

Office of the Chair

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File: 6410-20 / Amendments
RGS 1CV 18

September 24, 2018

Sent via email: corpsrv@rdn.bc.ca

Chair and Directors
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

Dear Chair and Directors:

Re: Referral for Acceptance, Regional Growth Strategy Bylaw No. 120, Amendment No. 1

Please be advised that on September 18, 2018, the Comox Valley Regional District (CVRD) Board passed the following recommendation:

“THAT Bylaw No. 539 being “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1, be given second reading”

In accordance with *Local Government Act* (RSBC, 2015, c. 1) (LGA), Section 436(1), enclosed for your consideration of acceptance is the Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1. Following first reading of Regional Growth Strategy Bylaw No. 120, Amendment No. 1 on July 24, 2018, the CVRD held a public hearing on August 28, 2018.

Affected local governments are requested to respond to the Regional Growth Strategy bylaw by resolution (LGA Section 436(2)). Upon receipt of this referral, each local government must:

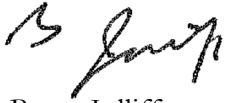
1. Review the proposed Regional Growth Strategy Bylaw No. 120, Amendment No. 1 in the content of any Official Community Plan for its jurisdiction, both those that are current and those that are in preparation, and in the context of any other matters that affect its jurisdiction; and
2. Within 60 days either:
 - a. Accept Regional Growth Strategy Bylaw No. 120, Amendment No. 1 as presented; or
 - b. Respond by resolution to the CVRD Board indicating specifically the reasons your local government refuses to accept.

Failure to accept the proposed Regional Growth Strategy Bylaw No. 120, Amendment No. 1 or respond with specific objections within 60 days of receipt of the referral, as per LGA Section 436(7), will deem your local government to have accepted the proposed Regional Growth Strategy Bylaw No. 120, Amendment No. 1.

Should your government choose not to accept the proposed Regional Growth Strategy Bylaw No. 120, Amendment No. 1 as presented, you must identify by resolution the reason for your objection (LGA Section 439). At that time as per LGA Section 440, the process is then taken over by the Ministry of Municipal Affairs and Housing who will determine the form and nature of efforts to resolve the matter. The disputing parties (the local government that objects and the regional district and other impacted local governments) must share equally all costs associated with the process imposed by the Minister.

If you have any questions, please contact Alana Mullaly at 250-334-6051 or amullaly@comoxvalleyrd.ca.

Sincerely,



Bruce Jolliffe
Chair

Enclosure: Appendix A – Bylaw No. 538 bring “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1”.

cc: Russell Dyson, Chief Administrative Officer
Scott Smith, General Manager of Planning and Development Services
Alana Mullaly, Senior Manager of Planning and Protective Services
Phyllis Carlyle, Chief Administrative Officer, Regional District of Nanaimo
Paul Thompson, Manager of Long Range Planning, Regional District of Nanaimo

Bylaw No. 539
Comox Valley Regional District

STATUS

Title: Comox Valley Regional District Regional Growth Strategy
Bylaw No. 120, 2010, Amendment No. 1

Applicant: Comox Valley Regional District

File No.: RGS 1CV 18

Purpose: To amend Section 5.2 of the Comox Valley Regional District
Regional Growth Strategy Bylaw No. 120, 2010

Participants: Baynes Sound – Vancouver Island portion (Electoral Area A);
Lazo North (Electoral Area B); Puntledge – Black Creek
(Electoral Area C); City of Courtenay; Town of Comox;
Village of Cumberland



Comox Valley Regional District Board:	Date:	June 26, 2018
	Decision:	Initiate a standard amendment to consider changes to Part 5 of the Regional Growth Strategy; adopt consultation plan; and provide notice to affected local governments
Read a first time	Date:	July 24, 2018
Public Hearing	Date:	August 28, 2018
Read a second time	Date:	September 18, 2018
Accepted by resolution	Date:	
Read a third time	Date:	
Adopted	Date:	

Comox Valley Regional District

Bylaw No. 539

A Bylaw to amend the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010".

WHEREAS pursuant to the provisions of Section 433 of the *Local Government Act* (RSBC, 2015, c. 1), the preparation of the regional growth strategy amendment was initiated by resolution of the board;

WHEREAS pursuant to the provision of Section 434 (2) of the *Local Government Act*, the board adopted a consultation plan that provides opportunities for early and ongoing consultation;

WHEREAS pursuant to the provision of Section 434(4) of the *Local Government Act*, the board held a public hearing on the proposed regional growth strategy amendment;

AND WHEREAS pursuant to the provision of Section 436(1) of the *Local Government Act*, the regional growth strategy amendment was accepted by affected local governments;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled, enacts the following amendments to the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010.

Section One Text Amendment

- 1) Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010," is hereby amended as set out in Schedule A attached to and forming part of this Bylaw.

Section Two Title

- 1) This Bylaw No. 539 may be cited as the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1."

Read a first time this	24th	day of	July	2018.
Public hearing held this		day of		2018.
Read a second time this		day of		2018.
Accepted by resolution this		day of		2018.

Read a third time this _____ **day of** _____ **2018.**

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 539, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1", as read a third time by the board of the Comox Valley Regional District on the _____ day of _____ 2018.

Corporate Legislative Officer

Adopted this _____ **day of** _____ **2018.**

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 539, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010, Amendment No. 1", as adopted by the board of the Comox Valley Regional District on the _____ day of _____ 2018.

Corporate Legislative Officer

Schedule A

Section One Text Amendment

1. Part 05, “Implementation and Monitoring”, Section 5.1(1), be amended by replacing the reference to “*Local Government Act s.866*” with “*Local Government Act s.446*”;
2. Part 05, “Implementation and Monitoring”, Section 5.1(3), be amended by replacing the reference to “*Local Government Act s.855*” with “*Local Government Act s.434*”;
3. Part 05, “Implementation and Monitoring”, Section 5.2(1), be amended by deleting the title that now reads “*Standard Amendments*” and re-numbered accordingly;
4. Part 05, “Implementation and Monitoring”, Section 5.2(1), be amended by replacing the text that now reads

“An amendment to the RGS, other than those considered to be a minor amendment, is considered a standard amendment and will follow the same process that is required to adopt a RGS as set out in Part 25 of the Local Government Act”

With:

“An amendment to the RGS may be proposed by a member municipality, the Electoral Areas Services Committee, or the board, including on behalf of an external agency or private land owner. Unless determined by board resolution to be a minor amendment, an amendment is a standard amendment and will follow the same process that is required to adopt a RGS as set out in Part 13 of the Local Government Act. The process that is required to adopt a minor amendment is as set out in Section 5.2(4). The RGS Summary Chart summarizes the processes for the adoption of a standard and minor amendment.”

5. Part 05, “Implementation and Monitoring”, Section 5.2(2) be amended by deleting the title that now reads “*Minor Amendments*” and re-numbering accordingly;
6. Part 05, “Implementation and Monitoring”, Section 5.2(2) be amended by replacing the reference to “*Section 857.1*” with “*Section 437*”;
7. Part 05, “Implementation and Monitoring”, Section 5.2(3) Criteria for Minor Amendments, be amended by replacing the reference in 5.2(3)(e) to “*Part 25*” with “*Part 13*”;
8. Part 05, “Implementation and Monitoring”, Section 5.2(4) be amended by replacing the text that now reads

“Minor amendments may be applied for by a member municipality, the regional district, external agency, private land owner or developer. Once a minor amendment application has been received, the process for review and adoption is as follows:”

With:

“Where an amendment to the RGS has been proposed by a member municipality, the Electoral Areas Services Committee, or the board, and the board has, by resolution, initiated the amendment, the process for the board to determine if the amendment is minor, and then to consider it as minor, is as follows:”

9. Part 05, “Implementation and Monitoring”, Section 5.2 (4) be amended by replacing the text that now reads

“Upon receiving a minor amendment application, the CVRD will set up a Technical Advisory Committee (TAC) meeting for review and discussion of the application and provide comments to CVRD staff”

With:

“Upon a board resolution to initiate an amendment, the regional district will set up a Technical Advisory Committee (TAC) meeting for review and discussion of the proposed amendment. The TAC will provide comments, in the form of a report prepared by regional district staff, to the Steering Committee”.

10. Part 05, “Implementation and Monitoring”, Section 5.2 (4) be amended by replacing the text that now reads

“On receipt of an application with comments from the technical advisory committee, CVRD staff will prepare a preliminary report for review by the RGS steering committee. Steering committee comments and recommendations will be forwarded to the CVRD Board to assist in its decision on whether the application should be processed as a minor amendment”

With:

“Upon receipt of a report from the Technical Advisory Committee, the Steering Committee will meet to review and discuss the proposed amendment. The Steering Committee will provide its comments and recommendations to the CVRD Board via a report prepared by regional district staff. The Steering Committee’s report will assist the board in its decision on whether the proposed amendment should be processed as a minor amendment”

11. Part 05, “Implementation and Monitoring”, Section 5.2 (4) be amended by replacing the text that now reads

“The CVRD board will assess any proposed amendment in terms of the minor amendment criteria. The Board may resolve, by an affirmative vote of 2/3 of the board members present, to proceed with an amendment application as a minor amendment. Where the board resolves to proceed with an amendment application as a minor amendment, the Board will...”

With:

“The board will assess any proposed amendment in terms of the minor amendment criteria. The board may resolve, by an affirmative vote of 2/3 of the board members present, to process the proposed amendment as a minor amendment. Where the board resolves to process an amendment proposal as a minor amendment, the board will...”

12. Part 05, “Implementation and Monitoring”, Section 5.2(4), Summary Chart, be amended by replacing the text box that now reads “RGS amendment initiated” with “Board resolution to initiate RGS amendment”

13. Part 05, “Implementation and Monitoring”, Section 5.2(4), Summary Chart, be amended by replacing the text box that now reads “*CVRD Board determines if amendment is minor (2/3 vote)*” with “*Board resolution by 2/3 vote if an amendment is minor*”