

Regional Growth Strategy Amendment

RDN Bylaw 1615.03

Prepared by Councillor Adam Walker

January 8, 2019

This document was created for consideration by the Directors of the Regional District of Nanaimo to help evaluate the impacts of the proposed amendments to the RDN Regional Growth Strategy.

It is presented to be included in the January 8, 2019 Public Hearing regarding the Regional Growth Strategy Amendment, Bylaw 1615.03.

This document was created by Councillor Adam Walker and may not represent the views of the rest of the Town of Qualicum Beach Council. It does however represent the values of the majority of the residents of the Town of Qualicum Beach.

In the following pages I will outline:

1. why this is not a minor amendment,
2. some of the risks that the RDN, municipalities, electoral areas, and directors may face if this passes,
3. an example of some of the inconsistencies that would benefit from further discussion and planning, and
4. some concerns I have with this Public Hearing process.

Your time and consideration of the following is greatly appreciated.

Sincerely,

Adam Walker
Qualicum Beach Councillor

General Introductory Quotes

The following are quoted directly from the RDN Regional Growth Strategy Bylaw 1615. They are included to help define what an RGS is, its power, and its scope, all in the words of your own board.

A Regional Growth Strategy (RGS) is a strategic plan mandated by the Local Government Act for the purpose of establishing a consistent and coordinated approach across a region...

RGS Section 1.1 (Purpose of RGS) page 1

All bylaws, including OCP's for electoral areas, adopted by a regional district board and all services undertaken by the board must be consistent with an adopted RGS

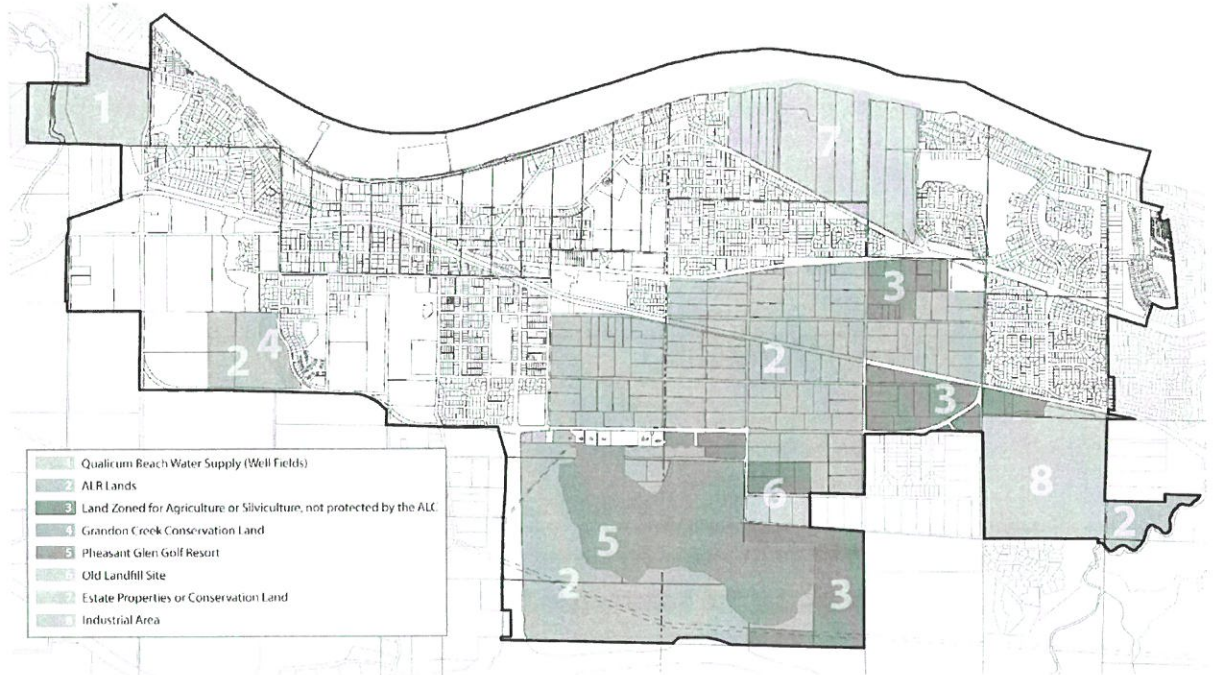
RGS Section 1.2 (Relationship with Official Community Plans and Other Bylaws) page 2

The RGS provides direction and guidance to manage growth and change in the region over the long-term. Growth has been forecast for a period of 30 years in order to determine requirements for land to accommodate growth and development

RGS Section 1.4 (Timeframe of the Regional Growth Strategy) page 3

For clarity, all direct quotes from the RGS and OCP will be surrounded by a box as above.

GCB Expansion Land Use Map



Nearly all of the expansion of the RGS Growth Containment Boundary is found in one of 8 distinct primary land use “zones”. These zones are detailed on the following page.

GCB Expansion Land Use Map

1. **Qualicum Beach Water Supply**

These two properties are currently zoned A1 (Berwick Well Field) and A2 (Little Qualicum River Well Field). Neither of these are within the ALR. These two properties supply 100% of the water that the Town of Qualicum Beach supplies to residents.

2. **ALR Lands**

These properties are designated by the ALC as being within the ALR.

3. **Land Zoned for Agriculture or Silviculture, not protected by the ALC**

This represents over 300 acres of land within the Town of Qualicum Beach which will now be open for development without consideration of the RDN.

4. **Grandon Creek Conservation Land**

This land is currently zoned E1/F1 (Conservation / Recreation). It is not designated or protected as a park.

5. **Pheasant Glen Golf Resort**

This property was formerly all within the ALR and has had a comprehensive development plan in place for many years, specifically for recreation and tourism accommodation. This plan was put in place when the land was excluded from the ALR. They have yet to break ground on the plan. This project has been contentious in our community.

6. **Old Landfill Site**

This property is partially within the ALR, and partially outside of the ALR. All of these lands are zoned A1.

7. **Estate Properties or Conservation Land**

This region is considered the *Estate Properties* in Qualicum Beach. These include large tracts of land with older growth trees. Some of this land is zoned E2 (Conservation), but the majority of this land is zoned R1. These lands are significant to the residents of Qualicum Beach. Included in this zone is Milner Gardens.

8. **Industrial Lands**

This land is presently outside of the GCB, and its inclusion is intended to allow residential development, which violate the RGS.

Non-ALR Agricultural Properties for Inclusion in the GCB

The following is a list of properties for inclusion in the GCB that are presently outside of the current GCB. Each of the following properties are zoned A1, A2, or A3, *Rural Zones* intended for single family residential dwellings specifically with the permitted uses for agriculture and silviculture.

Each of these properties are 100% outside of the ALR.

PID	Street Number	Address	Zoning	Size (SQM)	Size (Ac)
007-692-498		ISLAND HWY W	A2	255,618.20	63.16
003-234-053		ISLAND HWY W	A2	110,762.08	27.37
010-951-563	1980	ISLAND HWY W	A1	10,689.94	2.64
010-951-482	1990	ISLAND HWY W	A1	10,988.46	2.72
027-511-863	880	VILLAGE WAY	A3	10,795.48	2.67
027-511-871	870	VILLAGE WAY	A3	12,106.66	2.99
007-095-208	850	VILLAGE WAY	A3	22,552.28	5.57
003-300-846	830	VILLAGE WAY	A1	10,974.91	2.71
003-300-820	615	HOLLYWOOD RD	A1	10,978.84	2.71
007-096-627	633/649	HOLLYWOOD RD	A3	20,958.52	5.18
008-079-897	797/815	GARDEN RD E	A1	20,682.69	5.11
008-079-901	855	GARDEN RD E	A1	20,681.17	5.11
007-096-607	794/810	GARDEN RD E	A1	21,065.62	5.21
004-695-291	863/871	HOLLYWOOD RD	A1	21,151.48	5.23
007-096-623	799/825	RUPERT RD E	A1	19,660.59	4.86
007-096-640	845	RUPERT RD E	A1	19,301.46	4.77
007-096-844	860	GARDEN RD E	A1	20,796.05	5.14
007-096-828	880/886	GARDEN RD E	A1	20,801.47	5.14
007-096-666	859	RUPERT RD E	A1	11,554.30	2.86
007-096-674	920	GARDEN RD E	A1	20,787.52	5.14
007-096-747		BENNETT RD	A1	11,322.96	2.80
007-096-798	858	BENNETT RD	A1	19,777.32	4.89
007-096-747		BENNETT RD	A1	6,209.53	1.53

PID	Street Number	Address	Zoning	Size (SQM)	Size (Ac)
000-422-096	865/1035	RAVENSBOURNE LN	A1	22,504.22	5.56
003-150-372	1045	RAVENSBOURNE LN	A1	8,085.28	2.00
024-895-148	1085	RAVENSBOURNE LN	A1	20,096.20	4.97
007-096-712	870	RUPERT RD E	A1	18,034.95	4.46
007-096-712	870	RUPERT RD E	A1	273.81	0.07
007-096-666	850	RUPERT RD E	A1	3,152.27	0.78
027-080-552	410/430	RUPERT RD E	A3	17,533.38	4.33
007-093-497	480-500	RUPERT RD E	A3	20,038.94	4.95
028-749-324	925	QUALICUM RD	A3	8,230.00	2.03
000-823-937	545	NENZEL RD	A3	20,246.83	5.00
007-095-228		VIEW RD	A1	27,057.10	6.69
007-097-948		VIEW RD	A1	27,173.13	6.71
007-104-901		VIEW RD	A1	22,555.34	5.57
009-426-019			A1	316,609.47	78.24

306.86 acres of Rural Land outside of the ALR to now be included in the GCB.

Potentially 1,815 new dwelling units based on the density found in Qualicum Beach's newest subdivision: West Ridge.

This information is deemed accurate, but is not guaranteed. It was collected January 6, 2019 By Adam Walker using information publicly available:

<https://maps.qualicumbeach.com>

https://www.rdn.bc.ca/dms/documents/regional-growth-strategy/bylaw-no.-1615,-2011/maps_of_growth_containment_boundaries.pdf

https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/alr-and-maps/alr-maps/nanaimo/92f/alr_map_92f_038.pdf

This list does not include A1, A2, or A3 lands that are partially protected by the ALR of which at least two sizeable lots exist. This list does not include or large lands currently zoned R1 (Residential) or E2 (Conservation) or other zoning types.

Criteria for Minor Amendments

I have included the two criteria from RGS for the purpose of detailing why this is not a minor amendment. It is clear from the following that the process in the RGS has not been followed. I have included notes inline with the bylaw for clarity.

The following outlines the criteria for considering minor amendments to the RGS.

- 1. Criteria under which a proposed amendment to the RGS may be considered a minor amendment include the following:**
 - a. Amendments resulting from a full Electoral Area or Municipal Official Community Plan review process**
 - ...

RGS Section 1.5.1 (Criteria for Minor Amendments) page 4

While Qualicum Beach took two years from complete its OCP, this topic of moving the RGS was not publicly discussed or included in the Quality of Life Survey.

Further, the policies under section 5.1 of the RGS were not met.

The RDN and member municipalities agree to/that:

- 1. Ensure that decision-making is transparent and is clearly communicated to the public.**
- 2. Establish a communication and outreach strategy focused on communicating:**
 - a. The role and purpose of the RDN and the RGS;**
 - b. How the RGS relates to other planning documents and processes;**
 - c. How decisions are made; and how implementation occurs and which government agencies are responsible.**

RGS Section 1.5.1 (Criteria for Minor Amendments) page 4

These requirements under section 5.1 have also not been met by the RDN.

- 2. "Although not considered as an exhaustive list, the following types of amendments are not considered minor:**
 - a. Those that lead to adverse changes to the health and ongoing viability of sensitive ecosystems and water sources; "**

RGS Section 1.5.1 (Criteria for Minor Amendments) page 4

The inclusion of our water source lands, conservation land, and landfill site all should reasonably qualify under section 1.5.1 subsection 2.

b. "Those that will negatively impact agricultural lands or land in the Agricultural Land Reserve;"

RGS Section 1.5.1 (Criteria for Minor Amendments) page 4

The more than 306 acres of agricultural lands not protected by the ALC clearly qualifies under section 1.5.1 subsection 2.

Further section 2.2.6 of the Town of Qualicum Beach OCP precludes subdivision of this rural land based on its exclusion from the GCB. Once this GCB is changed, the restrictions will be removed:

In order to promote and encourage the retention of large rural holdings, the Town shall not support the subdivision of land designated by the Regional Growth Strategy as Resource Lands and Open Space and Rural Residential, into parcel sizes that are smaller than specified by the applicable OCP that was in place for those lands at the time of adoption of the Regional Growth Strategy on June 10, 2003 (i.e. 2 ha minimum, OCP Bylaw No. 575).

Qualicum Beach OCP section 2.2.6 page 43

This represents a significant change not discussed during the Town of Qualicum Beach OCP process, and further would put the RDN in direct contravention of many portions of the RGS if enacted.

c. Those related to a development that would require significant works to address a natural hazard;

RGS Section 1.5.1 (Criteria for Minor Amendments) page 4

Allowing non-rural activities on our well sites, the old landfill site, Grandon Creek, and the sensitive banks of the estate properties should all qualify as works that will require significant works to address a natural hazard.

d. Those that require the provision of new community water and sewer systems outside the Growth Containment Boundary; and,

RGS Section 1.5.1 (Criteria for Minor Amendments) page 4

By altering the Growth Containment Boundary the RDN may be granting permission to the Town of Qualicum Beach to provide the above services to rural lands, which is expressly forbidden in the RGS:

The provision of community water and wastewater services is one of the most powerful tools the RDN and member municipalities have to direct and manage growth in the region. Areas served with community water and sewer systems are intended to support rural village and urban forms of development at densities that support the efficient use of land

RGS (Section Goal 10) page 40

Further, the consideration by the RDN of the burden placed on the waste waste facility in French Creek once the GCB has been amended and these rural lands are “connected” will be waived.

e. Those that are not consistent with measures and or policies to reduce greenhouse gas emissions and improve air quality.

RGS Section 1.5.1 (Criteria for Minor Amendments) page 5

The RGS in multiple sections refers to forestry land as a means of reducing GHGs and improving air quality. Moving over 78 acres of private active forestry land within the GCB violates these sections and should qualify these lands under this subsection.

Important

It should further be noted that the requirements under subsection two are not optional. It is noted specifically that these five types of amendments are not considered minor. The inclusion of the lands noted on this, and the previous pages, clearly qualify under subsection 2 and ought to preclude this amendment from proceeding as a minor amendment.

Disclaimer for Directors

It must be stated that if the RDN does not adhere to its own bylaws, especially those which are specifically required of the Regional District through Provincial statute, there may follow legal and financial repercussions.

Further, if Directors are making decisions that they know, or ought to know, contravene the law, they are urged to seek legal advice prior to voting. As trustees of public assets and process, Directors may be named personally during legal challenges.

Section 4.3 RGS

Attached is section 4.3 from the RGS in its original form for consideration. I have included this to make clear to the directors their rights to the following documentation for long-term planning, and some of the consequences of not requiring this information prior to this amendment.

Proposed expansion of Growth Containment Boundaries (GCBs) should be supported by:

- A land inventory demand and supply analysis that assesses the need for additional land to be included within the GCB and the impact the proposed expansion would have on the development of land inside GCBs located elsewhere in the region;
- A land use concept plan;
- An environmental impact assessment that identifies environmentally sensitive areas;
- A surface water or hydro-geological study that assesses the availability and quality of water to service the proposed development with a community water system, and the potential impacts of development on watershed function, including recharge capacities and surface runoff, as well as, on long term water supply to existing development and undeveloped lands located within GCBs;
- A study that identifies how wastewater disposal will be addressed and what the impacts will be on the capacities of existing treatment facilities;
- An evaluation of the impacts on community vulnerability to disasters and impacts upon the provision of emergency services;
- An inventory of aggregate deposits within the proposed boundaries of the GCB;
- A transportation study that identifies:
 - Existing road traffic conditions;
 - Downstream impacts of additional traffic resulting from the proposed development;, and
 - Demand for transit service

RGS (Bylaw 1615) pages 28-29

Risks to the RDN, Municipalities and Electoral Areas

Included below are some, but not all, of the reasons the RDN is strongly urged to require the supply of the information defined in the Section 4.3 as a part of this GCB amendment.

1. Supporting information allows the RDN to plan for future demands of:
 - a. Wastewater treatment
 - b. Road networks and traffic
 - c. Transit services
 - d. Recreational services
 - e. Surface water retention
 - f. Ground water extraction
 - g. The provision of emergency services
 - h. Emergency preparedness planning
2. By waiving your right to require this supporting information now, you could potentially open the RDN up to costly and unplanned future expenditures that may have to be borne by other (or all) electoral areas and municipalities.
3. The requirement of this supporting information is the strongest tool the RDN has to plan for development in one region that disproportionately affects neighbouring electoral areas or municipalities.
4. By allowing this amendment to proceed without this supporting information you will be depriving future Directors from the tools they may need to best represent their electoral areas and municipalities.

Once this amendment to the RGS has been approved, it would be very difficult to exclude any of these lands again from the GCB in the future.

By setting the GCB to be contiguous with the Town of Qualicum Beach municipal boundary, when the town expands into the nearby electoral area (as already determined as an option in our OCP), the GCB may be moved at the same time, limiting the RDN even further as it relates to the four points above.

Lastly, as a long term planning tool, the complete exclusion of the GCB from the municipality may create a precedence where other electoral areas seek similar changes, contributing to the sprawl and poor urban planning that was the genesis of the original RGS.

Industrial Land Discussion

The following is but one example of a rushed process. The RGS specifically states that industrial lands within the Town of Qualicum Beach are not to be used for Residential or Commercial purposes. This inclusion in our OCP, that directly violates the RGS, was not included in the RCS. This is one of likely many contradictions which benefit from a more transparent process, enlightened dialogue, and clear goals.

In electoral areas and the Town of Qualicum Beach, land that is primarily intended for industrial use is designated as Industrial. This designation includes all land on which industrial uses are supported by an official community plan

RGS Section 6.1 page 52:

Land that is designated as Industrial should only be used for industrial uses. The introduction of commercial, residential, or other uses would reduce the inventory and attractiveness of the lands for industrial purposes.

RGS Section 6.1 page 52:

While the RGS clearly states that industrial lands shall not be used for residential, the following two excerpts from the PQB News reference two regions of industrial lands within the Town of Qualicum Beach boundary:

"We have Town-owned lands by the airport next to Chartwell. We've got about eight acres that I think we can account for 70 or 80 module homes. We bought the property for about \$126,000 20 years ago and I thought we could use that and we've got another five acres near Bennett Road that I think would make great family type housing."

-Teunis Westbroek

PQB News - September 17, 2018

And

"I support leveraging Town-owned lands to address the need for affordable and attainable housing; increasing housing density in the village centre and working with other levels of government, private and non for profit sectors on innovative solutions using our airport

properties; and the redevelopment of the light industrial area of the Second-Avenue 'East Village'

-Teunis Westbroek

PQB News - October 4, 2018

While the desired intentions of these projects are noble, and while I personally agree with the desire to develop what we call the East Village, it begs the question: what is the purpose of the RGS if we can, through minor amendments, proceed with development specifically identified as not being in the region's best interest. Further, why are these RGS amendments are not taking place as a part of a larger discussion.

Public Notice



Pursuant to Section 437 of the *Local Government Act* and Section 1.5.2 of the Regional Growth Strategy (RGS), the Regional District of Nanaimo (RDN) advises of a public hearing regarding an amendment for "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615.03, 2018", (Bylaw No. 1615.03).

PUBLIC HEARING

REGIONAL GROWTH STRATEGY AMENDMENT

BYLAW 1615.03

MEETING DETAILS

Tuesday, January 8, 2019 at 6:00 pm

Regional District of Nanaimo – Board Chambers
6300 Hammond Bay Road, Nanaimo, BC

PURPOSE OF THE BYLAW

Bylaw No. 1615.03 makes several minor changes to the RGS that apply to the **Town of Qualicum Beach only**, resulting from a review of the Town's Official Community Plan (OCP). In general terms, the RGS amendments are as follows:

- the Growth Containment Boundary (GCB) be moved so that it is contiguous with the Town of Qualicum Beach's municipal boundary and
- all land within the Town of Qualicum Beach's municipal boundary will be designated Urban Area in the RGS.

If approved, Bylaw No. 1615.03 will amend the RGS Bylaw by locating the GCB at the Town boundary while retaining an Urban Containment Boundary that surrounds the areas where the majority of new growth will take place within the municipality.

HAVE YOUR SAY

All persons who believe their interest are affected by the proposed bylaw shall be afforded an opportunity to be heard in person or by written submission at the public hearing. Written submissions can also be provided in advance of the public hearing and must be received at the RDN office by 4:30 pm on January 8, 2019 to ensure their inclusion in the public record.

WHERE CAN I INSPECT THE DOCUMENTS?

A copy of the proposed bylaw and relevant documents may be inspected at the hearing or until January 8, 2019 at the RDN Administration office located at 6300 Hammond Bay Road, Nanaimo, BC, Monday to Friday (excluding public holidays) 8:30 am to 4:30 pm, with extended business hours until 5:30 pm on Wednesdays.

The public hearing for this bylaw will be chaired by Director Thorpe as a delegate of the Board.

For more information please contact:

- ☎ 250-390-6510 or 1-877-604-4111
- ✉ planning@rdn.bc.ca
- 🌐 rdn.bc.ca/rgs-amendments

Get Involved RDN!

www.rdn.bc.ca

Notes Regarding Public Notice

Refer to the previous page for the attachment

1. The notice published in the PQB News on January 1, 2019 and January 3, 2019 were published at the last possible time prior to the public hearing and have limited the time for the public to appropriately prepare for this hearing.
2. This notice states that this is a minor change, however the changes outlined in the motion are not a minor change as defined in section 1.5.1 subsection 2 of the RGS.
3. The notice continues to state that these "changes to the RGS apply to the **Town of Qualicum Beach** only". While the changes to the GCB are restricted to the Town of Qualicum Beach only, the proposed changes to the RGS will have ramifications for neighbouring electoral areas and municipalities as it relates to the operation of services and long term planning.
4. No reference to the public hearing was included on the RDN Calendar of Events found at: <https://www.rdn.bc.ca/events/2019-1-8/>
5. *The Consultation Plan*
(https://www.rdn.bc.ca/dms/documents/regional-growth-strategy/rgs-minor-amendments/town-of-qualicum-beach-official-community-plan/attachment_5_consultation_plan.pdf), required in Section 1.5.2 subsection 2 of the RGS, states the following "Objectives":
 - a. "To make information readily available to interested citizens and stakeholders."
 - b. "To respond to input from citizens, affected local governments and First Nations."

this public notice provides limited "readily available information" regarding the RGS and its impacts, nor any mechanisms for the RDN to "respond to input from citizens" other than through the final vote on the motion.

6. The requirements and policies under section 5.1 of the RGS (page 45) have not been met.
7. The *Affected Local Governments and First Nations* in the *Consultation Plan* include: City of Nanaimo, Snuneymuxw First Nation, District of Lantzville, Snaw-Naw-As First Nation, City of Parksville, Qualicum First Nation, Town of Qualicum Beach, K'omoks First Nation, Comox Valley Regional District, Alberni Clayoquot Regional District, Cowichan Valley Regional District and yet your public notice notes that the changes to the RGS apply to the Town of Qualicum Beach only.

Conclusion

Thank you for reading and considering the above information.

My primary concern is for the residents of the Town of Qualicum Beach. This request to the RDN was from a previous Council, who have all but one member lost their seats in the recent municipal election. This amendment does not represent the values of the residents in my community.

I must also stress that by not requiring any supporting documents as a part of this amendment, the Directors of the Regional District, may be leaving the RDN with a heavy burden to face in the future.

This regional growth strategy was created over two decades ago, and has successfully limited sprawl within my region, while not preventing development nor population growth.

As far as I am aware, as a member of Council, denying this amendment request does not interfere with any current or proposed development projects, and does not impede the implementation of our OCP. We always have the opportunity within the OCP and RGS review processes to amend this plan together, and I see no harm in denying this request of the previous Council.

The ultimate goal of this request is to allow the Council of Qualicum Beach the power to amend our UCB without an OCP review, and to download as much of the service costs associated with development in our community upon the rest of the Regional District. I do not see either of these as desirable.

Thank you again for taking the time to review the attached information.

Adam Walker
Qualicum Beach Councillor