

Riverwood lands are now closed to public access.

Jan 3, 2019

The facts

The landowner of the Riverwood lands adjacent Courtenay is closing access to the lands as of this week. These lands include hundreds of acres along both the Puntledge and Browns Rivers, including Stotan Falls. They also include the gravel roads through the area.

The closure means that there will now be no individual or vehicle access allowed to or through those areas, with the exception of logging trucks that have an agreement with the landowner for access.



The reason

The reason for the closure is the risk of significant legal liability for any accident that might happen on those lands. All landowners are liable for accidents that happen on their land and this piece of land has significant liability due to its extent of riverfront.

The owner was willing to take that risk during the past ten years because of his work with the community to try to turn over half of the land into a park, in exchange for reasonable development rights on the remaining lands.

However, the Regional District Board has now clearly taken a position that they do not want the rivers or the Falls to be part of the park network in the region and that they want this area to remain in private hands.

As such, the land owner is no longer willing to take the liability risk.

Closure of the lands will cost the landowner money for fencing and patrols but the risk of problems is too high around the rivers, and as such, the owner has no option but to close the lands.



The regrets

The land owner understands that this will inconvenience many in the region and he wishes to express his regret for that inconvenience. He however hopes that folks will understand, given the reality of the situation.

The cause and solutions for the problems lie with the local government

The story of this project is a difficult one with many surprises.

3L Developments has worked with the local government for over 10 years on a community-based vision for these lands.

In the first half decade of discussions, there was significant local government support for expanding Courtenay into this area. It was immediately adjacent the city and served as a key connection to the highway and the new hospital employment centre, and the plan included this significant public park along the riverfronts. The OCP supported it, staff supported it and local politicians supported it.

The vision for giving over half of the land to the community in exchange for reasonable development rights was created during that time and was agreed as a win/win for the community and the land owner.

However, the highly politicized process of the regional growth strategy around 2010 changed things in a surprising way. The RGS resulted in confusing outcomes, including new town centres being approved twice as far away from Courtenay as this land, and this piece suddenly being declared to be sprawl.

3L followed the directions of local government staff and politicians year after year and patiently waited on many occasions for policy work to be done on many occasions.

Following 2010, for inexplicable reasons, the local government violated their own legislation (as determined by the courts) and treated 3L staff in such racist ways that the Human Rights Tribunal was called in (and ruled in 3L's favour).



A legacy lost.

Few landowners are willing to give over 50% of their land to the community. This land owner has played a major role in economic development in this and other regions over many years, providing income to hundreds of families in the forestry and ranching industries as well as others. He had hoped that this piece of land would be a legacy of his commitment to the community well-being, through the provision of a major riverfront park. He and his family have enjoyed this land and he ideally wanted it to become public for all to enjoy in perpetuity.

The owner is exhausted and disappointed with where this process has gone and has now accepted that at this point in time, the local government has clearly stated they want no publicly accessible land in this area.

The land owner is disappointed that the government has shut this door and he wishes to express regret to all of the families in the region who will not be able to access hundreds of acres of land along the rivers and the Stotan Falls.

He is caught between a rock and a hard place – in having to take on millions of dollars in liability for knowingly allowing public access to these lands and riverfront areas, versus the costs of closing the land. The difference is enormous and the only prudent choice for him and his family is to regretfully choose the latter.



There is hope for the future

Any family who would like to access the rivers or the Falls, or any other land owner who feels that the local government has not been honourable in its behaviour to this landowner, please let the local government know.

The local government are no longer listening to any voice associated with this piece of land, but they might listen to others who disagree with the local government's decisions. Decisions like this can be reversed but only by the local politicians.

During the tenure of the past Regional District Board, the average home price in the region nearly doubled, and this year alone, assessments have increased again at over 10%. The price increases are primarily due to the increase in the cost of land due to competition for land, because so little is available on the market for home builders.

The need for more affordable housing and land in the region is clear and the cost of servicing the new town centres far south of Courtenay is too high. However, the Riverwood lands are and will remain as a very feasible option for providing new housing, parks and amenities to the community, immediately adjacent to Courtenay.

Given the land's proximity to Courtenay and the public value of the riverfront and Falls, it is hoped that in the future, the local government would reconsider its position and reconsider the win/win options that have been envisioned for this land.

