



This is the 1st Affidavit
of CURTIS SCOVILLE in this case
and was made on 19/Dec/2018

**No. S1811213
VANCOUVER REGISTRY**

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

3L DEVELOPMENTS INC.

PETITIONER

AND:

COMOX VALLEY REGIONAL DISTRICT

RESPONDENT

AFFIDAVIT

I, CURTIS SCOVILLE, regional district alternate director, of 600 Comox Road, Courtenay, British Columbia, V9N 3P6, SWEAR THAT:

1. I am the appointed alternate director on the Board (the "Regional Board") of the Respondent, Comox Valley Regional District, (the "Regional District"), for Electoral Area "C", and have held that position since June 10, 2014. I have personal knowledge of the matters hereinafter deposed to, save and except where those matters are stated to be based on information and belief, and to such latter matters, I verily believe the same to be true.
2. On March 29, 2011, the Regional Board adopted the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010", (the "RGS Bylaw"), which bylaw enacted the "Comox Valley Regional Growth Strategy", (the "RGS").

3. The Petitioner, 3L Developments Inc., ("3L Developments"), is and has been for some time interested in proceeding with the development of three parcels of land (the "Development Lands") located within Electoral Area "C". The development of the Development Lands is subject to the policies set out in the RGS.
4. On May 22, 2013, 3L Developments made application (the "RGS Amendment Application") to the Regional District to amend the RGS as a first step to authorizing 3L Developments to proceed with the development of the Development Lands for a large-scale commercial and residential development, commonly referred to as the proposed "Riverwood Development".
5. On June 10, 2014, I was first appointed by Mr. Edwin Grieve, the elected director for Electoral Area "C", as his alternate director. On December 2, 2014, I was reappointed by Mr. Grieve as his alternate director.
6. I have been advised by at least one member of the public that, prior to my first being appointed by Mr. Grieve as his alternate director, 3L Developments and, in particular, Mr. Kabel Atwall, a representative for 3L Developments, had been making enquiries in the community about me. I understood those enquiries to be in relation to my suitability to be appointed as Mr. Grieve's alternate director.
7. Since first being appointed by Mr. Grieve as his alternate director, I have, as the representative for Electoral Area "C", dealt with all matters relating to the Development Lands and, whenever I have been available, have attended and participated in all meetings of the Regional District with respect to any matter relating to the Development Lands.
8. Since Mr. Grieve first appointed me as his alternate director, Mr. Grieve has not discussed the Development Lands or any applications submitted to the Regional District in relation to the Development Lands, including the RGS Amendment Application, with me.

9. Each and every time that I have dealt with matters relating to the Development Lands and have attended and participated in meetings of the Regional District with respect to any matter relating to the Development Lands, I have acted in what I believe to be the best interests of the constituents of Electoral Area "C" and the Regional District as a whole.
10. In 2018, I attended and participated in meetings of the Regional District's Committee of the Whole (the "Committee of the Whole") and the Regional Board in relation to the RGS Amendment Application.
11. At the July 10, 2018, meeting of the Committee of the Whole, I voted against the motion recommending to the Regional Board that an amendment (the "Amendment") to the RGS in furtherance of the RGS Amendment Application be processed as a minor amendment. In my view, having regard to the report from Regional District staff presented at that meeting, and the recommendations of the Regional District's RGS Technical Advisory and Steering Committees, the Amendment was not a minor amendment as described in the RGS. While 3L Developments made submissions at that meeting that the Amendment met the minor amendment criteria in the RGS, those submissions did not persuade me that it did.
12. At the July 17, 2018, meeting of the Committee of the Whole, I again voted against the motion recommending to the Regional Board that the Amendment be processed as a minor amendment. At that time, I remained of the view that, having regard to the report from Regional District staff presented at that meeting, and the recommendations of the Regional District's RGS Technical Advisory and Steering Committees, the Amendment was not a minor amendment as described in the RGS. While 3L Developments made submissions at that meeting that the Amendment met the minor amendment criteria in the RGS, those submissions again did not persuade me that it did.

13. On July 23, 2018, I sent an email message to a constituent of the Regional District stating that "I will continue to oppose the motion for a minor amendment as I did on July 10 and 17."
14. At that time, I had not made any decision as to whether I supported or opposed the Amendment on its merits. With respect to the merits of the Amendment, I had voted in favour of recommending to the Regional Board that the Amendment be initiated so that its merits could be investigated.
15. At that time, I remained of the view that consideration of the Amendment should not proceed on the basis of it being a minor amendment. In my view, given the significant nature of the Amendment, it did not meet the minor amendment criteria in the RGS, and its consideration warranted a fulsome public consultation process. At that time, I did not believe that a minor amendment process would provide a sufficient public consultation process.
16. At the July 24, 2018, meeting of the Regional Board, I voted against the motion that the Amendment be processed as a minor amendment. At that time, I remained of the view that, again having regard to the report from Regional District staff presented at that meeting, and the recommendations of the Regional District's RGS Technical Advisory and Steering Committees, the Amendment was not a minor amendment as described in the RGS. While 3L Developments made submissions at that meeting that the Amendment met the minor amendment criteria in the RGS, those submissions again did not persuade me that it did.
17. With respect to the merits of the Amendment, at the July 24, 2018, meeting of the Regional Board, I voted in favour of initiating the Amendment so that its merits could be investigated, including through an appropriate fulsome public consultation process. At that time, I had not made any decision as to whether I supported or opposed the Amendment on its merits. Rather, I wished to receive


further information from 3L Developments, Regional District staff, the RGS Technical Advisory and Steering Committees, and the public in relation to the Amendment prior to making any decision on the merits of the same.

- 18. At the October 2, 2018, meeting of the Regional Board, I voted in favour of denying the RGS Amendment Application as, having regard to the report from Regional District staff presented at that meeting, and the recommendations of the Regional District's RGS Technical Advisory and Steering Committees, and having regard to the significant public opposition to the Amendment, I was of the view that the Amendment was not in the public interest. While 3L Developments had presented to the Regional Board prior to that meeting written submissions that the Amendment was in the public interest, those submissions did not persuade me that it was so.

SWORN BEFORE ME at Courtenay, British Columbia, on 19/Dec/2018.



A Commissioner for taking Affidavits for British Columbia


Curtis Scoville

**A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA**

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