

DATE: July 6, 2018

FILE: 6410-20/RGS 1C 17

TO: Chair and Directors
Committee of the Whole

Supported by Russell Dyson
Chief Administrative Officer

FROM: Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Regional Growth Strategy Amendment Proposal: 3L Developments Inc.

Purpose

The purpose of this report is to provide the board with recommendations from the Regional Growth Strategy (RGS) Steering Committee regarding an application by 3L Developments Inc. for a minor amendment to the RGS to enable establishment of a new Settlement Node.

Recommendation from the Chief Administrative Officer:

THAT having had regard for the criteria established in Section 5.2.3 “Criteria for Minor Amendments” of the Regional Growth Strategy, the Steering Committee recommends that the Comox Valley Regional District Board consider the minor amendment application made by 3L Developments Inc. to establish a new Settlement Node, as a standard amendment;

AND FURTHER THAT the Steering Committee recommend that the Comox Valley Regional District Board initiate an amendment to the Regional Growth Strategy in order to consider the application made by 3L Developments Inc. that proposes creation of a new Settlement Node;

AND FINALLY THAT the Regional Growth Strategy Steering Committee recommend that the Comox Valley Regional District Board provide written notice of the initiation of an amendment to affected local governments and the Minister of Municipal Affairs and Housing.

Executive Summary

- In a decision of the B.C. Supreme Court, upheld by the B.C. Court of Appeal (the Court), the Comox Valley Regional District (CVRD) has been directed to consider the minor amendment application submitted by 3L Developments Inc. in accordance with the process set out in Section 5.2.4 of the RGS.
- The Court of Appeal clarified that the CVRD Board is not required to consider the proposed amendment as a minor amendment, rather just to follow the steps set out in 5.2.4 for determining whether the proposal constitutes a minor amendment (relative to Section 5.2.3 of the RGS).
- 3L Developments Inc. is requesting that the board initiate an amendment to the RGS in order to consider its “Riverwood” proposal as a new Settlement Node and is requesting that the application be considered as a minor amendment (versus standard amendment) (Appendix A).
- The key differences between the minor amendment process established in Section 5.2.4 and the standard amendment process as set out in the RGS (and the *Local Government Act* (RSBC),

2015, c. 1) (LGA)) pertain to whether an amendment needs to be accepted by affected local governments (i.e. requirement of standard amendment) (Appendix B).

- Per the direction of the Court, neither the RGS Technical Advisory Committee (TAC) nor RGS Steering Committee have reviewed, in detail, 3L Development Inc.’s application as to its technical merit. Rather the role of both committees at this initial point is to consider whether, based on the information presented by 3L Development Inc.’s and CVRD staff, the request to designate a new Settlement Node should be reviewed as a minor or standard amendment and whether an amendment should be initiated.
- The Steering Committee, having had regard for the minor amendment criteria in Section 5.2.3 of the RGS, and the information provided by 3L Developments Inc. in support of its application, recommends that the application to create a new Settlement Node should be reviewed, in detail, as a standard amendment as designation of a new Settlement Node is regionally significant in respect to scale, impact and precedence.
- The Steering Committee recommends that in order for the board to consider the merits, in detail, of designating a new Settlement Node, and specifically 3L Development Inc.’s proposed “Riverwood” development, the board should initiate an amendment.

Prepared by:

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Concurrence:

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Concurrence:

S. Topham

Sundance Topham
Chief Administrative Officer
Village of Cumberland

Stakeholder Distribution (Upon Agenda Publication)

3L Developments Inc. c/o Mr. Kabel Atwall	✓
Village of Cumberland	✓
Town of Comox	✓
City of Courtenay	✓

Background/Current Situation

The CVRD has been directed by the Court to consider the minor amendment application by 3L Developments Inc. in accordance with the process for minor amendment applications defined in the RGS Bylaw. To be clear, the CVRD has no obligation relative to the application other than to undertake the steps prescribed in RGS Section 5.2.4. Specifically:

1. Set up a TAC meeting to discuss the application (being creation of a new Settlement Node) and provide comments to CVRD staff. This occurred on June 8, 2018 and June 29, 2018.
2. On receipt of comments from the TAC, have CVRD staff prepare a preliminary report for the Steering Committee (Appendix C).

3. Have the Steering Committee consider the report. This occurred on June 28, 2018 and July 3, 2018 (Appendix D)
4. Forward the Steering Committee’s comments and recommendations to the CVRD Board. This is the subject of this report.
5. Have the board decide whether the application should proceed as a minor amendment.

It is important to note that in its reasons for decision, the Appeal Court confirmed that the role of the TAC and Steering Committee is not to ultimately review the merits of a proposed amendment application, but to provide advice to the board on whether the proposed amendment constitutes a minor or standard amendment (and subsequently, whether or not to initiate in accordance with the LGA). Initiation of the amendment does not fetter the board in any future consideration of the proposed amendment (confirmed in the reasons for judgement).

Note that a separate process to amend Section 5.2.4 is underway. If the board initiates an amendment to change the minor amendment process set out in the RGS, it will have no bearing on the fact (or way) that the CVRD has been ordered to process 3L Development Inc.’s proposed amendment.

Policy Analysis

Sections 5.2.3 “Criteria for Minor Amendments” and 5.2.4 “Minor Amendment Process” are the key RGS sections relative to this initial point in the amendment proposal process.

5.2.3 Criteria for Minor Amendments (Appendix C)

This section establishes five criteria under which a proposed amendment may be considered by the board as a minor amendment. Only the first criterion, below, pertains to the application that has been made by 3L Developments Inc.:

- a) *“Where a land use or development proposal is inconsistent with the Regional Growth Strategy, and, in the opinion of the board:*
 - *Is not to be of regional significance in terms of scale, impacts or precedence;*
 - *Contributes to the achieving of the goals and objectives as set out in Part 3; **and***
 - *Contributes to achieving the general principles contained in the growth management strategy Part 4.”*

The above criterion applies as the applicant’s land use proposal is inconsistent with the RGS as it includes residential densities that exceed the densities contemplated in the Rural Settlement Area and Settlement Expansion Area designations. Further, the proposed density relies on piped water and sewer servicing (municipal type servicing that is presently only available in the municipal areas). The applicant is proposing to change the RGS designation of the lands from “Rural Settlement Area” and “Settlement Expansion Area” to “Settlement Node”.

At this juncture the role of the Steering Committee is to provide advice to the board on whether a proposed amendment to create a new Core Settlement Area, specifically a new Settlement Node, is, of regional significance in terms of scale, impacts or precedence. Having reviewed the above criterion in the context of the information contained in the 3L Development Inc.’s application, the Steering Committee finds that it is.

- (a) *Regional Significance*
 - *Scale:* Establishing a new Core Settlement Area effectively creates a new location to which growth in the electoral areas is to be directed. The scale of establishing a new Core Settlement Area relative to other changes that could be made to the RGS is regionally

significant in that it would change the growth management scheme of the RGS as presently envisioned.

- *Impacts:* Establishing a new Core Settlement Area will impact the proportion of expected growth in the other Core Settlement Areas (e.g. overall population projections have not surpassed the capacity of existing Core Settlement Areas to accept additional population). This has regional significance in that investment decisions by private landowners, local government and higher level governments (e.g. land use and infrastructure development) will be affected: the locus of investment will shift or detract from the economic opportunities/ needs of existing Core Settlement Areas.
 - *Precedence:* Establishing a new Core Settlement Area through the minor amendment process will establish precedence for how the designation of other, new, Core Settlement Areas may be considered in future (i.e. minor versus standard amendment). Notably Managing Growth Policy 1B-4 states that “*Should minor adjustments to existing Settlement Node Boundaries be identified through a Local Area Plan process, such boundary adjustments shall be permitted subject to a minor amendment of the RGS*”. Further, the RGS states that “*New Settlement Nodes can only be created through amendment to the RGS*”. In light of these policies and the LGA, which states that if an amendment is not minor, it is standard, it is reasonable to infer that the board through the RGS’ preparation turned its mind to the types of changes to the Settlement Nodes that could be considered as minor amendments and determined that only “minor adjustments to existing Settlement Nodes” be considered as minor.
- (b) *Goals and Objectives in Part 3:* As neither the TAC nor Steering Committee have reviewed the merits of 3L Development Inc.’s application, it is not readily apparent whether establishment of a new Settlement Node will contribute to the goals and objectives set out in Part 3. It may be that designating a New Settlement Node would contribute to achieving these goals and objectives but a fulsome assessment of that could only be undertaken if the board initiates an amendment. Initiation would enable the TAC and the Steering Committee to review the merits of the “Riverwood” proposal relative to the goals and objectives in Part 3.
- (c) *Growth Management Principles in Part 4:* Designation of a new Settlement Node, at this time, does not appear to contribute to achieving the growth management principles established in Part 4. Among the RGS principles salient to this proposed amendment is: “*Limit the number of existing and planned Settlement Nodes outside of the Municipal Areas and ensure that such nodes are developed in a compact and transit supportive manner*”. The Settlement Nodes, being Union Bay, Saratoga, and Mt. Washington, were established through “local planning policy documents around existing communities” in the electoral areas with “significant planned capacity to accommodate new growth”. Development in the Settlement Nodes has not yet reached levels to exceed their capacity to accommodate growth. Two significant Master Development Agreements, one for lands in Union Bay and one for lands in Saratoga, are in place and have not yet been constructed. Similarly, Mt. Washington still has significant growth potential relative to the Mt. Washington Local Area Plan. Therefore designation of a new Settlement Node relative to supply management appears premature. If the board wants to contemplate re-designating an existing Settlement Node to Rural Settlement Area, or Settlement Expansion Area, for example, perhaps there would be rationale to consider designation of a new Settlement Node. The impacts of that, however, on landowners in the existing Settlement Nodes and planned infrastructure projects would be significant. This type of analysis could be undertaken if the board opts to initiate an amendment and allocate funds for that review.

Based on the criteria set out in Section 5.2.3 the Steering Committee is of the opinion that the proposed amendment to create a new Settlement Node is not minor. The Steering Committee,

having reviewed the information provided by 3L Development Inc. in support of its application, does not accept the basis put forward by 3L Development Inc. as warranting the board proceeding with the proposed amendment as a minor amendment.

In respect to whether the board should initiate an amendment, the Steering Committee suggests that the best way to assess whether a new Core Settlement Area, specifically, a new Settlement Node as proposed by the applicant, is required, is to direct staff to review the merits of the application relative to the major trends, population and employment forecasts identified in the RGS as well as Parts 3 and 4 of the RGS.

Options

The board has the following options:

1. Concur with the Steering Committee's recommendation to initiate a standard amendment and provide notice to affected local governments and the Minister of Municipal Affairs and Housing.
2. Determine that the proposal to establish a new Settlement Node should be reviewed as a standard amendment, but not initiate an amendment.
3. Determine that the proposal to establish a new Settlement Node should be reviewed as a minor amendment and make a decision to initiate or not.
4. Refer the matter back to CVRD staff with direction on next steps.

The Steering Committee recommends option 1.

Financial Factors

A resolution to initiate an amendment, whether standard or minor, will trigger a detailed review of the merits of the "Riverwood" proposal. The costs related to this review, namely staff time, legal review and the implementation of the required consultation plan (e.g. public notice, public hearing), will be borne by the RGS service (Function 512). As 3L Development Inc.'s application was received prior to the adoption of the RGS procedures and fees bylaw, no application fees can be levied.

Legal Factors

As noted, the Court has ordered the CVRD to review 3L Development Inc.'s minor amendment application in accordance with the process described in section 5.2.4 of the RGS. A motion of the board to consider the applicant's proposal as a minor amendment requires an affirmative 2/3 vote of the board.

If the board initiates an amendment (whether standard or minor), staff will provide notice of the initiation in accordance with the LGA and will report back with a consultation plan as well "next steps" in the amendment process.

Regional Growth Strategy Implications

If the board initiates, by resolution, an amendment to the RGS, staff will assess, in detail, the merits of the "Riverwood" proposal relative to the goals, objectives and policies of the RGS and provide a fulsome analysis of the RGS implications.

Intergovernmental Factors

The TAC comprises the RGS planning representatives from each of the four service participants (i.e. CVRD, Cumberland, Comox, Courtenay). The TAC has provided recommendations to the RGS Steering Committee (i.e. Chief Administrative Officers of each participant jurisdiction) on whether the proposed amendment should be reviewed as a standard or minor amendment and

whether an amendment should be initiated. Subsequently, the Steering Committee convened and is recommending that the board consider the proposed amendment as a standard amendment and that the board initiate an amendment in order for staff to review the merits of the proposed “Riverwood” Settlement Node.

If the board passes a resolution to initiate an amendment, affected local governments (i.e. Village of Cumberland, Town of Comox, City of Courtenay, Powell River Regional District, Strathcona Regional District, Regional District of Nanaimo and the Alberni-Clayoquot Regional District) and the Minister of Municipal Affairs and Housing will be notified of the initiation. The details of further intergovernmental involvement will be reported to the board as the amendment process unfolds (e.g. acceptance by affected local governments).

Interdepartmental Involvement

Staff in the Planning and Development Services Branch are leading review of this amendment proposal. Input from Corporate Services and Engineering Services will be sought if the board opts to initiate an amendment.

Citizen/Public Relations

If the board initiates an amendment, CVRD staff will report back to the board with a proposed consultation plan. The LGA requires that as soon as is practicable after initiating an amendment, the board must adopt a consultation plan and consider whether a public hearing should be held.

Attachments: Appendix A – “3L Development Inc.’s “Riverwood” proposal”
Appendix B – “Process comparison chart”
Appendix C – “TAC report, dated June 25, 2018”
Appendix D – “Steering Committee minutes, dated June 28, 2018 and July 3, 2018”



3L Developments Inc.

May 25, 2018

Ms. Alana Mullaly
Manager of Planning Services, Planning and Development Services Branch
Comox Valley Regional District
600 Comox Road
Courtenay, B.C.
V9N 3P6

Dear Ms. Mullaly

Re: Riverwood Development

As per our meeting of May 22, 2018, 3L Developments wishes to submit the following information in support of its application for a **minor** amendment to the Regional Growth Strategy for its Riverwood development.

In requesting a minor amendment and the designation of its lands as a Settlement Node, 3L is confident that its request complies with Section 5.2.3 of the RGS, which identifies the criteria for minor amendments. This will be expanded upon further in this submission, however, it bears noting here that its request for the amendment should also be looked at as a repositioning of the densities allowed under the current RGS for the Sage Hills node and some of the other densities allocated to projects such as the Trilogy project. These projects will never be built or developed to the scale envisioned in the RGS, so their densities could and should be transferred to other areas such as Riverwood. This does not materially affect the RGS by allowing additional densities over and above what is noted in the document but merely transfers them to another area. In addition, the Riverwood lands, as will be demonstrated, are also well positioned to respect the intent and policies of the RGS while addressing its goals.

It should also be noted that the proposal has the ability to deliver approximately 50% of its land base or approximately 265 acres of the most important recreational as well as culturally important lands along the Puntledge and Browns River into the hands of the public as park.



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RIVERWOOD VISION

TO DEVELOP A NEIGHBOURHOOD COMMUNITY THAT ENCOURAGES HEALTHY LIVING THROUGH THE USE OF THE BEST AVAILABLE DESIGNS, APPROACHES, AND SYSTEMS.

WE STRIVE TO CREATE A UNIQUE COMMUNITY THAT RESPECTS AND CELEBRATES THE LAND WHILE PROVIDING NEW AND AFFORDABLE LIVING OPPORTUNITIES FOR A DIVERSE POPULATION

PROJECT OVERVIEW

- 525 ACRES OF LAND
- 1100 RESIDENTIAL UNITS OF ALL TYPES
- BUILT ON THE SOCIAL, ECONOMIC, AND ENVIRONMENTAL ELEMENTS OF SUSTAINABILITY
- A MINIMUM OF 50% OF THE PROPERTY TO BE DESIGNATED AS PARK
- 9 KILOMETERES OF TRAILS
- LEED TARGETED
- NO INFRASTRUCTURE COSTS TO THE REGIONAL DISTRICT AS PROJECT WILL BE TOTALLY SELF-SUFFICIENT IN TERMS OF WATER AND SEWER
- DEDICATION OF THE CURRENTLY PRIVATE ROAD AS A PUBLIC ROAD TO ENSURE ACCESS TO ALL THE PUBLIC AMENITIES
- \$96 MILLION IN TOTAL CONSTRUCTION AND DEVELOPMENT SPENDING PER YEAR
- 470 JOBS PER YEAR
- \$56 MILLION IN SPENDING PER YEAR BY NEW HOUSEHOLDS
- PROJECT LOCATED 5 MINUTES FROM DOWNTOWN COURTENAY
- PROJECT LOCATED 7 MINUTES FROM BIG BOX RETAIL AND NEW HOSPITAL
- WITHIN 5 MINUTES OF LOCAL SCHOOLS
- 2 MINUTES AWAY FROM AN INTERSECTION ON THE INLAND ISLAND HIGHWAY

The development philosophy of Riverwood is **Triple Bottom Line Sustainability**: integration of the **social, economic, and environmental elements into land use planning and decision making.**

The Triple Bottom Line approach to sustainable community development will assist with the implementation of the RGS and the sustainability strategies.

Riverwood is a development proposal that embraces the tenets of sustainability by incorporating green building technologies, social responsibility, efficient use of energy and a commitment to reducing its impact on the environment by **dedicating approximately 265 acres of parkland, open space, conservation, recreation wetlands and community gardens.**



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Riverwood will be a distinctive community, offering natural landscapes, trail amenities, a mix of housing choices, commercial and retail services, and public amenities with a mix of natural landscapes. Located next to **Stotan Falls**, this major Comox Valley attraction offers a series of glacier fed pools and falls that attract visitors and residents alike. **Riverwood will result in public access to this coveted recreational area in perpetuity.**

The Riverwood development will enhance this area by offering land for and building a formalized public parking area and a washroom/change house for all users, the construction of 9 kms. of new trails, and the provision of land for a fire hall and assistance with its creation to service the broader community.

The development will result in a heavily used regional recreational area and greenways to be placed in public hands. Regional park plans identify the Rivewood site as a key component in realizing park acquisition goals. The river corridors are recognized as upland habitat greenways, recreation corridors, biodiversity corridors and have been identified as a critical area worthy of protection.

In addition, Riverwood will create a public road, increase transit opportunities and will assist in with telecommunication enhancements for the broader community

The Riverwood site was designed using an integrated approach to sustainability, which calls for a thorough understanding of the land before determining the master development plan and uses. A comprehensive analysis of the environment, archaeology, economics, and biology of the area were completed, as well as analysis of traffic impacts, road standards, design standards, park land and housing options.

The development concept brought together environmental preservation, physical site assessments, public consultation, design standards and market analysis in order to achieve the regional goals of building sustainable and healthy communities where people can live, work and play.

Riverwood brings enhanced ecosystem values, high efficiency, and a new standard for development in the Comox Valley.

A copy of the Sustainability Guidelines Matrix, which set out the sustainable development goals, is attached to this submission. This Matrix was informed by:

- Comox Valley Regional Growth Strategy
- Comox Valley Sustainability Strategy
- LEED: CaGBC LEED Canada NC and CaGBC Canada for Homes



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- Smart Growth BC

In designing the community development, Riverwood is targeting measureable and significant reductions in the following key areas:

Energy Use	Heat Island Impacts	Water Consumption
Waste Water Flows	Storm Water Flows	Solid Waste
Construction Waste		

RGS PART 3: Regional Policies

Riverwood is committed to meeting the RGS policies. Riverwood is a model of development that strives to implement the relevant policies in the RGS.

Riverwood is founded on design principles that create compact growth in order to dedicate a minimum of 50% of the site into public hands. With on-site servicing utilizing sustainable and innovative technologies that will be privately operated under government regulations, Riverwood will not burden the regional sewer or water systems.

Part 3 of the RGS identifies goals which are organized into 8 inter-related policy areas. These are identified below along with how the Riverwood proposal would address the goals and implement them.

Goal 1: Housing

Ensure a diversity of housing options to meet evolving demographics and needs

Riverwood Implementation:

- Range of lot sizes increases the attainability of ownership
- Range of lot sizes and mix of residential housing types will allow for smaller housing types for those portions of the population over 65 that require these types of homes
- Opportunity for secondary suites and carriage homes which could allow “aging in place” or provide affordable rental housing
- Contributions to Habitat for Humanity
- Work/live spaces could be in a professional building (ground floor retail with apartments above) in the small commercial core area



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- Potential opportunity for home occupations
- Compact design respects the integrity of the surrounding community
- Create an age friendly community
- Walkable with limited local services to support housing

Goal 2: Ecosystems, Natural Areas, and Parks:

Protect, steward and enhance the natural environment and ecological connections and systems

Riverwood Implementation:

- Establishes as park, the identified regional ecological and recreational greenway link between Strathcona and the Comox Valley
- The project will include extensive natural corridors, greenways, and open space to provide habitat for plants and animals and will reintroduce native habitat where possible
- The project will enhance aquatic habitat through stream augmentation, increasing dry weather flows to improve primary production
- Addition of approximately 265 acres as regional park land
- Creation of 9 kms. of additional trails to the region
- Expanded gateway to Forbidden Plateau and Mt. Washington
- Enhanced services for and access to Stotan Falls
- Increased quality of life
- Bike and pedestrian friendly trails throughout the development that link to transportation networks and recreational opportunities beyond
- Expanded setbacks along the rivers and re-naturalization of a minimum of 10% of the actual development site
- Spawning channels adjacent to Bull Island returned to public hands

Goal 3: Local Economic Development:

Achieve a sustainable, resilient and dynamic local economy that supports Comox Valley businesses and the region's entrepreneurial spirit.

Riverwood Implementation:

- \$780 million in direct investment dollars
- \$276 million in direct spin-off benefits
- Creation of 5,130 man-years of employment or 470 jobs per year



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- \$51 million in spending, by residents, per year on retail, restaurants, personal services, household services, vehicle operating expenses, and miscellaneous items
- Ripple effect of development: construction related jobs and the need for additional doctors, lawyers, accountants, hairdressers, grocery stores, service personnel, etc.
- Opportunities for home based business
- Inclusion of a commercial/retail center to service the development and surrounding area
- Live/work opportunities
- Property location enforces the viability of the Town Centres of Courtenay
- New economic opportunities will arise from the Riverwood development: through short term direct employment opportunities, the spin off economic benefits that are derived from the development; and the longer term economic benefits of the sustainable technologies and practices that will be used within this development
- Design guidelines will specify use of local materials where possible

Goal 4: Transportation:

Develop an accessible, efficient, and affordable multi-modal transportation network that connects Core Settlement Areas and designated Town Centres, and links the Comox Valley to neighbouring communities and regions.

Riverwood Implementation:

- Connects to Inland Island Highway (2 minutes)
- Direct links to Courtenay (5 minutes), Cumberland (7 minutes), Comox (10 minutes), Mt. Washington (12 minutes to chairlift), Forbidden Plateau (10 minutes), Hospital (7 minutes), Airport (12 minutes)
- BC Transit has indicated Riverwood and the broader area has the potential for a bus program in the short term, with full service as the area grows out
- Transit loop has been included in the design of Riverwood
- Streets designed to support future bus routes
- Walkable and bike-friendly community
- Enhanced recreational opportunities for the biking and hiking community
- Separate bicycle lanes to encourage cycling, opportunity for bicycle storage, signage and shower facilities at the public amenity building to service Stotan Falls and recreation users
- Commercial and recreational on-site amenities will reduce the need for vehicular off-site travel for residents



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Goal 5: Infrastructure

Provide affordable, effective, and efficient services and infrastructure that conserves land, water and energy resources

Riverwood Implementation:

- State-of-the-art on site servicing offers a sustainable option to the “collective pipe” of water supply and sewer treatment
- On-site servicing will reduce burden on the regional and municipal systems thereby saving tax payers money
- On-site servicing is a proven Alternate Development Standard (green infrastructure) that promotes sustainability, saves water, and is cost effective
- Integrated stormwater management to ensure that post-development flows match that of pre-development flows while augmenting wetland habitat
- LEED targets reduce overall water demand and consumption, thereby decreasing waste and reducing output flows
- Utilization of grey-water plumbing to reduce water consumption
- Independence of the system to serve Riverwood will ensure long-term sustainability for the development and the greater community as a whole. An alternative to connecting to bigger systems will help to achieve long-term sustainability goals
- Compact design of Riverwood is more cost effective to service than larger lots that are spread farther apart
- Promotion of Alternative Development Standards, which are proven to lower costs of development (environmental and economic), improve quality of life, improve affordability, reduce greenhouse gases, preserve natural habitats and ecosystems and allow integrated stormwater management techniques and sewer treatment
- Self-reliance servicing that does not burden regional services
- Use of innovative technologies to reduce and re-use water throughout the development
- Waste reduction and recycling programs
- Use of rain gardens within the integrated water management plan
- Lighting will be designed to mitigate light pollution; ensure pedestrian visibility at night and adhere to “Dark Sky” policies



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Goal 6: Food Systems

Support and enhance the agricultural and aquaculture sectors and increase food security

Riverwood Implementation:

- Introduction of community gardens within the development proposal (urban gardening, community orchards, and community supported agriculture programs contribute to regional food security)
- Expansive buffer zones between the development and rivers
- No ALR land involved in Riverwood, so no effect on the agricultural land base of the Comox Valley

Goal 7: Public Health and Safety

Support a high quality of life through the protection and enhancement of community health, safety, and well-being

Riverwood Implementation:

- Increased trails and environment enhancement encourages an active population and lifestyles, which increase quality of life
- Access to recreation encourages an active lifestyle, therefore reduces health costs
- Allows for an aging population
- Allows for a diverse population
- Opportunity for a fire hall to service the development and the surrounding community to promote public safety
- Integration of trails, recreation opportunities, cycling, and transit as alternatives to the private automobile helps contribute to a healthier population and thereby reduces health care costs to society
- Trail connections and development will realize regional park goals, by significantly contributing to the completion of the Puntledge Triangle – a key greenway system in the Comox Valley
- Integration of cycling and pedestrian plans support active transportation
- Bicycle infrastructure and amenities are provided for
- Walkable communities increase safety
- “Eyes on the street” promotes informal neighbourhood watch
- Integration of basic Crime Prevention Through Environment Design (CPTED) analysis prior to construction



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- Riverwood will ensure, through design guidelines, that products and materials to be selected will be free of substances that could be harmful to occupants (specifically adhesives, sealants, paints and coatings, carpets, composite wood products, door cores, and agrifiber products will be targeted)

Goal 8: Climate Change

Minimize regional greenhouse gas emissions and plans for adaption

Riverwood Implementation:

- Riverwood is closer to the service areas of Courtenay and other services in the Comox Valley than many other areas designated for development, thus having a smaller environmental footprint than those areas
- Net zero development as prescribed for Riverwood means housing our population with no increases in the carbon footprint
- Leed targeted strategies
- Green site design and building practices will be written into the design guidelines
- Alternative transportation programs and pattern of development (compact lot sizes are easier and cost-effective to service, reduce GHG emissions and preserve green space which can then be turned over to the public to realize region-wide recreation goals)
- Emphasis on recreation
- Self-servicing infrastructure will reduce costs to the local government through the construction of green community design and buildings
- Designing communities that promote alternative forms of transportation to help reduce GHG emissions is important to urban and rural areas
- Integrated bicycle and transit systems to recreation destinations and town centres will reduce GHG emissions
- Bicycling infrastructure and amenities are included within the Riverwood development
- Community gardens offer a composting option for residents, which will help divert organics from the landfill
- Through compact community design, preservation of existing forested areas coupled with extensive landscaping and reforestation plans, planting programs are possible, which helps reduce GHG emissions unlike typical suburban developments
- Renewable energy alternatives will be planned for, including geothermal heating and a public amenity building for Stotan Falls users and recreationalists that will be “off the grid” (i.e. solar powered, on-site water and sewer treatment)



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- Water conservation strategies included within the development including water reclamation, reuse, and augmentation of habitat
- Design guidelines will include highly reflective roofing materials to mitigate summer heat absorption into the homes, reducing the need for mechanical cooling systems

RGS PART 4: MANAGING GROWTH

Part 4 of the RGS aims to manage growth and land-use activities in a manner consistent with the Part 3 of the RGS and puts forward a strategy for managing this growth.

In doing so, Part 4 identifies 14 Growth Management Principles. These are found in Section 4.4. These principles build on the goals, objectives, and policies contained in Part 3 of RGS.

The Riverwood development measures very favourably against the applicable principles. How it does so, is identified below. The principles will be referred to as they are referenced in the Section 4.4.

Section 4.4.1: The Riverwood development protects all key natural and ecological features within the property. In planning the Riverwood development, all areas with ecological sensitivities and key natural features were identified first and protected. All these areas were placed in the proposed parkland dedications and will be put in the hands of the public.

Section 4.4.2: All public health and environmental issues were identified and where needed, were addressed in the planning of the development.

Section 4.4.3: The distinctiveness of the existing communities and especially the neighbouring City of Courtenay was recognized. The intent of the development is to compliment the City of Courtenay and to ensure that it benefits, economically and socially, from the development. The parkland dedications will also benefit the other communities and the Comox Valley Regional District.

Section 4.4.4: There has been a great deal of discussion with the Komoks First Nation and 3L is well aware of the treaty process. The recent discussions that have taken place have centered around the Riverwood development assisting KFN in the development of some of the lands being offered to it in treaty. These lands are immediately adjacent to the Riverwood development. To assist KFN in recognizing economic benefit from these lands, Riverwood has agreed to provide access to its proposed water and sewage infrastructure.



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Section 4.4.5: The Riverwood development espouses compact development and by doing so, promotes efficient use of land and achieves environmental benefits through the protection of all areas that have environmental sensitivities. A minimum of 50% of the property will be dedicated as park, thereby ensuring protection of all these areas.

The project has also been designed to accommodate public transit and contact has been made with BC Transit about providing service to the development as well as the surrounding area. Provision has also been made for cycling. Public servicing costs are not an issue as all servicing infrastructure will be private.

Section 4.4.6: This section is not applicable as there will be no public investment in public infrastructure. The operation of the water and sewer systems will be undertaken by a fully qualified operator and covered by a Certificate of Public Convenience and Necessity issued by the Ministry of Health, which will set the security parameters necessary for the long term operation of the systems.

Section 4.4.7: This section is not applicable other than to note that the development will not take away from the ability of the Municipal Areas to carry out their mandate as outlined. The development could also compliment the goals of this section.

Section 4.4.8: A Settlement Node has been requested for the site. As noted earlier in this submission, the Riverwood development is being developed in a compact and transit-supportive manner.

Section 4.4.9: Not applicable as the Riverwood development will have its own water and sewer systems.

Section 4.4.10: This section is somewhat applicable as the properties are identified within the City of Courtenay OCP for eventual inclusion into the City. However, no water and sewer service is required.

Section 4.4.11: There are no agricultural or aquaculture activities on the site, so there is no issue with respect to these functions being compromised.

Section 4.4.12: The development having been planned as a compact community has a great deal of parkland that buffers the developable area from the adjoining rural functions. None of these will be affected by the development and the rural character of these lands will not be affected.

Section 4.4.13: Not applicable as there are no areas within the properties are used for resource extraction or part of the working landscape.



3L Developments Inc.

Section 4.4.14: One of the basic premises of the Riverwood development has been to promote and support the economic viability of the municipal areas. There are no real significant commercial activities planned within the development, except for a small commercial component to service the basic needs of the development and surrounding area. The development does not wish to compete with the municipal areas in that regard. In addition, many of the direct and indirect economic benefits accruing from the development will help further establish and compliment the economic viability of the existing municipal areas.

In MB Policy 1B-1- Settlement Nodes, it is noted that Settlement Nodes shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure. As has been made clear in this submission, no public infrastructure is required for this development. However, it has recognized the need for enhanced public transit and active transportation options and these have been included in the development plans.

Furthermore, also as noted earlier, while a Settlement Node is requested, the fact that Sage Hills is not proceeding as envisioned in the RGS and other developments such as Trilogy may never go ahead, the densities associated with these and others that may never be built should and could be transferred to the Riverwood development. The net result will likely be no increase in the number of housing units contemplated in the current RGS. If there is, the amount of units would be miniscule.

It is recognized in the MB Policy 1B-3 – New Settlement Nodes, that the designation of any new Settlement Nodes will require an amendment to the RGS but this policy does not define that in order to do so, a what type of amendment would be required. Therefore, it is quite appropriate to use a minor amendment as requested, to establish a Settlement Node.

At this point, it should also be noted again, that 3L has had a very long and involved dialogue with the Komoks First Nation about the Riverwood development. KFN recognizes that it could benefit from the Riverwood development through access being provided to it in order to tie into the Riverwood water and sewer systems. Discussions have also taken place with regards to the water and sewer systems being designed to accommodate growth on the lands being offered to KFN in treaty, which are immediately adjacent to the northern boundary of the Riverwood project. This would help provide economic opportunities to KFN, while allowing their future lands to be developed in an environmentally and sustainable manner. Therefore, there is benefit to KFN from the Riverwood project proceeding.

In the foregoing, we have demonstrated that the request for a minor amendment meets the requirements set out in the RGS for minor amendments and proposal has great merit. It is hoped that the contributions that the Riverwood development can make through park dedications, a sustainable mode of development, and from an economic perspective will be appreciated.



3L Developments Inc.

If you have any questions or require any more information, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kabel Atwall". The signature is fluid and cursive, with a large initial "K" and "A".

Kabel Atwall
3L Developments Inc.

PROPOSED 1000 LOT RIVERWOOD DEVELOPMENT COURTENAY, B.C.

SCALE = 1 : 5000
All distances are in metres and decimals thereof unless otherwise stated

PROPERTIES

3-L DEVELOPMENTS INC.

PID: 003-922-391
THAT PART OF THE SOUTH EAST 1/4 OF SECTION 14, TOWNSHIP 9, COMOX DISTRICT, PLAN 552G LYING TO THE WEST OF THE EAST BANK OF THE PUNTLEDGE RIVER EXCEPT THOSE PARTS IN PLANS 8304 AND 9343

PID: 028-915-194
LOT 4 SECTIONS 10 AND 15 TOWNSHIP 9 COMOX DISTRICT PLAN EPP23059

PID: 003-922-308
THAT PART OF THE NORTH 1/2 OF SECTION 14, TOWNSHIP 9, COMOX DISTRICT, PLAN 552G LYING TO THE SOUTH OF THE NORTH BANK OF THE PUNTLEDGE RIVER

PID: 003-924-033
THE SOUTH WEST 1/4 OF SECTION 14, TOWNSHIP 9, COMOX DISTRICT, PLAN 552G EXCEPT THAT PART IN PLAN 9343 AND EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 829 R/W.

0768816 B.C. Ltd.

PID 000-866-814
THE SOUTH WEST 1/4 OF SECTION 15, TOWNSHIP 9, COMOX DISTRICT, PLAN 552G, EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 79 RW AND EXCEPT THAT PART IN PLAN VIP70188

PID 000-866-792
THAT PART OF THE NORTH WEST 1/4 OF SECTION 10, TOWNSHIP 9, COMOX DISTRICT, PLAN 552G, LYING WEST OF PUNTLEDGE RIVER EXCEPT THAT PART IN PLAN VIP70188 AND EPP24391

PARCEL AREAS

PID: 003-922-391	1.25 HA
PID: 028-915-194	75.0 HA
PID: 003-922-308	2.46 HA
PID: 003-924-033	49.34 HA
PID: 000-866-814	64.36 HA
PID: 000-866-792	7.63 HA
TOTAL AREA	200.04 HA
TOTAL AREA	494.3 AC

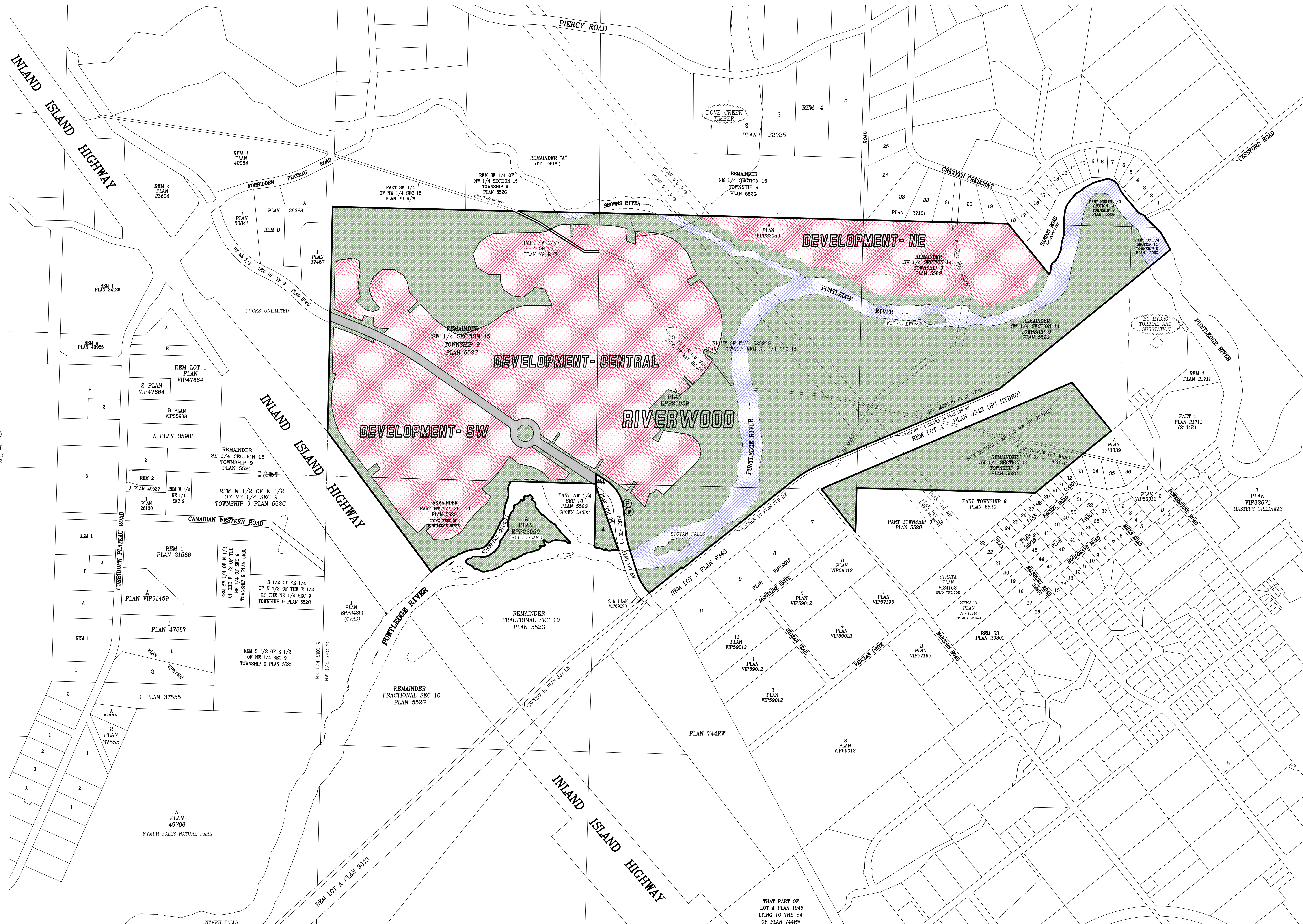
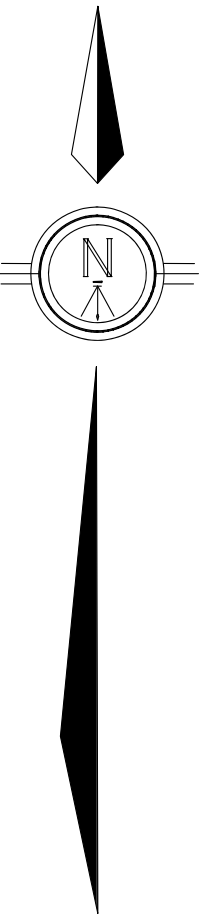
DEVELOPMENT AREAS

WATER +/-	14.25 HA
DEVELOPMENT-SW	21.23 HA (225 LOTS)
DEVELOPMENT-CENTRAL	48.51 HA (515 LOTS)
DEVELOPMENT-NE	16.31 HA (260 LOTS)
PARK	97.12 HA
MAIN ROAD	2.62 HA
TOTAL AREA	200.04 HA (1000 LOTS)

NOTE: LOT LAYOUT, DIMENSIONS AND AREAS ARE SUBJECT TO LEGAL SURVEY, APPROVALS AND REGISTRATION AND MAY VARY THROUGH SURVEY, DESIGN AND APPROVAL PROCESS

LEGEND

- DENOTES - PARK DEDICATION
- DENOTES - ROAD DEDICATION
- DENOTES - DEVELOPMENT LANDS
- DENOTES - WATER DEDICATION



RIVERWOOD

COMOX VALLEY



Sustainability Matrix

Sustainability Issue	Aim	Sustainability Pillar			Proposed Measures	Reference Source
		Social	Economic	Environmental		
Social Certified Green Building	Utilize green building practices for the design and construction of buildings	Demonstrates commitment to green buildings and educates people on green building practices	Certified buildings provide higher building value	Certified buildings have third party review and certification processes that act as a quality control system that instils a rigour to the design and construction process	Design guidelines will cite LEED green building rating system measures for design and construction	Regional Growth Strategy, Smart Growth BC, LEED-ND GIB Prereq 1
Social Community Input	Include the views of all stakeholders in the plans for the development	The development should reflect the views of all stakeholders. Participation is a key aspect of sustainability and provides educational value as well.	Reduced risks of delays in planning procedures	Project will reflect environmental concerns of the community	Meet with local groups and host a open community meeting to solicit and document input and one open house and a web site with dedicated email	Regional Growth Strategy, Smart Growth BC LEED-ND NPD 12
Social Equity	Enable citizens from a wide range of economic levels, household sizes, and age groups to live within the community	Creates socially equitable and socially engaging communities	Families of varying incomes can live in the community	No direct environmental factors.	Include a sufficient variety of housing sizes and types and include a proportion of rental and/or for-sale dwelling units. Development will also provide a percentage of carriage houses	Regional Growth Strategy, Smart Growth BC, LEED-ND NPD 4
Social Population Growth	To accommodate population growth in a sustainable framework	The development will aim to provide suitable housing for the full cross section of the community.	A wide range of housing will stimulate the local economy.	Minimize the amount of future renovations to accommodate a changing demographic	Variety of housing types to accommodate different demographics	Regional Growth Strategy, Smart Growth BC, LEED-ND NPD 4
Transportation Walkable Streets	Promote walking and bicycling by providing safe, appealing, and comfortable street environments	Provides safe, appealing, and comfortable street environments	Encourages physical activity that reduces risk of obesity, heart disease, and hypertension, reducing the strain on public health systems	Walkable streets promote transportation efficiency and reduce pollution and GHG emissions	Design streets such that: a) each building has a principal functional entry b) continuous sidewalks in 90% of streets c) multi-use paths throughout	LEED-ND NPD Prereq 1
Ecology Conservation	Conserve local flora and fauna and protect imperilled species and ecological communities.	Maintains local flora and fauna for future generations Educational value	Maintains desirable amenity areas and increases land values	Protects unique and endangered ecological resources	Provide a habitat conservation plan from a qualified biological scientist Permanently protect ecologically sensitive areas and integrate them into the layout	Regional Growth Strategy, Smart Growth BC, LEED-ND SLL Prereq 2

Sustainability Issue	Aim	Sustainability Pillar			Proposed Measures	Reference Source
		Social	Economic	Environmental		
Ecology Restoration	Provide habitat and promote biodiversity	Maintains local flora and fauna for future generations Educational value	Native plantings often require less maintenance than non-native plantings	Re-introducing native plants to the area enhances habitat area and biodiversity	Work with an ecologist/biologist to restore 10% of the development footprint to pre-development native habitat	LEED-ND SLLc8
Ecology Erosion	Protect unstable slopes from erosion Minimize construction impacts	Maintains and protects surroundings and also maintains the aesthetic value of the area.	Avoids costs of remediation	Minimizing erosion protects habitat and reduces stress on natural water systems	Erosion and sedimentation control measures for construction	LEED-NC SS Prereq 1
Ecology Natural Areas	Maintain the quality of the existing natural vistas in the area that provide habitat and promote biodiversity	Natural areas provide pleasant surroundings for building users	Preserving topsoil, plants and trees on the site can reduce landscaping costs and likely increases property values	Limiting the extent of construction activities to certain areas of the site minimizes ecological site damage resulting in preservation of wildlife corridors and habitat	Limit site disturbance including earthwork and clearing of vegetation to 12 meters beyond building perimeter, 1.5 meters beyond primary roads, walkways and main utility branch trenches	Regional Growth Strategy, Smart Growth BC, LEED-NC v2
Ecology Natural Wetlands and Surface Water	Protect and enhance surface water bodies (watersheds, wetlands, and riparian areas)	Avoiding development in sensitive ecological areas can encourage public support for a project as well as educate the public	Avoid remediation work and enhance property values	Protects and enhances water quality, and plant and animal habitat	Limit impacts to wetlands, water bodies, and buffer zones to less than 20% of those areas and implement storm water management	Regional Growth Strategy, LEED-ND Prereq 3
Ecology Open Space	Provide a variety of open spaces to encourage walking, physical activity and time spent outdoors	Open spaces provide appealing spaces for social networking, civic engagement, personal recreation and other activities that create social bonds between individuals and groups	Low cost maintenance for multiple community benefits	Vegetated open spaces provide habitat and other ecological services	Locate and/or design project so that a park or plaza at least 1/2 acre in area, lies within a 1/4 mile walk distance of 90% of planned and existing dwelling units and business entrances.	Regional Growth Strategy, LEED-ND NPD 9
Economy Local Material	Use locally sourced materials as much as possible	Pride in local materials, increased connection with nearby communities and adds educational value	Increased activity in local businesses and services, reduced environmental footprint	Reduced transport and associated emissions	Source products and materials as much as possible from within the Comox Regional District At least 20% by cost from within 800km by road	LEED-NC MR5

Sustainability Issue	Aim	Sustainability Pillar			Proposed Measures	Reference Source
		Social	Economic	Environmental		
Economy Generation	Be able to generate economic opportunities	The development will provide opportunities for local employment and inclusion, helping keep communities together.	The development will stimulate the local economy, directly and indirectly.	Environmental issues will be considered throughout the plans for the development in the economic viability of the project	Local employment and economic opportunities such as job creation will be generated as a result of the project	Regional Growth Strategy, Smart Growth BC, LEED-ND SLL 5
Health and Wellness Indoor Air Quality	Ensure residential development conforms to public health guidelines	Maintain health and vitality of the community	Avoid costs associated with illness, absenteeism and treatment.	Reduces toxic materials in the local environment	Specify low VOC materials, no added formaldehyde and ventilation standards	LEED-NC IEQ
Health and Wellness Walkable Streets	Promote walking and bicycling by providing safe, appealing, and comfortable street environments	Provides safe, appealing, and comfortable street environments	Encourages physical activity that reduces risk of obesity, heart disease, and hypertension, reducing the strain on public health systems	Walkable streets promote transportation efficiency and reduce pollution and GHG emissions	Design streets such that: a) each building has a principal functional entry b) continuous sidewalks in 90% of streets c) multi-use paths throughout	Smart Growth BC, LEED-ND NPD Prereq 1
Infrastructure Centralized Development	Have a focused and centralized development pattern	Creates vibrant and financially sustainable communities rather than individual lots Social capital enhanced	Creates a core of businesses that support each other	Communal water, energy and wastewater systems can be implemented	Project to be designed to allow businesses and services to be close to each other in centralized area.	Regional Growth Strategy, Smart Growth BC, Best Practice
Infrastructure Technology	Use appropriate technologies to achieve the development sustainability objectives	Public education, knowledge and exposure to sustainable technologies	Minimizes long term costs to the community	Prevents environmental impacts	Conventional and innovative technologies will be considered to optimize performance and sustainability	Developer driven Best Practice
Infrastructure Dark Skies	Preservation of dark skies that contribute to the rural character of the Region and protect the nocturnal wildlife	A night sky filled with galaxies, stars and planets is a source of beauty and inspiration to people and also part of a 'good neighbour policy'	Carefully designed exterior lighting solutions can reduce infrastructure costs and energy use.	Stray light that enters the atmosphere needlessly consumes energy and adversely affects nocturnal wildlife environments	Design exterior lighting so that all site and building mounted luminaries produce a max initial luminance no greater than 1.1 horizontal and vertical lux at the site boundary	LEED-NC SSc8

Sustainability Issue	Aim	Sustainability Pillar			Proposed Measures	Reference Source
		Social	Economic	Environmental		
Waste and Recycling Waste Reduction Construction	Promote recycling, composting and other waste reduction practices	Encourages the innovative reuse of waste materials, raises environmental awareness	Encourages local recycling facilities	Reduction in volume going to landfill	Design guidelines will require contractors to implement a construction waste management plan and aim to divert at least 75% of construction waste from landfill	LEED-NC MR2
Carbon Emissions Minimum Building Energy Efficiency	Reduce air, water, and land pollution and environmental impacts from energy production and consumption	Need for community to minimize its global impacts Educational value	Reduces impact of future carbon taxes and operating costs	Carbon emissions reductions in buildings required to mitigate climate change	Design guidelines will cite that all non residential buildings must be 10% better than ASHRAE 90.1 -2007 (weighted average) and 90% of residential buildings must meet Energy Star or equivalent criteria	Regional Growth Strategy, LEED-ND GIB Prereq. 2
Carbon Emissions Energy Efficient Infrastructure	Desire for low carbon, low energy development	Need for neighbourhood community to minimize its global impacts	Reduce impact of future carbon taxes and operating costs	Carbon emissions reductions in buildings required to mitigate climate change	Energy efficient street lighting (such as LED / Solar / Battery system) and infrastructure	LEED-ND GIB13
Carbon Emissions Energy use in buildings	Desire for low carbon, low energy development	Need for neighbourhood community to minimize its global impacts	Reduce impact of future carbon taxes and operating costs	Carbon emissions reductions in buildings required to mitigate climate change	Design guidelines will cite that buildings exceed MNECB by 50% energy consumption for commercial buildings Energy consumption rating of 76 or better on Energuide for Homes (HERS)	LEED-NC EAc2 LEED for Homes credit EA1.1
Carbon Emissions Passive Energy	Maximize passive energy benefits	Need for neighbourhood community to minimize its global impacts	Reduce impact of future carbon taxes and operating costs	Carbon emissions reductions in buildings required to mitigate climate change	Passive Solar Layout	Regional Growth Strategy, Developer driven Best practises
Pollution Community Air Quality	Maintain air quality within the region	Maintains healthy, clean surroundings	Avoid costs associated with illness	Improved environmental air quality	Specify NOx, SOx and particulate emission limits for buildings	LEED specific limits to be confirmed
Water Efficient Landscaping	Impose no external demands on the community water supply	Water-efficient landscaping helps to conserve local potable water resources	Recycle water for irrigation and avoid paying utility rates for potable water. Also reduces maintenance	Native landscapes that have lower irrigation requirements tend to attract native wildlife	Use captured rain or recycled site water to eliminate potable water consumption for irrigation	LEED-NC v2

Sustainability Issue	Aim	Sustainability Pillar			Proposed Measures	Reference Source
		Social	Economic	Environmental		
Water Optimum Building Water Efficiency	Reduce the impact on natural water resources	Aquifer is conserved for future generations Educational value	Minimize long term costs to community for water and waste-water infrastructure	Minimizes the amount of water withdrawn from the aquifer	Mandate low flow fixtures use 30% less than LEED benchmark for non-residential, mixed use and multi-family residential buildings - 90% of residential buildings achieve all 3 points in LEED for Homes.	Regional Growth Strategy, LEED-ND GIB Prereq 3
Water Self sufficiency	Impose no external demands on community water supply	Affordable clean water is a right for everyone Educational value	Control of water consumption costs and lower cost of supply than Regional connection	Better awareness of the value of water	Integrated water management plan making the best of water conservation measures including high water use efficiencies, storm water and rainwater collection, and water re-use to achieve net zero impact	LEED-NC Achieve all water credits
Water Storm Water Management	Mitigate the impact of development on drainage patterns	Benefits the community through improved water quality Educational value	Storm water ponds can provide a source of water for fire protection for rainwater storage tanks during dry periods	Reduction and treatment of runoff volumes decrease or eliminate contaminants that pollute receiving water bodies	Infiltrate, re-use and evapotranspire 80-95% of rainfall from the development footprint through measures such as pervious pavers and rainwater collection	Regional Growth Strategy, LEED ND GIB 8
Water Wastewater	Impose no additional demands on the community wastewater infrastructure	Treating wastewater to re-use standards for non-potable water applications reduces the demand on local aquifers. Social awareness of wastewater management issues	Capital and operating costs	On-site wastewater management and water reuse minimizes potential for impact on surface and groundwater quality	Treat all wastewater onsite to reuse standards with nutrient removal	Best practices, Health Canada Guidelines CaGBC LEED-NC v2
Water Water use in buildings	Impose no external demands on the community water supply	Water aquifer is conserved for future generations	Reduction in water consumption can reduce capital costs of needed water supply and wastewater facilitates	Reducing potable water use reduces the amount of water withdrawn from rivers, streams, aquifers etc...	Reduce potable water use within buildings by at least 30% against LEED baseline	BC MSR CaGBC LEED-NC v2
Legacy On going sustainability	Ensure that the development continues to perform over time	Ensures quality surroundings for future community members	Maintains value of property and low running costs	Long term environmental performance	Requirements will be put in place to ensure that all of the sustainable design features are properly maintained and managed	Suggested by the project team

RGS Amendment Comparison Chart

Board Initiates Amendment

Board decides minor or standard and provides notice of initiation LGA s.433 to affected local governments and minister (minimum 30 days before 1st reading)

Minor RGS Amendment Process per section 5.2.4

1st reading and adopt consultation plan concurrently

If affirmative vote, then proceed to 2nd reading

If not unanimous vote of all board members, defaults to LGA s.436

2nd reading

Public Hearing (if required)

3rd reading

Adoption

Standard RGS Amendment Process

Adoption of consultation plan LGA s.434

1st reading

Public Hearing (if required)

2nd reading

Refer to affected local governments and minister for acceptance LGA s.436

All affected local governments accept

Not all affected local governments accept

3rd reading

Adoption

Minister decides resolution process LGA s.436

Binding resolution

Non-binding resolution

Settlement or Arbitration



Staff report

DATE: June 25, 2018

FILE: 6410-20/Amendments
RGS 1C 17

TO: Steering Committee
Regional Growth Strategy

FROM: Technical Advisory Committee
Regional Growth Strategy

RE: Regional Growth Strategy Standard Amendment Recommendation and Next Steps – 3L Developments Inc.

Purpose

To provide the Regional Growth Strategy (RGS) Steering Committee (SC) with recommendations from the RGS Technical Advisory Committee (TAC) regarding an application for minor amendment made by 3L Developments Inc..

Recommendation from the Technical Advisory Committee:

THAT having had regard for the criteria established in Section 5.2.3 “Criteria for Minor Amendments” of the Regional Growth Strategy, the Steering Committee recommend that the Comox Valley Regional District Board consider the minor amendment application made by 3L Developments Inc. to establish a new Settlement Node, as a standard amendment;

AND FURTHER THAT the Steering Committee recommend that the Comox Valley Regional District Board initiate an amendment to the Regional Growth Strategy in order to consider the application made by 3L Developments Inc. that proposes creation of a new Settlement Node;

AND FINALLY THAT the Regional Growth Strategy Steering Committee recommend that the Comox Valley Regional District Board provide written notice of the initiation of an amendment to affected local governments and the Minister of Municipal Affairs and Housing.

Executive Summary

- In 2014, the Comox Valley Regional District (CVRD) Board, by resolution, opted not to initiate an amendment to the RGS in order to consider the May 2013 minor amendment application by 3L Developments Inc.
- 3L Developments Inc. challenged the board’s decision, specifically claiming that the CVRD had not followed the process for minor amendment applications set out in Section 5.2.4 of the RGS.
- In a decision of the B.C. Supreme Court, upheld by the B.C. Court of Appeal, the CVRD has been directed to consider the minor amendment application submitted by 3L Developments Inc. in accordance with the process set out in Section 5.2.4 of the RGS.
- The Court of Appeal clarified that the CVRD Board is not required to consider the proposed amendment as a minor amendment, rather just to follow the steps set out in 5.2.4 for determining whether the proposal constitutes a minor amendment (relative to Section 5.2.3 of the RGS) having received an application for minor amendment (as provided for in the RGS).

- Having provided additional information on May 25, 2018, 3L Developments Inc. is requesting that the board initiate an amendment in order to consider its “Riverwood” proposal as a new Settlement Node and is requesting that the application be considered as a minor amendment (versus standard amendment) (Appendix A).
- The key differences between the minor amendment process established in Section 5.2.4 and the standard amendment process as set out in the RGS (and the *Local Government Act* (RSBC, 2015, c. 1) (LGA)) pertain to whether an amendment needs to be accepted by affected local governments (i.e. requirement of standard amendment) (Appendix B).
- At this time, per the direction of the Court, the role of the TAC and the SC is not to investigate the merits of the application (i.e. the details of the “Riverwood” proposal). Rather the role of the TAC is to provide advice to the SC and the role of the SC is to provide advice to the board on whether the proposed amendment is minor (having had regard for the minor amendment criteria in Section 5.2.3) and on whether to initiate an amendment (e.g. that would trigger the provision of notice to affected local governments, a consultation plan, and a review of the merits of the proposed new settlement node).

Prepared by:

Concurrence:

Concurrence:

A. Mullaly

Alana Mullaly, MCIP, RPP
Acting General Manager of
Planning and Development
Services Branch

J. Walker

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Senior Planner
Village of Cumberland

M. Kamenz

Marvin Kamenz, MCIP, RPP
Town Planner
Town of Comox

Concurrence:

I. Buck

Ian Buck, MCIP, RPP
Director of Development Services
City of Courtenay

Background/Current Situation

The CVRD has been directed by the Court to consider the minor amendment application by 3L Developments Inc. in accordance with the process spelled out in the RGS Bylaw. To be very clear, the CVRD has no obligation relative to the application other than to undertake the steps prescribed in RGS Section 5.2.4. Specifically:

1. Set up a TAC meeting to discuss the application (which is to create a new Settlement Node) and provide comments to CVRD staff.
2. On receipt of comments from the TAC, have CVRD staff prepare a preliminary report for the SC.
3. Have the SC consider the report.
4. Forward the SC’s comments and recommendations to the CVRD Board.
5. Have the board decide whether the application should proceed as a minor amendment.

On May 25, 2018, 3L Developments Inc. submitted updated application information to CVRD staff and requested that their application be considered by the board as soon as possible. In accordance with Section 5.2.4, CVRD staff has prepared this report, with comments from the TAC, to recommend two things to the SC:

1. Having considered the minor amendment criteria set out in Section 5.2.3 of the RGS, the proposed amendment to create a new Settlement Node in Electoral Area C (Puntledge / Black Creek) should be considered to be a standard amendment (versus a minor amendment as proposed by the applicant).
2. In order for the board to consider whether a new Settlement Node should be established (and specifically assess the proposed amendment by 3L Developments Inc. that could enable their proposed “Riverwood” project), the board should initiate an amendment to the RGS.

It is very important to note that in its reasons for decision, the Appeal Court confirmed that the role of the TAC and SC at this point is not to review the merits of a proposed amendment application, rather to provide advice to the board on whether the proposed amendment constitutes a minor or standard amendment (and subsequently, whether or not to initiate in accordance with the LGA). Initiation of the amendment does not fetter the board in any future consideration of the proposed amendment (confirmed in the reasons for judgement).

Note that a separate process to amend Section 5.2.4 is underway. If the board initiates an amendment to change the minor amendment process set out in the RGS, it will have no bearing on the fact (or way) that the CVRD has been ordered to process 3L Development Inc.’s proposed amendment.

Policy Analysis

Sections 5.2.3 “Criteria for Minor Amendments” and 5.2.4 “Minor Amendment Process” are the key RGS sections relative to this initial point in the amendment proposal process.

5.2.3 Criteria for Minor Amendments (Appendix C)

This section establishes five criteria under which a proposed amendment may be considered by the board as a minor amendment. TAC finds that only the first criterion, below, pertains to the application that has been made by 3L Developments:

- a) Where a land use or development proposal is inconsistent with the RGS and, in the opinion of the board:
 - a. Is not to be of regional significance in terms of scale, impacts or precedence;
 - b. Contributes to the achieving of the goals and objectives as set out in Part 3; **and**
 - c. Contributes to achieving the general principles contained in the growth management strategy Part 4.

To be clear, this criterion applies as the “Riverwood” proposal is inconsistent with the RGS because the applicant proposes residential densities that exceed the densities contemplated in the Rural Settlement Area and Settlement Expansion Area designations, and relies on piped water and sewer servicing (municipal type servicing that is presently only available in the municipal areas). The applicant is proposing to change the RGS designation of the lands from “Rural Settlement Area” and “Settlement Expansion Area” to “Settlement Node”.

TAC acknowledges that it may be a little challenging to assess the above criterion without reviewing the application in detail, however the Court has made it plain that the role of the TAC and SC at this juncture is not to consider the merits of the application. Therefore TAC has considered, on the first component of the criterion (i.e. regional significance), if a proposed amendment to create a new Core Settlement Area, specifically a new Settlement Node, is, of regional significance in terms of scale, impacts or precedence. TAC finds that it is.

(a) *Regional Significance*

- *Scale:* Establishing a new Core Settlement Area effectively creates a new location to which growth in the electoral areas is to be directed. The scale of establishing a new Core Settlement Area relative to other changes that could be made to the RGS is regionally significant in that it would change the growth management scheme of the RGS as presently envisioned.
- *Impacts:* Establishing a new Core Settlement Area will impact the proportion of expected growth in the other Core Settlement Areas (e.g. overall population projections have not surpassed the capacity of existing Core Settlement Areas to accept additional population). This has regional significance in that investment decisions by private landowners, local government and higher level governments (e.g. land use and infrastructure development) will be affected: the locus of investment will shift or detract from the economic opportunities/needs of existing Core Settlement Areas.
- *Precedence:* Establishing a new Core Settlement Area through the minor amendment process will establish precedence for how the designation of other, new, Core Settlement Areas may be considered in future (i.e. minor versus standard amendment). Notably Managing Growth Policy 1B-4 states that “should minor adjustments to existing Settlement Node Boundaries be identified through a Local Area Plan process, such boundary adjustments shall be permitted subject to a minor amendment of the RGS”. Relative to this policy and the LGA, which establishes that if an amendment is not minor, it is standard, and the RGS policy that “New Settlement Nodes can only be created through amendments to the RGS” TAC infers that the board through the RGS’ preparation turned its mind to the types of changes to the Settlement Nodes that could be considered as minor amendments and determined that only “minor adjustments to existing Settlement Nodes” be considered as minor.

(b) *Goals and Objectives in Part 3:* In respect to whether establishment of a new Settlement Node will contribute to the goals and objectives set out in Part 3, the TAC finds that it is not readily apparent. It may be that designating a New Settlement Node would contribute to achieving these goals and objectives but a fulsome assessment of that could only be undertaken if the board initiates an amendment thereby enabling TAC and the SC to review the merits of the “Riverwood” proposal relative to the goals and objectives in Part 3.

(c) *Growth Management Principles in Part 4:* It is TAC’s opinion that the designation of a new Settlement Node, at this time, does not appear to contribute to achieving the growth management principles established in Part 4. Among the RGS principles salient to this proposed amendment is: “*Limit the number of existing and planned Settlement Nodes outside of the Municipal Areas and ensure that such nodes are developed in a compact and transit supportive manner*”. The Settlement Nodes, being Union Bay, Saratoga, and Mt. Washington, were established through “local planning policy documents around existing communities” in the electoral areas with “significant planned capacity to accommodate new growth”. Development in the Settlement Nodes has not yet reached levels to exceed their capacity to accommodate growth. Two significant Master Development Agreements, one for lands in Union Bay and one for lands in Saratoga, are in place and have not yet been constructed. Similarly, Mt. Washington still has significant growth potential relative to the Mt. Washington Local Area Plan. Therefore designation of a new Settlement Node relative to supply management appears premature. If the board wants to contemplate re-designating an existing Settlement Node to Rural Settlement Area, or Settlement Expansion Area, for example, perhaps there would be rationale to consider designation of a new Settlement Node. The impacts of that, however, on landowners in the existing Settlement Nodes and planned infrastructure projects would be significant. This type of analysis could be undertaken if the board opts to initiate an amendment and allocate funds for that review.

Based on the criteria set out in Section 5.2.3 the TAC finds that the proposed amendment to create a new Settlement Node is not minor.

In respect to whether the board should initiate an amendment, the TAC suggests that the best way to assess whether a new Core Settlement Area, specifically, a new Settlement Node as proposed by the applicant, is required, is to direct staff to review the merits of the application relative to the major trends, population and employment forecasts identified in the RGS as well as Parts 3 and 4 of the RGS.

Options

In accordance with the minor amendment process set out in Section 5.2.4, TAC has identified the following options for the SC:

1. Concur with the TAC's recommendation and instruct CVRD staff to prepare a report from the SC to the Committee of the Whole and board with a recommendation that the proposed amendment be considered a standard amendment and that the board initiate an amendment in order to assess the merits of 3L Development Inc.'s "Riverwood" proposal.
2. Refer the matter to CVRD staff with direction to prepare a report for the Committee of the Whole to reflect recommendation(s) from the SC that differ from the TAC's recommendation (i.e. minor not standard, do not initiate/initiate).

The TAC recommends option 1.

Financial Factors

Costs relating to the TAC's recommendation will relate to staff time, advertising, hosting a public hearing and legal review. The following provisions are made in the approved 2018-2022 Function No. 512 budget to address any proposed amendments initiated in 2018:

- Meeting expenses: \$500
- Advertisement: \$1,000
- Legal review: \$8,000

As Bylaw No. 274, being the "Comox Valley Regional District Regional Growth Strategy Fees and Charges Bylaw, 2014" was not in effect at the time of 3L Developments Inc.'s application, no fees can be levied.

Legal Factors

Sections 433 (initiation), and 437 (minor amendments) of the LGA are particularly salient to the TAC's recommendations.

Regional Growth Strategy Implications

If the board initiates, by resolution, an amendment to the RGS, the TAC will re-convene and will begin to assess the merits of the "Riverwood" application relative to the objectives and policies of the RGS. At that time, the TAC will provide the SC with a fulsome review of the RGS implications of the proposed amendment.

Intergovernmental Factors

The TAC comprises the four planning staff members that represent the RGS service's four participants. The TAC was established via a 2008 Memorandum of Understanding on the preparation of the RGS. The purpose of the TAC in the amendment process is to provide the SC (the four Chief Administrative Officer's) with technical advice on the planning implications of proposed amendments. As a first step in the amendment proposal process, the TAC provides advice on whether to initiate an amendment and on the process type (i.e. standard versus minor). Additionally, the TAC may also propose a consultation plan to the SC. Initiation of an amendment

by the board is the trigger for the TAC to provide advice to the SC on the substance of a proposed amendment.

If the board initiates an amendment, as a standard amendment, “affected local governments” (i.e. Cumberland, Courtenay, Comox, Powell River Regional District, Strathcona Regional District, Regional District of Nanaimo, Alberni-Clayoquot Regional District) will be notified of the board’s resolution to initiate. Similarly, notice of initiation will be provided to the Ministry of Municipal Affairs and Housing; these are requirements of the LGA.

Citizen/Public Relations

The LGA requires that after the initiation of an amendment (or concurrently), the board must adopt a consultation plan that, in the opinion of the board, provides opportunities for early and ongoing consultation. In adopting a consultation plan, the board must turn its mind to whether a public hearing is required. If the board initiates an amendment by resolution and determines whether the proposed amendment by 3L Developments Inc. is to be reviewed as a standard or minor amendment, TAC will prepare a consultation plan for the SC’s consideration.

Attachments: Appendix A – “3L Developments Inc.’s May 25, 2018 Submission”
Appendix B – “Minor amendment (RGS Section 5.2.4) and Standard Amendment Comparison Chart”
Appendix C – “Section 5.2.3 Criteria for Minor Amendments”



RGS
Steering Committee
Minutes

Minutes of the Regional Growth Strategy Steering Committee meeting held on June 28, 2018 in the Comox Valley Regional District Committee Room located at 550B Comox Road, Courtenay BC, commencing at 8:30 am.

File: 6410-20 / CV RGS Amendments

Present: Russell Dyson, Chief Administrative Officer, Comox Valley Regional District (chair)
Sundance Topham, Chief Administrative Officer, Village of Cumberland
David Allen, Chief Administrative Officer, City of Courtenay
Richard Kanigan, Administrator, Town of Comox
Alana Mullaly, Manager of Planning Services, Comox Valley Regional District

Recording: Sylvia Stephens, Branch Assistant, Comox Valley Regional District

TOPIC

The committee met to review a preliminary report from the Technical Advisory Committee regarding application RGS 1C 17 (3L Development Inc.).

RECOMMENDATION

The Regional Growth Strategy Steering Committee recommend that the Regional Growth Strategy Technical Advisory Committee convene for a final review of the staff report and report back to the Regional Growth Strategy Steering Committee.

MINUTES

R. Kanigan / D. Allen: THAT the Regional Growth Strategy Steering Committee accept the steering committee minutes dated June 15, 2018.

CARRIED

ADJOURNMENT

Time: 9:03 am

Recorded By:

S. Stephens

Sylvia Stephens
Branch Assistant Planning and
Development Services Branch

Certified Correct:

R. Dyson

Russell Dyson
Chief Administrative Officer



RGS
Steering Committee
Minutes

Minutes of the Regional Growth Strategy Steering Committee meeting held on July 3, 2018 in the Comox Valley Regional District Boardroom located at 550B Comox Road, Courtenay BC, commencing at 1:07 pm.

File: 6410-20 / CV RGS Amendments
RGS 1C 17

Present: Russell Dyson, Chief Administrative Officer, Comox Valley Regional District (chair)
Sundance Topham, Chief Administrative Officer, Village of Cumberland
David Allen, Chief Administrative Officer, City of Courtenay
Richard Kanigan, Administrator, Town of Comox
Alana Mullaly, Manager of Planning Services, Comox Valley Regional District

Recording: Sylvia Stephens, Branch Assistant, Comox Valley Regional District

TOPIC

The committee met to consider a preliminary report from the Technical Advisory Committee regarding application RGS 1C 17 (3L Development Inc.).

MINUTES

D. Allen / S. Topham: THAT the Regional Growth Strategy Steering Committee accept the minutes of the June 29, 2018 Regional Growth Strategy Technical Advisory Committee.

CARRIED

RECOMMENDATION

D. Allen / R. Kanigan: THAT having had regard for the criteria established in Section 5.2.3 “Criteria for Minor Amendments” of the Regional Growth Strategy, the Steering Committee recommend that the Comox Valley Regional District Board consider the minor amendment application made by 3L Developments Inc. to establish a new Settlement Node, as a standard amendment;

AND FURTHER THAT the Steering Committee recommend that the Comox Valley Regional District Board initiate an amendment to the Regional Growth Strategy in order to consider the application made by 3L Developments Inc. that proposes creation of a new Settlement Node;

AND FINALLY THAT the Regional Growth Strategy Steering Committee recommend that the Comox Valley Regional District Board provide written notice of the initiation of an amendment to affected local governments and the Minister of Municipal Affairs and Housing.

CARRIED

NEXT STEPS

A. Mullaly advised that a report will be prepared for consideration by the Committee of the Whole at its July 10, 2018 meeting, a copy of the report will be sent to 3L Developments Inc. (Kabel Atwall) prior to the meeting. The Comox Valley Regional District Board may consider the Committee of the Whole recommendation at its July 24, 2018 meeting.

MINUTES

S. Topham / D. Allen: THAT the Regional Growth Strategy Steering Committee accept the steering committee minutes dated June 28, 2018.

CARRIED

ADJOURNMENT

Time: 1:11 pm

Recorded By:

S. Stephens

Sylvia Stephens
Branch Assistant Planning and
Development Services Branch

Certified Correct:

R. Dyson

Russell Dyson
Chief Administrative Officer