

Office of the Chair

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File: 6120-01

March 27, 2013

Delivered in person

Mr. David Dutcyvich
President
3L Developments Inc.,
34 – 6245 Blueback Road
Nanaimo, BC V9V 1N7

Dear Mr. Dutcyvich,

Thank you for your presentation to the in-camera committee of the whole on March 12, 2013. The position of 3L Developments Inc. (3L) on the conditional offer of parkland was clear and I believe the directors had an understanding of your proposal. Following your presentation the directors considered your offer and passed the following motion:

THAT the offer from 3L Development Inc. to purchase their lands for the price of \$9 million and subject conditions be declined.

Although 3L's conditional offer of parkland in exchange for development approvals has the benefit of securing public access to the Stotan Falls area, the proposal is not consistent with the sustainability principles and overall direction in our provincially mandated regional growth strategy (RGS). The directors do not support the intensive urban residential development that 3L is proposing and are concerned about the impacts that such a development would have on the surrounding resource lands and agricultural areas. During the consultation process for the regional growth strategy, the public was also clear that it did not support intensive urban residential development in that area. The Comox Valley Regional District (CVRD) does not have a regional park service and does not have the funds to purchase the proposed approximately 81 hectares. As a result of all the above, the board is unable to accept your conditional offer.

The board recognizes the importance of securing public amenities such as public access to the Stotan Falls area. However, the province or the CVRD would need to receive a formal application for development pursuant to one of the options provided below. As 3L is aware, applications for changing the density (zoning) of lands require a public process and as such must be considered in a public manner.

The board recognizes that, as a private landowner, if 3L wishes to develop the lands, there are a series of options available given the existing zoning, Official Community Plan (OCP) and RGS policies. The subject properties are designated 'rural settlement area' in accordance with the Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2011. The policies in this designation support the retention and development of rural areas as working lands. From a subdivision perspective, the RGS supports the creation of parcels that are sustainable from an onsite servicing perspective (water and septic) and the size could vary from four hectares to 20 hectares.

The OCP policies for the subject properties do not specify a minimum permitted parcel size, however the policies speak to supporting rural development and not supporting urban style development. The current zoning on the subject property is Rural 20 (RU-20) with a minimum permitted parcel size of 20 hectares for the purpose of subdivision, and permitted uses include a variety of rural uses in addition to residential.

Given the applicable policies and 3L's stated intention to develop the subject property, there are three potential available options.

One, apply for subdivision under the existing zoning into 20 hectare parcels.

Alternatively, make application for a zoning amendment to permit subdivision in accordance with the applicable RGS policies. 3L could request zoning for lots as small as four hectares, and in that case, based on the existing OCP policies, an application to amend the OCP would not be required.

Finally, 3L could initiate an application to amend the RGS to accommodate the development concept you have proposed.

These options are all open public processes with option two and three requiring a public hearing process. As you are aware, there is no certainty as to the development approval outcomes until the completion of the public process.

Recognizing the importance of securing public amenities in the area, at the time of development approval or through the subdivision process, the CVRD would work with your company and/or the provincial approving officer, as appropriate, to secure public access to the Stotan Falls area.

Please note that the CVRD board will rise and report on (make public) the conditional offer by 3L Developments Inc. This letter and all future meetings related to land use applications will be dealt with in a public forum. It is critical that discussions regarding land use and development are discussed in an open and transparent manner to protect the interests of the public as well as the property owner as it protects the process from legal challenges that could delay or change the outcome of an application.

If you have any questions regarding this correspondence or the options for considering the development of the subject property, please contact Debra Oakman, chief administrative officer, directly at 250 334-6055 and she can arrange for any information that you may require.

Sincerely,



Edwin Grieve
Chair

cc: Debra Oakman, chief administrative officer, CVRD