

Mayor and Councillors:

Yesterday's Coast Reporter, p. B 14, contains a Notice of Waiving of Public Hearing for Bylaw 25-195-1, Silverback Comprehensive Development Text Amendment. This bylaw was discussed at Planning July 10, 2007.

In light of this notice, I am re-sending for your convenience information sent Thursday to the Coast Reporter from the July 10 Planning Committee materials and minutes, along with added excerpts from the administrator's report. Taken together, these excerpts confirm the expectation at that time that the public would be informed about the development agreements for Silverback before Council went to 4th reading.

From the administrator's report to Planning Committee explaining the purpose of the text amendment, Bylaw 25-195-1:

"While it is not normal practice or a requirement, it is recommended the text amendment and development agreement be presented at a public hearing to provide final information about the project."

Hence the administrator's final recommendation (see below) that Council decide whether to hold a public hearing not just on the text amendment, but also on the development agreement--to repeat, "a public hearing to provide final information about the project."

Further, here are the administrator's options/alternatives:

1. Alternative one is for Council to give first reading to Bylaw 25-195-1, 2007, presenting the housekeeping text amendment at a public hearing with the final development agreement.
2. A second alternative is for Council to give first reading to Bylaw 25-195-1, 2007 and forward the bylaw to a public hearing.
3. A third alternative is for Council to waive the public hearing for this housekeeping amendment.

From the framing of these alternatives, one must infer that a public hearing is in fact normal and required for a text amendment bylaw--hence the current notice of waiving of a public hearing for this proposed bylaw. One can further infer that it was the linking of this required process for bylaw consideration with the release of the development agreement in the public hearing format that was not normal or required, in the advice of the administrator. Nevertheless, linking the two was his first option, and his reasons are given in his comments on communications strategy--community interest in the proposal, which is "the largest development in the community." He goes on: "Because of that, Council may choose to hold a public hearing for this text amendment, and use the opportunity to present the companion development agreement."

Planning Committee instead resolved (see below) to separate the two: to forward the bylaw to Council for first reading, and to schedule a workshop to review the development agreement. Mayor Reid and Councillor Poole further confirmed, both at July 10 Planning and at July 18 Council, in answer to a question from the public, that the workshop would be a public workshop, to which community associations would be invited. Incidentally, the bylaw was given first reading July 18. The workshop was never scheduled.

In my email to you, I expressed the hope that Council could find a way to honour its previous intentions to make the development agreements public prior to 4th reading, so that residents could decide for themselves whether concerns expressed at the public hearing on Silverback had been addressed through these agreements. If the agreements are good ones, residents will see that and congratulate Council and staff on representing the best interests of the community. Proceeding to a vote this Wednesday on agreements that the public has not had an opportunity to see, contrary to Council's previous commitments, can't help but invite suspicion that there is something to hide, or at best rush through despite community misgivings expressed at the public hearing.

I can see three options, and perhaps you can suggest others. One is for the agreements to return to Planning Committee, as anticipated by the director of planning in his letter of Nov. 16, 2006 to the East Porpoise Bay

Ratepayers Association, forwarded to you by Lorraine Gallant yesterday. Another is to fulfill the motion at July 10 2007 Planning Committee and hold a public workshop. A third is to revert to the administrator's initial Option 1 and hold a public hearing on the text amendment, along with the finalized development agreements.

I need to inform you that I consider this correspondence to be public information.

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