



**FRENCH CREEK POLLUTION CONTROL CENTRE EXPANSION – LEE ROAD COMMUNITY PARK
LAND EXCHANGE ALTERNATIVE APPROVAL PROCESS**

RECOMMENDATIONS

1. That “Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025” be introduced and read three times.
2. That the approval of the electors be obtained by an Alternative Approval Process.
3. That the Board approve the Elector Response Form as provided in Attachment 3; establish 4:00 p.m. on July 7, 2025 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 7,337.

BACKGROUND

On March 11, 2025, at the Regional District of Nanaimo (“RDN”) Regular Board Meeting, the Board passed the following resolutions:

It was moved and seconded that the Board approve the land use and exchange plan between 1236 Island Highway West and Lee Road Community Park outlined herein for establishment of a public use trail along French Creek and expansion of the French Creek Pollution Control Centre into a portion of the Lee Road Community Park.

It was moved and seconded that staff provide a subsequent report to finalize the details of the land exchange plan between 1236 Island Highway West and Lee Road Community Park and provide recommendations on the execution strategy.

The purpose of this report is to recommend first three readings to “Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025” (“**Bylaw 1931**”) and to initiate the Alternative Approval Process (“**AAP**”) for the park land exchange in Electoral Area G of the Regional District.

A report entitled “French Creek Pollution Control Centre Expansion – Land Use and Exchange Plan Details” is included on May 27, 2025 agenda for the Board’s consideration, detailing the overview of the land exchange with respect to the French Creek Pollution Control Centre (“**FCPCC**”) project and the proposed use of park lands. An Official Community Plan (“**OCP**”) amendment application in relation to the French Creek park land dedication is also being presented for the Board’s consideration on May 27, 2025 in a separate staff report entitled “French Creek Pollution Control Centre Expansion Official Community Plan Amendment Application No. PL2025-063”.

A public engagement plan for the AAP and OCP amendment processes has been prepared. The Board report, entitled “French Creek Pollution Control Centre Expansion Official Community Plan Amendment Application No. PL2025-063” includes a recommendation to approve the engagement plan summary.

The park land exchange involves removing the park land dedication for approximately 0.55 hectares of Lee Road Community Park and dedicating a new area of approximately 1.51 hectares of proposed park to be added to French Creek Community Park. Through adoption of Bylaw 1931, the proposed dedication of additional lands adjacent to French Creek Community Park will become park land and the portion of Lee Road Community Park will be free of dedication as park and can be developed in accordance with the plans to expand the FCPCC.

The park land exchange presents an opportunity to establish a protected ecological corridor along French Creek, connecting French Creek Community Park upstream to the French Creek Estuary Nature Preserve downstream through the park land exchange, benefitting all users by increasing the parkland in the area, protecting the French Creek riparian area, and maintaining the area available to expand the FCPCC to support future population growth. The proposed land exchange would establish an approximately 1.51-hectare parkland extension to the French Creek Community Park, including space for a trail above the floodplain. The approximately 1.51-hectare parkland extension consists of approximately 1-hectare of riparian area and floodplain, and 0.51-hectares of developable land. In exchange, an approximately 0.55-hectare portion of the Lee Road Community Park would be transferred to Wastewater Services. The Board report entitled “French Creek Pollution Control Centre Expansion – Land Use and Exchange Plan Details” provides more information on the land exchange itself.

The AAP allows electors to indicate whether they are against a local government proposal moving forward. If 10 percent or more of the eligible electors in the area to which the process relates, in this case Electoral Area G, submit elector response forms, the local government may not proceed with the action or proposal unless it obtains assent of the electors. If less than 10 percent of the eligible electors are opposed, the AAP succeeds, the Corporate Officer will certify the results, and the bylaw can proceed to final reading and adoption. In the event of a mail strike, electors opposed may submit a completed form in person, by email to vote@rdn.bc.ca or by fax to 250-390-4163. The Regional Board must, by resolution, establish the deadline for receiving elector response forms, establish the elector response forms (Attachment No. 3), and make a fair determination of the total number of electors that the AAP applies to (Attachment No. 2).

FINANCIAL IMPLICATIONS

Costs for the AAP would be limited to newspaper advertising costs associated with public notice requirements. These costs will be borne by the FCPCC Expansion capital project. An estimate of \$1,500 to cover the costs is included within the Board approved project budget.

STRATEGIC PLAN ALIGNMENT

Relevant goals of the *2023-2026 Regional District of Nanaimo Strategic Plan* are:

Planning and Managing for Growth - Understand and develop an inter-connected framework of strategies and plans to manage growth to support complete communities, including planning, transportation, infrastructure, and fiscal sustainability.

Protecting Our Vital Lands & Ecosystems - Leverage existing development approval processes to acquire vital lands and ecosystems.

REVIEWED BY:

- L. Moilanen, Engagement Coordinator, Corporate Services
- N. Richardson, A/Assistant Manager, Legislative Services
- T. Moore, Chief Financial Officer

- R. Skwarczynski, A/Manager Wastewater Services
- R. Daykin, A/General Manager, Recreation and Parks Services
- M. Walters, General Manager, Regional & Community Utilities
- C. Crabtree, General Manager, Corporate & Transportation Services
- D. Holmes, Chief Administrative Officer

ATTACHMENTS

1. "Regional District of Nanaimo Lee Road Community Park Exchange Bylaw No. 1931, 2025"
2. Determination of Number of Eligible Electors Form
3. Elector Response Form

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1931

A BYLAW TO AUTHORIZE THE EXCHANGE OF A PORTION OF LEE ROAD COMMUNITY PARK FOR OTHER LAND TO BE USED FOR COMMUNITY PARK PURPOSES

WHEREAS pursuant to section 280 of the *Local Government Act*, a regional district, by bylaw adopted with the approval of the electors, may sell or exchange a park or trail for other land to be used for park purposes;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of two thirds of the directors, dedicate land owned by the regional district as a park or trail;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of the electors, cancel or remove a reservation or dedication of land owned by the regional district as a park or trail;

AND WHEREAS the Regional District of Nanaimo (the "Regional District") is the registered owner of certain lands situated and known as Lee Road Community Park which was dedicated as park land by Plan No. VIP45825 within District Lot 29, Nanoose District pursuant to Section 107 of the *Land Title Act* and more particularly described as:

Legal Description: Park, Plan VIP45825 Within District Lot 29, Nanoose District

(the "Lee Road Community Park");

AND WHEREAS the Regional District is the registered owner of certain lands situated and known 957 Lee Road and 1236 Island Highway West adjacent to French Creek Community Park, more particularly described as:

Parcel Identifier: 032-493-398

Legal Description: Part of Lot A, District Lot 28, Nanoose District, Plan EPP112355

(the "Proposed French Creek Dedication")

And wishes to dedicate 1.51 hectares, more or less, of the Proposed French Creek Dedication as park land in exchange for cancelling the park dedication of 0.55 hectares of Lee Road Community Park;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. This bylaw shall be cited as "Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025".
2. The Regional District shall exchange those portions of the Lee Road Community Park comprising 0.55 hectares, more or less, identified as "Proposed Park Closure" on the drawing prepared by Williamson & Associates Professional Surveyors, numbered "FILE 18012-15 LAND EXCHANGE REV 2", (the "Lee Road Exchange Parcel"), a reduced copy of which is attached as Schedule 'A' to this Bylaw, for that portion of land comprising 1.51 hectares more or less, identified as "Proposed Park Dedication" on Schedule 'A' to this Bylaw ("French Creek Dedication Parcel").
3. The dedication of the Lee Road Exchange Parcel as park is hereby cancelled and removed. The Lee Road Exchange Parcel shall be used for other Regional District of Nanaimo purposes free of any dedication to the public for the purpose of a park.
4. The French Creek Dedication Parcel shall be dedicated for the purpose of a park.

Introduced and read three times this __ day of _____, 20__.

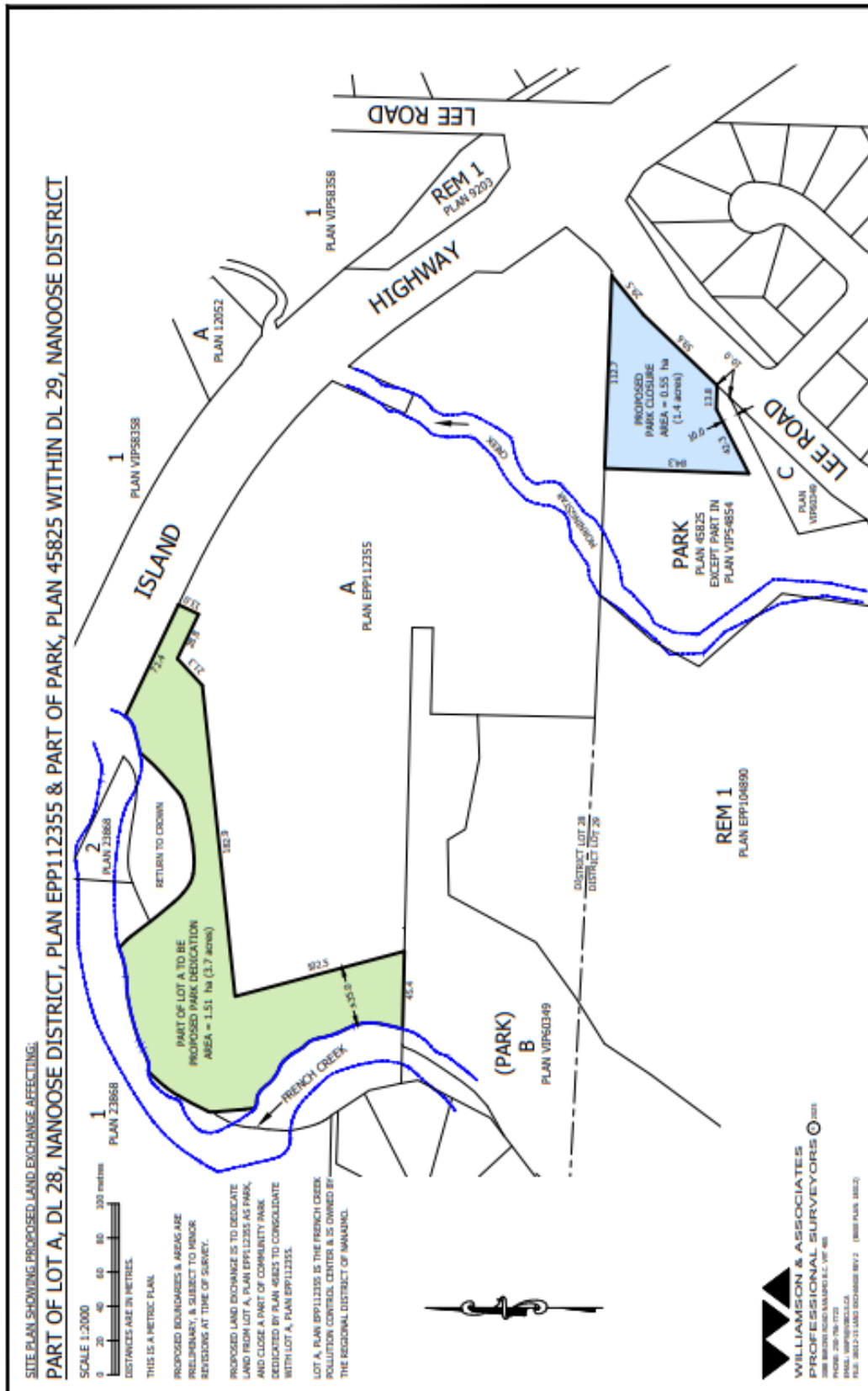
Approval of the electors obtained by alternative approval process this __ day of _____, 20__.

Adopted this __ day of _____, 20__.

CHAIR

CORPORATE OFFICER

Schedule 'A'



ATTACHMENT '2'

Report for Determining Number of Eligible Electors

Regional District of Nanaimo Alternative Approval Process – Bylaw No. 1931

The purpose of this report is to show the basis for determining the total number of electors in relation to “Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025” (“Bylaw No. 1931”), the subject of an alternative approval process.

Section 86(3)(c) of the *Community Charter* requires the Board to make a fair determination of the total number of electors of the area to which the approval process applies. In addition, the Board must make available to the public, on request, a report respecting the basis on which the determination was made.

The number of people eligible to be a *resident elector* or a *non-resident property elector* is determined based on those individuals who *when signing an elector response form*:

- are 18 years of age or older;
- are a Canadian citizen;
- are a resident of British Columbia for at least 6 months;
- a resident of the jurisdiction; OR a non-resident owner of real property in the jurisdiction for at least 30 days; and
- are not disqualified under the *Local Government Act*, or any other enactment from voting in an election, or be otherwise disqualified by law.

The estimated number of eligible electors within the area defined for the AAP (*Electoral Area G*) is based on information as indicated below, and is calculated as follows:

Determination of eligible Electors in the *Electoral Area G* was derived from the Eligible Elector list received from Elections BC. This list was updated by adding official non-resident property owners from the Non Resident Property Elector list generated internally by the Planning Department. These lists were merged and verified by the GIS Department to ensure that addressing was placed in the correct Electoral Area.

RDN Member Municipalities and Electoral Areas	Number of Eligible Electors
Electoral Area G	7,337

Approved by a resolution passed by the Board at an open meeting held on the ____ day of _____, 2025.



ALTERNATIVE APPROVAL PROCESS ELECTOR RESPONSE FORM

Lee Road Community Park Land Exchange
(Electoral Area G of the Regional District of Nanaimo)

"Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025"

A bylaw to authorize the removal of park dedication of a portion of Lee Road Community Park
in exchange for other land to be used for community park purposes

Pursuant to Section 269(b) of the *Local Government Act*, the Regional District of Nanaimo (RDN) is seeking approval of the electors by alternative approval process in accordance with Section 86 of the *Community Charter*.

By completing this elector response form, I certify that:

- I am **OPPOSED** to the adoption of "Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025" to authorize the removal of park dedication of a portion of Lee Road Community Park in exchange for other land adjacent to French Creek Community Park to be used for community park purposes, without first obtaining approval by assent of the electors in a voting proceeding (referendum);
- I am a person entitled to be registered as an elector (pursuant to the *Local Government Act*) within the boundaries of Electoral Area G of the Regional District of Nanaimo; and
- I have not previously signed an elector response form with respect to this Bylaw.

The deadline for submitting this elector response form is 4:00 p.m. on Monday, July 7, 2025.

Completed forms may be submitted in person, or by mail to: Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2; by email to vote@rdn.bc.ca or by fax to 250-390-4163.

Postmarks WILL NOT be accepted as the date of submission.

If at least 10% (734) of eligible electors sign and submit a completed elector response form by the deadline, the Regional District Board may not proceed with adopting "Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025" unless it is approved by assent of the electors (referendum).

FULL NAME OF ELECTOR:

(e.g. Donald Smith – not D. Smith)

(Please Print)

ELECTOR'S RESIDENTIAL ADDRESS:

(Full residential (Street) address including Town/City)

SIGNATURE OF ELECTOR:

(Signature)

DATE:

(Date)

To be completed (in addition to the above) if you are a Non-Resident Property Elector

I am a non-resident property elector who lives in another community and owns property in the Regional District of Nanaimo (Electoral Area G) located at: *(insert full residential (Street) address of property below)*

Note: Additional information regarding elector qualifications can be found on the reverse side of this form.

INFORMATION REGARDING QUALIFICATIONS FOR ELECTORS

In order to sign an elector response form in relation to the alternative approval process (AAP), a person must either be a **resident elector** or a **non-resident property elector** (not both) within the **Regional District of Nanaimo (Electoral Area G)** (the “jurisdiction”).

A **resident elector** is an individual who is qualified to vote in a jurisdiction by virtue of **living (residing)** in the jurisdiction. To sign an elector response form as a resident elector a person must:

- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- be a resident within the jurisdiction before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or be otherwise disqualified by law.

A **non-resident property elector** is an individual who **does not live (does not reside)** in the jurisdiction but is entitled to submit an elector response form by virtue of owning a real property in that jurisdiction. To sign an elector response form as a non-resident property elector a person must:

- not be entitled to register as a resident elector in the jurisdiction; and
- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or be otherwise disqualified by law; and
- be the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust; and
- be a registered owner of real property within the jurisdiction for at least 30 days before signing this elector response form.
 - If a property is owned by **more than one** individual, only **one** of them may sign an elector response form (with the written consent of the majority of the owners);
 - A person may register as a non-resident property elector in relation to **one** parcel of real property in the jurisdiction.

Note: There is no Corporate Vote - No corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.

INSTRUCTIONS

OPPOSED - if you are **OPPOSED** to the adoption of “Regional District of Nanaimo Lee Road Community Park Land Exchange Bylaw No. 1931, 2025” you can sign and submit an elector response form if you qualify as an elector of the **Regional District of Nanaimo (Electoral Area G)**. All elector response forms **must** be received in the office of the RDN no later than the deadline of **4:00 p.m. on Monday, July 7, 2025**. If you are submitting your form by mail, be advised that postmarks will not be accepted as the date of submission.

NOT OPPOSED – if you are **NOT OPPOSED** you do not need to do anything.

Copies of the Bylaw, a Staff Report summarizing this initiative and elector response forms are available on the RDN website at www.rdn.bc.ca and at the RDN administration office (6300 Hammond Bay Road, Nanaimo, BC) Monday to Friday from 8:30 a.m. to 4:30 p.m., excluding statutory holidays.

For further information contact: Jacquie Hill, Corporate Officer, Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2; 250-390-4111, toll free at 1-877-607-4111; vote@rdn.bc.ca

Personal information on this form is collected under the authority of section 26(a) the *Freedom of Information and Protection of Privacy Act*. The personal information on this form will be used to determine whether elector approval has been received for Bylaw 1931 and is considered to be supplied in confidence. Personal information will only be disclosed in accordance with the *Freedom of Information and Protection of Privacy Act*.

Note: An accurate copy of this elector response form may be utilized (either single-sided or double-sided), provided that it is made prior to any electors signing such form. A separate elector response form is required for each elector.