



LAICH-KWIL-TACH TREATY SOCIETY

1441 Old Island Highway
Campbell River, BC V9W 2E4

Phone: (250) 287-9460

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Toll free No. 1-888-900-5720

email: reception@lkts.ca

Comox Valley Regional District

RECEIVED

File: 3360-20/RZ1C 10

NOV 24 2010

To: Ton TRIEU

CC:

November 24, 2010

Ton Trieu, Planner Comox Valley Reg. District
600 Comox Road
Courtenay, BC V9N 3P6
Phone 250-334-6000
Fax 250-334-4358

Dear Mr. Trieu:

Re: File # RZ 1C 10 – Lanyon,-8075 Memory Lane

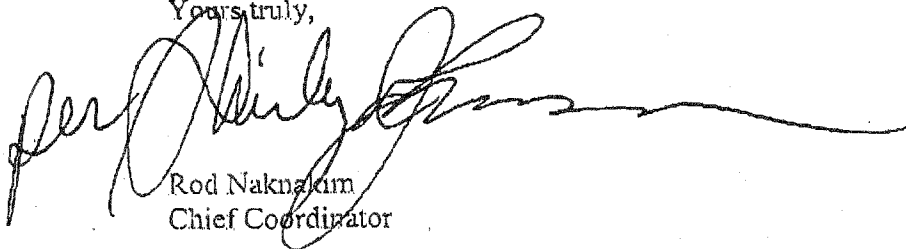
Thank you for your letter dated November 2, 2010. Zoning amendment – 8075 Memory Land. As you may know, the Hamatla Treaty Society represents its member Nations, the We Wai Kai (Cape Mudge Band), Wei Wai Kum (Campbell River Band) and Kwiakah (Phillips Arm).

As the courts have confirmed on numerous occasions, both the provincial and the federal governments owe a fiduciary duty of utmost good faith to First Nations. The Supreme Court of Canada made it clear in *Delgamuukw* that this duty can only be satisfied by the involvement of First Nations in decisions taken with respect to our lands. The Court then went on to say "There is always the duty of consultation." (para. 168) This consultation must, at a minimum, be in good faith with the intention of substantially addressing the concerns of the First Nation whose lands are at issue." The BC Court of Appeal in its February 2002 decision in *Council of the Haida Nation* has further clarified this obligation by confirming that your government is obliged to make an initial assessment of our rights and must not only to engage in meaningful consultation, but also must seek an accommodation of our interests (including cultural and economic ones).

At this time, we have no objection to the Rezoning at 8075 Memory Land for Alan and Susan Lanyon. We may choose in the future to address the issues of infringement and compensation with respect to this project through the treaty process, the courts or other

dispute resolution process. We also reserve the right to raise objections if we discover impacts on our rights or interest that we had not foreseen.

Yours truly,

A handwritten signature in black ink, appearing to read "Rod Naknakim", with a long horizontal flourish extending to the right.

Rod Naknakim
Chief Coordinator

From: Jenny Millar [mailto:jenny.millar@comoxband.ca]
Sent: Friday, April 08, 2011 4:17 PM
To: Kevin Lorette
Cc: Thomas Knight; Ton Trieu
Subject: RE: FW: Memory Lane - KFN referral

Hi Kevin,
My apologies for not having responded to this referral – but cannot find it, thanks for resending this to us.

As per our discussion, I wish to confirm that K'ómoks First Nation does not have any concerns with this referral. I will be following up with a formal letter.

Thanks
Jenny

*Jenny Millar
Executive Assistant
K'ómoks First Nation*

*Tel: (250) 339-4545
Fax: (250) 339-7053
email: jenny.millar@comoxband.ca*



Xwémalhkwa First Nation
1218 Bute Crescent
Campbell River, B.C. V9H 1G5
Phone: (250) 923-4979
Fax: (250) 923-4987

February 18, 2011

Debra Oakman
Comox Regional District
600 Comox Road
Courtenay, BC V9N 3P6

RE: Application: File: 3360-20/RZ 1C 10; Rezoning Application; 8075 Memory Lane – Lanyon; Lot 1; Section 34; Township 6; Comox District Plan 27876

Dear Debra Oakman,

Thank you for your letter of February 4, 2011. At this time we do not object to your proposal. The Xwémalhkwa First Nation is however, completing our Land Use Plan, our Traditional Use Plan and an Archaeological Overview of our Traditional Lands. This work is scheduled for completion in 2011 and at that time we reserve the right to provide further comment.

In regards to the proposed activity / development in the referral listed above, we will defer this referral to the "Comox First Nation."

Respectfully,

Robert Harry
Xwémalhkwa Treaty Coordinator

Comox Valley Regional District

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File: RZ 1C 10

FEB 25 2011

To: T-Trew

CC:

Ton Trieu

From: Henigman, Margaret ENV:EX [Margaret.Henigman@gov.bc.ca]
To: Friday, December 10, 2010 10:27 AM
Ton Trieu
Cc: Barr, Brenda M ENV:EX
Subject: Referral RZ 1C 10 - Lanyon

Thank you for forwarding the above noted referral Ton. I don't see any particular problems with the suggested rezoning, although there are at least three Bald eagle nest trees in close proximity to the site. Because the site appears to still be forested with tree suitable for nesting we recommend, consistent with Develop with Care, that you ask the landowner to conduct a site survey for the presence of other protected nest trees or other valuable environmental components that may be affected by future development of the property.

Maggie Henigman, MA, CCEP
Acting Ecosystems Section Head
Ministry of Environment
(250) 751-3214
margaret.henigman@gov.bc.ca

Ton Trieu

From: Karen Garrett
Sent: Thursday, December 09, 2010 11:08 AM
To: Ton Trieu
Subject: FW: Bylaw Referral - File RZ 1C 10 - Lanyon - 8075 Memory Lane

From: Storzer, Mary CSCD:EX [mailto:Mary.Storzer@gov.bc.ca]
Sent: Thursday, December 09, 2010 10:56 AM
To: propertyservices
Subject: Bylaw Referral - File RZ 1C 10 - Lanyon - 8075 Memory Lane

Hello Ton Trieu,

Thank you for referring this file to MCSCD for comment. My apologies that I did not reply by December 3, 2010 as requested. Please consider this email as MCSCD's response to your referral. Due to our role in the Bylaw approval process, the Ministry doesn't generally offer comments at the referral stage. However, here are some of the current Bylaw processing considerations that we will be looking for when the Bylaw is submitted for Ministerial approval.

- Referral to the appropriate ministries and agencies and a record of comments and the results (i.e. no comment received, resolution of concerns/objections).
- A record and the results of the consultation with First Nations. A copy of the *Interim Guide to First Nations Engagement on Local Government Statutory Approvals* (Guide) was sent to all local governments last year.
- Commitments related to the signing of the Climate Action Charter (i.e. development of compact, complete communities).
- LGA, Section 877 (3) - targets, policies and actions for the reduction of green house gas emissions for OCPs or OCP amendments.
- Whether or not Ministerial approval is needed as per Regional District Exemption Regulation 279/2003. Circular No. 03:01. Under the regulation, ministerial approval is not required for an OCP or a zoning bylaw unless the bylaw:
 - allows 30 or more new parcels;
 - allows 30 or more new dwelling units;
 - applies to 20 hectares or more of land; or
 - applies solely to Crown land.

The regional district determines which bylaws will need to be submitted for ministerial approval. The ministry will process submitted bylaws in the normal manner. For more information please see: http://www.cd.gov.bc.ca/lgd/intergov_relations/planning_circulars/cir0301.htm.

Sincerely,

Mary Storzer

Mary Storzer

Senior Planner

Ministry of Community, Sport and Cultural Development

PO Box 9841 STN PROV GOVT

Victoria, BC, V8W 9T2

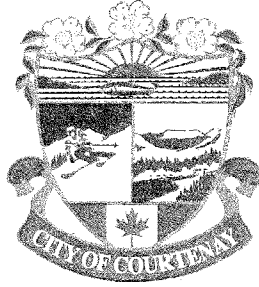
T: 250-356-5515

F: 250-387-6212

Mary.Storzer@gov.bc.ca

THE CORPORATION OF THE CITY OF COURTENAY

Corporate Services Department
830 Cliffe Avenue
Courtenay BC V9N 2J7



phone: (250) 334-4441
fax: (250) 334-4241
jward@courtenay.ca

November 9, 2010

Comox Valley Regional District
600 Comox Road
Courtenay, B.C.
V9N 3P6

Attention: Geoff Garbutt

Dear Chair Phelps,

**Re: RZ-1C-10-Lanyon
8075 Memory Lane**

In response to the subject referral, we would ask why this application is being processed when it is contrary to the draft Regional Growth Strategy (RGS) and your policy is to defer consideration of all applications to amend the Official Community Plan and Zoning bylaw unless they are in full compliance with the RGS).

As such, we are opposed to this application to create further lots in the electoral areas contrary to the draft RGS.

Sincerely,

Peter Crawford, MCIP
Director of Planning Services

/swb

Comox Valley Regional District

RECEIVED

File: 6410-20/CV
3360-20/RZ 1C 10

NOV 15 2010

To: G. GARBUTT

cc: T. KNIGHT
TON TRIEU

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-6008
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca

Comox Valley Regional District

RECEIVED

3360-20/RZ 1C 10



Comox Valley
REGIONAL DISTRICT

To:

NOV 18 2010

TON TRIEU

BYLAW REFERRAL FORM RESPONSE SUMMARY

DEVELOPMENT PROPOSAL REFERRAL FORM

FILE: RZ 1C 10 - Lanyon - 8075 Memory Lane

(Planning Technician: Ton Trieu)

Approval recommended for reasons outlined below



Interests unaffected or general comments related to this development proposal outlined below

Approval recommended subject to conditions outlined below



Approval NOT recommended due to reasons outlined below

- NO OBJECTIONS, THE MINISTRY WILL DEAL WITH OUR CONCERNS WITH THE SUBDIVISION PROPOSAL.

Signed by:

JERRY TEET

OUR FILE: 2010-05975

Title:

SR DEV. TECH.

Agency:

TRANSPORTATION

Date:

NOV 10/10

Please return your response by Friday, December 3, 2010 by fax to 250-334-8156, or by email to propertyservices@comoxvalleyrd.ca.



Comox Valley Regional District
RECEIVED

File: 3360-20/RZ 1C 10

NOV 11 2010

To: TON TRIEU

cc:

November 10, 2010

Comox Valley Regional District
Property Services
600 Comox Road
Courtenay, BC, V9N 3P6

Dear Mr. Trieu:

Re: Development Proposal Referral Form File RZ 1C 10 – Lanyon – 8075 Memory Lane

The Vancouver Island Health Authority has no objections to the above noted referral for a zoning change.

Since it is the property owner's intent to subdivide the property in the future, should the zoning allow, at that time; all requirements of the VIHA Subdivision Standards must be met prior to subdivision approval from this office. I have included a copy of the standard for the owner's reference.

I trust this is the information that you require and if you have any further questions, please feel free to contact me at (250) 850-2107 or by email at nancy.clements@viha.ca

Sincerely,

Nancy Clements B.A.Sc., C.P.H.I.(C)
Environmental Health Officer

c.c. Alan and Susan Lanyon
8075 Memory Lane, Merville, BC

Enclosures

Health Protection and Environmental Services

#200 - 1100 Island Highway, Campbell River, BC, V9W 8C6 • Telephone: 250-850-2110 • Fax: 250-286-3486

Our Vision: Healthy People, Healthy Island Communities, Seamless Service