

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT
TO THE LOCAL GOVERNMENT ACT IN THE BOARD CHAMBERS
OF THE REGIONAL DISTRICT OF NANAIMO, 6300 HAMMOND BAY ROAD,
NANAIMO, BC, ON THURSDAY, 2006-SEP-07, TO CONSIDER PROPOSED AMENDMENTS
TO THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000", OFFICIAL COMMUNITY
PLAN BYLAW 1996 NO. 6000 AND A COVENANT AMENDMENT**

PRESENT: Mayor G.R. Korpan
Councillor W.J. Holdom Councillor L.J. Sherry
Councillor L.D. McNabb Councillor M.W. Unger
Councillor M.D. Brennan Councillor C.S. Manhas
Councillor J.D. Cameron (arrived at 7:41 p.m.)

Staff

A. Tucker, Acting Director, Planning & Development, DSD
D. Lindsay, Manager, Planning Division, DSD
J. Carvalho, Planner, Planning Division, DSD
P. Masse, Planning Clerk, Planning Division, DSD

Public

There were approximately 25 members of the public present.

CALL TO ORDER:

Mayor Korpan called the meeting to order at 7:01 p.m. Mr. Lindsay explained the required procedure in conducting a Public Hearing and the regulations contained within Section 892 of the Local Government Act. Mr. Lindsay read the items as they appeared on the Agenda, adding that this is the last opportunity to provide input to Council before consideration of Third and Final Reading to Bylaws No. 6000.070, 7013.01 and 7013.02, Third Reading to Bylaws No. 4000.399 and 4000.400 and consideration of approval for the proposed covenant amendment at Council's next regularly scheduled meeting of 2006-SEP-11.

1. BYLAW NO. 6000.070:

This Bylaw, if Adopted, will include text amendments and update mapping layers to include the Departure Bay Neighbourhood Plan within the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000". The purpose of this neighbourhood plan is to address neighbourhood issues and opportunities that were identified by residents and other stakeholders throughout the planning process, while working within the context of the Official Community Plan (OCP). The neighbourhood plan identifies areas of common concern, articulates the community's vision for change, and provides guidelines for new developments. Plan objectives address environment, traffic, safety and parking, development and redevelopment, and recreation.

Proposed amendments to the Official Community Plan include:

- a) Add Section 7.5 to include the Departure Bay Neighbourhood Plan as part of the OCP.
- b) Amend Schedule 'A' (Future Land Use and Mobility Map) of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to include Schedule A-7.4, the Departure Bay Neighbourhood Plan area, which refers to land use designations and mobility network within the Departure Bay Neighbourhood Plan area.
- c) Amend Section 8.2.21 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to specify that Area 21 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential development permits within the boundaries of the Departure Bay Village Core shall be in accordance with the Departure Bay Design Guidelines for Village Core of the Departure Bay Neighbourhood Plan.

Mr. Allan Davidson, 2730 Elk Street – In Favour

Mr. Davidson's submission is attached as part of "Schedule 'A' – Submissions for Bylaw No. 6000.070".

Mayor Korpan asked if there were any aspects of the current draft of the Departure Bay Neighbourhood Plan that had garnered any significant concerns from the working group.

- Mr. Davidson stated that there were no notable concerns identified regarding the current plan.

Councillor Holdom asked for clarification on how long this neighbourhood plan process has been underway.

- Mr. Davidson stated that the process has been ongoing for five years.

Ms. Joan Shillabeer, 2920 Hammond Bay Road – In Favour

Ms. Shillabeer's submission is attached as part of "Schedule 'A' – Submissions for Bylaw No. 6000.070".

Councillor Brennan thanked the working group for the effort, time and commitment shown to the process and plan.

There were no further written or verbal submissions received for this application.

2. BYLAW NO. 4000.399:

This Bylaw, if Adopted, will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

1. By deleting the existing Part 5 General Regulations that permit heat pumps and air conditioners to project into side and rear yard setbacks.
2. By adding a new subsection to the Part 5 General Regulations that require heat pumps and central air conditioning units to be located to the rear of a principal building and not be closer than 4.5 metres (14.7 feet) from side lot lines or 3.0 metres (9.8 feet) from the rear property line.

Ms. Bryony Dunsmore, 3446 Blackfoot Way – In Favour

Ms. Dunsmore's submission is attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.399".

Mr. David Pope, 1790 Claudette Road, Nanoose, BC – Opposed

- Owner of Pope & Sons Refrigeration, has been installing heat pumps for 29 years.
- Agrees that measures should be taken to reduce noise levels emitted from heat pumps, however does not believe the problem will be resolved by enforcing the siting of heat pumps but rather that decibel rating controls should be enforced.
- Noted that new heat pumps are significantly quieter, adding that siting a noisy heat pump in the rear of a yard would only result in more homes being bothered by the noise as opposed to controlling the noise being emitted and solving the problem directly.

Mayor Korpan noted that there are a number of ways of mitigating this problem; Council is only trying to make some progress within the limited jurisdiction that exists for this issue.

- Mr. Pope stated that older heat pumps operate at approximately 80 decibels, which is approximately 20 to 40 times noisier than a newer heat pump.

Councillor Brennan asked for clarification on the suggestion that no new heat pumps emit noise in any way.

- Mr. Pope stated that heat pump manufacturers have listened to customer requests for quieter heat pumps. New units are virtually silent and although they cost more, most customers favour noise reduction versus any cost difference.

Mr. Bob Sullivan, 5969 Icarus Road – Opposed

- Owner of Comfort Group Heating Corporation, has been installing heat pumps for over 30 years.
- Noise issues with heat pumps have been ongoing and the siting of a pump will not solve the problem. New heat pump technology rates each unit in decibels. New units are now 40 times quieter than the older 80 decibel pumps. Installing an 80 decibel unit 15 feet from a lot line (proposed bylaw) would not solve the issue.
- Mr. Sullivan noted that a new unit could be placed right outside a neighbour's window with virtually no noise concerns. The added expense in moving and siting a heat pump in the rear yard could be used to purchase a quieter unit.
- Industry numbers indicate that within the next five years 30% of existing heat pumps will have to be replaced; this bylaw only ensures that when a unit needs to be replaced it can be replaced with a noisy unit as long as it is sited accordingly. If the bylaw enforced a sound or decibel rating, it would not matter where the unit was sited. Therefore quiet heat pumps would replace all existing noisy heat pumps eventually.
- Noted that although sound ratings may seem hard to legislate all bathroom fans in a new home need to pass sound ratings during inspection. The same rules could and should apply to heat pumps.

Mayor Korpan asked if the majority of retailers, suppliers and installers of heat pumps would support limitations on selling products that meet or do not meet a certain decibel level.

- Mr. Sullivan noted that many strata's currently enforce rules that require heat pumps located near windows to be less than 60 decibels.

Councillor Holdom asked if new heat pumps could become noisy over time due to maintenance issues.

- Mr. Sullivan stated that new technology ensures a quieter unit. Annual maintenance to ensure a quiet unit would be at the judgement of the owner, especially if a bylaw were in enforced that ensured the pump is kept below a required decibel level.
- Noted that the heat pump industry is now introducing quieter units to the market just as this bylaw for siting is being considered. Added that the industry recognizes the issue, does not believe the industry should be "punished" for developing units that are quiet enough to be under a window.

Councillor Brennan asked for clarification on whether or not bathroom fans pass inspection if they exceed a particular sound rating.

- Mr. Sullivan confirmed that new regulations require quiet fans be installed (decibel rating needs to be stated on the inspection report) or it will not be passed. The manufacturer is required to put this decibel rating directly on the unit, which is the same procedure for heat pump manufacturers.

Councillor Brennan asked for confirmation that the City's Building Department will not permit a fan to be installed that does not fall below a specified decibel rating.

- Mr. Sullivan confirmed that this statement was correct, adding that many Municipalities have rules in place that enforce quite heat pumps as well, which is why the industry is responding.

Councillor McNabb noted that the City currently has countless older units which the bylaw, if it restricted noise levels, would not be able to alter or enforce.

- Mr. Sullivan disagreed noting that a heat pump system would already be in place, including hook ups, refrigeration lines and power. A bylaw enforcing noise regulations would ensure they replace older units with new quieter units. If the bylaw, as proposed, is approved then the existing unit could be replaced with another noisy unit.

Councillor McNabb asked how the noise standards could be enforced and approximately how many heat pumps are in Nanaimo.

- Mr. Sullivan noted that heat pumps are marked with a sound rating, therefore the bylaw could enforce that a heat pump not exceed 70 decibels (which is a quiet pump). Therefore heat pumps 70 decibels or lower could be located anywhere on the property, and if the pump exceeds 70 decibels then it must be sited 15 feet to the back of the home. This would allow those who cannot replace their heat pump with a new, quieter unit to have a pump sited correctly, and the higher end systems that are quieter would be allowed below their window, if desired.

Councillor Manhas asked for the approximate life expectancy of a heat pump.

- Mr. Sullivan noted that the approximate life span of the average heat pump is 17 years, adding that in the next five years a third of existing noisy heat pumps within the City will need to be replaced.

Councillor Sherry asked if restricting the pump to the rear of the yard would not exasperate the noise issue due to length of pipes, etc.

- Mr. Sullivan stated that restricting the pump to the middle of the rear lot is, in many cases, an impractical and expensive area to place a heat pump, adding that the noise issue is not necessarily resolved.

Councillor Sherry asked for clarification regarding decibel ratings stamped on pumps and how reliable that information is.

- Mr. Sullivan noted that the ratings are federally legislated, adding that a decibel meter can quickly ascertain the noise emitted from a unit.

Councillor Brennan asked if the speaker believed that a bylaw that stated that either a heat pump meet a certain decibel rating OR be sited correctly was feasible.

- Mr. Sullivan stated that decibel ratings are used in the industry and in other Municipalities and that it works well.

Mr. Dave Ward, 605 Chestnut Street – Opposed

- Branch Manager for Torry & Sons Heating & Plumbing, the largest HVAC mechanical company on the Island.
- Confirmed that ventilation fans must meet a certain decibel rating as a permit requirement for occupancy.
- Most of the industry would be willing to speak to City Engineers to resolve this issue, which would make it clear for installers and would ensure an effective bylaw.

Mayor Korpan asked for confirmation that Mr. Ward or his colleagues were not contacted to discuss this issue with City Staff.

- Mr. Ward stated that he had contacted several industry colleagues; however he had not yet spoken to Staff.

Mayor Korpan asked Staff for clarification on whether Staff had consulted with the industry on this issue.

Mr. Lindsay noted that he did not have any detailed information on the consultation process as it was conducted through the Building Department.

Mayor Korpan noted to Staff that Council has received information that they would like Staff to follow through in terms of viability and legal ramifications to enforce.

- Mr. Ward added that existing noise complaints are governed through the existing Noise Bylaw and that the City should attend to the issue if it is a noisy heat pump that is causing any nuisance noise levels (repaired, fixed or replaced).

Councillor McNabb asked for clarification on a heat pump that could need noise maintenance after only five years.

- Mr. Ward noted that a new pump requires annual service calls in order to keep up all warranties (up to ten years).

Councillor Manhas asked if any remedial steps could be made to existing, older units that could circumvent purchasing a new unit.

- Mr. Ward noted that some noise problems could be the result of a simple maintenance issue; all noise issues should be investigated by a professional.

Mr. Fred Taylor, 204 Emery Way – Opposed

- Stated that his property is a through-lot and is therefore not applicable to this bylaw as it technically has no “rear yard”.

Mayor Korpan noted that Mr. Taylor raises a good point regarding legislation and regulation in general, adding there are difficulties in enforcing laws of general application due to such a variety of situations. Noted that exceptions need to be tempered with good judgement.

- Mr. Taylor noted that he is in favour of a bylaw that enforces the noise issue through regulating decibel levels.

Mr. Todd Neilson, 1675 Meredith Road - Opposed

- Owner, Central Island Heating & Refrigeration.
- Submitted letters of testimony from three recent customers who have had quiet heat pumps installed on their property (attached as a part of “Schedule ‘B’ – Submissions for Bylaw No. 4000.399”).
- Measured the noise of this evenings meeting at a peak of 72 decibels. Also, measured a recently installed new heat pump prior to this evening’s meeting and recorded a peak volume (at 6” from either side) of 62 decibels (10 times quieter than this meeting).
- Manufacturers are self-policing themselves regarding noise abatement and to ensure a competitive edge in the industry.
- Moving a heat pump from its coil source (inside the home) results in lower efficiency.
- Invited Council to a more in-depth conversation with industry representatives and contractors regarding this issue. Believes there has not been enough consultation with manufacturers for Council to make a thorough decision on siting of heat pumps and noise level enforcement.

Mr. Ryan Hill, Lennox (Canada) Ltd., Territory Representative - Opposed

- Heat pump representative on Vancouver Island and on the lower mainland.]

- Asked to be included in any ongoing discussion regarding heat pump noise in order to provide a manufacturers perspective on how decreased decibel levels are arrived at.

Mayor Korpan asked Mr. Hill for his opinion on enforcing a decibel standard and whether manufacturers would have difficulty complying with this concept.

- Mr. Hill stated that the industry is working toward producing a quieter pump, which in fact gives a competitive edge. Added that it makes sense to approach a noise abatement issue through bylaw enforcement (Mr. Hill's contact information is attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.399").

Nine written submissions were received for this application and they are attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.399". There were no further written or verbal submissions received for this application.

3. BYLAW NO. 4000.400:

This Bylaw, if Adopted, will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

1. By adding a new subsection to the Part 5 General Regulations to permit the siting of secondary suites in Part 7 – Multiple Family Residential Zones and Part 9 – Commercial Zones where only one principal dwelling, and no other uses, is sited on a lot.
2. By adding a new subsection to the Part 5 General Regulations to specify that secondary suites are not permitted in a principal dwelling where a bed and breakfast facility has been established or, conversely, that bed and breakfast facilities are not permitted in a principal dwelling where a secondary suite has been established.
3. By deleting Subsection 5.14.8.2. from the Part 5 General Regulations as home based business parking requirements are addressed through the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013."

Councillor Holdom asked for clarification on the inability to operate a Bed & Breakfast facility AND a secondary suite simultaneously, adding that it is however permitted to operate these uses sequentially.

Mr. Lindsay noted that this is correct; if a building permit was issued for a secondary suite in the home it would have to be removed prior to issuance of a license for the B&B as B&B's are not currently allowed to include kitchen facilities.

There were no written or verbal submissions received for this application.

4. BYLAW NO. 7013.01:

This Bylaw, if Adopted, will amend the City of Nanaimo "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013":

- 1) By adding the definition of "Retail Trade and Services Centre" in Section 8 Definitions as "means one or more buildings containing two or more retail, office or service-related uses, which share common services and parking on a lot, and which have a net floor area greater than 500 m² (5382 ft²)."
- 2) By adding parking requirements for "Retail Trade and Services Centres" and amending parking requirements for "Shopping Centres" as follows:

Shopping Centres and
Retail Trade and Services
Centres

- 4.3 spaces per 100 m² (1076 ft²) of net floor area, where the centre has a net floor area of less than 35,000 m² (376,749 ft²) but more than 500 m² (5382 ft²)
- 5.4 spaces per 100 m² (1076 ft²) of net floor area, where the centre has a net floor area of 35,000 m² (376,749 ft²) or more

- 3) By adding Subsection 13.3 to clarify that, where disparity exists with respect to parking calculations, metric measurements take precedence over the imperial equivalents.

Mr. Fred Taylor, 204 Emery Way – Opposed

- Noted that he does not agree with the wording for the definition of “Retail Trade and Service Centre” as “one or more buildings containing two or more retail or service-related uses”. Believes the word “more” should be omitted.
- Believes the wording “which have a net floor area greater than 500 metres” should include the intent of total floor area.

Councillor Holdom asked if single buildings with single uses were covered under other sections of the bylaw so that parking would not be an issue.

Mr. Lindsay confirmed if there was only one building on a site, with only one use it in, the parking ratio would default to the existing ratio identified in the Parking Bylaw.

- Mr. Taylor noted that Westhill Mall, which is a long strip building with many businesses as opposed to three or four separate buildings on the property, “wouldn’t count” because it has more than two businesses in the “building”.

Mr. Lindsay noted that Westhill Mall is a perfect example of where this definition would apply as there is more than one building on the property with a total of more than two businesses and, as a result, this new blended parking ratio would apply to that entire mall. Added that it would be comparable to the blended parking ratio the City currently enforces for larger malls; although there are free-standing buildings on the property, they are calculated under the blended parking ratio that is in place for malls.

- Mr. Taylor stated that he believes the definition should be altered to indicate the total number of businesses on the property not “two or more” in each building.

There were no further written or verbal submissions received for this application.

5. BYLAW NO. 7013.02:

Periodic amendments are needed to maintain the effectiveness of the parking regulations. This Bylaw, if Adopted, will amend the City of Nanaimo “DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013”:

1. By deleting duplication of single family dwelling parking requirements; and
2. By amending parking requirements for home based businesses to specify one parking space is required for home based business activity or, where home based businesses are located within both the principal dwelling and the secondary suite, one parking space is required for the home based business activity.

Mr. Fred Taylor, 204 Emery Way – Opposed

- Disagrees with where home based businesses are located in both a principal dwelling and a secondary suite, a total of only one parking space is required for both businesses.
- This is another step backwards from on-site parking and creates additional parking on the street. Believes this also creates a traffic hazard as overflow parking is forced on to the street.

Councillor Unger asked Staff if the definition of a parking space includes on-street parking or must it be on the property.

Mr. Lindsay noted that under the Parking Bylaw all the required stalls must be located on the property.

- Mr. Taylor asked for clarification about the requirement for both the home based business and secondary suite stalls being located on the property as a total of four parking stalls are currently permitted overall.

Mr. Lindsay confirmed that Mr. Taylor has identified the current situation; if you have a secondary suite you require two parking stalls for the home and one stall for the secondary suite. If you have home based businesses in both the primary dwelling and secondary suite, the existing bylaw requires an additional parking stall for each of those uses (a total of five parking stalls). The Zoning Bylaw however limits the number of stalls to no more than four on a property. This amendment, if Adopted, will require only one parking stall where there are home based businesses in both the primary and secondary units, which therefore reduces the number of required stalls from five to four, bringing it into compliance with the maximum allowed under the Zoning Bylaw.

There were no further written or verbal submissions received for this application.

6. COVENANT AMENDMENT:

This covenant amendment, if approved, will amend an existing covenant (EH50026) registered on the title of the subject property located at 4515 Uplands Drive. If approved, the covenant amendment would increase the maximum permitted height by 3.45 metres. The applicant is proposing to construct a two-storey office building of approximately 11 metres in height. The subject property is legally described as LOT C, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN VIP70426.

Mr. Blair Dueck, 5384 Vincent Place. – Applicant

- Attending to answer any questions Council may have.

Councillor Holdom asked what the total height of the building would be if the variance is approved.

- Mr. Dueck stated that the total proposed height would be 11 meters (36 feet). Mr. Dueck added that the building height would be in keeping with the existing building at 4155 Uplands Drive (same designer, same general design).

Councillor Holdom asked what the maximum allowable height under the current zoning is.

Mr. Lindsay noted that the property is zoned C-15 which has no height limit. Added that this is why, in 1994, Council asked that a covenant restricting height be placed on the property.

Councillor Brennan asked if the surrounding neighbours had been contacted.

- Mr. Dueck noted that he had spoken with the Strata presidents of both residential complexes to the north and south, adding that both were in favour as no views were being blocked and that the design is in keeping with the existing neighbourhood.

There were no further written or verbal submissions received for this application.

MOVED by Councillor Sherry, SECONDED by Councillor McNabb that the meeting be adjourned at 8:14 p.m.

CARRIED

for: 
D. Lindsay
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

/pm
Council: 2006-SEP-11
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Schedule “A”

Submissions

For

Bylaw 6000.070

(Departure Bay Neighbourhood Plan)

Public hearing Sept 7, 2006
Departure Bay Neighbourhood Plan

Allan Davidson
2730 Elk Street
Nanaimo
756-0395

My presentation is based on observations and impressions gained in my role as President of the Departure Bay Neighbourhood Association (DBNA) during the neighbourhood planning process, and through my involvement as a member of the Neighbourhood Plan Working Committee. I am now the Past President of the Neighbourhood Association and currently one of the two Vice Presidents of that group.

Overall, the community was very happy to see the plan carried out, and appreciated the opportunity to be consulted and to have input in the plan as it evolved. A large number of interested citizens attended the various open houses held, and a variety of opinions were expressed on a range of issues and priorities. The resulting plan tries to represent the thoughts of the majority, and therefore won't completely please everyone. However, it does provide a good starting point - something that we didn't previously have. For example, the focus of the current plan is a small but critical area within the neighbourhood. We know that future expansion of the plan to more fully address the whole Departure Bay Neighbourhood is something that some residents would like to see occur.

The use of UBC graduate students to undertake the majority of the work was generally well received. On the positive side the students were eager, enthusiastic and able to provide a non-biased assessment of the input they received. Probably the main area of concern, if there was one, involved the relatively short and fixed time frame during which they were available.

The Executive of the Departure Bay Neighbourhood Association recommends that Council adopt this plan as part of the Official Community Plan. In making this recommendation I would like to highlight a few of the community expectations that flow from the document:

1. The plan identifies a large number of action items that need to be addressed in the coming years to deal with the key issues. Ongoing dialogue and commitment will be required between the community and city staff if the various improvements envisaged are to be achieved. Modification of some City projects or programs may be necessary as one means of achieving some of these action items. By endorsing the plan it is assumed that Council and City Staff are committing to the action plan that forms part of the document.
2. It is important that the plan be adopted in its entirety and that certain portions are not cherry picked. For example the plan does allow for further commercial and multi-family residential development within identified portions of the core area - beyond that allowed for in the current zoning. However, it also identifies the need to carry out such development giving careful thought to things such as, the location, the form and character of such buildings, and very importantly to building heights. The plan recommends limiting building height to a maximum of 2 storeys in some areas and an overall maximum of 3 storeys in the currently zoned commercial areas. Implementation of the height limitations and controls over the siting, and the form and character of buildings are viewed as important means of helping to ensure that future developments blend with, and enhance the existing community.
3. It is anticipated that the plan and associated documents will need to be reviewed and updated on a regular basis to reflect changes in local issues and priorities. If adopted, it is anticipated that periodic updates of the plan will occur to ensure that it remains reasonably current and reflective of community concerns.

Thank you.

PUBLIC MEETING
DEPARTURE BAY NEIGHBOURHOOD
ASSOCIATION
FINAL READING OF THE NEIGHBOURHOOD PLAN
SEPTEMBER 7TH, 2006

My name is Joan Shillabeer and I'm the new president of the Departure Bay Neighbourhood Association. I would like to say that the Departure Bay Neighbourhood Plan is a very impressive document, one that we can all be proud of. To think that it was finished in less than a year was quite an accomplishment.

The productive and positive team of the City Staff, the Neighbourhood Plan Working Committee and graduate students from UBC completed this very challenging work on schedule; the organization of varied public meetings though out the year was well received with large turnouts at these events; attendees welcomed the opportunity to provide valuable input and it was rewarding to see such interest.

On behalf of the executive of the DBNA I would like to thank the city staff, who have been a pleasure to work with, especially Andrew Tucker, Chris Sholberg, Lisa Bhopalsingh and Richard Harding. These individuals are always willing to meet with us, provide counsel and to answer our questions. We appreciate their open door policy.

Schedule “B”

Submissions

For

Bylaw 4000.399

(Siting of Heat Pumps)

Penny Masse

From: Bryony Dunsmore [abcda@telus.net]
Sent: Tuesday, September 05, 2006 3:52 PM
To: Public Hearing
Subject: submission re bylaw No. 4000.399 on siting of heat pumps

Submission to Public Hearing, September 7, 2006 Bryony Dunsmore
3446 Blackfoot Way, Nanaimo
Tel 729-9293

Re Bylaw No. 4000.399 on siting of heat pumps and air conditioning units.

I am here again to support this bylaw, no. 4000.399, controlling the siting of heat pumps in Nanaimo, and will be very thankful when it has been passed, as I trust it will be very soon now.

As I stated at the previous public hearing, ideally we would have liked to see a bylaw which reflects differing siting needs, in which siting would vary depending on the location of bedrooms and outdoor living spaces in the particular vicinity of the proposed heat pump. We think a central placement in a front yard would often be the best solution and no more difficult to enforce.

We still think that a good principle would be that *the neighbours' right to peace and quiet should be the first consideration in placement and operation of heat pumps.*

In general we certainly do support locating heat pumps away from side yards, EXCEPT where there is already an existing neighbouring heat pump in this same corridor.

Perhaps when the bylaw is reviewed in a year, it could be changed to allow an exception to the proposed siting rules when there is already a heat pump in a side yard. In this case, putting a second heat pump in this same area would restrict the noise to one location instead of adding noise in other areas where neighbours who do not own a heat pump might be adversely affected by it.

We have been driven to what is an extreme measure for us, of getting a heat pump ourselves, so that we can survive in hot weather now that we cannot have our windows open due to being surrounded with neighbouring heat pump noise. We have learned from this that it is not necessary to operate heat pumps continuously in order to keep a house reasonably cool. We hear heat pumps running all day, all evening, and all night even when the outdoor temperatures are cool, in the 60s Fahrenheit. It would save valuable energy and be more effective just to open windows when the sun sets, or when the weather is cool. We are hoping this situation will be addressed in the education program the City has committed to.

The new bylaw will not help citizens of Nanaimo with the problems they are having with noisy heat pumps already installed near them. For example, we have a lovely deck on our house which we have not been able to sit on and enjoy even once this whole summer, as our neighbour's heat pump is always running, and always noisy, and is repeatedly shutting on and off every few minutes.

We continue to hope that the City will find some way to assist people who are living near noisy heat pumps and are unable to resolve the problem themselves.

There has recently been an excellent documentary on CBC radio about the rising noise levels in cities

9/7/2006

and the effects of that noise on the population. It has been found that even when people think they have mentally adjusted to noise, physiologically they are unable to adapt to it even after years, and continue to have a stress response.

Communities of all sizes, from Ladysmith to Calgary, are now passing bylaws to control heat pump noise.

This bylaw, as it is now, is a good beginning and we strongly support it and thank Council and City staff for responding to the problem of heat pump noise.

Thank you.

Penny Masse

From: Deborah Jensen on behalf of Public Hearing
Sent: Tuesday, September 05, 2006 8:42 AM
To: Mayor&Council
Cc: Dale Lindsay; Jason Carvalho; Penny Masse
Subject: FW: heat pumps: bylaw no. 4000.399

Received in response to 2006-SEP-07 public hearing notification.

Deborah Jensen, Planner

Development Services Department

City of Nanaimo

238 Franklyn Street, Nanaimo, BC

Phone (250) 755-4473 Fax (250) 755-4479

From: Arlene Tucker [mailto:pawswitharlene@telus.net]
Sent: Sunday, September 03, 2006 4:13 PM
To: Public Hearing
Cc: Byrony Dunsmore
Subject: heat pumps: bylaw no. 4000.399

Regarding the proposed new bylaw on siting of heat pumps and air conditioners.

I applaud the City of Nanaimo and it's Councillors and Mayor for going ahead with this bylaw. Though it could go further in restrictions of noise above a certain decibel level, this bylaw should much improve the dissension created by the installation of noisy heat pumps or air conditioners, and allow owners to live on their own properties in peace, quiet and harmony. I can only hope that once this bylaw is passed that something can be done about those existing heat pumps etc, that at present create disharmony, disquiet, and obtrusive noise to their neighbouring properties.

Arlene Tucker
3316 Wavecrest Drive
Nanaimo, BC
V9T 5X1

9/7/2006

Penny Masse

From: Deborah Jensen on behalf of Public Hearing
Sent: Tuesday, September 05, 2006 2:59 PM
To: Mayor&Council
Cc: Jason Carvalho; Dale Lindsay; Penny Masse
Subject: FW: Heat Pump Bylaw

Received in response to 2006-SEP-07 public hearing notification.

Deborah Jensen, Planner
Development Services Department
City of Nanaimo
238 Franklyn Street, Nanaimo, BC
Phone (250) 755-4473 Fax (250) 755-4479

From: Lepage [mailto:enlepage@shaw.ca]
Sent: Tuesday, September 05, 2006 2:47 PM
To: Public Hearing
Subject: Heat Pump Bylaw

Dear Council Members:

I am writing in support of the proposed heat pump bylaw.

Last July 6, I attended your public hearing on this subject. At that hearing, I met Wayne who, is employed by or owns Northstar Heating and Cooling Systems. I spoke briefly at that meeting for the Bylaw and afterwards Wayne (I don't know his last name) told me that he was the person who installed a heat pump between my house and my neighbour's at Deerwood, a seniors' complex off Biggs Road, in a narrow space a foot from my fence, next to my gazebo bench and a few feet from my patio that leads off my dining room. In this complex, the small houses are very close together.

For the second summer in a row, I have not been able to enjoy my home outdoors or even indoors in the dining room with the door open. It is very distressing. The noise is not loud, except when the machinery turns on and off, but it is a persistent, irritating buzz that is hard and usually impossible to ignore. When I will be trying to sell my house in the not too distant future, this unpleasant noise cannot help but have a negative effect on prospective buyers. It is unfair, indeed, that while my neighbours' home has increased in value because of the heat pump, the value of mine has been reduced.

My neighbours, who did not consult with me before installing their heat pump, and with whom I have never discussed the matter, had the option of installing the pump next to their patio or, the best solution for both of us, at the back of their house closer to their patio than mine or at least in the centre. Instead, they chose to install it where they do not have to hear it at all, ever, while I have to put up with it twelve months a year.

Wayne acknowledged that he should have taken into consideration the close proximity of my patio and have advised my neighbours differently. He stated that he regrets the disturbance

9/7/2006

his failure to do so has created in my life, which will continue as the their house is heated rather than cooled through the pleasant autumn days as well as in the spring. I had assumed that it would not be possible to move the heat pump once connected, at least not without considerable costs, but Wayne assured me that was not a problem at all. He advised me not to speak to the neighbours about it as he would do so and recommend that they allow him to move it, at no cost to them, at least to the centre back of their house, an area that they have covered with rock and do not use at all. It is now September 5, two months later, and so far he has not done so.

As Deerwood Estates is privately owned (I own my house but lease the lot), apparently the proposed Bylaw, if passed, would not be applicable. This letter to you may not be of any help to me personally, therefore, but I hope you will consider the negative effect on many others if residents of Nanaimo are allowed to continue installing heat pumps without consulting their neighbours, and if heat pump companies are allowed to continue conducting their profitable business without restrictions.

Thank you for giving your consideration to this recommendation.

Yours sincerely,

Norma LePage
3836 King Arthur Drive
Nanaimo V9T 6B9
729-0236

9/7/2006

Penny Masse

From: Deborah Jensen on behalf of Public Hearing
Sent: Thursday, September 07, 2006 8:41 AM
To: Mayor&Council
Cc: Dale Lindsay; Jason Carvalho; Penny Masse
Subject: FW: Public Hearing Submission

Received in response to 2006-SEP-07 public hearing notification.

Deborah Jensen, Planner
Development Services Department
City of Nanaimo
238 Franklyn Street, Nanaimo, BC
Phone (250) 755-4473 Fax (250) 755-4479

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

From: webmaster@nanaimo.ca [mailto:webmaster@nanaimo.ca]
Sent: Thursday, September 07, 2006 12:08 AM
To: Public Hearing
Subject: Public Hearing Submission

A Online Public Hearing Submission has been made:

Name: David Ward
Address: 4151 Mostar Rd, Nanaimo V9T 6A6
Subject: 2006 No 4000.399

Comments:

To address concerns regarding proposed Bylaw in regard to locality, noise level, exclusions and effective control or enforcement from a HVAC installers perspective.

Penny Masse

From: Deborah Jensen on behalf of Public Hearing
Sent: Thursday, September 07, 2006 2:55 PM
To: Mayor&Council
Cc: Dale Lindsay; Jason Carvalho; Penny Masse
Subject: FW: bylaw 4000.399 on sighting of heatpumps and A/C's

Received in response to 2006-SEP-07 public hearing notification.

Deborah Jensen, Planner
Development Services Department
City of Nanaimo
238 Franklyn Street, Nanaimo, BC
Phone (250) 755-4473 Fax (250) 755-4479

From: John Weir [mailto:weirsamson@telus.net]
Sent: Thursday, September 07, 2006 1:42 PM
To: Public Hearing
Subject: bylaw 4000.399 on sighting of heatpumps and A/C's

We have just moved to our wonderful home here in Nanaimo in August. We have been interested in relocating from Saskatchewan to Nanaimo for some time and have been following City Council meetings on your website. We have been especially interested in the debate over heatpump noise as we eventually bought a house in an area where the lots are close together. We would be devastated if continual motor compressor noise from a poorly sited heatpump became an issue for us or for our wonderful neighbours. We definitely support this bylaw. Bravo to the council for tackling this issue. My name is Pat Samson, my spouse is John Weir. We live at 3250 Serabi Place, Nanaimo. V9T 5W9. Phone 729-7360.

9/7/2006

Sheila Robillard
622 Sterling Ave
Nanaimo, BC
V9R 4C6

September 7, 2006

To Whom It May Concern:

This past spring I had a heat pump installed in my home. Prior to making this decision, I researched the decibel levels of various units, and the pros and cons of changing my heating system. If I had to do it all over again, I would.

I have not received any complaints about noise from my neighbours or guests in my home about my heat pump, nor do I notice any noise myself, because the small amount of noise generated by my heat pump was taken into consideration by my technician when deciding on the location of the outdoor unit. I also appreciate that the aesthetics of my property were not compromised by the location either.

I feel like I am contributing to the environment by minimizing the fossil fuels I am using, and have been extremely happy with the huge drop in my gas bills, with only a small increase to my hydro bill in exchange.

I think heat pumps are a wonderful heating and cooling option, and I recommend them to everyone.

Sincerely,

Sheila Robillard
Homeowner

60-63

69-70

Janelle and Tood

From: J. Devoe [jdevoe@shaw.ca]
Sent: Thursday, September 07, 2006 6:14 PM
To: Tod & Janelle
Subject: Heat Pump

To Whom it May Concern,

I recently had a heat pump installed for my home. The unit is just outside my bedroom, and I do

not hear any noise from it what-so-ever and no one in the neighbourhood has complained!

I would recommend a heat pump to anyone because they are quiet and very efficient.

Joe Devoe
250-754-4245
2445 Godfrey RD
Nanaimo, B.C.

600-65

70

To Whom It May Concern:

Thursday, September 07, 2006

We recently had a heat pump installed at 1910 Northfield Rd. The heat pump is located outside my window (5ft below) and it is so quiet that we can not hear it with the window closed, although we do hear traffic noise from the road. When we open the window if you really strain it can be heard but there again the road noise is a way louder. We were pleasantly surprised at how quiet the heat pump is and would not hesitate to recommend people putting a quality heat pump like the one we have.



Frank Mazzei

62

70



(C A N A D A) L T D .

RYAN HILL

Territory Manager

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