



RDN REPORT	
CAO APPROVAL	
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RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

## MEMORANDUM

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** July 3, 2013

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** PL2012-096 / PL2012-097

**SUBJECT:** Lakes District & Schooner Cove Zoning Amendment Application Updates

### PURPOSE

To provide a status update on the zoning amendment application reviews for the Lakes District and Schooner Cove developments on the Nanoose Bay Peninsula.

### BACKGROUND

In October 2011, the Regional District of Nanaimo (RDN) Board adopted the Lakes District and Schooner Cove Neighbourhood Plans as amendments to the Electoral Area 'E' Official Community Plan (Amendment Bylaws No. 1400.03 and No. 1400.04). In July 2012, staff received two zoning amendment applications for the long term phased development of the Lakes District and Schooner Cove Plan areas. Revised application submissions were provided in December 2012 and RDN staff deemed the applications substantially complete in order to proceed with a comprehensive technical review and agencies referrals. Staff have been working with the applicant and their consultants to address the phasing and provision of community amenities, park land, local services (water, wastewater, sidewalks, stormwater management), and the zoning regulations and phased development agreements which are the legal mechanisms necessary to ensure the community vision expressed through the Neighbourhood Plans is implemented through development of the lands.

The following discussion provides an update on key aspects of the application reviews and a project timeline for the next steps in the review process.

### DISCUSSION

#### *Inter-governmental Implications*

The Lakes District and Schooner Cove Neighbourhood Plans propose an urban level of services within the road rights-of-way including: parking bays, curbs, gutters, boulevards, rain gardens, sidewalks and streetlighting. Given that the Ministry of Transportation and Infrastructure (MOTI) is the approval authority for transportation and infrastructure in rural areas, MOTI's acceptance of the road standards and additional work within the road rights-of-way is critical to the development occurring in the manner

envisioned in the Neighbourhood Plans. As such, RDN staff and the applicant have committed substantial time and resources to achieving the highest level of acceptance of the proposed standards and timing of road infrastructure phasing from MOTI possible at this stage in development.

The proposed Project Specific Street Standards include a high standard of design to achieve a sustainable neighbourhood. MOTI has recently indicated its support in principle for these standards and has advised that a comprehensive technical review and formal acceptance would be addressed at the time of a future subdivision application. Staff are waiting for formal confirmation of MOTI's support in principle but are proceeding on the understanding that this correspondence is forthcoming.

The applicant proposes to include sidewalks within the MOTI road rights-of-way in a manner consistent with the vision reflected in the Neighbourhood Plans. Following Board direction in May 2012, staff re-submitted a request to the Ministry of Community, Sport and Cultural Development (MCSCD) to seek authority to regulate activities on sidewalks, boulevards and roadside trails constructed within road rights-of-way in the RDN Electoral Areas. In April 2013, MCSCD staff advised that this broad request is still under consideration, and advised that MCSCD supports MOTI and RDN working on a site specific agreement to facilitate the Lakes District and Schooner Cove applications.

In June 2013, MOTI staff stated that MOTI will address the proposed sidewalks by issuing a permit to the developer, and that MOTI will assume ownership, maintenance and liability for the proposed sidewalks in Lakes District and Schooner Cove as well as the existing 9.4 kilometres of sidewalks in the existing Fairwinds neighbourhood. Given the significance of the Ministry's commitment with regard to sidewalks to existing Fairwind's residents as well as the Lakes District and Schooner Cove developments, it is important to formalize the Ministry's commitment. This is reflected in recent correspondence from Board Chair Joe Stanhope to MOTI Minister Stone (Attachment 1). Staff are waiting for formal confirmation of MOTI's support in principle but are proceeding on the understanding that this correspondence is forthcoming.

### ***Parkland Implications***

Staff have been in ongoing discussions with the applicant regarding the phasing and timing of park land dedication (regional and community), Parks Management Plans, park related amenities, trail standards and the proposed parks programming in accordance with the Neighbourhood Plan policies. These commitments will be secured through the phased development agreements (PDAs) for Lakes District and Schooner Cove and will outline the timing of park dedication and improvements over the next twenty years.

As part of its consideration of PDA approval, the Board would consider relinquishing its discretionary land use approval for the term of the PDA in exchange for the provision of community amenities, which consist primarily of park dedications, public boardwalk, and park and trail improvements. Therefore, clarity with respect to the nature of the park and trail improvements and the timing of park dedication as determined through the PDAs will be a critical aspect of these applications in securing a community benefit. In accordance with the Neighbourhood Plans, the applicant has been advised that the dedication of the Notch and the Lookout should occur in the immediate to short term timeline. Staff have not yet received written confirmation of the applicant's concurrence with this timing; however, the applicant did indicate to the community at a Public Open House held on June 26, 2013 that it is considering the dedication of the Notch and the Lookout in the early stages of project.

Clarity on the timing of this initial dedication and future park dedication has been identified by staff as critical to the consideration of the PDA. Staff will continue to work with the applicant toward points of agreement on the park related items in accordance with the Neighbourhood Plan policies.

### ***Servicing Implications***

While the servicing considerations related to the proposed development are broad, this report will highlight drainage and water service review, which have been the focus of much discussion. New local service areas will need to be established for Lakes District and Schooner Cove for the provision of drainage and landscaping and boulevard improvements. Drainage, in the form of an Integrated Stormwater Management Plan (ISMP), is a new service function and would be required to achieve the development visions as contemplated through the Neighborhood Plans. Staff have engaged an independent consultant to review the proposed ISMP and the implications of establishing these local service areas. The applicant has contributed funds to cover the full cost of this study which will range from \$25,000 to \$30,000.

The applicant is also contributing \$10,000 towards a review of fire services in the Lakes District and Schooner Cove areas, which will inform the considerations of the needs and capacities for providing fire protection services as these phased developments proceed.

The Neighbourhood Plans policy outlines the need to identify adequate potable water supply prior to zoning amendment and to identify a proven, sustainable and adequate supply prior to subdivision. Staff have been working with the applicant to clarify how this policy will be reflected in the PDA. The applicant has also raised the matter of future financing of water as a “threshold issue” in relation to the zoning amendment. While this matter is important to the applicant it is not critical to the advancement of the zoning amendment applications.

Staff provided information to the applicant regarding water supply and met with the applicant on many occasions to discuss the issue of water supply and financing including recent meetings on May 29, 2013, June 10, 2013 and July 3, 2013. The applicant has not yet confirmed that this threshold issue has been addressed but it is expected that they will confirm their position on this matter shortly. This matter is more appropriately considered through future development servicing agreements at the subdivision and building permit stage, and, if appropriate, through the Board’s discretionary authority in relation to development cost charges (DCCs) and/or other financing mechanisms outside of the zoning amendment process.

### ***Public Consultation Implications***

A Public Open House was held and facilitated by the applicant on June 26, 2013 and approximately 160 people attended. The purpose of the meeting was to provide information to the community about the proposed phased developments and how they will implement the policies and objectives of the Neighbourhood Plans. The applicant also advised that the property owner (BCIMC) sent correspondence to the Fairwinds Community Association (FCA) expressing concerns about timeline for the applications review. Staff received a letter from the FCA on June 7, 2013 and provided a response on June 20, 2013 to clarify the application review process and timeline (see Attachments 2 and 3). Items of correspondence from members of the public received following the Open House and prior to publication of this report are included as Attachment 4.

To address BCIMC's concern, staff recommend that the Board send correspondence to BCIMC emphasizing its support for the implementation of the Neighbourhood Plans policies through the proposed zoning amendment applications, and the Regional District's commitment through staff to review the legal requirements of the zoning amendments and phased development agreements in a timely manner.

The formal public process and statutory hearing will be scheduled once the zoning amendment bylaws and phased development agreements have been drafted by the applicant and reviewed by the RDN. It is anticipated that the draft bylaws will be introduced to the Board in the Fall of 2013 based on the tentative timeline in Table 1 below. Staff cannot, however, commit to a public hearing date or scheduling meetings ahead of the Board receiving the proposed amendment bylaws.

### ***Applications Review Timeline***

Staff discussed a tentative timeline with the applicant in May 2013. The applicant has requested a more expedited timeline with a Public Hearing to be held in November 2013. The applicant submitted correspondence on June 28, 2013 requesting a commitment to their proposed timeline and attempting to summarize the outstanding items. While we agree that substantial progress has been made towards resolving the outstanding items as initially identified in staff's letter to the applicant on October 22, 2012, there remain a number of key items to be resolved, including drafting of the legal instruments (PDAs and zoning regulations) as required. Staff are working diligently with the applicant to expedite the application reviews in an effort to achieve the applicant's preferred timeline. This has resulted in an adjustment to the tentative timeline for the introduction of the proposed amendment bylaws and PDAs to the Board in November 2013 (see table below).

A significant factor in achieving this timeline will be the drafting and review of the PDAs, which will outline the provision of amenities and future works and services for the phased developments in accordance with the Neighbourhood Plan policies and as agreed through the zoning amendment process. The applicant submitted an "Implementation Framework" with the amendment applications; this framework attempts to identify various commitments and protocols for future considerations of park, water, wastewater, roads, etc. that are intended to be formalized through the drafting of the PDA. Given the complexity of the issues around timing, phasing, standards and jurisdictional authority identified in the framework, staff have been working with the applicant towards key points of agreement to inform the preparation of the draft PDAs. In order to ensure timely review and concurrence, it will be critical that the scope of the PDAs focus on matters that relate to the zoning amendment applications and amenities in accordance to the applicable sections of the *Local Government Act*.

Once the outstanding items are resolved, staff will bring forward the applications for the Board's consideration. As issues are resolved, this may result in changes to the timeline noted in the table below. However, at this stage this timeline appears achievable to address outstanding items and to ensure the public interest is protected and Board policy and legislative approval requirements are met.

**Table 1 - Tentative Timeline for Zoning Amendment Applications**

<b>Project Task</b>	<b>Tentative Timeframe</b>	<b>Resources</b>
Initial Application Submission & Review	July – October 2012	Applicant/RDN
Revised Application Submission & Review	December 2012 – May 2013	Applicant/RDN
Agency Referrals	October 2012 – June 2013	RDN/External Agencies
First Nations Outreach	May – July 2013	Applicant/RDN
Public Open House	June 26, 2013	Applicant-led
Integrated Stormwater Management Plan and Local Service Area Implications Review	July – August 2013	Review by Independent Consultant
Phased Development Agreement (PDA) Draft & Review	July – November 2013	Applicant/RDN
Public Information Meeting	September/October 2013	RDN-led
Zoning Amendment Bylaws and PDAs introduced for 1 <sup>st</sup> and 2 <sup>nd</sup> Reading	November 2013	RDN
Public Hearing on Zoning Amendment Bylaws and PDAs	Subject to Board approval	RDN
Zoning Amendment Bylaw considered for 3 <sup>rd</sup> Reading	Subject to Board approval	RDN
Legal & Statutory Approvals by Provincial Ministries	Ministerial approval process 2014 (the proposed twenty year PDA term requires Provincial approval)	RDN/Provincial Ministries
Zoning Amendment Bylaw considered for 4 <sup>th</sup> Reading/Adoption & PDA signed	Subject to Board approval	RDN

## ALTERNATIVES


1. Receive this report for information only.
2. Receive this report for information and send correspondence to the property owner expressing support in principle of implementation of the Neighbourhood Plans policies and a commitment to finalize application review and presentation of bylaws to the Board for consideration in a timely manner.

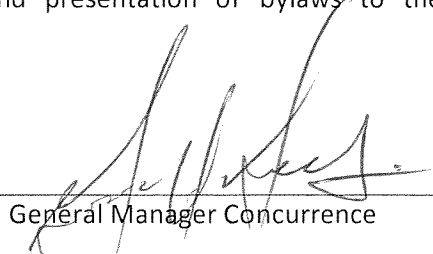
## SUMMARY/CONCLUSIONS

The RDN received two zoning amendment applications in July 2012 for the long term phased development of the Lakes District and Schooner Cove areas. Staff reviewed these initial submissions and provided comments to the applicant. The applicant provided additional information in December 2012 to complete their applications, and staff proceeded with comprehensive application review and referrals. Staff have actively engaged external agencies such as the Ministry of Transportation and Infrastructure to guide the applications review and work towards a mutual understanding of the project phasing and zoning requirements. A tentative timeline for the applications review has been communicated with the applicant and anticipates introduction of the proposed amendment bylaws and phased development agreements in the Fall of 2013. This information is provided to the Board as a status update and summary of the next steps in the applications review.

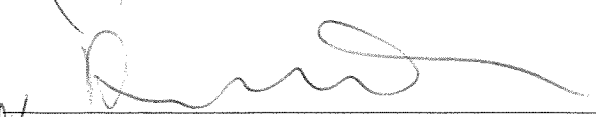
## RECOMMENDATIONS

1. That the Board receive this report for information.
2. That the Board send correspondence to the property owner expressing support in principle of implementation of the Neighbourhood Plans policies through the proposed zoning amendments and a commitment to finalize application review and presentation of bylaws to the Board for consideration in a timely manner.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

**Attachment 1**  
**Correspondence to the Minister of Transportation & Infrastructure**



REGIONAL  
DISTRICT  
OF NANAIMO

June 25, 2013

File: 5400-09

The Honourable Todd Stone  
Minister of Transportation and Infrastructure and Deputy House Leader  
Room 306, Parliament Buildings  
Victoria, BC  
V8V 1X4

**Re: Request for Authority over Sidewalks, Boulevards and Roadside Trails**

Dear Minister Stone:

First, let me congratulate you on your recent election and appointment to the Provincial Cabinet.

Please find attached a copy of a letter dated April 18, 2013, along with numerous attachments to that letter, which I sent to the Honourable Mary Polak in her former position as Minister of Transportation and Infrastructure.

As noted in my April 18<sup>th</sup> letter, the Regional District of Nanaimo (RDN) has requested regulatory authority over sidewalks, boulevards and roadside trails within Ministry of Transportation and Infrastructure (MOTI) road rights-of-way. My letter also referenced support for this request by the Honourable Bill Bennett, in his position at that time as Minister of Community, Sport and Cultural Development (MCSCD), conditional on the support of your Ministry and other affected interests and ensuring that appropriate agreements and policies are in place.

Since April, RDN and MOTI staff have continued to work to develop such agreements and policies, discussing issues such as the nature of an agreement/arrangement respecting sidewalks and matters such as standards maintenance and consideration of how ongoing liability for sidewalks will be addressed.

The specific matter of 9.4 km of existing sidewalk within the Fairwinds community which has existed for 20 years within MOTI road rights-of-way and proposed sidewalks within the future Fairwinds development, noted in my earlier letter, has now been resolved through the discussions with MOTI staff. Renée Mounteney, District Manager, Transportation and Infrastructure, Vancouver Island District has stated that MOTI has agreed to assume responsibility for the existing 9.4 km of sidewalk in Fairwinds and has also agreed to issue permits to the developer for construction of new sidewalks within the Lakes District and Schooner Cove (future Fairwinds development) and to assume responsibility for the new sidewalks as well.

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Nanaimo, B.C.  
V9T 6N2

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RDN Website: [www.rdn.bc.ca](http://www.rdn.bc.ca)

June 25, 2013

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While it is our understanding that MOTI has made a firm commitment on the above, the RDN requests formal confirmation that MOTI will assume responsibility for the existing 9.4 km of sidewalk in Fairwinds and commits to issuing permits to the developer for construction of new sidewalks within the future Fairwinds development and will assume responsibility for those new sidewalks following construction. I would be grateful for your assistance in obtaining such confirmation.

With regard to the original request by the RDN for regulatory authority over sidewalks, clear community interest in the RDN providing a sidewalk function has also been demonstrated in areas other than Fairwinds through public processes such as the development of the Cedar Main Street design guidelines. Therefore, despite reaching resolution on the Fairwinds sidewalks, the RDN is still seeking regulatory authority over sidewalks, boulevards and roadside trails within MOTI road rights-of-way.

Your support for a resolution on this important matter of public interest for our community would be greatly appreciated.

Sincerely,



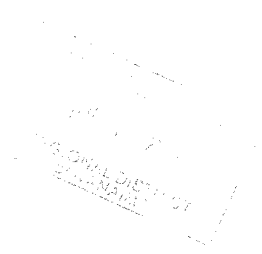
Joe Stanhope  
Chair

Enclosures

cc: R. Mounteney, District Manager, Transportation and Infrastructure, Vancouver Island District  
P. Thorkelsson, CAO, Regional District of Nanaimo  
G. Holme, Director Electoral Area 'E'



**Attachment 2**  
**Letter from FCA to RDN**



3265 Huntington Place  
Nanoose Bay, B.C.  
V9P 9H6  
gathom@telus.net  
250 468 181

June 7, 2013

Mr. Geoff Garbutt, R.P.P.  
General Manager of Development Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2

Re: Approval Schedule, Zoning Bylaw, Proposed  
Fairwinds Development

Dear Mr. Garbutt:

The following was approved by the Fairwinds Community Association (FCA) Executive Committee at their regular meeting held June 6, 2013.

As you are aware, the FCA remains vitally interested in the above approval schedule. We believe that it is possible and desirable to finalize this process through to the conclusion of a formal public hearing by the end of 2013. We believe that all parties to the process would be best served if this objective were to be met.

We understand that MOTI issues are resolved to the extent that they would affect the schedule of the zoning bylaw approval process.

Would you please provide us with an update respecting progress in this matter .It would also be appreciated if you would copy your reply to FCA Vice President David Patterson. Mr. Patterson's contact information is as follows: David Patterson, 7-2640 Andover Road, Nanoose Bay, B.C., V9P 9K7, [dapatterson@shaw.ca](mailto:dapatterson@shaw.ca), 250 468 9384.

Thank you for your attention to our request and for your leadership in this challenging but highly beneficial undertaking.

Sincerely,

A handwritten signature in cursive script that reads "Gerry Thompson".

G.A. (Gerry) Thompson, President, FCA

Cc Mr. David Patterson, Vice President, FCA

Director George Holme, Electoral Area E

**Attachment 3**  
**RDN Response Letter to FCA**



June 20, 2013

Mr. Gerry Thompson, President  
Fairwinds Community Association  
PO Box 281  
Nanoose Bay BC V9P 9J9

Dear Mr. Thompson:

Re: Lakes District PL2012-096 & Schooner Cove PL2012-097  
Zoning Amendment and Phased Development Agreement Approval Schedule

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Thank you for your correspondence dated June 7, 2013, and received at our office on June 11, 2013, in which you request an update respecting the review process for the above-noted zoning amendment and Phased Development Agreement (PDA) applications. I apologize for the delay in responding to you as we have been attempting to finalize a few details with the applicant as well as the Ministry of Transportation and Infrastructure which has implications for the timeline that I refer to in this letter.

As outlined at the Fairwinds Community Association (FCA) meeting on May 9, 2013, Regional District of Nanaimo staff are continuing to meet with the applicant and their consultant to work through the application materials, studies and regulatory documents (existing RDN bylaws and proposed amendments). Key issues related to this application include the proposed zones and regulatory details, potable water, sanitary sewer, park dedication and timing of such dedication, sidewalks, stormwater management, required local service areas to accommodate the development proposal, details related to the proposed PDAs and other associated legal mechanisms as required.

The above-referenced zoning amendment and PDA applications are necessary to implement the vision reflected in the Lakes District and Schooner Cove neighbourhood plans. The developer, the Regional District of Nanaimo (RDN), and the community invested substantial time and resources into the neighbourhood plans which capture the shared vision for the future development of the Lakes District and Schooner Cove. Through the zoning amendment and PDA applications the regulations and legal agreements necessary to implement the plans are being developed and the development details are being reviewed.

The PDAs represent a legal agreement between the developer and the RDN which, as proposed represents a twenty year commitment to development rights and the phasing and timing of development servicing and amenities. In order to ensure that the community vision expressed through the neighbourhood plans is reflected in the development of the lands and in order to protect the public interest and ensure that

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Fairwinds Community Association

June 20, 2013

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the development of the lands is viable and achievable it is imperative that the regulations and legal agreements associated with the PDAs are clear in their intention and can be understood by the public, RDN, other approval jurisdictions, developer and future residents of the lands. For your reference, the request for a twenty year PDA triggers the requirement for provincial approval which has timing implications as well as consultation implications for the above noted applications.

As outlined at the FCA meeting on May 9, 2013, we are working cooperatively with the applicant to establish a clear path forward that is achievable and recognizes the role of the Board considerations and approvals in accordance with the requirements of the Local Government Act.

Based on the outstanding issues to be addressed, Board policy and legislative approval requirements, RDN staff proposed the following timeline to the applicant on May 3, 2013:

- First Nations outreach (May – June, 2013) – undertaken jointly with applicant
- Fairwinds Open House(s) (June 26, 2013 and September, 2013) – undertaken by the applicant. *A second meeting may be required based on first Open House*
- Integrated Stormwater Master Plan and Local Service Area Implications review (June-July 2013) – *peer review undertaken by independent consultant*
- Phased Development Agreement Prep (June 2013 – November/December, 2013) – undertaken jointly
- RDN Public Information Meeting (September/October 2013) – RDN event with presentation by applicant
- Zoning Amendment Bylaw and Phased Development Agreement considered for 1<sup>st</sup> and 2<sup>nd</sup> Reading (November/December, 2013 – tentative)
- Public Hearing on Zoning Amendment Bylaw and Phased Development Agreement (January/February 2014) – subject to Board approval
- Zoning Amendment Bylaw considered for 3<sup>rd</sup> Reading – subject to Board approval 2014
- Legal and Statutory Approvals by Provincial Ministries – Ministerial approval process 2014
- Zoning amendment Bylaw considered for 4<sup>th</sup> Reading and Adoption and PDA signed – subject to Board approval 2014

As outlined above, staff have been clear with the applicant that the timeline outlined above reflects an achievable and realistic process forward that allows sufficient time to address outstanding issues, ensure the public interest is protected and addresses the applicant's desire to have this application considered in a timely manner. At the May 9, 2013, meeting the applicant shared their desired timeline with the FCA members however; they did not share the timeline that has been provided by the RDN. As discussed at the meeting on May 9, 2013, the timeline as above is only slightly different from that requested by the applicant and reflects the specific complexities of these two rezoning applications and the request for a twenty year PDA.

Fairwinds Community Association

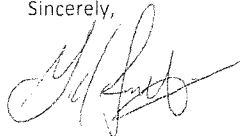
June 20, 2013

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As you are aware the Ministry of Transportation and Infrastructure has recently advised the applicant and the RDN that they are prepared to assume responsibility for the installation and long term maintenance of sidewalks within the proposed Lakes District portion of the development. In addition, the Ministry has also advised the applicant and the RDN that an application for subdivision is required for the Ministry to approve the proposed alternative road design standards. As outlined during the FCA meeting finding a resolution to these important community issues is critical to achieve the community's vision for the Lakes District and Schooner Cove neighbourhoods and to support moving forward on this application. At this time we can advise you that we are still in the process of confirming the Ministry's formal position on the matter of sidewalk installation/long-term maintenance and street standards however we hope that these matters will be resolved shortly.

We recognized the FCA's interest in these two zoning amendment applications and I assure you RDN staff are working diligently towards a comprehensive development approval and achieving the above timeline. Thank you for your continued input on this development project of significant importance in the region and we look forward to your attendance at the open house hosted by Fairwinds on June 26<sup>th</sup>. If you have any questions or if we can provide you with any additional information please do not hesitate to contact me at (250) 390-6510 or ggarbutt@rdn.bc.ca

Sincerely,



Geoff Garbutt, MCIP, RPP  
General Manager of Strategic & Community Development

kh/JH

cc: Russell Tibbles, Vice President, Development & Operations, Bentall Kennedy (Canada) LP  
David Patterson, Vice-President, FCA  
Joe Stanhope, Chair, RDN  
George Holme, Director, Electoral Area 'E'  
Frank Van Eynde, Alternate Director, Electoral Area 'E'  
Paul Thorkelsson, Chief Administrative Officer, RDN  
Jeremy Holm, Manager, Current Planning, RDN  
Lainya Rowett, Senior Planner, RDN

**Attachment 4**  
**Correspondence from members of the public following**  
**the Open House on June 26, 2013**

1482 Madrona Drive

June 10, 2013

Nanoose Bay, B.C. V9P 9C9

Mr. George Holm

Area E Director

Regional District of Nanaimo

6300 Hammond Bay Road

Nanaimo, B.C.

Dear George;

**Re: Public consultation for proposed Fairwinds Development.**

This letter is predicated on the assumption the RDB Board wishes to base its next decisions on this proposed development in large part on good science and informed public opinion.

However, I contend that the current public consultation process is preventing you from doing so. I'd like to elaborate and offer a suggestion that would improve the process.

The problem with the current public consultation process is two-fold. First, the public is not being actively engaged in the process; and second, as a result of the first, decision makers (RDN staff and Board) are not getting the kind of information that is necessary for making wise and defensible decisions.

The current public consultation process, involving a public meeting, followed by a hearing (both essentially public monologues) is the most dysfunctional method conceivable in achieving any kind of meaningful input from the public, and for you to gauge informed public opinion – both essential for wise decision making.

The kind of information RDN needs to hear from the public includes the following: (1) technical input to project design (there are a lot of qualified people in Nanoose Bay who can contribute in a meaningful way, if they were asked, and thereby contribute to "good science"), (2) social values placed on environmental assets at risk from the proposed development (so we can all understand how important these things are to us and what priorities we should place on them),

(3) the level of acceptance of potential impacts (we cannot allow the developer alone to decide what is good enough for us), and (4) the final overall acceptability of the proposed development.

The current process is so obviously flawed in its ability to provide this information, and if the process isn't improved or changed, the Board will not have reliable information upon which to base decisions on the proposed phased development plans or agreement.

Things could have gone better, even under the current dysfunctional system, but the public consultation process set in place for the proposed development by RDN and Fairwinds was ambushed (disbanded) by Fairwinds before it could achieve anything useful. There was early agreement by RDN that the appointed Community Advisory group (CAG) would serve as RDN's public consultation instrument for this development. As such, I can't fathom why RDN allowed the premature disbanding of the CAG. After all, this group was as much RDN's as Fairwinds', and perhaps could have done a reasonably good job, had it been allowed to do so.

It's important to understand that the CAG's involvement and the 50+ public meetings touted by Fairwinds dealt only with matters of form and character. There were no further CAG meetings once the Neighbourhood Plans and the Environmental Impact Assessment Report were released to the public; so, there was no discussion of the potential impacts that the proposed development would have on any aspect of the Nanoose community – the environment, water, noise, traffic, etc.

I repeat, there has been no discussion of impacts. Some members of the CAG tried to engage the group in such discussions, but there was no appetite for this by the Fairwinds planning group. I question how RDN can act on behalf of the public when it has not yet heard the public's views on something as important as the potential impacts.

It's folly to think that the conventional public meeting/hearing process used two years ago gathered any useful information from the public or served as an adequate instrument of public expression. Although this process may comply with local government policy, it is inadequate mainly because it does not encourage any form of discussion; indeed, it hinders and even prohibits the kind of dialogue that could lead to more meaningful decisions. Consider, for example, exactly what is contributed by a succession of speakers at the microphone simply "voting" yes or no on the proposed development. How did this help in making meaningful decisions? Those who tried to offer more than a simple opinion received no feedback from the decision-makers at the front table, who at times seemed more attentive to the time clock than they were to the actual message being delivered (my personal experience). This is inevitable, I suppose, after the first 50 or so speakers, but does not excuse a flawed consultation process. The conventional process also tends to marginalize minority opinion. In some cases, the

minority opinion turns out to be the most relevant and most important one, but this can only be uncovered through a consultation process that is open and fair and not confined to monologue presentations.

Again, a meaningful consultation process would elicit useful information and informed opinion from the public (not a simple vote) through discussion and debate. The current process doesn't allow for this so I contend that you (the decision makers) won't have useful information or informed opinion, or won't know if you have it, to use as a basis for your decisions.

Please consider; your decisions are more than yes or no (or should be). Decisions should involve an understanding of the rationales for people's opinions, and this requires discussion and debate of key issues.

So, unless things are changed, with a program of RDN-sponsored public discussion and debate, you will continue to risk making decisions that may not be in the best interests of the public, simply because you won't know what these interests are. Also, staff won't be able to help you because they will be similarly limited in their knowledge and understanding. First of all, because staff do not have the expertise and experience in ecological matters, and secondly because the proponent has not provided accurate and complete information on the environmental assets at stake and the potential impacts. Several biologists attempted to bring these deficiencies to your attention at the last hearing, but were limited by the confined nature of the hearing process.

In summary, essential knowledge can only come from directed discussion and debate of important issues involving a truly engaged public. It cannot come from the type of highly restrictive process currently being used, and cannot be extracted from the shameful Fairwinds-supported and directed Community Advisory Group process that was stopped just when the important design and impact information was revealed.

The planned June 26<sup>th</sup> Fairwinds-sponsored "Public Open House" cannot be regarded as a discussion opportunity, as Fairwinds is clearly looking for support for their development and not comment – they say so in their advertisement.

Therefore, any meaningful program of public discussion and debate will have to be RDN-driven.

My suggestion of directed discussions complies with the Planning Institute of B.C. and the Canadian Institute of Planners, Code of Professional Conduct, which states:

*"15.1 The Planners Responsibility to the Public Interest: Members have a primary responsibility to define and serve the interests of the public. This requires the use of theories and techniques of planning that inform and structure debate, facilitate communication, and foster understanding. Accordingly, a Member shall:*



*15.1.1 practice in a manner that respects the needs, values and aspirations of the public and encourages discussion on these matters;*

*15.1.2 provide full, clear and accurate information on public planning matters to decision-makers and the public;*

*15.1.3 acknowledge the inter-related nature of planning decisions and their consequences for individuals, the natural and built environment, and the broader public interest; and*

*15.1.4 identify and promote opportunities for meaningful participation in the planning process to all interested parties.”*

George, I think you must agree that the public has a reasonable expectation to see that its public servants will be complying with their professional code of professional conduct, and therefore will shortly see RDN-sponsored discussions and debate on key issues of public concern. Fairwinds and the RDN had the chance to do this through the CAG two or more years ago, but the ball was dropped and the opportunity lost. It's not too late to do the right thing. I'm not concerned with the Fairwinds' public statements of their sense of urgency; after all, they had years to do this correctly, and chose not to.

Sincerely,

Ross Peterson

cc. Joe Stanhope

Jeremy Holm

Holm, Jeremy

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**From:** Garbutt, Geoff  
**Sent:** Monday, July 01, 2013 5:07 PM  
**To:** Holm, Jeremy; Rowett, Lainya  
**Subject:** Fwd: November 2013 Public Hearing

FYI

Begin forwarded message:

**From:** Don White <drdwhite@shaw.ca>  
**Date:** 1 July, 2013 4:35:15 PM PDT  
**To:** <ggarbutt@rdn.bc.ca>  
**Subject:** November 2013 Public Hearing

Geoff Garbutt  
GN, Strategic and Community Planning, RDN

We attended the Fairwind's Open House meeting on June 26, 2013. We have recently moved into a brand new home on Bromley Place in Fairwinds. When we purchased our lot back in 2011, we were led to believe that the Lakes District and Schooner Cove Marina plans would be a reality in the not too distant future and that there would also be a townhome complex (Bonnington Ridge Townhomes) being built across the street from us in a tasteful manner.

Recently, we have learned that ALL of this seems to be in dire jeopardy of not taking place at all, or of taking place at a ridiculously slow time pace, or of taking place in an altered form than we were led to believe. We are extremely dismayed and upset by all of this, and feel that we bought and built under false pretenses. We spent well over a million dollars on our lot and home construction, and unless things turn around soon, would take a huge loss, should we need or decide to sell.

We have seen the plans for the further development of the Lakes District and the Marina. They are great. This would be a huge boon to the local and regional economy and the further development would increase the tax base in the area. After running a small business successfully for over 25 years, I know that sometimes long hours and grunt work are what it takes to get to the finish line. Also, a reasonable approach and some compromising on both sides is usually involved as well. We see no reason why the time lines proposed by the owner of Fairwinds can not be achieved if both sides sit down, put shoulders to the wheel, and do whatever it takes to get the job done.

We see the present as somewhat of a tipping point for Fairwinds. We have seen personally, that uncertainty about the future development plans has already turned away a potential buyer on our street. Rumors are flying about the death of Fairwinds, and this will spread to the larger community. Like the quote from a movie; " If we build it, they will come," we feel that moving forward on these development plans will revitalize interest in the area and see lots start to sell, and homes being built.

We are so excited at the prospect of a local cafe and market, and walking trails galore. Those were some of the very reasons we chose to retire in Fairwinds.

We implore you to renew and continue your efforts with the goal to realizing the November deadline to hold the Public Hearing imposed by the owner of Fairwinds. They have waited long enough for some serious progress and so have we and the other members of the community.

Respectfully,  
Don and Donna White  
3410 Bromley Place  
Nanoose Bay, BC  
V9P 9L8

Holm, Jeremy

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**From:** Garbutt, Geoff  
**Sent:** Monday, July 01, 2013 8:26 PM  
**To:** Holm, Jeremy; Rowett, Lainya  
**Subject:** Fwd: Support for 2013 Fairwinds development timetable

Begin forwarded message:

**From:** Karen Wright <[kwright@nucliois.com](mailto:kwright@nucliois.com)>  
**Date:** 1 July, 2013 12:48:32 PM PDT  
**To:** <[js.patterson@bcimc.ca](mailto:js.patterson@bcimc.ca)>, <[robrowett@bcimc.ca](mailto:robrowett@bcimc.ca)>, <[ggarbutt@rdn.bc.ca](mailto:ggarbutt@rdn.bc.ca)>, <[erhodulir@rdn.bc.ca](mailto:erhodulir@rdn.bc.ca)>  
**Cc:** <[rtibbles@fairwinds.ca](mailto:rtibbles@fairwinds.ca)>  
**Subject:** Support for 2013 Fairwinds development timetable

Gentlemen,

I wish to add my voice to the many that are now, and have been for several years, eagerly supporting *moving forward* with the Fairwinds development.

When I purchased property here in 2002, and again in 2005, and again in 2006, it was with the full understanding that Fairwinds was in the midst of a large-scale and very exciting development. When I moved here in 2007, with my now late husband, we looked forward to our retirement years here, living in what was then a vibrant community and anticipating watching it grow even moreso.

Then he died ... and, shortly after, the community began to close down, and the development process disappeared into a black hole. I haven't been able to sell the land we were going to build our dream house on, or the other land I also own which we'd also contemplated building a house on, which has been for sale now for *five long years*. With the unending delays in regulatory approvals, this once vibrant community, full of promise, has stagnated, leaving so many of us confused, frustrated, disappointed and losing our financial security.

In my experience here, I have come to appreciate the quality of the investor that we have in BCIMC. I have seen their unending efforts to involve the community and to not only listen but to respond to concerns that are as varied as there are

stakeholders. They have shown great flexibility and commitment to social, community, environmental, and regulatory requirements. Their patience has been remarkable.

And I understand that it's running out.

I can't say that I blame them ... but I will blame those who have been elected and appointed to work on *my* behalf, and the behalf of this entire community, if this doesn't move forward which I understand is at real risk if we aren't able to hold a Public Hearing in November of this year.

I do understand and appreciate the role you all are playing. You need to protect the interests of the bigger picture and I wholeheartedly support the need to do so. However, there must be a balance. This current application has been underway for over five years with much compromise on the part of the investor that's been evident to those of us watching from within the community. I honestly can't imagine an investor who is more dedicated to doing the right thing.

It's now time for *you* to do the right thing. This is a visionary and ground-breaking project and much time and effort has gone into the process in the past in order to expedite the final stages we are supposedly now in. It's time to recognize this and *move this forward. Please do what it takes to hold a Public Hearing in November.*

Thank you for being a responsible *guardian*, not a gate-keeper, for the community.

In gratitude,

Karen Wright  
3615 Collingwood Drive  
NanOOSE Bay, B.C. V9P 9G3

Holm, Jeremy

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**From:** Garbutt, Geoff  
**Sent:** Monday, July 01, 2013 8:27 PM  
**To:** Holm, Jeremy; Rowett, Lainya  
**Subject:** Fwd: Zoning Application for the Lakes District & Schooner Cove Development Approval Progress to allow for a Public Hearing by November 2013

Begin forwarded message:

**From:** david collyer <[david.collyer@shaw.ca](mailto:david.collyer@shaw.ca)>  
**Date:** 30 June, 2013 5:59:08 PM PDT  
**To:** <[jstanhope@shaw.ca](mailto:jstanhope@shaw.ca)>  
**Cc:** <[pthorkelson@rdn.bc.ca](mailto:pthorkelson@rdn.bc.ca)>, <[ggarbutt@rdn.bc.ca](mailto:ggarbutt@rdn.bc.ca)>, "Fairwinds Comm. Assoc." <[president@fairwindscommunityassociation.org](mailto:president@fairwindscommunityassociation.org)>, George Holme <[gholme@shaw.ca](mailto:gholme@shaw.ca)>  
**Subject:** Zoning Application for the Lakes District & Schooner Cove Development Approval Progress to allow for a Public Hearing by November 2013

Dear Mr. Stanhope,

The June 26th meeting at the Fairwinds Clubhouse seemed to be frustrating because of the lack of understanding of the RDN reasons why the November Public Hearing could not be met. I think it would be helpful if the RDN hired a Critical Path consultant, to determine all the actions and decisions that have to be made in order to reach/or not reach the critical November Public Hearing date. In my other life [architecture] the use of an unbiased critical path consultant was always beneficial in pinpointing the line of actions which would be necessary to reach a mandatory 'completion' date. If the RDN would commission a critical path study it would clarify one way or the other whether the November Public Hearing could be met. This type of study would at a minimum indicate the actions which are most time consuming and with these actions highlighted on the critical path, decisions could be made at the proper time which could shorten them [the excessive times] to allow a November Public Hearing.

David Collyer [[david.collyer@shaw.ca](mailto:david.collyer@shaw.ca)]

**Holm, Jeremy**

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**From:** Garbutt, Geoff  
**Sent:** Monday, July 01, 2013 8:28 PM  
**To:** Holm, Jeremy; Rowett, Lainya  
**Subject:** Fwd: Meeting at Fairwinds on Wednesday June 26th, 2013 for Schooner Cove and Lakes District Plan

Begin forwarded message:

**From:** Ron Hanson <[ron@rkhpromotionalproducts.com](mailto:ron@rkhpromotionalproducts.com)>  
**Date:** 28 June, 2013 11:37:17 AM PDT  
**To:** <[jsstanhope@shaw.ca](mailto:jsstanhope@shaw.ca)>  
**Cc:** <[gholme@shaw.ca](mailto:gholme@shaw.ca)>, <[pthorkelsson@rdn.bc.ca](mailto:pthorkelsson@rdn.bc.ca)>, <[ggarbutt@rdn.bc.ca](mailto:ggarbutt@rdn.bc.ca)>, <[stilwell.parksville@gmail.com](mailto:stilwell.parksville@gmail.com)>, <[rtibbles@bentallkenedy.com](mailto:rtibbles@bentallkenedy.com)>, <[jpurcell@bentallkenedy.com](mailto:jpurcell@bentallkenedy.com)>  
**Subject:** Meeting at Fairwinds on Wednesday June 26th, 2013 for Schooner Cove and Lakes District Plan

We once again attended a meeting regarding the Fairwinds application for the Schooner Cove and Lakes District Neighbourhood Plan and once again we were disappointed with the results of the meeting.

We were informed that the RDN cannot or will not meet the timeline requested by bcIMC, a totally reasonable request considering how long this application has been dragged out by you, your committee and the RDN staff. You were elected by the residents of Electoral District E to represent your constituents best interests on all things involving our community. I would have to say that in this instance you have failed us miserably. We are tired of all the excuses for your inability to close this deal. If this application was such a large mountain to climb you should have, like a good business would have done, gone out and found someone who was capable of completing the task in a timely manner.

For the life of me, I cannot understand that after all the public hearings, the jobs on the line, the millions of dollars that would be spent during this project not only in Nanoose Bay but in the entire area, why you haven't done a better job. We do not want to hear again about this being an abnormal Plan request because of the sidewalks and the width of the streets etc. If this was a problem, you should have recognized it a long time ago and resolved the issues, not wait until the investor is considering pulling out of the project due to your inability to meet the timeline.

We understand that you are working with archaic, project stifling, progress killing legislation, put in by a government many years ago that had no concept of how the real world works but there are always ways to resolve that BS and that is with intelligence and innovation. I am sad to say that it appears that the RDN possess neither of these attributes.

By not closing this deal you and your staff are essentially destroying the housing values in the Fairwinds Community. By not moving forward you will also be throwing away the additional tax base and all of the extras that can bring.

I have been in the business world for 46 years and have never witnessed such an incompetent approach to problem resolution.

I do hope that if bcIMC pulls out of this worthy project that you already have another investor who is willing to spend this kind of money in your district. Somehow I don't think that is in the cards.

In closing if you find this e-mail rather harsh, you might want to take a minute and think about how the residents of Fairwinds feel by being let down by the RDN.

Ron Hanson

RKH Promotional Products  
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Email: [ron@rkhpromotionalproducts.com](mailto:ron@rkhpromotionalproducts.com)

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Holm, Jeremy

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**Subject:** FW: Fairwinds Development

**From:** joe straka [mailto:[strakaen@shaw.ca](mailto:strakaen@shaw.ca)]  
**Sent:** Tuesday, July 02, 2013 8:29 AM  
**To:** Thorkelsson, Paul  
**Cc:** Anne Thompson; [president@fairwindscommunityassociation.org](mailto:president@fairwindscommunityassociation.org); [RTibbles@Bentallkennedy.com](mailto:RTibbles@Bentallkennedy.com); [strakaen@shaw.ca](mailto:strakaen@shaw.ca); George Holme  
**Subject:** Fairwinds Development

Good Morning Mr. Thorkelsson

I attended the recent (June 27<sup>th</sup>) Fairwinds Open House and was pleased to hear from Fairwinds staff and Mr. Garbut of your staff that a great number of issues that were reported unresolved at the May 9<sup>th</sup> meeting (that you attended) have been resolved to both parties satisfaction.

I wish to congratulate you and your staff for focusing on the Fairwinds Development plan and moving things forward. It is true there are still some outstanding issues and I would like to encourage continued co-operation and problem solving leading toward an RDN Public Meeting in November.

Initiation of construction on the Fairwinds Phase 1 development (Schooner Cove) would benefit all electoral areas of the RDN with the jobs it will create as well as the investment dollars flowing into local area (RDN) merchants and RDN's coffers through taxation and building permits

Please keep up the good and timely work

Thank you

Joe Straka  
2064 Radford Place  
Nanoose Bay