



## LITTLE QUALICUM RIVER REGIONAL PARK LAND EXCHANGE ALTERNATIVE APPROVAL PROCESS RESULTS

### RECOMMENDATION

That "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022" be adopted.

### BACKGROUND

At the June 28, 2022, Regional District of Nanaimo (RDN) Board meeting, the following motion was carried:

#22-427: That "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022" be introduced and read three times.

At the October 11, 2022, Board meeting, the following motions were approved:

#22-613: That approval of the electors for "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022" be obtained by an Alternative Approval Process.

#22-614: That the Board approve the Elector Response Form as provided in Attachment 2; establish 4:00 p.m. on November 28, 2022, as the deadline for receiving elector responses for the alternative approval process, and determine the total number of electors of the area to which the approval process applies to be 136,802.

An initial alternative approval process was conducted between July 6, 2022 and August 15, 2022. However, since the time of the June 28 report and the completion of the AAP on August 15, staff obtained legal advice on the application s. 267(3) of the *Local Government Act* to notice requirements of the AAP, specifically in regard to advertising a provision that the *Meadowood Community Park and Little Qualicum River Regional Park Conditional Land Exchange Agreement*, and the records relating to it, were also available for public inspection. The October 6 report recommended the AAP for Bylaw 1859 be repeated and re-advertised with a correction to the omission in the notice to ensure its legal sufficiency.

In accordance with the *Community Charter*, the Board approved an alternative approval process (AAP) to seek elector approval for Bylaw No. 1859, 2022 (Attachment 1). As part of the AAP, electors opposed to the adoption of the Bylaw are required to sign an elector response form and submit it to the Regional District of Nanaimo (RDN) prior to the established deadline of November 28, 2022. Approval of the electors by AAP is obtained if the number of elector responses received is less than 10% of the number of electors in the RDN.

For the purpose of conducting the AAP, the number of electors in the RDN was determined to be 136,802 and applies to the entire Regional District of Nanaimo. Therefore, if fewer than 13,680 elector response forms are received prior to Monday, November 28, 2022, at 4:00 p.m., elector approval is deemed to have been obtained and the Board can proceed to adopt Bylaw No. 1859, 2022.

There were three (3) valid elector response forms received by the November 28, 2022, deadline (see Corporate Officer's Certification - Attachment 2), therefore Bylaw No. 1859, 2022 has received approval of the electors by the alternative approval process (AAP) and may be adopted by the Board.

To provide an opportunity for public information and participation, the RDN created an updated 'Get Involved' page in early October 2022 that provides information on the park land exchange project. The 'Get Involved' page contains a description of the proposed land exchange, copies of all related background documents, a copy of the Elector Response Form, and full details on how to participate in the AAP and a link to the project's Legislative Services AAP webpage.

The 'Get Involved' page for the Little Qualicum River Regional Park and Meadowood Community Park Land Exchange was visited sixty-seven (67) times since the start of the AAP process on October 26, 2022, with thirty-nine (39) site visitors classified as Aware, fifteen (15) as Informed, and zero (0) as Engaged based on their interactions with the site. The RDN also provided detailed notices in local print media and was available to respond to public and media questions on both the project and the AAP.

## **FINANCIAL IMPLICATIONS**

As per sections 2.6 and 2.7 of the Conditional Land Exchange Agreement, the developer is responsible for all costs including the RDN's legal and consulting fees, expenses and costs associated with the land exchange and subsequent subdivision.

The estimated costs for developing the new regional park addition and connecting it to the new Little Qualicum regional trail connection are \$5,000 and includes minor trail surfacing upgrades and signage. Ongoing annual maintenance costs will be approximately \$500. These costs are included in the preliminary 2023 budget.

## **STRATEGIC PLAN ALIGNMENT**

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations.

### **REVIEWED BY:**

A. Gore, Acting Manager, Parks Services  
J. Hill, Manager, Legislative Services  
T. Osborne, General Manager, Recreation and Parks  
D. Holmes, Chief Administrative Officer

## **ATTACHMENTS**

1. Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022
2. Corporate Officer's Certification