



Attachment 3

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October 5, 2018

File: 01-0400-50 RDN

Jamie Schile
Senior Planner
Regional District of Nanaimo

Re: RDN Letter of Notification – Floodplain Management Bylaw

In response to your emailed "Notification of Amendment – RDN's Floodplain Management Bylaw" dated October 4, 2018, I am writing to advise that under Section 36 of the *Islands Trust Act*, the regional district is prohibited from exercising authority within the Trust Area that is given to local trust committees under Section 29 and Section 30 of the *Islands Trust Act*. Under Section 29, local trust committees have all the power of a regional board under Part 14 and Part 15 of the Local Government Act. This includes Section 524 [requirements in relation to flood plain areas]. The authority for floodplain management within the Gabriola Island Local Trust Area rests with the Gabriola Island Local Trust Committee, and within the Ballenas-Winchelsea Local Trust Area with the Executive Committee Acting as a Local Trust Committee.

We request that the RDN Floodplain Management Bylaw be amended to exclude the Islands Trust Area (Gabriola Island Local Trust Area and the Ballenas-Winchelsea Local Trust Area).

I have attached a copy of the Regional District of Nanaimo and the Gabriola Island Local Trust Committee protocol agreement; this agreement indicates that both parties agree to recognise each other's jurisdiction, and agree to coordinate planning, servicing and growth management.

Sincerely,

David Marlor
Director Local Planning Services
Local Planning Services
Email: dmarlor@islandstrust.bc.ca
Telephone: 250-405-5169

cc: Gabriola Island Local Trust Committee
Executive Committee Acting as a Local Trust Committee
Ann Kjerulf, Regional Planning Manager

Attachment

LETTER OF UNDERSTANDING

between staff for the

THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE

and staff for the

REGIONAL DISTRICT OF NANAIMO BOARD

SUBJECTS:

- I PURPOSE**
- II PRINCIPLES**
- III CONSULTATIVE PROCESS**
- IV IMPLEMENTATION**
 - A Community Planning**
 - 1. Official Community Plans**
 - 2. Land Use Bylaws**
 - 3. Bylaw Enforcement**
 - 4. Building Permits**
 - B Parkland and School Site Acquisition**
 - 1. Parkland Acquisition**
 - 2. Park Planning**
 - 3. School Site Acquisition**
 - 4. Parks and Recreation Commission**
 - C Servicing**
 - 1. Service Delivery**
 - 2. Regional Growth Strategy**
 - 3. Service Coordination Agreements**
 - 4. Servicing Plans**
 - D Administrative Arrangements**
 - 1. Interagency Agreements**
 - 2. Information Sharing**
 - 3. Legislative Initiatives**
 - 4. Conduct of Elections**

Updated: October 31, 2012 - JEH

**REGIONAL DISTRICT/LOCAL TRUST COMMITTEE
PROTOCOL AGREEMENT**

This Protocol Agreement ("Agreement") dated for reference July 27, 2006 is

BETWEEN:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
("Local Trust Committee")

AND:

REGIONAL DISTRICT OF NANAIMO
("Regional District ")

(referred to as the "Parties")

WHEREAS:

A. Under Section 24(2)(c) of the *Islands Trust Act*, a local trust committee may enter into an agreement with a regional district respecting the coordination of activities in a local trust area;

B. The Gabriola Island Local Trust Committee is a local trust committee established under s.23 of the *Islands Trust Act* for the purpose of preserving and protecting the unique amenities and environment of the Gabriola Island Local Trust Area and has the authority to regulate the development and use of land in this local trust area;

C. The Regional District of Nanaimo is a regional district established by letters patent, dated the 24th day of August, 1967 and continued under s.774 of the *Local Government Act*, R.S.B.C. 1996, c. 323, and has the authority to provide services in this local trust area which is a part of Electoral Area B; and

D. The Parties consider it in the interest of the residents of the Gabriola Island Local Trust Area that the Parties cooperate in the coordination of their activities.

NOW THEREFORE, the Local Trust Committee and the Regional District agree as follows:

1.0 PRINCIPLES

1. The Local Trust Committee and Regional District agree to the following principles regarding interagency relations:
 - a. recognition of each others' jurisdictions and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and communication initiatives;
 - b. coordination of planning, servicing and growth management activities that is responsive to the needs of the local trust area and the electoral area of which it is a part;

- c. commitment by the Regional District to take the object of the Islands Trust and the land use planning authority of the Local Trust Committee into consideration in matters involving the local trust area;
- d. commitment by the local trust committee to take the servicing functions of the Regional District into consideration in matters involving the local trust area; and
- e. cooperation through regular liaison sharing of information and notification of significant initiatives that may impact the other Party.

2.0 COOPERATION

- 1. The Parties agree to cooperate with respect to the implementation, coordination and administration of each Party's legislative authority that may impact the other Party.
- 2. The Parties agree to coordinate activities within the local trust area/electoral area including such matters as:
 - (a) community planning;
 - (b) park planning and parkland acquisition
 - (c) school site acquisition, should the Regional District in its discretion enter into an agreement with the Board of School Trustees of School District No. 68 (Nanaimo-Ladysmith);
 - (d) servicing arrangements; and
 - (e) administrative arrangements.
- 3. It is the intent of the Parties to formalize their cooperation by way of letters of understanding as required for specific matters.
- 4. Each Party agrees to notify and consult the other Party on legislative, municipal incorporation and boundary restructure initiatives that may affect the other Party.

3.0 COMMUNICATIONS

- 1. The Parties agree to schedule regular meetings of the regional director, the local trust committee and appropriate staff to review the implementation of the protocol and letter of understanding.
- 2. Neither Party is obligated to convey information to the other Party that is protected from disclosure under the *Freedom of Information and Protection of Privacy Act*, any other legislation protecting information from disclosure, or that is subject to solicitor-client privilege.
- 3. Each Party agrees to pursue alternate methods of dispute resolution before initiating legal proceedings directed at the other Party.

4.0 CONDITIONS

1. Nothing in this Agreement shall be construed so as to fetter the legislative discretion of either of the Parties within their respective areas of jurisdiction or, without limiting the generality of the foregoing, to oblige either of the Parties to adopt or prevent either of the Parties from adopting any bylaw or resolution.
2. The interpretation of terms used in this Agreement shall be governed by the interpretation provisions of the *Islands Trust Act* and the *Local Government Act*.
3. This Agreement may be amended by agreement in writing between the Regional District and the Local Trust Committee.
4. Any Party to this Agreement may terminate this Agreement at any time by delivering three months' written notice to the other Party.
5. Information and notification pertinent to this Agreement shall be delivered to:

Gabriola Island Local Trust Committee

Islands Trust
2nd Floor, 1627 Fort Street
Victoria, BC V8R 1H8

Regional District of Nanaimo:

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

6. The officials of each Party who shall be responsible for the notices and the administration of this Agreement are:


Gabriola Island Local Trust Committee:

the Chief Administrative Officer of the
Islands Trust; and

Regional District of Nanaimo:

the Chief Administrative Officer of the
Regional District

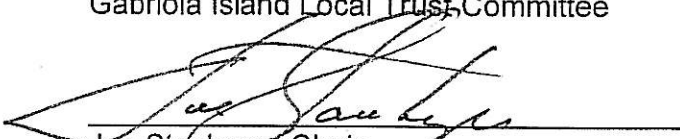
As evidence of their agreement to the above terms, the Local Trust Committee and the Regional District have executed this Agreement as set out below:



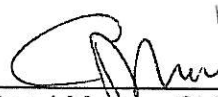
Kim Benson, Chair
Gabriola Island Local Trust Committee



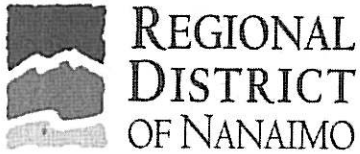
Linda Adams, Chief Administrative Officer
Islands Trust



Joe Stanhope, Chair
Regional District of Nanaimo



Carol Mason, Chief Administrative Officer
Regional District of Nanaimo



October 4, 2018

Ann Kjerulf, Regional Planning Manager
Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3

Re: Notification of Amendment - RDN's Floodplain Management Bylaw

Dear Ann:

As a recipient of the Regional District of Nanaimo (RDN) building inspection services, I am contacting the Islands Trust (Gabriola Island), to provide notification that at the RDN Board meeting held on October 2, 2018, the Board gave first and second reading to two amendment bylaws. If adopted, the proposed amendments to the "Regional District of Nanaimo Floodplain Management Bylaw No.1469, 2006" would be implemented across the areas in which the RDN provides building inspection services.

The proposed amendments to the Floodplain Bylaw is considered an interim measure to provide clarity and remove inconsistency between the RDN's bylaws and existing professional practices and the recently amended Provincial Flood Hazard Area Land Use Management Guidelines by incorporating allowances for sea level rise. To review the details of the proposed changes, please visit the RDN website to access the staff report and amendment bylaws at: [//bit.ly/2pA8Vva](http://bit.ly/2pA8Vva)

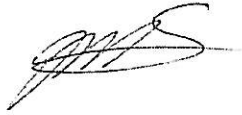
The RDN Board's intent is to consider third reading of the amending bylaws at the following date, time and place:

RDN Regular Board Meeting
December 4, 2018, 7:00 pm
Board Chambers
6300 Hammond Bay Road
Nanaimo, BC

If adopted, the next step in modernizing the RDN's Floodplain Bylaw is to designate a coastal floodplain based on the results of the RDN's Coastal Floodplain Mapping Project. Once the mapping is completed in late 2019, a program involving broad public consultation will also be initiated.

If you or your staff have any questions about this proposed amendment, please do not hesitate to contact Jamai Schile, Senior Planner (Tel: 250-390-6510).

Sincerely,

A handwritten signature in black ink, appearing to read 'JMS', with a stylized flourish extending from the end.

Jamai Schile
Senior Planner
T: 250-390-6521 | Email: jschile@rdn.bc.ca