



Alberni-Clayoquot Regional District

BOARD OF DIRECTORS MEETING

WEDNESDAY, NOVEMBER 13, 2013, 1:30 pm

Regional District Board Room, 3008 Fifth Avenue, Port Alberni, BC

PLANNING MATTERS PORTION OF AGENDA

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9. <u>PLANNING MATTERS</u>	
9.1 ELECTORAL AREA DIRECTORS ONLY	
a. DVD13005, WALE, 10449 LAKESHORE ROAD Development Variance Application – Memorandum and Permit	3-4
<i>THAT the Board of Directors pass a resolution to issue development variance DVD13005.</i>	
b. RF13002, LANE/HANSON, 2970 ALBERNI HIGHWAY Rezoning Application – Public Hearing Report, Minutes and Bylaws P1313 & P1314	5-115
<i>THAT the Board of Directors receive the public hearing report.</i>	
<i>THAT the Board of Directors receive the public hearing minutes.</i>	
<i>THAT Bylaw P1313, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw, be read a second time.</i>	
<i>THAT Bylaw P1313, Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw, be read a third time.</i>	
<i>THAT Bylaw P1314, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw, be read a second time.</i>	
<i>THAT Bylaw P1314, Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw, be read a third time.</i>	
c. RF13005, LPV LAND DEVELOPMENT, 5950 STRATHCONA STREET Rezoning Application – Public Hearing Report, Minutes and Bylaw P1315	116-155
<i>THAT the Board of Directors receive the public hearing report.</i>	
<i>THAT the Board of Directors receive the public hearing minutes.</i>	

THAT the Board of Directors defer a decision on Bylaw P1315 and request that the applicant submits additional information to address some of the concerns raised at the public hearing.

THAT a second public hearing for Bylaw P1315 be delegated to the Director for Electoral Area "F", the Alternate Director, or the Chairperson of the Regional Board.

9.2 ALL DIRECTORS

- a. **MISC13011, CITY OF PORT ALBERNI, DRAFT ZONING BYLAW REFERRAL** **156-157**
Memorandum

THAT the Board of Directors direct planning staff to respond to the City of Port Alberni Draft Zoning Bylaw referral request as interests unaffected.

- b. **MISC13012, COMOX VALLEY REGIONAL DISTRICT, OFFICIAL** **158-168**
COMMUNITY PLAN AND ZONING AMENDMENT REFERRAL
Memorandum

THAT the Board of Directors direct planning staff to respond to the Comox Valley Regional District Official Community Plan and Zoning Amendment referral request as interests unaffected.

- c. **REGIONAL PARKS PLAN UPDATE** **169-172**
Memorandum

THAT the Board of Directors receive the staff memorandum.



MEMORANDUM

To: Russell Dyson, CAO and Regional Board of Directors
From: Heather Dunn, Jr Planner/Bylaw Enforcement Officer
Date: November 7, 2013
Subject: DVD13005 – 10449 Lakeshore Road

Background

On October 23, 2013, the Regional Board reviewed an application for a development variance permit relating to LOT 3, DISTRICT LOT 204, ALBERNI DISTRICT, PLAN 10642.

The Board passed a resolution to consider issuing a variance to reduce the front yard building setback from 40 feet to 19.95 feet to allow for the construction of a garage.

All property owners within 200 feet of the property have been notified of the variance request. No responses, positive or negative, have been received to date. If any objections or comments are received prior to the November 13, 2013 Board meeting, staff will inform the Board.

Recommendation

That the Regional Board pass a resolution to issue Development Variance Permit DVD13005.

Submitted by:

Heather Dunn
Jr Planner/Bylaw Enforcement Officer

Reviewed by:

Alex Dyer
Planner

Russell Dyson, Chief Administrative Officer

DVD13005



DEVELOPMENT VARIANCE PERMIT NO. DVD13005

Whereas, pursuant to Section 922 of the *Local Government Act*, a local government may by resolution, on application of a property owner, vary the provisions of a bylaw under Division 7 of Part 26 of the *Local Government Act*;

A Development Variance Permit is hereby issued to:

Name: Allen Wale

Address: 10449 Lakeshore Road

With respect to:

Legal Description: Lot 3, District Lot 204, Alberni District, Plan 10642

PID: 002-422-093

The provisions of the Regional District of Alberni-Clayoquot Zoning Bylaw No. 15 are hereby varied as follows:

- (i) Section 200 – Schedule No. II – Bulk and Site Regulations to reduce the required front yard building setback in the Acreage Residential (RA1) District from 40 feet to 19.95 feet to allow for the construction of a garage.

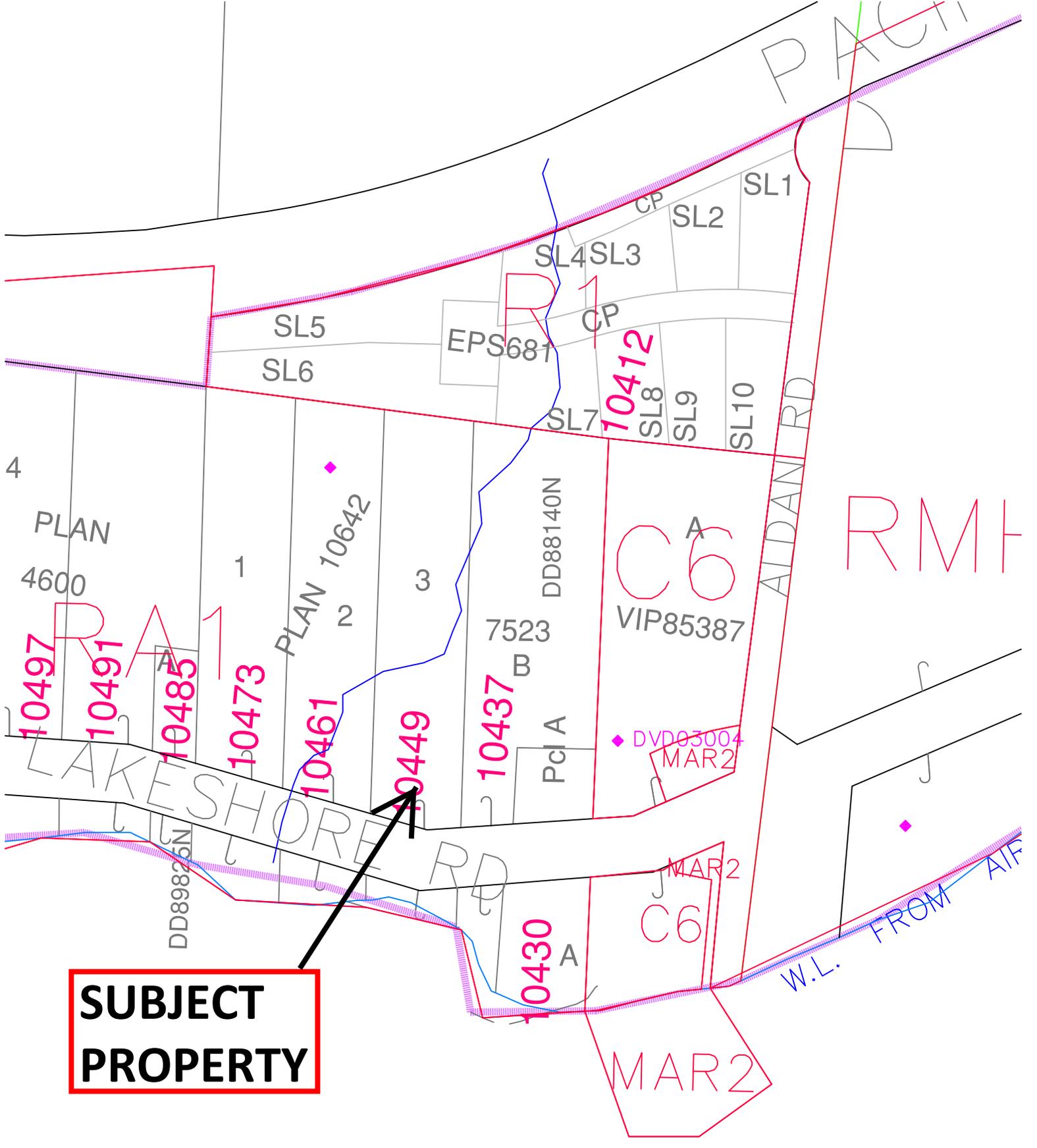
In accordance with the provision of Section 922 of the *Local Government Act*, approval of this permit was given by resolution of the Board of the Regional District of Alberni-Clayoquot on XXXXXXXXXXXX, 2013.

This permit was issued under the seal of the Regional District of Alberni-Clayoquot on XXXXXXXXXXXX, 2013.

Russell Dyson, CAO

Chair of the Board of Directors

DVD13005



**SUBJECT
PROPERTY**



MEMORANDUM

TO: Russell Dyson, Chief Administrative Officer; and
Regional Board of Directors

FROM: Alex Dyer, Planner

DATE: November 7, 2013

RE: Public Hearing Report for Bylaw P1313 & P1314 (2970 Alberni Highway)

A Public Hearing for Bylaws P1313 and P1314 was held on Monday, November 4th, 2013 in the Board Room at the Alberni-Clayoquot Regional District office. The meeting was attended by Electoral Area "F" (Cherry Creek) Director Lucas Banton, ACRD planning staff members Mike Irg, Heather Dunn, and Charity Hallberg Dodds, property owners James and Darlene Lane, agents Rob Howat and Andrew Hanson, and 8 members of the public.

There were four (4) written submissions received prior to the public hearing and one (1) written submission from Peter Muggleston received at the public hearing. These submissions were read into the record by staff at the hearing and are attached to the minutes as Appendices A through E. The submissions included two letters of opposition, two letters of support and a petition of support signed by five people. The agency referral comments were summarized by staff and are attached to the minutes as Appendix F.

A presentation was made by Rob Howat, agent for applicant Andrew Hanson, which is attached to the minutes as Appendix G. Two presentations were made in opposition of the rezoning which are attached to the minutes as Appendices H and I. Concerns focused on site layout including parking and delivery access and the number of liquor stores compared to population. The presentations indicated that Port Alberni has a low population per liquor store when compared with other similar sized towns in BC. The applicant indicated that if the Regional District population were included in the population calculation, Port Alberni would be similar to many other similar sized towns in BC. The applicant brought attention to the amount of tourist traffic, heading to the West Coast, that would drive by this location. The applicants indicated that they would satisfy the requirements of the Liquor Control Board relating to the liquor license and the Ministry of Transportation and Infrastructure relating to the access permit. These requirements include final site and store layouts and building permit and development permit applications through the ACRD.

Recommendation

That the Board of Directors proceed with second and third readings of Bylaw P1313 and P1314.

RF13002

Submitted by: Alex Dyer
Alex Dyer, Planner

Reviewed by: 
Russell Dyson, Chief Administrative Officer



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Minutes of a Public Hearing held on Monday, November 4, 2013 at 7:00 pm in the Board Room at the Regional District of Alberni-Clayoquot Office, 3008 Fifth Avenue, Port Alberni BC.

Present: Lucas Banton, Director
Staff: Mike Irg, Manager of Planning and Development, Heather Dunn, Jr.
Planner/Bylaw Enforcement Officer, Charity Hallberg Dodds, Planning Assistant
Applicants: James and Darlene Lane – Property Owners, Andrew Hanson and Rob Howat -
Agents
Members of the Public: 8

1. The meeting was called to order at 7:00 pm.
2. Director Lucas Banton introduces himself and planning staff. Director Banton asks staff to read out Notice of Public Hearing.
3. The notice is read by Mike Irg as follows:

A Public Hearing for residents and property owners within Electoral Area “F” will be held in the Board Room at the Regional District of Alberni-Clayoquot office, 3008 Fifth Avenue, Port Alberni BC, at 7:00 pm on Monday, November 4, 2013 to consider the following bylaws:

Bylaw P1313 to amend Regional District of Alberni-Clayoquot Zoning Bylaw No. 15 by adding section “122A General Commercial (C2A) District”.

Bylaw P1314 to rezone LOT 4, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906, EXCEPT PART IN PLAN 10443 from Highway Commercial (C4) District to General Commercial (C2A) District to allow the applicants to open a private liquor retail store in the existing building on the property.

(James & Darlene Lane, Property Owners/Andrew Hanson & Rob Howat, Agents – 2970 Alberni Highway)

All persons who consider their interest in property affected by the proposed bylaws will be given an opportunity to be heard in matters contained in the bylaws.

The Public Hearing for Bylaws P1313 and P1314 is to be held by the Director for Electoral Area ‘F’, the Alternate Director, or the Chairperson of the Regional Board, as a delegate of the Regional Board. A copy of the Board resolution making this delegation is available for public inspection along with copies of the bylaws as set out in this notice.

Interested persons may inspect the bylaws and relevant background documents at the Regional District of Alberni-Clayoquot office during normal office hours, 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays, from October 25, 2013 to November 4, 2013 inclusive. Any correspondence submitted prior to the Public Hearing should be directed to the undersigned.

4. Director Banton: Thanks Mike. The purpose of this hearing is to hear representations, written or verbal, from any person who believes their interest in the property is affected personally. The Regional Board will receive full minutes at their next meeting after the hearing before the vote will take place. If the hearing is



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contentious, we will record and produce a verbal verbatim transcript. If it is not, staff will take written minutes that summarize the issues raised. Staff will now read out any written submission received prior to the hearing and any correspondence received ahead of time from the public.

5. H. Dunn: This letter is from Peter Mugleston from Best Western Plus Barclay Hotel. Heather reads letter as per **Appendix 'A'**.
6. M. Irg: Okay. There's a few more. I will just go through some. We received some of these actually prior to the notice going out. It was a result of sort of some the media that followed along when the bylaw was originally given first reading but I will go through all of the additional correspondence we got. Mike reads the following letters; from Chase and Warren Winery as per **Appendix 'B'**, petition of support as per **Appendix 'C'**, email from Sylvia Turner as per **Appendix 'D'**, and email from Liz Stonard as per **Appendix 'E'**. Mike then summarizes all agency referral comments as per **Appendix 'F'** and points out that copies of all documents are available on the side table.
7. M. Irg: Oh, and one other thing. We have received packages from Chris Danroth and Mr. Danroth is going to be making a presentation. But those, these will also be made available to any public that wants a copy and will also be sent to the Board.
8. Director Banton: As you can see, the property, the property is a, has a lot of correspondence. Normally there isn't this much is there.
9. M. Irg: Depends on the application.
10. Director Banton: So, I want to call on staff or the applicant to explain the proposal at this time.
11. R. Howat: Rob introduces himself and makes his presentation on behalf of Andrew Hanson as per **Appendix 'G'**. Rob expanded his presentation to include additional comments regarding access.
12. R. Howat: We feel that we can deal with the access and the parking requirements. The parking that is there is in part of the right of way and will be removed. We have sufficient parking along the side and it has always been intended that the old building at the back, the old house at the back, would be removed and consequently supplies ample room for all sorts of different parking layouts. The issue with related to the loading and the trucks coming in, when we remove the parking from the front of the building, the trucks, from what we understand, the delivery truck, or the main delivery truck will be coming from the west, and with the multiple accesses along that frontage road, the truck can comfortably pull in, park right in front of the building, and utilize the loading area on the west side of the building. He won't be on the right of way whatsoever. Then again, he can just pull out and head back east. So there's no problem. And yes, we will be doing a further analysis and a further detailed traffic plan. We did some rudimentary measurements, we plotted the plan, excuse me, we plotted the buildings on the property and yes, there is sufficient room for all the access needs. In discussions with the Ministry of Transportation with regards to the encroachment. The encroachment includes a small rockery area, if I can use that statement, with an old sign base. At this point in time, the Ministry is not prepared to look at necessarily permitting it but it will not ask us to remove it. We believe that the accesses and the frontage road and the landscaping was actually constructed by the Ministry in the mid to late 80's. Records were unfortunately burnt during the 1980 odd fire here in Port



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Alberni at the Ministry of Transportation's office. Either the Transportation office or the Court House. But records were burnt up in that. But there is an indication that the Ministry actually built that access. So we feel that we can deal with those types of technical issues. As I said, the old house at the rear of the building will be removed so there's a considerable amount of area for parking. And the loading area will be totally free and unencumbered to allow the truck operator to load. From that, I would like to, if there's any questions beyond that.

13. M. Irg: Not from staff.
14. Director Banton: No questions from staff, how about.
15. M. Irg: I think we should hear the presentations and then do the questions.
16. Director Banton: Yes, okay. Thank you. At this time, we're going to call, there's one presenter for sure. What's his.
17. M. Irg: There's not really an order so just whoever wants to get up and speak, that's fine.
18. Director Banton: Okay. So we'll just leave it open for whoever wants to speak first. And you'll just give your name and your address. Any takers?
19. P. Paiement: Sure. I'll go. I'll grab one crutch just in case here. I just had knee replacement surgery and it has not gone well.
20. Director Banton: Sir, what's your name?
21. P. Paiement: My name is Pat Paiement and I'm a personal assistant to Chris Danroth who sits behind me, who's the owner of the Westwind Beer and Wine store. We've been quite a while in preparing this and I'll, I'll just move right along because I know you're busy. Its not that many pages, this is big type so I can see it.
22. Director Banton: Just for the record, what's your address?
23. P. Paiement: My address is 1339 Chaster Road in Gibsons, BC. And I've signed in. Mr. Paiement then makes his presentation and submission as per **Appendix 'H'**.
24. Director Banton: Thank you Pat. Are there any questions to the presenter? No questions. Is there anybody else that would like to present?
25. A. Hanson: Could I just make a comment to, I forgot the gentleman's name that.
26. Director Banton: Pat.
27. A. Hanson: Pat. My name is Andrew Hanson.



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28. Director Banton: Just one, just one second. Sorry.
29. M. Irg: I think we should, we have several people that do want to speak. I think we should, what we should do is just let everybody speak for the first time. That's generally the process we follow. Everybody speak for the first time and then, certainly, then you have the opportunity to respond first. So, I think there's some other people that wanted to present.
30. Director Banton: Okay. Any other presenters? At this time, we would allow. Okay.
31. J. Cross: Now I practiced this earlier so I hope it's going to work. Is this on?
32. M. Irg: Yes, it should be. Yes, they're both coming in. There we go.
33. J. Cross: There we go.
34. Director Banton: Just for the record, can we have your name and your address.
35. J. Cross: Absolutely. Mr. Cross then makes his presentation and submission as per **Appendix 'I'**.
36. Director Banton: Does staff have any questions to Jonathan?
37. M. Irg: No, not me.
38. Director Banton: And is there any other presenters? That would like to stand up. Or anybody that would like to speak? So would the applicant like to respond?
39. A. Hanson: Sure. My name is Andrew Hanson. Excuse me, my name is Andrew Hanson, I live at 350 Marine Drive in Ucluelet. I just want to make a couple of quick points about the last two presentations and I had some other stuff to say. I don't think it is necessary for the Board's decision. There is a lot of questions about the population of Port Alberni and a lot of the statistics people are using here are, are 17,000 people. There's no, there's no, nobody's including Cherry Creek, Beaver Creek, Sproat Lake, all the catchment areas there that brings it up to 25,000 people. Which refers to, back to Pat's submission where one liquor store for every 2500 people is where its at right now. This is not a new licence, we're bringing an existing licence from a part of town that perhaps has a lot of licences in a small area and moving it away from it. It is moving to closer to another licence but generally, we are getting it out of the area. Another thing about the population in town is that there's over a million cars that drive past this location going to the West Coast every year going vacationing, camping, whatever it is they're doing. Something else that I would like to say was Mr. Cross said something about no building permit and development permit, that's never been a question for us. Once we have the rezoning, we're going to go forward with a building permit and a development permit in order to facilitate the stuff I stated in the letter as well to bring the building up to West Coast, nice looking West Coast, modern standard, to enhance the look as you drive into town. And I'm not sure about the, also about the parking issues that, or the truck issues that Mr. Cross was talking about but our plan is not to use the, have the truck going down the side of the building for the loading bay purposes, the, the truck will be across the front of the building and the parking will be down the side of the building so, that parking scheme that Mr. Cross had is the current parking scheme of the building that Jim



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and Darlene had when they had the building but that won't be the same. I think Rob might have submitted something to you. So, thank you.

40. Director Banton: Any questions.
41. P. Paiement: Can I have a very quick response to one of his comments?
42. Director Banton: Yes, you can.
43. P. Paiement: Thank you. The issue of population.
44. Director Banton: I just need your, again for the recorder.
45. P. Paiement: Pat Paiement, representing Chris Danroth. The issue of population density and population are two separate issues. Population is indeed greater if you expand the area. As you will read in your report, I didn't detail it in my submission, because I didn't go into too much detail. Population density in most areas is done by what they call census tracts. In other words, that is the smallest delineated area of population in a census. In Canada, I believe it is around 3000. But I looked up the Canadian census bureau and they were not up to date on their latest census tract information. So I had no choice but to try the US model where their census tracts are approximately 4000 to 4500, maybe 5000 in some areas. And that would be if you're into a rural area, there's no point in having one census tract here and saying well we've reached the limit of 4500 people, the next census tract only has 500. They don't do that. They look at reasonable areas and they say, that is a census tract. Now the population density is the liquor stores per census tract in any given area. It would be akin to say we have many many houses spread out over a large area. Population density would pertain to, how many people are in each house. Not how many houses, how many people are in each house? So population density is a mathematical function that applies no matter how the population is spread out. Because they have chosen like-sized areas as their model. In this case, in our study, it is 4400 people. So it doesn't matter if that 4400 people is in a large geographic area or a small geographic area, the population density per 4400 is the key. Not the overall population of an area. That's why, if you remember, Jonathan's chart when he had it up. If you looked at the population density of liquor stores in Vancouver. There's one liquor store for about every 8000 people, or perhaps its more, I didn't pay too much attention when I did my own study. The very reason is, when you get an area where it is chop a block house house house house house, at infinitum, you're going to get those kind of numbers. When you get to a rural area, where its farmhouse and a mile later another farmhouse and so on and so forth, you are going to get a very low population density. But if the mandate is, for liquor stores, is spatial distribution, in, in, in rural areas, the problem solves itself. Because the liquor stores want to, and that area and the other ones in the other county literally, but when you're in populated areas, population density is a mathematical model that works very well. And its used in all sorts of businesses, and all sorts of economic models because it's a density issue. Not a population issue.
46. Director Banton: Okay, thank you. Is there anybody else that wants to speak or comment? Go ahead.
47. R. Howat: Yes, excuse me. My name is Rob Howat, I'm representing Andrew Hanson. I'm not a statistical person but, this is not a new licence, as Andrew indicated, this is a licence that was elsewhere in Port Alberni and being relocated. The licencing for, through the Province, for this, they must have taken all this sort of



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material into consideration to consider it an appropriate move. They have approved it in principle, subject to the rezoning of course. The rezoning is to go to a commercial tenure, as prescribed and as condoned by the official community plan of the Cherry Creek area. And I think nobody should lose sight of that. The idea was to promote small retail businesses within that area. The parking, that plan up there was done as a very, very preliminary plan to have open discussions with the Ministry of Transportation and Infrastructure with regards to access. When we spoke with them with regards to the existing access and the existing facility, it was an indication that if we could make things work, they wouldn't bother with the landscaping etc. We realize that as we walk through this, we may have to remove some of the landscaping or all of the landscaping, or whatever to make it work. It was never the intention to try to maneuver a large vehicle or a large truck down that side. We anticipated that the loading would take place with the truck sitting in front of the building. That parking layout that was shown was just an indication that the space is there to have parking in behind the building itself with the house gone. It was never intended to be that design specifically, it was just an indicator. We need to work very closely with the Ministry of Transportation and Infrastructure because highway 4, or the Alberni Highway is a controlled access facility. They carry en vito power on the bylaw, so we need to appease their issues with regards to parking, parking layout and truck access and loading. So I just wanted to make those things clear. Thank you.

48. Director Banton: Thank you. Anything further? Jonathan.
49. J. Cross: Just curious. Just a couple of points just on, just on this process and understanding of licences. The comment that the province has approved this in principle, the province will always approve them in principle. As I try to present to you, it is always the local government's responsibility to decide if its in the public interest. The province will never issue a licence if the local government decides it is not in the public's interest. So, as much as it might not be desirable, the buck stops here. Its, its, it's a regional issue. One of the other things that I think is important is, if this was going forward in Port Alberni, where this licence is currently registered, it ain't happening. They don't want any more liquor stores. They've reached their limit. So the applicant has no choice but to try and get outside of the municipal boundaries. Its just the way it is. Its what's happening in the province. So, that's what's going on here, there's going to be a lot more of it coming forward. There are more looking to relocate and this is a big business, and I am mystified, quite frankly, why it is at the rezoning stage when I do not believe that it would satisfy highways if they really knew what was going on. But that's where we are and so I urge you to deny the application. One thing is very very important. Cherry Creek does not want to have property, properties in its municipality, in its region that are zoned for liquor stores unless it really wants liquor stores there. So approving this in principle or with conditions that you are not sure will ever get met, would be a mistake.
50. Director Banton: Any further comments from the floor.
51. A. Hanson: Just one more. Andrew Hanson, 350 Marine Drive, Ucluelet. Just to go back, not to refer to anything Jonathan was but when we are going through the development process, the development permit process and the building permit process, the loading bay may move from the side of the building that its on to the other side of the building. You know, its all going to sort of flow, as the parking requirements need. So, yes, I just wanted to make a point of that. There is a double doors on the side of the building that are currently called the loading bay but there's no specific, that's not a specific part of the building that has to be considered. When we do a renovation and upgrades to the property then you know, we will consider



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maybe that, the better location of that would be the other side.

52. Director Banton: Any further comments. Anybody who needs to speak. Yes.
53. C. Danroth: Chris Danroth, Westwind Pub. I would just like to mention that when you spend the kind of money that needs to be spent on this development. We're talking probably in excess of one million and a half dollars, maybe more, I find it hard to believe that anybody would come to council and ask for a rezoning without a complete drawing setup, and laid out property so you can see exactly what's going on that property and how its going to be done. Its pretty hard to, you guys to make a decision on something and right now, you're not seeing anything. Just a property the way it is. It should be all drawn out, engineered, surveyed, laid out, building plans, everything should be laid out so that you guys can make a proper decision. And at the end of the day, I would just like to say that you folks here, on the council are the last end of the road here, its your decision and hopefully you deny this application.
54. Director Banton: Thank you. Any further comments? So I would like to stress that the Board cannot receive any new information between the end of the hearing and making a decision on the bylaw. If any Board member does so, this invalidates the hearing and means that it will have to be held again. I call the first time for any further representation on the bylaw. I call the second time for any further representations on the bylaw. I call for a third time and final time for any further representations on the bylaw.
55. J. Cross: I just want to make sure I've submitted my text and you're calling for three times. Here is my text and supporting information.
56. M. Irg: Thank you.
57. Director Banton: Do I start over again?
58. M. Irg: No.
59. Director Banton: This was read for a third time. No other comments. Hearing no further comments, I declare this meeting terminated. No more discussion. Thank you.
60. The meeting was terminated at 8:07 pm.

Certified Correct:

Lucas Banton

Lucas Banton, Director

Minutes Prepared by:

CH Dodds

Charity Hallberg Dodds, Planning Assistant

November 1, 2013

Alberni Clayoquot Regional District
 Chief Administrative Officer Russell Dyson
 District Board Member
 3008 5th Ave.
 Port Alberni, BC
 V9Y 2E3



PLUS

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Dear Mr. Dyson and District Board Members;

Re: Relocation of Existing Licensed Retail Store to ACRD

I am writing to you concerning the proposed relocation of an existing although dormant Licensed Retail Store license to the Alberni-Clayoquot Regional District. Please respond negatively to this application for relocation.

We are not anti-business or fear competition; we are entrepreneurs and fully understand and assume the significant accountability for the inherent risks and the outcome of our ventures. The liquor industry is highly regulated, we are told where we can locate our businesses, when we can open and close, what products we can carry and how we purchase them. This is not a case where the applicant is going to sell a better product or bring something new to the Alberni Valley.

First, there isn't a need for any further expansion or relocation of either a dormant or existing Liquor Stores license. We currently have eight private Liquor Stores and a Government Liquor Store plus this current application; do we need this application? The Alberni Valley already has the highest per capita Liquor Stores for a community of its size. With all the social issues relating to alcohol being number one is not something that we should strive for. We need to send a responsible message to the community.

Three of the four properties that collect the 2% Destinations Marketing Fee have Licensed Retail Stores. We have joined forces to guarantee the continuation of the Destination Marketing activities in the Alberni Valley and our Licensed Retail Stores are a very important component of our businesses in order to stay successful.

Notwithstanding the social issues the applicant has failed to do the necessary due diligence in order to ensure that the site actually works for its intended use. The applicant has not produced a clearly detailed site plan ensuring that tractor trailers that measure up to 65' in length will be able to safely enter the site and maneuver around the site with the proper on-site parking. A hand written drawing in the eyes of the general public is not acceptable and shouldn't be permitted from your position to determine the feasibility of a project.

THE WORLD'S BIGGEST HOTEL FAMILYSM

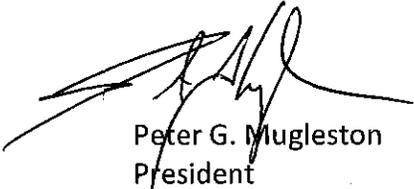
Each Best Western® branded hotel is independently owned and operated.

In our opinion this site is unworkable considering the size of the tractor trailers that service a Liquor Store. The applicant shows a measurement of 48' from the building to the landscape and sign area which includes parking stalls. It is not permissible to use the parking space (16') or to use the right of way for parking to determine the proper turning radius for the delivery trucks. This leaves approximately 32' to maneuver a 65' tractor trailer around a 90 degree corner to a loading area that is 20' in width.

The plan should be professionally verified by an engineer in order to ensure the safety of the general public and not to impede vehicular and pedestrian traffic using Hwy #4. Beer deliveries take up to an hour to complete and it is common to have more than one delivery at a time. What are the consequences of allowing the unknown especially when we are dealing with a very busy Hwy #4? These are important issues that need to be addressed before this site is approved and as a result an accident occurs confirming that it can't safely allow the intended use.

Mr. Dyson and District Board Members we need the right decisions based on what is best for the over-all future of the Alberni Valley. You are in a position to not only decide if the proposal meets the guidelines but also if there is a need for another Liquor Store in the Alberni Valley and at the Gateway to our community. I urge you to respond negatively to the Applicant's application for this site.

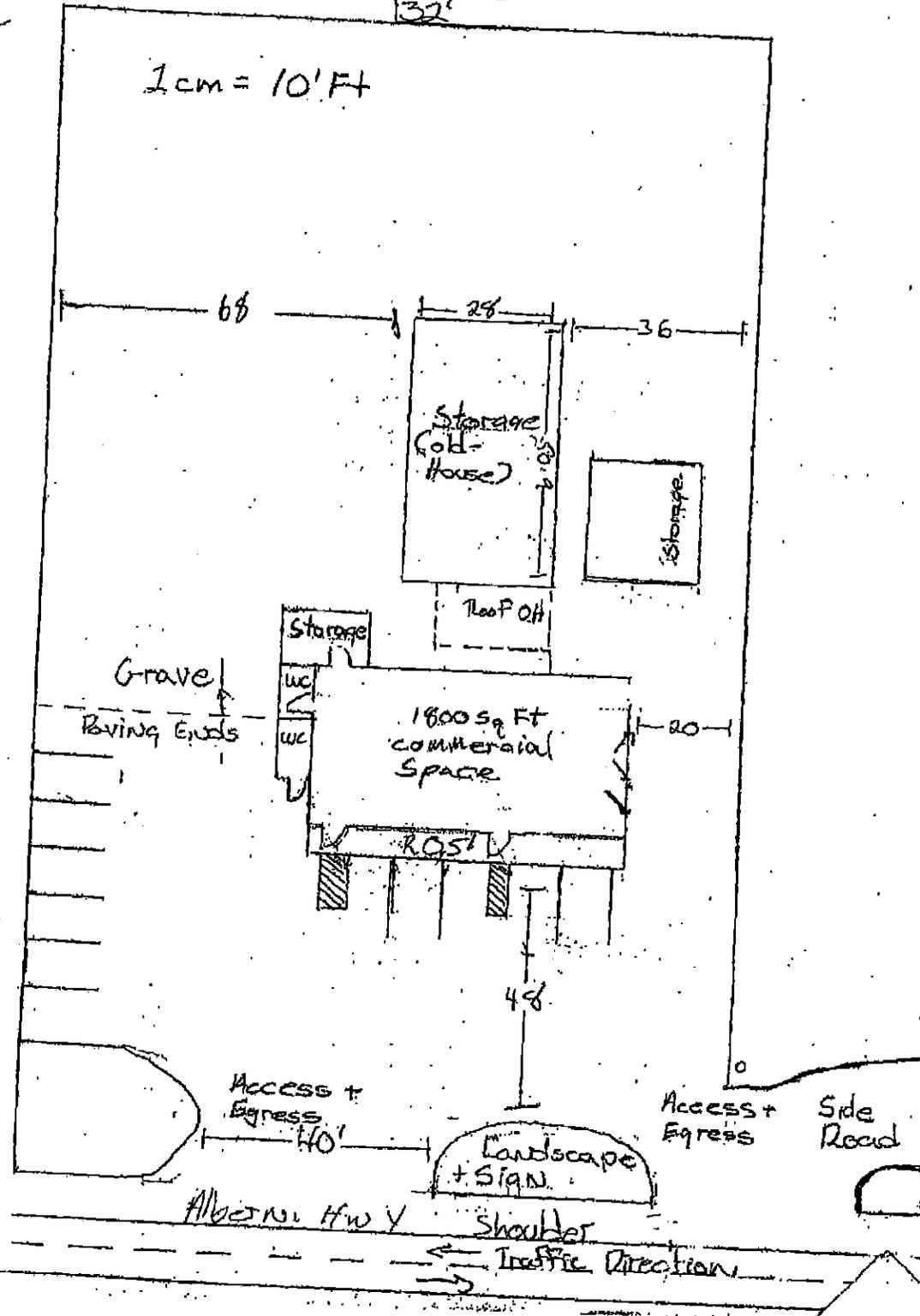
Sincerely,



Peter G. Muggleston
President
G.D.P. Investments Ltd.
DBA BEST WESTERN PLUS Barclay Hotel

2970 Albani Hwy
Lot 4 D.L. 18 AD Plan 906
Except Part Plan 10443
132'

1cm = 10' FT



Chase & Warren

• ESTATE WINES •
Proudly produced in the Alberni Valley

To Whom it May Concern:

Chase & Warren Estate Wines would like to support the application of the Ucluelet Cold Beer and Wine store to open a new outlet on the Johnston Road corridor. Having dealt with the management and staff of the Ucluelet store for a period of 8 years, they have become our single largest commercial customer. Their commitment to marketing local products in an area that has seen its share of financial difficulty, show them to be a responsible and concerned member of our local community. The staff and management of the Ucluelet Cold Beer and Wine store have been helpful in providing feedback to the winery so that we can continue to improve not only the quality of our products but also our marketing image. They are also active in fundraising and the support of the numerous community groups in their immediate area. We would welcome their contributions to the Alberni Valley.

Sincerely,



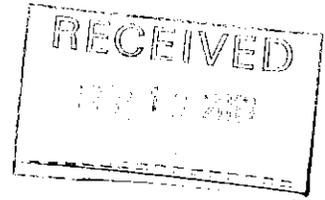
Vaughan Chase

September 2013

To the Manager of ACRD Planning Department

Mike Irg; mirg@acrd.bc.ca,

and the District board members of Electoral A,B,C,D,E,F



I am signing this letter to show my support of the rezoning of 2970 Alberni Highway from C4 zoning to C2 zoning to allow for a liquor store at that location. I am neighboring business or residence and located within the catchment area of the rezoning location.

Thank You,

Julie Richardson 2895 Highmoor Rd Port Alberni
 Debra Sumner 2995 Highmoor Rd Port Alberni
 Jeannette Paterson 1258 RUPERT RD Uchelet
 Danny Lamote 2985 HIGHMOOR RD, PORT ALBERNI
 R. Williams 4026 Sharon Dr, 5255 Athol Rd

Mike Irg

From: dawn turner [dawnturner89@hotmail.com]
Sent: Thursday, September 12, 2013 10:04 PM
To: Mike Irg
Subject: 2970 Alberni Highway Re Zoning

Mike I would like to add my name to the to the list of supporters without hesitation of the Andrew Hanson application in rezoning 2970 Alberni Highway.

I currently rent a space on the property owned by Jim and Darlene Lane highly repeatable people that I have known for years. They have worked hard with their up keep on there for years. Jim and Darlene are true visionaries of our valley however they need to sell their property and have worked hard to promote it etc. They are ready to move on. The approach to the valley has been enhanced by them as they beautify it as Landlords' .

Andrew Hanson and family will carry on and only bring on great things to the entrance of our Valley. They should be given a chance. I have no problems with them as a neighbour etc.

Lets not overlook these fine people and what they can bring to our community.

Sylvia Turner.

2995 Highmoor Road.

Mike Irg

From: Russell Dyson
Sent: Thursday, August 08, 2013 10:03 AM
To: Mike Irg
Subject: FW: LIQUOR STORE MOVE

From: Cindy Solda [<mailto:cindysolda@me.com>]
Sent: August-08-13 10:02 AM
To: Russell Dyson; Wendy Thomson
Subject: Fwd: LIQUOR STORE MOVE

Cindy Solda
cindysolda@me.com
 250 731-6715

Sent from my iPad

Begin forwarded message:

From: estonard <estonard@shaw.ca>
Date: 8 August, 2013 8:45:45 AM PDT
To: cindysolda@me.com, mikekokura@shaw.ca
Subject: LIQUOR STORE MOVE

Dear Ms. Solda & Mr. Kokura,

Am emailing you both in response to the article in Aug. 1st's edition of the AVNews ('Liquor store move questioned') with - as a 60yr.old R.C.M.P-brat who's lived in many different communities all across Canada - a couple of comments from the peanut gallery, if you'll kindly indulge me ;-)

First thing that came to mind was how visitors have already negatively remarked that one of the first and most prominent features they notice upon entering the valley is 'big-box-retail'. For those that have experienced it know how generations-owned small Mom-'n'-Pop retail dies when they move into town. All Port Alberni has to do is add a liquor store to further add to an already negative impression.

Also, as you so aptly say, Ms. Solda: *"How many liquor stores do we need?"*
 I'm sure the R.C.M.P and the city's health and social-services workers would agree that there is more than enough liquor consumption (let alone it's availability) in Port Alberni already.

Back when (30-40yrs.ago?) Nanaimo had a reputation for winos, it was known as "Hic!-town" :-/
 Let's not let Port Alberni fall victim to similar negative monikers, eh?

Many thanks for your consideration.
 w/best regards,
 Liz

Liz Stonard

4333 Melrose Street, Port Alberni, B.C., V9Y 1L1.

ph:(250)724-0757.

email: estonard@shaw.ca



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue

Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

BYLAW RESPONSE SUMMARY

BYLAW NO.'s: P1313 & P1314 ACRD FILE NO.: RF13002

APPLICANT NAME: James & Darlene Lane ACRD CONTACT: Alex Dyer, Planner

Date of Referral: July 26, 2013

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval NOT Recommended Due to Reasons Outlined Below

PLEASE SEE ATTACHED.

Agency (please print): MINISTRY OF TRANSPORTATION : INFRASTRUCTURE

Name (please print): JORDAN WAGNER

Title: DISTRICT DEVELOPMENT TECH.

Signature: J. Wagner

Date: Aug 19, 2013



BRITISH
COLUMBIA

The Best Place on Earth

Signage:

Operating on the principal that highways are safest for motorists when they are free of unnecessary distractions, there have been policy changes over the last decade regarding business signage along highway right of way. Business identification and point-of-sale signage are no longer permitted within highway right of way; this type of signage must now be completely contained on the business' property.

As a condition of approval, the Ministry of Transportation requires the removal of the existing signage and asks that any new signage be located on the business property. Permits for signs located on private property are not required by the Ministry.

Access:

Access permits are non transferrable – thus if new business owners have purchased the property the Controlled Access Highway Permit issued in 1986 is rendered void. Policy and local situational changes that have taken place since the issuance of the 1986 permit negate many or all of the terms that were agreed upon at that time.

As a condition of approval the Ministry of Transportation requires that the new owners apply for and receive a Controlled Access Highway Permit from the Nanaimo Transportation Office. The applicants must clearly demonstrate how the location and surrounding infrastructure are satisfactory for the intended purpose (liquor store) or how they intend to improve these elements to achieve satisfactoriness. It is strongly suggested that the owners review the BC Ministry of Transportation and Infrastructure Planning and Designing Access to Developments Manual (available online at http://www.th.gov.bc.ca/permits/SiteImpact/locked/PDAD_Manual_May13.pdf) and submit a traffic site plan with their application that demonstrates the following:

- That the access is adequate for the type and amount of traffic that will use it (including delivery vehicles).
- That the development and access has minimized hazardous traffic conditions arising out of the location and use of the access.
- That the development does not hinder traffic carrying capacity on Highway 4.
- That all parking for both customer and delivery vehicles can be contained on site during peak periods.

The Ministry of Transportation will review this proposal and may require changes or upgrades before approval is granted. Implementation of any needed changes or upgrades is entirely the responsibility of the owner/applicant.

Parking and Landscaping Encroachments:

As part of the access permit proposal submitted to the Ministry of Transportation, the owners/applicants should demonstrate how the required parking and landscaping can be contained to business property. Encroachment permits will not be issued for landscaping and parking stalls placed on Ministry right of way.

Ministry of
Transportation and
Infrastructure

Vancouver Island District
South Coast Region

Mailing Address:
3rd flr, 2100 Labieux Road
Nanaimo BC V9T 6E9
Telephone: 250 751-3246
Fax: 250 751-3289

www.gov.bc.ca/tran

Charity Hallberg

From: Sharpe, Jessica EMNG:EX [Jessica.Sharpe@gov.bc.ca]
Sent: August-12-13 3:23 PM
To: Charity Hallberg
Cc: Alex Dyer
Subject: RE: Bylaw Referral Request - 2970 Alberni Hwy

Hi Charity,

I note that the recommendations to the regional board indicate that final approval of the rezoning application should be subject to LCLB's final approval of the relocation application, and so I wanted to clarify that we can only proceed as far as the 'approval in principle' stage (AIP) prior to zoning. AIP permits the applicant to proceed with construction/renovation of the proposed establishment, provided they've met relevant local government/building requirements, but does not permit them to open and operate the LRS. Our final approval of an application to relocate an LRS is not be issued until we receive confirmation that the site is suitably zoned.

We seem to be having difficulty connecting on the phone but if you or Mr. Dyer have any questions or would like to discuss our process in more detail please feel free to let me know when would be convenient and I'll do my best to reach you during that time.

Regards,

Jessica Sharpe | Licensing Supervisor
Liquor Control & Licensing Branch
PO Box 9292 Stn Prov Govt | Victoria BC V8W 9J8
P: 250-952-7048 | F: 250-952-7034
W: www.pssg.gov.bc.ca/lclb

From: Charity Hallberg [mailto:charity.hallberg@acrd.bc.ca]
Sent: Friday, July 26, 2013 3:50 PM
To: glenn.gibson@viha.ca; Wagner, Jordan TRAN:EX; Sharpe, Jessica EMNG:EX; Cherry Creek Water Works; Brian Brick (bbrick1@shaw.ca); 'lcheetham@sd70.bc.ca'; 'Scott Smith'; Nigel Sutton; Rob Gaudreault
Cc: 'Cara_Foden@portalberni.ca'; XT:Irg, Mike Alberni-Clyoquot Regional District EAO:IN; Alex Dyer
Subject: Bylaw Referral Request - 2970 Alberni Hwy
Importance: High

Attached please find a bylaw referral for bylaws P1313 and P1314. We would appreciate your comments by August 19th, 2013. If you have any questions or require additional information, please email or call me at the number below.

Thanks in advance!

Charity Hallberg Dodds
Planning Assistant
Alberni-Clayoquot Regional District
Phone: (250) 720-2712
Fax: (250) 723-1327

This email is confidential and may be privileged. Any use of this email by an unintended recipient is prohibited. If you receive this email in error please notify me immediately and delete it.

Mike Irg

From: Mac Richards [mac.richards@rcmp-grc.gc.ca]
Sent: Wednesday, August 14, 2013 8:28 AM
To: Mike Irg
Subject: Re: FW: Bylaw Referral Request - 2970 Alberni Hwy

My only comments relate to the delivery of product to the site and traffic.

I am not sure where the loading bay area is on this property and how the delivery truck would access it. One thing we cannot have is a semi stopped on the highway and trying to back into the site. This is more acceptable in an urban area but not on a highway as busy as this. Having stopped traffic on the highway has a greater potential for collisions

Mac

Insp Mac B. Richards
OIC Port Alberni Detachment
250-723-2424
250-724-8986 (fax)

>>> Mike Irg <mirg@acrd.bc.ca> 2013-08-13 15:31 >>>

Hi Mac,

I have attached a rezoning referral for a proposed private liquor store at 2970 Alberni Hwy. Please let me know if you have any comments.

Thanks,

Mike

Mike Irg, MCIP
Manager of Planning and Development
Alberni-Clayoquot Regional District
Port Alberni, BC V9Y 2E3
(250) 720-2710
Email mirg@acrd.bc.ca
[[cid:image001.jpg@01CE983A.3F40CEA0](#)]

This e-mail is confidential and may be privileged. Any use of this e-mail by an unintended recipient is prohibited. If you receive this e-mail in error please notify me immediately and delete it.



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue

Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

BYLAW RESPONSE SUMMARY

BYLAW NO.'s: P1313 & P1314 ACRD FILE NO.: RF13002

**APPLICANT NAME: James & Darlene Lane ACRD CONTACT: Alex Dyer, Planner
Date of Referral: July 26, 2013**

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to
Conditions Below

Approval NOT Recommended Due to
Reasons Outlined Below

Agency (please print): Cherry Creek Water District

Name (please print): Michelle Price Title: Administrator

Signature: Michelle Price Date: Aug. 15/13



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue

Port Alberni, BC V9Y 2E3

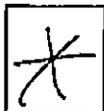
Phone: (250) 720-2700 Fax: (250) 723-1327

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BYLAW NO.'s: P1313 & P1314 ACRD FILE NO.: RF13002

APPLICANT NAME: James & Darlene Lane ACRD CONTACT: Alex Dyer, Planner

Date of Referral: July 26, 2013



Approval Recommended for Reasons
Outlined Below



Interests Unaffected by Bylaw



Approval Recommended Subject to
Conditions Below



Approval NOT Recommended Due to
Reasons Outlined Below

*That the on-site sewage system be evaluated
for its' ability to function for proposed use
and ensure no potential Health Hazard.*

RECEIVED

AUG 08 2013

Thank You

c Via e-mail Andrew Hanson

Agency (please print): VIHA

Name (please print): Glenn Gibson e viha.ca Title: EHO

Signature: _____ Date: Aug 8/13



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue

Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

BYLAW RESPONSE SUMMARY

BYLAW NO.'s: P1313 & P1314 ACRD FILE NO.: RF13002

APPLICANT NAME: James & Darlene Lane ACRD CONTACT: Alex Dyer, Planner
Date of Referral: July 26, 2013

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaw

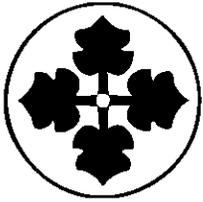
Approval Recommended Subject to
Conditions Below

Approval NOT Recommended Due to
Reasons Outlined Below

- Fire Access
 - Parking
 - Building to be in Part 3 building code requirements
 - Height to a MAX zoning requirements for size
 - Safe Access on + off Highway.

RECEIVED
JUL 29 2013

Agency (please print): A.C.R.D.
 Name (please print): Rob GAUDREMENT Title: Building Inspector
 Signature: [Handwritten Signature] Date: July 29/2013



CITY OF PORT ALBERNI

City Hall
4850 Argyle Street,
Port Alberni, BC V9Y 1V8
Telephone: 250-723-2146
www.portalberni.ca

Fax: 250-723-1003

RECEIVED

AUG 16 2013

File: 0470-30

August 14, 2013

Alberni Clayoquot Regional District
3008 Fifth Avenue
Port Alberni BC V9Y 2E3

ATTN: Russell Dyson, CAO

Dear Russell:

At a regular meeting of Council on August 12, 2013 Council for the City of Port Alberni received the Rezoning Application referral for a private liquor retail store at 2970 Alberni Highway.

Please be advised that Council for the City of Port Alberni discussed the issue and passed a resolution to inform the ACRD that it does not support this rezoning application.

Also attached is correspondence received by Council opposing the application from:

Peter Mugleston
President, GDP Investments Ltd
DBA Best Western Plus Barclay Hotel

Letter dated August 8, 2013

Jonathan Cross
Owner/Manager
The Hospitality Inn

Email dated August 12, 2013

Mark Coombs

Email dated August 2, 2013

Yours truly
CITY OF PORTALBERNI

Davina Hartwell
City Clerk

Encs.

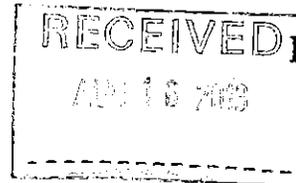
c: Mike Irg, Manager of Planning & Development, ACRD
Alex Dyer, Planner, ACRD
Lucas Banlon, Electoral 'F' Director
Cindy Solda, ACRD Chair

J:\Clerks\Letters\D G H\RDAC\2013\RezoningApplLiquorStore_tf.docx

August 8, 2013

City of Port Alberni
Mayor John Douglas
Members of Council
4850 Argyle St.
Port Alberni, BC
V9Y 1V8

LATE ITEM
AUG 12, 2013
REGULAR AGENDA
ITEM: E.4



PLUS

BEST WESTERN PLUS
Barclay Hotel

4277 Stamp Avenue
Port Alberni, BC V9Y 7X8
(250) 724-7171
Fax (250) 724-9691
bestwesternbarclay.com

For reservations call
1-800-563-6590

Dear Mr. Mayor and Members of Council;

Re: Relocation of Existing Licensed Retail Store to ACRD

I am writing to you concerning the proposed relocation of an existing although dormant Licensed Retail Store license to the Alberni-Clayoquot Regional District. I understand that the ACRD has asked the City of Port Alberni for their comments regarding this relocation. Please respond negatively to this application for relocation.

Let's not confuse why we are opposing this application. We are not anti-business or fear competition; we are entrepreneurs and fully understand and assume the significant accountability for the inherent risks and the outcome of our ventures. We are also firm believers in the free enterprise system however this application does not fall into this category. The liquor industry is highly regulated, we are told where we can locate our business, when we can open and close, what products we can carry and how we purchase them. This is not a case where the applicant is going to sell a better product or bring something new to Port Alberni area.

The market has spoken and that is one of reasons why this license is dormant and has been for several years. We must think of the negative impact on the existing Licensed Retail Stores presently operating in the City of Port Alberni. The relocation of an existing (new) LRS is not something that Port Alberni needs, there are three LRS's up in the real downtown core but how successful are they. One running, the other two have opened and closed several times over the years. What kind of story does this begin to tell? Port Alberni is a city that is in the top percentile of more LRS's per capita compared to other cities in the province. Is the success or lack thereof in this area going to be solved by moving to an area that is closer to the already over-abundance of LRS's in a 5 minute drive. In my opinion all five will be weaker. How many operators will see the vision or be able to reinvest into their business and in fact, Port Alberni when this happens.

Three of the four properties that collect the 2% Destinations Marketing Fee have Licensed Retail Stores. We have joined forces to guarantee the continuation of the Destination Marketing activities in the Alberni Valley and our Licensed Retail Stores are a very important component of our businesses in order to stay successful.

THE WORLD'S BIGGEST HOTEL FAMILYSM

Each Best Western[®] branded hotel is independently owned and operated.

Mr. Mayor and Members of Council we need strong leadership making tough decisions based on what is best for the over-all future of Port Alberni in order to have confidence in our future investment decisions. We have visions not only for our businesses but also for Port Alberni. I urge you to send a negative response to the Alberni-Clayoquot Regional District regarding this application.

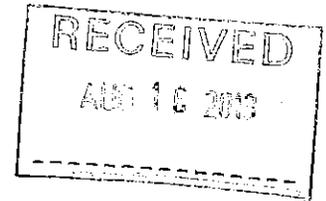
Sincerely,



Peter G. Muggleston
President
G.D.P. Investments Ltd.
DBA BEST WESTERN PLUS Barclay Hotel

LATE ITEM
AUGUST 12, 2013
REGULAR AGENDA
ITEM: E.5

From: "Jonathan Cross" <jcross@hospitalityinnportalberni.com>
To: "John Douglas" <john_douglas@portalberni.ca>
Sent: 12 August, 2013 9:50 AM
Subject: Liquor Store Re Zoning



Hi John,

Thank you for meeting with Peter and I to discuss this difficult issue.

I fully understand that Council and The City of Port Alberni wish to be a "pro-business" community, however it is often forgotten that Local Government implemented site specific zoning for liquor stores to ensure that supply did not exceed demand and to protect their communities, Liquor store zoning is never a simple land use issue.

I believe this request for comment is an opportunity for Port Alberni to send a clear message to the governing body (ACRD) that it does not support additional Liquor stores in the area at this time, simply moving receipt of the staff report will almost certainly rubber stamp the re zoning as The City of Port Alberni will be the most impacted from a proliferation in the availability of retail liquor.

I ask you to consider the following 3 points in your deliberations, if this new store is approved;

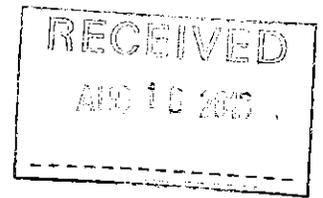
1. The Port Alberni Licensing area will have the most Liquor Stores per capita of any BC City with a population of 13,500 or more – 10 stores or **one for every 1700 people.**
2. Over supply of retail liquor will result in discounting and destructive competition as existing stores fight to maintain market share – **Liquor price wars are not good for communities.**
3. The City's Hotel product will suffer significantly as Port Alberni's 3 largest Hotels rely heavily on Liquor retail to maintain their products and operate in the long off season – Hotels sell retail liquor in a **responsible manner** and channel the proceeds back into their facilities providing good quality hotel rooms & tourism product for visitors to our City.

I appreciate your time and respectfully request Council send a clear message that it does not support this application.

Yours sincerely,

Jonathan Cross

Owner/Manager
The Hospitality Inn



From: Mark Coombs
Sent: Friday, August 2, 2013 3:46 PM
To: John Douglas
Subject: Liquor Store Relocation

Dear Mayor,

We are opposed to anymore liquor stores on this stretch of road and opposed to rezoning properties for commercial retail when the community has already embraced several rezoning applications for the two big malls when entering town that still have empty lease spaces available. Further more there are specific rules from the Provincial government regarding relocation of these private stores that all council should be aware of. I have copied and pasted them below. We do however embrace the renovations to the Somass hotel an historic piece of architecture.

Mark Coombs

LIQUOR CONTROL BOARD

Re-locating Your Store

You may apply to re-locate your licensee retail store to another location away from your store's

existing site:

- anywhere within your local government or First Nations jurisdiction, or
- up to five kilometres away, as the crow flies, if you are re-locating to a neighbouring jurisdiction.

However, you cannot re-locate within 1.0 kilometres of another licensee retail store except

under very specific circumstances. Please see the application form for more details:

<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB092.pdf>.

The general manager will require confirmation that the proposed location complies with local zoning bylaws.

- Rob Howat representing Andrew Hanson who is the agent for the property's owners Jim and Darlene Lane .
- Property legal description is lot 4, DL 18, Alberni District , Plan 906, except plan 10443.
- Property is located at 2970 Alberni Highway.
- Proposal is to rezone the property from the existing C-4 zone to the C-2A zone to facilitate a private liquor store that will be contained in the existing building which is approx 1800 sq ft.
- The zone being proposed C-2A complies with the Cherry Creek OCP . The OCP designates the property as COMMERCIAL to compliment the objectives of the OCP by facilitating small scale commercial development that is in keeping with the rural nature of the Cherry Creek area. The OCP also supports the expansion of commercial uses along the highway in the vicinity of the junction of the Alberni and Port Alberni Highways.
- As stated in the staff report the C-2A zone was created to provide consistency with the minimum parcel size requirements as per the Cherry Creek OCP.
- The proposed C-2A zone will facilitate a small scale retail outlet which is consistent with the philosophies of the OCP.
- As stated, the rezoning will facilitate a small scale retail outlet and it is proposed that the outlet will be a private liquor store.
- The liquor license that is required for this store is NOT A NEW LICENSE requirement. The license for this outlet is being transferred from a previous location in Alberni.
- The ACRD staff report does identify that the rezoning proposed does meet the policies and objectives of the Cherry Creek OCP. Along with this statement there were some technical issues that are to be addressed. These are:
- Approval from the Liquor Control and Licensing Branch..... on September 26th ,2013 the Liquor Control and Licensing Branch issued an APPROVAL IN PRINCIPLE. There were only two conditions that are needing to be met . One is the rezoning , the other was submitting a detailed floor plan for the retail area. The floor plans were submitted to the agency and were approved in principle.
- Approval of the MOTI with respect to access and encroachment We have had discussions with the MOTI regarding the access and the encroachment issues. As the access(s) were constructed as part of the permitting exercise for the previous commercial endeavour , it is anticipated that with us providing an appropriate parking layout that does not utilize highway right of way, and with providing the appropriate access application the MOTI would be able to approve the use. We have shown on a preliminary drawing that given the site we are able to provide parking and a loading area that will not need to utilize highway right of way. This includes the ability for the delivery trucks to unload without being parked on the highway as was mentioned in the referral from the RCMP. It should be noted that the MOTI must formally approve the rezoning pursuant to the Transportation Act. The encroachment is some landscaping and a sign base. In our discussion with the MOTI they intimated that they would not likely have an issue with these remaining . IF NEEDED , SOME HISTORY HERE!!!!

- The old house to the rear of the store.... It is intended that the old house will be removed.
- Questions
-

Members of the Board
ALBERNI CLAYOQUOT REGIONAL DISTRICT

Members,

This submission is on behalf of Mr. Chris Danroth, the owner of the WESTWIND BEER AND WINE STORE here in Port Alberni. My name is Pat Paiement and I have been asked by Mr. Danroth to help in the preparation of this presentation. We are opposed to the application for re-zoning of 2970 Alberni Highway for the purposes of opening a liquor store there and in this submission will present the foundation for this opposition.

The main thrust of our objection to this re-zoning is very simple –there are enough liquor stores in the Port Alberni area to serve its needs and to add one here would provide no benefit to the community. It is our position that exactly the opposite will occur in that positioning a liquor store here will raise the possibility of unintended consequences due to a lack of population density to economically support a liquor store.

We have prepared a folio for each voting member of council as well as one for Mr Alex Dyer of the Planning department. This folio consists of the following documents:

1)-copy of letter sent to the RCMP by Mr. Danroth

This letter was sent to the local RCMP, expressing our concerns and is included here as a courtesy to council in keeping them fully informed . The letter expresses our concern for the community should the stable market enjoyed by each of the existing liquor outlets be upset by the introduction of this outlet at this location. The one thing that no one wants is destructive competition whereby economic survival becomes endangered and could lead to unsavory business practices in order to survive. Price wars and relaxed enforcement of liquor regulations in an attempt to maintain market share is a distinct possibility that would impact the community negatively. Eventually the market will prevail and one or more outlets will fail, but in the meantime the social and economic impact of such practices will be exacted on the community.

2)-spreadsheet table of 11 B.C. towns of medium populations with liquor stores

This is a chart whereby we compare Port Alberni with 10 other medium sized B.C. towns with populations ranging from 13,500 to 38,000 . Included in this chart are the number of liquor stores both private and government . There is a column showing the population per store which is an indicator of market size per store. We draw your attention to Port Alberni having the least population per store of any other similarly sized town in B.C. at 1,774 per store. With one exception (Ft. St. John at 2,250) all are above a ratio of 2,900 per store. Salmon Arm is of particular interest for comparison as it has an almost identical population but has only 6 liquor stores compared with 10 in Port Alberni. Salmon Arm also has a very large tourist component, most likely larger than that of Port Alberni and yet serves this market as well as its own with six liquor outlets. We also ask you to note that the ratio of population per store is 2,911, over 1,100 more than Port Alberni. Look also at similarly sized Cranbrook with only 5 liquor stores; larger Courtney with only 7 and same sized Pitt Meadows with only 4 .

3)-extracts from a study from the University of South Florida on alcohol retailing

This is a highly technical economic study focused on liquor retailers published in September of 2012. We have not included the many pages of mathematics involved in the publication but rather have focused on the statistical database included in the study. The part of interest here is based upon a database comprised of 5 metropolitan areas in the U.S. The database identifies 1939 liquor stores within these cities and two charts contain the information relevant to our discussion of retailer density.

The highlighted portions of your copies identify the significant points we raise, namely

Page 11 source of the data

Page 12 mapping of each store location to a U.S. CENSUS TRACT in which 84 % of all liquor stores were correctly mapped to the census tract to which they belonged and the remaining 16 % were mapped to the closest census tract based on location. Census tracts defined as between 4,000 and 5,000

Page 13 less than 16 % of census tract have more than 1 liquor outlet, 84 % have 1 only

These highlighted points lead to the two chart tables included which contain the conclusions we wish to raise.

Table 1 highlighted line shows the mean population of the census tracts in that city. They range from a high of 4,892 to a low of 3,874 with an average of 4,400 for the 5 metropolitan areas.

Table 2 highlighted lines provide the information that 1130 census tracts have 1 or more liquor stores but only 180 have two or more and as detailed on page 13 84 % only have 1 store. The study also reveals that there are on average 1.48 liquor stores per census tract. Thus on average there is one liquor store per 2,972 population.

Conclusions we can come to from this study are that liquor store density is tied to the figure of close to 3,000 per store, in some cases a little less, in some a little more.

If Port Alberni were mapped in a like fashion we would have 4 census tracts each supporting 1.48 stores for a total of six stores in this community, not the 10 we have. Salmon arm would have six stores under this formula, exactly what they currently have.

The sheer amount of samples make this study very persuasive in the conclusion that liquor stores need somewhere in the order of 3,000 population to be viable economic entities. Certainly there are some variables that will pertain to some communities and not others but nothing that would bring the ratio down from 3,000 to the 1775 level of Port Alberni.

4)-a study from Mendocino County in California titled "alcohol outlets and our community"

This is a health impact assessment on the effects of alcohol outlet density on the community conducted in the summer of 2010 and published in January of 2013. This is a very powerful study of the health impacts of alcohol retailing and we recommend each councilor read this report in its entirety to full appreciate the social effects of alcohol sales and the need for limits on store density.

Here are some of the highlights with regard to safety and health issues .

THERE ARE:-

- More automobile crashes for each additional liquor store
- More arrests for underage drinking for each additional liquor store
- More arrests for DWI for each additional liquor store

In addition to the health impact issues raised in this report, there are some interesting facts on alcohol outlet density regulation.

On page 3 of the report, we have highlighted 4 paragraphs that pertain to alcohol store density. Although they differ from official B.C. regulations, they do serve to bring the issue of alcohol outlet density to the fore. The Californis Dept. Of Alcohol Beverage Control (ABC) is required by law to limit the ratio of alcohol outlets to population to one in 2,500. Census tracts that exceed these limits are denied licensing unless special approval by local government is provided. Interestingly, ABC has placed a moratorium on Mendocino County due to exceeding the 1 per 2,500 inhabitant rule.

On page 8, we highlight several more paragraphs emphasizing the rule of denying a license application if the ratio is oversaturated, ie more than 1 outlet per 2500 residents and what a local authority must prove in a letter of Public Convenience or Necessity. They must indicate that the public will benefit in some manner or receive a hitherto unavailable product or service. Otherwise ABC is required to deny the license.

Page 9 details steps local authorities can take to limit liquor outlets and while not applicable per se in that the B.C. regulatory environment is different they do point out some steps the local government can take to deny licensing at the local government level. This particular case does provide the local government the power to effectively deny this application by not approving re-zoning for the purpose of opening a liquor store.

CONCLUSIONS

Our position that there are enough liquor stores in Port Alberni is one that is supported by all the data contained within the above. The concept of store density is well established. Before summarizing there is one additional point we would like to make and that pertains to this specific location. The location is on the Alberni highway about 1 kilometer east of Cherry Creek Road. Where is the local population in this area to support such a business? The total population of Cherry Creek is 1,900 with the vast majority located along Cherry Creek Road which enters Port Alberni smack dab in the middle of a shopping area containing a major mall and an existing liquor store. The location of this store is of no benefit to these people.

The chart of B.C. towns clearly shows Port Alberni as odd man out when it comes to liquor store density.

There is a consistent message that this chart brings with absolutely no ambiguity and one consistent with our objection stated at the outset —Port Alberni does not need 10 liquor outlets!

The other data provided clearly makes the case for limits on liquor store density ranging from the average of just under 3,000/1 in the Florida study, to the mandated 2,500/1 ratio in California.

The applicant license has failed in downtown Port Alberni and moving it to the suburbs does not address the issue of oversupply of the marketplace by too many outlets.

ACRD can add its voice to the moderation of liquor outlet density by denying this rezoning application.

Should this occur, then the population ratio for Port Alberni including Cherry Creek would rise to 2185 per liquor outlet, still the lowest in B.C. for similar sized towns but a much preferable ratio than the current one. Now is the opportunity for a local government to stand up for sensible limits to liquor outlet density in their community.

Thank you for the opportunity to present our views on this issue.

Submitted by



C.N. DANROTH
Owner, WESTWIND BEER AND WINE STORE

COPY

RCMP Port Alberni
4444 Morton St.
Port Alberni B.C. V9Y 4M8

Attn: Inspector Mac B. Richards, O.I.C.

Re: rezoning application for a liquor outlet at 2970 Alberni Highway

Inspector;

The purpose of this letter is to appraise the RCMP of concerns I have regarding a liquor store opening at this location. My name is Chris Danroth and I am the owner of the Westwind Beer and Wine Store. I have owned and operated this business for almost 20 years and I have learned a great deal about how the community at large is served by the outlets available.

The area bounded by Johnston Rd, Port Alberni Hwy, Redford St and Stamp/ Gertrude St., forms a triangle which includes a significant portion of the city population and is the nexus of traffic to and from the downtown portion of the city to outlying areas, including tourist traffic. This area is served by four (4) liquor stores in addition to the government store, making a total of five (5) outlets. South of this are several downtown outlets and to the West are several more.

The spatial separation of these stores ranges from a little over 2 kilometers for three of them and about 1 kilometer between the other two. Each location is surrounded by an urban population of significant density, thus assuring that each has an adequate "local" population to which it can market its products as well as a share of the tourist market. The entire area can be said to be stable and mature from a competitive perspective and the community benefits from this stability.

The same cannot be said for the proposed new location. There is no urban population to speak of in the immediate vicinity of the store. The entire electoral district only has 1900 residents. If one looks at the Cherry Creek OCP map, the majority of the population resides alongside Cherry Creek Rd. to the north of Johnston Rd. well west of the proposed store location. Traffic from this area enters Port Alberni at the intersection of Johnston and Cherry Creek roads which is the shopping hub of this end of town with malls, grocery stores and a liquor store all located here. I can't see these people driving a kilometer east, out of town to purchase liquor. It therefore seems that this location would only serve a very small local population and incoming tourist traffic. Can this very limited market support a liquor store?

Given the above, it seems to me that our community is already well served by existing liquor outlets and that positioning an outlet in the sparsely populated area on the outskirts of town does not make any sense at all from either a social or economic perspective. If the current market equilibrium were to be negatively altered, it could raise the specter of destructive competition in our community. If a market is diluted such that economic survival is at risk then public safety issues are more likely to arise. These include the serving of minors; serving of intoxicated customers and encouraging bootlegging to minors. While it may seem distasteful to raise these points, they need to be raised before destructive competition rears its ugly head. The need for economic survival can be a powerful force and can lead to unpredictable behavior of the participants.

COPY

Lastly, I would like to raise two public safety issues:

The isolated location of this outlet will increase the likelihood of theft, break-in and looting. There are no surrounding businesses to act as a deterrent. The current RCMP resources may be strained by the need for additional patrol duties to ensure that public safety is kept at high levels.

Liquor stores by their nature can be high traffic, both commercial for delivery purposes and customer vehicular. This traffic continues throughout the day until closing time late at night. The thought of this high traffic volume entering and exiting a busy highway at an uncontrolled location is frightening.

I thank you for taking the time to consider my thoughts on this issue. I will be making a presentation to the A.C.R.D. and in that submission will refer to this letter and provide them with a copy.

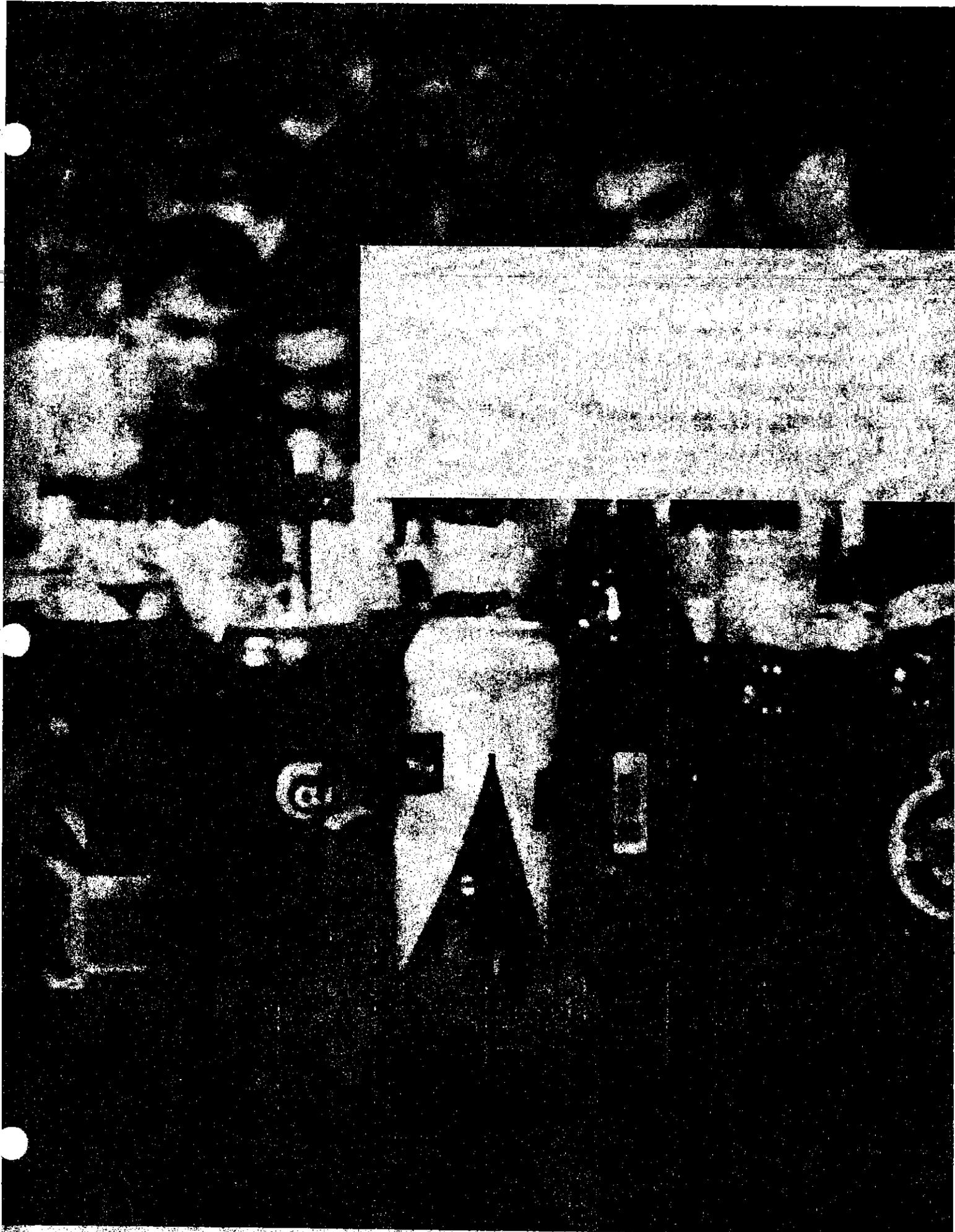
Yours truly;

Chris Danroth

DETAILS OF LIQUOR STORES IN MEDIUM SIZE TOWNS IN B.C. WITH POPULATIONS FROM 13,500 TO 40,000

RANKED IN ORDER OF POPULATION DENSITY PER STORE FROM THE LOWEST TO HIGHEST

Rank	Local Area	Population of City	Population per store	Private Stores	Government Stores	Total
1	Port Alberni	17,743	1,774	9	1	10
2	Fort St. John	18,000	2,250	7	1	8
3	Salmon Arm	17,464	2,911	5	1	6
4	Vernon	38,150	2,935	12	1	13
5	Penticton	32,877	3,288	9	1	10
6	Comox	13,627	3,407	3	1	4
7	Courtenay	24,099	3,443	6	1	7
8	Cranbrook	19,362	3,872	4	1	5
9	Pitt Meadows	17,736	4,434	3	1	4
10	Port Moody	32,975	6,595	4	1	5
11	Terrace	38,150	7,630	4	1	5



From May 2010 through August 2010 Mendocino County Public Health Services Prevention and Planning Unit conducted a health impact assessment of the effects of alcohol outlet density on the health of the community. This report summarizes the activities and findings of this health impact assessment (HIA).

HIA is a means of assessing the health impacts of policies, plans and projects in diverse sectors using quantitative, qualitative and participatory techniques. HIA helps decision makers make choices about alternatives and improvements to prevent disease or injury and to actively promote health.

SUMMARY The number of alcohol outlets per community (outlet density) is an indicator of readily available alcohol to the public and an indicator of overall alcohol consumption. While local governments may be inclined to grant approval to alcohol license applicants in attempts to bolster local business and the economy, a high density of outlets corresponds with a proportional increase in alcohol related violence, underage drinking, unprotected sex and driving after drinking. There are many steps communities can take to reduce the harm associated with high alcohol outlet density. Success stories from other communities can help lead the way to implement tools and policies at the local level.

Published Literature on Effects of Alcohol Outlet Density

■ Communities of color and individuals in lower income brackets are more likely to be surrounded by alcohol outlets. These are the communities at highest risk for crime and alcohol abuse.¹

■ Controlling for race and ethnicity, young people in zip codes with high numbers of alcohol outlets were still significantly more likely to access alcohol. Every additional outlet within a half mile of their residences corresponded with increased binge drinking among adolescents and driving after drinking.^{xi}

■ All outlet types displayed a consistent positive association with violence.^{vi,viii} In a study of various California counties, a 10% increase in numbers of liquor stores and bars correlated with 1.67% and 2.06% increases in violence rates. Every six outlets accounted for one additional assault that resulted in at least one overnight hospital stay. Researchers estimated that, on average, eliminating one bar per zip code in California would reduce the number of assaults requiring overnight hospitalization by 290 per year in the state.^{iv}

■ Alcohol outlet density was strongly associated with reduced indicators of social capital such as community participation and safety.^{ix}

■ Positive associations have been found between outlet density and sexually transmitted infections, liver problems, and experienced violence. Even when controlling for individual alcohol consumption, there was still a correlation with sexually transmitted infections and violence.^x This means that the harms of alcohol outlet density happen even to people that do not drink.

■ The most frequently reported consequences of high outlet density are alcohol-related collisions. According to a study of 72 cities in California, for every one percent increase in outlet density there was a .54% increase in alcohol-related crashes. Thus, if a city of 50,000 had 100 alcohol outlets, the residents would experience 2.7 additional crashes for each new bar or liquor store.^{xi}

Impacts of Alcohol Outlet Densities

Because of these multitudes of harms associated with high alcohol outlet densities, the California Department of Alcoholic Beverage Control (ABC) Act has set guidelines for maximum acceptable levels of outlets in communities.

The ABC Act Chapter 5, Article 2, sections 23815-23827 specify that the on-sale general ratio should not exceed one alcohol outlet for every 2,000 county residents. On-sale outlets are where the alcohol is consumed on the premises, such as night clubs, restaurants and bars. The off-sale ratio is limited to one alcohol license for every 2,500 inhabitants. Off-sale outlets are where the alcohol is taken off-site for consumption, such as liquor stores, convenience stores, grocery stores and gas stations.

Counties that exceed these limits are conditioned to limit the number of outlets, and ABC is required to refuse all alcohol license applicants in those counties unless special approval by local governing bodies is applied.

The number of outlets in Mendocino County per capita is over twice that of the State. Mendocino County has 48 outlets per 10,000 residents versus 21 outlets per 10,000 residents in California as a whole. There are 168 off-sale alcohol outlets in Mendocino County. To conform to the

ABC standards, there would only be 35 off-sale outlets in the county.

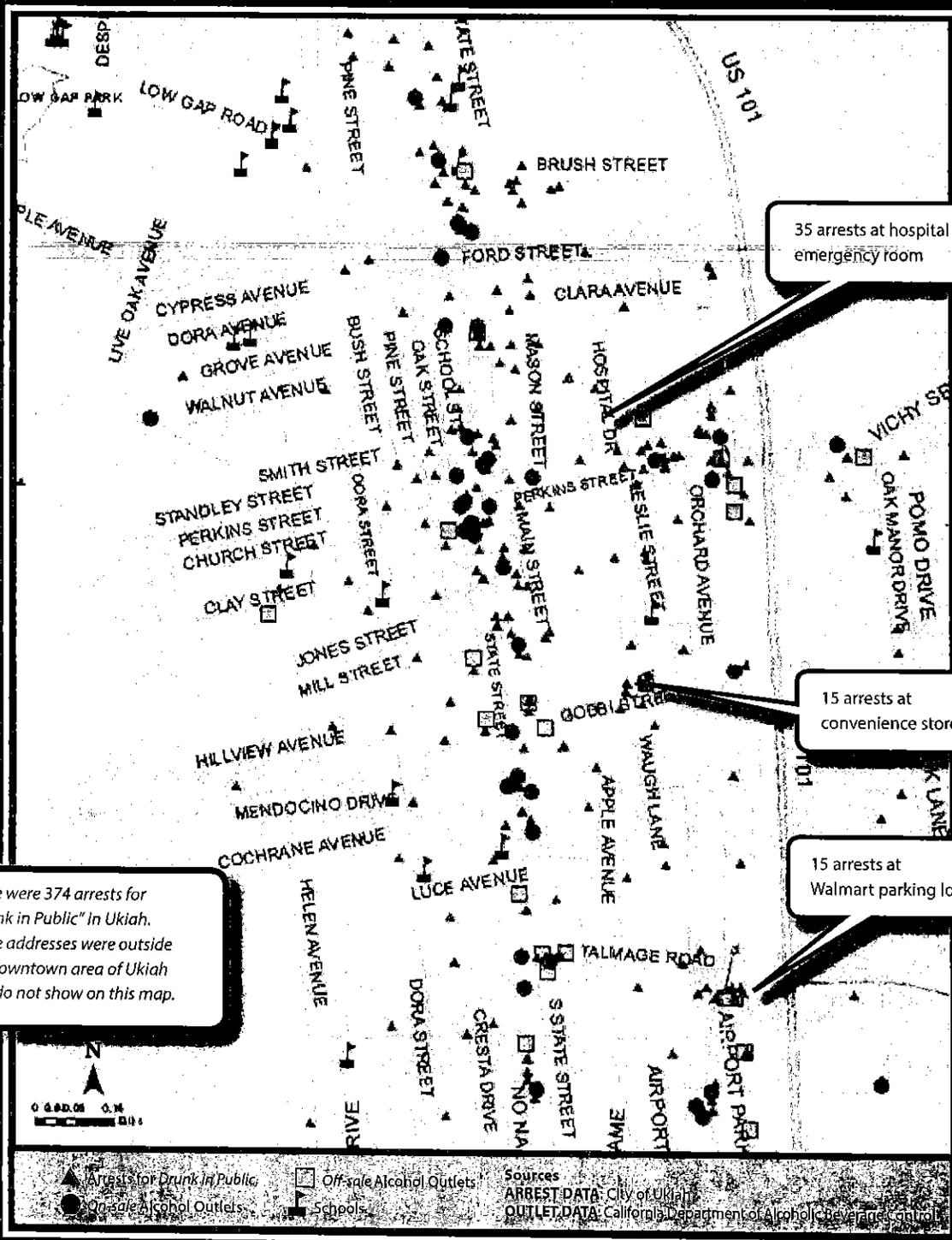
ABC is required to refuse all alcohol license applicants in those counties unless special approval by local governing bodies is applied.

Alcohol Outlets and Crime in Ukiah

An examination of crime statistics from the California Department of Justice and the California Alcohol Beverage Control revealed that Mendocino County has a higher assault rate than the state for the years 2001 - 2010 and more than twice the state's alcohol outlet density. Prompted by this data, the Prevention and Planning Unit conducted an assessment with youth of all off-sale alcohol outlets in three incorporated Mendocino County cities: Ukiah, Willits and Fort Bragg. The outlets were mapped, and arrest data for being "drunk in public" for the year 2009 were also plotted on the maps.

On page 4 is a map of Ukiah with a population of 16,000. The map displays data for 2009 arrests for being "drunk in public" and locations of off- and on-sale alcohol outlets.

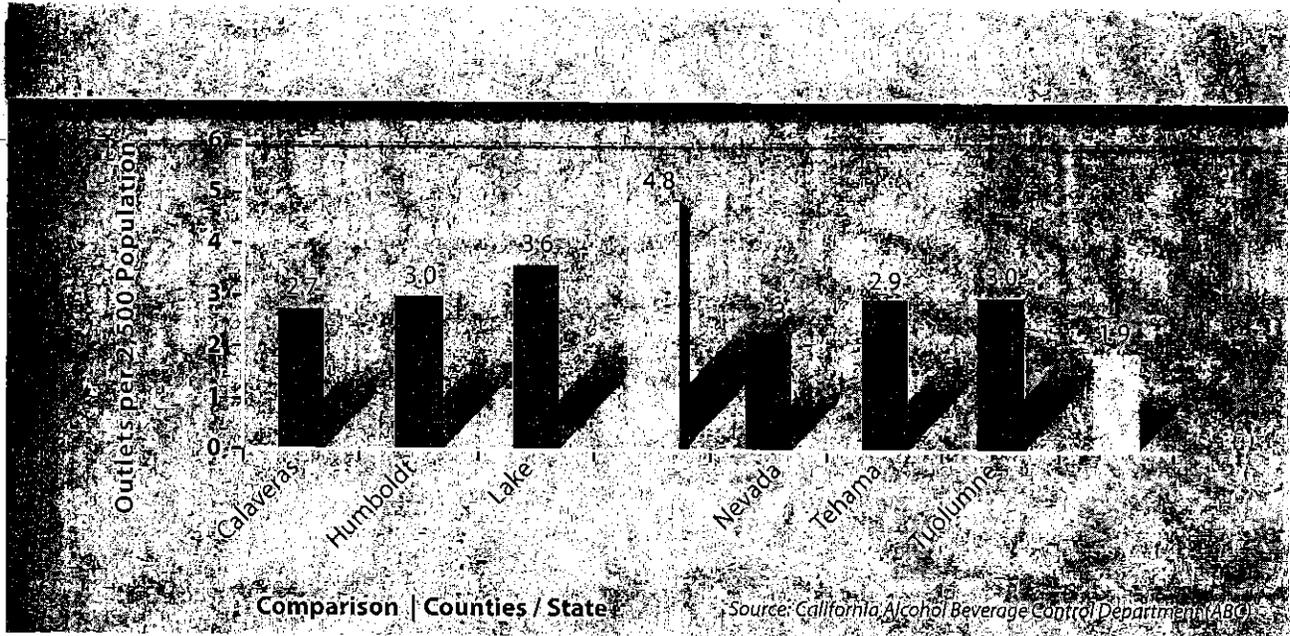
**Ukiah Alcohol Off-sale and On-sale Outlets
Arrests for Drunk in Public in 2009**



The blue triangles represent arrests for being drunk in public in Ukiah. Some addresses are outside central Ukiah and do not show up on this map. Drunk in public arrests were of individuals on foot and the blue triangles indicate where they were arrested. There are large clusters of arrests around areas with a high density of alcohol outlets, most of which are along the main artery in Ukiah (State Street). The 35 arrests at Ukiah Valley Medical Center hospital emergency room were due to the arresting officers transporting their arrestees to the emergency room for needed care and then arresting them at the hospital (see map above).

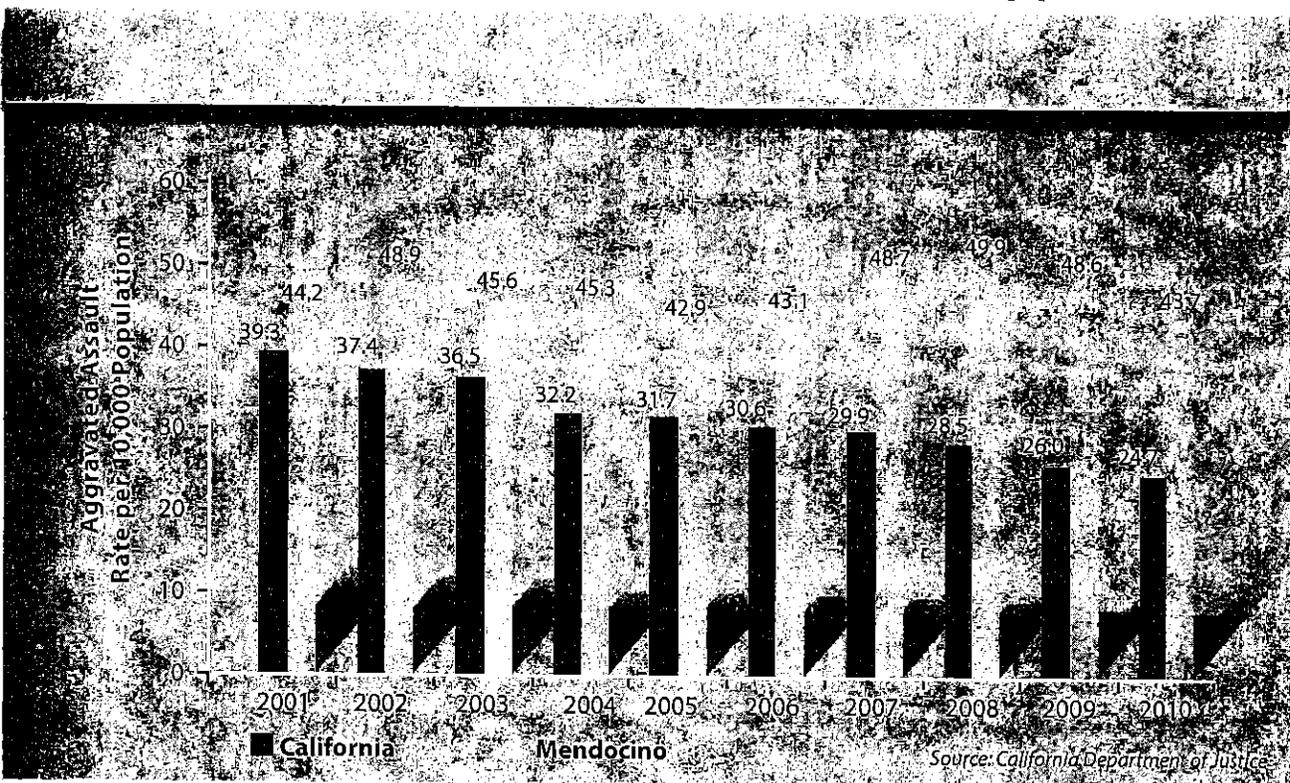
Alcohol Outlet Density in Mendocino County, Other Counties and the State of California

Comparing Mendocino to the six similarly-sized counties in California of mostly rural demographics without major urban areas and to the state reveals that Mendocino County has the highest alcohol outlet density among these counties at 4.8 off-sale alcohol outlets per 2,500 people compared to the State at 1.9.



Crime in Mendocino County and California

Compared to California, Mendocino County has had alarmingly higher rates of aggravated assault. In 2009 and 2010 the Mendocino County rate of aggravated assault was nearly twice the State rate as can be seen in the graph below.



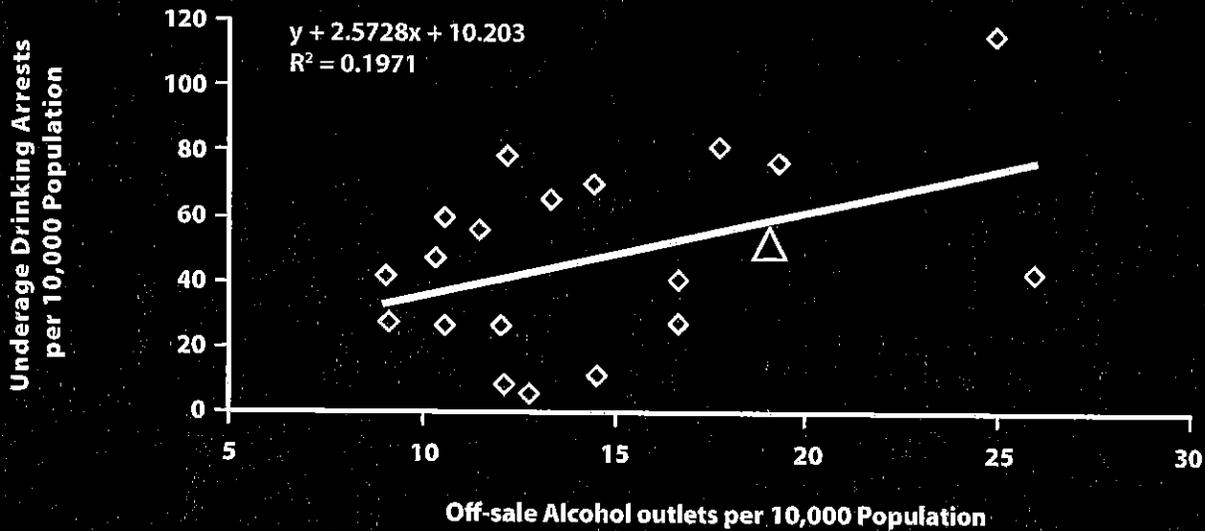
The Relationship between Off-sale Alcohol Outlet Density and Crime

The 20 California counties with populations less than 135,000 and greater than 10,000 were compared with Mendocino County, examining the relationship between off-sale alcohol outlet density and crime, focusing on rates of underage drinking arrests and driving under the influence (DUI) arrests. The 20 counties are: Amador, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Nevada, Plumas, San Benito, Siskiyou, Sutter, Tehama, Trinity, Tuolumne and Yuba.

Below is a scatter plot of the 20 counties comparing rates of off-sale alcohol outlets (on the bottom) with rates of underage drinking arrests (on the left). Underage drinking arrests include juvenile arrests for DUI, public drunkenness, and violation of liquor laws. Mendocino County is denoted by the triangle. Using linear regression analysis on this data and applying the resulting equation, a practical finding is that each additional off-sale alcohol outlet is associated with almost 3 more arrests for underage drinking. The number of outlets accounted for 20% of the variations in underage drinking arrests.

Scatter plots can be used to display these relationships. They use horizontal and vertical axes to plot data points to show how much one variable is affected by another. The relationship between two variables is called their correlation.

Underage Drinking Arrest Rate vs. Off-sale Alcohol Outlets Rate in 20 California Counties in 2010

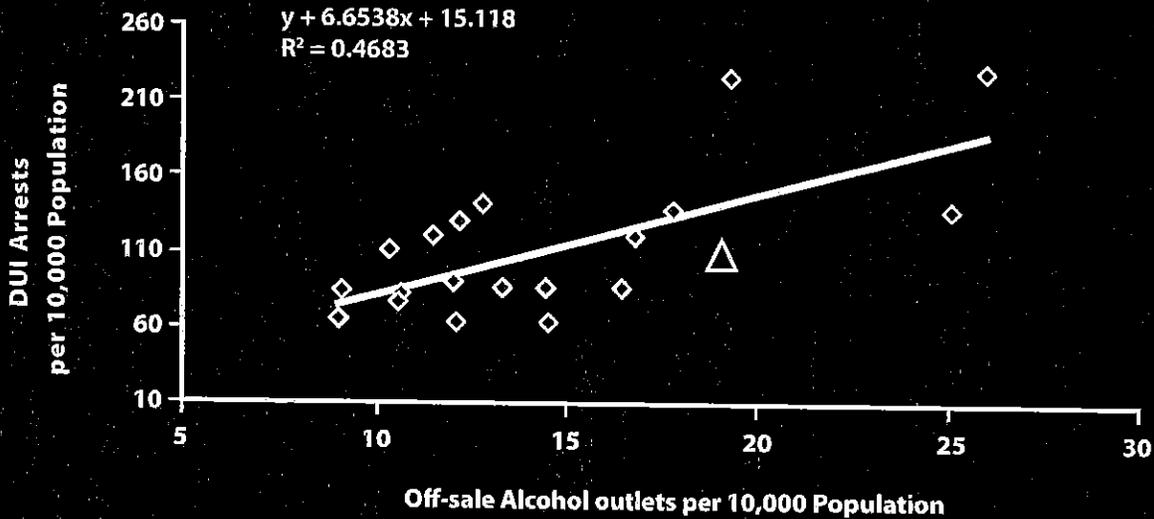


Below-right is a scatter plot of the 20 counties comparing rates of off-sale alcohol outlets (on the bottom) with rates of DUI arrests (on the left). Mendocino County is denoted by the triangle. Using linear regression analysis on this data and applying the resulting equation,

$y = 6.6538x + 15.118$, it is determined that Mendocino County is associated with almost 7 more DUI arrests per 10,000 population for every additional off-sale alcohol outlet per 10,000 population.

Source: California Department of Alcohol Beverage Control, California Department of Justice, Crime Data

Driving Under the Influence vs. Off-sale Alcohol Outlets Rate in 20 California Counties in 2010



Youth Focus Groups

In June, 2010, two focus groups were conducted with 16-25 year olds, in the City of Ukiah. The setting was a casual, round robin that elicited discussion on alcohol availability to youth, usage and recommendations to limit youth access to alcohol. Both groups noted the following:

- Hard liquor was most preferred, primarily as a means to get drunk.
- The main goal of drinking was intoxication so the youth engaged in binge drinking, consuming more than 3 drinks per drinking occasion.
- Parents were considered very influential in determining drinking habits for their children, primarily through education and attitude towards alcohol.
- Common methods of acquiring alcohol were through an of-age friend or sibling, or alternatively, asking a stranger to buy it for them.
- Stealing from larger stores was also fairly common.
- People living in low-income apartments and young children were considered most susceptible to the harms of alcohol outlets and their effects such as alcohol abuse.
- Alcohol outlets were seen to increase drinking, thus leading to increased sexual violence and unprotected sex among youth.
- To limit the harms of alcohol outlets and drinking, the youths suggested moving alcohol away from other popular items such as candy, soda and cigarettes, more security through locking alcohol away or keeping it behind the counter, better education regarding legal or criminal consequences of both underage drinking and serving alcohol to a minor, possibly requiring placards at counters of all alcohol outlets with information on laws and consequences, and limiting alcohol outlets near schools and parks.

Statewide Tools to Limit Alcohol Outlets

In 1994 the California Legislature passed the Caldera Bill to give more local control over alcohol licenses. Under the Caldera Bill, ABCs must deny a license application if the area is: a) in an area that has high crime (exceeds the city's or county's average by 20%), then ABC must deny the license application unless there is sufficient demonstration of "Public Convenience or Necessity", primarily determined by local governing bodies, often law enforcement. Under this criterion, if a local authority does not indicate a need, the ABC is required to deny the alcohol license. All of Mendocino County is oversaturated with off-sale alcohol licenses, resulting in a moratorium on new licenses unless an applicant receives a letter of Public Convenience or Necessity from the local jurisdiction.

Before writing a letter of Public Convenience or Necessity to allow the new alcohol license, local officials are presumed to weigh benefits versus risks of a new outlet. The letter of Public Convenience or Necessity is a statement indicating that the public will benefit in some manner or receive a hitherto unavailable product or service after the license is granted. However, busy government officials do not always take the time to weigh risks and benefits before agreeing to write a letter of Public Convenience or Necessity for the applicant to receive an alcohol license.

In Mendocino County, there are few known cases in which a law enforcement agency refused to provide the applicant with a letter of Public Convenience or Necessity. Local governing bodies wanting local control over alcohol licensing can provide their own regulations and ordinances in addition to ABC's guidelines. Such ordinances can set standards for when a license will not be granted, establish criteria for writing letters of Public Convenience or Necessity, set conditions for granting Conditional Use Permits, or provide performance standards to address nuisances associated with existing outlets.

Local Land Use Tools to Limit Alcohol Outlets

Local governments have fairly broad authority under their police powers to regulate alcohol sales establishments, provided a) the regulations don't violate Constitutional rights; b) that a nexus is demonstrated between the proscribed beverages (such as high-strength malt liquors) and elevated public health and safety problems in the surrounding area; and c) the zoning ordinance permits retail alcohol outlets in some areas of the jurisdiction (that is, a city cannot vote itself dry).

Guidelines for Writing Letters of Public Convenience or Necessity to Grant a New Alcohol Licenseⁱⁱ

Mandatory guidelines are criteria adopted by ordinance under which no finding of Public Convenience or Necessity will be made. ~~The local government can decide that no~~

~~licenses will be allowed in certain areas. Examples of~~
~~mandatory guidelines include:~~

- Restricting liquor store proximity (e.g. not less than 1,000 feet between outlets)

- Prohibiting outlets within a certain distance to sensitive community areas such as churches, schools, hospitals, youth centers, etc.

- ~~Imposing a maximum allowable density of alcohol outlets per capita~~

- Moratorium in blocks/districts that have high rates of crime compared to other areas in the county/city

If the local government is not willing to enact mandatory guidelines, then discretionary guidelines can be adopted, which guide the decision of whether or not to grant a letter of Public Convenience or Necessity to allow a new alcohol license.

Discretionary guidelines involve a risk-benefit analysis by the local decision making body and the ~~burden of~~ ~~proof falls to the applicant to provide a reasonable case~~ ~~for allowing another alcohol outlet by demonstrating how~~ ~~their products are different than other nearby alcohol~~ ~~retailers, providing supporting~~ data in surrounding areas, or other evidence of benefit. Considerations a local government can adopt to consider when deciding on a new alcohol outlet may include:

- Percentage of youth in the surrounding area

- Alcohol retail hours

- Proportion of profits from alcohol sales (i.e. a corner store that sells primarily alcohol shall be scrutinized differently from a large grocery store)

- Ratio of alcohol related crime to other crimes in the neighborhood (number of arrests for being drunk in public, underage drinking, DUIs compared to the number of other crimes in the area)

- Duplication of services

- Staff under 21 years of age working in liquor stores

- Homelessness and alcoholism increase

Conditional Use Permits (CUPs) are land use zoning classifications adopted by local governments that allow restrictions or conditions to be placed upon approval of a new alcohol license. The operating conditions can limit outlet location, sale hours, types of alcohol sold, etc. for the purposes of minimizing the harmful effects of alcohol outlets on the community.ⁱⁱⁱ

Examples of conditions that can be placed on alcohol outlets include:

- The sales of beer or malt beverages in quantities of quarts, 22 oz., 32 oz., 40 oz., or similar size containers is prohibited. No beer or malt beverages shall be sold, regardless of container size, in quantities of less than six.

- No 'happy hour' type of reduced price alcoholic beverage promotion shall be allowed

- The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around these premises

- The gross sales of alcoholic beverages shall not exceed the gross sales of any other item during the same period

There are virtually unlimited conditions that can be applied by the local jurisdiction regarding location or density of outlets, types of outlets, security, lighting, music or noise restrictions, signage, hours, storage, parking, litter, etc. Conditions can also require that servers complete responsible beverage training so that they don't serve to minors or intoxicated customers. Conditional use permits can be revoked with due process if the establishment does not comply with the conditions imposed.

Public Nuisance Ordinances (Deemed Approved Ordinances)

The following is from the Community Anti-Drug Coalitions of America (CADCA) and the Center on Alcohol Marketing and Youth (CAMY) at Johns Hopkins Bloomberg School of Public Health:

Communities often have concerns about the nuisance problems created by existing on- and off-premise alcohol outlets. Public Nuisance Ordinances (referred to here as Deemed Approved Ordinances or DAOs) are another tool used by many local governments to limit the risks associated with alcohol outlet density by imposing conditions of operation on existing alcohol retail outlets (those not subject to CUP requirements). DAOs change the legal status of existing alcohol outlets, granting them "Deemed Approved" status, permitting them to operate as usual, under specific "performance standards." The standards focus on preventing and abating public nuisances (e.g., loitering, increased police calls, noise, graffiti, drug sales, etc.), adhering to state or local laws, and avoiding any adverse effects to the health and safety of those residing and working in the surrounding area. Violations of the ordinance are handled at the city or county level. Law enforcement and administrative costs associated with the DAO are sometimes funded by an annual fee collected from alcohol outlet businesses.

The use of CUPs and DAOs to regulate alcohol outlet density and other operational characteristics is growing nationally. Examples of model CUP and DAO policies are provided at www.camy.org/action/outlet_density.

Potential to Reduce Harms in Mendocino County

Currently, there are 168 off-sale outlets or one off-sale alcohol outlet for every 532 residents. To conform to the ABC standards, Mendocino would have only 35 outlets, rather than 168; 133 of the current 168 off-sale outlets in Mendocino County would have to close.

In 2010 there were 793 DUI arrests in Mendocino County. From the trends derived from data from the 20 similarly-sized California counties, presented on page 7, it can be seen that every off-sale outlet per 10,000 residents was associated

with 2.2 DUI arrests per 10,000 residents. These data suggest that decreasing the number of off-sale outlets will correspond with significant decreases in DUIs.

In 2010 there were 46 arrests for underage drinking in Mendocino County. The analysis of these data found that every off-sale outlet per 10,000 residents was associated with almost 2 arrests for underage drinking per 10,000 underage residents (see p.6). These data suggest that decreasing the number of off-sale outlets will correspond with significant decreases in arrests for underage drinking.

Conclusions and Next Steps

This health impact assessment confirmed that there are harms associated with high alcohol outlet density in Mendocino County and revealed the potential to reduce harm, crime and injury by utilizing the land use and regulatory tools at hand to limit alcohol outlet density and associated nuisances.

A presentation of preliminary results of this study along with advocacy by community members resulted in the City of Ukiah's Planning Commission deciding to prohibit new off-sale alcohol outlets in the downtown area. In September 2012 the Ukiah City Council upheld the prohibition of new off-sale alcohol outlets in its adoption of the Downtown Zoning Code as an amendment to the city code.

A presentation of these findings was made to the chiefs of police of all incorporated cities and the county sheriff, with a request that they consider denying requests for letters of Public Convenience or Necessity for new alcohol outlets, or at least establish criteria for consideration of letters of Public Convenience or Necessity. Updated presentations of these findings are planned for all incorporated cities' planning commissions or city councils in 2012-2013.

This Health Impact Assessment report was originally funded in 2010 through The Local Public Health and The Built Environment (LPHBE) Network, a joint project of The California Active Communities Unit and the Safe and Active Communities Branch within the California Department of Public Health. This project and report were supported by the Preventive Health and Health Services Block Grant. Its contents are solely the responsibility of the grantee and do not necessarily represent the official views of Center for Disease Control and Prevention.

The authors wish to thank Jessica Van Arsdale, M.D., MPH at the California Center for Rural Policy of Humboldt State University for peer review and technical assistance.

For more information, contact:

Meredyth Reinhard

HHSA, Public Health, Prevention and Planning Unit

reinhard@co.mendocino.ca.us

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Safe and Active
Communities

Ensuring the health and safety of all Californians

**Alcohol Outlets and Our Community: A Health Impact Assessment
of the Harms of High Alcohol Outlet Density in Mendocino County, California**

January 2013

Strategic Clustering and Competition by Alcohol Retailers: An Empirical Analysis of Entry and Location Decisions

Yi Deng*

Gabriel Picone†

September 2012

Abstract

We develop and estimate a spatial game-theoretic model of entry and location choices to examine firms' strategic clustering decisions. The model identifies two contradictory effects that determine firms' geographical location choices: a competition effect and a clustering effect. We also separate firms' strategic clustering incentives from the observed clustering behavior due to exogenous factors such as population and topographic desirability or constraints. In particular, we examine two closely related industries that share similar location limitations but have different strategic incentives to cluster, jointly estimate the Bayesian Nash equilibrium of a two-industry entry and location game, and quantify the strategic clustering incentives.

JEL Classifications: L13, L81, R12, R30

*Department of Economics, University of South Florida, Tampa, FL, USA. Email: ydeng@usf.edu.

†Department of Economics, University of South Florida, Tampa, FL, USA. Email: gpicone@usf.edu.

$$\begin{aligned}
p_j^* &= \{ \exp(X_{j,-j} \beta^{on} - [\gamma_1^{on-on} ((\Xi^{on} - 1) p_j^* + \sum_{j' \neq j} \kappa_{j,j'}^R (\Xi^{on} - 1) p_{j'}^*) \\
&\quad + \gamma_1^{on-off} (\Xi^{off} q_j^* + \sum_{j' \neq j} \kappa_{j,j'}^R \Xi^{off} q_{j'}^*)]) + \gamma_2 \vartheta_j \log(1 - e^{-\theta(\Xi^m - 1) p_j^*}) \} / \\
&\quad \{ \sum_{k=1}^{j^m} \exp(X_{k,-k} \beta^{on} - [\gamma_1^{on-on} ((\Xi^{on} - 1) p_k^* + \sum_{k' \neq k} \kappa_{k,k'}^R (\Xi^{on} - 1) p_{k'}^*) \\
&\quad + \gamma_1^{on-off} (\Xi^{off} q_k^* + \sum_{k' \neq k} \kappa_{k,k'}^R \Xi^{off} q_{k'}^*)]) + \gamma_2 \vartheta_j \log(1 - e^{-\theta(\Xi^m - 1) p_k^*}) \} \quad (2.15)
\end{aligned}$$

$$\begin{aligned}
q_j^* &= \{ \exp(X_{j,-j} \beta^{off} - [\gamma_1^{off-on} (\Xi^{on} p_j^* + \sum_{j' \neq j} \kappa_{j,j'}^R \Xi^{on} p_{j'}^*) \\
&\quad + \gamma_1^{off-off} ((\Xi^{off} - 1) q_j^* + \sum_{j' \neq j} \kappa_{j,j'}^R (\Xi^{off} - 1) q_{j'}^*)]) \} / \\
&\quad \{ \sum_{k=1}^{j^m} \exp(X_{k,-k} \beta^{on} - [\gamma_1^{off-on} (\Xi^{on} p_k^* + \sum_{j' \neq j} \kappa_{k,k'}^R \Xi^{on} p_{k'}^*) \\
&\quad + \gamma_1^{off-off} ((\Xi^{off} - 1) q_k^* + \sum_{k' \neq k} \kappa_{k,k'}^R (\Xi^{off} - 1) q_{k'}^*)]) \} \quad (2.16)
\end{aligned}$$

And finally, the number of entrants (Ξ^{on}, Ξ^{off}) are solved in a similar fashion as in equations (2.11) and (2.12).

3. Data Description and Estimation Approach

3.1. Sample Characteristics

We extract our data set from the National Establishment Time-Series (NETS) database, and focus on liquor retailers in five metropolitan areas in the U.S.: Birmingham, AL; Oakland, CA; Tampa, FL; Chicago, IL; and Minneapolis-St. Paul, MN. These five areas create a nationally representative sample of large U.S. cities and at the same time are also very different in terms of population clustering, demographic composition, religious beliefs, and other characteristics that might influence zoning, shopping, and preferences for alcohol.

The NETS data base contains street addresses of all the alcohol retailers, their Standard Industrial Classification (SIC) code, the start and the end of their operating years, and sales,

as well as other characteristics of the stores. For our purpose, we need to locate the stores on the map, preferably to a very detailed level, and examine their spatial pattern. In the following analysis, we define a "market" as a census-designated place, which in most cases simply corresponds to an incorporated town, and a "location" as a census tract, as the census tract is the most disaggregated level at which detailed data on population density and household characteristics can be found at the U.S. Census Bureau. Therefore, we geocode the street addresses of each and every liquor store using ArcGIS 10, and map them into the census tracts to which they belong. The ArcGIS 10 successfully mapped 84% of the liquor stores into census tracts to which they belong. For the remaining 16%, we calculate the spherical distance between each store and the neighboring census tracts based on their longitude and latitude coordinates, and map them into the closest census tract. This procedure turns out to be very successful: among those 16% of stores which the ArcGIS 10 cannot map, the median of the distance between stores and the center of the closest census tracts is less than 0.5 miles for Oakland, Chicago, and Minneapolis-St. Paul, 0.6 miles for Tampa, and 0.9 miles for Birmingham, much smaller than the normal radius of a census tract. Thus we conclude that in most cases, the closest tract should be the actual census tract to which they belong.

Table 1 shows the number of designated places in each of the five metropolitan areas, along with other characteristics of the places and census tracts in which we are interested. Populations of places vary greatly in these areas, from a little over 1000 to almost 1 million. However the populations of census tracts are much more similar, in most cases ranging from 2000 to 5000, with mean and median both between 4,000 and 5,000 in all five metropolitan areas. The ratio of non-hispanic whites varies from 47 percent in Oakland, CA to 85 percent in Minneapolis-St. Paul, MN. Median household income also varies substantially, from the lowest of \$39,189 in Tampa, FL, to the highest of \$61,507 in Oakland, CA. The ratio of youths (defined as those aged between 25 and 34), on the other hand, is not very different across the metropolitan areas, ranging from 13 percent in Birmingham, AL to 15 percent in Oakland, CA.

We focus on estimating the location game of two very closely related industries, the on-site and the off-site alcohol retailing industries. In particular, we define the on-site alcohol retailers as all "drinking places" with a 4-digit SIC code 5813 ("bars" thereafter), and off-site alcohol retailers as all "liquor stores" with a 4-digit SIC code 5921, based on the main type of businesses the stores reported in year 2005. Both industries serve alcoholic drinks and are subject to the

same zoning restrictions. However, they show very different patterns of spatial distribution. As Table 2 reveals, of the 1,149 census tracts in our sample that have at least one bar within the tract, more than 43% of the tracts have two or more bars, ~~compared to only 15% of the liquor stores~~. ~~the liquor stores and the only liquor store in the census~~ ~~tract they are located~~. This seems to suggest that bars are more likely to cluster than liquor stores, and liquor stores tend to spatially separate from each other. The model estimation below tries to quantify their incentives.

3.2. Estimation Method

The system of equations (2.11) and (2.12) is highly nonlinear and thus numerically very difficult to solve. To simplify model estimation, we assume that the expected number of entrants predicted by the model in equation (2.12) is exactly the same as the number of entrants observed in the data. This approach of using an unobservable effect to equal the actual and predicted numbers of entrants has also been adopted by Berry (1994), Berry, Levinsohn, and Pakes (1995), and Seim (2006). In particular, from equations (2.11) and (2.12) we can solve the market-specific fixed effect ξ^m as a function of location characteristics and equilibrium location conjecture

$$\xi^m = \ln(\Xi^m) - \ln(F^m - \Xi^m) - \ln\left(\sum_{j=1}^{J^m} \exp(E\bar{\pi}_j^m)\right) \quad (3.1)$$

The model is then estimated using a Maximum Likelihood Estimator (MLE). Each market is treated as an independent entry and location game, and the likelihood function is given by

$$L(\omega) = \prod_{m=1}^M pdf(d^m | \xi^m, M^m, \Xi^m) * pdf(\xi^m | M^m, \Xi^m, F^m) \quad (3.2)$$

where ω represents a vector of model parameters. $pdf(d^m | \xi^m, M^m, \Xi^m)$ is the likelihood of entrants' location choices in market m conditional on the market characteristics M^m , the fixed effect ξ^m , and number of entrants Ξ^m , and $pdf(\xi^m | M^m, \Xi^m, F^m)$ denotes the probability of observing the particular realization of ξ^m . We assume ξ^m is normally distributed, with a mean and standard deviation to be estimated. We assume that the number of potential entrants in each market is 150% of the actual number of stores in the market. A similar assumption is made in Seim (2006) and other studies.

Therefore, for a given set of parameter value ω and observed market characteristics, location choices and actual and potential entry in each market, the system of equations (2.10) is

Table 1: Characteristics of Five Metropolitan Areas

	Birmingham, AL	Oakland, CA	Tampa, FL	Chicago, IL	Minneapolis-St. Paul, MN	Metropolitan Area
Number of census-designated places	43	59	93	273	142	
Total number of census tracts in each metropolitan area	202	603	675	2279	798	
Largest number of census tracts in each place	19	38	53	428	72	
Smallest number of census tracts in each place	1	1	1	1	1	
Mean population of designated places (in thousands)	22.804	47.845	26.357	30.789	19.370	
Highest population of designated places (in thousands)	68.146	185.974	171.854	998.660	217.109	
Lowest population of designated places (in thousands)	4.141	3.736	2.810	1.177	1.842	
Mean population in each census tract (in thousands)	4.149	4.599	4.145	4.174	3.619	Average 4,400
Median population in each census tract (in thousands)	0.6866	0.4737	0.8024	0.7604	0.8530	
Median non-hispanic white ratio	0.1270	0.1521	0.1213	0.1405	0.1443	
Median youth (age 25-34) ratio	39.930	61.507	39.189	61.604	58.467	

Table 2: The Observed Clustering Pattern of Bars and Liquor Stores

	Bars	Liquor stores
Total number in five metro areas	2515	1939
Number of census tracts that have at least one bar or liquor stores	1149	1130
Average store number in one tract (conditional on there is at least one store in the tract)	2.19	1.48
Number of census tracts that have two or more stores in the same tract	497	180

Average Census tract = 4,400
 Average population per outlet
 = $4400 \div 1.48 = 2972.97$

My name is Jonathan Cross, I live at 6625 Cherry Creek Road, in the electoral region of Cherry Creek.

For the past 15 years I have operated Liquor Stores on Vancouver Island, currently I own and operate The Hospitality Inn in Port Alberni and so I am very familiar with the difficult situation you face as our local government body today.

A Liquor Store Re Zoning is very different to a simple re zoning process because of its inclusion of Liquor.

Re zonings are often referred to as “Land Use Matters” however when Liquor is concerned re zonings can NEVER be referred to as simple “Land Use Matters” because of the responsibility that Local Government holds to protect the public interest.

In regular re-zonings one often hears the argument from local government “that it is not our job to decide how many coffee shops or gas stations we need, it is the markets job”

BUT, when it comes to Liquor IT IS LOCAL GOVERNMENTS JOB – ALWAYS!

Just last month in its submission to the Provincial Liquor Review the Union of British Columbia Municipalities wrote:

Under current liquor laws the Province determines whether an applicant for a liquor license is “fit and proper”. This check is to ensure that the applicant has no criminal past or links to a gang, individuals with a criminal background are prevented from participation in the liquor business. This has a historical basis going back to the days of prohibition. This is a policy area of broad interest to the Province.

Local government is currently asked to comment on requests for the establishment of new primary liquor licences (Class A) and for changes in a liquor licence regarding an increase in capacity, entertainment, hours of operation, etc. Local government is asked to pass a resolution, taking into consideration the “public interest”, on whether or not it supports the changes. This is a policy area of specific interest to local government.

*The final decision on whether or not to issue a licence or make changes to the licence is made by the Liquor Control and Licensing Branch. However, the Province has recognized that it is important not to override local government jurisdiction in this area and has indicated that it **will only approve licensing changes that have been supported by local government.** This decision by the Province is an important recognition of the partnership that exists between local government and the Province in this policy area.*

(full text included in hearing package)

And so the purpose of this re zoning is to determine if after the consideration of all of the evidence

- 1. Is there a need for a new Liquor Store in Cherry Creek & is it in the “Public Interest” of Cherry Creek?**
- 2. If the answer is yes, then, is this the right location and proposal to satisfy that “Public Interest?”**

I believe the evidence clearly demonstrates that the answer to both questions is overwhelmingly NO.

- 1. Is the need for a new Liquor Store in Cherry Creek in the “Public Interest” of Cherry Creek?**

- The Licensing Area of Port Alberni has the most Liquor Stores per Capita of any BC Licensing Area whose largest City is over 13,500 people.**
- The Municipality of Port Alberni unanimously voted against supporting this application.**
- There is another Liquor Store 1.2 km from this location.**
- Cherry Creek has only 1,907 residents. As a resident of Cherry Creek I would drive past a Liquor Store to get to this one from my house, so would most Creekers.**

As pointed out by The Vancouver Island Health Authority Submission last month to the Provincial Liquor Review Panel there is a direct relationship between the

availability of Alcohol and the problems experienced by a community.

One of their recommendations is to “Limit the availability of alcohol by restricting the density of alcohol outlets based on population”

(Full text included in the hearing package)

Recent rule changes at the Provincial Level have downloaded all of the oversight responsibility for Liquor Store relocations to Local Government. Liquor Stores are now free standing businesses, they are no longer connected to Hotels or Pubs, a “Dormant” Liquor Licence like this one sells for between \$200,000 and \$300,000 and can be moved anywhere in its own municipality and also into any neighboring municipality within 5km. Soon it is likely they can be moved anywhere in the province.

3 Port Alberni Liquor Store Licences have recently been sold, this is likely not the last re zoning request you will receive for a Liquor Store relocation, the next one might be from Galliano Island!

In order to protect the “Public Interest” Liquor Store re zoning applications need to be very carefully considered.

2. Now should you consider that a new Liquor Store is “in the public interest” of Cherry Creek the question that must be asked is

“Is this the ideal Location and Proposal to meet that need?”

I think the answer to this question is best answered in the words of the applicant in his submission of May 23 to Alex Dyer, he writes...

I have attached a letter re the rezone. I have never had to do one before so please let me know if it is what you were looking for. I have also attach a site plan it is to scale 1cm=10 feet I am sorry the grid lines did not come through. The plan that I got from the owner was a proposal plan and had a bunch of unnecessary items on it. Please also let me know if this is adequate, I am sure that we can only improve on it and I am hoping that it is not the worst drawing that has come across your desk.”

Personally I have never seen a Liquor Store application without an official survey siting buildings and traffic flows plotted by an engineer.

Ladies and Gentlemen this is a multi-million dollar business that is being proposed here, to put it into a size perspective the retail area in this store is 1,800 square feet, the Hospitality Inn Liquor Store is approx. 1,000 square feet.

This is a shoe-string application that does not demonstrate it is workable or give the community the comfort that this Liquor operation will be responsibly run.

I understand the goal is to open a liquor store without even applying for a building permit because it is a Development Permit Area and a BP will entail additional expense.

Surely if Cherry Creek believes it is in the Public Interest to have a liquor Store we would wish to ensure the esthetics of the business will complement our district and the entrance to Port Alberni

And yet.....

- **There are no material building improvements (other than a demolition of a ruin)**
- **There is no traffic study**
- **No Loading and unloading plan for freight**
- **An unworkable parking plan**
- **It is a site previously denied an access permit**
- **A site The RCMP have identified concerns with Trucks backing on the Highway**

Put simply it is a large store on an unworkable site and to date the needed resources have not been spent to justify this is the right application.

Included in the documentation I will leave with you today is a detailed description of traffic issues related to Liquor Stores, it includes 2 dozen questions I believe need to be answered relating to safety .

In addition I would like to show you some slides about Liquor Operations

POWER POINT PRESENTATION

And so in closing I wish to pose the questions one last time:

- 1. Is it in the public interest that the Regional District approve a New Liquor Store in Cherry Creek? Clearly the market data says NO.**
- 2. Is this the right location and application to meet that need? Clearly this is not a functional site for a liquor store.**

I urge the board to consider the evidence very carefully and remember this is not a simple land use issue, the question before you is do you believe we need another Liquor Store? And do you believe we need it in Cherry Creek and that this is the one we need?

Respectfully Submitted

Jonathan Cross.

Number of Liquor Stores Per Capita in British Columbia Communities with populations of over 13,500

Rank	Local Area	# of Stores Per Capita	Private Stores	Government Stores	Total	Population of City
1	Port Alberni	1,774	9	1	10	17,743
2	Fort St. John	2,250	7	1	8	18,000
3	Salmon Arm	2,911	5	1	6	17,464
4	Vernon	2,935	12	1	13	38,150
5	Kamloops	3,185	24	3	27	86,000
6	Prince George	3,208	21	3	24	77,000
7	Victoria	3,240	20	5	25	81,000
8	Penticton	3,288	9	1	10	32,877
9	Nanaimo	3,320	22	3	25	83,000
10	Comox	3,407	3	1	4	13,627
11	Courtenay	3,443	6	1	7	24,099
12	Cranbrook	3,872	4	1	5	19,362
13	Pitt Meadows	4,434	3	1	4	17,736
14	Kelowna	4,500	23	3	26	117,000
15	New Westminster	5,075	11	2	13	65,976
16	Chilliwack	5,567	12	2	14	77,936
17	West Vancouver	6,099	4	3	7	42,694
18	Port Moody	6,595	4	1	5	32,975
19	Maple Ridge	6,909	10	1	11	76,000
20	Delta	7,133	11	3	14	99,863
21	North Vancouver	7,367	13	5	18	132,610
22	Terrace	7,630	4	1	5	38,150
23	Port Coquitlam	7,994	5	2	7	55,958
24	Vancouver	8,812	47	22	69	608,000
25	Coquitlam	9,308	11	2	13	121,000
26	Richmond	9,524	17	3	20	190,473
27	Langley	9,929	11	2	13	129,081
28	Surrey	13,379	30	5	35	468,251
29	Abbotsford	14,833	7	2	9	133,497
30	Burnaby	17,171	8	5	13	223,218

18 wheel tractor trailer, 60' plus tail gate making liquor store delivery





22 wheel tractor trailer, 65' plus tail gate making liquor store delivery with second delivery vehicle waiting





Beer deliveries average 10 palettes. Duration of delivery approximately 1 hour





Multiple deliveries per day from numerous suppliers are made to liquor stores.



Access to the proposed site looking towards Parksville



Access to the proposed site looking towards Port Alberni



Access, customer parking area, delivery truck turning area and delivery unloading area!



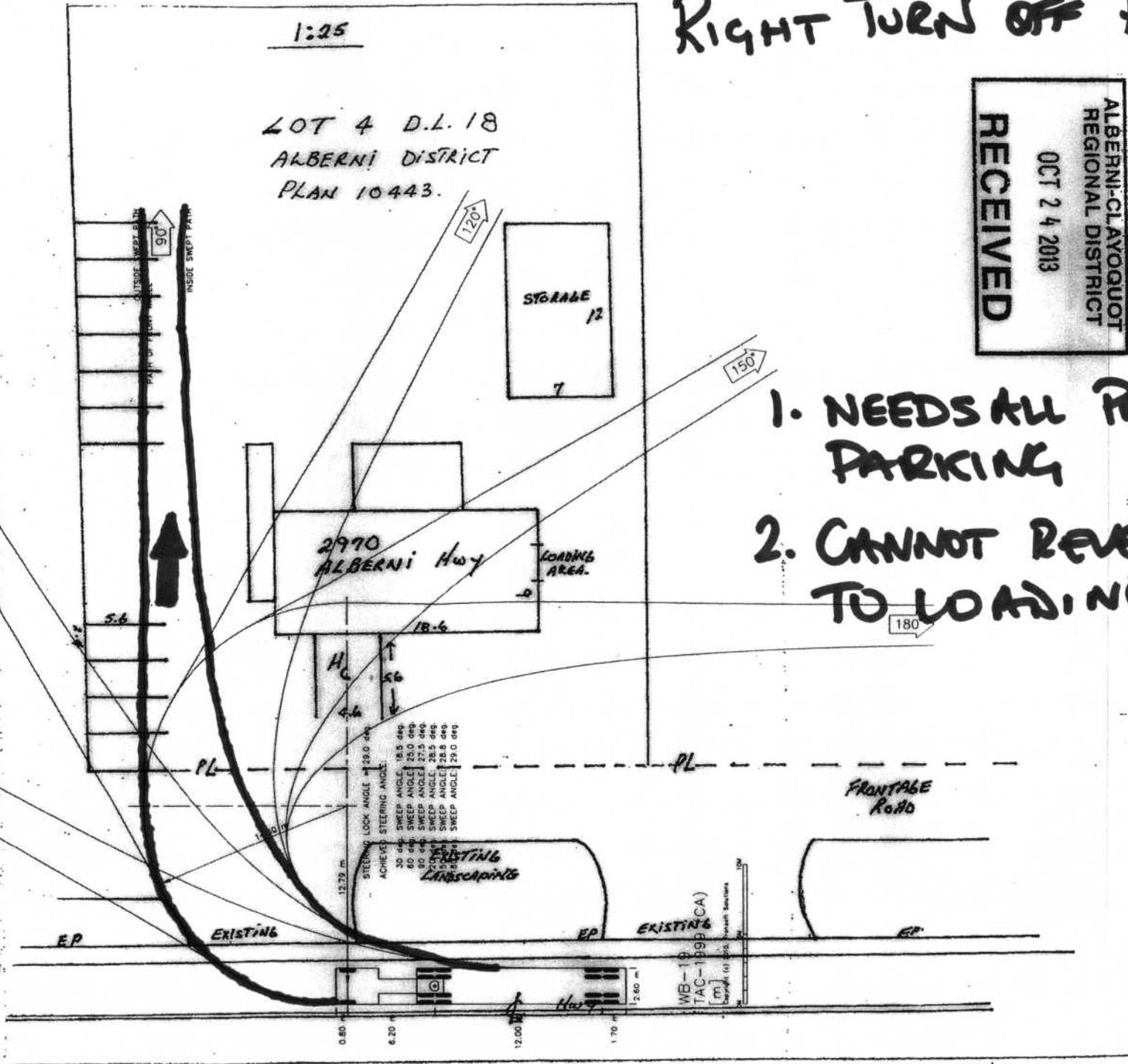


RIGHT TURN OFF HWY 4

ALBERNI-CLAYOQUET
REGIONAL DISTRICT
OCT 24 2013
RECEIVED

1:25

LOT 4 D.L. 18
ALBERNI DISTRICT
PLAN 10443.



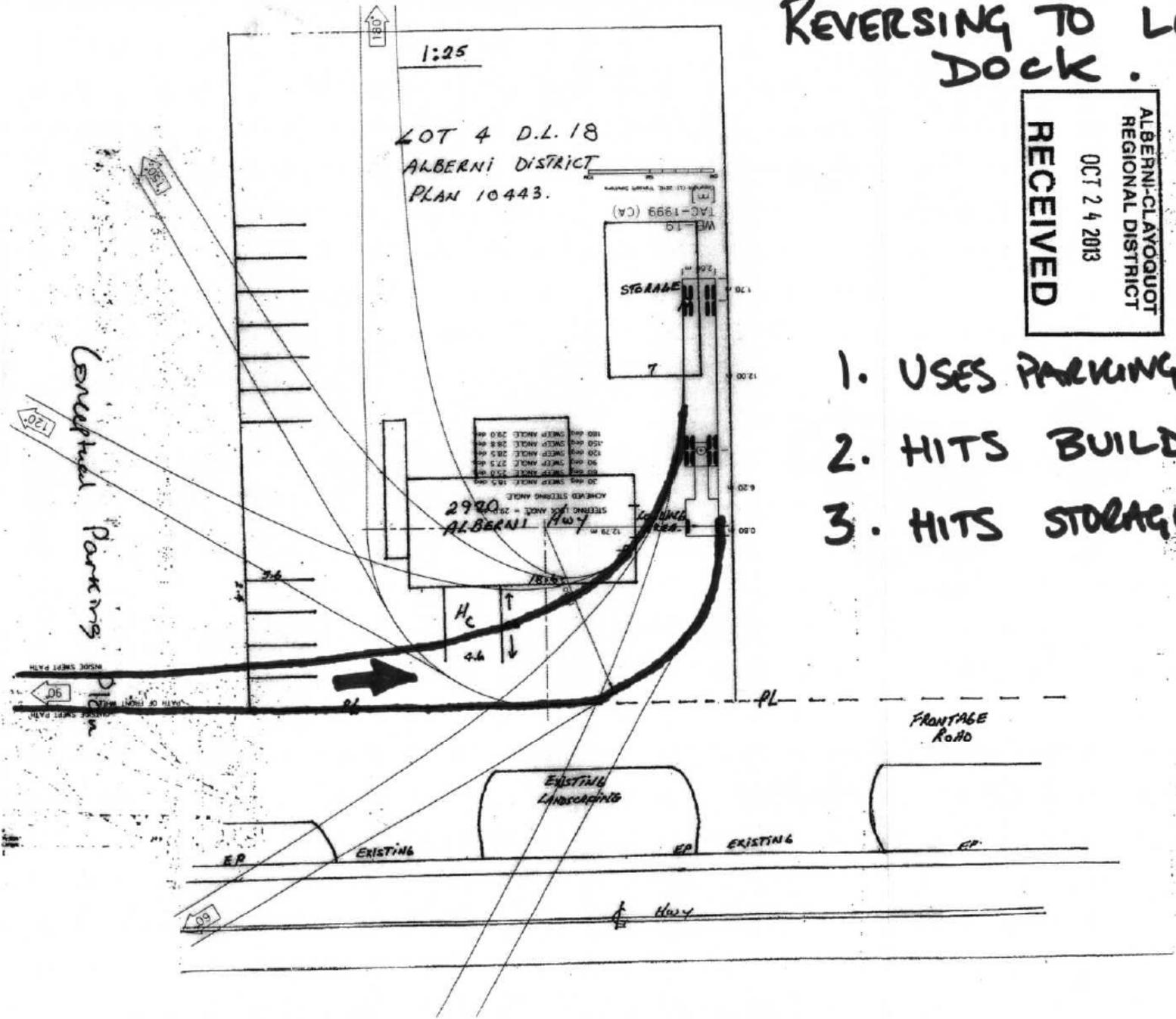
Proposed Parking Plan

1. NEEDS ALL PROPOSED PARKING
2. CANNOT REVERSE TO LOADING DOCK

REVERSING TO LOADING DOCK.

ALBERNI-CLAYOQUOT REGIONAL DISTRICT
OCT 24 2013
RECEIVED

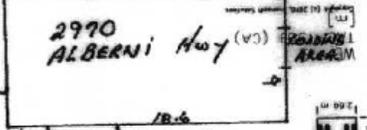
1. USES PARKING STALLS
2. HITS BUILDING
3. HITS STORAGE SHED.



LOADING / UNLOADING

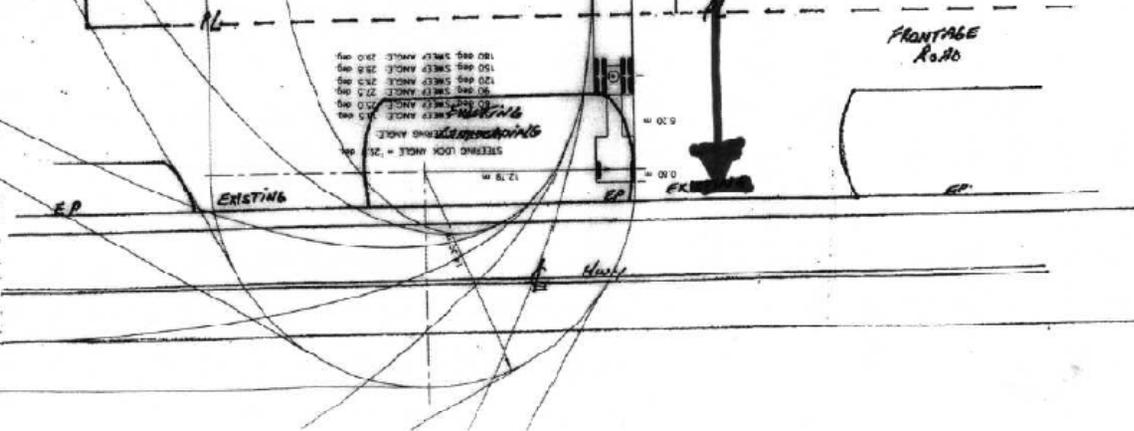
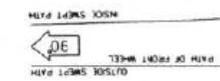
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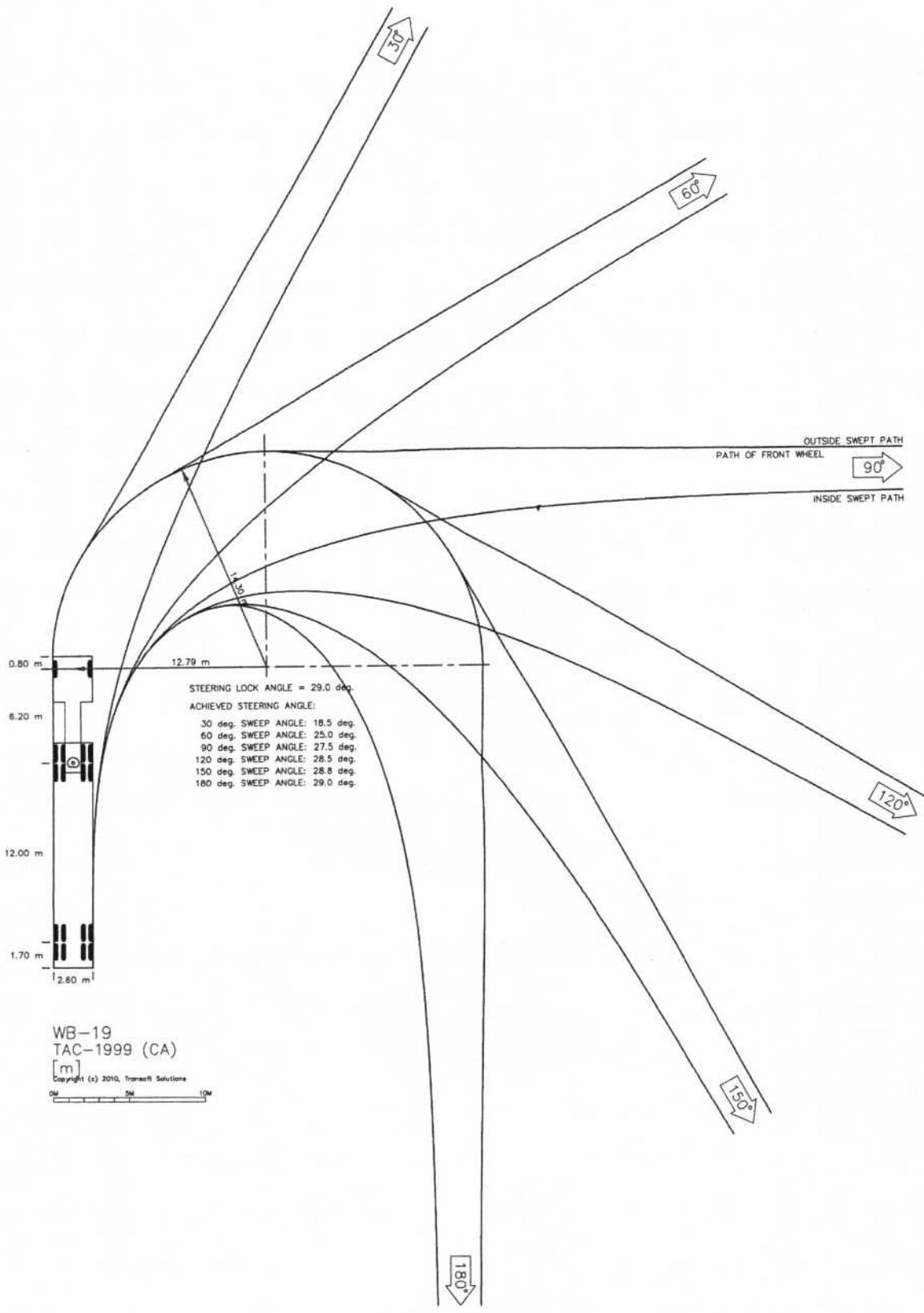
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LOT 4 D.L. 18
ALBERNI DISTRICT
PLAN 10443.



1. 50% OF TRUCK NOT ON SUBJECT PROPERTY
2. ENTRANCE BLOCKED TO TRAFFIC

Conceptual Parking Plan



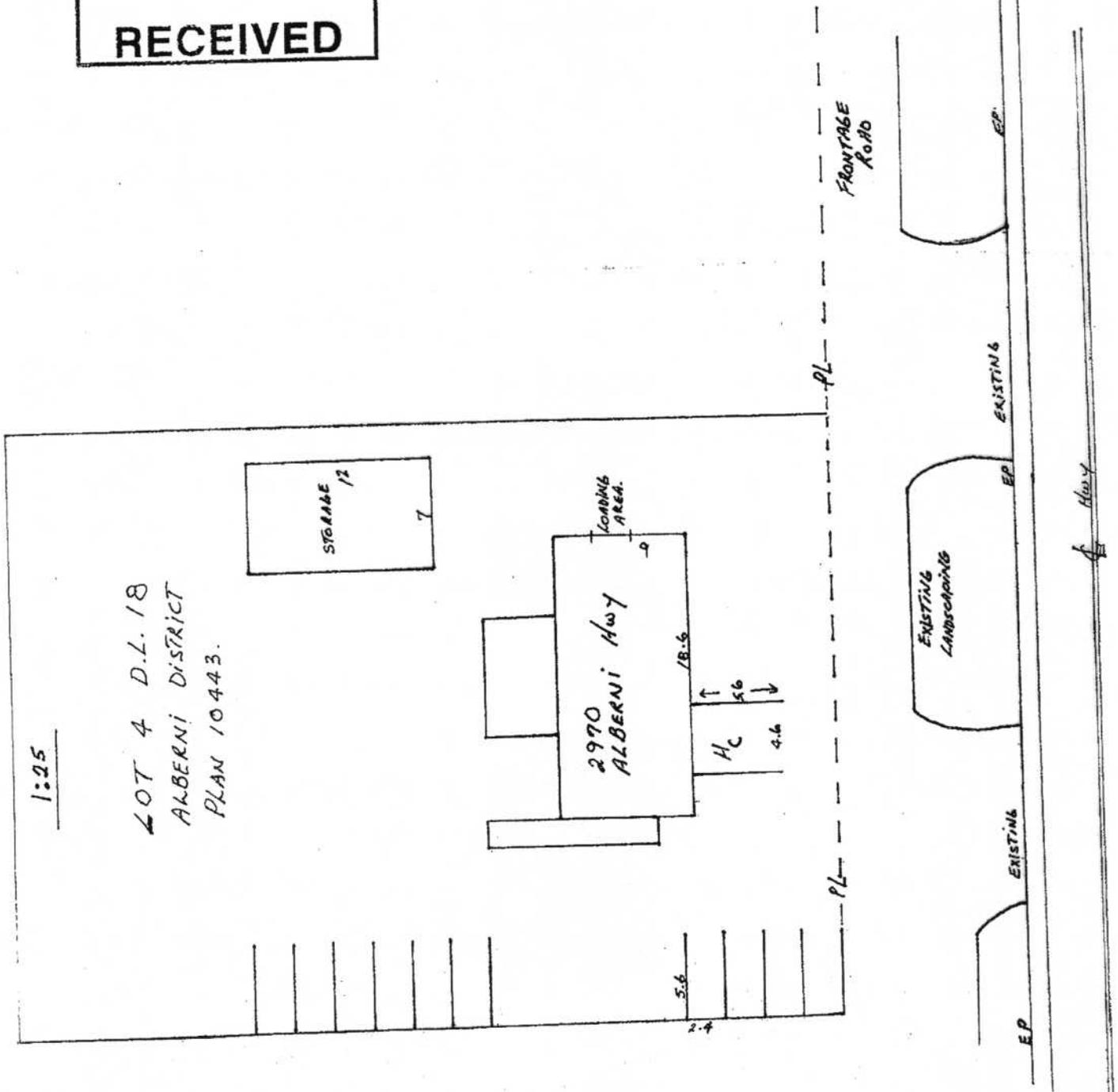


WB-19
TAC-1999 (CA)
[m]
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ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

OCT 24 2013

RECEIVED



Conceptual Parking Plan

Traffic Issues re: Liquor Store Use 2970 Alberni Hwy

I ask that the following be considered with respect to the customer traffic frequenting the operation:

- The proposed use is a Retail Liquor Store
- The permitted opening hours are 9am – 11pm, 7 days a week, 365 days of the year
- On busy days Liquor Stores in Port Alberni make between 600 and 1100 individual transactions.
- 99.9% of shoppers will need a vehicle to shop at this location
- Shopping volumes peak between 3pm and 7pm
- Most shoppers will need to turn left across traffic.
- There are only 7 parking spots on the site, Liquor stores need 2-4 times that number, regardless of bylaws.

I ask that the following be considered with respect to the delivery of Liquor & Product to the operation (I attach photographs to illustrate the points)

- Liquor & Beer is delivered in Tractor Trailers during Business Hours - while stores are open for business and customers are arriving and leaving the site.
- Stores receive 8 – 12 deliveries in Tractor Trailers per week depending on volume and time of year.
- Tractor Trailers measure 60 feet to 65 feet in length and are 18 or 22 wheeled vehicles.
- Beer Deliveries take 1 hour to complete, longer if empties are being collected.
- Deliveries are made at the timing of the suppliers not the Store
- It is common to have 2 deliveries at once

Having considered the points above, the following questions come to mind when I look at the hand drawn plan included in the application:

1. How do the Tractor Trailers Access the site?
2. Where on the site are the deliveries to be made?
3. How do customers access the site during deliveries?
4. How does the site handle multiple vehicles turning into it at once, as they cross a busy highway during brief breaks in traffic?
5. Is there a loading dock or area for the Tractor Trailer to park or will they park on The Highway?
6. How do delivery trucks turn on the site?
7. If delivery trucks can turn on the site how do they do so if cars are parked in the designated parking spots?
8. How do vehicles turn left out of the site?
9. What are the implications of 2 vehicles turning left at the same time out of the 2 adjacent accesses?

I believe the following deficiencies make this site unsuitable for the proposed use of a Liquor Store.

1. The site has inadequate parking; customers will park on the road or at a business opposite and cross the road without a cross walk.
2. The Highway is single lane with no safe shoulder or turning lane.
3. Delivery trucks cannot safely access or exit the site and will need to back up on the highway to turn or *park on the highway*.
4. If more than one delivery occurs at one time Trucks *will need to park on the highway*
5. Delivery Trucks will have to use the parking stalls to turn causing congestion on the Highway.
6. Current left turn waits at the intersection before the site (Maebelle Road on to The Alberni Highway) are up to 5 minutes at peak times.
7. Once operational the site will have up to 1000 vehicles turning in and out a day.
8. There is no safety buffer at the entrance to the site for “stacking” vehicles as they exit the highway, creating a rear end accident hazard impacting the highway.

Provincial Liquor Policy Review

UBCM welcomes the Provincial review of liquor policy to determine what, if any, changes are needed to better serve the public.

We support the opportunity for the public to provide input into the liquor policy review.

Principles

UBCM agrees with the Province that changes to liquor policy should be guided by principles.

The Province has identified the following principles to guide the scope of the review:

- Government revenue is maintained or increased;
- Minimize health and social harms caused by liquor;
- Balance economic and social interests by ensuring public safety and the public interest of British Columbians and their communities is protected;

Local government would propose that the following general principles should also be considered when looking at liquor policy given that there are overlapping responsibilities between the Province and local government in this area.

The principles relate to two important areas. The first is the need for cooperation and coordination between local government and the Province when implementing liquor policy. The second is the need to recognize that there are shared responsibilities between the two levels of government when it comes to liquor policy.

Cooperation and Coordination

UBCM would suggest that there is a need for inter-governmental cooperation and coordination when it comes to liquor policy. The principles reflect on the nature of the relationship that needs to be developed moving forward:

- Governments should be committed to consultation and coordination of their actions to serve the public.
- Other orders of government should establish policies and programs that support local government.
- Local government should be involved in the development and delivery of the programs of other orders of government which are designed to meet local needs.

- Other orders of government should give adequate notice and should consult on legislation or other changes that would affect local government.

Shared Responsibilities

UBCM would point out that local government and the Province share the responsibility of delivering liquor policy in BC and have an obligation to the public to work together. There is a need for frank and frequent discussions on all aspects of the partnership to ensure that we fully understand what we are trying to deliver. The principles below touch on two important aspects of this partnership. The first is the need for joint decision-making and the second is the need to share the financial obligations of these decisions, based on the level of involvement:

- Governments should be committed to consultation and joint decision-making whenever they have responsibilities within the same area of jurisdiction.
- Programs that are exclusively determined by another government should be financed by that government from their revenue sources.
- Financial assistance should be provided to local governments by other orders of governments when their policies over-ride local priorities or impose an additional financial burden on local government and that assistance should equate to the added cost burden.

UBCM would note that under the Community Charter the following “Principles of municipal-provincial relations” has been established:

- (2) The relationship between municipalities and the Provincial government is based on the following principles:*
- (a) the Provincial government respects municipal authority and municipalities respect Provincial authority;*
 - (b) the Provincial government must not assign responsibilities to municipalities unless there is provision for resources required to fulfill the responsibilities;*
 - (c) consultation is needed on matters of mutual interest, including consultation by the Provincial government on
 - (i) proposed changes to local government legislation,*
 - (ii) proposed changes to revenue transfers to municipalities, and*
 - (iii) proposed changes to Provincial programs that will have a significant impact in relation to matters that are within municipal authority;**

Liquor Policy: Shared Responsibility Between the Province and Local Government

Licensing Process

Local government in the past has been involved in a number of liquor reviews. The last major review was the Surich report in 1999. The most significant change that came out of this review was the reduction in the number of different classes of liquor licences from ten to five licences, with the majority of establishments falling into two license classes – A – service by the glass (hotels, pubs, cabarets, etc.) or B – service by the glass primarily food (restaurants).

The outcome of this review resulted in the creation of:

- an Advisory Group to oversee the implementation of the new policy and regulations (industry and local government representatives);
- a Local Government Working Group (local government staff) to work with Provincial staff on the development and implementation of new policies and regulations.

Under current liquor laws the Province determines whether an applicant for a liquor license is “fit and proper”. This check is to ensure that the applicant has no criminal past or links to a gang, individuals with a criminal background are prevented from participation in the liquor business. This has a historical basis going back to the days of prohibition. This is a policy area of broad interest to the Province.

Local government is currently asked to comment on requests for the establishment of new primary liquor licences (Class A) and for changes in a liquor licence regarding an increase in capacity, entertainment, hours of operation, etc. Local government is asked to pass a resolution, taking into consideration the “public interest”, on whether or not it supports the changes. This is a policy area of specific interest to local government.

The final decision on whether or not to issue a licence or make changes to the licence is made by the Liquor Control and Licensing Branch. However, the Province has recognized that it is important not to override local government jurisdiction in this area and has indicated that it will only approve licensing changes that have been supported by local government. This decision by the Province is an important recognition of the partnership that exists between local government and the Province in this policy area.

The Local Government Working Group on Liquor Policy, established out of the Surich review into liquor policy, has continued to work with the Province. In recent years the Working Group has provided input into the development of liquor policy on beverage cart licensing on golf courses, the development of a new catering license and the implementation of a pilot project to look at new liquor licensing policy with respect to festival events.

Local Government Concerns

Local government in the past has identified two major concerns regarding proposed changes to provincial liquor policy. The first concern is the impact that these policy changes could have on local neighbourhoods. The second concern is the added resources that may be required to address liquor related problems that might arise as a result of major changes to liquor policy (bylaw enforcement, policing, etc.).

Local Neighbourhood Issues

Local government attempts to balance the different public interests around liquor policy and community objectives. It has worked with local businesses in the liquor industry to create special entertainment districts and with local neighbourhoods to ensure that their concerns are addressed. The major focus of local government involvement in the liquor licensing process has been in the following areas:

- zoning – land use
- business licensing
- hours of operation
- entertainment
- parking/traffic

These issues focus on the location of the establishment and how it will impact the other land uses in the area, and the neighbourhood residents.

For example, local government knows from past experience that the number of 'drinking only seats' in an area will have an impact on the local neighbourhood where it is located (traffic, noise, rowdyism, etc.). There will be conflicts between the local community and the local business operator if the right balance of 'drinking only seats' is not maintained. As a result, there is a need to manage the location of liquor establishments to minimize potential conflicts between the business community and local citizens.

Local government also knows that the operating hours and the type of entertainment in a liquor establishment will have an impact on a local neighbourhood. The later the hours of operation the more likely the local government will receive noise complaints from local residents.

The decision making process around liquor policy at the local level is a challenge. Once a local government decision is made regarding the location and operation of a liquor establishment it is difficult to change the decision if a problem arises. For example, it is difficult for local government to change the hours of operation of a licenced establishment if it is creating problems in the neighbourhood or requires extensive police resources to monitor.

UBCM would offer a note of caution when considering changes in liquor policy as major policy changes may have unintended consequences.

For example, a major change in liquor licensing rules (type of licence, hours of operation, etc.) could upset the relationship between a local business and a local neighbourhood. Particularly where a 'social contract' exists with that neighbourhood over the operation of the business (i.e. 'good neighbour' agreement outlining how the business will operate – hours, entertainment, etc.), a major change in policy could potentially create a conflict between local business and the community.

Compliance and Enforcement Issues

Local government is concerned that changes in liquor policy may increase policing costs and concerns about public safety in the community. If changes are undertaken there needs to be new tools to deal with problem liquor establishments. Local communities should not be faced with an expansion of liquor seats - restaurant drinking only seats, new types of drinking establishments – with no ability to deal effectively with these problems.

Local government would highlight the need for greater resources to be provided to assist local communities in dealing with alcohol related problems.

Local government in responding to liquor policy issues reflects a broad spectrum of local community concerns:

- under age drinking
- over serving of alcohol in liquor establishments
- noise/rowdyism related to liquor
- drinking and driving
- social impacts (i.e. domestic violence, alcoholism etc.)

Currently the police and Provincial liquor inspectors (35 province wide) are working together to identify and deal with problem liquor establishments.

Given the limited number of Provincial liquor inspectors, if there are any major problems in a liquor establishment it will be the police that is called to deal with it. Policing costs are rapidly increasing and municipalities currently spend around 25% to 30% of every tax dollar on the delivery of police services. These costs are not sustainable and any additional policy changes that would add to policing costs would be of concern to local government.

Local government recognizes that the liquor industry may be undergoing some changes, there are new types of local brewing operations being developed (i.e. beer, liquor etc.) and new models for restaurant operations. Both of these type of drinking establishments may require greater flexibility in the licensing process than is currently allowed.

However, local government would suggest that the Province proceed with caution in implementing changes. For example, local government in the past has looked at other approaches, such as the dual restaurant/bar licencing model and at the time concluded that it could create enforcement problems in local communities.

Conclusion

Given the unique partnership between local government and the Province in regards to liquor policy, UBCM would suggest that before any major changes are made that there be detailed discussions on the specific changes.

Based on the general principles outlined the development of new liquor policy should include the following measures:

- notice to local government of the intention to establish, change or terminate a policy or program;
- assessment of the impact of the action on local government;
- local involvement in developing policies; and,
- financial compensation where the changes impose a new cost burden on local government, particularly where operating costs must be assumed by local government.

UBCM would encourage the Province to work with the Local Government Working Group on Liquor Policy to identify the potential impact of proposed changes on local government.

Recommendations

UBCM would request that the Province support the current partnership that exists between it and local government with respect to liquor policy.

UBCM would request that the Province consult with UBCM about any specific changes to Provincial liquor policy that may impact local government before they are implemented.

UBCM would request that the Province support local government land use decisions related to liquor policy at the community level.

UBCM would request that the Province undertake an assessment of any liquor policy changes being considered and determine the impact on compliance and enforcement costs and who would pay any cost increases before new policies are implemented.

Report Submission to Provincial Liquor Policy Review
Meeting Date September 11, 2013

Medical ethics informs policy through several relevant principles:

Non-maleficence: “First do no harm”

When addressing liquor policy provincially, the maxim in medical ethics should remain paramount and considerable knowledge exists on what changes will result in further harm.

Beneficence, the duty to act in the best interests of wellbeing.

Recognizing the significant impact that alcohol has on the health system and on the health of residents, the Medical Health Officers of the Vancouver Island Health Authority would encourage the adoption of the following policy directions.

- 1. Increase the minimum price for all alcohol beverage types to at least \$1.50 per standard drink off-premise outlets (both government and privately owned) and \$3.00 per standard drink for on-premise outlets.**
 - a. Price should be driven by alcohol content, making higher content products more expensive.**
 - b. Prices should be adjusted annually for inflation.**

Rationale: Pricing and taxation policies are among the most effective strategies to reduce alcohol-related harm and costs. Tax and pricing policies have been shown to reduce alcohol related disease, injury, motor vehicle crashes, violence and crime. Pricing is particularly effective at reducing risky drinking among heavy users, who are more likely to purchase low cost alcohol, and young people whose drinking patterns are particularly sensitive to price (Thomas, 2012). These policies were successfully introduced following Saskatchewan’s 2010 Liquor Policy Review.

2. Limit the availability of alcohol by:

- a. Restricting the density of alcohol outlets based on population;**
- b. Regulating hours of operation in late at night and early morning; and**
- c. Reducing access through other channels such as online sales and delivery services.**

Rationale: Higher outlet density levels increase both consumption and perceived acceptability of drinking. A recent BC study found that increases in the density of private liquor stores were associated with increases in alcohol-attributable deaths (Zhao, 2013). Restricting the hours and days

when these outlets are open decreases the likelihood of alcohol related motor vehicle crashes, other injuries, violence and crime. Availability restrictions have the potential to increase the use of informal and illegal sources, however, where a legal supply is available, enforcement measures can limit this (Alcohol and Public Policy Group, 2010)

3. Increase spending on health social responsibility messaging to equal or exceed spending on product promotion.

a. Funding for such messaging should be directly resourced from alcohol associated revenue.

Rationale: Health and social responsibility messaging serve the dual role of educating the public and normalizing safe drinking behavior. Such messages include information about low-risk drinking guidelines and the harms associated with exceeding them; the harms associated with drinking while pregnant; discourages harmful activities such as drinking and driving; and normalizes and encourages moderation. The Public Health Strategic Framework aims to reduce alcohol-related harms by promoting “a culture of moderation”. Currently, both government-run and private retail outlets disseminate social responsibility messages, however, 75% of BC’s advertising budgets are spent on product promotion, highlighting a distinct imbalance in the messaging presented to British Columbians. Young people are particularly sensitive to alcohol marketing and exposure which is associated with earlier onset of drinking and increased consumption (Thompson, 2013).

4. Consider increasing minimum legal drinking age to 21 years, but at least maintain at 19 years.

Rationale: Minimum age restrictions limit availability of alcohol to young people, delays onset of drinking by young people and has a strong association with decreasing injuries and traffic fatalities among youth (Alcohol and Public Policy Group, 2010).

5. Increase access to:

- a. Screening for alcohol related health and social problems;**
- b. early intervention programs;**
- c. substance use treatment; and**
- d. rehabilitation programs,**

Rationale: Systematic screening for alcohol related health problems helps identify heavy users of alcohol, those who are at risk of developing alcohol-related diseases or those who would benefit from decreasing their alcohol intake because of a medical condition. Earlier intervention is likely more effective at preventing harms. Over the past decade there has been no significant investment in treatment program funding with the exception of youth services. Clear guidance on expected core programming provincially can ensure all British Columbians have equal access to effective

programming and will reduce the current wide disparity in the availability of screening, early intervention and treatment services (Alcohol Working Group, 2011)

BACKGROUND

On June 7, 2013, Premier Christy Clark appointed John Yap, the Parliamentary Secretary to the Attorney General and Minister of Justice, to conduct a comprehensive review of BC's liquor laws and make recommendations with respect to "modernization" of liquor legislation. The Vancouver Island Health Authority is responsible for providing health care services, substance use treatment programs, and public health and prevention programs to the citizens of the Vancouver Island region. As each of these sectors may be impacted by an increase in alcohol use, the Medical Health Officers are interested in ensuring that associated social and health costs are incorporated into the liquor review.

Provincial policies and legislation have the potential to effectively promote and protect the health of the entire population, including those who abstain, those who use alcohol in moderation and those who use it in a risky or harmful way.

Alcohol use is related to numerous physical, mental and societal harms. Current elevated levels of use have a negative impact on British Columbians in a variety of ways. Evidence-based policies have the ability to reduce harms, while enabling safe, responsible use of alcohol. Mature societies empower citizens to lead healthy lives by making the healthiest choices the easiest ones.

BC has become a national leader in the prevention of drinking and driving through higher penalties and immediate sanctions for impaired drivers. This review is an opportunity to again lead the way on the prevention of alcohol related harms. It also has the disturbing potential to sentence more British Columbians to the negative consequences associated with alcohol for short term financial gains that can be rapidly lost through increased social and health costs.

This document outlines the current use of alcohol and the prevalence of alcohol related harms in the Vancouver Island Health Authority and BC, and makes recommendations from the Medical Health Officers for legislation.

Alcohol causes harm when consumed above recommended low-risk guidelines, in both the short and long term.

Alcohol is a toxic substance when used in excess. Acute intoxication is associated with injuries (such as motor vehicle collisions, drownings, and overdoses), violence and crime. Chronic drinking and repeated intoxication is associated with diseases such as liver cirrhosis, cardiovascular disease, female breast cancer and mental health conditions such as major depression and anxiety disorders. Consumption during pregnancy can lead to fetal alcohol spectrum disorder, a leading cause of preventable mental disability in Canada.

Most people enjoy alcohol in moderation, enjoying both social and economic benefits without associated harms. However, consumption is not distributed uniformly. In Canada it is estimated that 20% of alcohol users consume 70% of the alcohol by volume. According to the 2004 Canadian Addiction Survey, 17.6% of British Columbians exceeded low-risk guidelines in the previous year. Use by young

people is particularly concerning: of those who reported using alcohol, 38.0% of 20-24 year olds did so in excess of low risk drinking guidelines.

Alcohol consumption increased in the Vancouver Island Health Authority and BC and only recently decreased.

Like the rest of the province, the Vancouver Island Health Authority has seen a gradual rise in the per capita consumption of alcohol over the last decade and are currently consuming more than both the provincial and national average (Figure 1). In 2002 Vancouver Island Health Authority residents consumed 9.98 litres of pure alcohol per capita; by 2011 this had increased to 10.27 litres per capita. The provincial average for 2011 was 8.5 litres; the national average was 8.2 litres (Centre for Addictions Research of British Columbia, 2012). Since 2008 alcohol consumption has decreased marginally, a change that should be celebrated as an appropriate adoption by residents of healthier lifestyles. Decreasing consumption further should be encouraged and not perceived as the result of antiquated approaches to liquor control.

Increased liquor consumption is associated with increased harmful drinking patterns and increased alcohol-related harm.

International, national and provincial data all indicate that an increase in overall alcohol consumption is associated with an increase in harmful drinking patterns, earlier alcohol use by youth and increased rates of alcohol-related diseases and injuries. In contrast, declines in population alcohol use result in declines in associated harm.

In the Vancouver Island Health Authority, regions with higher per capita consumption also had higher rates of drinking above recommended guidelines (Table).

Health Service Delivery Area	Consumption (L/capita over age 15, 2011)	% reporting heavy drinking, 2011
BC average	8.5	16.8
Vancouver Island Health Authority average	10.27	17.7
South Island	9.99	16.7
Central Island	10.19	18.3
North Island	11.30	19.4

Increased consumption is also associated with increased alcohol use by youth. A 2008 school survey found that in the Vancouver Island Health Authority, 16.0% of children under the age of 15 reported binge drinking (more than five standard drinks in one sitting) in the previous month; this proportion leapt to 44.5% among older students. In BC, of the students who reported using alcohol, 75% started doing so before age 15 (Stewart, 2009).

Prenatal exposure to alcohol is also associated with fetal alcohol spectrum disorder and other adverse pregnancy outcomes including low birth weight, death within the first month of life and alcohol

withdrawal in the newborn. In 2007, alcohol was a risk factor in 2.5% of pregnancies in the Vancouver Island Health Authority, well above the provincial proportion of 0.8% (Provincial Health Officer and Representative for Children and Youth, 2010).

Alcohol-related harms are an important contributor to poor health in the Vancouver Island Health Authority and BC.

Rates of alcohol-related death in the Vancouver Island Health Authority have fluctuated over the previous ten years (Figure 2). In 2011, 280 people died from an alcohol-related disease, four times greater than the number who died from illicit drugs. The majority of this burden is related to injury, overdose, mental illness and cancer. Alcohol related disease is of particular concern to the Vancouver Island Health Authority as the 2010 Report of the Chief Medical Health Officer identified alcohol-related liver disease as an important contributor of the region's rates of premature death. This is highest in the central and northern Island regions.

Recently, both the Vancouver Island Health Authority and BC have seen a decline in injury deaths associated with alcohol (Figure 3). This corresponds to the introduction of stricter drinking and driving laws in 2010 and the downward trend in alcohol consumption. A recent study demonstrated that these laws were associated with a 40.4% decline in fatal collisions and a 23.4% decline in injury causing collisions (Macdonald, 2013).

Alcohol is the second most common substance used by children seeking substance use treatment on Vancouver Island. In 2012, of the 1,313 youth aged 13 to 19 seeking treatment from the Vancouver Island Health Authority, 19% identified alcohol as their primary drug of choice; an additional 24% identify it as their secondary drug of choice.

The cost of harms associated with alcohol consumption likely exceed the benefits in BC.

Alcoholic beverages have the potential to contribute to the BC economy through the hospitality and agriculture sectors. However, based on current BC trends, rates of alcohol-related hospitalizations are expected to soon overtake tobacco-related hospitalizations rates (Figure 4) (Alcohol Working Group, 2011). The last comprehensive estimate of the costs of alcohol related disease using 2002 data estimated that direct health care costs totaled \$551 million and \$1.3 billion in lost productivity due to death and disability. This figure does not include the added costs enforcement (Kendall, 2008).

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FIGURES

Per capita alcohol consumption, 2002-11 (VIHA, BC)

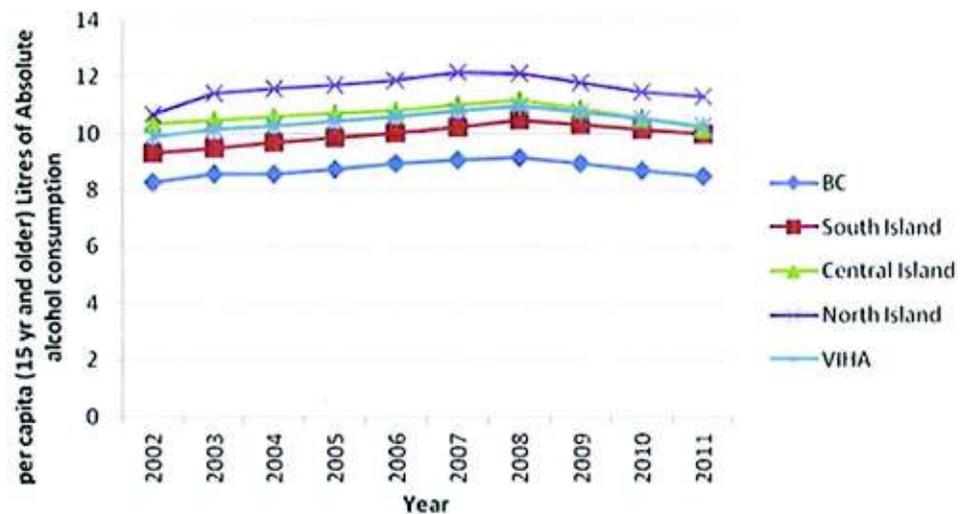
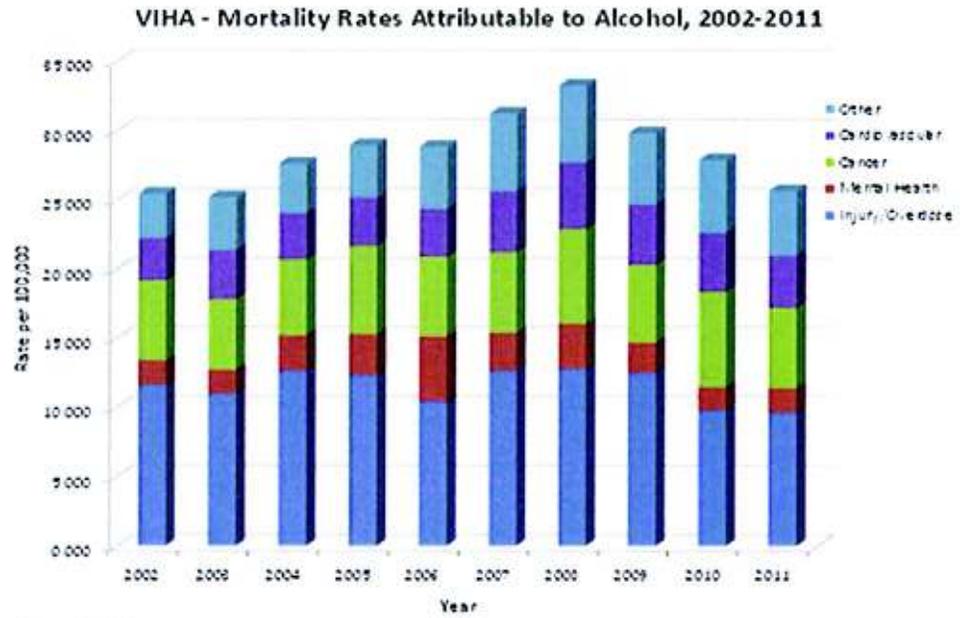


Figure 1

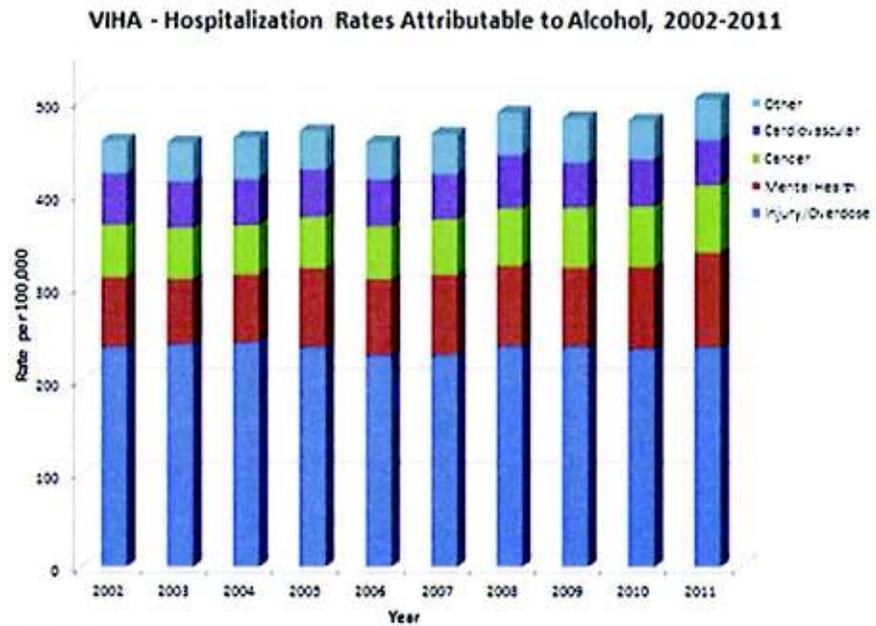
(Centre for Addictions Research of British Columbia, 2012)

Figure 2



Source: CARBC

Figure 3



Source: CARBC

Figure 1. B.C. hospitalization rates caused by alcohol use vs. tobacco use

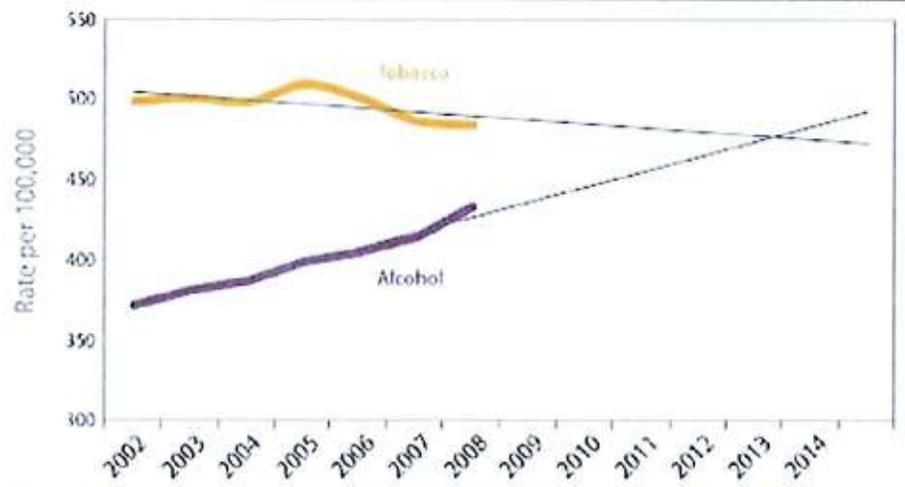


Figure 4

Source: BC Centre for Disease Control and University of Victoria, 2010



THE HOSPITALITY INN

Port Alberni

3835 Redford Street, Port Alberni, B.C. Canada.

www.hospitalityinnportalberni.com

250-723-8111

August 15, 2013

Ministry of Transportation

Nanaimo Office

By Email: Jordan.wagner@gov.bc.ca

Subject: Rezoning Application Lot 4, District Lot 18, Alberni District, Plan 906. Except Part in Plan 10443 – 2970 Alberni Highway. Cherry Creek Electoral Area.

Dear Ms. Wagner,

I understand the above rezoning application has been referred to you for comment from a traffic safety and access perspective.

I am a resident of Cherry Creek Regional District located in the Alberni Clayquot Regional District (ACRD) and own The Hospitality Inn in Port Alberni, I have operated liquor stores on Vancouver Island for 15 years.

I have reviewed the site plan and visited the location (photographs attached), from a traffic flow perspective it is my opinion that this site will not work for the planned use.

In speaking with the Planning department at the ACRD I understand that as the applicant intends to use the existing structures and parking area, he is not required to detail the turning radius of his delivery trucks or explain the traffic flow of his customer's vehicles as part of his application. Neither is the applicant required to quantify traffic volumes.

Further, I understand that the sole decision maker in this application as it relates to the safety of traffic flow, to, from **and on** the site is to be The Ministry of Transportation's, however from a review of the file it appears you have not been provided with the necessary information to make that assessment.

When this application is scrutinized in the context of the proposed use, it simply must be recognized that the site is not suitable and that the substantial congestion that will occur on the site on a daily basis will create significant hazards to highway traffic traveling on The Alberni Highway at the entrance to the City of Port Alberni.

I ask that the following be considered with respect to the customer traffic frequenting the operation:

- The proposed use is a Retail Liquor Store
- The permitted opening hours are 9am – 11pm, 7 days a week, 365 days of the year
- On busy days Liquor Stores in Port Alberni make between 600 and 1100 individual transactions.
- 99.9% of shoppers will need a vehicle to shop at this location
- Shopping volumes peak between 3pm and 7pm
- Most shoppers will need to turn left across traffic.
- There are only 7 parking spots on the site, Liquor stores need 2-4 times that number, regardless of bylaws.

I ask that the following be considered with respect to the delivery of Liquor & Product to the operation (I attach photographs to illustrate the points)

- Liquor & Beer is delivered in Tractor Trailers during Business Hours - while stores are open for business and customers are arriving and leaving the site.
- Stores receive 8 – 12 deliveries in Tractor Trailers per week depending on volume and time of year.
- Tractor Trailers measure 60 feet to 65 feet in length and are 18 or 22 wheeled vehicles.
- Beer Deliveries take 1 hour to complete, longer if empties are being collected.
- Deliveries are made at the timing of the suppliers not the Store
- It is common to have 2 deliveries at once

Having considered the points above, the following questions come to mind when I look at the hand drawn plan included in the application:

1. How do the Tractor Trailers Access the site?
2. Where on the site are the deliveries to be made?
3. How do customers access the site during deliveries?
4. How does the site handle multiple vehicles turning into it at once, as they cross a busy highway during brief breaks in traffic?
5. Is there a loading dock or area for the Tractor Trailer to park or will they park on The Highway?
6. How do delivery trucks turn on the site?
7. If delivery trucks can turn on the site how do they do so if cars are parked in the designated parking spots?
8. How do vehicles turn left out of the site?
9. What are the implications of 2 vehicles turning left at the same time out of the 2 adjacent accesses?

Generally in a municipality an applicant would be required to answer these questions before it was approved however as this is a Regional area this is not the case, even though it is on the boundary of The City of Port Alberni. The following problems will therefore become Ministry of Highway Problems:

1. The site has inadequate parking; customers will park on the road or at a business opposite and cross the road without a cross walk.
2. The Highway is single lane with no safe shoulder or turning lane.

3. Delivery trucks cannot safely access or exit the site and will need to back up on the highway to turn or *park on the highway*.
4. If more than one delivery occurs at one time Trucks *will need to park on the highway*
5. Delivery Trucks will have to use the parking stalls to turn causing congestion on the Highway.
6. Current left turn waits at the intersection before the site (Maebelle Road on to The Alberni Highway) are up to 5 minutes at peak times.
7. Once operational the site will have up to 1000 vehicles turning in and out a day.
8. There is no safety buffer at the entrance to the site for "stacking" vehicles as they exit the highway, creating a rear end accident hazard impacting the highway.

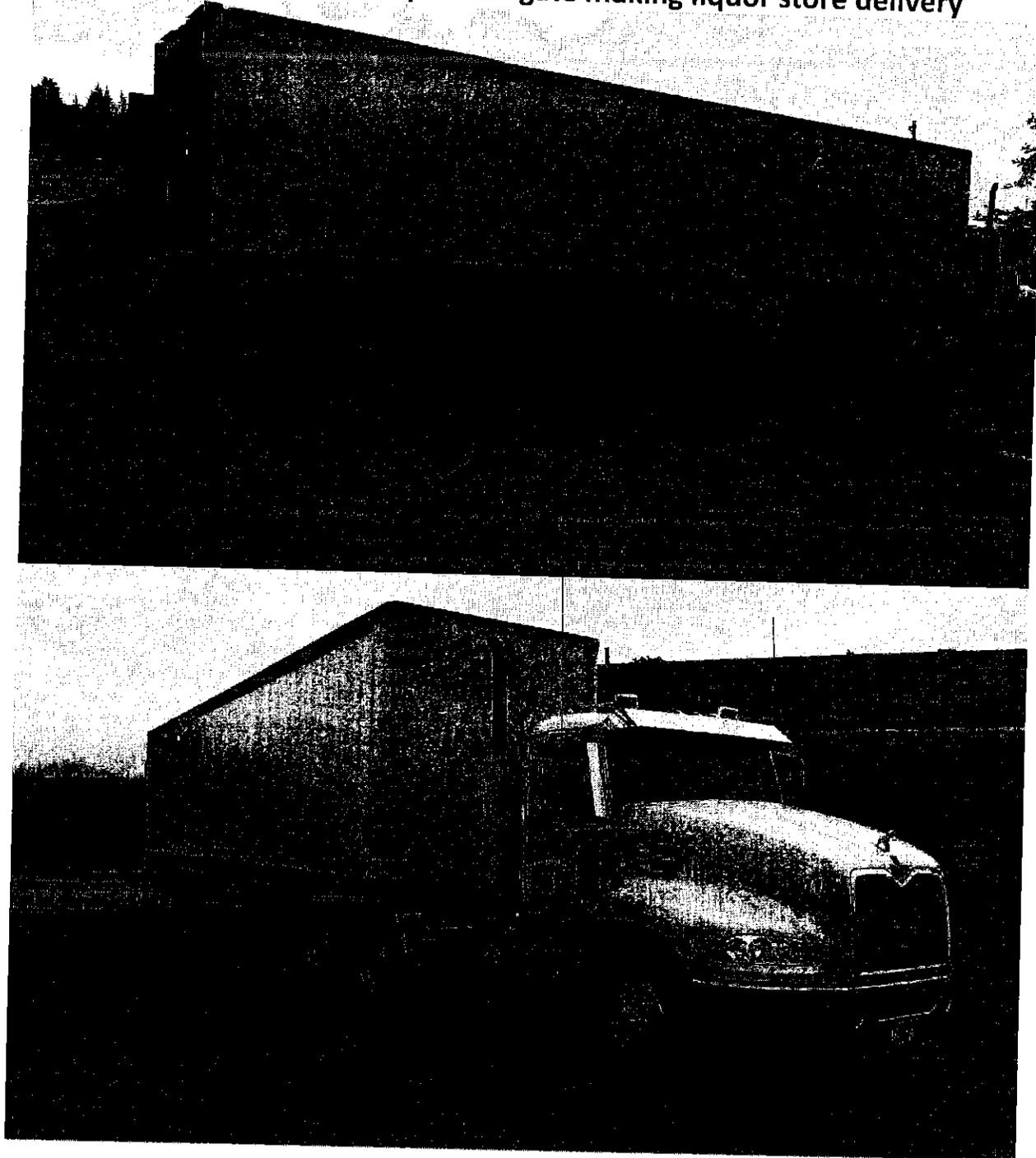
In closing I understand that a new car dealership very close to this site was denied access from the Alberni Highway recently, I note that this Liquor Store though smaller in size will attract probably over ten times the traffic the dealership does, I respectfully ask all of the above be considered in your deliberations. I can be reached by email or by cell phone at 250 913 0200 if you wish to contact me.

Yours sincerely,

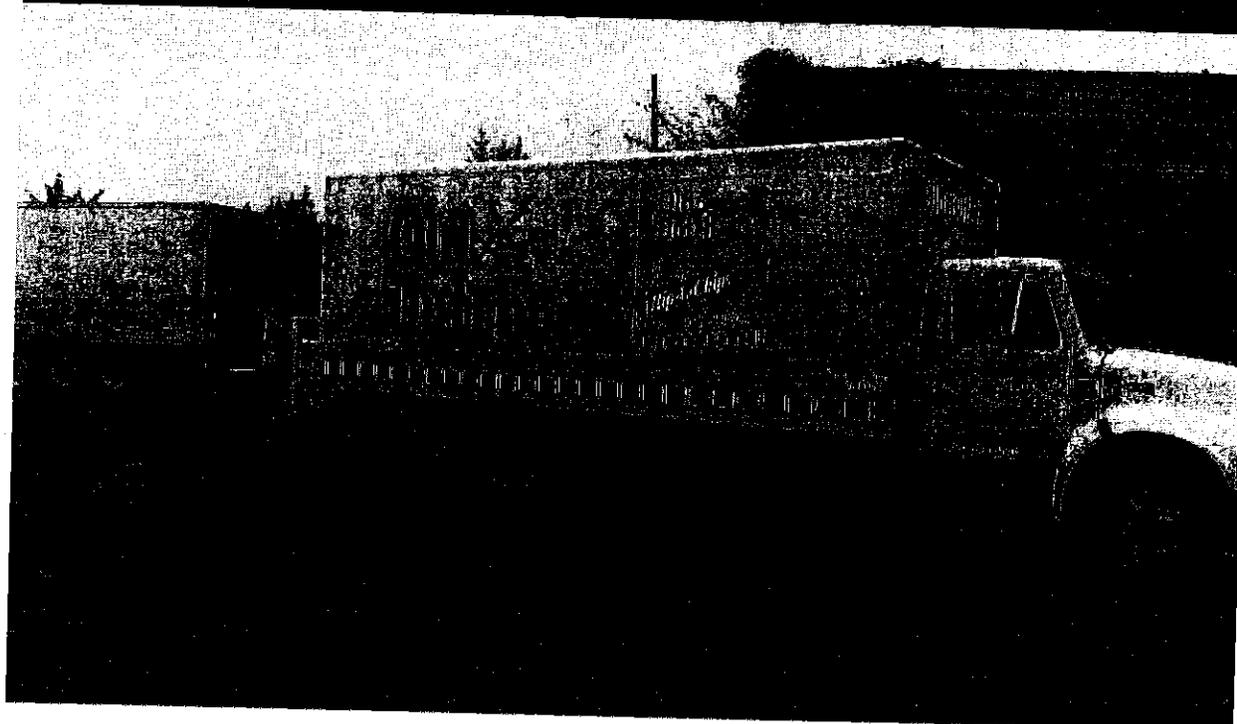
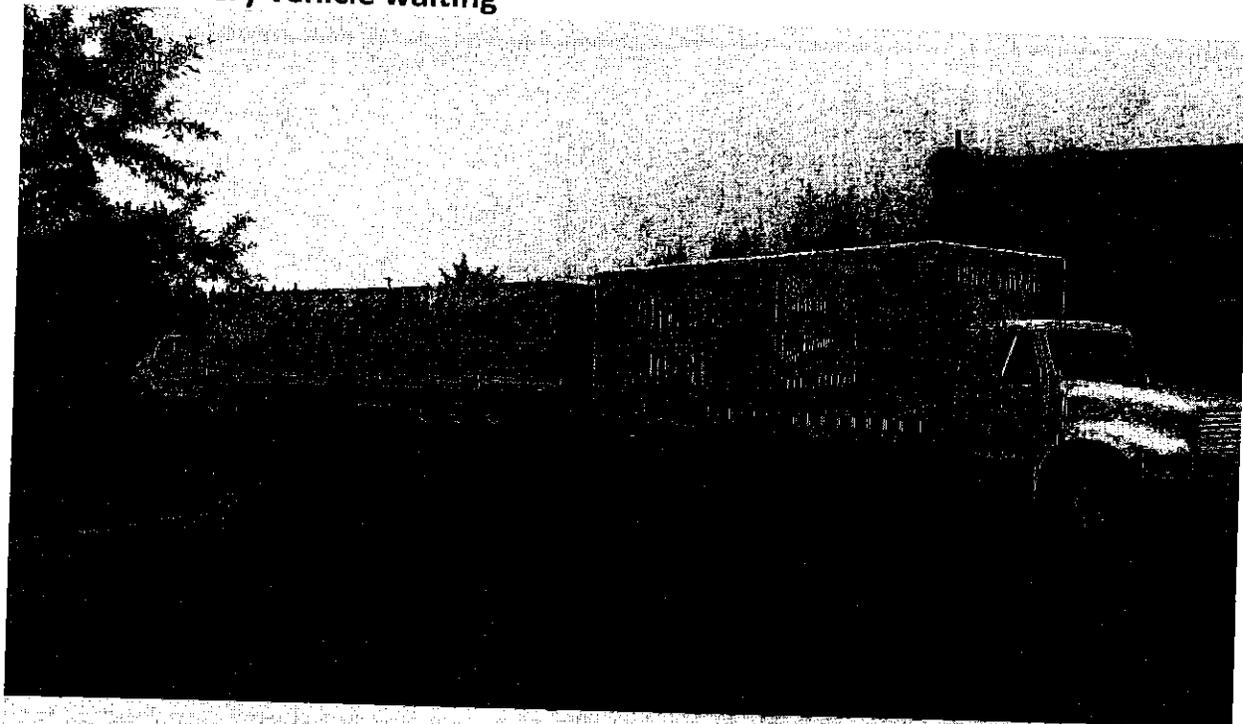


Jonathan Cross
President – PA Hospitality Inns Ltd.

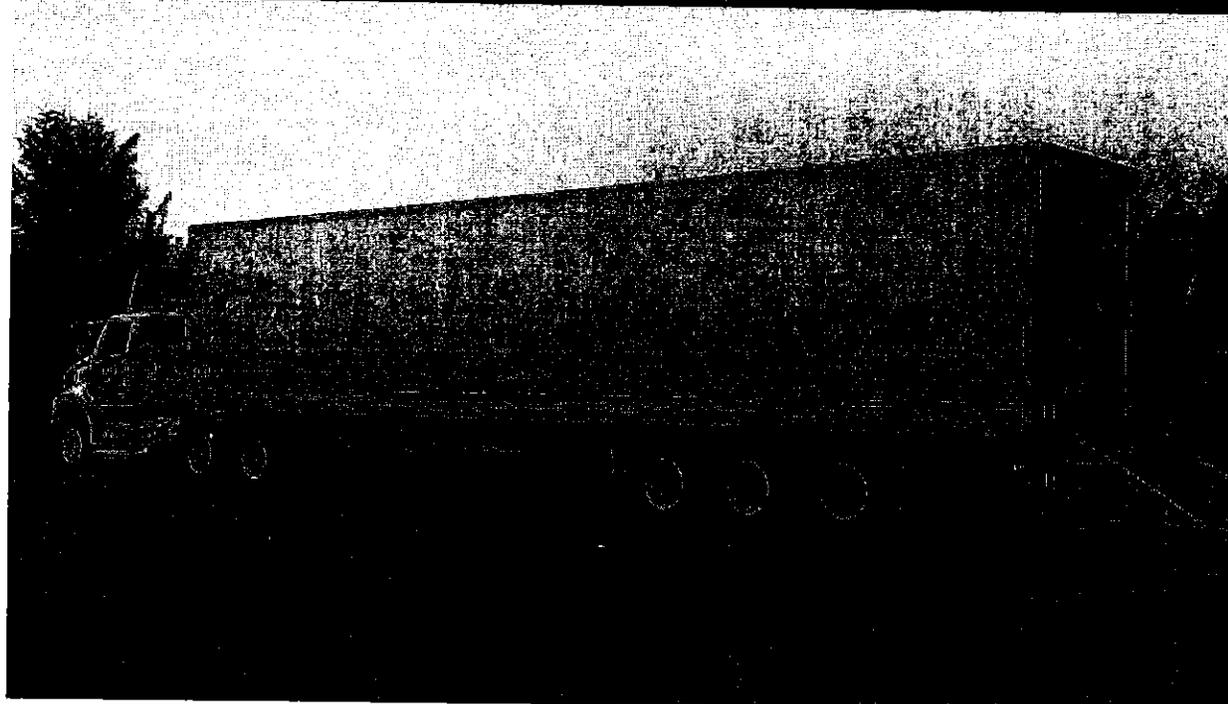
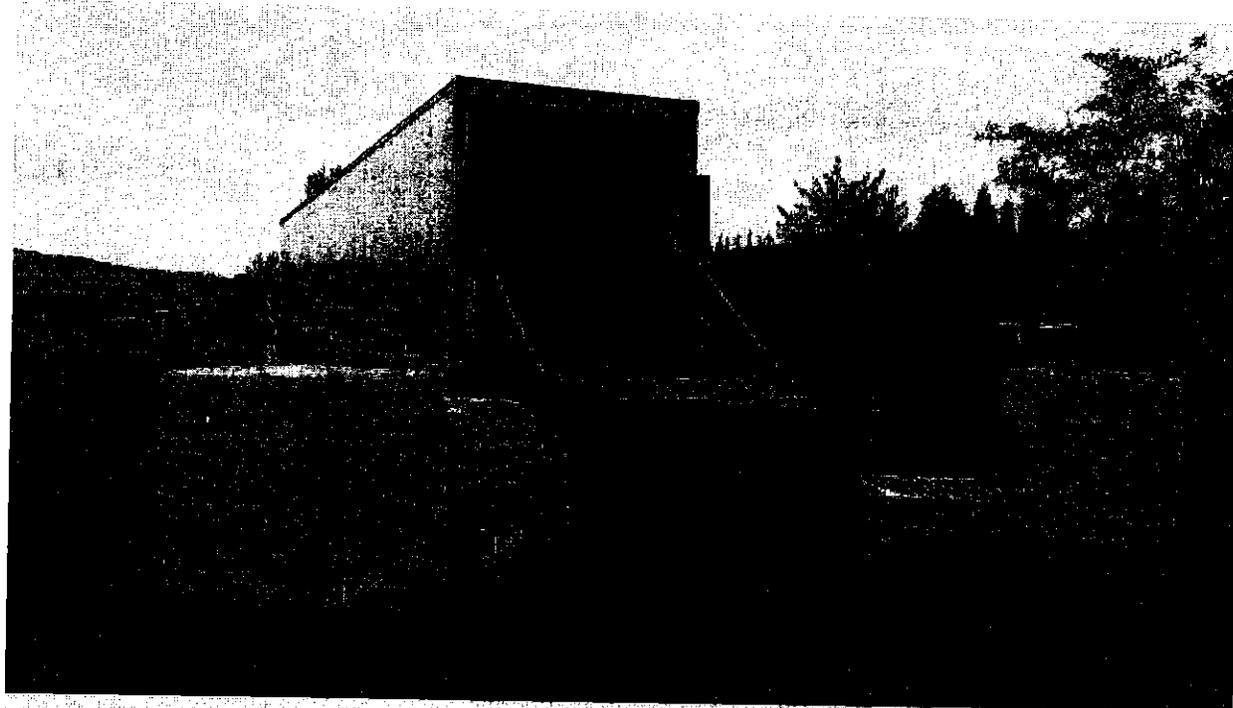
18 wheel tractor trailer, 60' plus tail gate making liquor store delivery



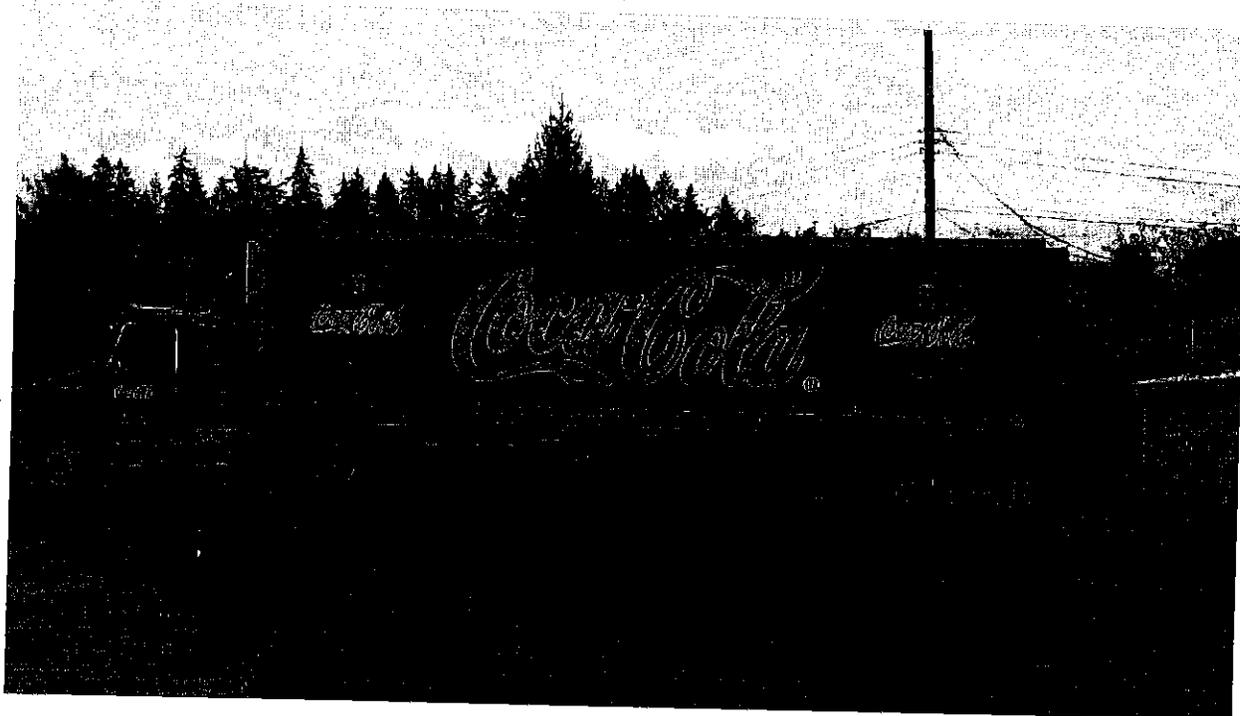
22 wheel tractor trailer, 65' plus tail gate making liquor store delivery with second delivery vehicle waiting



Beer deliveries average 10 palettes. Duration of delivery approximately 1 hour



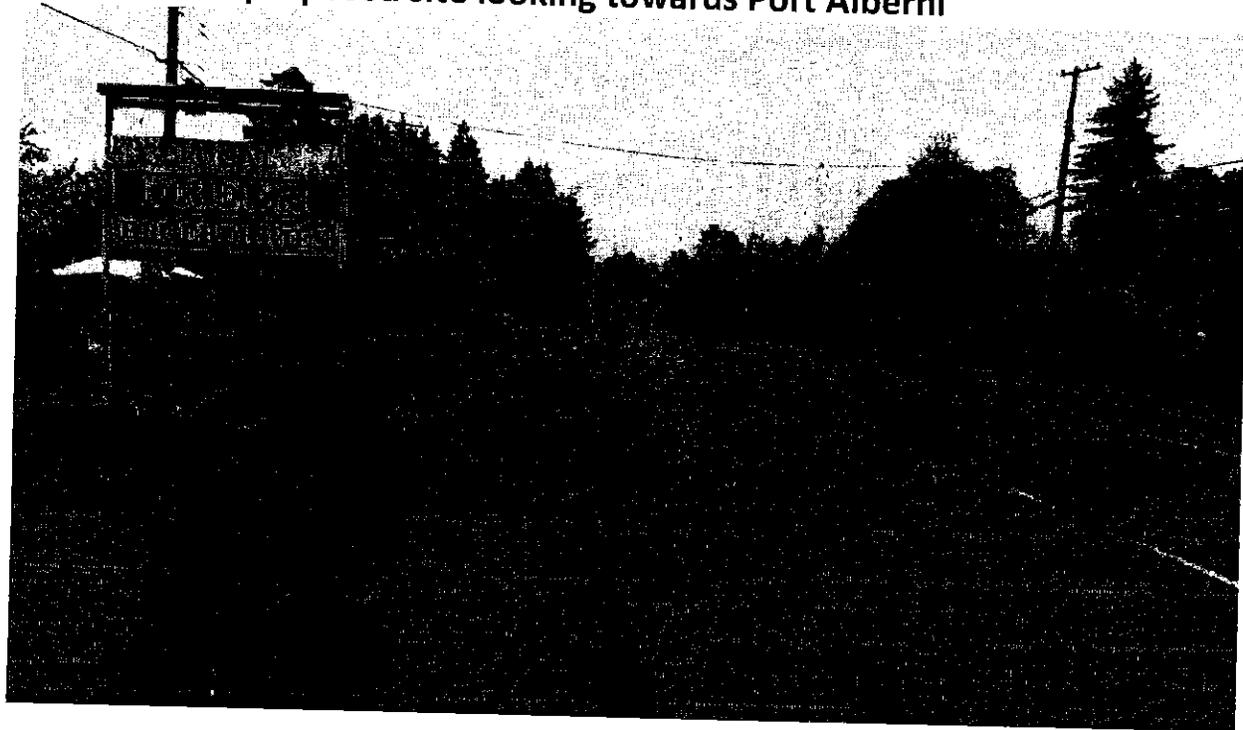
Multiple deliveries per day from numerous suppliers are made to liquor stores.



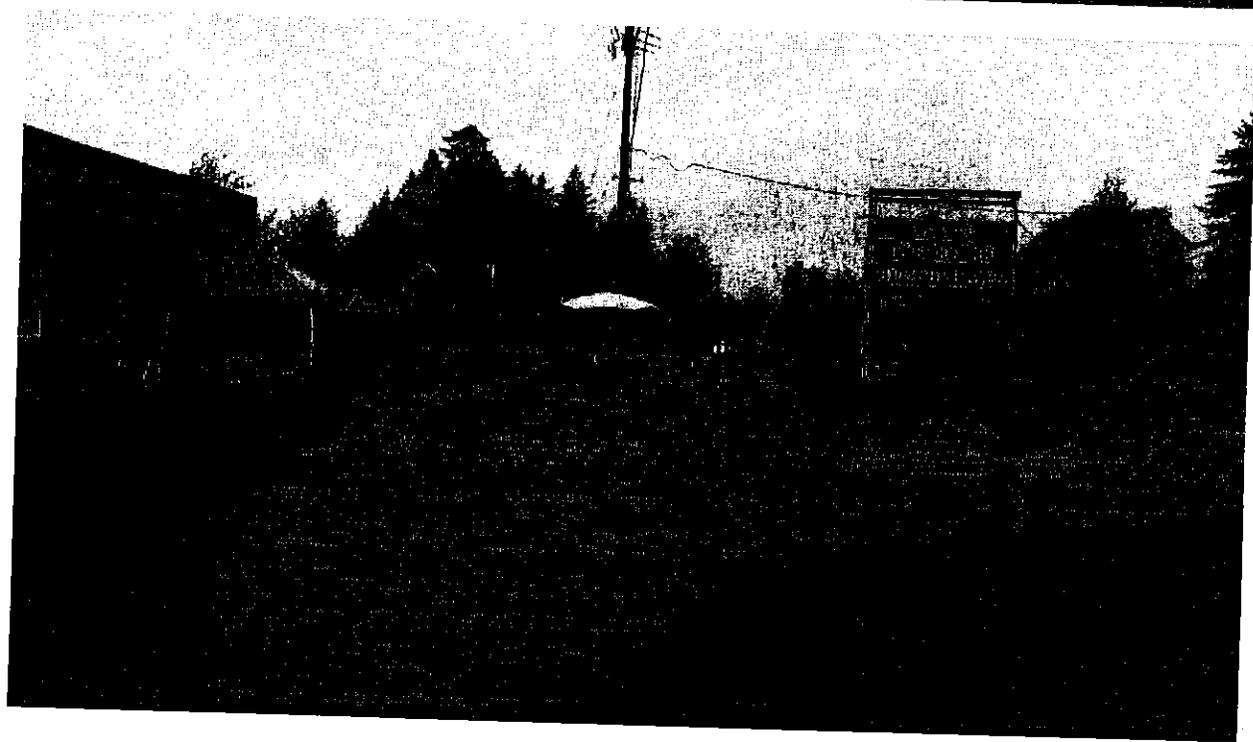
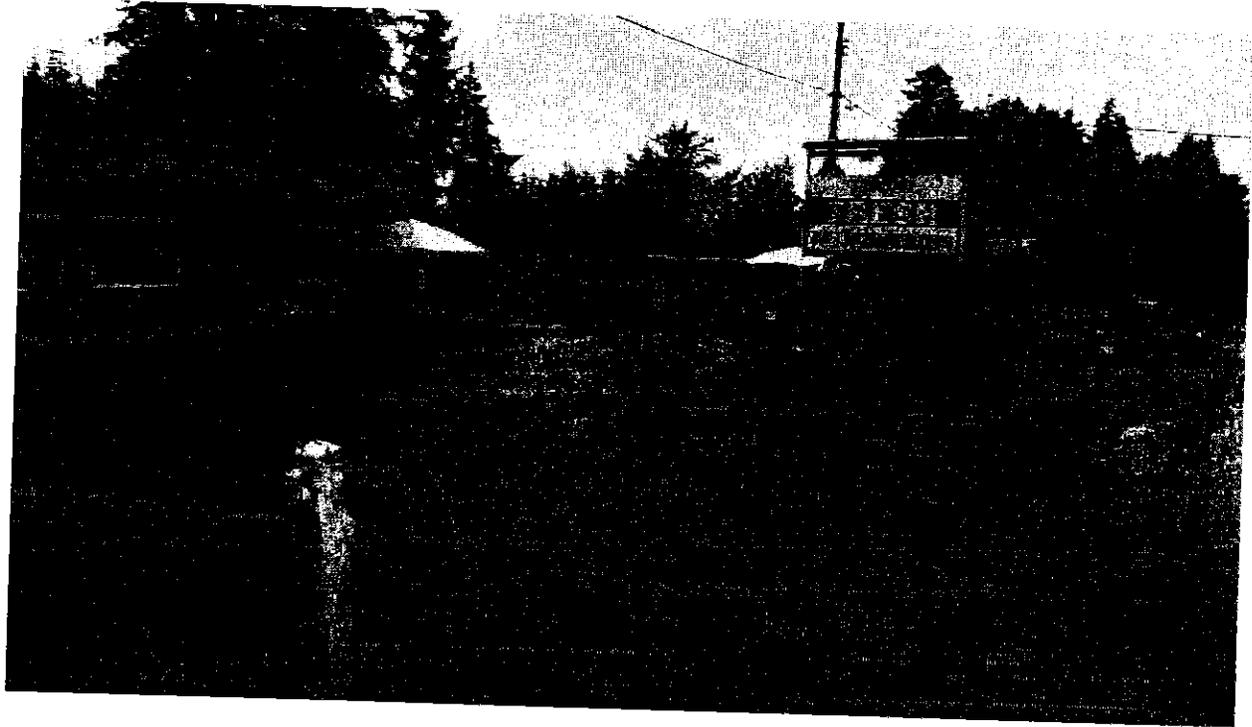
Access to the proposed site looking towards Parksville



Access to the proposed site looking towards Port Alberni



Access, customer parking area, delivery truck turning area and delivery unloading area!



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1313

OFFICIAL ZONING TEXT AMENDMENT

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw upon the affirmative vote of the directors in accordance with Sections 890 and 894 of the *Local Government Act*;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the text of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE

This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Text Amendment Bylaw No. P1313.

2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by:

a. Adding section “122A General Commercial (C2A) District” and subsections to read as follows:

122A General Commercial (C2A) District

This district is designated for pedestrian-oriented commercial, office and hotel development to serve the residents at the community level.

122A.1 Uses Permitted:

- (1) Uses permitted in the General Commercial (C2) District.
- (2) Accessory buildings and uses.

122A.1.2 Conditions of Use:

- (1) Every business or undertaking shall be conducted within a completely enclosed building except for parking, loading and display facilities.
- (2) Dwelling units located above the first story of a commercial building shall comply with the following requirements:
 - (a) The ground floor of the building shall be used only for commercial purposes.
 - (b) A completely separate public entrance to the apartment accommodation shall be provided from a ground floor entrance opening directly onto the public street.

(c) All suites shall be entirely self-contained and all floor areas shall be in accordance with Section 6.11 except that there shall not be more than one suite having more than one bedroom.

(d) Each suite shall be provided with a private balcony of minimum floor area of 4.645 square meters [50 square feet] and minimum width of 1.524 meters [5 feet] opening off the living room.

(e) One off-street parking space shall be provided for each suite, located so as not to impair access to the commercial premises or the use of off-street loading facilities.

- b. By amending Section 200, Schedule II – Bulk and Site Regulations, to include the following line item:

Zoning District or Use	Minimum Lot Width (feet)	Minimum Lot Area (Sq. ft.)	Maximum Lot Coverage	Minimum Setbacks (Feet)			Maximum Height (feet)
				Front	Rear	Side	
C2A	50	26200	60%	20	20	20	30

- c. By amending Section 4.3, Interpretation, to include “C2A” on the line that references “C districts”.

- d. By amending Section 5.1, Designation of Districts, to include “122A General Commercial (C2A) District” in the Commercial Section.

3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this 24th day of July, 2013
 Public Hearing held this 4th day of November, 2013
 Read a second time this day of , 2013
 Read a third time this day of , 2013

Adopted this day of , 2013

 Russell Dyson, CAO

 Chair of the Regional Board

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1314

OFFICIAL ZONING ATLAS AMENDMENT NO. 670

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 890 and 894 of the *Local Government Act*;

AND WHEREAS an application has been made to rezone a property;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the Official Zoning Atlas of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE
This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw No. P1314.
2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning LOT 4, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906, EXCEPT PART IN PLAN 10443 from Highway Commercial (C4) District to General Commercial (C2A) District as shown on Schedule ‘A’ which is attached to and forms part of this bylaw.
3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this 24th day of July, 2013
Public Hearing held this 4th day of November, 2013
Read a second time this day of , 2013
Read a third time this day of , 2013

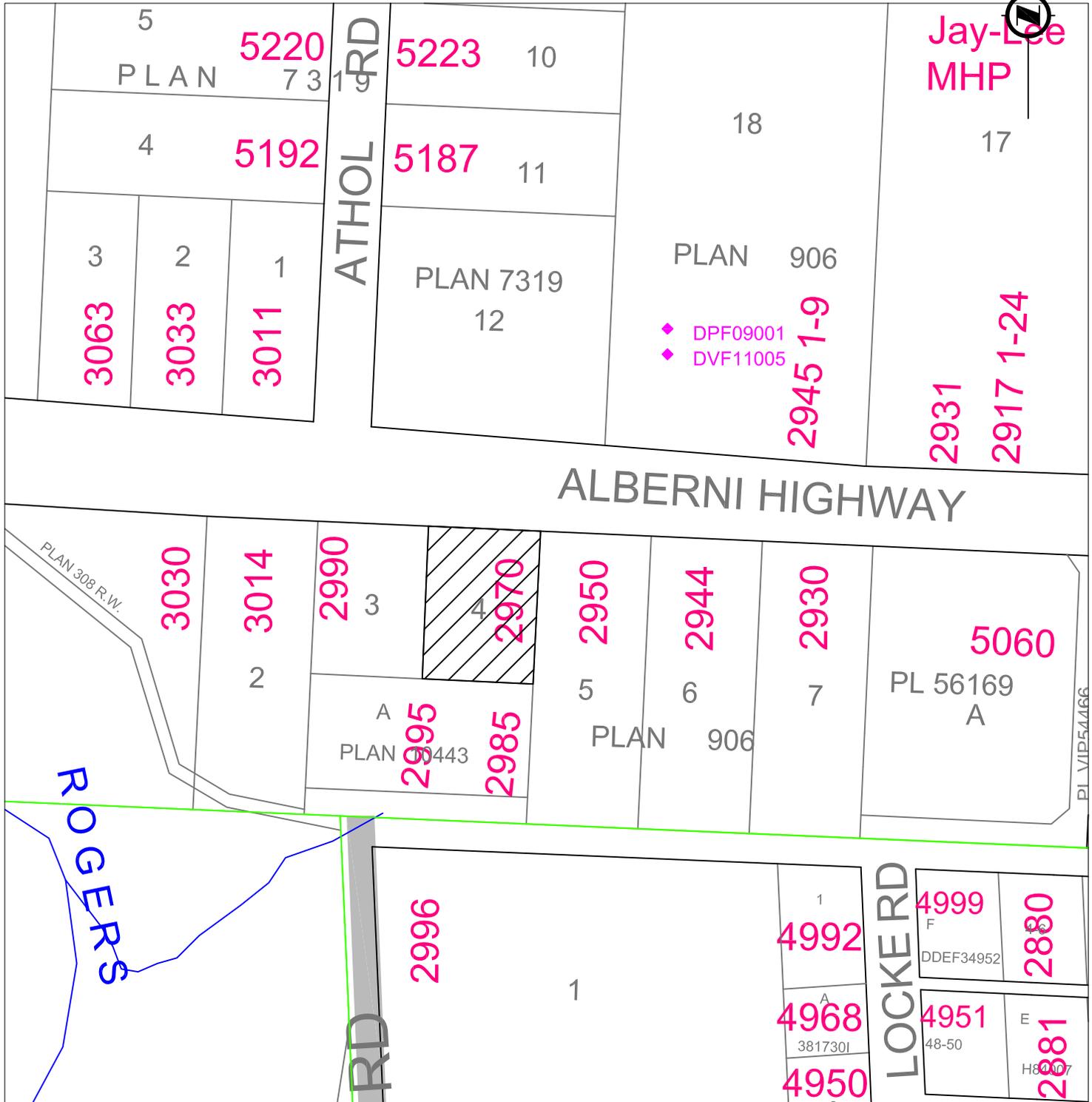
Adopted this day of , 2013

Russell Dyson, CAO

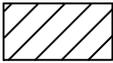
Chair of the Regional Board

Schedule 'A'

This schedule is attached to and forms part of Bylaw P1314



Legal Description: LOT 4, DISTRICT LOT 18, ALBERNI DISTRICT, PLAN 906, EXCEPT PART IN PLAN 10443

 To be rezoned from Highway Commercial (C4) District to General Commercial (C2A) District.



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT





MEMORANDUM

TO: Russell Dyson, Chief Administrative Officer; and
Regional Board of Directors

FROM: Alex Dyer, Planner

DATE: November 7, 2013

RE: Public Hearing Report for Bylaw P1315 (5950 Strathcona Street)

A Public Hearing for Bylaw P1315 was held on Wednesday, November 6th, 2013 in the Board Room at the Alberni-Clayoquot Regional District office. The meeting was attended by Electoral Area "F" (Cherry Creek) Director Lucas Banton, ACRD planning staff members Alex Dyer and Charity Hallberg Dodds, property owner Leo Van Vliet (LPV Land Development Inc), agent Rob Howat, and 14 members of the public.

There were six (6) written submissions received prior to the public hearing and three (3) written submissions received at the public hearing. These submissions were read into the record by staff at the hearing and are attached to the minutes as Appendices A through I. The submissions were generally opposed to the rezoning proceeding as submitted and raised a number of questions and concerns surrounding the rural character of the neighbourhood, density, lot width of proposed Lot A, sewage disposal, privacy, public hearing notice signage and wildlife habitat.

The agency referral comments received were either conditionally supportive or interests unaffected and are attached to the minutes as Appendix J. Copies of the six written submissions received prior to the hearing and the agency referral comments were made available for the public.

A presentation was made by Rob Howat, agent for the property owner, introducing the application. Ten (10) members of the public spoke to the application with nine (9) people generally opposed to the development as proposed and one (1) person generally supportive of application. Questions and concerns raised by speakers reiterated many of the concerns in the received written correspondence in addition to concerns about trail access, drainage and traffic. Irene Densmore submitted pictures of standing water on the property which are attached to the minutes as Appendix K. Emily Kevis submitted pictures of the public hearing notice signage on the property which are attached to the minutes as Appendix L. Rob Howat spoke to address some of the concerns raised by the speakers at the meeting. Alex Dyer spoke to answer some of the questions and clarify points made by the public and applicant.

RF13002

Due to the public opposition raised at the public hearing, planning staff is not prepared to recommend that the Board give the bylaw second and third readings as proposed. The public input process allows for the public to raise questions and concerns on rezoning applications and staff recommends that the applicant provides additional information to address some of the neighbourhood concerns raised at the public hearing.

Recommendation

That the Board of Directors:

- 1) Receive the public hearing report;
- 2) Receive the public hearing minutes;
- 3) Defer a decision on Bylaw P1315 and request that the applicant submits additional information to address some of the concerns raised at the public hearing;
- 4) Delegate a second public hearing for Bylaw P1315 to the Director for Electoral Area "F", the Alternate Director, or the Chairperson of the Regional Board.

Submitted by: 

Alex Dyer, Planner

Reviewed by: 

Russell Dyson, Chief Administrative Officer



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT
PUBLIC HEARING MINUTES
NOVEMBER 6, 2013 – ELECTORAL AREA 'F' CHERRY CREEK

Minutes of a Public Hearing held on Wednesday, November 6, 2013 at 7:00 pm in the Board Room at the Regional District of Alberni-Clayoquot Office, 3008 Fifth Avenue, Port Alberni BC.

Present: Lucas Banton, Director
Staff: Alex Dyer, Planner and Charity Hallberg Dodds, Planning Assistant
Applicants: Leo Van Vliet – Property Owner, Rob Howat - Agent
Members of the Public: 14

1. The meeting was called to order at 7:00 pm.
2. Director Lucas Banton introduces himself and planning staff. Director Banton asks staff to read out Notice of Public Hearing.
3. The notice is read by A. Dyer as follows:

A Public Hearing for residents and property owners within Electoral Area “F” will be held in the Board Room at the Regional District of Alberni-Clayoquot office, 3008 Fifth Avenue, Port Alberni BC, at 7:00 pm on Wednesday, November 6, 2013 to consider the following bylaw:

Bylaw P1315 to rezone LOT 2, DISTRICT LOT 146, ALBERNI DISTRICT, PLAN 11340 from Small Holdings (A1) District to a combination of Acreage Residential (RA2) District and Acreage Residential (RA3) District to facilitate a five (5) lot subdivision.

(LPV Land Development Inc, Property Owner/Rob Howat, Agent – 5950 Strathcona Street)

All persons who consider their interest in property affected by the proposed bylaw will be given an opportunity to be heard in matters contained in the bylaw.

The Public Hearing for Bylaw P1315 is to be held by the Director for Electoral Area ‘F’, the Alternate Director, or the Chairperson of the Regional Board, as a delegate of the Regional Board. A copy of the Board resolution making this delegation is available for public inspection along with copies of the bylaw as set out in this notice.

Interested persons may inspect the bylaw and relevant background documents at the Regional District of Alberni-Clayoquot office during normal office hours, 8:00 am to 4:30 pm, Monday through Friday, excluding statutory holidays, from October 25, 2013 to November 6, 2013 inclusive. Any correspondence submitted prior to the Public Hearing should be directed to the undersigned.

Mike Irg, M.C.I.P, Manager of Planning and Development

4. Director Banton: Okay thank you. The purpose of the hearing is to hear representations, written and verbal, from any person who believes that their interest in the property is affected by the proposal. The Regional Board will receive full minutes of this hearing before voting on the bylaw. The hearing is being recorded and staff will produce a verbatim transcript. Copies of this transcript will be available at the office. Staff will now read out the written submissions received prior to the public hearing.



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5. A. Dyer: We have received nine written submissions prior to the public hearing. We'll read them out one by one and we'll do it word for word and we are going to spell off reading them because I can't read nine in a row. And bear with me here so. Alex then reads the following letters: the first letter received November 4th from Paige Hill (Appendix 'A'), the second letter received November 4th from Diane Hill (Appendix 'B'), the third letter received November 5th from Hugh and Anne Grist (Appendix 'C'), the fourth letter received November 6th from Cheryl Roth (Appendix 'D'), the fifth letter received November 6th from Emily Kevis (Appendix 'E'), the sixth letter received November 6, 2013 from J. Stilinovic (Appendix 'F').
6. C. Hallberg Dodds: Okay, I have three letters here that we all received tonight at the public hearing. Charity then reads the following letters: the first letter received November 6th from Bill Moore (Appendix 'G'), the second letter received November 6th from GB Ward (Appendix 'H'), and the third letter received November 6th from Joe Perkovic (Appendix 'I').
7. A. Dyer: I'll just add to this as well. At this point we received the referral responses from the technical referral agencies that we sent it out to after the Board considered it at the first meeting. All the responses we've received from Cherry Creek Waterworks District, VIHA, Ministry of Transportation, the ACRD building inspection, were either recommending that the subdivision be approved or interests unaffected. They're recommend that the bylaw be approved. Sorry.
8. Director Banton: Okay, now I would call the applicant or agent to explain the proposal.
9. A. Dyer: If you could say your name and your address or agent or whatever into the microphone, that would be great. They pick up a lot so don't worry, we can hear, we can hear it all.
10. R. Howat: My name is Rob Howat, West Island Land Use Consulting and I am representing Leo Van Vliet of LPV Developments Ltd. The property as Alex has described is Lot 2, District Lot 146, Plan 11340, Alberni District. Its located at 5950 Strathcona Road. The current zoning is A1 which is a small holding zone and the property has a, a total area of 5.14 acres or 2.0 hectares, 0.08 hecatares, sorry. We're proposing to rezone from A1 to the RA2 zone and the RA3 zones to facilitate the five lots as shown on the plan that was submitted with the original application back in June. Lots B, C, D, and E will fall under the RA2 zone allowing lots with a minimum lot area of one acre or 4 hectares. Lot A will fall under the RA3 zone allowing the lots, or allowing and facilitating lots with a minimum lot area of 25,834 square feet or 2399 square metres. All the lots proposed are larger than the minimum parcel allowed under the perspective applied for zones. And I will get to that in a minute. The RA, the reason for the RA3 zone for designation for the lot A was to facilitate a slightly smaller parcel size that would allow the existing house to remain on a separate lot. Being lot B. And comply with the side yard setback requirement for the RA2 zone. The OCP designation for this property is low density residential. Which allows for lots as small as 0.24 hectares or 0.59 acres or 2400 square metres when serviced by either a community water or community sewer system. All the lots will be serviced by the Cherry Creek Improvement District and all the lots will, will exceed the minimum parcel size as prescribed by the Cherry Creek OCP. Which was adopted approximately a year ago. As previously stated, there is an existing house on proposed lot B. This dwelling has its own septic service and water is currently supplied the Cherry Creek Improvement District. It is proposed all the other lots will also be serviced by the Cherry Creek Improvement District to comply with the requirements of the OCP with service by a community water service. Each lot will have its own in ground sewage disposal. The system is a type one pressurized system. Each lot was evaluated by a ROWP which is a registers onsite wastewater professional



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to confirm that a type one system was appropriate. Given the nature of the soils in the valley, this type one system has been widely used and is accepted by the ACRD and the approving officer for the Ministry of Transportation. I also have here, in relationship to, or in reply to one of the letters of concern. Re-evaluation of the smaller lot by the ROWP confirming that the type one pressurized system is sufficient on that lot. Or that lot is sufficient and capable of supporting a type one system. Lots B, C, and D, and E comply with the requirements of the RA2, RA2 zone with respect to lot widths etc. Lot A will require a variance permit for width. The lot width requirement for the RA3 zone is 98.425 feet. The proposed lot has a width of 91.876 feet, a difference of 6.54 feet. The variance will be applied for during the subdivision process. As per, as we have done in the past with such development proposals. Section 941 of the Local Government Act, which is the portion of the Act that speaks to park dedication, is applicable in this case as there is more than three lots being created. As there is, as there is an existing undeveloped park to the west, we will be requesting that the ACRD accept cash, cash-in-lieu as facilitated by section 941 of the Local Government Act. In prior to submitting our application, I had discussions with staff and they felt that that would be appropriate given circumstances and given the past history with regards to accepting cash-in-lieu in this, in this type of scenario. Given that the parcel sizes proposed are larger than the OCP may allow, we feel that this rezoning recognizes the rural characteristics of the Cherry Creek area and the rural philosophies and objectives of the OCP. Which again, as I said, was adopted around 12 months ago with significant input and collaboration with the public of the Cherry Creek, people of the Cherry Creek area. Specifically policy 3.2.1.3, policy 9.2.7, and objective 9.1.1. In keeping, in keeping the parcels slightly larger and regular in shape, along with wanting to keep the existing house and maintaining the required setback for the structure, it'll be necessary to vary the width requirement slightly for lot A. And on that, I will be prepared to answer any questions.

11. Director Banton: Any questions by staff? By the public? Okay, that's good. So now we will call for presentations from the public. We will allow everybody to who wants to speak, can speak. Just remember to give your name and address, and then anybody who would like to speak a second time will have an opportunity to speak. So I open up the floor, right now, for whoever would like to go first. Anybody? Any takers?
12. B. Babych: Yes, you got a taker. My name is Bob Babych, I live on 5943 Cottam Road in Cherry Creek. I'm actually the original owner who built the home on the property. I myself, as a young man was trying to get a little bit ahead, was, had thoughts of building on one side of 5 acres and then subdividing it and building again on the other side. I tried twice. I had absolutely no luck at all in it. And it did not meet the soil requirements at the time. A number of years have gone by. And I'd heard that Joe was thinking about selling the property and so for sentimental reasons, I thought I would entertain the idea of maybe possibly buying it off them. When I checked into the subdivision, possible subdivision, that's what I was told, is that more and likely 3 acre lots, a 3 lots would be, would be a pretty much a given, any more than that might have been up in the air. I, I too hold a very sentimental feelings towards it in that area of what everybody is speaking about is that, is that it is a country setting, a rural setting. I, I don't know how it is that when I look into stuff like that and the average guy who wants to try and get ahead a little bit, is said one thing, but yet other people that apply, can have a lot better luck at it or whatever you want to call. I just think that all the rules should apply to everybody evenly. And nothing against anybody, its just that, you know like I said, I've, I've tried twice at it and it hasn't, it hasn't flown for me. So thank you very much.



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13. Director Banton: Okay. Anybody else?
14. E. Mesic: My name is Evelyn Mesic, I reside at 3935 Moore Road which is just around the corner from the proposed place of rezoning. Our lot is 0.69 of an acre. When we bought that, we were told that was the smallest you would ever find in Cherry Creek. That you will not get a smaller lot anywhere to be found. I cherish that. I love my property. When we went to, I helped Joe, as far as with the sale of his place, to, for, for reasons he was down sizing. We came to the regional district, three different times we came. In February, in March, in April and Johnny Stilinovic came in May. We asked what are the sizes that are allowed if we tried to subdivide. We were told no more, no less than just over 1 ¼ acres. I want to know why, I came in today, and Joe was with me, and we were told that they've changed that. That you're allowed 0.6 of an acre. Why is it that 0.6 of an acre was allowed a year ago, yet we asked this year. 2013 and the regional district told us that it was 0.1, 1.25. Something is wrong here and I'm sorry, I'm not against subdividing this property but I am against where the bigger people get to have what they want and the smaller people can't. Like Mr. Babych said, he tried. He was denied. We requested how many times, what it would take if we subdivide. We're all told one thing and yet, Leo comes in, he buys the property and now all of a sudden, he can go ahead and make a one acre parcels and he can try and make a 0.6 of an acre parcel. Its not fair. Something needs to be stopped. Another question I have is Maplehurst. That is a road allowance between Stilinovics and this proposed property. So you're telling me that you're talking about making trail access to the Maplehurst Park that's in behind. So you're going to have cars parked all along Strathcona Road, which is already hard enough to get through sometimes, you're asking for accidents to happen. What about the people that, Stilinovics that have the property? That's road access, and in the future, if they ever decide, they should be allowed to put that road through. But you're talking about doing a trail. That's not right. Maplehurst has been on the maps for years and years and years. You can't tell me that you can just throw that away and put a trail access in there so that the big guy can get his money out of this? I'm sorry but you're wrong, that shouldn't be allowed.
15. Director Banton: Just so we'll, there was a couple questions, we'll let staff answer them.
16. A. Dyer: So thank you Evelyn. The question on the zoning. You know, my apologies, I don't recall you coming into the office and asking questions. It, it, it appears the information you received may have been incorrect, or it was incorrect. The OCP that was adopted in September 2012 supports a 0.6 acre minimum. The existing zoning on the property is A1 which is a two acre minimum lot size. So, you know, the OCP was adopted, it was a process that started in 2011, it was an extensive public consultation process, you know, where this was made aware that the residential use on Strathcona was, was a 0.6 acre minimum. And, and it has been the case, the last time the text was revised was actually April 2012. So its, its been in the books for about a year and a half.
17. E. Mesic: So your staff misinformed the small people that came in to inquire where the big ones, they don't misinform.
18. A. Dyer: No.
19. E. Mesic: They give the correct.



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20. A. Dyer: That's not what I said Evelyn, sorry.
21. E. Mesic: Mike Irg came, Johnny Stilinovic talked to Mike Irg and he asked him what was the best scenario for that property because it is, all the other lots around there was two acres. The best ideal situation to go through rezoning would be to get 4 1 ½ acre parcels. Just over 1 ¼ because of the, the property. The 5.14.
22. A. Dyer: That may have been had. That may have had to do with the, with the layout of the land. The minimum lot size supported in the OCP is a 0.6 acre minimum in that area. So, the, any rezoning application can't be contrary to the OCP so it can't be smaller than that. If.
23. E. Mesic: So your staff has misinformed several people that have come in to require about rezoning that property before it was ever sold.
24. Director Banton: So I, I think Evelyn, we can't comment on what other staff did or, you know, we'll look into what other information was out there to try to clarify that. Just, just for the record, is that you know, my job here is to, to remain objective. And just listen to everybody so, as you were speaking it sounded like we're doing this. It's actually an application, and so the applications come in and we process them as fairly as we can. So, all the, the only information that we have is by application. I don't believe there is any other record.
25. E. Mesic: No there was no application because your office made it very clear that it can be done in half, anything more is a two-process tier thing that we would have to go through and it was \$1500 or \$1800 for each lot. But I don't see that. The only amount I see on this paper is \$300. The fee. And that's not what we were told.
26. Director Banton: Okay.
27. A. Dyer: I just want to answer your, your question about the trail access as well. That was an idea that the staff had to work with the applicants to deal with the parkland as a, a trail access on that Maplehurst Road. That's not something we can just go ahead and do as a regional district. The applicant can do that, there's an application process through the Ministry of Transportation who administers all the roads in the regional district. So they would have the opportunity to look at it and say well hey, you know, we don't want a trail on this road for whatever reason, we want access for the property on the south, we want access for the lands beyond. That's, that's up to the Ministry of Transportation. What we would have done, would be to suggest that the Board work with the applicant in, in looking at a trail application be made. The Ministry of Transportation could say no to that.
28. E. Mesic: So what would happen to the road access on both sides?
29. A. Dyer: Which road access?
30. E. Mesic: There's road access on Stilinovic's side and on Van Vliet's side there. For Maplehurst.
31. A. Dyer: There's. Well Maplehurst isn't constructed, its.



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32. E. Mesic: No, its not but that's.
33. A. Dyer: It's a legal road access is there. Nothing's happening with the road access. Its, its remaining as is right now.
34. E. Mesic: Yes but its not either or its actual road access.
35. A. Dyer: Yes and, and you know its there for public access. Its not developed. If it, if it ever, if the applicant ever wants to develop it, either, either neighbour, they would have to apply to the Ministry of Transportation. They can't do any work in there without, without the Ministry of Highways supporting it.
36. Director Banton: Okay. And currently we don't have access to our only park right, so, its, its actually accessed, I think, Willow Road in Beaver Creek.
37. E. Mesic: Willow Road.
38. Director Banton: So trail access, you know necessarily might not be a bad thing but parking might be.
39. E. Mesic: No but then you also going to get those people going down there, and you're going to get vandalism and everything else too. That goes along with it.
40. Director Banton: Okay. All right, so anybody else from the. The mic is open.
41. D. Ralla: So I'm. Sorry, Dave Ralla from Remax in Port Alberni, so I'm.
42. Director Banton: Your address sir?
43. D. Ralla: Sorry?
44. Director Banton: Address?
45. D. Ralla: Oh, sorry, its 5456 Westport Place. So, I was actually Leo's realtor during the negotiations so, just reading over some of the stuff here and listening to some of the other people. I mean, I kind of, I understand the concerns but, I kind of think its kind of unfair to you know, now all of a sudden label Leo as the one who's going to profit from this. During the whole negotiation, when we were negotiating, we started at a number and we kept hearing over and over the ability to subdivide, the ability to subdivide, its going to cost you more money to buy this property because you can make more money off of it. So, you know, to turn around now and all of a sudden find out well, we didn't know about this, we didn't know about that that. I, I honestly, with all due respect to everybody here, I kind of find that hard to believe. Because our price got drove up over a period of probably 2 ½ weeks and the constant during the whole time was that you have an option to subdivide this property. You can subdivide it this way, you can subdivide it that way, all these lots, you can turn around and sell for, we were given a dollar value of what they might sell for. So, that was their way of increasing the price. So, you know, we paid what we thought was a fair price. You know, again, with all due respect to everybody that's here, the parties that were involved in the negotiation, knew what was going on. That the possibility to subdivide was there and they also knew they



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were giving us a dollar value of what they thought that the subdivision might sell for. Each lot. That's how they got us to increase our price. Is that you could make this amount of money after you purchase it at this. So, you know, I'm trying to be as respectful as possible, so I don't want to come across as you know, being rude or anything like that but to all of a sudden say that you know, Leo's going to be the only one that's going to prosper out of this. We paid pretty good money for the property to begin with. With the, with the knowing that its possible, you have to go through the subdivision process right? So there was no talk of you know, lets write an offer subject to the subdivision process and lets see what happens. We didn't use that subject. We're the ones that put up the money, that they were happy getting, and with the, with the understanding that we're taking a lot of the risk right? I think at any point, if somebody else wanted to do that, I don't know what the time frames were or anything but, obviously you know, your rules and regulations change, the community plans change all the time. That's how the community grows, that's how the regional district grows, that's how the city grows, right. So, I think its, to be honest with you, a little bit unfair to punish somebody who's paid top dollar for a property, probably a little bit more than maybe he should have, and not all of a sudden we're hearing that you know, we didn't know about this, we didn't know about that, when the reason why the price got that high in the first place was because we were told well you can make this amount of money off it. Okay?

46. Director Banton: Okay, thank you. Any other.

47. I. Densmore: Hi. I don't, I had no intention. Oh, Irene Densmore, 6000 Strathcona Street. I had no intention of making any comments whatsoever tonight, on the real estate part because I know nothing about it however, I do know that it was never advertised in the paper and there were two other people who desperately wanted to buy it for the very same price. What I want to talk about is the lifestyle at the end of our road. My husband and I both grew up in quite rural settings and so, we bought into this area, into this lifestyle in 1987. We struggled to make ends meet but we were willing to make the sacrifices because we loved the area. Our home is set back off of the road. Our driveway is 250 feet long. And only in the winter time and only in the winter time when the leaves are gone from the trees, you can barely see my house from the road. We love our privacy. The house next door, 5950 Strathcona, is the same. The original builder, Bob who just spoke, left it treed when he sold it. When he owned it, and then when he sold it, the second owner also left the tree surrounding it. People here value their privacy and they value their trees. That is why we're surrounded by them. If you look across the road from this property, it is all trees, all I don't know, 8 acres of it? There's another reason the trees are still standing next door, in spite of being selectively logged. There's a large tree buffer to the neighbour to the north side, and for privacy from the road on the east side, for the parkland on the west side, and also for the neighbour to the south on the south side. We do take great care to maintain the perimeters of our property. This might just be a forest to some people but it is a beautiful, but its beautiful and pristine to us. Especially to me. I see wildlife abound here. In this area. Everything from the run of the mill deer who annoy me to no end, and rabbits and raccoons, turtles, kingfishers, owls, and eagles. As a matter of fact, there are nesting eagles in our back yard who have been returning for ten years now. The agent handling the rezoning application claims that these properties will fit within the rural characteristics of the area. I could not disagree more. All 12 lots around me, across the street, are about 3 to 5 acres. I think my own is 3. something, under 4 acres anyway. The proposed lots are about an acre. That's the size of my garden. I'm the flower lady at the farmers market. Five times the lots for this proposed development means five times more noise, light, barking dogs, lawn mowers, power whatever. It would be like living in the city again. I'm not a nimby. I'm talking about our rural lifestyle. I'm not opposed to the dividing the lot, the lot next door into reasonable sized pieces. The



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ACRD letter August 22, 2013, describes the property as completely covered with forest. It isn't exactly completely covered with forest because like I said, it was extensively logged. The trees that are there now are tall and spindly and the trees around the house were left there for privacy, shade purposes, and a buffer between the neighbours. Removing the remaining trees to accommodate for lots does not maintain the rural lifestyle, complying with the objectives of the OCP. As Mr. Howat described in his letter. The Alberni-Clayoquot zoning bylaws regulate development with due regard to character of each zone quote. The proposed lots next door to me are 80% smaller than the exiting lots in the neighbourhood. How does that fit? This area of Cherry Creek is in a geographical location which is vulnerable to winds. I don't know, maybe from the ravine behind the properties. Much evidence already exists especially visible on the trail section on the Willow Road side. A subdivision would inevitably remove many of the existing trees exposing the park boundary behind 5950 Strathcona would result in additional blow downs of the trees. Recently, several trees have already been blown down on the property due to the shallow soil when it becomes saturated especially in heavy rains. Even as it stands right now, there is standing water all over the property and I've brought some pictures that I took this afternoon (Appendix 'K'). It hasn't rained in two days. There's also pictures of blown down trees and you can see how shallow their roots are. So you can see how shallow the soil is. The regional district also requires that the property meets sewer disposal requirements for a subdivision. According to the standards practice manual, the sewer bible, there must be at least a minimum of 24" of native soil and the only way to know this is by doing test pits. There are no test pits on that property. According to the manual, there are standards for soil and water table investigation. Which I have right here. Have these been followed? Only Mr. Bowerman will know that. Is he here? No, I didn't think so. I also need to talk about what was referred to as a postage stamp lot. The one that doesn't meet the requirements. So the, the fudge factor had to be applied to squeeze it in. I discovered just recently in doing my homework that there's a 10% rule so this slang term, the fudge factor, is actually called the.

48. A. Dyer: The minimum parcel frontage on a highway.
49. I. Densmore: Fudge factor is a slang term to define, which is defined in the dictionary as a manipulation which allows leeway for an error. In other words, this lot now minimally meets the requirements for rezoning. In the school system, minimally meeting is the new word for the letter grade C-. Or in other words, a borderline pass. What is the integrity in that? I have to commend my neighbourhood community, the people who are here tonight and to those who wrote because they couldn't be here. In spite of not receiving notification in the mail and not being able to see the rezoning sign, everyone was on the same page. The got involved and they took proactive measures. Only a few had to abstain due to family or work related connections, I mean after all, it's a small town and they just felt they needed to pass on the comment. My husband and I had looked forward to retirement here but he passed away last summer. I retired 4 months ago (begins sobbing). I've built my life around this place and I have no intentions of moving. I do not feel a subdivision fits at all into this area. Thank you. May I leave my pictures with you?
50. A. Dyer: Sure.
51. Director Banton: Yes. Thank you. Is there anybody else that would like to speak?
52. E. Kevis: Hi, my name is Emily Kevis and I'm a resident of 6084 Strathcona. I was one of the ones that submitted a letter. I'm the third generation that will be living on this property. And I was unaware of what was happening. So I'd like to submit the photos (Appendix 'L') that were taken of where the signage was



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placed. As I said, I climbed through the bush, feeling like I was actually intruding on someone's private property, to be able to see where these signs were. And they were above my head when I got there. As I was watching you read the announcement at the beginning of the night, you were holding it in front of you. I was unable to even be aware that the signs were there. So I'd like to submit the photos. You can see the signs you cannot see from the corner of Moore Road. And that this is a large traffic area because you do have to stop to be able to turn onto Strathcona. You cannot see any signage from that area and the property does come very close to where that road would meet. Thank you.

53. Director Banton: Thank you.
54. H. Grist: Thank you. I'm Hugh Grist, 6158 Strathcona. I'm probably the senior citizen on this street. I've been over 40 years and when we bought our property, we bought 1 ½ acre lots and added to our property. They're all around 3 to 4 acres at that end of the road. Because we bought 9 acres behind us to amalgamate properties to make them bigger. Not to make them smaller. That's why we like that lifestyle. My question in my letter particularly is I'm really concerned with the septic system. Normally you find any percolation tests. When I built my house, I did percolation tests on 4 acres and then get it approved. This hasn't been done on this property. He's just walked by and said sure, its one acre lots, book says its good. That's not good enough and they've got to do those tests. The sub soil is not very deep there, you've got Kitsuksis Creek there. Tributary is very close. Salmon bearing stream, had salmon there again last year. And there's a lot of concerns to be done. Particularly on this ¾ acre lot. I'm not against subdivision. Division of the property. It should reasonable. Perhaps 3 lots at the most including the one with the house. Thank you.
55. Director Banton: Thank you. Is there anybody else that would like to speak?
56. H. Zanette: My name is Helen Zanette, 6159 Strathcona. I'm not well prepared sorry. But I'm going to try. Its really nice seeing everybody here by the way. The community support, I think that's great. I grew up in the area. My parents own the lot at the end and I now own a parcel and I love it. So the thing that I'm noticing, or I feel or that I don't mind subdivision either. I think that people have a right to have a lot and to change it. I feel that, I'd always like someone, people to respect their neighbours and to do things that would please everyone. And I don't think this really does that. I don't know lots about the bylaws and the community plans and stuff but when I hear you say this 0.6 acre lots and its okay in the Cherry Creek area, okay fine, but in our Cherry Creek area, the lots are huge. I mean, I think most of the frontages are between 2 and 3 hundred feet wide. So when you say you think it fits in with the plan, I'm not sure it fits in with the plan where we live. So I think that should be taken into consideration. I also, I went and I looked at it, I live down the road, I drive down it, I walk it all the time, and I looked at Joe's old place and I said, they're going to put another lot in there? Beside Irene's and Joe's and I couldn't. It would be so small and stick out like a sore thumb, that I thought this is not the feel that I think would be congruent with what the plans are. What the community would want. It like having, seeing all these big lots, or like having too short pants on, it just doesn't fit. It would always look wrong it think. And I, I think that you should think about that. Because when you drive past it every day, you're going to go, there's that lot, that was squeezed in there and nobody's happy about it. It creates a feeling in the community and in, in our neighbourhood. I think that, that the lot was sold and the person wants to capitalize on it, and like I said, I can understand that, I think that they said okay how can we do this and where can we get the most lots. This is what it feels like to me. And that's what they've done. And the last lot, they're like oh we're going to put this in and the. From what I hear, they thought there would be a variance on that and that's part of this application, I'm a little



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confused there but. Right there, it tells me its too small, but we're going to go for it. So, again, if it, that doesn't seem, they knew it, it seems like that sticks out and its wrong. Right there. Ideally, I think three lots would be great but you know, I've, that's going to happen, you guys are going to decide that I guess. So that's how I feel about that. This fudge factor is, fudgey. If it doesn't seem, yeah, my point there is that it doesn't, it wasn't right, you're trying to make it right, or its too small, you're trying to make it fit and it doesn't. I am a tree hugger. Someone said that they weren't. I am. I love trees and I love nature and I understand we cut them down to support our, the way that we live and okay fine but, you know, you have to think about it. We have to take care of our community and our forests and our rivers and everything that's around us because if we don't, we'll all perish in the end. So I just want to, I do consider the trees are going to come down, it would be nice if we had less lots, not all the trees are going to come down. We're going to keep that feel that we have at Strathcona. More lots, more septic, more drainage, the creeks back there, you know, I worry about that, you know, its not my area to know if this is safe or not. But I think about that. And standards and these lot sizes and just like constructing a house. Those are the minimum requirements. Minimum. Like Holmes on Homes said, those are minimums. Ideally, you want to build or create above the minimums. And I think our community, why shouldn't we strive for that. So I'd like to do that. I also kind of think that someone new has come and they are buying the property and they want to subdivide it. Well, they're new and we've been there for a long time and we don't like it and I just, I think that has some clout. I think that should because we all pay our taxes and we all want to live there and continue to live in harmony. So, I kind of feel a little rubbed when I think that its all going to change because someone new came in and decided we're going to have more houses. And do we need these houses, do we need all these lots, I don't know. And I think if you could live out Cherry Creek, you're thinking bigger lot, not smaller lot. There's houses on Compton for sale for a while. So that's something we should think of. Do I want. Yes. And I don't think that having all those lots, and all those, that style of, would fit in with where I am. The trail. I love the trail idea. I just got to say that. I love it. The tree hugger that I am, I don't know, I think that's a great option. I think that this, creating a trail there to Maplehurst would be nice. Because I like going to trail. I always do the chip trail and I, also it would benefit the entire community, not just Strathcona. All of Cherry Creek. They could all come down and, and, and go for a walk or leave their cars where they are and walk down there, cause I usually walk from my house to the trails. So, and then if we put a trail in there, maybe they'll make more trails through Maplehurst so we can go all the way around, like. I think that the trail is a great idea. And I hope that. I, I would love it if we could make it part of mandatory, if this all goes through, that the trail has to go in. I mean, wouldn't that be cool like. In other parts of the city I believe if you build a lot or you buy a home, you have to have a sidewalk. Well, we're not going to have sidewalks and that's too bad but maybe we could make this happen. I like that. I like there being. And I like, I would like it to be immediate, not that oh well, we're proposing a trail. Okay but that never happens so I kind of think why can't we have them responsible for doing that sort of thing, like the sidewalks? And again, I think that's great for all the community so I like that idea. Yes, so overall I guess I'm kind of against the current plan. I don't know if we can have other plans? But that's how I feel. Great. Thank you.

57. Director Banton: Thank you. Do we have anybody else that would like to speak for the first time? Everybody gets one chance, first time and then we'll go to anybody that would like to speak for a second time.
58. B. Kevis: My name is Barb Kevis and I live at 6084 Strathcona Street. I'm the second generation in our house. My father was the first to build on Strathcona Street and like along with Hugh Grist and a couple of



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changes along the way, we also purchased the extra property so that we could have more land, not less land. And it was a situation at the time where it was financially very difficult for all of us to do that. But we cherished the land we bought. And I don't want to see that changed (begins sobbing). Sorry.

59. Director Banton: Thank you. Is there anybody else that hasn't spoken for the first time that would like to speak?
60. J. Swann: Jacquie Swann, I'm at 4361 Batty Road. I think it is important to hang onto the rural character of Cherry Creek. And I think its especially important to hang onto lot sizes that are in that first configuration that you talked about, the A1 that is the small holder lot size. I think running between 2 and 5 acres. Because I think as, as gas and oil becomes more expensive, our ability to bring food to this area is going to shrink. And so I think the, the more we can hold onto, our potentially agricultural properties, the better it will be for us. I look around Port Alberni and I see many, many, many residential properties that are already under-utilized. They don't have houses on them. The houses they do have on them are empty. I don't think we need more residential lots in the valley. I think we really really need to hold onto our larger properties. Thank you.
61. Director Banton: Thank you. Anybody else for the first time. Okay. I will call the property developer or representation to address any points that they want to address at this time.
62. R. Howat: My name is Rob Howat, I'm agent for Leo Van Vliet. I just would like to touch base on a few of the concerns with regards to the application. Some of the concerns that were brought forward. We didn't submit that plan based on a whim or a chance that we were going to the lots that we've applied for. We did our homework, we assessed what was in the OCP with regards to the zoning, the zoning designations and the parcel size that would be allowed pursuant to the OCP. The OCP went through an extensive public hearing process back in 2011 and 2012 and was adopted approximately a year ago. And through that process, it was established that that, that section of Cherry Creek area would be designated to allow the lot sizes that were described in the application. Even though we've kept the lot sizes larger than prescribed by the OCP. The OCP has statements in it with regards to parcel sizes down to 0.6 hectare, or 0.6 acres if serviced by a community sewer or community water system. So I'd just like to reiterate that the lot sizes we're proposing are actually bigger than what the OCP will allow. As far as the variance on the one lot, we've tried to maintain the integrity of the existing house and the lot around it. And again, in keeping the lots a little bit larger, we're able to do that by configuration but it will require a slight variation on that one lot width. Again, those types of things are addressed in the OCP. The issue of sewage disposal, in my experience, having working in the valley for the last six years, doing subdivision activity. A larger percentage of the valley isn't capable of accepting what is known as common inground sewage disposal with tank and field. There just isn't enough soil. The sewage regulations and the Ministry of Health regulations were changed back approximately 7 or 8 years ago to facilitate new technology with regards to sewage systems. Even the lots that were existing over the last 10 to 12 years in the valley, when people were constructing new homes they were actually going to this type one pressure system. Because they could not get the typical, or what we consider the typical tank and field type sewage disposal. So I'd just like to make that clear. There were soil testing done on the property. But it wasn't conventional testing with a backhoe and an 8 foot pit. It was, there was some diggings done to ensure that the type one pressure systems would work on the site. And that has been confirmed. As far as the signage goes, I think the staff and the ACRD is better to respond to that issue than we are. The trail to Maplehurst Park has never been discussed. It was



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something that was put out there in the staff report. I discussed it with my client. We will undertake putting a trail in on Maplehurst Road down to the park if we get permission from the Ministry of Transportation and Infrastructure to do so. It's their road right of way. I think that's all I have for now. Thank you.

63. Director Banton: Thanks. I will let staff answer a couple questions first.
64. A. Dyer: So a few of the questions raised. The public hearing notice signage. The zoning bylaw requires that the applicants place the notice provided by the regional district within or near the area of the site visible and accessible to the general public. It is rather vague, it is something that the regional district supplies and what we supply is a laminated letter sized copy of the notice and the map. And that has to be posted on, as I said, the, the definition of the bylaw, within or near the area of the site visible and accessible to the general public so. You know, this isn't an issue that hasn't really come up in any great detail before but if, you know, maybe it's something as an organization, we need to look at amending our, our, our bylaw to allow for you know, larger signage, more readable signage. So we, you know, that's something that as staff we can look at and ultimately, it will be the Board that will make the direction, the change, the zoning bylaw. The other, now to do with the sewage disposal as Rob had mentioned. Sewage disposal regulations are administered by the Vancouver Island Health Authority in our area. VIHA was referred the bylaw and application package and the response is that they will review the application at the time of the subdivision application to the Ministry of Transportation. So they ultimately will, will have to approve it under the sewage regulations as staff, as planning staff here we don't have the expertise or the knowledge to look at these ourselves. So we rely on the ROWP's and then ultimately on what the, what VIHA says in terms of what their regulations are. And that will happen at the subdivision stage as I said. And, and then about the development variance required for the lot width. I'll speak to that because I know a few people would like some clarity. So proposed lot A, which is the smaller lot shown on the conceptual subdivision layout will require a development variance of the, of the lot width. This will, this will be required at the time of subdivision application. The lot is proposed to be 91.87 feet in width and the RA3 requires 98.42. So the variance would essentially be a relaxation of the minimum lot width by about 6 ½ feet and will be dealt with at the time of subdivision as I said. Upon receiving a development variance application, staff would review it much like we reviewed this application. We would pass a recommendation and then we would send it to the Cherry Creek Advisory Planning Commission who would consider it and ultimately make a recommendation to the regional board. The Board would consider issuing the variance, at that time all the neighbouring property owners within 200' of the property would be notified and have the opportunity to comment. And then, just a note on that, this is a relatively minor variance. Staff has supported similar variances like this in the past for subdivisions and I would imagine that staff would likely support the application again. Without having the details in front of me. But that would be my, my view of it. Again, the advisory planning commission, for those of you that don't know, it's a group of local individuals who are volunteers and they deal with any development applications. So they will look at rezoning, development variance, development permit, things like that and they will pass a recommendation to Lucas who will bring that to the Board as a whole. So they met and reviewed this application September 23rd. APC supported the application and they concurred with the staff recommendation. And then ultimately, the bylaw was reviewed by the Board at the September meeting who again, proceeded with the staff recommendation and made the delegation to hold the public hearing which, which we are here right now.



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65. Director Banton: Okay. So its now open for anybody to speak a second time if they would like.
66. H. Grist: Tell you who I am again?
67. Director Banton: Yes please.
68. H. Grist: Hugh Grist, 6158 Strathcona Street. You mention this 0.6 acres, that's with a community serviced sewer. Not with a septic field. That's a whole different. That's a smaller lot. I wanted to point that out.
69. Director Banton: So, Alex will answer the.
70. A. Dyer: So just to provide some clarity on that, the Cherry Creek OCP. We do have some copies of the OCP here if, if anybody, I'll pass these around if anybody wants to have a quick look, you're welcome to do so. I apologize we don't have any more copies. There is a policy in the Cherry Creek OCP that basically states that, I'll grab it here myself so that I can read it. So require that all new lots created by subdivision are serviced with water and sewerage as follows, the minimum lot size will be 1 hectare or 2 ½ acres with onsite water and onsite sewer or 0.24 hectare which is 0.6 of an acre with communal or community water and or sewer. So essentially, what that means, if you have a property that's connected to a communal water system whether it be a strata or in this case it'll be the Cherry Creek Improvement District, waterworks district and then have onsite sewer, the OCP supports a rezoning down to a 0.6 acre minimum. That's, that's the wording in there. If this was in an area that is not serviced by the waterworks district and they would have a well and an onsite septic system, the minimum lot size would be, would be that the OCP would support would be 1 hectare which is 2 ½ acres as I said. In this case, the water runs right past it, they're going to, it's a condition of the subdivision, they'll have to connect to it, and the OCP would support that 0.6 acre minimum.
71. Director Banton: Okay. So anybody else.
72. D. Ralla: Sorry. Again. Dave Ralla 5456 Westport Place. So I think maybe one thing that we, we maybe keep in mind a little bit too right is, there is rules and regulations when it comes to building on any of these proposed lots too. So, you know, nobody can just pick whatever house they want and build it without you guys having the final approval on that right? So, I think when people think subdivision, they think you know maybe like the uplands subdivision where its, you know, 60 lots, they're all ¼ acre lots. These are one acre lots right. One of the things with Cherry Creek like you know these guys have talked about, is you know, that they have the privacy and stuff right. Cherry Creek's very desirable for that reason. People are going to be looking for one acre lots and they're not going to be looking to take down all the trees and build a house, and have a one acre flat parcel. They're going to build it so they can drive in, have the trees in the back, have the trees on the side, buffering all their neighbours as well. So I think that, one thing to keep in mind is that its not an uplands type of subdivision, or you know, a Lyle Point subdivision where their ¼ acre lots or even smaller than that. And the thing to keep in mind at the very end is you know, you guys have the final say on what can be built there and how it has to be built. And what the setbacks are and what the size of the houses are too right, so I think we kind of have to keep that in mind that its not, you know, somebody can buy a one acre lot and build whatever they want and put it wherever they want because obviously you guys have a lot of control over that as well.



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73. Director Banton: Thank you. Anybody else that has something. Yes.
74. B. Babych: Bob Babych, 5943 Cottam Road. I'd just like to address the fella here, I, I hear what he says however my place now, I have a 3 bedroom rancher. My house is 90 feet long and it ain't very big. So in order to take up 90 feet, piece of cake. Telling me there is a buffer zone? I highly doubt it.
75. Director Banton: Okay. Anyone else? Yes.
76. I. Densmore: Irene Densmore, 6000 Strathcona Street. The houses might be you know, built nicely and all that kind of stuff but people might just want to grab the lots for investment purposes. And like one of the letters said. These people, they're just about investment, they're not about lifestyle. And the the OCP was revised in 2012 and the OCP is a guideline. Its not the law. It's a guideline. And you know, going down to 0.6 acres just because its in the OCP, a 0.6 acre lot in our area is basically scraping the bottom. One, you know, 0.4 acres above that is one acre. Not much better. Still near the bottom.
77. Director Banton: Okay.
78. B. Babych: Sorry just to add to mine is that if its 365 feet deep and 90 feet wide, I don't know how you can hide houses like that. I don't know how you can stagger them to hide them. That, that's, you know when you talk about a one acre lot that's fine if it's a squared one acre lot. I understand, you can, you can do a lot, but when its long and deep like that, I don't know how. And by the way, nothing against anybody here, Leo or anything, I mean fill your boots, if you get it, that's great its just that like I said, after me trying twice, it's a little frustrating.
79. Director Banton: Okay, thank you. So I'll open it up one more time for anybody else that has thoughts that they want to share. Okay. Go ahead.
80. I. Densmore: The people that I spoke to, anybody who would have bought that property would never conceive of putting in five lots. Never. But then they don't have that guy working for them either, so.
81. Director Banton: Okay. So does the applicant or, or representation want to speak any more?
82. R. Howat: Rob Howat acting on behalf of Leo Van Vliet, LPV Ltd. Yes, the OCP can be considered guidelines but OCP's are also a document that facilitates land use decisions. And without OCP's and confirmation OCP's are live and valid, what other mechanisms do we have to deal with land use issues. And I was contacted by other people with regards to this property to see if I would work for them before Leo purchased the property. And the people who called me, when I consider taking on a job I do homework to find out what is the potential for the property. And a couple of people that did call me, I called them back and said the potential was there to do something like we, like what I'm doing for Leo now, including Mr. Babych who never called me back.
83. B. Babych: No actually, we talked.
84. R. Howat: We talked but you said you were going to get back and you never did and I hadn't heard anything for quite some time and then Leo contacted me to take over the job, which we did. I don't want to start



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pointing fingers but I want to just make sure that its clear that there were other people who were interested in this property and people who called me with regards to it. And as I said, I do research before I take anything on and that includes talking with staff to see what the potential of the properties are. Thank you.

85. Director Banton: Okay. Okay anybody else that would like to speak? Alright. So I would like to stress that the Board cannot receive any new information between the end of the hearing and making a decision on the bylaw. If any Board member does so, this invalidates the hearing, it means that it will have to be held again. So at this time I call for the first time for any further representations on the bylaw. If there is no representations, I call for a second time for any further representations on the bylaw. I call for a third and final time for any further representations on this bylaw. Hearing no further comments, I declare this meeting terminated. No more discussion. Thank you.
86. The meeting was terminated at 8:14 pm.

Certified Correct:

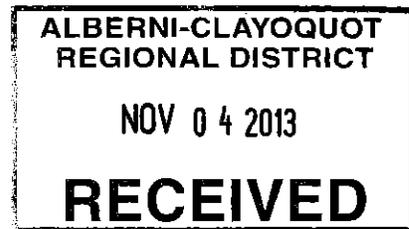
Lucas Banton, Director

Minutes Prepared by:

Charity Hallberg Dodds, Planning Assistant

November 3, 2013

Alberni Clayoquot Regional District
3008 Fifth Avenue
Port Alberni, BC V9Y 2E3



Attn: Mike Irg, M.C.I.P., Manager of Planning & Development

Re: Proposed Rezoning of Lot 2, Plan 11340, District Lot 146, Alberni District (RE13005)

I have lived in the Cherry Creek neighborhood for 10 years at 6049 Strathcona Street.

I have been informed about this rezoning effort and am opposed to it.

In particular, I want to speak to the Variance that is mentioned in the cover letter requesting the proposed rezoning dated June 5, 2013, where it acknowledges that, *Lot A will require a variance from the lot width requirement of the RA-3 zone, and further, We anticipate that the variance will be a requirement of the zoning or of the subsequent subdivision application.*

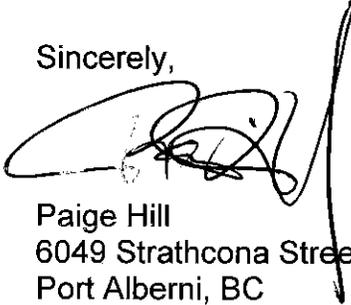
In most jurisdictions, a variance may be granted where the strict application of the zoning ordinance will deprive the property of the privileges enjoyed by other property with the same zoning because of special circumstances or unusual conditions. These special circumstances may include such things as the size, shape, topography, or location of the property or its surroundings. Further, variances cannot be granted if the special condition is self-imposed. For example, if a property owner sells off part of his lot, he cannot later get a variance from the side yard setback on grounds that the lot is too narrow, because he created the problem himself by selling off part of his lot.

In this case, *the proposed width is 28 meters and the required width of the RA-3 zone is 98.4ft or 29.9 meters.* In other words, Lot A does not fit the definition of an RA-3 zone and because it does not exist, it does not qualify as an existing property that is deprived of privileges in the aforementioned. While the Owner/Developer has designed Lot A with decreased dimensions to fit it between his neighbour and the existing house on his property (his reason for the Variance), he has affectively designed in a "Self-Imposed Hardship".

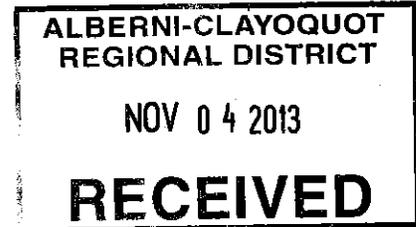
In conclusion, I will suggest strongly that if there was something special or unusual about one's property that makes it difficult to comply with the existing zoning, one may wish to consider applying for a variance. However, variances are not available to change the use of the property or in cases in which the property owner created the problem in the first place.

Again, I do not support rezoning the Proposed Rezoning of Lot 2, Plan 11340, District Lot 146, Alberni District (RE13005).

Sincerely,

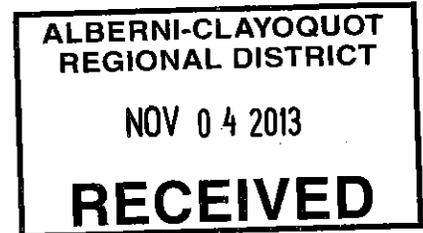


Paige Hill
6049 Strathcona Street
Port Alberni, BC
V9Y 8S4



November 3, 2013

Alberni Clayoquot Regional District
3008 Fifth Avenue
Port Alberni, BC V9Y 2E3



Attn: Mike Irg, M.C.I.P., Manager of Planning & Development

Re: Proposed Rezoning of Lot 2, Plan 11340, District Lot 146, Alberni District (RE13005)

I have lived in the Cherry Creek neighborhood for 10 years at 6049 Strathcona Street.

I have been informed about this rezoning effort and am opposed to it. This is not a good thing for my neighborhood on Strathcona Street and I find this application for rezoning "intrusive".

I use the word intrusive as I believe that it intrudes on a lifestyle to which the property owners on Strathcona Street bought into many years ago and is now being completely disrupted by a Property Owner/Developer for the sake of profit and gain without regard to his neighbours.

Allowing a rezone for the financial benefit of one individual would be a disservice and hardship to the families already living in the area specifically to take advantage of its rural nature.

LVP Land Development - Leo VanVliet's claim that his subdivision of this property would fit within the existing fabric of the area is not true. Strathcona Street extending from Moore Road to the North end is composed of A1 and A2 lots. VanVliet is the only person that stands to benefit from his rezone request and all of the families living in the area would have their rural life styles ruined by VanVliet's plan to enrich himself.

Again, I do not support rezoning the Proposed Rezoning of Lot 2, Plan 11340, District Lot 146, Alberni District (RE13005).

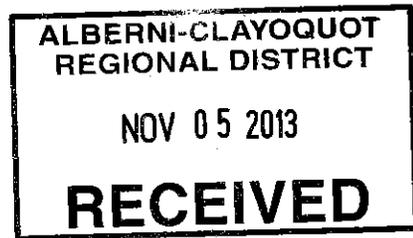
Sincerely,

A handwritten signature in cursive script that reads "Diane Hill".

Diane Hill
6049 Strathcona Street
Port Alberni, BC
V9Y 8S4

6158 Strathcona Street
Port Alberni, B.C.
V9Y 8S4

2nd November 2013



Alberni Clayoquot Regional District
3008 Fifth Avenue,
Port Alberni, B.C.
V9Y 2E3

**Re: Proposed Rezoning of Lot 2, Plan 11340, District Lot 146, Alberni District
Application RE13005**

The rezoning as proposed by West Island Consulting in their letter of 5th June this year does not comply with the objectives of the Official Community Plan and maintain the rural lifestyle of this cul de sac. They are in fact asking for rezoning and a variance of that rezoning in one application. These should be addressed separately for the following reasons:

- 1) One acre lots are less than any other properties on this end of Strathcona Street.
- 2) Craig Bowerman's letter indicates that one acre lots are capable of providing adequate onsite sewage disposal. This is very questionable with the proximity of the fish bearing Kitsuksis Creek tributary and the depth of native soil on the property. It certainly would not apply to Lot A which is less than three quarters of an acre.
- 3) There does not appear to have been any percolation test wells drilled on the property to authenticate the adequacy for septic disposal.
- 4) Lot A should be combined with the existing dwelling thereby providing an adequate buffer to Lot 3, particularly as the existing dwelling is close to the proposed new boundary.

In conclusion we are not against reasonable division of the said property but with a more thorough investigation of the sewage disposal and the rezoning approved with no variance to regulations.

Yours sincerely,

Hugh Grist *Anne Grist*
.....
Hugh & Anne Grist

November 5, 2013

Dear Mr. Irg:

My name is Cheryl Roth. I would be at the meeting tonight but I am recovering from the flu. I live at 5915 Strathcona Street. I also own the treed lot behind me at 3957 Moore Road. I purchased the lot so that I would continue to have the country feel and privacy that I cherish.

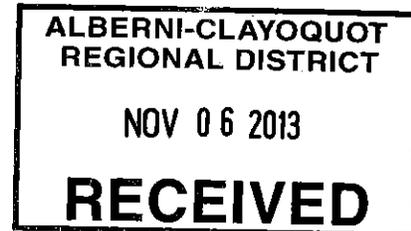
I was surprised when I received a public hearing notice because I did not know the property at 5950 Strathcona was even for sale. From my house I can see 95 percent of the property but I can't see any billboard or notice notifying the public of pending changes in zoning.

I feel the public in this area should have been made aware of such a drastic change to the neighbourhood. Why wasn't a rezoning sign located in a prominent place that was visible from the corner of Moore and Strathcona? This is a major intersection on our country corner and everyone stops at the sign post to look up Strathcona Street before proceeding around the corner.

The part that surprises me the most is how many houses (lots) are being squeezed onto the property. I don't want to feel like I am living in the city. I am not against development as long as it is done in a reasonable fashion that fits its surroundings. I do not feel this is the case.

Thank you,

Cheryl Roth

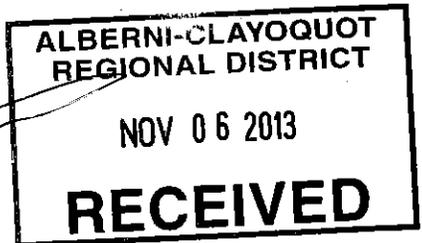


To who it may concern

It was recently brought to my attention that an area on Strathcona St may be rezoned. As a resident of the street I drive past the property in question on a daily basis and was not aware of the situation from lack of visible signage. Before the leaves fell the faded yellow sheets were camouflaged by foliage. Once the leaves fell the size and lack of visible title were easily confused and regarded as unimportant for lack of clarity. Once I was made aware ~~of~~ that these sheets could be the information on rezoning I attempted to spot them again on my commute. The angle and location where they are posted puts drivers in a dangerous position, not being visible on a blind hill and is another reason for being dismissible. Once I was able to turn around and safely park my vehicle some distance away, there was not an easy route to gain closer access to the signs. One had to cross a ditch and trample foliage to gain enough proximity to read the small print, further deterring passers-by from investigating. Once close enough to potentially read the font the signs were placed above my head.

Overall the lack of visible, clear, accesible signage has left the residents of the area in the dark to what is about to occur in the neighbourhood. This development is intentionally keeping the area ignorant of the potential change in the community, disallowing for any other concerns to be raised.

Sincerely,
138 Emily Kevis

November 5, 2013

To Whom It May Concern,

I am not against development. I do not object to 2, possibly 3, lots on the north side of my property. However, the proposed postage stamp size lot (A) is unacceptable under the circumstances.

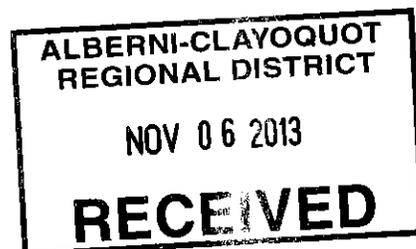
Starting from the bridge on the park side the properties are small acreage and increase to 2½ acres and higher once past Moore Road... and now you're going to reduce them? It doesn't go with the lay of the land or the rural characteristic of this neighborhood.

We should maintain these lot sizes and not increase density.



J. Stilianovic

5930 Strathcona Street.



3 November, 2013

Mr. Mike Irg,

My name is Bill Moore. I live at 6850 Cherry Creek Road. I am not able to attend the public meeting and so I am writing because I am concerned about the potential rezoning of the property located at 5950 Strathcona Street from A1 to RA 2 and RA 3. This modification would result in substantially smaller lots than are characteristic in this area. I believe this will create precedence for further subdivisions and 'flipping of property'.

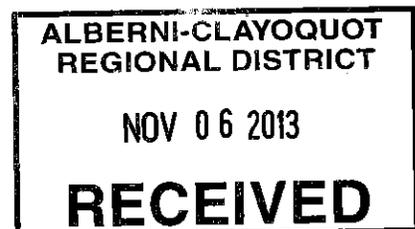
The case in hand is my own property. It consists of approximately 25 acres, much of it bordering along the Cherry Creek Golf Course. If I were successful in similar rezoning, making 25 or more 1 acre (or smaller) lots, I am certain there would be no shortage of prospective investors. However, the kind of people who invest in real estate are not the same kind of people who choose to come live in Cherry Creek with no intention to subdivide.

Should the LPV Land Development wish to divide into 2 or 3 lots I would not take issue with this. The current proposed subdivision does not fit the intention of maintaining the rural characteristics of the Cherry Creek area.

Sincerely,



Bill Moore



GB WARD (250) 723-7804
5897 Strathcona St.
Port Alberni, BC V9Y 8S4

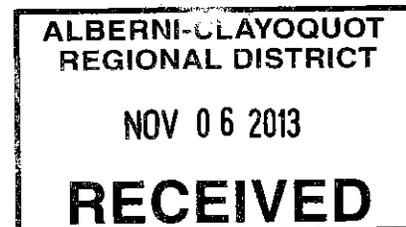
To - Cherry Creek
Board of Directors

As a resident of Cherry Creek living at the corner of Moore and Strathcona am upset that I did not receive a notice of this meeting tonight.

This is a nice neighborhood that I live in and I stand opposed to the six acre parcel about to be sub-divided into six lots which would no doubt be stripped of its trees. We have an abundance of habitat/wild life in this area that should be considered as well as presumably six septic fields that would go with each home, my fear being possible leaching eventually into Cherry Creek. I'm not a tree hugger per se, but I feel this is going too far without a much more serious study of the whole picture.

Respectfully

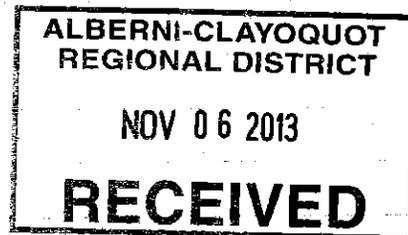
GB Ward



When I sold the property, I never thought they would consider putting another lot along side the house towards Irene Denmore

Joe Berkevic Nov 5

I probably wouldn't have sold the house to the purchaser if I had known he would do this. It is not neighborly or proper. Joe Berkevic





ALBERNI-CLAYOQUOT REGIONAL DISTRICT
3008 Fifth Avenue
Port Alberni, BC V9Y 2E3
Phone: (250) 720-2700 Fax: (250) 723-1327

BYLAW RESPONSE SUMMARY

BYLAW NO.: P1315 ACRD FILE NO.: RF13005

APPLICANT NAME: LPV Land Development (Agent – Rob Howat)
ACRD CONTACT: Charity Hallberg Dodds
Date of Referral: September 4, 2013

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to
Conditions Below

Approval NOT Recommended Due to
Reasons Outlined Below

Agency (please print): Cherry Creek Water District
Name (please print): Michelle Price Title: Administrator
Signature: Michelle Price Date: Sept, 16, 13

CHERRY CREEK WATERWORKS
DISTRICT

5920-A Cherry Creek Rd. Port Alberni, B.C. V9Y 8R7
Monday - Friday 9:30am - 1:30pm
Phone 250-723-2214 email ceww@shaw.ca Fax 250-723-0225

September 18, 2013

Alberni Clayoquot Regional District
3008 5th Avenue
Port Alberni, BC V9Y 2E3

Attention: Charity Dodds

**Re: Proposed Conventional Subdivision Application for:
Lot 2, Plan 11340, district Lot 146, Alberni District
5950 Strathcona Road, Port Alberni
File #: 2013-04138**

Dear Charity:

The above application was approved at the regular meeting of the Board of Trustees, Cherry Creek Waterworks District, held September 11, 2013. The Board has no objection to the proposed application provided a service connection fee is paid in full for each lot.

Please contact if you need anymore information.

Sincerely,



Michelle Price
Administrator

cc: LPV Land Development Inc.; c/o West Island Consulting Inc.



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue

Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

BYLAW RESPONSE SUMMARY

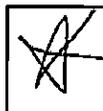
BYLAW NO.: P1315

ACRD FILE NO.: RF13005

APPLICANT NAME: LPV Land Development (Agent – Rob Howat)

ACRD CONTACT: Charity Hallberg Dodds

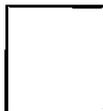
Date of Referral: September 4, 2013



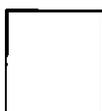
Approval Recommended for Reasons Outlined Below



Interests Unaffected by Bylaw



Approval Recommended Subject to Conditions Below



Approval NOT Recommended Due to Reasons Outlined Below

That I see this proposal in accordance with the Local Government Act Regulations requirements through the Min. of Transportation & Infra. referral process.

Thank You
[Signature]

Agency (please print):

VIHA

Name (please print):

Title:

EHO

Signature:

Date:

Sept 9/13



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue
Port Alberni, BC V9Y 2E3
Phone: (250) 720-2700 Fax: (250) 723-1327

BYLAW RESPONSE SUMMARY

BYLAW NO.: P1315 ACRD FILE NO.: RF13005

APPLICANT NAME: LPV Land Development (Agent – Rob Howat)

ACRD CONTACT: Charity Hallberg Dodds

Date of Referral: September 4, 2013

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to
Conditions Below

Approval NOT Recommended Due to
Reasons Outlined Below

Recommendation of Approval for this rezoning by the Ministry of Transportation is not to be construed as subdivision approval. Applicant must apply for subdivision approval with the Ministry of the Transportation following the property's rezoning if they wish to subdivide.

Jordan Wagner

District Development Technician
Ministry of Transportation and Infrastructure
3rd Floor - 2100 Labieux Road
Nanaimo, B.C. V9T 6E9
Phone 250-751-7090, Fax 250-751-3289

RECEIVED
SEP 12 2013

Agency (please print): _____

Name (please print): _____

Signature: _____

Title: _____

Date: SEPT 12, 2013



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue

Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

BYLAW RESPONSE SUMMARY

BYLAW NO.: P1315 ACRD FILE NO.: RF13005

APPLICANT NAME: LPV Land Development (Agent – Rob Howat)

ACRD CONTACT: Charity Hallberg Dodds

Date of Referral: September 4, 2013

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to
Conditions Below

Approval NOT Recommended Due to
Reasons Outlined Below

- Drainage Ditches provided for individual lots for storm/foundation drainage
- Structures to meet the current British Columbia Building Code.

ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

NOV 06 2013

RECEIVED

Agency (please print): HC20

Name (please print): LIGEL SUTTON

Signature:

Title: Building/Plumbing Insp.

Date: Nov 8/13

Nov. 6/13.

Standing water by septic field (No rain

Appendix 'K'

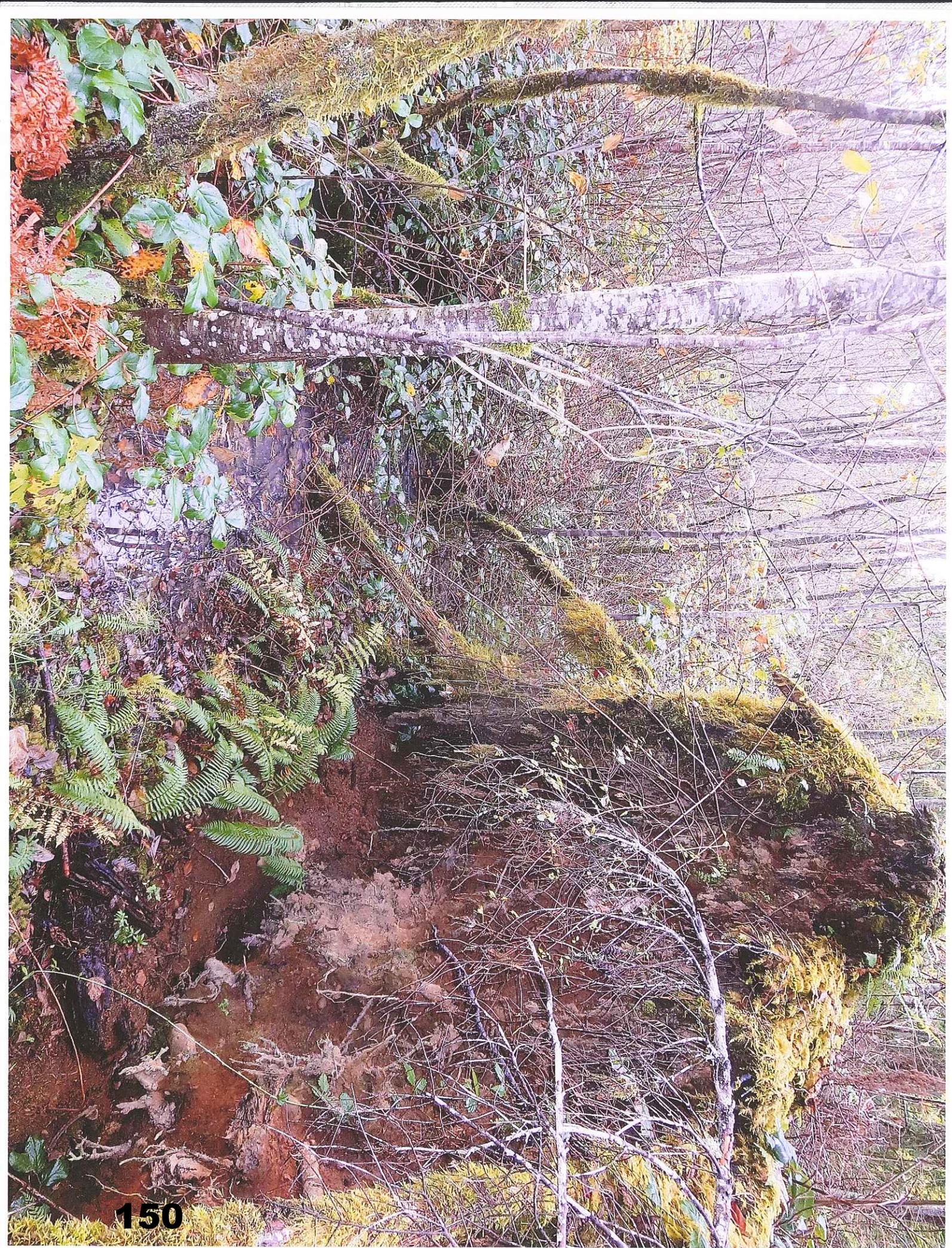




Standing water



Standing water + downed tree







Side view of SHALLOW roots
(tree blew over)
↓



Nov. 6
3 pm

152

↑ Recent blow down - note standing water. (No Rain in 2 days)



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1315

OFFICIAL ZONING ATLAS AMENDMENT NO. 672

A bylaw of the Regional District of Alberni-Clayoquot to amend Bylaw No. 15, being the “Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971”.

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a zoning bylaw after a public hearing and upon the affirmative vote of the directors in accordance with Sections 890 and 894 of the *Local Government Act*;

AND WHEREAS an application has been made to rezone a property;

AND WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, enacts the following amendment to the Official Zoning Atlas of the Regional District of Alberni-Clayoquot Zoning By-law No. 15, 1971:

1. TITLE
This bylaw may be cited as the Regional District of Alberni-Clayoquot Zoning Atlas Amendment Bylaw No. P1315.
2. Bylaw No. 15 of the Regional District of Alberni-Clayoquot is hereby amended by rezoning: LOT 2, DISTRICT LOT 146, ALBERNI DISTRICT, PLAN 11340 from Small Holdings (A1) District to a combination of Acreage Residential (RA2) District and Acreage Residential (RA3) District as shown on Schedule ‘A’ which is attached to and forms part of this bylaw.
3. This bylaw shall come into force and take effect upon the adoption thereof.

Read a first time this 25th day of September, 2013
Public hearing held this 6th day of November, 2013
Read a second time this XXX day of XXX, 2013
Read a third time this XXX day of XXX, 2013

Adopted this XXX day of XXX, 2013

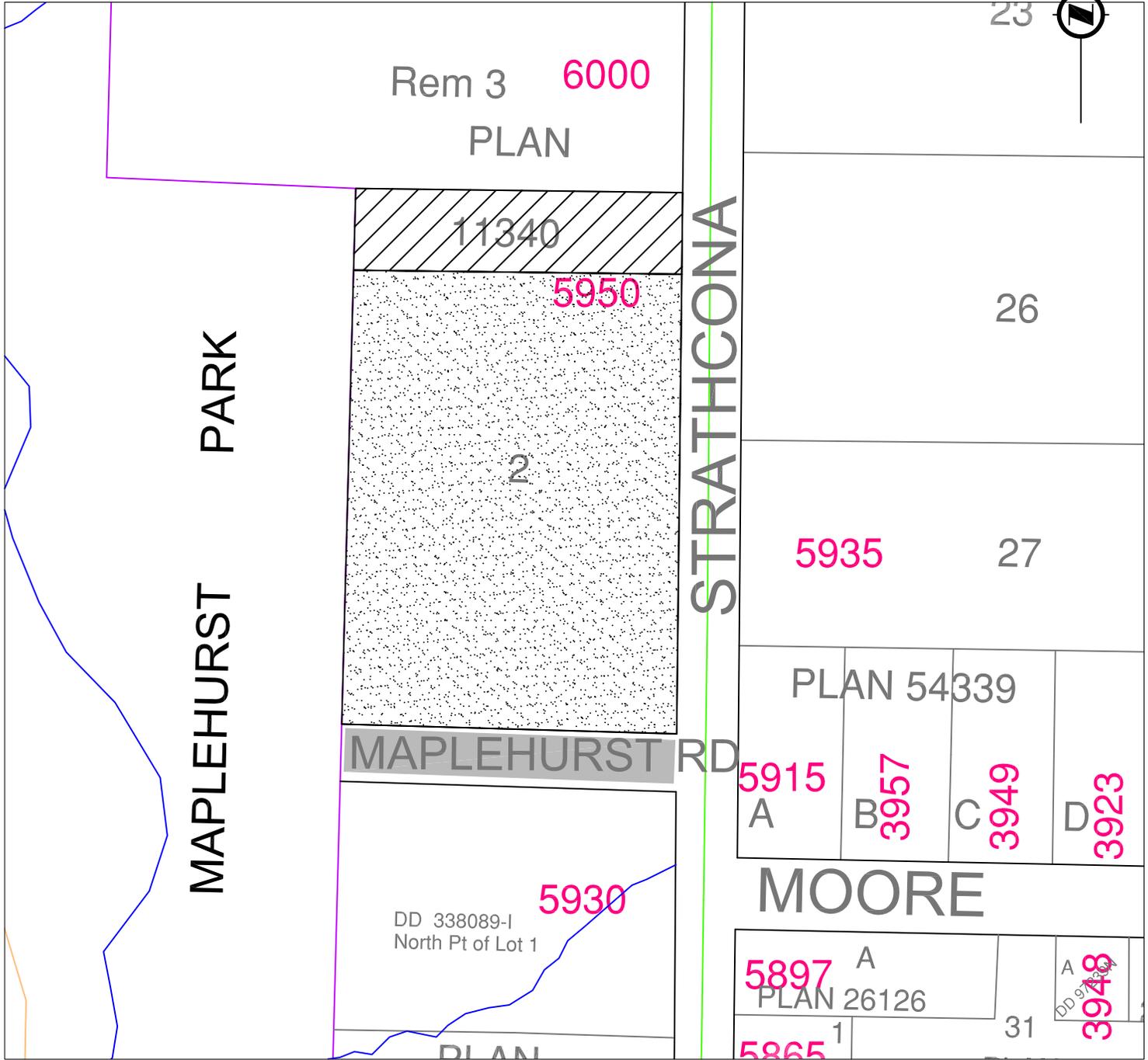
Russell Dyson, CAO

Chair of the Regional Board

RF13005

Schedule 'A'

This schedule is attached to and forms part of Bylaw P1315



Legal Description: LOT 2, DISTRICT LOT 146, ALBERNI DISTRICT, PLAN 11340



To be rezoned from Small Holdings (A1) District to Acreage Residential (RA3) District.



To be rezoned from Small Holdings (A1) District to Acreage Residential (RA2) District.



ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

1:2000





MEMORANDUM

To: Board of Directors and Russell Dyson, CAO

From: Heather Dunn, Junior Planner/Bylaw Enforcement Officer

Date: November 8, 2013

Subject: City of Port Alberni – Zoning Bylaw Referral

Location: Areas located within the City of Port Alberni

Background:

The Alberni-Clayoquot Regional District has received a referral from the City of Port Alberni for the Draft Zoning Bylaw.

The City of Port Alberni is updating their Zoning Bylaw to ensure that the City's regulatory tools are consistent with the Official Community Plan and with the Uptown and Waterfront Plans.

The key changes in the draft bylaw include text and map changes to:

1. Permit secondary suites in residential neighbourhoods
 - not to exceed 90m² in total area or 40% of the habitable floor spaces of the building, must be fully contained within the principal residence, must be provided with a parking space additional to the standard parking space requirements for the residence, and are only permitted in an owner-occupied single family dwelling;
2. Add supportive housing as a permitted use in residential neighbourhoods
 - must provide a private lockable room for each resident, must provide separate common areas for residents' dining and socializing, must provide meals and housekeeping, must operate in accordance with the Residential Care Regulation of the *Community Care and Assisted Living Act*, and requires a business license to operate;
3. Permit front yard RV parking only on a hard or graveled surface;
4. Permit poultry and bee-keeping in residential neighbourhoods
 - the keeping of male poultry is prohibited, except of ALR lands or on parcels greater than 2000m² in area. The keeping of female poultry is prohibited on lots less than 350m² in area. The keeping of up to six female poultry in enclosed runs is permitted on lots less than 2,000m² but more than 450m² in size. When the

MISC13011

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułu?ii?ath Government, Huu-ay-aht First Nations
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

lots is less than 450m², no more than four female poultry may be kept. Runs shall provide at least 0.8m² of space per bird and coops of at least 0.2m² of space per bird. A building or structure used for the keeping of poultry must not be located in the front yard, and must be located at least 3m from any lot line. The keeping of bees on lots less than 600m² in area is prohibited.

The keeping of bees is permitted to a maximum of 2 hives of bees on lots between 600m² and 929m² in area, and a maximum of 4 hives of bees on lots over 929m² in area. Beehives are restricted to rear yards. A beehive will be located a minimum of 7.5 m away from the neighbouring property line. The beehive entrance will be directed away from the neighbouring property and situated behind a solid fence or hedge that is 1.8m in height running parallel to the property line. All persons wishing to keep bees must be registered with the BC Ministry of Agriculture, and abide by the beekeeping regulations as specified in the provincial *Bee Act* and other related legislation;

5. Permit community and urban market gardens in all zones, under certain conditions;
6. Restrict adult retail uses to downtown commercial zones;
7. Modify all of the commercial zones, to be more clearly distinct from each other, and

The draft Zoning Bylaw and map are available for review at the ACRD office.

Recommendation:

That the Board of Directors:

- direct planning staff to respond to the the City of Port Alberni for the Draft Zoning Bylaw referral request as **"Interests Unaffected"**.

Submitted by:



Heather Dunn, Junior Planner/Bylaw Enforcement Officer

Reviewed by:



Alex Dyer, Planner

Reviewed by:

Russell Dyson, CAO

MISC13011

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułu?ii?ath Government, Huu-ay-aht First Nations Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)



M E M O R A N D U M

To: Board of Directors and Russell Dyson, CAO

From: Heather Dunn, Junior Planner/Bylaw Enforcement Officer

Date: November 7, 2013

Subject: Comox Valley Regional District – ‘Electoral Area Plan amendment’ and ‘Rezoning Proposal’ referral.

Location: 1256 Larkin Road. Electoral Area ‘C’ (Puntledge – Black Creek)

Background:

The Alberni-Clayoquot Regional District has received a referral from the Comox Valley Regional District (CVRD) for an ‘OCP’ amendment and ‘rezoning’ referral.

The referral is to:

- 1) amend the “Rural Comox Valley Official Community Plan Bylaw, 1998” from “public use” to “agriculture land reserve (ALR)” for the property located at 1256 Larkin Road.
- 2) Rezone ‘Comox Valley Zoning Bylaw, 2005” from “Public assembly one (PA-1) to rural ALR-2 (RU-ALR-2) for the property located at 1256 Larkin Road.

Recommendation:

That the Board of Directors:

- direct planning staff to respond to the Comox Valley Regional District – ‘Electoral Area Plan amendment’ and ‘Rezoning Proposal’ referral request as “**Interests Unaffected**”.

Submitted by: 
 Heather Dunn, Junior Planner/Bylaw Enforcement Officer

Reviewed by: 
 Alex Dyer, Planner

Reviewed by: 
 Russell Dyson, CAO

MISC13012

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułu?iif?ath Government, Huu-ay-aht First Nations Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

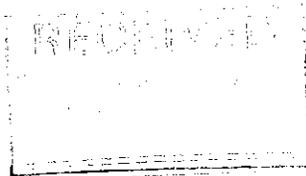
600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



Files: 3350-20/CP 1C13
3360-20/RZ 1C 13

October 30, 2013

Alberni-Clayoquot Regional District
3008 5th Ave
Port Alberni, BC V9Y 2E3



Dear Sir or Madam,

Re: Proposed electoral area plan amendment and rezoning – Michael Bridges
Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road)

The purpose of this letter is to provide your agency with the current status of an electoral area plan amendment and rezoning proposal located at 1256 Larkin Road within Electoral Area 'C' (Puntledge – Black Creek). Please be advised that at its meeting held on October 29, 2013, the regional board adopted the following motions regarding this application:

“THAT the board give first and second readings to Bylaw No. 276, being the “Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48” (CP 1C 13) to permit re-designation within Schedule ‘C’ of Bylaw No. 2042, being the “Rural Comox Valley Official Community Plan Bylaw, 1998,” from “public use” to “agricultural land reserve (ALR),” for property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road);

FURTHER THAT the board give first and second readings to Bylaw No. 277, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 57” (RZ 1C 13) to permit rezoning within Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” from public assembly one (PA-1) to rural ALR-2 (RU-ALR-2) for property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road);

AND FINALLY THAT pursuant to section 890 of the Local Government Act, the board schedule the public hearing for Bylaw No. 276, being the “Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48” (CP 1C 13) and Bylaw No. 277, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 57” (RZ 1C 13).”

Please find below a link to a staff report that discusses these proposed amendments for your information.

http://agendaminutes.comoxvalleyrd.ca/Agenda_minutes/CVRDCcommittees/EASC/07-Oct-13/20131001_Oakman_SR_Bridges_CP1C13_RZ1C13_Referrals.pdf

A copy of Bylaw No. 276, being the “Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48,” and Bylaw No. 277, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 57” are attached for your review.

Current records indicate that we have not received your comments. Please be advised that any comments must be received prior to the close of the statutory public hearing, which is scheduled on November 14, 2013, commencing at 7:00 p.m. in the Comox Valley Regional District boardroom located at 550B Comox Road, Courtenay, BC.

Please forward any comments that you may have to the Comox Valley Regional District, 600 Comox Road, Courtenay, BC V9N 3P6 or via email to propertyservices@comoxvalleyrd.ca

Should you have any questions regarding the above-noted matter, please contact the undersigned at 250-334-6017 or by email to bchow@comoxvalleyrd.ca.

Sincerely,



Brian Chow, MCIP RPP
Planner
Property Services Branch

Enclosure

/bc

TITLE: Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48

APPLICANT: Michael Bridges

ELECTORAL AREA: Puntledge – Black Creek (Electoral Area ‘C’)

FILE NO.: 3350-20/CP 1C 13

PURPOSE: To amend map 1 of schedule ‘C’ in the Comox Valley OCP by changing the land use designation from “public use” to “agricultural land reserve” for the property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road) in order to permit principal residential use.

PARTICIPANTS: All electoral areas



Application Received: **Date:** **May 7, 2013**

Electoral Areas Services Committee: **Date:** October 7, 2013
Recommendation: THAT the board give first and second readings to Bylaw No. 276, being the “Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48” (CP 1C 13) to permit re-designation within Schedule ‘C’ of Bylaw No. 2042, being the “Rural Comox Valley Official Community Plan Bylaw, 1998,” from “public use” to “agricultural land reserve (ALR),” for property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road)

Regional Board: **Date:** October 29, 2013
Decision:

Public Hearing: **Date:**

Regional Board: **Date:**
Decision:

Ministry of Community, Sport and Cultural Development **Date Sent:**
Date Approved:

Regional Board: **Date:**
Decision:

COMOX VALLEY REGIONAL DISTRICT
BYLAW NO. 276

A bylaw to amend the
"Rural Comox Valley Official Community Plan Bylaw, 1998"
being Bylaw No. 2042

The board of the Comox Valley Regional District in open meeting assembled, enacts the following amendments to the "Rural Comox Valley Official Community Plan Bylaw, 1998", being Bylaw No. 2042:

SECTION ONE TEXT AMENDMENT

- 1) Bylaw No. 2042, being the "Rural Comox Valley Official Community Plan Bylaw, 1998," is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

SECTION TWO TITLE

- 1) This bylaw may be cited as the "Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48."

Read a first time this	day of	2013.
Read a second time this	day of	2013.
Public hearing held this	day of	2013.
Read a third time this	day of	2013.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 276, being the "Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48", as read a third time by the board of the Comox Valley Regional District on the day of 2013.

Corporate Legislative Officer

Approved by the Ministry of Community, Sport and Cultural Development this	day of	2013.
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Adopted this	day of	2013.
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Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 276, being the "Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48", as adopted by the board of the Comox Valley Regional District on the day of 2013.

Corporate Legislative Officer

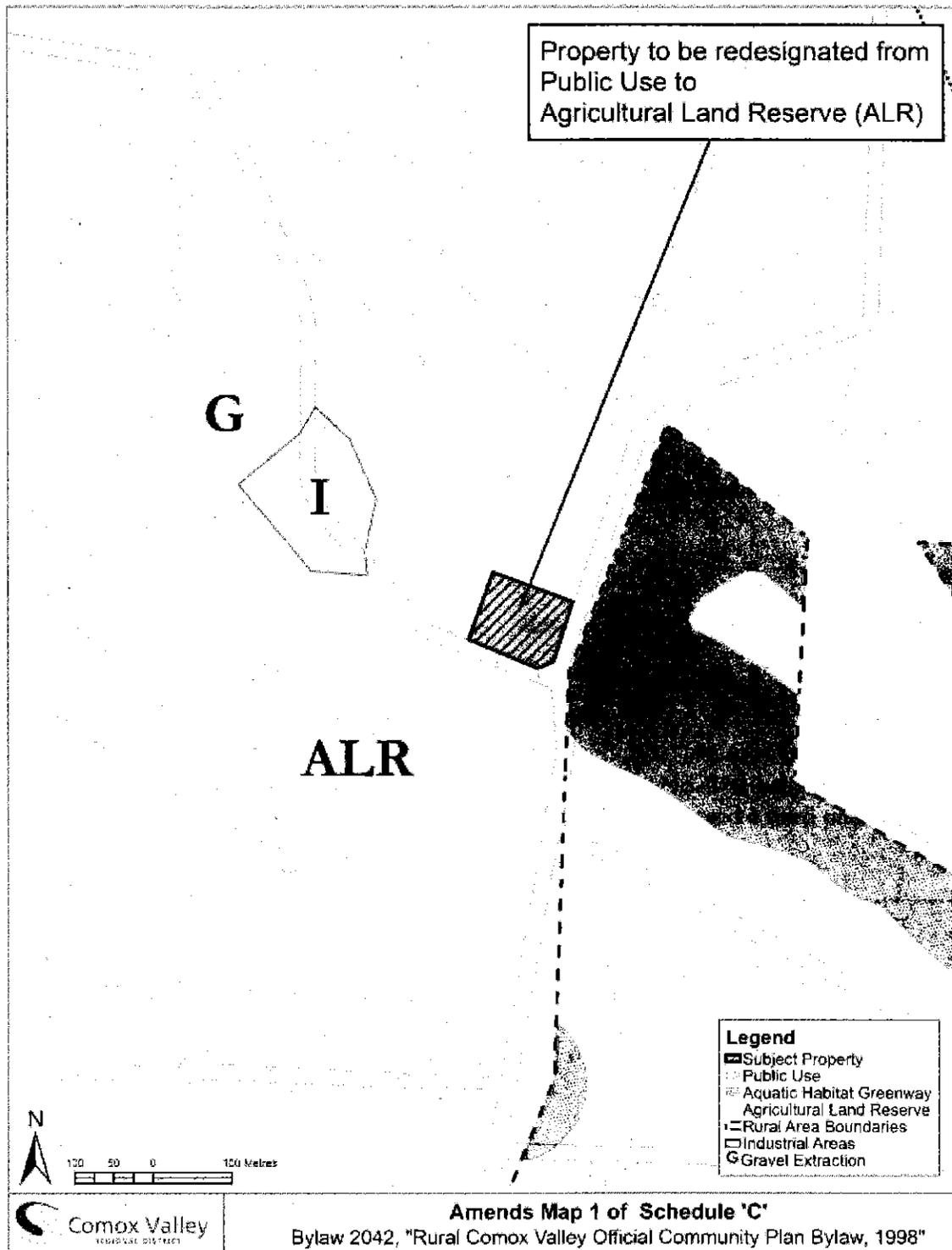
Schedule A

SECTION ONE REDESIGNATION AMENDMENT

1. The land use designation shown on map 1 of schedule 'C' forming part of Bylaw No. 2042, being the "Rural Comox Valley Official Community Plan Bylaw, 1998," is hereby amended by changing the land use designation on the property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road) from "public use" to "agricultural land reserve" as shown on Appendix 1.

SECTION TWO MAP AMENDMENT

1. The land use designation on Map 1 of schedule 'C' forming part of Bylaw 2042, being the "Rural Comox Valley Official Community Plan Bylaw, 1998," is amended for land described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road) from "public use" to "agricultural land reserve," as shown on attached Appendix 1.



Appendix 1

Bylaw No. 276 being the "Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 48," amends Map 1 of schedule 'C' of Bylaw 2042, being the "Rural Comox Valley Official Community Plan Bylaw, 1998."

TITLE: Comox Valley Zoning Bylaw, 2005, Amendment No. 57

APPLICANT: Michael Bridges

ELECTORAL AREA: Puntledge – Black Creek (Electoral Area ‘C’)

FILE NO.: 3360-20/RZ 1C 13

PURPOSE: To rezone a property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road) from public assembly one (PA-1) to rural ALR-2 (RU-ALR-2) in order to permit principal residential use.

PARTICIPANTS: All Electoral Areas



Application Received: **Date: May 7, 2013**

Electoral Areas Services Committee: **Date: October 7, 2013**
Recommendation: THAT the board give first and second readings to Bylaw No. 277, being the “Comox Valley Zoning Bylaw, 2005, Amendment No. 57” (RZ 1C 13) to permit rezoning within Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” from public assembly one (PA-1) to rural ALR-2 (RU-ALR-2) for property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road);

Regional Board: **Date: October 29, 2013**
Decision:

Public Hearing: **Date:**

Regional Board: **Date:**
Decision:

Ministry of Transportation and Infrastructure **Required: No**
Date Sent:
Date Approved:

Regional Board: **Date:**
Decision:

COMOX VALLEY REGIONAL DISTRICT
BYLAW NO. 277

**A bylaw to amend the "Comox Valley Zoning Bylaw, 2005"
being Bylaw No. 2781**

The board of the Comox Valley Regional District, in open meeting assembled, enacts the following amendments to the "Comox Valley Zoning Bylaw, 2005," being Bylaw No. 2781:

SECTION ONE TEXT AMENDMENT

- 1) Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005," is hereby amended as set out in Schedule A attached to and forming part of this bylaw.

SECTION TWO TITLE

- 1) This Bylaw No. 277 may be cited as the "Comox Valley Zoning Bylaw, 2005, Amendment No. 57."

Read a first time this	day of	2013.
Read a second time this	day of	2013.
Public hearing held this	day of	2013.
Read a third time this	day of	2013.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 277, being the "Comox Valley Zoning Bylaw, 2005, Amendment No. 57," as read a third time by the board of the Comox Valley Regional District on the day of 2013.

Corporate Legislative Officer

Adopted this	day of	2013.
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Chair

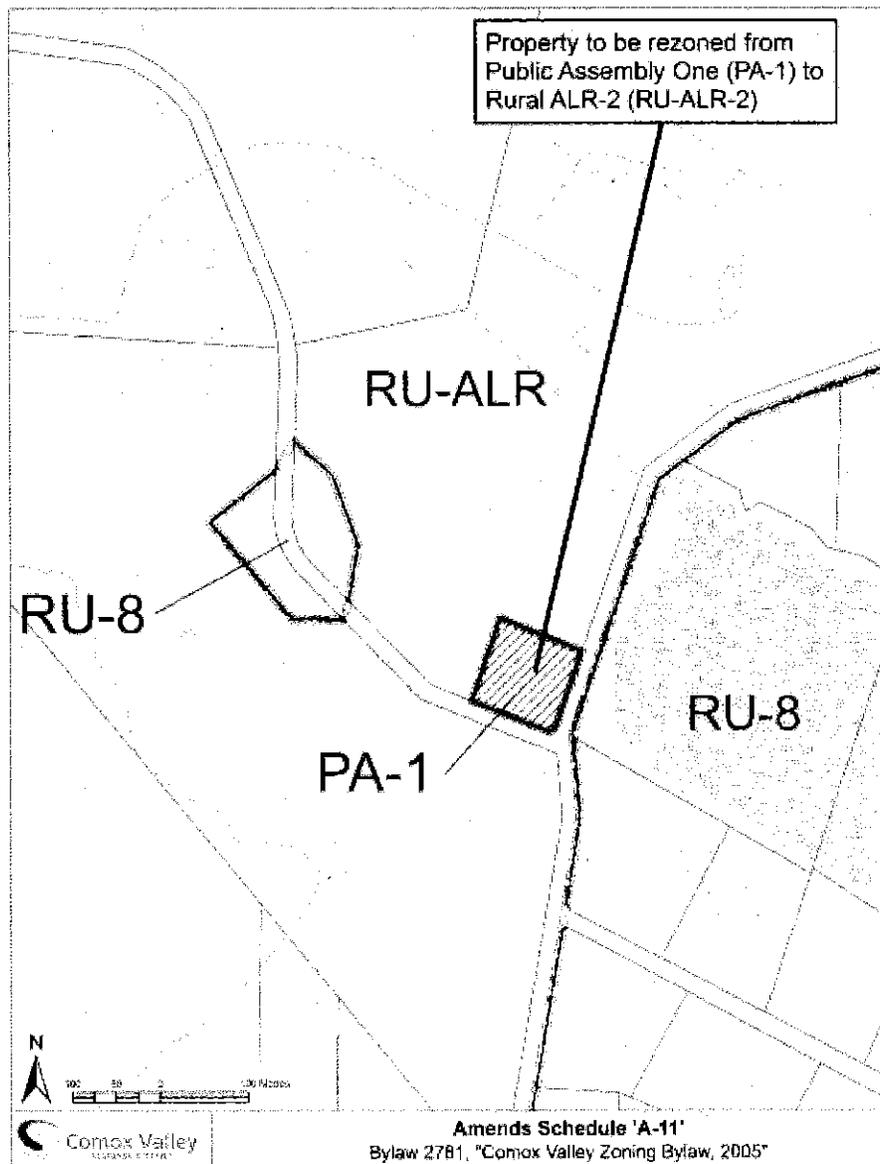
Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 277, being the "Comox Valley Zoning Bylaw, 2005, Amendment No. 57," as adopted by the board of the Comox Valley Regional District on the day of 2013.

Corporate Legislative Officer

SECTION TWO MAP AMENDMENT

1. Map schedule A-11 forming part of Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005", is hereby amended by altering the zoning on a property described as Lot 1, Section 27, Township 6, Comox District, Plan 42292 (1256 Larkin Road) from public assembly one (PA-1) to rural ALR-2 (RU-ALR-2) as shown on Appendix 1.



Appendix 1

Part of Schedule A to Bylaw No. 277 being the "Comox Valley Zoning Bylaw, Amendment No. 57."

Amends Map schedule A-11 of Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005."



MEMORANDUM

To: Russell Dyson, CAO
and
Board of Directors, Alberni-Clayoquot Regional District

From: Mike Irg, Manager of Planning and Development

Date: November 4, 2013

Subject: Regional Parks Plan Update

Recommendation

That the Board receives the staff memorandum.

Update

The purpose of this memo is to update the Board on the progress of the Regional Parks Plan. The Steering committee has met several times this fall. All First Nations and local municipalities have been contacted and asked for their input. Several First Nations are participating in the planning process. Staff and the consultant will continue to follow with all stakeholders to insure input from the entire community.

Community input is being gathered through a series of open houses. On October 21st the first open house was held in Bamfield. Open houses will be held November 20th in Port Alberni and November 28th in Tofino. An open house in Ucluelet will be held in November, the date has not yet been finalized.

After the open houses, a draft plan will be prepared and reviewed with the Steering Committee in early January, with the draft being presented to the Board in January.

Mike Irg, Manager of Planning and Development

Russell Dyson, Chief Administrative Officer

DRAFT PLAN OUTLINE FOR ACRD REGIONAL PARKS AND TRAILS

INTRODUCTION

- Description of the ACRD
- Location and character of the ACRD and each of the major areas

CONTEXT AND A VISION FOR THE FUTURE

- Purpose and scope of the Regional Parks and Trails Plan (balanced approach not necessarily population based) growth over the past 10 years has occurred where? Next 10?
- What is a regional park?
- Past parks planning documents (Appendix?)
- Planning process and consultation
 - Community stakeholders
 - Children, youth and seniors
- Project goals
- Vision for the future
 - A vision for Regional Parks and Trails in the ACRD
 - Key components of the vision

PROTECTING OUR NATURAL RESOURCES

- Need for ecological integrity in the ACRD and the current pressures the region is facing. ie. Forestry, mining, lack of employment in the region with potential to compromise natural resources.
- What does the ACRD have to protect? Why should we care?
 - Air quality
 - Geology and landforms
 - Vegetation
 - Aquatic ecosystems
 - Wildlife
 - Species and genetic diversity
 - Wildlife
 - Watersheds
 - Wetlands
 - Estuaries
 - Environmentally sensitive sites

ENVIRONMENTAL MANAGEMENT

- Ecological integrity
 - Noxious weeds
 - Invasive species
 - Sensitive ecological areas
 - Areas of disturbance
 - impacts associated with human uses

CULTURAL RESOURCES

- What are cultural resources?
- archeological resources
- Culturally significant trails and routes

- Culturally significant rivers and waterways
- Public awareness and involvement
- Management of cultural resources
- Interpretation

REGIONAL PARKS AND TRAILS TODAY

- Existing conditions: (Evaluation of current Parks Service)
 - Regional Parks
 - Regional Trails
- Regional district ownership and management
- Collaborative ownership or partnerships
- Demographic and trends in parks, trails and outdoor recreation
- Community interests for the future
- Meeting changing needs and demands

REGIONAL PARKS AND TRAIL SYSTEM FOR TOMORROW

- A sustainable regional parks and trails system for tomorrow
- Benefits and trends in regional parks systems
- Land acquisition strategy
- Community linkages
- Regional connectivity and travel routes
- Key park zoning / classifications
 - Ecosystem Protection Classifications and Designations
- partners

RECOMMENDATIONS FOR A SUSTAINABLE REGIONAL PARKS AND TRAIL SYSTEM

- Proposed/ desired community parks and trails
- Proposed/ desired regional parks and trails
- Sustainable park and trail infrastructure design
- Construction standards
- Permitted uses

FUNDING A SUSTAINABLE PARKS AND TRAILS SYSTEM

- Managing assets and infrastructure
- Existing and potential income sources
- Funding opportunities
- Partnership opportunities

STEWARDSHIP AND MONITORING

- Environmental education and interpretation
- Managing users and use
- Closures and rehabilitation
- Signage
- Trailheads and access
- Regulations and etiquette (user conflicts)
- Enforcement

- Volunteer coordination and projects vs. contracted services
- Visitor use management
 - carrying capacity and monitoring
- Maintenance and monitoring
- Branding and respect for regional parks

MAPS

Map 1: Location

Map 2: Landmarks and key destinations

Map 3: Land Ownership

Map 4: Existing Parks and Trails

Map 5: Future Parks and Trails

Map 6: ACRD Regional Travel System

Map 7: Key destination, park and trail spatial analysis