

REGIONAL DISTRICT OF NANAIMO

COMMITTEE OF THE WHOLE

TUESDAY, FEBRUARY 11, 2014

(Immediately following the Special Board Meeting)

(RDN Board Chambers)

A D D E N D U M

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COMMUNICATIONS / CORRESPONDENCE

- 2-5 **Charna Macfie**, re Pheasant Glen Golf Course Residential Development Application.
- 6 **Wheelabrator Technologies Inc., Urbaser, Seaspan**, re meeting request to present waste-to-energy concept.

IN CAMERA

That pursuant to Sections 90 (1) (j) of the Community Charter the Board proceed to an In Camera meeting for discussions related to third party interests.

From: Charna Macfie [<mailto:charna00@shaw.ca>]
Sent: Thursday, February 06, 2014 3:00 PM
To: sustainability@rdn.bc.ca; planning@rdn.bc.ca; marc lefebvre; jstanhope@shaw.ca
Subject: Town of Qualicum RGS amendment

To RDN Board, Planning Department and Select Committee Members,

As a Qualicum Beach resident I am concerned about the Town's plan to change the Growth Containment Boundary and re-zone rural land to residential which has been instigated by the Pheasant Glen re-zoning application.

I did not receive a response to my previous letter to Board members dated December 2, 2013, so this is a follow up of my original concerns. For your convenience, I have included the original letter below in this e-mail for your reference.

In an attempt to inform and involve the public about Qualicum Council's amendments that are currently being processed, I have written a letter to the resident association as well as the local paper.

Aside from the non-sustainability aspects and contradictions to the Region Growth Strategy contained in the amendments described below, there is the legal question of the amendment itself. I realize that the board has not received the Town's amendment yet, but planning is already aware of issues and concept related to the amendment from discussions with Town staff and Qualicum Council.

I apologize for the format of the following text since it was written for public consumption. The second letter is a copy of my original letter to the RDN that describes the problems and issues with the Town's RGS amendment.

Sincerely,
Charna Macfie
Maple St., Qualicum Beach

During the Jan 13 council meeting, we witnessed Qualicum Council's eagerness to move forward quickly with the Pheasant Glen development application. Council has instructed planning department to use the Pheasant Glen application as a means for extensive changes to the Official Community Plan that go beyond the Pheasant Glen proposal.

Although the processing of this application is moving along as quickly as possible, there are obstacles. Two major bylaw amendments are required to accommodate Council's plan for Qualicum. Public consultation is a legal requirement for both bylaw amendments.

First, Council has to amend the Regional Growth Strategy to change the Growth Containment Boundary in Qualicum which means an application must be sent to the Regional District for approval. There have already been two different legal opinions about the proper and legal processing of the required RDN Regional Growth Strategy amendment. One major issue is the question of minor amendment versus major amendment.

According to policies in the Regional Growth Strategy Bylaw 1615, the Pheasant Glen proposal is in conflict with the RGS and does not comply because it is outside the Growth Containment Boundary and the Pheasant Glen property is not connected to city sewer and water utilities. This is an important point, since it defines whether the boundary change is a minor or major

ammendment. If there are no city service connections to the property, Pheasant Glen does not qualify as a minor amendment. The amendment is then classified as a major amendment requiring a different process. But Council is trying to find a way to influence the RDN to approve this as a minor amendment which according to Bylaw 1615 it is not. A different process is required for a major amendment which would take much longer and would require a full OCP review.

Another obstacle is the requirement for another OCP review to amend the 2011 OCP to allow for land use changes and boundary changes. Although a full OCP review is required to make these changes, Council has chosen to go forward with what they call a 'site-specific' OCP review.

Two legal requirements in the re-zoning and the OCP amendment are consultation with the public and a public hearing. Council may interpret "consultation with the public" in a limited capacity or framework, where the public may interpret it in a broader sense. Council is already limiting public feedback opportunity by beginning the amendment process without consulting the public first. A public meeting is scheduled as early as February or March. Then they draft the changes and send an application to the RDN in the hope that RDN will rubber stamp it and return approval post haste. It would appear pointless to have another public meeting since they would have already done all the work, and if residents don't support the amendments, it is of no consequence to Council because this has been part of the plan from the beginning as shown in their Strategic Plan. I predict that the RDN will approve the Town's RGS amendment application even amidst the controversial legalities. After RDN's complacent approval, all Council will need to do is to have third reading and a public hearing.

The public has the right to debate and oppose these changes at any time during the process until the public hearing, but time is running out. Residents who prefer not to speak out in public may send their comments to the Town and the RDN.

COPY OF DECEMBER 2 LETTER TO RDN

To Electoral Area Directors of RDN
Re: Pheasant Glen Golf Course Residential Development Application

Qualicum Beach Council's decision to begin processing a re-zoning application for Pheasant Glen property has posited two differing legal opinions about correct process for this proposed change in land use. Because the property is outside the Town's Urban Containment Boundary (UCB), a residential subdivision at this location would not be consistent with the Regional Growth Strategy (RGS). The change in land use also requires that Qualicum Beach's Official Community Plan (OCP) be amended, including its Regional Context Statement.

At this point, the RDN's position on these changes, is that it is up to the municipality to make their own decisions regarding what process they will wish to comply with or ignore. The fastest and most efficient process apparently is not to apply to amend the RGS, so Town staff will be asked to find a process that they hope will legally get this application pushed through and accepted without applying to amend the RGS or having to wait for the next OCP review.

Although this is not as large a development as the Fairwinds, Deep Bay or Union Bay proposals, it does have significant implications, not only for Qualicum Beach, but the RDN as well.

Sustainability is one of foundations of RGS. Sustainability of the health of our environment and thus the well-being of residents and resiliency of our communities. Although I disagree with the mandate of the local government act that requires that local governments 'accommodate growth', I support the RGS's policies that attempt to at least contain the growth compactly with the aim that rural areas and resource lands remain rural and not subjected to any forms of urbanization.

Growth management, control of urban sprawl, compact communities, rural integrity, ecosystem health, resource protection, public transportation, waste and pollution reduction, sustainability and conservation are all elements one finds in the RGS and OCPs. These are lofty goals in an age of climate change, extreme capitalism, loss of biodiversity and damaged ecosystems. One of the problems is, the policies within our bylaws and strategic plans are too little too late. Another problem that we find happening is that our bylaws are not doing the job they were meant to do - Pheasant Glen development proposal and its handling being a typical example.

If the RGS is true and sincere when it states that all decisions are based on sustainability principles, then the board's position on the Pheasant Glen proposal would be to uphold the RGS policies rather than take a hands off role. If all we have is government regulations and bylaws to help protect our environment and natural resources, then we should be using them.

It is my opinion that the Pheasant Glen proposal is in opposition to ten out of the eleven goals under section 4.1 of the RGS. Building a residential development in the middle of ALR and resource lands outside the Urban Containment Boundary does not contribute to sustainability of the region as per the text and context of the RGS. If this development is pushed through by Qualicum Council, I view this as a wedge opening up the remaining undeveloped land base for future applications and development. I believe it was a mistake eight years ago to remove a portion of Pheasant Glen property from ALR and re-zoning the land for commercial resort. We are now dealing with the consequences of that. One cannot always depend on the Agricultural Land Commission to ensure the security of ALR land. If one property owner is successful in developing their land outside urban containment boundaries, then other property owners will be encouraged to do the same. The area of south Qualicum Beach will be under more pressure of urbanization if the application for Pheasant Glen succeeds. Now is the time for the Town to use the OCP for its intended purpose, just as it is time for the RDN to utilize the RGS and stipulate that an amendment will be required.

One of the criteria for deciding whether an RGS amendment is minor or not is based on the question of cost-effective expansion of the water and sewer systems. There are no municipal services connected to this property, therefore it is my understanding that the Pheasant Glen application is not a minor amendment. Council has moved to start a process for an OCP amendment based on a limited OCP review solely focused on this property. But criteria for a minor RGS amendment requires that the OCP amendment follow the full review process. Is Council not being held accountable by the RDN to follow proper process for amendments to the RGS?

The part of the process that I do not understand at this time is how the UCB is affected by this application? Will Qualicum Beach need to change their UCB? How much will this boundary change considering the surrounding zoning and land designation? Is changing this boundary a

slippery slope we do not want to fall into? What message would this send to electoral areas and other municipalities? How would this impact the validity and credibility of the RGS and the RDN itself?

Lastly, a social and political question. Why is it when a development proposal comes before local government, all the sustainability principles and policies go out the window?

*Charna Macfie
578 Maple St.
Qualicum Beach*

February 6, 2014

Chair Joe Stanhope and Members of the Board of Directors
Regional District of Nanaimo
1025 West Island Highway
Parksville, BC V9P 2E1

Ladies and Gentleman:

Seaspan, Wheelabrator Technologies Inc., and Urbaser are writing this letter to request an opportunity to present our waste to energy concept to the Board of Directors of the RDN. As you know, Seaspan, Wheelabrator, and Urbaser have been marketing the concept of a waste-to-energy project on Duke Point, following the guidelines of the provincially accepted Metro-Vancouver Integrated Solid Waste Plan. The plan includes new waste-to-energy capacity as one of its key components and calls for both in and out of region proposals to be put forward and reviewed equally as to the merits of each site.

Our team has been moving forward since this position was taken to educate and inform all on the merits of a project such as this. We have had many people come forward in the community who have said they want to learn more about the project before any conclusions are drawn. We have also had many elected and non elected staff members come forward to learn more as well, including some members of the RDN.

Our coalition certainly believes this is an exciting opportunity for the city of Nanaimo and the Regional District of Nanaimo. We hope that we can have the opportunity to share the details of project concept and how an out of region site could be a long-term, environmental sound solution for managing the region's materials left in the MSW stream after recycling.

We have met with City and RDN staff recently and we are now sending this letter to request an in camera meeting with the Board where we may present the concept of this project to you and have an open and factual discussion on the technology and the project. We are very grateful for your consideration for this request and would be very excited to be able to schedule a complete briefing with the RDN Board to discuss this project concept and possibility.

We will be in town on February 12th and 13th and understand that a meeting with that short notice might not be possible. Perhaps, the members could suggest a few potential dates where a meeting might be possible. Thanks again for your consideration to this request.

Sincerely,



Mark P. Schwartz



David Garcia



John Lucas

cc: Paul Thorkelsson, Chief Administrative Officer, Regional District of Nanaimo
cc: Ted Swabey, City Manager, City of Nanaimo