

Dear Mayor Heintzman,

It is patently obvious to most observers, that Councillor Race is in Conflict of Interest with regards to the above headlined matters.

He would appear to be relentlessly pushing for the sale of the SODC lands and the accompanying DCC's and CAC's to his good friend and former Client, Bethel Lands.

On such egregious terms as to be sheer lunacy for the people of Squamish.

He professes to have a written legal opinion dating from some two years ago that he is indeed not in Conflict of Interest.

I think he should be made to produce this Legal Opinion for all to see.

There are other legal opinions that would counter his supposed one.

In this exercise to give away the SODC lands and provide some \$50-60 Million worth of gifts from the people of Squamish to help develop these lands, which will be under the ocean In a few years, the Developer seems to have somehow, by his charms, had Senior Staff at the D.O.S. trumpeting his convoluted deal.

Those Senior Staff being the C.A.O and the Deputy C.A.O.

It would be interesting to see how that occurred when these Staff Members should be fighting to protect the interests of the people of Squamish.

This whole thing is an affront to logic and reason.

There will be imminent B.C. Supreme Court Action to halt this give away if you cannot see to halt it yourselves.

Respectfully submitted

Douglas R. Day

Squamish & Vancouver

Dear Mayor and Council,

Squamish's economy is starting to flourish. All the signs look promising and the future seems bright. This positive momentum gives us the opportunity to return us to a solid and sustainable financial situation, with reasonable debt and growing tax revenues driven by economic growth.

I am concerned that significant financial commitment of major infrastructure that is being asked from the DOS for the SODC development will be a burden that will tip the scales against us. One of my main concerns is that I have not seen evidence that the tax revenue generated from this land will offset the investment in infrastructure required and thus will be a burden to all tax payers of Squamish. I am concerned that granting tax relief through the Squamish Revitalization Tax Exemption will reduce the payback and will essentially be a subsidy to the corporations involved in the development. In addition the changes to the DCC bylaw may hamper future development in other areas of town.

I would love to see the Oceanfront revitalized. However, I fear the lure of a nicer waterfront and a beautiful park and the difficulty in understanding this complex deal is clouding judgment for the majority of Squamish citizens and they do not see the true fiscal realities. I would encourage you, as our representatives who have been privy to all the information, to fully examine the financial projections and, based on conservative estimates, affirm that the business case for the tax payers of Squamish is sound. It should be clear to you that the investment and commitment to further sizeable debt will yield a positive return. I am not an expert in real estate development. Nor have I had all the relevant information regarding this topic. However, I do know that if we spend more than we expect to make in the medium term, we will be in essence subsidizing this development and creating cost that will never be recovered.

You are aware of the range of proposed capital projects that require more debt and more ongoing costs ranging from the upgrading of sewers to the creation of a debris barrier on the Cheekye. At this point in our financial recovery it would be prudent to take the time and plan carefully what debt we can afford to take on, what debt is absolutely necessary, what debt will provide a positive cash flow return, and what debt we should prudently pause.

Please proceed with caution as this will have a lasting and significant financial legacy on us all one way or the other.

Jeff Cooke
Garibaldi Highlands, BC.

Squamish & District Forestry Association

P.O. Box 390, Squamish B.C. V8B 0A3

March 16, 2015

District of Squamish
Box 310, Squamish BC
V8B 0A3

Dear Mayor Heintzman and District of Squamish Council:

Request regarding draft March 17 SODC Sub Area Plan Amendment Consultation Resolution

We note that Council will consider a SODC Sub Area Plan Amendment Consultation Resolution at its Tuesday, March 17 Regular Business Meeting.

The Squamish and District Forestry Association was given opportunity to speak at the February 16 Council Committee of the Whole, where the draft (Squamish Oceanfront) Official Community Plan Amendment Bylaw No. XXXX, 2015 was received by Council. At that opportunity we addressed the matter of a covenant to be inserted into the Amendment Bylaw. Discussion of a covenant applying to the Cattermole Slough area facing Squamish Terminals Ltd. is already found in the draft bylaw.

The Forestry Association suggestion of new attention to a covenant was favourably received on February 16 by Deputy CAO Linda Glenday and by prospective Squamish Oceanfront developer Michael Hutchison. It was soon afterward also discussed with Mayor Heintzman.

Since this time, the Forestry Association has undertaken consultations with representatives of Squamish Terminals Ltd. concerning common interests as immediate neighbours of the Squamish Oceanfront property. Research has also been undertaken regarding potential approaches to a noise covenant.

The draft Consultation Resolution for your consideration at Tuesday's Regular Meeting cites *Local Government Act* section 879 (2)(b) in recommending a specific list of agencies to be considered for early and ongoing consultation regarding the Squamish Oceanfront Sub Area Plan Amendment.

The Forestry Association and Squamish Terminals Ltd. would not be included in this recommended list of agencies described under 879 (2)(b); but could be considered under the more general scope of 879 (2)(a) – “persons, organizations” which may be affected. 879 (2)(a) is not referenced in the draft consultation resolution.

The draft consultation resolution and relevant sections of the Local Government Act are attached for your reference, below.

Squamish and District Forestry Association represents Site B lease holders and Mamquam Blind Channel log handling and marine commercial transportation interests. We suggest that the Association should be considered for early and ongoing Squamish Oceanfront Sub Area Plan Amendment consultation, alongside adjacent leaseholder and deep sea terminal operator Squamish Terminals Ltd.

We wish to request that this consultation with Squamish Oceanfront immediate neighbours be considered for inclusion in the resolution to be discussed at your Tuesday meeting.

Thank you for your consideration.

Mike Wallace RPF (RET'D.)
President,
Squamish & District Forestry Association

cc:
Squamish Terminals Ltd.
Linda Glenday – Deputy CAO, District of Squamish
Gary Buxton – General Manager, Development Services & Public Works

DRAFT SODC Sub Area Plan Amendment Consultation Resolution:

<https://squamish.civicweb.net/Documents/DocumentList.aspx?ID=109676>

Regular Meeting of the Council of the District of Squamish to be Held on Tuesday, March 17, 2015 at 6:00 PM

SODC Sub Area Plan Amendment Consultation Resolution

Staff Recommendation:

Section 879 Local Government Act

WHEREAS s. 879 of the Local Government Act requires that in addition to a public hearing Council must provide opportunities it considers appropriate for persons, organizations and authorities it considers will be affected;

AND WHEREAS Council must consider whether the opportunities shall be early and ongoing and specifically consider whether consultation is required with entities described in s. 879(2)(b);

NOW THEREFORE COUNCIL RESOLVES AS FOLLOWS:

1. Staff will send a copy of the proposed Squamish Oceanfront Sub Area Plan (SAP) Amendment to the following entities and request comment within 30 days:

(a) Squamish-Lillooet Regional District Board,

(b) the Squamish Nation,

(c) the District School Board,

(d) the Province, including its Ministry of Environment, Ministry of Transportation, and Ministry of Forests, Lands and Natural Resources;

2. The District will hold a public information meeting on the SAP amendment on April 8, 2015;

3. A copy of the SAP amendment will be posted on the District website;

4. Council will consider input from the consultation process prior to the SAP amendment public hearing

Local Government Act Section 879:

[http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20L%20--/Local%20Government%20Act%20\[RSBC%201996\]%20c.%20323/00_Act/96323_30.xml#section879](http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20L%20--/Local%20Government%20Act%20[RSBC%201996]%20c.%20323/00_Act/96323_30.xml#section879)

Consultation during OCP development

879 (1) During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

(2) For the purposes of subsection (1), the local government must

(a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and

(b) specifically consider whether consultation is required with

- (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan,
- (ii) the board of any regional district that is adjacent to the area covered by the plan,
- (iii) the council of any municipality that is adjacent to the area covered by the plan,
- (iv) first nations,
- (v) school district boards, greater boards and improvement district boards, and
- (vi) the Provincial and federal governments and their agencies.

I received some offline feedback on my original post/email and although I still have some outstanding questions, I thought I should share my updated understanding and thoughts/questions.

In general, I think the SODC project seems like it could be a good project. What I'm still a little unclear on is whether we can afford it (or afford not to do it) and whether or not it's a "good deal". That definitely shouldn't be taken as a suggestion that we can't afford it or that it's not a good deal, but rather just stuff that I'm not clear on.

Although I understand DCC's better based on some of the feedback I received, there are still some outstanding questions in my mind around how we're funding infrastructure in Squamish. I do realize now that looking at DCC's alone doesn't tell the whole story, and some of my original questions around DCC's don't really make sense. There's a lot of complexity in much of this stuff, and thinking about, "good governance", neither the public, nor council should have to worry too much about the detail of this complexity. However, we do need to feel comfortable that our community is making the right decisions. In that context, I've come up with an alternate set of (better?) questions, and some new ones:

- Can we manage something along the lines of the Cheekeye development as well as the proposed SODC development concurrently? After reviewing our "Intergovernmental Cooperation Accord" (signed in 2011 - <http://www.squamish.ca/assets/SqNation-Cooperation-Accord-2011.pdf>), I personally feel strongly that we need to move forward with something very much along the lines of the Cheekeye proposal - especially if we proceed with SODC.
- Is SODC meant to drive growth, or simply accommodate growth that would happen regardless of SODC? If it is the former, what's our growth target (magnitude and timeline) and how are we going to measure whether or not it's had its desired effect?
- SODC is meant to help satisfy some of the goals/policies in our OCP. How are we going to measure the success of SODC in achieving those goals? For example, one of our goals is to, "Make efficient use of the limited land base". How will we know objectively if SODC (or any other development) is meeting this goal? One idea might be a metric around direct infrastructure cost per job or bed at any given development?
- The OCP talks very clearly about "Downtown first". But in the OCP, there doesn't seem to be much in terms of what specifically that means(?) I'd like to have concrete clarity on what "Downtown First" really means. For example, "for every dwelling/commercial office/bed we'll enable outside of downtown, we'll enable 5 comparable units in the downtown". Or, "our growth target for downtown is 5 times that of elsewhere in Squamish", and/or, "our goal is a 10% increase in policing costs for the downtown, and 4% for elsewhere", and/or, "our target is that 70% of all infrastructure spending will relate to servicing the downtown/oceanfront", etc. Then we can look at the details of things like the SODC front-end and see if it matches our general policies. Right now, the SODC front-end has effectively become a proxy for the debate about what exactly "Downtown First" really means.

- What are our general growth targets (magnitude and timeline), what are we willing to pay/give up for this growth, what do we expect to receive for the growth (taxes, diversity, ...), and does the SODC deal and targeted related growth match up to our targets?
- Is our plan to see what growth comes, and then try to accommodate as much of it as possible, or is our plan to limit growth (via limiting permitting, infrastructure spending/borrowing) to a certain amount year over year? (i.e. reactive/maximal growth vs. proactive/moderated growth)? I guess my preference is the latter, along with an understanding of how projects like SODC fit into that, and a clear plan to fund infrastructure related to the level of growth we want.
- What are our goals with respect to the RTE (downtown/SODC tax exemption)? For example, "our target is 25% of SODC commercial space occupied within 5 years, with post-RTE total tax value of \$x dollars, and 75% of SODC commercial spaced occupied within 8 years with a tax value of \$y dollars". I have seen various scenarios presented, but I don't think I've seen our actual goals articulated clearly.
- Similar to the RTE question, having passed a DCC bylaw update, what are our goals for municipal vs. developer spending on infrastructure, and what are our growth goals (magnitude and timeline) for various areas in town?

My new set of questions aren't necessarily, easier to answer, but they are meant to shift the discussion to the broader goals we can understand better than the nuts and bolts of specific deals that we shouldn't have to worry about. I'm not looking to redefine what's in the OCP, but rather make the OCP more concrete in terms of measurable targets so we can more objectively understand if projects like SODC are desirable and achievable.

Chris Pettingill
(604) 567-3367

From:
Sent: Tuesday, May 05, 2015 12:22 PM
To: council@squamish.ca
Subject: SODC/DCC/RTE

Dear Mayor and Council,

Thanks for holding the SODC information session at the Adventure Centre a couple of weeks ago. It gave me a lot to think about, and it raised a number of new questions for me. I hope Council and/or District Staff is able to provide answers to these questions:

- What was the approximate land value (both serviced and unserved) of the SODC land when the deal with Bethel was initially drafted?
- What is the approximate land value (both serviced and unserved) of the SODC land today? (I know we may not have exact figures, but we should be able to come up with reasonable numbers).
- How has the change in land value (serviced and unserved) impacted the terms of the deal we're now thinking about signing?
- Related to the above, my understanding of the downtown RTE (tax exemption) was that it essentially reduces costs for those developing the land, which in turn they presumably pass on to buyers, which presumably in turn leads to more development and sales in a shorter period of time. The RTE was conceived at a time when the land values and demand were significantly lower. Now that we're about to finalize the deal, I believe the land values are a lot higher, but the SODC land purchase price has not really changed(?) So, hasn't the boost in land value, with no corresponding increase in land cost to Bethel effectively provided the cushion to pass on to savings to buyers? Shouldn't we reserve an RTE for times when the market is soft? (Or at least adjust the RTE down to reflect the increase in land value)?
- I know that a number of SODC infrastructure projects have been removed from DCC eligibility. However, developers have told me that there's still SODC infrastructure that will be eligible for DCC's that any other developer would normally pay 100% for. (I understand DCC's are something developers pay into, but at the same time, when infrastructure is built, a portion of the cost is paid by the DCC fund, meaning a developer only has to pay a portion of infrastructure costs).
 - Is the level of DCC-funded projects for the SODC development comparable to other developments. If not, why not? (With this question, I'm not referring to the "front-ender" agreement, but rather the cost of projects deemed available for DCC's)?
 - If there is a discrepancy, Is this because other developers don't take full advantage of DCC's (and the corresponding municipal contribution)?
 - Do developers need to actively do something to ensure infrastructure related to their projects take full advantage of DCC's? (It seems with SODC, there has been a lot of negotiation around what is eligible for DCC's so it's somewhat up to developer lobbying)?
 - What would the financial impacts be if all developments took full advantage of DCC's?
- What is the criteria for whether or not a development can enter into a "front-ender" agreement. My understanding is that it is proposed that SODC will get 90% of downtown DCC contributions for 20 years (or until all DoS obligations for SODC-related infrastructure has been paid for, plus interest). If another downtown developer wanted a similar front-ender, we could do that, meaning the 2 developments would get 180% of downtown DCC contributions. We'd cover the 'extra' 80% over contributions through loans or reserves or, ... ? Is there a cap or a way to ensure that front-enders are made available equally, or is it simply first-come-first-serve?

- Regardless of DCC's and "front-ender" agreements, when there's a new development, taxpayers will typically have to fund some degree of infrastructure necessary to complete the development. Certain projects (especially ones that sprawl from existing infrastructure) have a higher burden on taxpayers per each dwelling/bed in the development. We have other existing developable infill land. How does the taxpayer infrastructure burden per dwelling unit or bed on SODC lands or Cheekeye compare to that of some of the other infill land downtown and elsewhere? i.e. is it going to be more expensive to taxpayers to provide our growth on SODC and Cheekeye?
- My understanding is that there's some debate on our legal obligation to enable Squamish Nation develop the Cheekeye fan. However, there may be a strong moral obligation to do so, regardless of legal obligation. My understanding is that we have neither a legal nor moral obligation to move forward with SODC right now. If SODC and Cheekeye both represent higher taxpayer infrastructure burden relative to the increase in dwellings/beds, can our town afford to move forward with both at the same time?
- If we move ahead with SODC now, can Squamish Nation be assured this would not impact whether or not Cheekeye can move forward shortly, and related to that, can taxpayers be assured that these two developments are the most cost-effective way for the municipality to provide growth?
- If there has been a significant increase in in SODC land value of the past couple of years, would it be reasonable to use increased CAC's (Community Amenity Contributions) or some other tool to have the developer cover more of the SODC-related infrastructure costs such that taxpayer impact of developing these lands isn't greater than doing alternative infill development downtown?
- Have we modeled cost differences for policing, ambulance service and fire protection for SODC/Cheekeye compared to infill development? Presumably with SODC/Cheekeye we're expanding the land area that needs to be patrolled and protected and therefore they increase our taxpayer costs more than infill development?

My questions are not meant to suggest that I'm against the SODC development. I suspect in general most people like the basic plan (aside from outstanding concerns about whether or not Squamish is maintaining enough light/medium industrial lands with water access).

However, I also think that most people are assuming that the cost to taxpayers to have SODC or Cheekeye developed is no different than developing other infill lands. My understanding is that under the current terms, it is comparatively more expensive to taxpayers to develop SODC and/or Cheekeye. If that is correct, and if people understood it, I wonder if they would still be as supportive? It would be great to have a better understanding of the comparative cost to taxpayers to enable development in different areas.

PS: Sorry about the grammar and spelling ... I was rushing to get these questions out before 2nd and 3rd reading of the RTE and DCC bylaws today.

Chris Pettingill

From: DOUG DAY <>

Date: 28 February, 2015 2:25:09 PM PST

To: Patricia Heintzman <pheintzman@squamish.ca>

Cc: Ted Prior <tprior@squamish.ca>, schapelle@squamish.ca, drace@squamish.ca, kelliot@squamish.ca, pkent@squamish.ca, jblackman-wulff@squamish.ca

Subject: Fwd: Squamish DCC CAC SODC

Hello Everyone,

I believe you might have already received this?

I do not believe in hiding in the shadows and sneaking up on people that I know, when issues come to a head and a battle seems imminent.

We have reached that point here.

My strong recommendation to you is that you bring a halt to these convoluted arrangements going on regards the D.O.S. the SODC and DCCs and CACs

As I send this message to you a very concerned group of Citizens, of which I am just one, is planning Legal Action on separate fronts.

An injunction to halt the imminent give away of the SODC lands on terms so egregious for the D.O.S. that they simply defy logic.

A second route will be an application under the Local Government Act to petition the Minister to place the D.O.S. under Supervision until this land give away can be halted.

I am sorry it has come down to this.

I find that, individually, you are all bright and capable people.

But on this situation, you are up against a freight train that you seem incapable of stopping.

A runaway train that unless stopped, will financially destroy our town for at least a Generation.

Unless we see some plausible sign that you are putting all this on hold, the Actions described above will go ahead shortly without further notice to you.

These Actions will probably end up on the front pages of most major new papers and National TV outlets.

Is this what we all want for Squamish??

We are on the cusp of Greatness here, after 7-8 years of drudgery, layoffs, no jobs, foreclosures, unpaid tradespeople etc.

Please let us join our hands together and move our wonderful town forward.

Stop this giveaway now.

Respectfully submitted,

Douglas R. Day

Squamish and Vancouver

Sent from my iPad

Begin forwarded message:

From: DOUG DAY <

Date: 28 February, 2015 1:50:17 PM PST

To: Linda Glenday <lglenday@squamish.ca>

Cc: Council <Council@squamish.ca>
Subject: Re: Squamish DCC CAC SODC

Dear Linda,

Thank you for this info.

I will be providing a detailed response prior to March 12th.

However, in the meantime, my unwavering opinion is that this whole DCC CAC business is being ramrodded forward by you and a virtual army of paid consultants all to suit the convoluted sale of the SODC lands and the artificial time deadline of March 31/15

A sale to an Insider who has now hired one of the Senior Staff from the D. O.S. to help him stick it to the good people of Squamish on the worst real estate deal for a seller that I have ever seen.

If you collectively do not halt this nonsense, it will be done for all of you by a B.C. Supreme Court Judge by way of injunction.

What is occurring here, is perhaps the most egregious situation I have ever witnessed in my 47 years experience as Senior Banker and Real Estate Executive.

Stop this nonsense Linda and perhaps work on some other projects like maybe a few sidewalks here and there.

You and the others employed at D.O.S. have absolutely no experience whatsoever to be doing a deal as complicated and convoluted as these arrangements with Bethel Lands.

That is my position.

Respectfully submitted

Douglas R. Day

Squamish and Vancouver

Sent from my iPad

On 2015-02-27, at 11:25 AM, Linda Glenday <lglenday@squamish.ca> wrote:

Please see enclosed and message from Prashant Pandit.

Linda

Dear All

Following the consultation regarding proposed DCC with the District of Squamish Council on February 16, 2015, District staff was directed to remove the North & South Downtown Connector road and introduce a new Single Family Small Lot Category land use designation to DCC tariff. Attached is the revised package for proposed DCC for the District of Squamish. Please provide your feedback in writing to Ms. Linda Glenday, Deputy CEO, District of Squamish – lglenday@squamish.ca<<mailto:lglenday@squamish.ca>> no later than end of March 12, 2015.

If you have any questions regarding the information contained in the attached material please contact the undersigned.

Sincerely,

Prashant Pandit, MEng, PEng, PMP, LEED AP
PPM Consulting

Hi All,

In reviewing the LP agreement for the SODC, it appears that the not only the cost of servicing falls on the shoulders of the DOS, but also all of the risk, as the Limited Partner (the DOS) holds harmless the General Partner (Bethel) from any and all liabilities. Yet, the GP makes all of the decisions, profit and fees, and they can amend the LP agreement unilaterally at any time. That does not offer much protection if things don't go as planned. The whole point of a Limited Partnership is to limit the liability of the limited partner. Remember, partnership agreements are no problem when everything goes as planned, but they are in place to make sure partners act as promised when things aren't all beer and skittles. If the DOS is going to take on that kind of risk, why doesn't the DOS do the development themselves or enter into a more realistic and favourable agreement? Face it, council will change over the years, but the decisions they make now will have very far reaching and long term effects. Make sure the decisions you make in the next few weeks are ones that you will be proud of for the rest of your life.

Thank you.

Grant Gillies

Dear Mayor, Council, and Christine,

Unfortunately this is a community that is dominated by the vocal minority which opposes progress of almost any sort. Grandiose visions of a successful and bustling local economy (of any type) is being stifled by impediments put in place of businesses wanting to move the town in a positive and progressive direction. Businesses need stable and predictable processes in order to have confidence that their investments and efforts will come to fruition. The recent episode with the Fortis application is a perfect example of why any intelligent business would thumb their noses at a reluctant and stubborn municipality that does not even follow their own bylaws. 'If you come to Squamish don't expect our government or citizenry to follow the rules.'

The first SODC MOU was signed in 2006 yet we are still unable to commit ourselves in the direction of the existing OCP with a developer which has agreed to build our dream. Now, 9 years later, the mayor is stressing the importance of an OCP that is out of date. Why are we unable to stick with what we've got so the next OCP doesn't collect dust while we relentlessly debate the intentions of anyone wanting to create a progressive community? Stop being obsessed with every decision you make and have some courage for once. Would someone please step up to the plate and take the risk!!!??

It took three years for people to realize that the new highway makes Squamish a livable community for people working in Vancouver. We all know the appeal that Squamish holds from a lifestyle perspective, the continued growth is a certainty. We need to shift our revenue base to local businesses. Why is it that we cannot commit ourselves to a chosen path (as chosen by our community) as Whistler did in the 80's? I urge council to be more conducive to businesses wanting to establish positive operations here rather than being sceptical of anyone who walks into municipal hall. This community doesn't realize that people have to make a profit in order for there to be any appeal to make change happen.

Regards,
Colin Green, P.Eng, FSR-A
Industrial Power Systems Engineer

Dear Mayor, Council, and Christine,

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Regards,
Colin Green, P.Eng, FSR-A
Industrial Power Systems Engineer

From: DOUG DAY >

Date: 12 December, 2014 8:57:05 AM PST

To: "pheintzman@squamish.ca" <pheintzman@squamish.ca>

Subject: SODC LandsDear Mayor & Council,

Congratulations to all of you on your recent election to the District of Squamish Council.

We have exciting times to look forward to in our town, and it is nice to see that we have such a diverse group of talented people to handle our affairs.

You will be hearing from me quite often as your four year terms run along, but only when I feel there is something important for you to hear.

The first and foremost on my list of problems facing our town is what to do about about the SODC lands?

I have the solution which has not changed in the some 11 years since we acquired those lands. Get rid of all the junk down there, plant grass seed and place a few park benches around the place and use the lands for Park space.

There are privately held lands North of the Brew Pub already zoned and serviced for some 10,000 Condo units which is over a hundred year supply based on a reasonable absorption of a hundred units per year.

(about 4 times the historical absorption rate/year)

These lands do not need \$100,000,000 in site servicing to bring them to the point they can be developed.

The SODC lands are most inappropriate for residential development for many reasons.

First and foremost is the rising sea levels we are faced with.

Even this week, without rising sea levels, the site was totally under water.

Then there are the incredible winds that hit that peninsula on a regular basis.

(there is a reason that Squamish is referred to as the Wind Surfing Capital of Canada)

And finally there is simply no possible way to recover the some \$100,000,000. in servicing costs for that site thru development.

Even taking 100% of all DCCs in Squamish for the next 100 years would not even pay the interest costs on that sum of money.

So in short, let's quit fooling ourselves and the public about that property, pay off the debt with other assets we have and move on.

The development of that property does not hold the key to the future success of our town.

Turning the lands into the Squamish equivalent of Stanley Park would be a visionary positive step.

Just as Stanley Park borders on the highest density development on Canada

(the West End high rises and office towers) so would the SODC lands share that same purpose.

A major waterfront park in the heart of the City.

Had the powers that be over the past 3 Councils listened to me, we would not have a dime of debt on those lands and the Public would have been able to use the entire site for Park use for the past decade.

But then what do I know?

I have had 46 years of success as a Developer and Bank President that's what I know.

Be pleased to meet you anytime to expand on my views.

Respectfully submitted,

Douglas R. Day

Squamish & District Forestry Association

P.O. Box 390, Squamish B.C. V8B 0A3

March 16, 2015

District of Squamish
Box 310, Squamish BC
V8B 0A3

District of Squamish

MAR 16 2015

RECEIVED

Dear Mayor Heintzman and District of Squamish Council:

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We note that Council will consider a SODC Sub Area Plan Amendment Consultation Resolution at its Tuesday, March 17 Regular Business Meeting.

The Squamish and District Forestry Association was given opportunity to speak at the February 16 Council Committee of the Whole, where the draft (Squamish Oceanfront) Official Community Plan Amendment Bylaw No. XXXX, 2015 was received by Council. At that opportunity we addressed the matter of a covenant to be inserted into the Amendment Bylaw. Discussion of a covenant applying to the Cattermole Slough area facing Squamish Terminals Ltd. is already found in the draft bylaw.

The Forestry Association suggestion of new attention to a covenant was favourably received on February 16 by Deputy CAO Linda Glenday and by prospective Squamish Oceanfront developer Michael Hutchison. It was soon afterward also discussed with Mayor Heintzman.

Since this time, the Forestry Association has undertaken consultations with representatives of Squamish Terminals Ltd. concerning common interests as immediate neighbours of the Squamish Oceanfront property. Research has also been undertaken regarding potential approaches to a noise covenant.

The draft Consultation Resolution for your consideration at Tuesday's Regular Meeting cites *Local Government Act* section 879 (2)(b) in recommending a specific list of agencies to be considered for early and ongoing consultation regarding the Squamish Oceanfront Sub Area Plan Amendment.

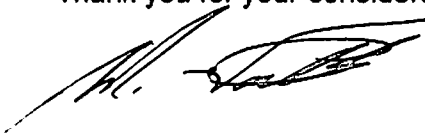
The Forestry Association and Squamish Terminals Ltd. would not be included in this recommended list of agencies described under 879 (2)(b); but could be considered under the more general scope of 879 (2)(a) – "persons, organizations" which may be affected. 879 (2)(a) is not referenced in the draft consultation resolution.

The draft consultation resolution and relevant sections of the Local Government Act are attached for your reference, below.

Squamish and District Forestry Association represents Site B lease holders and Mamquam Blind Channel log handling and marine commercial transportation interests. We suggest that the Association should be considered for early and ongoing Squamish Oceanfront Sub Area Plan Amendment consultation, alongside adjacent leaseholder and deep sea terminal operator Squamish Terminals Ltd.

We wish to request that this consultation with Squamish Oceanfront immediate neighbours be considered for inclusion in the resolution to be discussed at your Tuesday meeting.

Thank you for your consideration.



M. Wallace RPF(Ret.)

President,
Squamish & District Forestry Association

cc:
Squamish Terminals Ltd.
Linda Glenday – Deputy CAO, District of Squamish
Gary Buxton – General Manager, Development Services & Public Works

DRAFT SODC Sub Area Plan Amendment Consultation Resolution:

<https://squamish.civicweb.net/Documents/DocumentList.aspx?ID=109676>

Regular Meeting of the Council of the District of Squamish to be Held on Tuesday, March 17, 2015 at 6:00 PM

SODC Sub Area Plan Amendment Consultation Resolution

Staff Recommendation:

Section 879 Local Government Act

WHEREAS s. 879 of the Local Government Act requires that in addition to a public hearing Council must provide opportunities it considers appropriate for persons, organizations and authorities it considers will be affected;

AND WHEREAS Council must consider whether the opportunities shall be early and ongoing and specifically consider whether consultation is required with entities described in s. 879(2)(b);

NOW THEREFORE COUNCIL RESOLVES AS FOLLOWS:

1. Staff will send a copy of the proposed Squamish Oceanfront Sub Area Plan (SAP) Amendment to the following entities and request comment within 30 days:

- (a) Squamish-Lillooet Regional District Board,
- (b) the Squamish Nation,
- (c) the District School Board,

(d) the Province, including its Ministry of Environment, Ministry of Transportation, and Ministry of Forests, Lands and Natural Resources;

2. The District will hold a public information meeting on the SAP amendment on April 8, 2015;

3. A copy of the SAP amendment will be posted on the District website;

4. Council will consider input from the consultation process prior to the SAP amendment public hearing

Local Government Act Section 879:

<http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20L%20-->

[/Local%20Government%20Act%20\[RSBC%201996\]c.%20323/00_Act/96323_30.xml#section879](http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20L%20--/Local%20Government%20Act%20[RSBC%201996]c.%20323/00_Act/96323_30.xml#section879)

Consultation during OCP development

879 (1) During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

(2) For the purposes of subsection (1), the local government must

(a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and

(b) specifically consider whether consultation is required with

(i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan,

(ii) the board of any regional district that is adjacent to the area covered by the plan,

(iii) the council of any municipality that is adjacent to the area covered by the plan,

(iv) first nations,

(v) school district boards, greater boards and improvement district boards, and

(vi) the Provincial and federal governments and their agencies.

May 11, 2015

File #: TBA
Direct: 604 605 8344
Email: rdefilippi@boughtonlaw.com

BY EMAIL & REGULAR MAIL

District of Squamish
Municipal Hall
37995 Second Avenue
Squamish, British Columbia
V8B 0A3

Attention: Mayor & Council

Dear Sirs and Mesdames:

**Re: District of Squamish Phase Development Agreement Authorization
Bylaw No. 2387, 2015
District of Squamish OCP Bylaw 2100, 2009,
Amendment Bylaw (Squamish Oceanfront Peninsula Sub Area Plan)
No. 2385, 2015
District of Squamish Zoning Bylaw 2200, 2011,
Amendment Bylaw (Comprehensive Development Zone No. 69-Squamish
Oceanfront) No. 2386, 2015**

We are the lawyers for Squamish Terminals Ltd. ("Squamish Terminals"), Squamish Mills Ltd. ("Squamish Mills") and West-Barr Contracting Ltd. ("West-Barr") in connection with the captioned matter.

This letter is a request by our clients that consideration of the captioned Bylaws be deferred by the District until certain challenges discussed below have been properly mitigated.

This is not the first occasion where the District and others have considered a series of initiatives in reaching a satisfactory balance between protecting the area's biological diversity and achieving its economic potential.

In 1999, following an extensive review and investigation that commenced in 1979, the District, the federal Departments of Fisheries and Oceans and Environment Canada, and the provincial Ministry of Environment, Lands & Parks along with BCR Properties Ltd. developed the ***Squamish Estuary Management Plan 1999***, a copy of which is attached (the "Estuary Plan").

While the entire Estuary Plan bears reading, certain aspects should be highlighted.

At Clause 2.1, the unique nature of the estuary in economic terms was noted:

"In terms of economic development, the estuary offers a rare opportunity to link the BC Rail mainline with accessible tidewater and develop a new marine terminal. In addition, the forestry industry, an important component of the local economy, makes extensive use of the Mamquam Channel for log handling."

The Estuary Plan contemplated the designation of specific areas to ensure that the loss of habitat in the industrial/commercial area was compensated by the enhancement of habitat in the conservation area. As noted at Clause 2.2:

"Fundamental to economic development in the Squamish harbour is the need for clarity regarding which areas can be developed and under what conditions or prescriptive measures for environmental protection. Additional facilities for transportation, port back up and long term port development are also needed to help meet expected provincial demand for both inbound and offshore product movement. Tidewater booming, storage and transportation sites for logs need to be ensured and the growing demand for marinas and public boat launch ramps needs to be met."

With respect to log sorting businesses in particular, at Clause 2.3 the report noted, in part:

"Log handling facilities are required in the Squamish estuary by all logging companies operating in the Squamish Forest District. They are used for processing of logs from harvested sites, as well as resorting and re-handling logs from sources outside of Squamish.

...

Log handling facilities in the Squamish Estuary have been an integral part of the forest industry in the Squamish Forest District since the beginning of logging. Squamish's location on the lower costs, and availability of the rail line, offers unique advantages to local logging companies.

...

There are presently 10 waterfront sites in Squamish. Three sites are strictly dump sites and the other 7 are combination dumping and booming sites. ***The Ministry of Forests and the forest industry are dependent on the continued availability of log handling sites, particularly foreshore areas for dumping and booming logs.*** The availability of sites is limited because of the rugged terrain, environmental sensitivity and current land zoning. Current and future options are expected to diminish unless steps are taken to secure these sites.

...

The Ministry of Forests and the forestry industry believe it is ***vital*** to secure an upland dryland sort and maintain no less than two assured long-term suitable waterfront sites that can accommodate a multitude of lift and lower machines with protected foreshore of no less than 20 hectares and suitable adjoining upland of no less than 12 hectares as well as 36 hectares for boom tie-ups, located mainly outside of the SEMP area."

Thereafter, the Estuary Plan was implemented to a great extent culminating in the movement of existing business operations, the establishment of new business operations along with the protection of the conservation areas, and the completion of habitat improvement projects.

According to Schedule "B" to Bylaw 2157, 2010 Squamish Oceanfront Peninsula Sub Area Plan (the "Plan"), the project contemplated for the Squamish Oceanfront peninsula encompasses a multi-use development that will include small businesses, restaurants, parks and residences. Some 29% of the land area will accommodate residential land uses with a total anticipated resident population of approximately 6,500 people at build out.

The Plan does present a unique oceanfront development opportunity for the District in terms of the next generation of economic and community growth. However, this opportunity must only be pursued in coordination with the existing community: residential, commercial and industrial.

None of our clients are opposed to the redevelopment of the SODC peninsula. However, as municipalities (including Squamish) continue to urbanize and place a greater emphasis on curbing urban sprawl, new challenges arise. Areas close to commercial and industrial operations are challenging settings for new developments, in particular for residential developments, and it is often difficult to reconcile the expectations and concerns of residents with those operations. Complaints and conflicts will almost always arise, e.g., ***Noise battle brews on banks of Fraser*** (Vancouver Sun, May 7, 2015).

For this reason, new developments must be carefully planned and mitigation measures established at the outset so as not to unduly expose residents to the impacts of the commercial and industrial operations and not to deter the continued operation of those businesses or their potential for future expansion thereby putting jobs, taxes, revenues and livelihoods at risk.

Municipalities must take a proactive approach in identifying and planning for potential conflicts between established commercial and industrial operations and the new developments to be constructed in close proximity to those operations.

Squamish Terminals has operated a deep-water, break-bulk terminal immediately south-west of the peninsula since 1972. It is one of the largest break-bulk terminals in North America and handles lumber, steel and other cargos. Continual service of the facility by rail, truck and ocean-going vessels ensures access by its customers to markets throughout the world. The facility has two (2) shifts and operates seven (7) days a week. It receives railcars from CN Rail on a daily basis, usually between 11:00 p.m. and 2:00 a.m. Correspondingly, it is also serviced by trucks and ocean-going vessels.

As part of its normal operations, the facility loads and unloads cargo utilizing various types of loading equipment such as forklifts, cranes, small trucks and the like. In addition, the facility is the site of a railyard where railcars (loaded and unloaded) are moved (shunted) back and forth in the yard. It employs in excess of 100 employees most of whom live in the Squamish area.

Squamish Mills and West-Barr operate log sorting operations immediately to the east of the peninsula. Their facilities each employ in excess of fifteen (15) individuals and collectively represent the most important and viable log sorting location in the area. And as with all other log sorting operations, the equipment involved includes loaders, logging trucks and facilities to accommodate both rail and marine traffic.

These three businesses, in the normal course of operations, generate noise, lights (flood, flashing and warning), horns, whistles and beepers, traffic, vibration and dust. The customers these businesses serve operate within a variety of transportation networks, including truck, rail and ocean shipping, with these businesses being simply one component of those networks. Delays or stoppages in the flow of cargo and products through those networks can be devastating and none of our clients (nor their customers) are in a position to modify or control the timing or movement of cargo and product traffic.

Historically, these operations have been separated from the current Squamish commercial/residential areas with the result that complaints and conflicts have been kept to a minimum. However, the implementation of the SODC Plan will mean that commercial/residential areas will advance ever closer to the commercial operations leading to the challenges discussed above.

Our clients have had a limited opportunity to review the Plan. Beyond argument, it is bold and exciting, however it does not discuss or address the inevitable impacts that will occur as the project advances in closer proximity to the existing industrial and commercial operations.

For this reason, our clients ask that the meeting of May 12, 2015, in relation to items 7(A) and (B) be adjourned until the District staff has had an opportunity to fully consult with our clients and to consider the inevitable proximity challenges on one hand and on the other, to develop effective mitigation strategies and alternatives for consideration by the District council and the public as a whole.

Our clients' initial concern is that as the project populates the peninsula, the new residents and businesses will come to view our clients' operations as being inconsistent or incompatible with their expectations and in turn, will seek remedies from the District which may include possible legal proceedings, operation restrictions, amended bylaws, changes in zoning regulations and the like which will have a direct impact on their financial viability, employment opportunities in the area, revenues to the District and the forest industry as a whole.

For this reason, it is imperative that mitigation processes be put into place, now, in the context of the existing SODC Plan to address the challenges that will inevitably arise. There are a variety of tools available to the District including statutory covenants, disclosure statements, long-term commitments, design criteria and the like. Our clients are interested in meeting with District staff to discuss those and any other mitigation strategies that would see the overall development on the peninsula work in harmony with the existing operations.

Given the public hearing is tentatively scheduled for May 26, 2015, it is important that the members of the Squamish public (who will likely be the owners/occupiers of the residential units and the owners/operators of the associated businesses) have a full and complete opportunity to learn of, consider and discuss any impact mitigation measures before the project gets underway.

Our clients are committed to participating in such a process and working with District staff in that regard.

Yours very truly,

Boughton Law Corporation
by Richard R. E. DeFilippi Law Corporation

Per: 
R.R.E. DeFilippi

RRED/ks
Encl.

cc: BCR Properties Ltd.
Attention: Richard Myhill-Jones

Squamish Nation
Attention: Chief Gibby Jacob

Squamish Nation
Attention: Chief Dale Harry

CN Rail
Attention: Gary Hanson

Ratcliff & Co.
Attention: Karl Stephan

Squamish Oceanfront Development Corp.
Attention: info@squamishoceanfront.com

Jordan Sturdy, MLA
Attention: jordan.sturdy.mla@leg.bc.ca