

Attachment 3
Summary and Compilation of Referral Responses



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Duncan, BC V9L 1N8
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Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955

January 28, 2022

File: 0400-60 RDN 2022 Referrals

Mr. Tyler Brown, Chair
Regional District of Nanaimo
6300 Hammond Bay Road
NANAIMO BC V9T 6N2

Dear Chair Brown:

Re: RDN Regional Growth Strategy Bylaw 1615.05 Amendment Formal Referral

The Cowichan Valley Regional District Board has considered the proposed "Regional District of Nanaimo Regional Growth Strategy Amendment Bylaw No. 1615.05, 2021". The following resolution was passed at the January 26, 2022 Board meeting:

"That the Regional District of Nanaimo be advised that the Cowichan Valley Regional District accepts Regional Growth Strategy Amendment Bylaw No. 1615.05 related to the property south of the Nanaimo River on the Trans-Canada Highway."

We thank you for the opportunity to consider this amendment.

Sincerely,

A handwritten signature in cursive script that reads "Lori Iannidinardo".

Lori Iannidinardo
Chair

LI/CB/lkw



January 14, 2022

The following is a certified true copy of a resolution passed by the Regional District of Alberni-Clayoquot Board of Directors at their regular Board Meeting held on January 12, 2022:

**MISC21006, REGIONAL DISTRICT OF NANAIMO REGIONAL GROWTH STRATEGY
AMENDMENT REFERRAL**

Miscellaneous Referral - Request for Decision

MOVED: Director Cote

SECONDED: Director Johnsen

THAT the Board of Directors accept the proposed Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615.05, 2021 as presented.

CARRIED

Certified True Copy

Wendy Thomson
General Manager of Administrative Services



District of Lantzville
PO Box 100, 7192 Lantzville Road | Tel 250.390.4006 | district@lantzville.ca
Lantzville, BC V0R 2H0 | Fax 250.390.5188 | lantzville.ca

January 17, 2022

Email: jhill@rdn.bc.ca

Jacque Hill, Manager
Administrative Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Ms. Hill:

Re: Regional Growth Strategy Amendment to Allow for Industrial Lands

Council, at its regular meeting held on Wednesday, January 12, 2022, considered letters from Tyler Brown, Chair, Regional District of Nanaimo Board, dated November 24, 2021 and December 9, 2021 with draft "Regional District of Nanaimo Regional Growth Strategy Amendment Bylaw No. 1615.06, 2022" attached, inviting Council to comment on the draft Regional Growth Strategy amendment bylaw prior to January 14, 2022, and draft "Regional District of Nanaimo Regional Growth Strategy Amendment Bylaw No. 1615.05, 2021" attached, inviting Council to comment on the draft Regional Growth Strategy amendment bylaw prior to February 11, 2022.

This letter is to advise that at the January 12, 2022 regular Council meeting, Council passed the following motion:

"THAT the Regional District of Nanaimo be advised that the District of Lantzville has no comments on the proposed Regional Growth Strategy Amendment Bylaw No. 1615.05, 2021 and Amendment Bylaw No. 1615.06 to allow for lands to be designated "Industrial"; AND FURTHER THAT the Regional District of Nanaimo be advised that the District of Lantzville does not wish to provide further comments on the proposed Regional Growth Strategy amendment for Bylaw No. 1615.05 and Bylaw No. 1615.06, 2021 following first reading of the proposed bylaw."

If you have questions, please do not hesitate to contact me by phone at **250.933.8082** or by email: tcoates@lantzville.ca.

Yours truly,

Trudy Coates
Director of Corporate Administration

ec: Ronald Campbell, Chief Administrative Officer, District of Lantzville
Frank Limshue, Director of Planning and Community Services, District of Lantzville

File: 6530-60

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K'ómoks First Nation

3320 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053

January 17th, 2022

Tyler Brown, Chair
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
nredpath@rdn.bc.ca

Re: Amendment to RGS for property 2935 Trans-Canada Highway

To whom it may concern,

The K'ómoks First Nation is in receipt of the above application regarding an amendment to RGS for property located at 2935 Trans-Canada Highway.

The K'ómoks First Nation does not have any comments to provide at this time regarding this application, however we would like to ensure that the other local First Nations, such as Snuneymuxw, have been consulted on this application before the permit is issued. Please note that this "no comment" letter is specifically intended for this application and is without prejudice to any and all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the K'ómoks traditional territory.

Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.

Should you require any further information, please do not hesitate to contact our office.

Sincerely,

Nicole Rempel,
KFN Chief Councillor



Snuneymuxw

First Nation

www.snuneymuxw.ca

December 13, 2021

To whom it may concern,

RE: Referral of Regional Growth Strategy Amendment Bylaw No. 1615.05 for 2935 Trans-Canada Highway

This letter is to notify your organization that Snuneymuxw First Nation (SFN) has received the above captioned referral. In order to properly review referrals including determining completeness of the referral package, we require a minimum of 60 days ("Review Period") from December 13, 2021. Our Nation receives a high volume of referrals on a daily basis, and we appreciate your patience.

On December 23, 1854, SFN entered into a Treaty with the Governor of the Colony, Sir James Douglas, representing the Crown at Nanaimo Harbour. The Snuneymuxw people have a Nation-to-Nation relationship with Canada and a Government-to-Government relationship with British Columbia. The Treaty of 1854 is a Treaty within section 35 of the *Constitution Act, 1982* and protects the land, marine, aquatic and harvesting rights of the members of the Nation individually and as a whole. The position of Snuneymuxw, based on the Treaty of 1854, is that consent of the Nation is required before any exploration, development, permit or approval granted in relation to the traditional territory of the Snuneymuxw people.

If you require further information about the 1854 Treaty, the inherent and Aboriginal rights of the Snuneymuxw First Nation, or the traditional use and occupation of our territories and waters, please provide us with specific requests in writing.

During the Review Period, SFN will review the referral package and if the package is incomplete, we will require further information from yourself, government, the proponent and/or a related party. However, if you have not heard from SFN within the Review Period does not equate to SFN support for this referral. Depending on the referral package and the impacts to SFN treaty rights, we may require more time to review and respond appropriately.

The Snuneymuxw First Nation, as a Treaty First Nation, takes the position that the consent of the Nation is required prior to any development impacting our lands and/or resources. In some cases, there may be mitigating or accommodation measures that the Snuneymuxw First Nation can consider or accept, but such arrangements must be the product of direct discussion and consent. The honour of the Crown in relation to our

lands, waters and peoples is a lawful obligation and is not waived by Snuneymuxw in any circumstance.

Once the application has been reviewed by your organization based on our requirements, please set up a phone call, virtual meeting, or in-person meeting to discuss next steps.

Please contact our Lands Clerk at landsclerk@snuneymuxw.ca Monday – Friday between 8:00AM-4:00PM if you have any further questions.

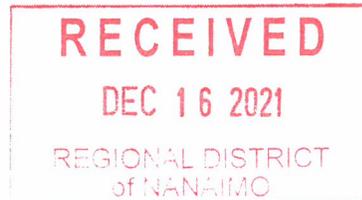
Sincerely,

Lands Clerk
Snuneymuxw First Nation
668 Centre Street
Nanaimo, BC V9R 4Z4



175 Ingram Street
Duncan, BC V9L 1N8
www.cvrd.bc.ca

Office: 250.746.2500
Fax: 250.746.2513
Toll Free: 1.800.665.3955



December 10, 2021

File: 0400-60 RDN 2021

Regional District of Nanaimo
6300 Hammond Bay Road
NANAIMO BC V9T 6N2

Attention: Tyler Brown, Chair

Dear Chair Brown:

Re: RDN Regional Growth Strategy Bylaw 1615.4 Amendment Formal Referral

The Cowichan Valley Regional District Board has considered the proposed RDN Regional Growth Strategy Bylaw 1615.4 amendment. The following resolution was passed at the December 8, 2021 Board meeting:

“That the report on the Regional District of Nanaimo Regional Growth Strategy Amendment – Industrial Lands South of Nanaimo River on Trans Canada Highway be referred to Regional District of Nanaimo staff with a request for information on impacts to the aquifer.”.

We look forward to your response and ongoing engagement in this important discussion to protect our shared watersheds and aquifers.

Sincerely,

A handwritten signature in black ink that reads "Lori Iannidinardo".

Lori Iannidinardo
Chair

LI/CB/lkw



Your File #: PL2021-005
eDAS File #: 2021-05553
Date: Nov/29/2021

Regional District of Nanaimo
Nick Redpath

Attention: Nick Redpath Senior Planner

**Re: Proposed Bylaw Text Amendment Approval Application for:
Lot 11, Section 4, Range 7, Cranberry District, Plan 2700
2 km Northwest from Nanaimo Airport, Located approximately 2 km north
of the Nanaimo Airport Lands along the Trans Canada Highway
2935 Trans-Canada Highway S, Nanaimo**

Thank you for the referral, and the updated Traffic Impact Assessment (TIA) as the original was riddled with errors referencing the entirely wrong roads. The Ministry poses some initial questions and comments regarding this proposal:

- What is the legal access to this parcel as there is no publicly dedicated road
- Has the applicant made efforts to extend the public access of Maple Road
- Upgrades will be required to the proposed entrances
- How will Section 75 of the Land Title Act be met, there is over approximately 600m from the closest public access
- What upgrades will be required for the railway crossing
- Is the facility wholly within their property boundaries, the ortho appears it extends into the property to the south

These are initial thoughts and comments, I will also send the updated TIA along to the Ministry Engineer for further review.

If you have any questions please feel free to call Jamie Leigh Hopkins at (250) 734-4825.

Yours truly,

Jamie Leigh Hopkins
Development Services Officer

Local District Address
Vancouver Island District Third Flr 2100 Labieux Road Nanaimo, BC V9T 6E9 Canada Phone: (250) 751-3246 Fax: (250) 751-3289

Nicholas Redpath

From: Boogaards, Stephen
Sent: Wednesday, December 15, 2021 10:03 AM
To: Redpath, Nicholas
Subject: Fw: 2021-05553 your file # PL2021-005

From: Hendy, Timothy TRAN:EX <Timothy.Hendy@gov.bc.ca>
Sent: December 15, 2021 9:44 AM
To: Fowler, Kim; Boogaards, Stephen
Cc: Pirozzini, Bryce TRAN:EX
Subject: 2021-05553 your file # PL2021-005

EXTERNAL Verify links before clicking.

Good morning,

In response to your request for comments dated December 9, 2021, MoTI has the following comments regarding development at the subject property.

- No changes to current useage is recommended until legal access is established. It is recommended that the RDN confirm that the railway crossing at Cassidy Station Road has been legally licenced from the Island Corridor Foundation, and to confirm from the ICF what upgrades should be required to that crossing.
- Should legal access not be confirmed at the above location, then efforts should be made by the property owner to establish legal access to the parcel from the British Columbia Transport Financing Authority (c/o Ministry of Transportation and Infrastructure) parcel to the south either by licence of occupation or through road dedication extending Maple Road.
- No development at the site is recommended while the business operation is in trespass on the above mentioned BCTFA parcel Lot 1, Section 3, Range 7, Cranberry District, Plan VIP10781.

Thank you for the opportunity to comment on this development.

Tim Hendy | Development Officer
Vancouver Island District | Ministry of Transportation and Infrastructure
P: (250) 734-4812 | timothy.hendy@gov.bc.ca



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[SUBDIVISION INFORMATION](#)

Nicholas Redpath

From: Hendy, Timothy TRAN:EX <Timothy.Hendy@gov.bc.ca>
Sent: Tuesday, May 10, 2022 4:11 PM
To: Nicholas Redpath
Subject: 2021-05553 RDN file # PL2021-005

EXTERNAL Verify links before clicking.

Good afternoon,

These comments are in response to letter from the Island Corridor Foundation confirming that subject property has legal access via rail crossing at Cassidy Station Road.

As a result, MoTI has no objections to this proposal.

MoTI advises that there may be some trespass by the applicant on BCTFA parcel Lot 1, Section 3, Range 7, Cranberry District, Plan VIP10781. This is unconfirmed and no response is required at this time. Applicant is advised that any expansion into this lot is not permitted.

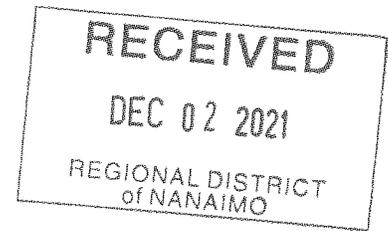
Tim Hendy | Development Officer
Thompson Nicola District | Ministry of Transportation and Infrastructure
P: (250) 734-4812 | timothy.hendy@gov.bc.ca



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November 22, 2021

Kim Fowler
Manager, Long Range Planning, Energy and Sustainability
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Kim Fowler:

Re: Review – Growth Strategy Amendment Bylaw No. 1615, 2011: 2935 Trans-Canada Highway, Nanaimo, BC

Thank you for the opportunity to comment on the Regional District of Nanaimo Regional Growth Strategy (RGS) bylaw amendment for 2935 Trans-Canada Highway. The past few years have seen significant advances in linking urban planning with a variety of health outcomes.

These include outcomes such as: the encouragement of physical activity, healthier eating, greater safety, cleaner air and healthier living environments, access to health services, food security, age friendly communities, and improved social interaction amongst other potential health criteria.

Island Health appreciates the opportunity to provide evidence based recommendations and comments for this referral. Highlights as well as recommendations are itemized below:

Highlights

- The proposed application proposes to increase designated industrial zoning. The RGS Goal 5 enhance rural integrity and Goal 7 enhance economic resilience intend to support and strengthen economic development. The project is projected to add 9 full-time equivalent permanent jobs to the area. When people are able to work in the same area as they live and play they are socially more connected with their community, they have lower levels of stress, are more likely to engage in physical activity and tend to have better health outcomes.
- The proposed amendment is in keeping with the Regional Growth Strategy Goal 4 to concentrate growth within growth containment boundaries in that it will not lead to the creation of any new lots. Ensuring development is contained to targeted growth areas reduce sprawl and allows for densification within existing hubs. Targeting densification to existing hubs helps fosters social connectedness, providing residents with the opportunity for social engagement on a regular basis. Densification can increase proximity to work, schools and recreational opportunities therefore increasing engagement in walking, cycling and physical activity.

Gateway Village Health Unit

201 - 771 Vernon Avenue | Victoria, BC V8X 5A7
Email: Gateway_office@viha.ca

Tel: 250.519.3401 | Fax: 250.519.3402
www.islandhealth.ca

Excellent health and care, for everyone, everywhere, every time.

- Steel Containers Systems Inc. is proposing to implement on-site water conservation and energy reduction measures as part of the new building construction. This is aligned with the RSG Goal 1 prepare for climate change and reduce energy consumption. Island Health supports initiatives that help lessen the impacts of climate change such as, conserving water and reducing energy use. The health impacts of a changing climate include, increase stress and mental health outcomes, heat-related illness and mortality, disruption in quality of life, and increase prevalence in respiratory conditions to name a few.

Regulatory Considerations

The applicant is not proposing any changes to existing water and septic services however:

Drinking Water

- Under the *Drinking Water Protection Act* and *Regulation*, any construction, installation, alteration, or extension of (a) a water supply system, or (b) works, facilities, or equipment that are intended to be a water supply system or part of a water supply system, must be issued a construction permit from our Public Health Engineer. Consultation with our Drinking Water Officer will also be needed (for more information: <https://www.islandhealth.ca/learn-about-health/drinking-water/drinking-water-legislation-approval>).

Sewerage Disposal

- Sewerage disposal for the proposed development must be in compliance with the *Sewerage System Regulation*.

Recommendations under Island Health's Healthy Built Environment Initiative

- Steel Containers Systems Inc. property abuts the Nanaimo River and is subject to a restrictive covenant to preserve and protect all vegetation within 30 meters of the top of the bank of the Nanaimo River. Adherence to this this covenant and ensuring construction work is limited away from the riparian area will help preserve delicate ecosystems. The preservation and protection of the natural environment within the built environments is an important component of the health of our communities. Health evidence shows a strong link between exposure and engagement to natural areas and the reduction of stress, chronic disease, depression and anxiety as well as improvements in cognitive functions.
- Ensure any condition or mitigating measures outlined, as applicable, in the Mine Permit issues by BC Ministry of Energy Mines and Low Carbon Innovation are followed. Mitigation measures or conditions of permit are put in place to ensure that biodiversity, biological productivity, and health of the natural environment is protected as much as possible. A healthy natural environment provides an opportunity for residents to interact and view nature, which in turn provides a positive impact on human physical and mental well-being.
- Retain as much of the existing natural environment (i.e. mature trees) as possible. As well as the health evidence outlined above, tree/shrubbery screening also provides a barrier to noise and helps improve air pollution.

-
- The adoption of idle-free policies can lessen air quality impacts of a denser development. A decrease in vehicle emissions will decrease exposure to air pollutants and reduce the risk of respiratory and cardiovascular disease.

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

Sincerely,



Angela Wheeler, BSc, BAS, CPHI(C)
Healthy Built Environment Consultant

AW/cmd

cc: Shaun Malakoe, Senior Environmental Health Officer, Nanaimo, Island Health
Hanna Glover, District Environmental Health Officer, Nanaimo, Island Health

Nicholas Redpath

From: Sadoway, Mark MUNI:EX <Mark.Sadoway@gov.bc.ca>
Sent: Wednesday, November 3, 2021 9:03 AM
To: Redpath, Nicholas; Schile, Jemai
Subject: 2935 Trans-Canada RGS amendment

 **EXTERNAL** **Verify links before clicking.**

Hi Nicholas and Jemai

I received the notification and referral letters for the 2935 Trans-Canada Highway RGS amendment, thank you for sending them. I don't have any comments on this site-specific amendment and will defer comments to the other provincial IAC members.

With regard to the broader RGS review, I would be pleased to review any materials if they are available. Otherwise, I am periodically checking the RDN engagement site for updates. Let me know if there is any assistance I can provide.

Regards,

Mark Sadoway | Senior Planning Analyst | Planning and Land Use Management | Ministry of Municipal Affairs
Ph: (236) 478 2584