015 5:21 PM  
**To:** Public Hearing  
**Subject:** road condition

Hello,

My concern is the lack of white line markings on a patch of road on the Island highway around the Long Lake area (going north...almost to Rutherford/Mostar Rd's) Black asphalt was put down on that part of the road last summer but the white line markings were not added to it.

The reason I am even mentioning this is that normally, it's been ok to drive on that part of the road..but the other night as I was driving home, the fog was so dense, I could not see ahead of me and I almost ran right into the cement blocks along the side of the road. It was very nerve racking! I feel the white line markings MAY have helped to avoid an accident.

Thanking you in advance for all you do to make this city the beautiful place that it is!!

Sincerely,

Sue Pillon  
[deerfootvan@shaw.ca](mailto:deerfootvan@shaw.ca)