

November 12, 1998

VANCOUVER ISLAND HIGHWAY AGREEMENT

AN IMPLEMENTATION AGREEMENT
BETWEEN
THE PROVINCE OF BRITISH COLUMBIA,
THE REGIONAL DISTRICT OF NANAIMO, THE CITY OF NANAIMO
The CITY OF PARKSVILLE and the TOWN OF QUALICUM BEACH
REGARDING
ACCESS AND LAND USE MANAGEMENT
ALONG THE VANCOUVER ISLAND HIGHWAY CORRIDOR

1.0 Preamble

The Legislature, through Part 25 (Regional Growth Strategies), Section 842 (2) of the *Municipal Act*, has set out certain goals which include:

- "avoiding urban sprawl and ensuring that development takes place where adequate facilities exist or can be provided in a timely, economic and efficient manner";
- "settlement patterns that minimize the use of automobiles and encourage walking, bicycling, and the efficient use of public transit"; and
- "the efficient movement of goods and people while making effective use of transportation and utility corridors".

Section 868 (2) of the *Municipal Act* authorizes local governments and the Province to enter into agreements respecting the coordination of activities relating to the implementation of a regional growth strategy.

More specifically, in relation to Vancouver Island, the Province has constructed the Vancouver Island Highway (herein defined) to serve as a route for the high speed regional movement of people and goods, both now and in the future. It has been constructed and will be maintained by the Province, and constitutes an irreplaceable public asset, essential to the social and economic well-being of the Island. Through the development of this Highway, the Province also made a major investment in the aesthetic quality of the Vancouver Island Highway Corridor (herein defined) and the tourism economy of Vancouver Island. The Province wishes to manage and maintain the Highway to preserve its efficiency and safety for present and future generations.

The Regional District of Nanaimo has adopted a regional growth strategy under the *Growth Strategies Statutes Amendment Act* (Growth Management Plan for the Regional District of Nanaimo, Bylaw No. 985), as adopted on January 14, 1997, the Goals of which include:

- strong urban containment;
- nodal community structure;
- improved mobility;
- efficient services and resource use; ;and
- cooperation among jurisdictions.

In addition, the City of Nanaimo, the City of Parksville and the Town of Qualicum Beach have identified requirements for transportation mobility and servicing efficiency within municipal official community plans. (Portions of the Vancouver Island Highway Corridor lie within the boundaries of the City of Nanaimo and the City of Parksville). The need for effective management of development along the Vancouver Island Highway and the access roads from the Vancouver Island Highway Corridor to communities is also noted in these plans. Local governments in this Regional District place importance on protecting the rural and "natural" appearance of lands along the Highway Corridor and access roads to communities, and ensuring that urban development in the vicinity of the Highway is visually attractive and compatible with the surrounding area.

Recognizing the affinities in provincial, regional and community goals in planning for the future of the Region, and the need for coordination between the Province, the Regional District, the City of Nanaimo, the City of Parksville and the Town of Qualicum Beach in the implementation of the Regional Growth Strategy, the Province and the Regional District have entered into a "Master Implementation Agreement Regarding the Growth Management Plan for the Regional District of Nanaimo".

The Master Implementation Agreement identifies specific areas where coordinated provincial, regional and municipal government attention is required, including the development of a "Vancouver Island Highway Agreement" for the Regional District of Nanaimo" (hereafter referred to as the Agreement).

This Agreement relates only to the goals, objectives and policies of the Regional Growth Management Plan that are relevant to the Vancouver island Highway. Other implementation agreements may be developed in future with respect to other elements of the Plan.

2.0 Subject Area of the Agreement and Definitions

In this Agreement:

- (i) The Vancouver Island Highway, subsequently referred to as "the Highway", means Highway 1 from the southern boundary of the Regional District of Nanaimo to the Cedar Road North intersection, and Highway 19 from the Duke Point Ferry Terminal to the (north) western boundary of the Regional District of Nanaimo, as set out on the plan attached as Appendix A to this Agreement, and
- (ii) The Vancouver Island Highway Corridor, subsequently referred to as "the Highway Corridor", means:
- a corridor 1600 metres wide (800 metres on either side of the Highway centre line) along the section of the Highway from the southern boundary of the Regional District of Nanaimo to the Duke Point access intersection;
 - a corridor 1000 metres wide (500 metres on either side of the Highway centre line) along the section of the Highway from the Duke Point ferry terminal to the Superior Road intersection;
 - a corridor 1600 metres wide (800 metres on either side of the Highway centre line) along the section of the Highway from the Superior Road intersection to the Craig's Crossing intersection;
 - a corridor 1000 metres wide along the Vancouver Island Highway from the Craig's Crossing intersection to the (north)western boundary of the RDN;
 - a corridor 1000 metres wide along the Qualicum Beach/Highway 4 access road from the Rupert Road intersection to the Highway 4A intersection (500 metres on either side of the centre line of the road); and
 - circular areas extending an 800 metres radius from the centre point of the following intersections along the Highway:
 1. McMillan Road (Hwy. 19)
 2. Maughn Road (Hwy. 19)
 3. Junction Duke Pt. Access Road (Hwy. 1 and 19)
 4. Cedar Road North (Hwy. 19)
 5. Fifth Street (Hwy. 19)
 6. Jingle Pot Road South (Hwy. 19)
 7. Northfield Road (Hwy. 19)
 8. Mostar Road (Hwy. 19)
 9. Aulds Road (Hwy. 19)
 10. Junction 19 and Highway 19Anorth
 11. Ware Road (Hwy. 19)
 12. Superior Road (Hwy. 19)
 13. Craig's Crossing interchange (Hwy. 19 and 19A)
 14. Junction 4A (Parksville Access Road) (Hwy. 19 and 4A) southward extension

15. Junction 4 (Qualicum Beach Access Road) (Hwy. 19 and 4)
16. Horne Lake Road (Hwy. 19)

- The "Parkway section" of the Vancouver Island Highway means the newly constructed section between the Duke Point access intersection and the Superior Road intersection as set out on the plan attached as Appendix A; and
- The "Old Highway sections" of the Vancouver Island Highway means the Highway 1 section between the southern boundary of the Regional District of Nanaimo and the Duke Point access intersection, and the Highway 19 section between the Superior Road intersection and the Craig's Crossing intersection, all as set out on Appendix A.

3.0 Purpose of the Agreement

3.1 Purpose

The Province and the local governments in the Regional District each have tools that can be used to achieve the shared goals and vision for the new Highway Corridor. This Agreement addresses a coordinated approach to the application of these tools.

To this end, the purpose of this Agreement is to define the specific commitments of each party to the achievement and maintenance of the shared vision, goals and objectives for the Regional District of Nanaimo portion of the Highway Corridor. Within the terms of this Agreement, the parties will make reasonable efforts to:

- consult and cooperate with each other in regard to land use, traffic mobility and safety and visual character management along the Vancouver Island Highway Corridor; and
- acknowledge the shared vision, goals, and objectives of the Province, the Regional District and the member municipalities for the Vancouver Island Highway Corridor, and the tools each party has to manage land use, traffic mobility, safety, access management and visual character along the Highway Corridor.

3.2 Principles

The parties are committed to the following principles of interpretation:

- recognition that the different jurisdictions all have responsibilities that can contribute to the management of land use, traffic access and visual character along the portion of the Vancouver Island Highway Corridor within the Regional District of Nanaimo.

- mutual respect for the different and distinct statutory powers and authority relating to land use, traffic access and visual character management of the different jurisdictions, and acknowledgement that this Agreement does not amend, modify, limit, extend or add to statutory powers and authority;
- appreciation of the need for a coordinated response and joint action on areas of mutual concern relating to land use, traffic access and visual character along the portion of the Highway Corridor that is in the Regional District of Nanaimo;
- cooperation in the development and distribution of information under this Agreement and;
- subject to any and all applicable enactments, willingness to consider new mechanisms to manage land use, traffic access, and visual character along the portion of the Highway Corridor that is in the Regional District of Nanaimo, if existing mechanisms are not effective in addressing the agreed upon areas of mutual concern.

The parties recognize that this Agreement is not intended to in any way fetter the discretion of the Minister of Transportation and Highways under any and all enactments, including without limiting the generality of the foregoing, the *Highway Act*, the *Ministry of Transportation and Highway Act*, the *Land Title Act* or the *Condominium Act*; and that, similarly, nothing in the Agreement is intended to in any way fetter the discretion of an Approving Officer appointed under the *Land Title Act*, or the statutory discretion of local government councils and regional boards or public officers in exercising their statutory power.

3.3 Vision

The parties share a common vision for the Highway Corridor, as follows:

In accordance with, and as required by, all laws, bylaws, orders and regulations, the Regional District of Nanaimo portion of the Vancouver Island Highway will over the long term effectively deliver the efficient and safe movement of people and goods along a highway corridor having limited access, that presents a welcoming and attractive gateway to corridor travellers and is maintained predominately in a natural, green, "parklike" state.

3.4 Financial Considerations

Notwithstanding any other provision of this Agreement, the expenditure of money by any party to achieve any of the objectives set out in this Agreement or to fulfil any of

the commitments set out in this Agreement is subject to funds being available. In addition, with respect to the Province, this means that:

- a) there being sufficient monies available in an appropriation, as defined in the *Financial Administration Act*, to enable the Province, in any fiscal year or part thereof to make such expenditures;
- b) any necessary funds related to the allocation of funds by the British Columbia Transportation and Financing Authority are referenced in the BCTFA Capital Plan and
- c) Treasury Board, as defined in the *Financial Administration Act*, not having controlled or limited, under the *Financial Administration Act*, expenditure under any appropriation.

With respect to local government, this means that:

- a) there are sufficient monies in a budget as defined in the *Municipal Act*, in any year or part thereof to meet such expenditures; and
- b) the local government, as defined in the *Municipal Act*, not having controlled or limited any expenditure in a budget.

4.0 Goals, Objectives and Action Commitments

This Agreement addresses the following matters:

- efficiency and safety of the Highway;
- land use and growth management in the Highway Corridor;
- the visual character of the Highway Corridor; and
- the concerns of residents who are adversely affected by Highway noise.

Shared goals, objectives and related implementation actions that each party will endeavour to undertake have been identified for each of these areas of concern.

Goal 4.1

To maintain the Highway Corridor for the long term, efficient and safe movement of people and goods. This means that, within the context of the function of the Highway, direct access service to abutting lands is subordinate to the safety of Through traffic.

The parties hereby agree that each of the objectives and each of the implementation actions and commitments to be undertaken by each party under this Goal are subject to, and will be undertaken in accordance with, all applicable laws, regulations, bylaws, orders and standards.

Objective 4.1.1

Maximize the mobility and safety of travellers within the Vancouver Island Highway.

In support of this objective, the *Province* will consider:

1. minimizing the number of signal locations along the Highway.
2. assessing the potential access, prior to reaching any decision on the disposition of lands no longer required for the use of the Highway.
3. not reducing the posted speed limits on the Highway within the Regional District of Nanaimo.
4. maintaining the primary function of expressway/freeway of the Highway by limiting direct access. Access to adjacent lands should be via existing signalized intersections.
5. where possible, minimizing and consolidating public and private access to the Old Highway sections.

In support of this objective, the *Regional District of Nanaimo* will encourage:

1. the servicing of development adjacent to and near the Highway Corridor via the local road system.

In support of this objective, the *City of Nanaimo* and the *City of Parksville* will encourage:

2. the servicing of development adjacent to and near the Parkway section via the local road system.

Goal 4.2

To manage land use and growth in the Highway Corridor to avoid the negative impacts of urban encroachment, consistent with the Vancouver Island Highway's function as an inter-regional transportation facility.

The parties hereby agree that each of the objectives and each of the implementation actions and commitments to be undertaken by each party under this Goal are subject to and will be undertaken in accordance with all applicable laws, regulations, bylaws, orders and standards.

Objective 4.2.1

Identify land required for possible future interchanges for the Parkway section of the Vancouver Island Highway.

In support of this objective, the *Province* will:

3. Consider this Implementation Agreement, when acting as a referral agency regarding subdivision applications and local government zoning bylaws.

In support of this objective, the *City of Nanaimo* will:

4. Identify lands within 250 metres of the Vancouver Island Highway intersection centre lines of Fifth Street, Jingle Pot Road, Northfield Road, Mostar Road and Aulds Road required for future interchange construction.
5. Consider this Implementation Agreement when considering approval of zoning bylaws and referrals for subdivision applications which would be consistent with the footprints for future interchanges and their identified right of way needs.

Objective 4.2.2

Direct commercial, industrial and residential development in or in the vicinity of the Highway Corridor towards development nodes recognized in the Regional Growth Management Plan and Official Community Plans.

In support of this objective, the *Province* will:

6. Consider this objective when acting as a referral agency regarding subdivision applications and local government zoning bylaws.

In support of this objective, the *Regional District of Nanaimo* will:

7. Consider maintaining Official Community Plan and regulatory bylaws for the Highway Corridor which reflect the objective.
8. Consider this objective when acting as a referral agency regarding subdivision applications.

In support of this objective, the *City of Nanaimo* will:

9. Consider maintaining Official Community Plan and regulatory bylaws for the Highway Corridor which reflect this objective.
10. Consider this objective when acting as a referral agency regarding subdivision applications.

In support of this objective, the *City of Parksville* and the *Town of Qualicum Beach* will:

11. Consider maintaining Official Community Plan and regulatory bylaws for the Highway Corridor which reflect this objective.
12. Subject to all applicable laws consider this objective when acting as a referral agency regarding subdivision applications.

Objective 4.2.3

Develop road network plans and associated capital plans that provide for a functional hierarchy of highways and roads in the Regional District of Nanaimo and the member municipalities, so as to create safe and efficient flow of traffic on the Vancouver Island Highway and provide alternate facilities for local traffic.

In support of this objective, the *Province* will:

13. Develop road network plans (including approved signal locations) for the rural areas of the Regional District of Nanaimo that take into consideration the Regional Growth Management Plan and Official Community Plans.
14. Assist member municipalities of the Regional District of Nanaimo with the development of road network plans (including approved signal locations) for each municipality that take into consideration the Regional Growth Management Plan and Official Community Plans.

In support of this objective, the *Regional District of Nanaimo* will:

15. Respond to requests from the Ministry of Transportation and Highways for input or comment on proposed road network plans and, once a network plan is completed, consider incorporating the road network plan within the appropriate official community plans.

In support of this objective, the *City of Nanaimo*, the *City of Parksville* and the *Town of Qualicum Beach* will:

16. Develop and implement road network plans in co-operation with the Ministry of Transportation and Highways.

Objective 4.2.4

Wherever possible, protect the function of the Vancouver Island Highway by minimizing and consolidating access points.

In support of this objective, the *Province* will:

17. Review relevant land use development proposals with respect to the sufficiency of access, including the desirability of minimizing and consolidating public and private access points along the Highway.

In support of this objective, the *Regional District of Nanaimo* will:

18. Review relevant land use development proposals with respect to the sufficiency of access, including the desirability of minimizing and consolidating public and private access points along the Highway, and access alternatives.

In support of this objective, the *City of Nanaimo* and the *City of Parksville* will:

19. Review relevant land use development proposals with respect to the sufficiency of access, including the desirability of minimizing and consolidating public and private access points along the Highway, and access alternatives.

Objective 4.2.5

Provide for cyclist travel in the Highway Corridor and for essential pedestrian crossing of the Highway.

In support of this objective, the *Province* will:

20. Having regard for the interests of highway safety, consider allowing cyclists to travel on the Highway shoulder and local government proposals for separate cycle paths within the right of way.

In support of this objective, the *Regional District of Nanaimo* will:

21. In developing a trail network, consider highway safety and trail locations for cyclists and pedestrians.
22. Design and develop routes that support convenient pedestrian and cycle travel yet minimize the need for crossing the Highway.

In support of this objective, the *City of Nanaimo* and the *City of Parksville* will:

23. In developing a trail network, consider highway safety for cyclists and pedestrians.
24. Design and develop pedestrian and cycle routes that support convenient pedestrian and cycle travel yet minimize the need for crossing the Highway.

Goal 4.3

To maintain the natural rural attractiveness and visual appeal of the Highway Corridor so as to maximize positive experiences for travellers and residents of the Regional District of Nanaimo.

The parties hereby agree that each of the objectives and each of the implementation actions and commitments to be undertaken by each party under this Goal are subject to, and will be undertaken in accordance with, all applicable laws, regulations, bylaws, orders and standards.

Objective 4.3.1

Preserve the "natural" visual character of the rural portions of the Highway Corridor as recognized by the Regional District of Nanaimo Regional Growth Management Plan and local governments' Official Community Plans.

Objective 4.3.2

Where significant development in or adjacent to the Highway Corridor is expected and visibility into developments is considered to likely, achieve high quality urban design and architecture and achieve minimal Highway noise impact on affected residents.

Objective 4.3.3

Manage land use and the visual character of lands in the Highway Corridor so as to discourage development that would be distracting to the travelling public.

Objective 4.3.4

Screen and buffer existing and future commercial and industrial development with appropriate landscaping within and beside the right of way.

In support of objectives 4.3.1, 4.3.2, 4.3.3 and 4.3.4, the *Province* will:

25. On a request from the Regional District of Nanaimo that is supported by a draft bylaw, consider recommending the provision of authority to the Regional District to regulate the cutting of trees along the Highway Corridor.
26. Where possible, discourage frontage roads and encourage alternate access other than access to the Highway.

In support of objectives 4.3.1, 4.3.2, 4.3.3 and 4.3.4, the *Regional District of Nanaimo* will:

27. Consider the designation of lands within 250 metres of the centre line of the Highway and 500 metres of intersection centre lines as Development Permit Areas with associated Development Permit Area Guidelines that reflect these four objectives.
28. Employ Development Permit Guidelines for landscape management adjacent to the Highway right of way.
29. Once provided with the power from the Province, consider adoption of a bylaw to regulate the cutting of trees within the Highway Corridor.

In support of objectives 4.3.1, 4.3.2, 4.3.3 and 4.3.4, the *City of Nanaimo* will:

30. Consider the designation of lands within 250 metres of the centre line of the Vancouver Island Highway and 50 metres of intersection centre lines as Development Permit Areas with associated Development Permit Area Guidelines that reflect these four objectives.
31. Employ Development Permit Guidelines for landscape management adjacent to the Highway right of way.
32. Consider maintaining a bylaw to regulate the cutting of trees within the Highway Corridor.

In support of objectives 4.3.1, 4.3.2, 4.3.3 and 4.3.4, the *City of Parksville* will:

33. Evaluate development applications in the context of these objectives.

Objective 4.3.5

Maximize opportunities to create parks and greenways along the Highway Corridor.

In support of this objective, the *Province* will:

34. Prior to the disposition of lands that are no longer required for use in connection with the Vancouver Island Highway, notify the local government having jurisdiction for the area, and consider, the greenway and park values and market development potential of the lands; such consideration to be in the sole discretion of the Province.

In support of this objective, the *Regional District of Nanaimo* will:

35. As part of the Regional District's regional park system planning, consider the creation of parks and greenways that support the Highway natural landscape objectives.

In support of this objective, the *City of Nanaimo* and the *City of Parksville* will:

36. As part of any municipal park system planning, consider the creation of parks and greenways that support the Highway natural landscape objectives.

Objective 4.3.6

Provide appropriate landscaping and screening on the right of way and protect and enhance short and long range views.

In support of this objective, the *Province* will:

37. Consider local government landscaping and sound attenuation proposals for higher standards within the highway right of way. (Such proposals are to recognize that costs for achieving and maintaining the standards beyond those of the Ministry of Transportation and Highways should be borne by local government.)
38. If required, participate jointly with the Regional District of Nanaimo in discussions with owners of private property that is within the Forest Land Reserve and is adjacent to the Highway and provincial agencies to determine if there are potential voluntary actions that the property owners might undertake that would facilitate meeting this objective.

In support of this objective, the *Regional District of Nanaimo* will:

39. If required, participate jointly with the Province in discussions with owners of private property that is within the Forest Land Reserve and is adjacent to the Highway and provincial agencies to determine if there are potential voluntary actions that the property owners might undertake that would facilitate meeting this objective.

In support of this objective, the *City of Nanaimo* and the *City of Parksville* will:

40. Consider providing appropriate landscaping where required to maintain aesthetic visual character.

Objective 4.3.7

Prohibit signs not approved by the Ministry of Transportation and Highways in the Highway Corridor that might impact on the safety of the travelling public or detract from the quality of the travel experience.

In support of this objective, the *Province* will:

41. Consider this objective in implementing its policies regarding maintaining and enforcing the sign control provisions of the *Motor Vehicle Act* within the Highway right of way.

In support of this objective, the *Regional District of Nanaimo* will:

42. Consider this objective in implementing its policies regarding maintaining and enforcing its sign control bylaw adopted pursuant to section 908 of the *Municipal Act* that discourage signs located and designed for the attention of Highway Corridor traffic.

In support of this objective, the *City of Nanaimo* and the *City of Parksville* will:

43. Consider this objective in implementing its policies regarding maintaining and enforcing its sign control bylaw adopted pursuant to section 908 of the *Municipal Act* that discourage signs located and designed for the attention of Highway Corridor traffic.

5.0 Monitoring, Review and Amendment of this Agreement

- 5.1 The parties will cooperate to establish a Highway Liaison Committee as a subcommittee to the Regional District of Nanaimo Inter-Governmental Advisory Committee. The Sub-Committee's membership will include, but not be limited to, staff representatives of the Regional District, the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the Ministry of Transportation and Highways and the Ministry of Municipal Affairs and the B.C. Transportation Financing Authority.
- 5.2 The Highway Liaison Committee will meet on a periodic basis to: monitor the effectiveness of the Agreement in addressing the goals and objectives; consider any proposed amendments to the Agreement necessary to ensure effective implementation; review available funding by all parties regarding meeting objectives and specific issues that may arise related to Section 3.4 of this Agreement, and identify, analyse and make recommendations on additional areas of concern which might arise for the attention of provincial and local elected officials.
- 5.3 The Highway Liaison Committee will also meet with, advise, consult and seek input from the Regional District Board or member municipal councils as necessary regarding the monitoring, review and amendment of this Agreement.
- 5.4 This Agreement will be reviewed every five years, in conjunction with the review of the Regional District of Nanaimo Growth Management Plan.
- 5.5 This Agreement may be amended at any time with the consent of all the parties, and any party may withdraw from the Agreement, provided that 120 days notice is given and the rationale for the withdrawal is discussed with the other parties.

- 5.6 Nothing in this Agreement will prevent the Province, the Regional District of Nanaimo, the City of Nanaimo, the City of Parksville or the Town of Qualicum Beach from dealing with any other signatory to this Agreement with respect to any matter discussed in this Agreement.

Honourable Jenny Kwan
Minister of Municipal Affairs

Honourable Harry Lali
Minister of Transportation
and Highways

George Holme, Chair
Regional District of Nanaimo

Mayor Gary Korpan
City of Nanaimo

Mayor Julia MacDonald
City of Parksville

Mayor Bill Luchtmeijer
Town of Qualicum Beach