

2009-MAY-20

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DSD

FROM: S. HERRERA, ACTING MANAGER, PLANNING DIVISION, DSD

RE: REPORT OF THE PUBLIC HEARING HELD
THURSDAY, 2009-MAY-07 FOR BYLAWS NO. 4000.449,
4000.452, 4000.453, 4000.425, and 4000.426

STAFF'S RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2009-MAY-07.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2009-MAY-07, the subject of which was five items. Approximately 35 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.449:

RA207 – 1190 & 1192 Seafield Crescent

This bylaw, if adopted, will rezone the subject property from Residential Duplex Zone (RM-1) to Public Institution Zone (P-2) in order to permit the use of an administrative office for the Vancouver Island Health Authority. The subject property is legally described as LOT 35, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 18936.

This application appears before Council this evening for consideration of Third Reading.

4 verbal submissions and one written submission were received for this bylaw.

2. BYLAW NO. 4000.452:

RA212 – 176 Wakesiah Avenue

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1a) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate a 3- lot subdivision.

The subject property is legally described as THE NORTHERLY 130 FEET OF THE WESTERLY 100 FEET OF SECTION 37, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630.

This application appears before Council this evening for consideration of Third Reading.

No verbal submissions and one written submission were received for this bylaw.

3. BYLAW NO. 4000.453:

RA215 – Part of 5244 Sherbourne Drive

This bylaw, if adopted, will rezone part of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to permit a duplex. The subject property is legally described as part of LOT 8, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691.

This application appears before Council this evening for consideration of Third Reading.

No verbal or written submissions were received for this application.

4. BYLAW NO. 4000.425:

ZA1-16 – Use versus User

This bylaw, if adopted, will amend Zoning Bylaw 1993 No.4000 in order to ensure that the Bylaw does not discriminate between users of the land and instead only regulates the use of the land. The amendments include:

1. Replacing the definition of 'Civic Use' with 'General Institutional Use' as follows:
"GENERAL INSTITUTIONAL USE" – means the use of lands, buildings or structures for: police, ambulance and fire stations; courts of law; legislative chambers and offices, archives and meeting rooms ancillary thereto whether on the same property or not; utilities; *nature parks*; and *community parks*.
2. Removing various references to users such as 'public' and 'private' from the Bylaw.

This application appears before Council this evening for consideration of Third Reading.

No verbal or written submissions received for this application.

5. BYLAW NO. 4000.426:

ZA1-32 – Park Zoning

This bylaw, if adopted, will:

Create three new zones intended to reflect the current and potential use of the park properties as follows:

1. Parks, Recreation and Culture Zone One (PRC-1)
This zone provides opportunities for the conservation and enjoyment of natural spaces within City parks. The zone will allow for recreational and educational uses that are compatible with the natural features within the park.

2. Parks, Recreation and Culture Zone Two (PRC-2)
This zone provides for a park area for the recreational and cultural use and enjoyment by the general public.
3. Parks, Recreation and Culture Zone Three (PRC-3)
This zone provides for organized recreational and cultural activities in developed parks, playfields, or similar recreational facilities.

Add three new definitions to Part 4 - Definitions:

- i) "NATURE PARK" - means use of lands, buildings, or structures primarily for conservation. Uses can include boardwalks, trails, environmentally sensitive areas, nature centres, nature sanctuaries and the like.
- ii) "COMMUNITY PARK" - means use of lands, buildings, and structures for recreation including playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, multi-purpose courts and the like.
- iii) "CITY PARK" - means use of the lands, buildings, or structures for participatory recreation and cultural activities including recreational facilities, waterslides, libraries, cultural facilities, golf courses, golf driving ranges, mini putt golf courses, assembly halls, horse riding stables, petting zoos, daycares and the like. This definition shall specifically include accessory uses of restaurant, office, retail, accessory dwelling unit, commercial school, lounge, and neighbourhood pub.

'Nature Parks' will be permitted in all PRC Zones; 'Community Parks' shall be permitted in PRC-2 and PRC-3 zones; and a 'City Park' will only be allowed within the PRC-3 zone.

This application appears before Council this evening for consideration of Third Reading.

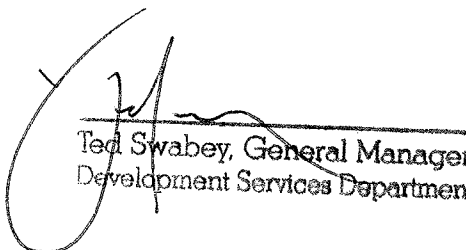
Seven verbal and ten written submissions were received for this application.

Respectfully submitted,

for: 
S. Herrera
Acting Manager, Planning Division
Development Services Department


A. Tucker
Director of Planning
Development Services Department

/pm
Council: 2009-MAY-25
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Ted Swabey, General Manager
Development Services Department

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT, VANCOUVER ISLAND CONFERENCE CENTRE,
SHAW AUDITORIUM, 101 GORDON STREET, NANAIMO, BC,
ON THURSDAY, 2009-MAY-07, TO CONSIDER AMENDMENTS TO
THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

PRESENT: His Worship Mayor J.R. Ruttan, Chair
Councillor W.J. Holdom
Councillor D.K. Johnstone
Councillor J.A. Kipp
Councillor L.D. McNabb
Councillor J.F. Pattje
Councillor L.J. Sherry

REGRETS: Councillor W.L. Bestwick
Councillor M.W. Unger

STAFF: A. Tucker, Director of Planning, DSD
R. Harding, Director, Parks, Recreation and Culture
S. Herrera, Acting Manager, Planning Division, DSD
D. Stewart, Planner, Planning Division, DSD
P. Masse, Planning Clerk, Planning Division, DSD

PUBLIC: There were approximately 35 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7:01 pm. Ms. Herrera explained the required procedures in conducting a Public Hearing and the regulations contained within Section 892 of the *Local Government Act*. Ms. Herrera read the items as they appeared on the agenda, adding that this is the final opportunity to provide input to Council before consideration of Third and Final Reading of Bylaws No. 4000.449, 4000.452, 4000.453, 4000.425 and 4000.426 at the next regularly scheduled Council meeting of 2009-MAY-25.

1. BYLAW NO. 4000.449:

RA207 – 1190 & 1192 Seafield Crescent

This bylaw, if adopted, will rezone the subject property from Residential Duplex Zone (RM-1) to Public Institution Zone (P-2) in order to permit the use of an administrative office for the Vancouver Island Health Authority. The subject property is legally described as LOT 35, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 18936.

Mr. Fred Taylor, 204 Emery Way – Opposed

- Mr. Taylor's presentation is attached as part of "Schedule 'A' – Submission for Bylaw 4000.449".

Councillor Pattje asked Staff for clarification regarding the estimated number of VIHA employees and how many parking stalls they would require.

Mr. Tucker noted that the bylaw requires approximately 20 parking spaces, 6 of which would be provided on site. Added that the building in question has been used to house medical students of NRGH in the past and this proposal involves converting the residential uses to an administrative office. The City is currently conducting a Parking Strategy and this area will be included in that study.

Councillor Pattje asked if the VIHA offices would operate on a 24/7 basis.

Mr. Tucker stated that the office would operate from 9am to 5pm and would be occupied by administrative staff only, such as payroll and benefits staff for VIHA.

Mr. Taylor noted that the applicant has stated that 13 parking spots will be utilized on the existing hospital parking lot, adding that any applications that are approved in this area exacerbate the parking issues.

Ms. Gwen Boyd, President, NRGH Neighbourhood Association - Opposed

- Believes the application will have a negative impact on parking within the neighbourhood.
- Lives on Moyes Crescent which is close to the subject property; traffic is heavy all day.
- Staff members of VIHA and NRGH currently park on the streets in the surrounding area, including part-time employees, as they do not want to pay for parking. Believes this proposal should not be approved unless proper parking is provided, as it would only compound the existing parking issues.

Councillor Holdom asked the speaker if she believes that the parking issues in the area are a result of the parking fees for the NRGH parking lot.

Ms. Boyd did not believe it was the sole reason for the parking issues but agreed that it contributes to the problem.

Councillor Holdom noted that the parking issues in the area would be problematic for any application that required parking facilities and is not specific to this proposal.

Ms. Boyd stated that she is not opposed to rezoning applications in general; however, she is opposed to any proposal that exacerbates the existing parking problems.

Councillor Holdom asked the speaker if there is an adequate amount of available parking in the NRGH parking lot if people would be willing to pay for it.

Ms. Boyd noted that there would be sufficient parking during the evening hours, but not always during daylight hours.

Mayor Ruttan asked for clarification on whether or not there are parking restrictions in place on the streets within the neighbourhood.

Ms. Boyd noted that it is more of an honour system, adding that parking restriction signs could help in aiding the problem.

Mr. Gord Fuller, 604 Nicol Street – Opposed

- Noted that the area is zoned Residential Duplex, adding that the City has an overabundance of empty office and retail space within the community. He asked why the application has not been proposed in a location that is already zoned for its intended use.

Mr. Jim Morris, Manager of Design and Construction, VIHA – Applicant

- Agreed that there are existing parking issues in the neighbourhood; VIHA is working with the City to try to abate those issues, noted that it would be unfortunate if this application were to be implicated by the parking debate.
- Parking spots will be available on the property itself as well as in a neighbouring apartment block where stalls have and can be leased.
- The people who would be staffing the proposed office are currently paying for parking on the NRGH site; therefore, a large increase in parking demand is not anticipated.

Mayor Ruttan asked the speaker for an estimate on how many spaces will be needed and how many will be using street parking.

Mr. Morris stated that he does not believe any of the people currently working on that property are parking on the street, adding that if additional spaces are needed they can be leased from the neighbouring apartment parking lot. Noted that the property is VIHA owned, which is why they are not proposing to utilize a downtown lot, where they would have to pay leased rates.

Mayor Ruttan asked if the applicant would be prepared to work with staff if on-street parking problems were a result of the proposal going forward.

Mr. Morris confirmed that VIHA is always willing to work with City Staff, adding that with the number of new developments within the area there is a defined need to review the parking elements within the neighbourhood. They are in the process of working with Staff and will continue to do so.

Councillor Pattje asked Staff for clarification on whether or not the current Parking Strategy has included the hospital neighbourhood in its study radius.

Mr. Tucker confirmed that the Parking Strategy includes the hospital, the downtown and the VIU neighbourhoods.

No further verbal and one written submission were received for this application.

2. BYLAW NO. 4000.452:

RA212 – 176 Wakesiah Avenue

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1a) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate a 3- lot subdivision. The subject property is legally described as THE NORTHERLY 130 FEET OF THE WESTERLY 100 FEET OF SECTION 37, RANGE 5, SECTION 1, NANAIMO DISTRICT, PLAN 630.

There were no verbal and one written submission (attached as "Schedule 'B' – Submission for Bylaw 4000.452") received for this application.

3. BYLAW NO. 4000.453:

RA215 – Part of 5244 Sherbourne Drive

This bylaw, if adopted, will rezone part of the subject property from Single Family Mobile Home Residential Zone (RS-3) to Residential Duplex Zone (RM-1) in order to permit a duplex. The subject property is legally described as part of LOT 8, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691.

No verbal or written submissions were received for this application.

4. BYLAW NO. 4000.425:

ZA1-16 – Use versus User

This bylaw, if adopted, will amend Zoning Bylaw 1993 No.4000 in order to ensure that the Bylaw does not discriminate between users of the land and instead only regulates the use of the land. The amendments include:

1. Replacing the definition of 'Civic Use' with 'General Institutional Use' as follows:
"GENERAL INSTITUTIONAL USE" – means the use of lands, buildings or structures for: police, ambulance and fire stations; courts of law; legislative chambers and offices, archives and meeting rooms ancillary thereto whether on the same property or not; utilities; *nature parks*; and *community parks*.
2. Removing various references to users such as 'public' and 'private' from the Bylaw.

No verbal or written submissions received for this application.

5. BYLAW NO. 4000.426:

ZA1-32 – Park Zoning

This bylaw, if adopted, will:

Create three new zones intended to reflect the current and potential use of the park properties as follows:

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Add three new definitions to Part 4 - Definitions:

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'Nature Parks' will be permitted in all PRC Zones; 'Community Parks' shall be permitted in PRC-2 and PRC-3 zones; and a 'City Park' will only be allowed within the PRC-3 zone.

Mr. Fred Taylor, 204 Emery Way – Opposed

- Mr. Taylor's presentation is attached as part of "Schedule 'C' – Submissions for Bylaw 4000.426".

Councillor Holdom asked the speaker to confirm if his position on park zoning would change if Staff could clarify all the specifics he identified in his presentation.

Mr. Taylor noted that he does not agree with the false sense of protection a member of the public could perceive by the bylaw. Asked for clarification on why the covenant was removed from title to Beban Park when the City retrieved it from the RDN.

Councillor Holdom asked the speaker if any of his presentation points could be corrected through an amendment.

Mr. Taylor noted that, through confirmation with Legislative Services, amendments could be made to the bylaw at Second Reading due to how minor the changes would be in context to the bylaw. Questioned why and who changed the name of Westwood Lake Park to Westwood Ravine Park.

Mr. Tucker noted that the sale of a portion of the Westwood Lake Park occurred in 1985 when the Council of the day adopted Disposal Bylaw No. 2896 for a portion of land in Westwood ravine area. Park names were included in the proposed bylaw to aid the public in identifying the parks and their proposed zones, noting that the reason it is in a table format in the Public Hearing Notice, as opposed to the maps indicated in the bylaw, was due to advertising costs and an attempt at saving taxpayer dollars. If the maps had been used in the advertising it would have resulted in a very high cost.

Mr. Harding stated there are over 300 pieces of property that form our park base; a majority of them are not formally named. There are a number of parks that are named by Council when acquired or through the improvement district. The Parks Department is responsible for many park names, for identification purposes only.

Councillor Holdom asked Staff to clarify if any of the speakers' presentation points could impede the bylaw going forward.

Mr. Tucker confirmed that the issues raised by Mr. Taylor are related to the land title system and the manner in which each title on that parcel was created at the time. The issue of park naming is a separate process from the zoning process. Mr. Taylor's main complaint is that the continuity of the history had been broken and should be corrected rather than any specific complaint to the proposed zones themselves.

Mr. Taylor stated that Westwood Ravine Park was created through a subdivision process and that he is opposed to the implications of the possibility of it being sold.

Mr. Harding noted that the City is unable to sell parkland that was received through dedication of a subdivision; it would have to be approved by the provincial government.

Mr. Lawrence Rieper, 990 Campbell Street - Opposed

- Stated that if these areas can be deemed as parkland via a bylaw they can also be removed from that zoning by another bylaw.
- The proposal of 'Nature Park' includes many small parks; asked why they are not listed under 'Community Park'.
- Does not understand the inconsistencies of why one park is deemed "natural" and one is a "community" park.

Ms. Sharon Kofoed, 2322 Panorama View Drive – Opposed

- Ms. Kofoed's presentation is attached as part of "Schedule 'C' – Submissions for Bylaw 4000.426".

Councillor Pattje asked the speaker if she had gone over any of the other affected areas as carefully as she had researched the Westwood area.

Ms. Kofoed noted she looked at a few of the other areas and spoke to some neighbours of the Holland Road Park who are concerned about the proposed zoning change, as well as concerned neighbours of Westhill Park who believe the proposed zoning is inappropriate.

Councillor Pattje asked the speaker if she had any comment regarding Mr. Taylor's concerns regarding the naming of Westwood Ravine Park.

Ms. Kofoed noted it is her belief that Mr. Taylor is correct to state that all parkland within Westwood Lake Park is designated under condition upon title and consequently they should be protected as a Nature Park, and all parts of the park should be included in Westwood Lake Park because it is dedicated by title.

Ms. Lucia Gamroth, 2412 Mill Road – Opposed

- Ms. Gamroth's presentation is attached as part of "Schedule 'C' – Submissions for Bylaw 4000.426".

Ms. Robin Winkler, 2323 Arbot Road – Opposed

- Values and appreciates Westwood Lake Park for its natural beauty and the kind of recreation it presently allows. It is unique due to its wilderness, second-growth forests and the lake at the foothills of Mount Benson.
- Has also seen negatives in Westwood Lake Park, which include litter, ATV's and motorcycles on the trails and noise pollution. Believes the PRC-2 Zone would cause an increase in these negatives.
- Does not believe the designation of 'Community Park' suits the area as it could include buildings, parking lots, concrete skateboard areas, and band shells. Any addition of these new parks uses will disrupt the security and comfort that the neighbours deserve.
- Finds it puzzling that two parks with the same aesthetics and amenities, like Pipers Lagoon Park and Neck Point Park, would be designated into different zones.
- Believes Westwood Lake Park should be designated as a 'Nature Park' with a "clause" for non-conforming uses.
- Noted that Egli Park is currently in a natural state, and if designated to PRC-2 it could be a skateboard park or a variety of other unsuitable uses. Does not believe this zoning provides protection to any of the City's parks.

Councillor Holdom asked for clarification on the rationale for split zoning Westwood Lake Park, seeing as several delegations have specifically questioned this park zoning.

Mr. Harding noted that the historic and existing uses of the each park were considered; Westwood Lake Park has always been a major swimming area in the summer, is the only outdoor beach area with a lifeguard in the City, hosts extensive youth and adult programs, is a marshalling area for schools, has a boat launch and a playground. It is a very active park that could not only be zoned 'Nature' as all those uses would then be non-conforming. Added that none of the proposed uses could be built or utilized on a park until a public process took place. Purpose was to create a zone that permitted uses that have taken place in Westwood for the last 50 years.

Ms. Anne Kerr, 1369 Rose Ann Drive – Opposed

- Commended Staff on the proposed zones; however, believes more thought should be given to the designations themselves.
- Does not want natural parks ruined with unsuitable uses.
- Suggested conservation covenants on certain parks to guarantee the natural state of those lands for perpetuity.

Councillor Pattje noted that the population would grow by an estimated 25,000 people by 2031, asked the speaker how conservation covenants may affect those people having access to parks for the different uses they may require.

Ms. Kerr stated that a conservation covenant could specify what the allowed uses would be.

Councillor Holdom asked Staff for clarification on whether or not a site-specific zone would be possible within the bylaw.

Mr. Harding noted that this bylaw is not in regards to park planning and is only in regards to park zoning, adding that since he has been involved in park planning since 1994 not one park improvement has taken place without a public input process.

Mr. Harding added that any uses proposed for a park would still undergo neighbourhood, City and public processes. This process is only identifying the general intent of use of the City's parkland.

Mr. Gord Fuller, 604 Emery Way – Opposed

- Commended Staff for its efforts on the work done to date; however, is opposed to the bylaw as it stands.
- Believes the zoning only offers the illusion of protection; it could be rezoned in the future.
- Likes the idea of a conservation covenant and believes that any application for rezoning to parkland should be put to a citywide referendum.
- Noted that 'Neighbourhood Pub' is one of the listed uses; his understanding is that you can be fined for drinking in a public park. Does not understand why those uses would be included for park areas.

Mr. Tucker noted that the Nanaimo Ice Centre, Beban Park and Maffeo Sutton Park all have liquor licenses to allow special events and summer festivals, added that those uses are permitted to reflect the historic use of those parks.

Mr. Harding noted the Rugby Club, the Curling Rink and McGirr Sports Field as other examples of developed park having liquor licenses.

Mr. Lawrence Rieper, 990 Campbell Street – Opposed - Redress

- Asked for clarification from Staff why Bowen Park does not have two zones, one for the facilities and buildings and one for the wooded, natural area.

Mr. Harding noted that the speaker's suggestion could be undertaken if Council directed Staff to create a comprehensive plan for Bowen Park, adding that due to so many varied events that take place in the park it would take an extensive amount of time to create.

There were seven verbal and ten written submissions received for this application. No further submissions were received for this application.

MOVED by Councillor Sherry, SECONDED by Councillor Holdom, that the meeting be adjourned at 8:42 p.m.

CARRIED

Certified Correct:



A. Tucker
Director of Planning
Development Services Department

Schedule “A”

Submission

For

Bylaw No. 4000.449

(1190 & 1192 Seafield Crescent / RA207)

May 7, 2009

City of Nanaimo
455 Wallace Street
Nanaimo, B.C.

Fred H.J. Taylor
204 Emery Way
Nanaimo
British Columbia
Canada V9R 5Z8
☎ 250 754-6917
fax 250 753-8124

Mayor Ruttan & Council Members:

I oppose Bylaw 400.449.

I agree with our O.C.P. "new development or re-development of the lands within the Hospital Urban Node will contain measures to minimize any traffic impact on existing neighbourhoods and local roads."

We all know there are parking problems within the Hospital Urban Node, any proposal without adequate on site parking does not solve the parking problem.

Is there a need to accommodate development on ½ of the required minimum lot area?

Is there a need to accommodate VIHA administrative offices at this location?

It appears the site is currently illegally occupied as to zoning; such activity is subject to the same rules as individuals.

Yours truly,

A handwritten signature in black ink, appearing to read "F Taylor", written in a cursive style.

Fred Taylor

Schedule “B”

Submission

For

Bylaw No. 4000.452

(RA212 – 176 Wakesiah Avenue)

Penny Masse

From: Marge Hammond [MEhammond@shaw.ca]
Sent: Wednesday, April 29, 2009 10:33 AM
To: Public Hearing
Subject: bylaw #4000.452 File RA 212 Subject Property: 176 Wakesiah Ave.

Development Services Dept.

I wish to express my deep concern over the proposed bylaw # 4000.452

The area on the east side of Wakesiah Ave. is a pleasant residential area consisting of one lot, one house. The opening up of this type of development; (dividing one single lot into two very narrow lots) will make the area look like a mining town and drive down the value of the existing properties.

The next problem is sewage:

The main sewage pipe runs under my property at 179 Acacia Ave. approximately 40 - 50ft. from my back fence. At some time in the past an easement was granted to install a connecting sewer pipe under my property to supply the two existing lots. According to engineering one house or duplex could be built on the remaining lot and the sewage would not need to be changed. If the lot is divided into two small lots, it now becomes a total of three lots and engineering points out that a larger connecting pipe would have to be installed which requires a corridor of 10ft. wide and 40 - 50ft into my property. This gives the developer the right to destroy my back yard which contains fruit-bearing trees and shrubs and raised organic vegetable and small fruit beds. This is a terrible price my wife and I have to pay so a developer can profit from this.

In view of the fact that sewage is in place and available for two lots, I strongly object to subdividing into three separate lots as proposed by bylaw # 4000.452.

Thank you for your consideration,

Elroy C Hammond
179 Acacia Ave.

Schedule “C”

Submissions

For

Bylaw 4000.426

(Park Zoning)

Fred H.J. Taylor
204 Emery Way
Nanaimo
British Columbia
Canada V9R 5Z8
☎ 250 754-6917
fax 250 753-8124

May 7, 2009

City of Nanaimo
455 Wallace Street
Nanaimo, B.C.

Mayor Ruttan & Council Members:

I have no choice but to oppose Bylaw 4000.426, a bylaw to govern the use of parkland.

I understand the progress of this Parks Bylaw was delayed in order to verify correct identification of park property. Many parts of Westwood Lake Park remain as easements / right of ways when they are actually 'titled' land. This identification is in my opinion extremely dangerous as past records have shown the sale of such lands when they are actually park land.

At the March 23, 2009 Council meeting, I raised question as to the selection of park land identification by name on the Bylaw maps.

As example, Caledonia Park was not indentified (combined with Bowen Park (was named a couple of days ago)) and the renaming of some of Westwood Lake Park to Westwood Ravine Park (unknown who has authorized this name).

I understand an amendment to the bylaw was proposed by a Council member, only to reach agreement of including corrections to the Bylaw in regards to my concerns.

Yes, a cover sheet was added to the bylaw, “park names do not form part of Bylaw 400.426.”

Just a minute, there are now pages of names of parks as part of the bylaw; appears we are not consistent in our actions.

I offered at the March 23rd meeting to attend city hall with support documents to my concerns.

Yes, city hall has had six (6) weeks to address my concerns; the bylaw is now at the Public Hearing stage, advertisement without corrections.

Westwood Ravine Park name now appears five (5) times on the map from only once on the maps at the 1st and 2nd readings of the bylaw.

What is the intent and/or motive of city hall in regards to Westwood Ravine Park land?

The Corporation of the City of Nanaimo holds the lands of Westwood Lake Park upon a condition number DD83568N “to hold the lands as a public park.”

The ‘schedule’ of the description of the lands forms part of DD83568N.

One will note the eighth description of land is 133 RW or shall we say 284 Westwood Road.

One will also note the ninth description of land is 74 RW or shall we say 2345 Westwood Road.

In 1986 the City of Nanaimo has divided what land is remaining of 74 RW into separate titles; a new title for the portion within Lot 6, 360 Westwood Road and a separate title for the Lot 3 portion of 74 RW within 310 Westwood Road.

Why does the Public, City of Nanaimo web site City Map provide one title to 74 RW and back 'room access' to this information provide 2 titles ?

This suggests the city may sell these portions to adjoining land owners; this process must stop.

Council should demand **one title**.

Consider 74 RW when acquired by the city for parkland in 1958 to today's mess.

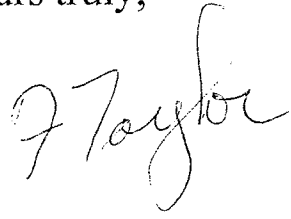
Likewise, 173 RW completely screwed up.

I ask you, do you have the legal authority to promote and adopt any regulation which would allow any commercial activity (pub, concession stand, restaurant, retail of any kind) in a park which has a covenant/condition on title "for public park only", i.e. Bowen park; likewise any park dedicated by bylaw "as public park" i.e. Departure Bay Centennial Park, Piper Park, Gyro Youth Park, Caledonia Park Elaine Hamilton Park?

Consultant Staples McDonald Stewart, they have been involved in Beacon Hill Park Court actions.

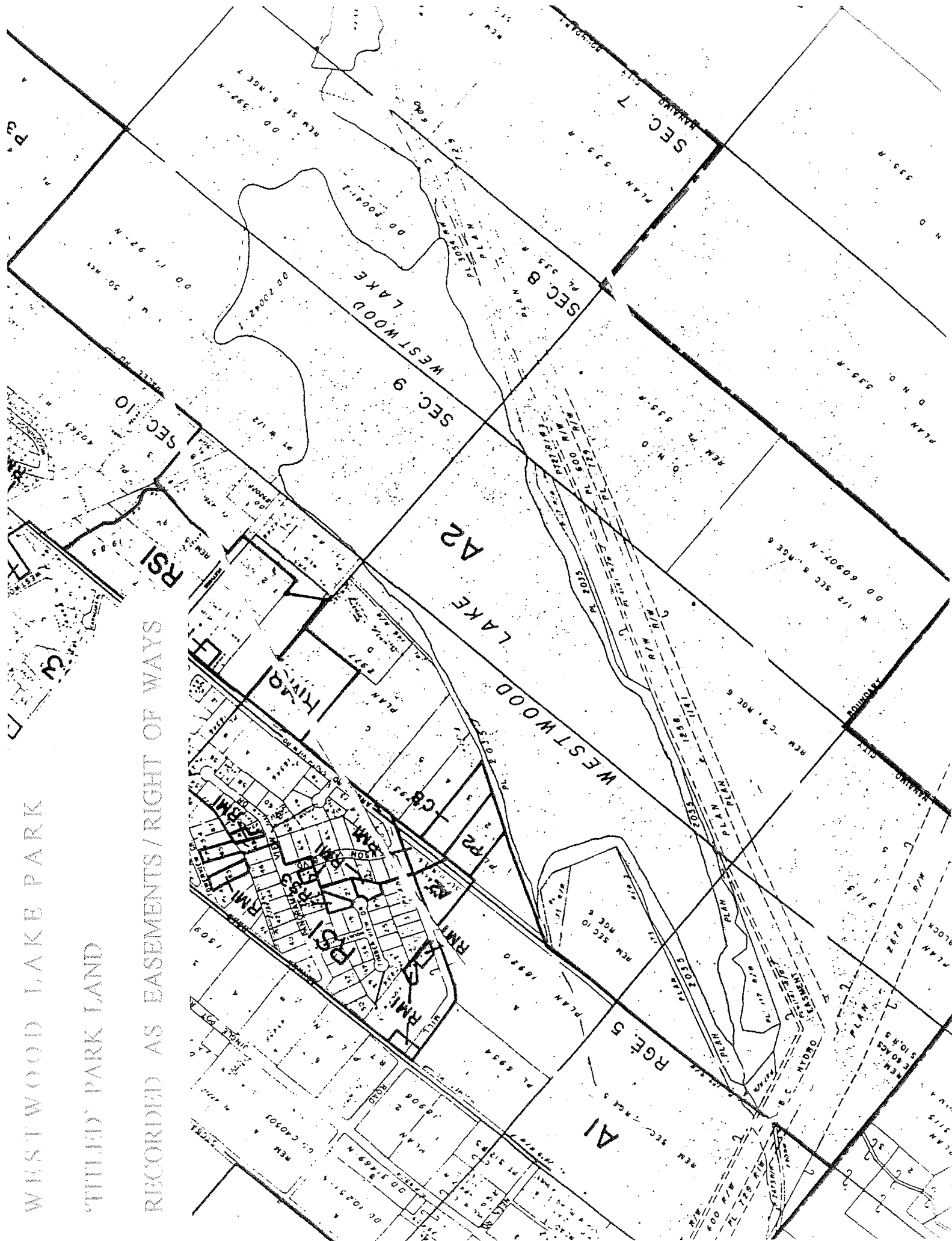
Sorry, I do not agree these zonings protect park land; only a covenant/condition on title and/or a bylaw of dedication of park land protects park land; zoning just allows named use of land and easily subject to change, just consider the on going rezonings before the Council almost every meeting.

Yours truly,

A handwritten signature in cursive script, appearing to read "F Taylor". The signature is written in black ink and is positioned between the phrase "Yours truly," and the printed name "Fred Taylor".

Fred Taylor

RECORDS AS EASEMENTS / RIGHT OF WAYS



March 23, 2009

City of Nanaimo
455 Wallace Street
Nanaimo, B.C.

Mayor Ruttan & Council Members:

Surprise, the Parks Zoning Bylaw number 4000.426 is taking a step forward, Council to reconsider at second reading.

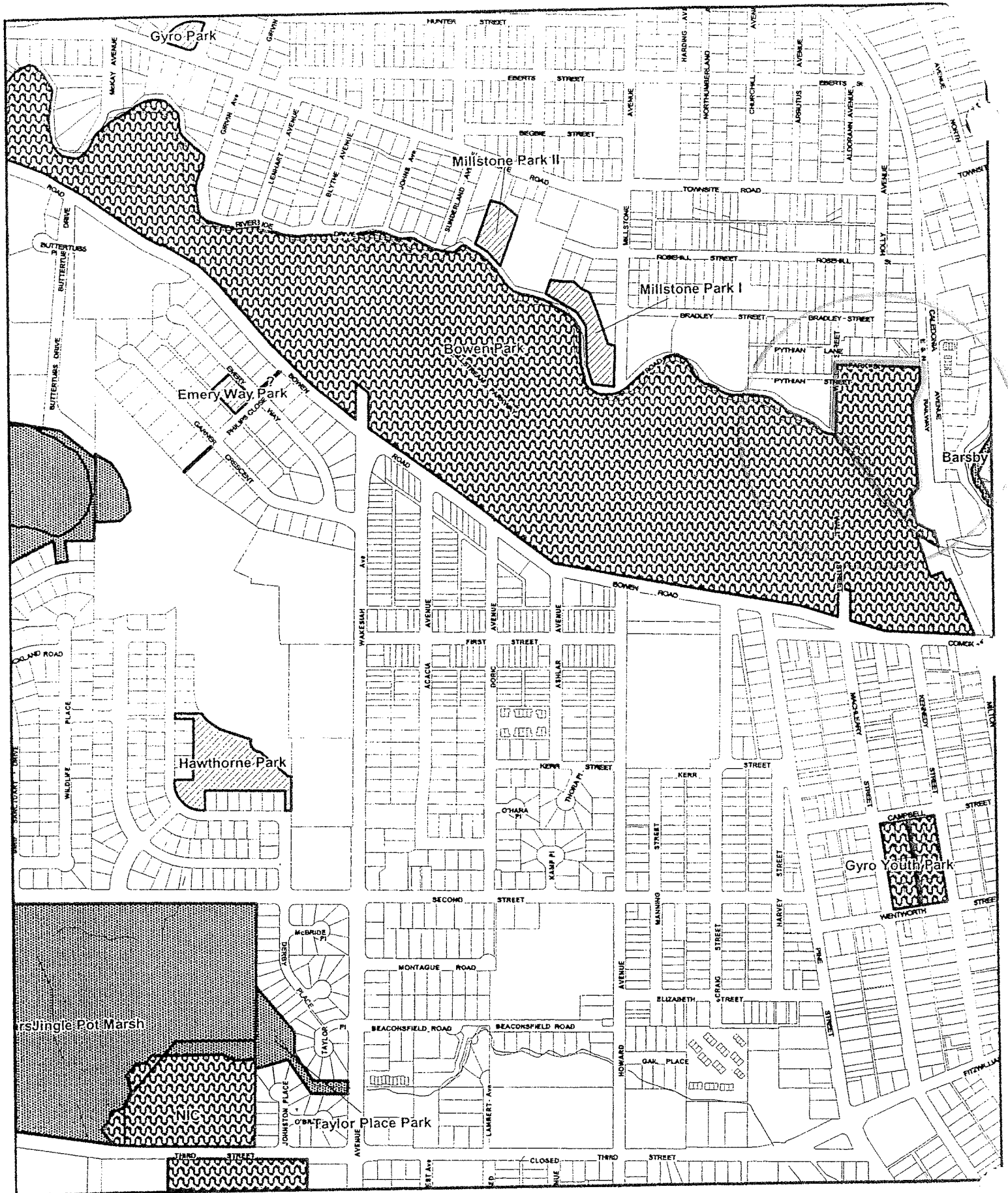
I fail to understand the selection of Park land identification by name.

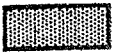


For example, Schedule AA fails to identify Caledonia Park on Wall Street; fails to identify all of Westwood Lake park lands, even renames some of the Westwood Lake Park (Schedule Y).

I ask for Council's consideration of the aforementioned at second reading.

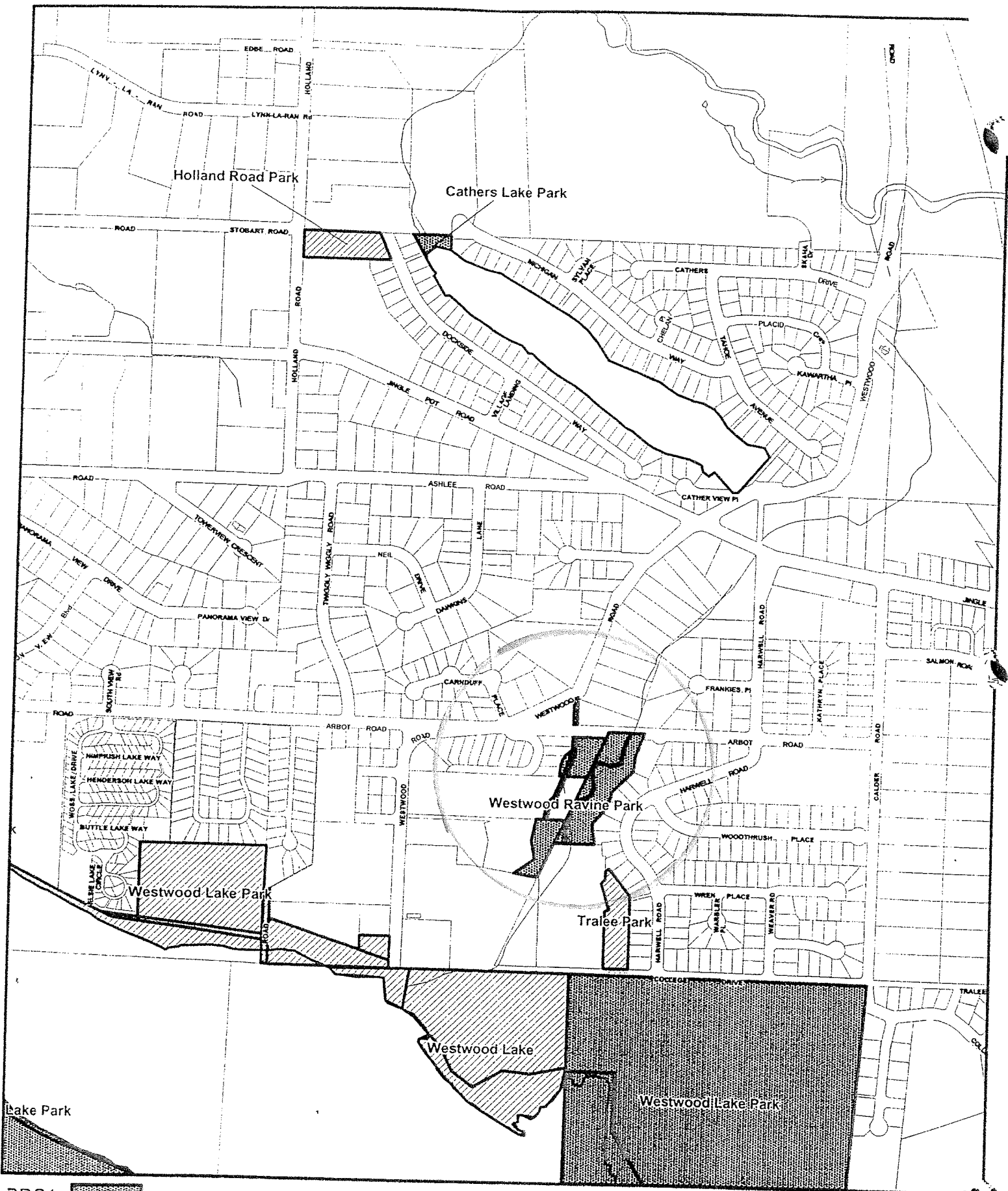
Yours truly,

Fred Taylor



- PRC1 
- PRC2 
- PRC3 

SCHEDULE AA



- PRC1
- PRC2
- PRC3

SCHEDULE Y

Verbatim – portion of 2009-MAR-23 Council Meeting

Start time 3:48.

Stop time 3:49:30

Councillor Holdom:

The next one is Bylaw 4000.426 and I would move that this bylaw that creates three new zones intended to reflect the varying levels of use of City parkland pass second reading as amended.

[seconded]

On this one, are we able to incorporate the changes that Mr. Taylor [suggested]?

Jerry Berry:

[*Illegible*] a rose by any other name, as I understood the comments from Mr. Taylor, I have no reason to believe he's incorrect on the naming, so if Council is in agreement, if Council is considering first reading to include those changes, we will do it that way and it won't require an amendment.

Schedules

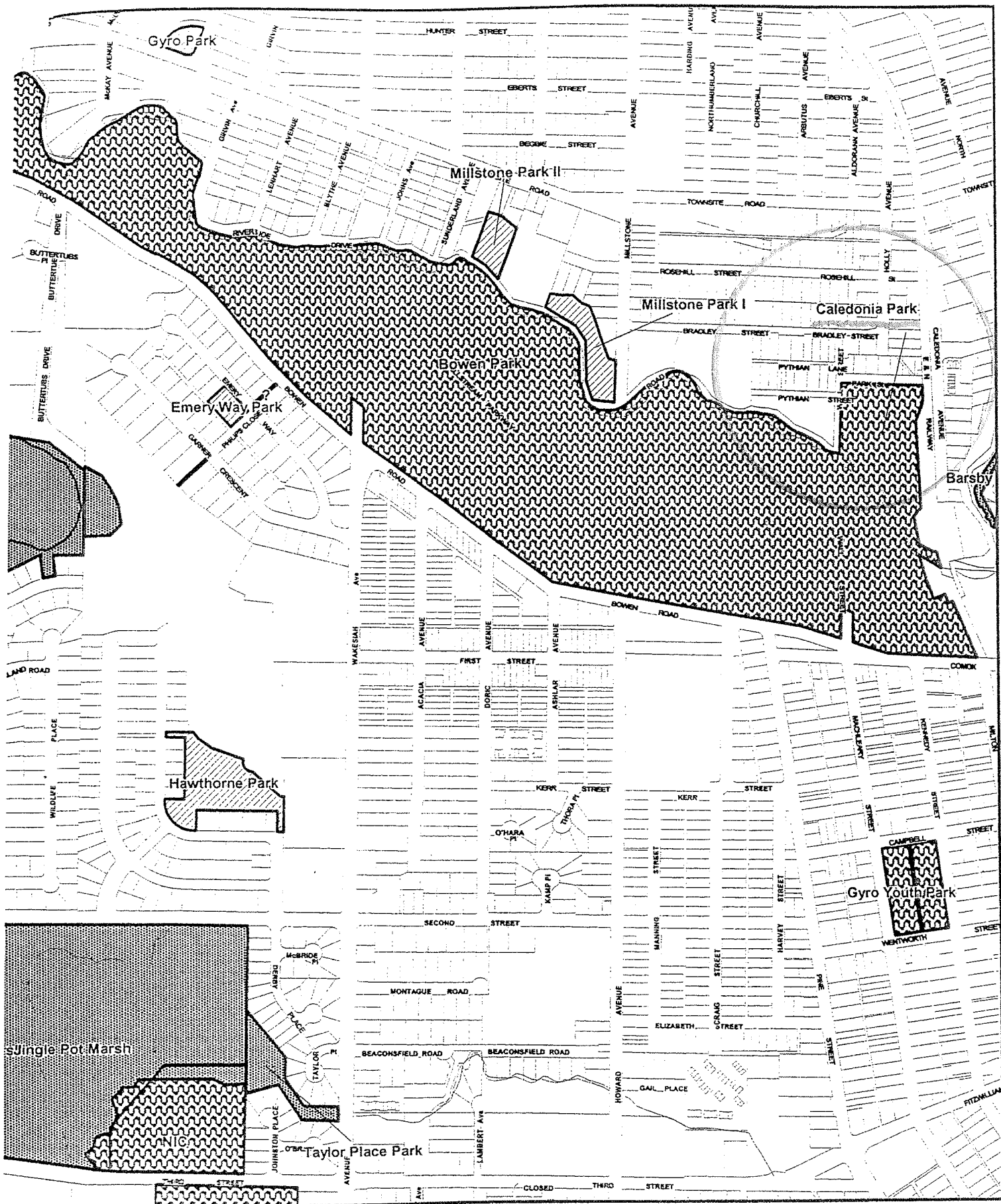
For

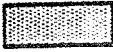


Bylaw No. 4000.426

*Note: park names have been added to the
schedules to assist in the
identification / location of parks.
The park names do not form part of Bylaw
4000.426.*

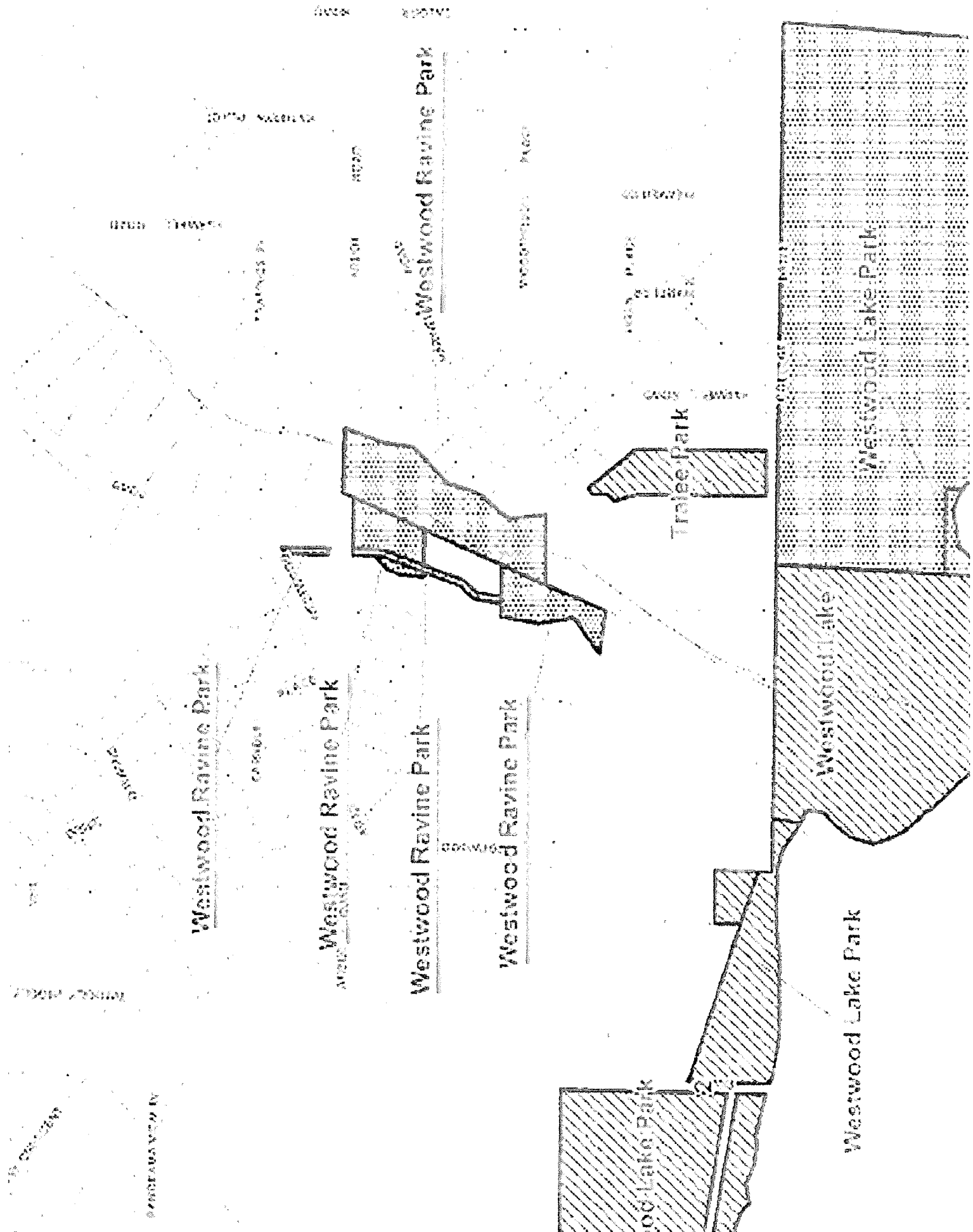
The following table outlines the proposed zoning and location of existing parks:

Park Zone	Park Name	House	Street
PRC-2	Allison Way Park	3409	Allison Way
PRC-2	Amsterdam Park	5455	Arnhem Terrace
PRC-2	Applegreen Park	309	Applegreen Avenue
PRC-1	Arbot Road Park	2430	Arbot Road
PRC-2	Arbutus Park	291	Rovere Place
PRC-2	Ardoon Place Park	2702	Labieux Road
PRC-2	Barney Moriez Playground	450	Poplar Street
PRC-2	Barrington Park	3740	Rock City Road
PRC-2	Barrington Park	3750	Rock City Road
PRC-2	Barrington Park	3800	Rock City Road
PRC-1	Barsby Park	51	Barsby Avenue
PRC-3	Bastion Square Park	94	Front Street
PRC-1	Beach Estates Park	2140	Departure Bay Road
PRC-2	Beaufort Park	69	Lorne Place
PRC-1/PRC-3	Beban Park	2300	Bowen Road
PRC-1	Ben Gunn Park	120	Cutlass Lookout
PRC-1	Black Beard Park	46	Capt Morgans Boulevard
PRC-2	Black Diamond Park	281	Black Diamond Drive
PRC-2	Bob-O-Link Park	1663	Bob-O-Link Way
PRC-3	Bowen Park	500	Bowen Road
PRC-3	Bowen Park (Parcel X)	400	McKay Avenue
PRC-2	Brackenwood Park	2360	York Crescent
PRC-2	Brackenwood/Briarwood Park	2331	Briarwood Place
PRC-3	Brechin Boat	1890	Zorkin Road
PRC-2	Breonna/Schooner Park	5986	Breonna Drive
PRC-2	Broadway Park	5946	Broadway Road
PRC-1/PRC-2	Brookwood Park	5740	Brookwood Drive
PRC-1	Brookwood Park	4707	Fairbrook Crescent
PRC-2	Browns Lane Park	2350	Brackenwood Place
PRC-1	Bruce Avenue Park	329	Bruce Avenue
PRC-1	Bruce Park	330	Bruce Avenue
PRC-2	Butternut Park	4370	Butternut Drive
PRC-1	Buttertubs Marsh	200	Buttertubs
PRC-1	Buttertubs Marsh West	1780	Jingle Pot Road
PRC-1	Cable Bay Trail & Park	ROW	
PRC-3	Caledonia Park	110	Wall Street
PRC-2	Camcrest Park	2747	Camcrest Drive
PRC-2	Camcrest Park	2784	Sheffield Place
PRC-2	Capilano Playlot 1	910	Capilano Place
PRC-2	Capilano Playlot 2	972	Capilano Place
PRC-1	Captain Flint Park	153	Capt Morgans Boulevard
PRC-1	Captain Hook Park	49	Capt Morgans Boulevard
PRC-1	Captain Morgan Park	A-174	Pirates Lane
PRC-2	Carriage Way Park	5093	Carriage Drive
PRC-2	Carrington Park 1	5708	Carrington Road
PRC-2	Cathedral Grove Park/Parkwood Park	5957	Cathedral Crescent
PRC-1	Cathers Lake Park	2213	Michigan Way
PRC-1	Chase River Estuary Park	1160	Island Highway S.
PRC-1	Chase River Park	845	Park Avenue
PRC-1	Chase River Park	840	Park Ave
PRC-1	Chase River Park	351	Seventh Street
PRC-1	Chase River Park	418	Seventh Street



- PROC1 
- PROC2 
- PROC3 

SCHEDULE AA



Westwood Ravine Park

Westwood Ravine Park

Westwood Ravine Park

Westwood Ravine Park

Westwood Ravine Park

Westwood Lake Park

Westwood Lake

Westwood Lake Park

Tralee Park

Tralee Park

WESTWOOD LAKE PARK
CONDITION REGISTERED
ON TITLE

GRANTOR:

BRITISH COLUMBIA POWER COMMISSION,
incorporated under the "Power Act" of the
Province of British Columbia, having its
head office in the City of Victoria,
Province aforesaid,

(hereinafter called "the Grantor")

OF THE ONE PART

AND:

THE CORPORATION OF THE CITY OF NANAIMO,
Province of British Columbia,

(hereinafter called "the Grantee")

OF THE OTHER PART.

WHEREAS:

1. The Grantor is seized in fee simple of the parcels or tracts of land described in the Schedule hereto (hereinafter called "the lands");
2. The Grantor wishes to dedicate the lands, subject to the reservations hereinafter contained, as a public park in perpetuity;
3. The Grantor wishes to be reimbursed the amount of taxes on the lands to which it will or may be subject notwithstanding the conveyance hereby intended to be made;
4. The Grantee has agreed to accept the lands on the terms proposed by the Grantor and herein contained and to hold the lands as a public park.

NOW THEREFORE THIS DEED WITNESSETH that in consideration of the premises and of the promises hereinafter made and in further consideration of the sum of One Dollar (\$1.00) (receipt whereof is hereby by the Grantor acknowledged) the Grantor hereby grants and conveys to the Grantee ALL AND SINGULAR those several parcels or tracts of land listed on the schedule hereto, together with all buildings, dams, fixtures, commons, ways, profits, privileges, rights, easements and

appurtenances thereto or any part thereof belonging or with the same or any part thereof held or enjoyed or appurtenant thereto and all the right, title, interest, property, claim and demand of the Grantor in to or upon the lands, RESERVING NEVERTHELESS to the Grantor the right in perpetuity to operate, maintain, replace, inspect and safeguard on the lands all existing electric transmission and distribution line or lines and certain telephone or other communications whether owned by the Grantor or by others at the date hereof, AND FURTHER RESERVING TO THE GRANTOR the right in perpetuity for itself, its servants, agents or licensees, to place on the lands towers, poles and other structures with guy wires, anchors, wires and all apparatus equipment and other material appertaining to the said line or lines, and to dig up the soil of the land and to place therein underground conductors, which shall be placed at a minimum depth of twelve inches (12") below all arable land, and to clear and keep clear the land below and beside the line or lines of towers and wires and to keep down and control all growth thereon and to clear any obstruction therefrom and to remove or trim any trees which may be deemed by the Grantor to be dangerous to the said line or lines together with the right to enter upon the lands for the purpose of gaining access to the line or lines of towers or wires and for constructing, operating, maintaining, replacing, inspecting or safeguarding the said line or lines, to have and to hold the lands to the Grantee in fee simple.

SUBJECT nevertheless to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown and subject to all registered encumbrances.

The Grantee covenants with the Grantor that it will pay the Grantor forthwith upon demand in each year the taxes on the lands which the Grantor is required to pay, by reason of the provisions of the Power Act or any amendment thereto, so long as the said taxes are demanded from the Grantor.

The Grantee further covenants with the Grantor that the

lands will be dedicated as a public park.

It is agreed that words herein importing a singular number or neuter gender shall be read as including the plural number or masculine or feminine gender and the several rights, promises and covenants hereby granted reserved or made shall enure for the benefit of the respective successors and assigns of the parties hereto.

IN WITNESS WHEREOF the parties hereto have caused their respective corporate seals to be affixed in the presence of their proper officers.

SCHEDULE

All those parcels or tracts of land situate in the Nanaimo Assessment District and more particularly described as follows:-

- ✓ 83572¹¹ Firstly: That part of Lot C of Section 10, Range 6, Mountain District, composite plan 2977, containing 0.077 of an acre, more or less as shown on Plan 146 R.W.
- ✓ 83568¹¹ Secondly: Part of Section 9, Ranges 6 and 7, and part of Section 10, Ranges 5 and 6, Mountain District, containing 144.41 acres more or less as shown on Plan 2035.
- ✓ 83515¹¹ Thirdly: Those parts of Section 10, Ranges 5 and 6, Mountain District, included in Plan 173 R.W. containing 2.35 acres more or less.
- ✓ 83510¹¹ Fourthly: Part of Lot 3 of Section 10, Range 7, Mountain District, Plan 1985, as shown outlined in red on Plan 151 R.W. and containing 2.14 acres more or less.
- ✓ 83533¹¹ Fifthly: Part of Section 8, Ranges 6 and 7, Mountain District, more particularly described as follows: Commencing at a Post on the boundary line between Sections 8 and 9, Mountain District aforesaid, which is North 89 degrees 11 minutes West a distance of 57.197 chains from the North East corner Post of Section 8, Range 8, Mountain District aforesaid; thence South a distance of 6.690 chains to a Post; thence West a distance of 7.307 chains to a Post; thence South a distance of 4.382 chains to a Post; thence West a distance of 12.163 chains to a Post; thence South a distance of 7.658 chains to a Post; thence West a distance of 2.615 chains to a Post; thence North 54 degrees 8 minutes West a distance of 33.142 chains to a Post on the boundary line between Sections 8 and 9, Mountain District aforesaid; thence South 89 degrees 11 minutes East a distance of 48.943 chains along said boundary to point of commencement, containing by admeasurement 49.17 acres, more or less as shown outlined in red on Plan endorsed on Deed dated 15th November, 1913, from the Western Fuel Company to the Nanaimo Electric Light Power and Heating Company Limited, and numbered 20041-1.

Sixthly:

Part of Section 9, Range 7, Mountain District, more particularly described as follows: Commencing at the South West corner of the East half of said Section 9; thence North along the West boundary of said East half of Section 9 a distance of 784.3 feet; thence East a distance of 261.1 feet; thence South a distance of 324.5 feet; thence South 32 degrees 4 minutes East a distance of 529.8 feet to the South boundary of said Section 9; thence North 89 degrees 11 minutes West along the said South boundary of said Section 9, a distance of 542.3 feet to the point of commencement, containing by admeasurement 6.20 acres, more or less, as shown outlined in red on Plan attached to Deed dated 24th July, 1914, from Mark Eate, Junior, to the Nanaimo Electric Light Power and Heating Company Limited, and numbered 20042-1.

Seventhly:

The West 1/2 of Section 9, Range 7, Mountain District, EXCEPT that part thereof included in Plan 2035.

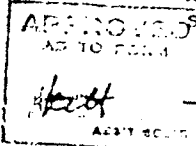
Eighthly:

Those parts of lots 3, 4, 5 and 6 in Block 13 of Section 11, Range 7, Mountain District, Plan 1651, shown outlined in red on Plan 133 R.W. and comprising 0.06 of an acre more or less.

Ninthly:

Those parts of Lots 4, 5, 6 and 7 of Section 10, Range 7, Mountain District, Plan 1985, shown outlined in red on Plan 74 R.W. and containing 0.30 of an acre more or less in Lot 4; 0.21 of an acre more or less in Lot 5; 0.12 of an acre more or less in Lot 6, and 0.11 of an acre more or less in Lot 7.

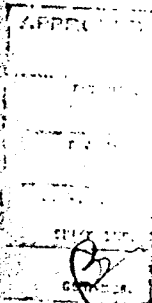
The Corporate Seal of BRITISH)
COLUMBIA POWER COMMISSION was)
hereunto affixed in the pre-)
sence of:)



Chairman

Secretary

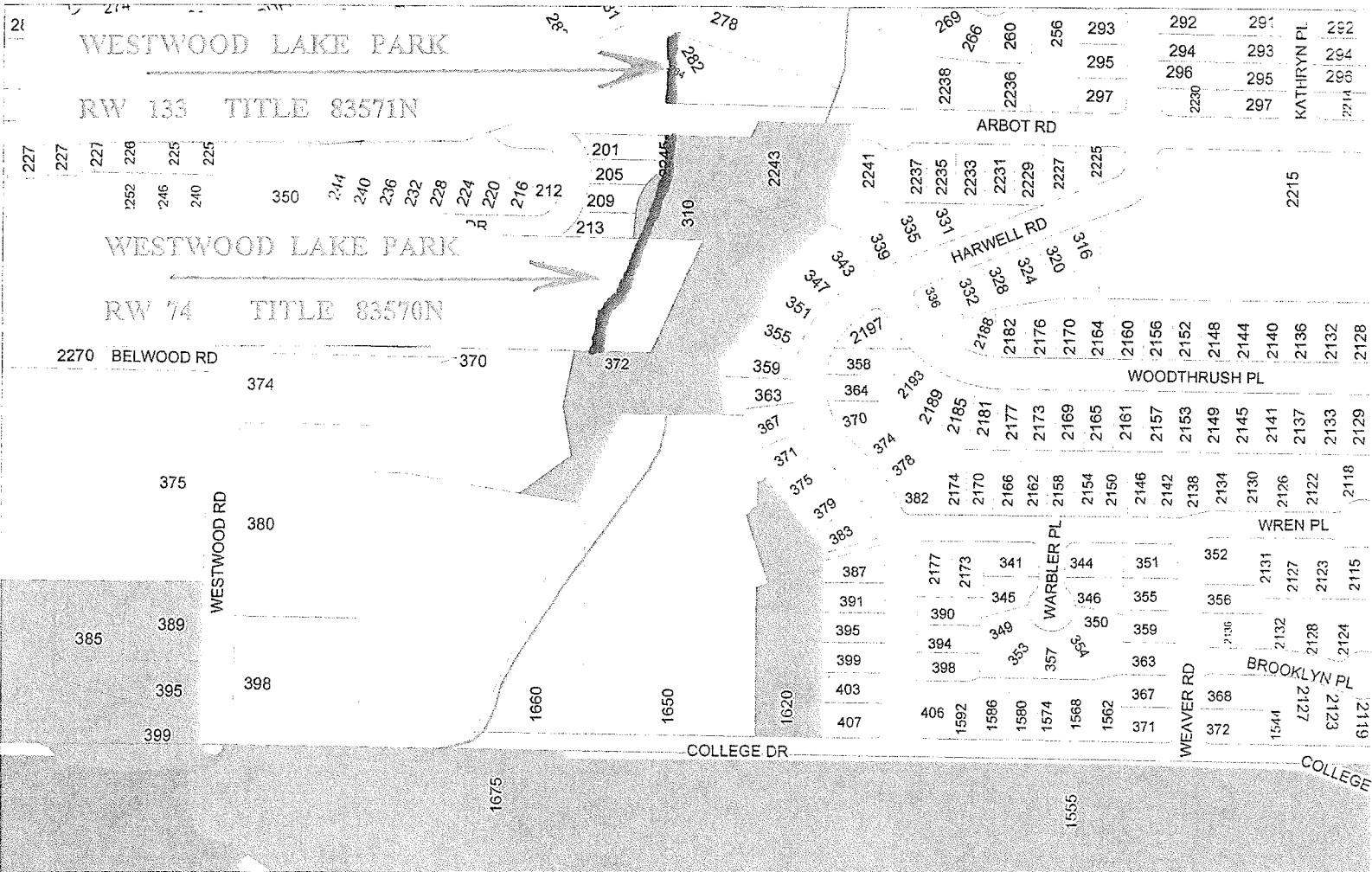
The Corporate Seal of The)
CORPORATION OF THE CITY OF)
NANAIMO was hereunto affixed)
in the presence of:)



CITY CLERK.

No. 11553
REGISTERED THE 13th DAY OF June 1955
IN Vol. 335 REGISTRY
APPLICATION RECEIVED THE 13th DAY OF June
1955 AT THE HOUR OF 3:30 PM

WESTWOOD RAVINE PARK



NANAIMO	
Folio: 05475.001	PID: 003-306-054
Civic Address: 2245 ARBOT ROAD	Legal Description: THAT PART OF LOT 6 & 7, SECTION 10, RANGE 7, MOUNTAIN DISTRICT, PLAN 1985 SHOWN OUTLINED IN RED ON PLAN 74 RW AND CONTAINING 0.23 OF AN ACRE, MORE OR LESS
Size: 0.74 ACRES	
Zoning	SINGLE FAMILY RESIDENTIAL ZONE - RS-1
Sewer Benefit Area	YES
Garbage Route Code	N/A
Garbage Calendar - Number of Units	N/A
Assessment Data	Hide Data <input type="checkbox"/>
Assessment Year	2008
Assessment Area Class	Residential
Land Value	\$14,600.00
Exemption	\$14,600.00
Improvements	\$0.00
Exemption	\$0.00
Total Assessed Value	\$0.00

Please contact the City of Nanaimo for any utility and service location information prior to digging.

Date: 09/04/29 TITLE SEARCH PRINT Time: 10:20:58
Requestor: (PA83222) FRED H.J. TAYLOR
 TITLE - R12620

VICTORIA LAND TITLE OFFICE TITLE NO: R12620
 FROM TITLE NO: 83570N

APPLICATION FOR REGISTRATION RECEIVED ON: 17 FEBRUARY, 1986
 ENTERED: 19 FEBRUARY, 1986

REGISTERED OWNER IN FEE SIMPLE:
THE CORPORATION OF THE CITY OF NANAIMO,
CITY HALL,
NANAIMO, B.C.,
UPON CONDITION, DD 83568N

TAXATION AUTHORITY:
CITY OF NANAIMO

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 003-306-054
THAT PART OF LOT 6, SECTION 10, RANGE 7, MOUNTAIN DISTRICT, PLAN 1985 SHOWN
OUTLINED IN RED ON PLAN 74 RW AND CONTAINING 0.12 OF AN ACRE, MORE OR LESS

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

RIGHT OF WAY
218841G
REGISTERED OWNER OF CHARGE:
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
218841G
REMARKS: DD 83568N INTER ALIA

EASEMENT
42471G
REGISTERED OWNER OF CHARGE:
ROBERT CHARNOCK
42471G
REMARKS: DD 2476N

UNDERSURFACE RIGHTS
86238G 1936-12-07 12:31
REGISTERED OWNER OF CHARGE:
GEORGE ANDREW ROBERT SMITH
CHANGE OF ADDRESS SEE EN36679
EL123608

Date: 09/05/06 TITLE SEARCH PRINT Time: 09:51:21
 Requestor: (PA83222) FRED H.J. TAYLOR
 TITLE - 83570N

VICTORIA LAND TITLE OFFICE TITLE NO: 83570N
 FROM TITLE NO: 57338N
 57339N

APPLICATION FOR REGISTRATION RECEIVED ON: 11 JUNE, 1958
 ENTERED: 19 FEBRUARY, 1986

REGISTERED OWNER IN FEE SIMPLE:
 THE CORPORATION OF THE CITY OF NANAIMO,
 CITY HALL,
 NANAIMO, B.C.,
 UPON CONDITION, DD 83568N

TAXATION AUTHORITY:
 CITY OF NANAIMO

DESCRIPTION OF LAND:
 PARCEL IDENTIFIER: 003-306-071
 THAT PART OF LOT 7, SECTION 10, RANGE 7, MOUNTAIN DISTRICT, PLAN 1985 SHOWN
 OUTLINED IN RED ON PLAN 74 RW AND CONTAINING 0.11 OF AN ACRE, MORE OR LESS

LEGAL NOTATIONS: NONE

CHARGES, LIENS AND INTERESTS:
 NATURE OF CHARGE
 CHARGE NUMBER DATE TIME

RIGHT OF WAY
 218841G
 REGISTERED OWNER OF CHARGE:
 BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
 218841G
 REMARKS: DD 83568N INTER ALIA

UNDERSURFACE RIGHTS
 86238G 1936-12-07 12:31
 REGISTERED OWNER OF CHARGE:
 GEORGE ANDREW ROBERT SMITH
 CHANGE OF ADDRESS SEE EN36679
 EL123608
 REMARKS: COAL AND FIRECLAY, INTER ALIA,
 TRANSMISSION OF 81609G
 DD 19800I

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

WESTWOOD LAKE PARK

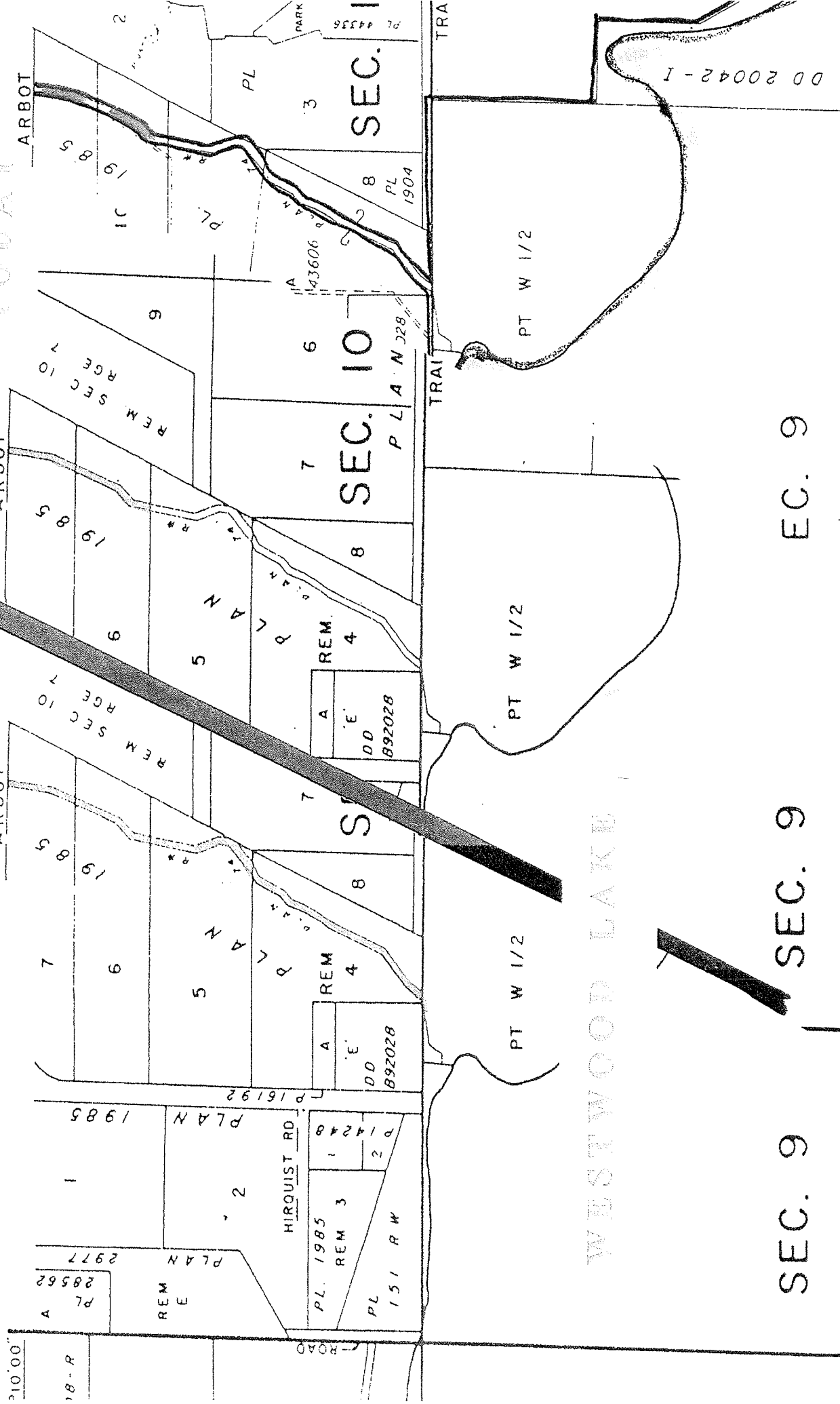
WESTWOOD LAKE PARK

74 R W

74 R W

1958

TODAY



SEC. 9

SEC. 9

EC. 9

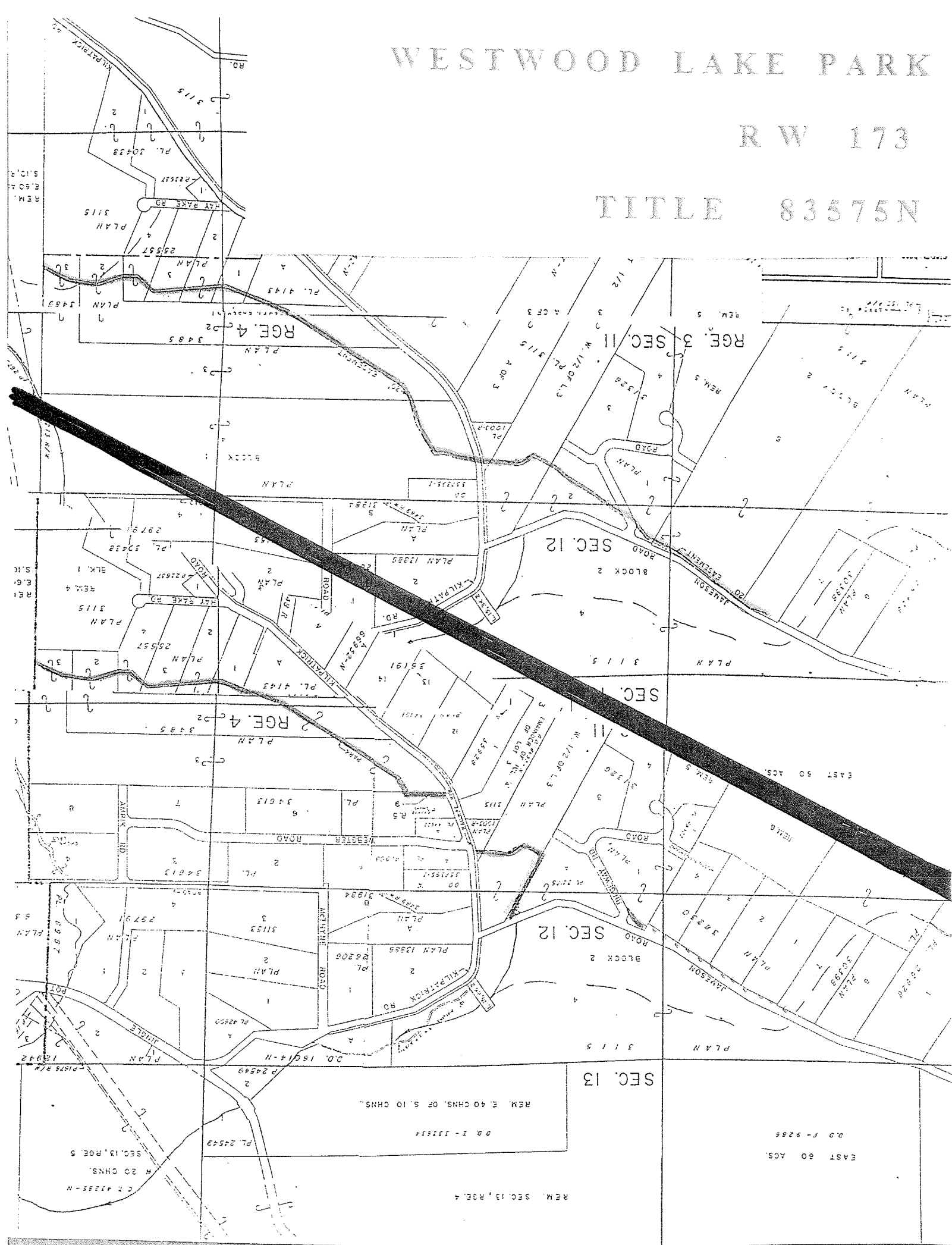
WESTWOOD LAKE

WESTWOOD

WESTWOOD LAKE PARK

RW 173

TITLE 83575N



May 2009

YOUR WORSHIP, COUNCIL MEMBERS AND CITY STAFF,

I am here today to speak about the proposed Bylaw 4000.426 which creates three new park zones within the City of Nanaimo.

Firstly I applaud the efforts of City Staff to finally protect our parks through the creation of these new park zones. This has been a long time coming.

However, I cannot support its application or its wording with specific reference to the designations given to Westwood Lake Park.

Under the current proposal, Westwood Lake Park would be split into two new zoning categories. The first one, a "Nature Park" is aimed primarily at conservation and enjoyment of natural spaces within the city. The second zone creates a "Community Park" within the same area allowing for a multitude of uses which are totally incongruent with a nature park designation and a wilderness experience. How can a park be natural yet full of urban uses?

The purpose of the new park zones, if I understand correctly, is to legitimize the existing uses within the park. A recent Supreme Court ruling said municipalities have to zone parks based on the use of the park. Yet only one of these proposed uses exists in the park at the present moment. In fact, one of the uses in PRC- 2 is being re-introduced into the area despite a successful campaign to have it taken out. This move seems disingenuous at best and extremely indifferent to the valid concerns of local residents

City staff is to be commended for taking the time to hear local concerns about this issue. However, during one of these discussions, a 'site specific' zone was suggested as a mechanism for allowing the existing uses to be incorporated into a bylaw format while maintaining the park's integrity and reputation as a 'wilderness area.' Some of the staff considered this a viable option. Yet here we are again, using cookie cutter templates for one of the most serene areas in Nanaimo effectively rendering any proffered protection useless.

While perusing the list of parks under the new zones, I discovered that Colliery Dam Park, Pipers Lagoon Park and Neck Point Park, to name a few, are all afforded a "singular" PRC -1 zone. Surely if all these parks with their own

swimming areas, boaters and such are offered protection and preservation of a nature park zone, I cannot fathom any rationale to split the zones in Westwood Lake Park especially since this is the only park that buttresses onto a wilderness area, namely Mount Benson. One would assume that this park above all the others would be designated a Nature Park only.

This then begs the following series of questions for council to answer:

1. What is the rationale for the split zone in this park?
2. What is the rationale for the narrow PRC-2 strips along the walkway especially in light of the fact that the only thing that can be developed along these areas is a “wharf” or perhaps “the like.”
3. What does “and the like” mean?
4. Why can’t we simply create a site specific zone for Westwood Lake preserving its unique character and position in Nanaimo?
5. Better yet, why can’t we simply zone it PRC- 1 like our other nature parks?

In addition, if the rezoning is passed, the zone will take precedence over any future Master Plan for this particular park. Citizens will only be able to discuss the location of uses not the use, itself. In fact, we are putting the cart before the horse.

All of Westwood Lake Park should be treated as a dedicated nature park with all the rights offered to such an entity. Let’s keep it the way it is and leave it alone with only a PRC-1 designation.

I will leave you with a quote from Aldo Leopold to ponder. “A thing is right when it stands to preserve the beauty, stability and integrity of a community. It is wrong when it does otherwise.”

Thank you for your time and consideration.

Sharon Kofoed
2322 Panorama View Drive,
Nanaimo, B.C.
sharonlkofoed@shaw.ca

To: Nanaimo City Council
Re: Redefinition of Westwood Lake Park
Date: May 7, 2009

Westwood Lake Park is designated as a nature or wilderness park. We are aware that it is one of the parks being considered for possible redefinition as a community park. Our understanding is that a community park includes the possibility of skateboard parks, band shells, docks and boathouse use.

While we appreciate the need to assess park usage, we believe that the redefinition of Westwood Lake to a community park is not appropriate and will serve to exacerbate already existing challenges facing this park. Those who reside near the park are aware of these challenges which include excessive noise into the late night and early morning hours especially in the spring and summer, fire danger from illegal campfires, alcohol and drug related problems, and lack of police or security personnel to patrol the park adequately.

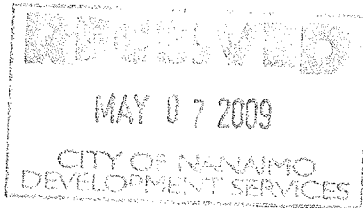
We support Westwood Lake remaining a nature park. This lake is a backup water supply for the city of Nanaimo and as such needs to be protected from any use that will increase pollution. A designation as a community park will increase traffic congestion, noise, security problems, fire danger and other environmental concerns. The woods surrounding Westwood Lake become tinder dry in the summer. By increasing the number of activities possible at the lake, the danger of fire increases as well. Living near the lake we have seen and heard an increase in ATV's on the path in the late evening hours which over time will cause substantial erosion to the path.

In our opinion the City of Nanaimo has done an admirable job in using taxpayers' money to create and maintain Westwood Lake Park as a nature park. Hiking, bicycling, boating, swimming, fishing, and jogging are enjoyed by many and these activities are well suited to a nature park. To change Westwood Lake Park's designation to a community park will do nothing to enhance this beautiful park but rather will serve only to tarnish this gem of the Nanaimo area park system.

Thank you for hearing our concerns.
Sincerely,

Barbara Frieboort
Rose Mary Teckie
Margaret P. Brady
Jean Ann Gerning
Valerie Amerson
Germaine Chrupalo
Mary Ann Lusker
S. P. L. K.

Anna Reeves
Karen Nicol
M. Lucia Hammett
Dena Mues
Phillip Z. Paslik
Brian Roberts



5201 Entwhistle Dr,
Nanaimo, B.C.
May 7, 2009.

Dear Sir or Madam:-

Re your notice in the Bulletin Newspaper of a proposed development of parkland between 5201 Entwhistle Drive, 5220 Hammond Bay Road and 5301 Entwhistle Drive.

In 1997 we were informed that the lower wetlands of both properties, 5201 Entwhistle Drive and 5220 Hammond Bay Road, had been identified as both environmentally sensitive and a part of the Development Permit Area No 23 Watercourses. This was to preserve, enhance, and where necessary, restore watercourses of which Wally Creek is included.

We are concerned as to the effect this proposed development will have on the wetland area of our property, that borders on the parkland area. We understand that our lower properties are the head waters of Wally Creek.

Our land, also provides refuge for wild life in this area. The deer, racoons and birds are having less and less undisturbed area to live in.

There is also concern about increase in traffic and the ensuing difficulties in parking on Entwistle Drive.

We would appreciate your consideration of our concerns and sincerely hope that this strip could be set aside as a nature corridor.

Yours truly,
Mrs Barbara Jones
and family

Penny Masse

From: Lary Harker [Larker@shaw.ca]
Sent: Thursday, May 07, 2009 12:53 PM
To: Public Hearing
Subject: Public hearing 2009-May-07 ZONING BYLAW

Development Services Department

This is in response to the public hearing concerning proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 No. 4000

- ***Specifically to object to a change in status to the zoning of PRC-2 Springfield Place Park, 5373 Fillinger Crescent***
- ***5373 Fillinger Crescent backs directly onto my property at 5381 Fillinger Crescent.***

* This end of Fillinger Crescent , near Hammond Bay Road, has, to my knowledge, no children and is mostly Senior owners.

* There are Four Schools on Hammond Bay...all with large School Grounds.

* There is a large general use area at Harry Whipper Park ...just down Hammond Bay.

* There are already two other Parks in this area... one only a block from the proposed Park area.

The area proposed for a park has numerous wildlife habituating in the area..... e.g. : there is a well worn deer trail that exits the area behind my house. and multiple types of birds that live in the woods that now exist.

It would be appreciated if you could advise me who initiated the need for this Park ?...Who will use it ?

We are also concerned that a Park in this area will lead to problems with increased noise and security risks. Will there be posted hours of use ?

If approved...what is the time frame for Park Development ??

Thank You

Mr. Larry Harker

5381 Fillinger Crescent
Nanaimo.BC
V9V 1H6

Penny Masse

From: T. Schindler [tschindler@telus.net]
Sent: Wednesday, May 06, 2009 5:04 PM
To: Public Hearing
Subject: File Z-32, Bylaw 4000.426 to create new park zones

2368 Westhill Place
Nanaimo BC V9R 6M9

May 6, 2009

City of Nanaimo
Development Services Department
455 Wallace Street
Nanaimo BC V9R 5J6

RE: Bylaw 4000.426 to create three new zones for parks within the City of Nanaimo

In reference to the above, please note my objection to the uses within the PRC-2 (Community Park) category. We live next door to a community park, Westhill Park, recently renamed Egli Park. Homes adjoin this park on both sides. The possibility of creating a skateboard park out of this small green space absolutely abhors me, as I am sure it does other residents on Westhill Place.

Other uses within this category are band shells, playfields, multi-purpose courts and the like. Like skateboard parks, these uses by their very nature attract large, noisy crowds along with the vehicular traffic and related parking requirement. Skateboarding itself is extremely loud, creating noise often resembling firing of a shotgun. Therefore these types of uses need to be confined to other noisy and high traffic areas such that around the Serraxmen's Stadium, or perhaps downtown.

I therefore respectfully request that PRC-2 either be rewritten to omit the categories I have objected or that all areas such as Egli Park and Westwood Lake Park not be rezoned to permit these uses.

Yours very truly,

(Mrs.) Tove Schindler

Penny Masse

From: T. Schindler [tschindler@telus.net]
Sent: Monday, May 04, 2009 4:48 PM
To: Public Hearing
Subject: Bylaw 4000.426 - rezoning for City Parks, File Z1-32

2368 Westhill Place
Nanaimo BC V9R 6M9
(250) 755-1197

May 4, 2009

City of Nanaimo
Development Services Department
455 Wallace Street
Nanaimo BC V9R 5J6

RE: Bylaw 4000.426 to create three new zones for parks within the City of Nanaimo
File Z1-32

My husband and I live a 5-minute walk from Westwood Lake and I am a 6-times-a-week user of Westwood Lake trail. As such I am well aware of the value this park provides to the community. The damage to the trail caused by occasional ATV use hasn't escaped my attention. Neither has the litter of empty beer cans nor the noise nor obnoxious behaviour of the youth that seem attracted to the area during the warm weather. For this reason I am opposed to any zoning change that may exacerbate these problems.

Specifically, I am opposed to the PRC-2 (Community Park) zones being proposed for areas identified as 284, 381, 395, 397 and 399 Westwood Road. This zoning includes uses such as "playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, multi-purpose courts" all of which have potential for dramatically increasing "entertainment" type activities in the area and attracting more of the demographic responsible for the damage I've mentioned in paragraph one.

I would therefore request the areas proposed for PRC-2 rezoning be classified as PRC (Nature Park) thus maintaining the natural integrity of the Park.

Yours very truly,

(Mrs.) Tove Schindler

Penny Masse

From: Summer Solstice [solstice_summer@hotmail.com]
Sent: Tuesday, May 05, 2009 8:43 PM
To: Public Hearing
Subject: parks bylaw 4000.426 new zones for parks

Dear Mayor and Council,

We and others feel very strongly that the little park, springfield/entwhistle should be zoned PRC1 (not Prc2). There are enough parks with a zoning of PRC2 (westhaven, williamson etc) in the area but none with a zoning of PRC1. This area here is occupied by about 85% retirees, sport playground other activities are not needed in this park. In the Hammond Bay Area thousands of beautiful old trees were destroyed in the last few years with more and more housing going up. The area has changed totally but not to its advantage. If so much development is allowed by the city there should also be nature parks preserved in the area. People from around the world and across Canada come to visit. They don't want to see houses, they come for the nature of the Vancouver Island - the big trees, the wildlife, the scenery. As responsible human beings we should also considered that we are not the only ones who live on this earth, there are other living creatures who have a right to live too. For instance the deer in this area have no place to go anymore. Their home, the woodlands and the fields have been taken away piece by piece more and more every year. Have the major and council ever thought about the creatures we share this beautiful place with? We often see cars on Fillinger etc stopping to photograph the deer sleeping on lawns. The comments from the visitors are 'how wonderful to see something like this. You are so lucky to live here. It's like a paradise.' But paradise is disappearing more and more. Nanaimo begins to look like some cities in the east - very ugly. When we visited Vancouver Island in the 1990's, Nanaimo was a green city with huge trees all around. WHEN we moved here and bought our house in 2002. SINCE then it has changed from year to year and the beauty is disappearing more and more. Very disappointing. Please keep the little park as it is, a wild area natural with its trees and grasses as a PRC1 park for nature to enjoy.

Sincerely,

Astrid and ALfred Kuderle
137 Sandpiper Place
Nanaimo, V9V 1H5

F. & E. Duss
5375 Fillinger Crescent
Nanaimo, V9V 1H6

Barbara Jones
5201 Entwhistle Drive
Nanaimo, V9V 1H3

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Penny Masse

From: Ron & Dolores [reimr@shaw.ca]
Sent: Sunday, May 03, 2009 12:11 PM
To: Public Hearing
Subject: Fw: Public Hearing May 7th

We apologize for accidentally sending our unfinished draft copy. This is our completed submission.

RE: Bylaw 4000.426

Loudon Park proposed amendments

Thank you for allowing us to make our submission to you via email.

We have 2 properties which are located at:

4212 Corunna Ave

4244 Corunna Ave

We have been dealing with Parks & Recreation for 2 years now and the changes that they are making to Loudon Park. There has been more problems than improvements.

The Park is not a large area but is the busiest in the summer time. The plan is to build a 2 story building in the Park to house the Rowing Club equipment, washrooms, meeting rooms and possibly a concession stand is unacceptable.

We have many concerns with this plan:

- 1. A park of this size should NEVER be considered for a 1- 2 story building . The size of the area we are talking about is the size of a City lot.*
- 2. The picnic area would be considerably smaller. The plan is to take the Centennial Building down and extend the picnic area. This would increase the area a small amount but certainly not enough to accommodate everyone that uses the Park in the summer.*
- 3. Green space would definitely be lost and we should all be very concerned about the environment.*
- 4. Trees would have to be taken out and the root system would be severely damaged.*
- 5. The lake has many different species of wildlife on it and the building would be very close to the nesting areas of many of these species causing major environment damage.*
- 6. The neighbouring property values would be affected in a negative way.*
- 7. We are opposed to changes to the Bylaw if it includes any construction of new buildings in the Park.*

Thank you.

*Ron and Dolores Reimer
4212 Corunna Ave.
250-758-6093*

Penny Masse

From: Cam Scott
Sent: Saturday, May 02, 2009 4:06 PM
To: Public Hearing
Cc: Cam Scott
Subject: Send a Submission Online

Dr Lawrence Winkler has sent a Public Hearing Submission Online.

Address: 2343 Arbot Road

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: BYLAW NO. 4000.426

Comments Public Hearing Submission Regarding BYLAW NO. 4000.426

02 May 2009

Your Worship, Councillors and City Staff.

I have lived on Westwood Lake for the last 21 years. In that time, I have seen examples of excellent civic stewardship of Westwood Lake Park. Richard Harding, Director of Parks, Recreation & Culture, in particular, deserves special recognition over these past two decades for his professional and sensitive attention to ensuring that Lakeside Residents' concerns were heard and dealt with cooperatively and wisely. The boardwalk in our front yard that we contributed to is a physical testimonial to what positive things can happen when Public Officials listen. However, and unfortunately, I have also been witness to unenlightened Council decisions that have resulted in inappropriate land uses along the lakeshore of the Park. The hermetically gated 12 acre 'campground' of hydrocarbon runoff now granted a strata development indulgence is an example of poor civic judgement that will haunt the legacy of the City Administration that allowed it's creation for a very long time to come.

I am writing this submission out of a deeply felt concern that City is once again about to push through a Bylaw which will only serve to further degrade the quality of the Westwood Lake Park experience. Some might argue that I am raising these objections out of some NIMBYistic self-interest and, to a certain extent, I do not deny this. However, I offer my insights as a long term resident who loves the beauty of Westwood to the extent that I am almost finished writing a book about her human and natural history. I am hoping for a happy ending. I would ask you to consider my observations with the same careful solemnity with which I offer them.

There are two serious errors in logic inherent in this bylaw:

(1) The idea that all the City Parks are created so equal that they can be templated into three zones is an artificial and shortsighted construct. It may speak to the Bureaucratic love for order and EXCEL spreadsheets, but it has no basis in the reality of the differences among the Parks. Westwood Lake is the Jewel in the Crown. It has an expansive forested mountain panorama and a host of, albeit declining, wildlife and native flora. It sits adjacent to the newly designated Mount Benson Park (and not a moment too soon). It has a wilderness ambiente that is almost Zen-like. There is an online YouTube video of a European couple sitting on the bluff above the lake. "What are you thinking?" he asks. I think this is the most beautiful place I have ever seen in my life," she responds. "In your life?" he inquires. "In my life". This is the reason why the Bethlehem Retreat holds the kind of quiet spiritual conferences it does. This is why people I ask about these proposed Bylaw twilight zones respond with uniform horror. Westwood is different. There is nothing wrong with that. What is wrong is that there is some official resistance to acknowledging this because it is outside the small boxes that have been designated for all Parks to fit in.

(2) Westwood has been designated a "Nature Park" interfacing a "Community Park". This is disingenuous at the very least. Firstly, attempts have been made by our neighbourhood group

to have Westwood's unique potential as a place for people to enjoy the peace and tranquility of the "wilderness" characteristics of the area. There is still great consternation as to why this was resisted so fervently by some Staff. The proposed Bylaw's definition of "Nature Park" as "boardwalks, trails, environmentally sensitive areas, nature centres, nature sanctuaries and the like" is feeble and dilutes the qualitative excellence of the Westwood experience. Perhaps the need to cookie-cutter all the Parks is greater than the utility of understanding what is special about this place. I wonder, in fact, if some of the most fervent Staff defenders of this artificial and unnecessary rezoning of Westwood have even been here, or looked down on the Lake from the Ridges. The real tragedy of this Bylaw, and the reason for this submission, is the Pandora's Box it opens to further degradation of what is unique about this Park in this part of the world- The "Community Park" definition will allow "band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, multi-purpose courts and the like". And it will absolutely destroy the "Nature Park". Absolutely. With noise and an increased density of people that would not otherwise come to a quiet natural place. Where is it written that it is a Park imperative to have more people, more uses (regardless of quality), more noise, more partying, and more intrusion onto those that would come to the Park because it allows them to be quiet and alone with their own thoughts? Why not cotton candy, foot long hotdogs, carnival rides, and extreme fighting octagons? Why not pave it all?

Henry David Thoreau once said that we are "rich in proportion to that which we can afford to leave alone."

I am writing to ask you to leave it alone. Your grandchildren will thank you.

Sincerely,

Lawrence

Winkler