



RDN REPORT		
CAO APPROVAL		
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BOARD	✓	Aug. 23 / 11

MEMORANDUM

TO: Paul Thompson
Manager, Long Range Planning

DATE: August 8, 2011

FROM: Lisa Bhopalsingh
Senior Planner

FILE: 6780 30

SUBJECT: Regional Growth Strategy Bylaw No. 1615, 2011

PURPOSE

To make amendments to “Regional Growth Strategy (RGS) Bylaw No. 1615, 2011” as a result of comments received from First Nations and provincial government agencies.

BACKGROUND

On June 28, 2011, “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” was given first and second reading, and staff were directed to schedule a public hearing. Since that time, new comments have been received which include requests for revisions from First Nations and provincial government agencies.

Staff have reviewed the new comments and recommend making a small number of minor changes to the text in “Schedule A” (June 6, 2011, draft RGS) of Bylaw No. 1615, 2011 to address some of these comments. The proposed amendments are attached in Appendix 2 of this report. These include amending/adding text to address Green House Gas Targets, First Nations Treaty Settlement Lands, and language emphasizing collaboration with the provincial government to implement various policies.

Several of the changes requested by different agencies reflect a desire to see a higher level of detail included in the RGS. The Board will recall that the first draft of the RGS contained a higher level of detail. The document was subsequently amended to reflect RDN members’ (municipal and electoral area representatives) opinion that a shorter, less detailed document was more appropriate. Adding more detail to the draft RGS is not recommended at this time.

Bylaw No. 1615 has not yet proceeded to public hearing and there is an opportunity for the RDN Board to consider making the recommended amendments prior to the public hearing and subsequent referral for acceptance. If the RDN Board supports the recommended changes, first and second reading of Bylaw No. 1615 should be rescinded. This will allow the Bylaw to include the proposed changes to Schedule ‘A’ and be given amended readings before proceeding to public hearing. These steps will ensure that the legislative requirements to adopt a Regional Growth Strategy are met.

ALTERNATIVES

1. To receive this report with proposed changes to “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” given on June 28, 2011, rescind first and second reading of this Bylaw, re-introduce the Bylaw with an amended “Schedule A” for first and second reading, and proceed to public hearing.
2. To not rescind “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” and continue to proceed to public hearing.

FINANCIAL IMPLICATIONS

There are no additional financial implications involved with either proceeding with the recommendations of this report or not, as the same schedule for public hearings can be followed either way. However, as noted in the staff report received by the Board on June 28, 2011, there are potentially significant financial implications if one or more of the affected local governments pass a resolution to not accept the RGS Bylaw.

LAND USE & SUSTAINABILITY IMPLICATIONS

The proposed changes to the June 6, 2011, draft of the RGS do not have significant land use implications other than acknowledging that First Nations' treaties may result in the transfer of jurisdiction of some lands within the RDN to First Nations governments. Upon settlement of treaties, these transfers of jurisdiction over land use would still occur regardless of whether they are acknowledged in the RGS.

The proposed changes to the draft RGS continue to be consistent with the June 6, 2011, draft RGS that the Board reviewed. As such, the land use and sustainability implications explained in previous reports to the Board are still relevant. The draft RGS with the proposed amendments, if adopted, will continue to use growth containment boundaries and policies to promote compact, complete and connected communities, to manage growth. It will also continue to include a broader range of sustainability goals and policies including economic development, groundwater protection, food security, affordable housing and climate change. The collaborative implementation of the draft RGS policies will help improve the environmental, social and economic sustainability of the region.

Public Consultation Implications

Proceeding with the changes as outlined in this report will have no impact on the public consultation process previously considered and adopted by the Board. Two public hearings on the bylaw are scheduled for September 7th and 8th, 2011.

SUMMARY/CONCLUSIONS

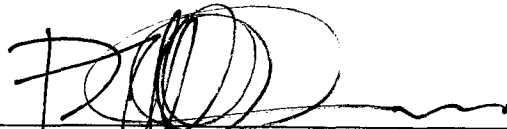
Since the Board gave Bylaw No. 1615, 2011 first and second reading, new comments including requests for amendments to the Bylaw have been received from First Nations and provincial government agencies. Staff are recommending that the changes outlined in this report be made by rescinding first and second reading and reintroducing Bylaw No. 1615, 2011 for first and second reading. This will allow the Board to ensure that legislation governing the adoption the Regional Growth Strategy is followed, while also providing the public with sufficient time to review the amended Bylaw prior to the public hearings. The following recommendations are provided for the Board's consideration.

RECOMMENDATIONS

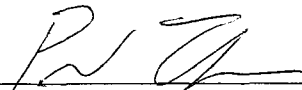
1. That first and second reading of "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011", be rescinded.
2. That "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011", be read two times as amended as set out in Appendix 2 of the staff report.




Report Writer



General Manager Concurrence



Manager Concurrence



A/ CAO Concurrence

APPENDIX 1

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1615

A BYLAW TO ADOPT A REGIONAL GROWTH STRATEGY
FOR THE REGIONAL DISTRICT OF NANAIMO

WHEREAS the *Local Government Act* provides for a regional district to undertake the development, adoption, implementation, monitoring and review of a regional growth strategy under Part 25,

AND WHEREAS a review of “Regional District of Nanaimo Growth Strategy Bylaw No. 1309, 2003” was initiated by resolution, pursuant to Part 25, section 854 of the *Local Government Act*;

NOW THEREFORE, the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. “Regional District of Nanaimo Growth Strategy Bylaw No. 1309, 2003” is hereby repealed.
2. Schedule “A” attached to and forming part of this Bylaw is hereby designated as the “Regional Growth Strategy for the Regional District of Nanaimo”.
3. This Bylaw may be cited as “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” and takes effect on the date adopted.

The Regional Growth Strategy Bylaw was introduced and read two times on the 28th of June, 2011.

First and second reading was rescinded and the Bylaw was amended on the ____ of _____, 20__.

The Regional Growth Strategy Bylaw was read two times as amended on the ____ of _____, 20__.

The Board conducted a public hearing on the Regional Growth Strategy Bylaw on the ____ and ____ days of _____, 20__.

“Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” was accepted, by resolution as follows:

- City of Nanaimo on the ____ day of _____, 20__;
- City of Parksville on the ____ day of _____, 20__;
- District of Lantzville on the ____ day of _____, 20__;
- Town of Qualicum Beach on the ____ day of _____, 20__;
- Comox Strathcona Regional District Board on the ____ day of _____, 20__;
- Alberni-Clayoquot Regional District Board on the ____ day of _____, 20__;
- Cowichan Valley Regional District Board on the ____ day of _____, 20__.

Read a third time this ____ day of _____, 20__.

Adopted this ____ day of _____, 20__.

Chairperson

Sr. Mgr., Corporate Administration

APPENDIX 2

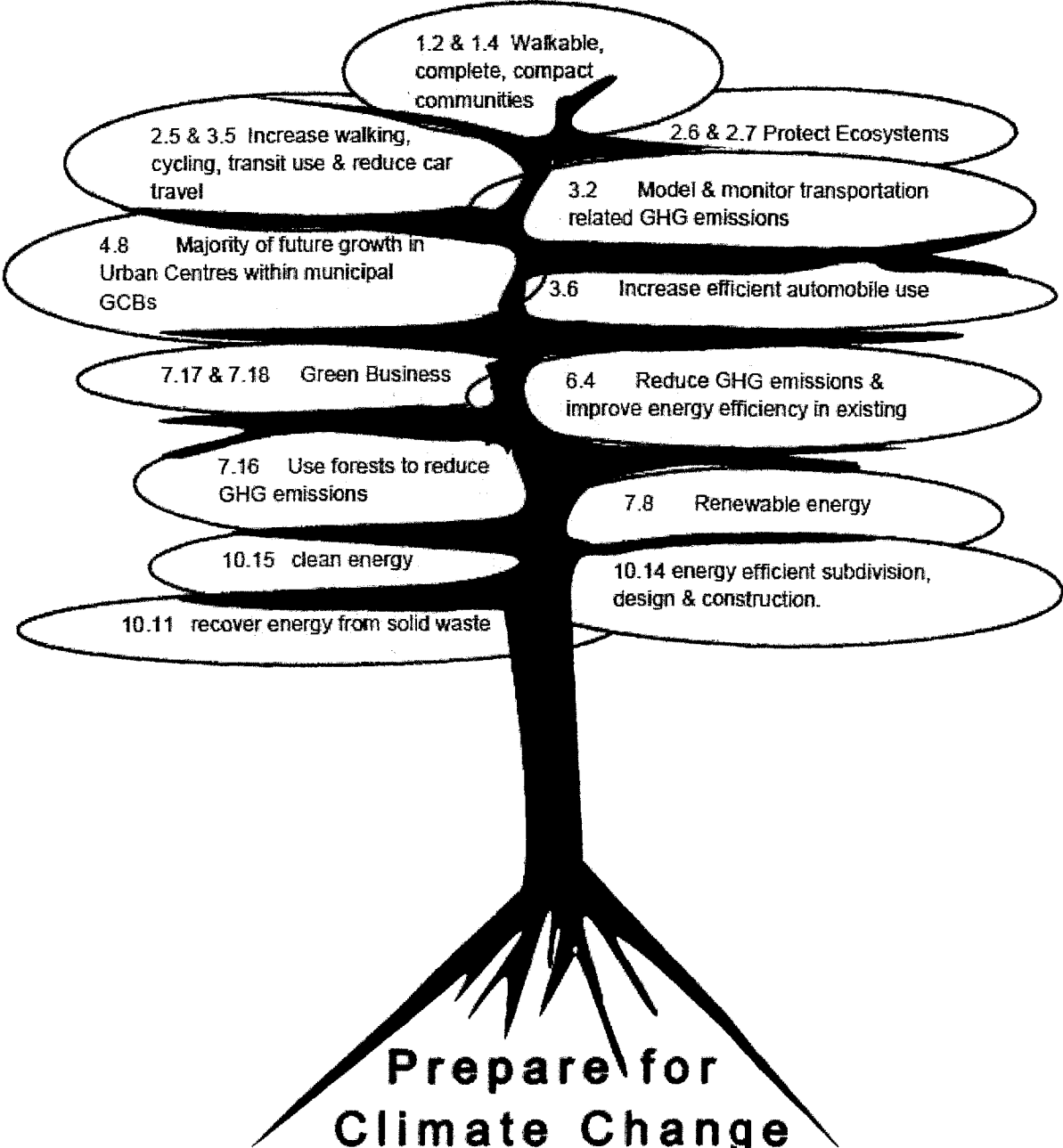
Amendments to Schedule 'A' of "Regional District of Nanaimo
Regional Growth Strategy Bylaw No. 1615, 2011"

RGS Section	Page #	Amendment
Section 2.1 RDN Mandate	7	<p>Add underlined text as follows:</p> <p><i>There are several First Nations whose traditional territories lie within the area subject to the RGS. Within these lands are six reserve areas that come under the jurisdiction of:</i></p> <ul style="list-style-type: none"> • <i>Snuneymuxw First Nation (Nanaimo I.R. 1, 2, 3 & 4)</i> • <i>Snaw'Naw'As (Nanoose First Nation)</i> • <i>Qualicum First Nation</i> <p><u><i>In addition to the reserve lands noted above, it is recognized that additional lands within the RDN may be transferred to First Nations through Treaty Settlement processes. The RGS will be updated to reflect these changes in jurisdiction over land as determined by Treaty Implementation Agreements.</i></u></p> <p><u><i>The RDN will continue to pursue building respectful and collaborative relationships with First Nations with Traditional Territories adjacent to or within the RDN's boundaries. This will help ensure that common concerns and interests are addressed to achieve mutually beneficial social, economic and environmental goals.</i></u></p>
Section 2.2 Regional Geography	8	<p>Add underlined text as follows:</p> <p><u><i>The ecosystems of the area are threatened by the impacts of growth. Of great significance are the rare Coastal Douglas Fir ecosystems which have been heavily impacted by human activity. Population growth and associated development continue to pose a threat to remaining Coastal Douglas Fir ecosystems along with other ecosystem types.</i></u></p>
Section 4.2 Goal 1	16-17	<p>Add underlined text as follows:</p> <p><u><i>....This plan will provide specific policies, tools and targets that will help implement the objectives of the RGS related to the creation of complete, compact, connected communities.</i></u></p>
Section 4.2 Goal 1 Policy 1.1	17	<p>Delete and replace text in policy 1.1 and add new policy 1.2 and figure as follows:</p> <p><i>The RDN and member municipalities agree to:</i></p> <p><i>1.1 — Contribute to the provincial goal of reducing GHG emissions to 33% below 2007 levels by 2020 and 80% by 2050 and reduce overall energy consumption in the region. Key strategies will be included in the Community Energy & Emissions Plan.</i></p> <p><i>1.1 <u>Initially use the established Provincial targets to reduce GHG emissions 33% below 2007 levels by 2020 and 80% by 2050. These targets may be revised once the RDN's Community Energy & Emissions Plan is finalized. The RDN's Community Energy & Emissions Plan will establish both regional and local targets to reduce GHG emissions and include key strategies to achieve those</u></i></p>

RGS Section	Page #	Amendment
		<p><u>targets.</u></p> <p>1.2 <u>Work towards achieving GHG targets by implementing the policies and actions to reduce GHG's contained within the RGS. Figure 6 identifies examples of the policies and actions contained in the RGS to reduce GHG emissions.</u></p>
<p>Section 4.2 Goal 2 Land Policy 2.6</p>	<p>20</p>	<p>Add underlined text as follows:</p> <p><u>Work with the federal and provincial governments to identify and protect open spaces that are representative of the region's ecosystems. These spaces reflect the region's character, and form systems of interconnected areas and natural corridors capable of sustaining native plant and animal communities.</u></p>
<p>Goal 7 Economic Resiliency Policy 7.15 Bullet 2</p>	<p>33</p>	<p>Remove text and add underlined text as follows:</p> <ul style="list-style-type: none"> • <u>Encourage the Work collaboratively with the provincial and federal government to protect the shellfish aquaculture leases from wastewater or industrial runoff contamination;</u>

Figure 6 to be inserted after Section 4.2 Policy 1.9

Figure 6: Policies and Actions to Address Climate Change



Note: Figure for reference only. Numbers relate to relevant policies in the RGS