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From: **APRM** <metchosinaprm@gmail.com>

Date: Fri, Jun 17, 2022 at 11:38 AM

Subject: June 13 Planning, Parks and Public Works Committee Notes

To:

Hello everyone:

Here are Jay Shukin's notes on the Council Committee meetings (Planning, Parks, Public Works) held on Monday, June 13. Meeting highlights:

Buffer Land. There were several interesting exchanges about the Buffer Land and information obtained by residents through a Freedom of Information (FOI) request. One key FOI finding was that in addition to the sale of the Buffer Land, the District had indicated its future intention to sell Sections 28 and 95 to the CRD. This provoked an interesting exchange between residents and Mayor Ranns, who suggested a connection between the Buffer Land sale to the CRD and Mary Hill. Learn about the Buffer Land FOI findings at [www.metchosinbufferland.com](http://www.metchosinbufferland.com)

New Bylaw Enforcement Policy. Council reviewed a draft of the new Policy including comments that the APRM and Bev Bacon had made to a previous draft. The Policy appears to be shaping up. A good thing, as the process to review Metchosin's approach to bylaw enforcement was launched in December 2019.

Thanks to all who attended the APRM's general meeting on June 9!

Here are Jay's notes on the Committee meetings:

**PLANNING COMMITTEE** [Full agenda here.](#)

Chair: Councillor Kahakauwila

### **Agenda**

Agenda approved.

### **Public Participation**

*Johnny Carline* thanked the councillors for their involvement in the Harmony for Ukraine event on Sunday, June 12. The trio of participating Councillors (Ranns, Kahakauwila, Epp) did well. He has received plenty of positive feedback.

*Rachel French de Mejia* pointed to the second anniversary of the bylaw infraction at the property on Annie Jackson Dr, and specifically the permanent stairs and platform drilled into the rocky Provincial foreshore in the Environmentally Protected Covenant. A covenant that the District put in place was a trade-off between the developer's needs and the protection of a sensitive

ecosystem. The covenant states that the property owners in the Tower Point estates cannot build anything remotely permanent along the protected waterfront areas – yet the two-year old permanent structure remains. She pointed to two scenarios this situation opens for the District: either it sets a stellar example of their commitment to bylaw enforcement and the stairs are removed by the owners; or Council does nothing and hopes the problem fades away. This second outcome would send residents a clear message that they can do whatever they want with their properties, without having the cost and inconvenience of paying for permits. That approach would be consistent with the on-going tradition of no meaningful consequences for soil dumping, tree cutting, industrial activity in residential zones, illegal dwellings etc. She asked for an update on the situation.

*Councillor Kahakauwila* believes there is an upcoming court date on this matter and that is all she can say.

*Nicole Shukin* thanked Council for their involvement in the Harmony for Ukraine event on Sunday. Nicole shared several findings from Freedom of Information (FOI) records on the Buffer Land. FOI findings appear to show that some members of our District and Council had been negotiating the sale of the Buffer Land to the CRD, starting almost a year before the potential sale came to light in October 2021. This was done without public consultation or consent. FOI materials reveal that there were two other land parcels referenced for future sale to the CRD: Sections 95 and 28. These two parcels are part of the 2017 Reconciliation Agreement (or "land swap") and amount to 150 acres. They have not come to Metchosin yet as they are to be transferred following completion of Sc'ianew Nation's Treaty negotiations. The Buffer Land is not zoned as parkland; it's "Commercial Recreational" (CM). Thus, no "electoral approval" is required in order to sell that parcel; however, this fact also means that an explanation is needed for the \$274,400 price. Given the CM zoning, that parcel has a much higher fair market value. Langford developer interests also appeared in the FOI material, particularly around the issue of greenspace requirement for Centre Mountain Estates. Nicole read a portion of a 2018 email from Langford's planning department to Metchosin on this matter ([see the actual email here](#)). Nicole made several requests to Council, including to confirm when the public engagement process would start on the future of the Buffer Land, what was the District's response to the query from Langford on the use of the Buffer for their greenspace requirement, and to pass a resolution to uphold the 2017 Reconciliation Agreement regarding sections 95 and 28 and the Buffer Land.

*Councillor Kahakauwila* responded to Nicole's comments, saying that she had similar questions about the response to the inquiry from the City of Langford on the greenspace requirement; she had heard of the email at the APRM's general meeting on June 9. She will inquire of staff tomorrow when she meets with the new planner and CAO. Returning to October, she had told a resident that the disposition notice of the Buffer Land was the start of the public process; she had meant that. Council had received a very strong indication from the public that it did not want the Buffer Land sold and Council did not move ahead with the sale. There is still more consultation to come; she apologized for the stalling of this effort but said it would get back on track. On the idea of a resolution, *Councillor Kahakauwila* said that a Council resolution can't bind a future Council, so even if it was passed it would have no effect on the next Council.

*Bev Bacon* commented on the amenity rezoning application for 4696 Beckingham Road. She believes that most people in Metchosin aren't aware that this ~100-acre property has come up for discussion on subdivision. It's an important parcel in terms of habitat protection and connectivity. Bev asked if the notification about the application was 60 metres; Bev felt that there should be a broader notification.

*Councillor Kahakauwila* pointed out that the subdivision process could occur without public input, as approvals are only required through the District's Approving Officer (the CAO). She noted that the land was zoned for five acre lots. The property owner was seeking amenity rezoning, which would require further public input.

*Bev* applauded the potential of the amenity rezoning and felt that there was a tremendous opportunity to do this right. Metchosin has very few large parcels left. She urged Council not to wait to notify the community until it received a report back from the Environmental Advisory Committee (MEASC) on the application. The application has also been referred to the Parks Advisory Committee. She believes it would be a benefit to having a trail connecting the area to the Galloping Goose and other areas. Bev has driven around the property and has interviewed neighbours, past and present. She felt it was imperative to not put 20 additional homes on that property which would be served by wells. Aquifer 606 is tapped out; the development needs to have piped-in city water. The potential of secondary suites could bring even more homes. She urged Council to have the developer look closer at bringing in water and the actual costs/benefits of this.

*Councillor Kahakauwila* said that the applicant for the amenity zoning has received strong direction about looking at bringing in city water. The planner has also relayed this to the developer. The developer subsequently called Councillor Kahakauwila, who then reiterated that piped water was going to be key to their application.

*Kathy Saluke* said that the Buffer Land FOI records contain disturbing revelations. The once touted "historic" land swap now looks more like a "land give-away" than a "land swap". Information has emerged about proposals for Langford developers to use the Buffer Lands for their own park space. This is in addition to the negotiations to offer parcels for sale to the CRD, without full Council discussion or public input. These revelations are a slap in the face of Metchosin residents. The seeming disregard for timely and appropriate communication with all members of Council is troubling. Kathy urged all members of Council, who were not privy to these actions, to demand a full accounting about this situation, and to insist on current information about other plans regarding Metchosin's public lands. She asked Council to adopt a resolution so that no lands will be disposed of before there has been thorough Council discussion, an open public consultation process, and social and environmental impact assessments undertaken.

*Mayor Ranns* said that decisions by Council are made *in camera* with the full information supplied; this is not some nefarious thing between the CAO and himself. This has always been done with the full understanding from Council, who understood the issue. Mayor Ranns then asked Kathy Saluke and Nicole Shukin if they supported working with the Sc'ianew First Nation

in order to achieve an Indigenous Protected Area (IPA) at Mary Hill. He repeated the question to them.

*Nicole Shukin* said that she wouldn't answer that question unless Mayor Ranns explained how it was relevant to the FOI findings on the Buffer Land that she had presented.

*Mayor Ranns* indicated that he could not comment on the connection between the two. He has already spoken to the Mary Hill Steering Committee about releasing the full information. There is good public knowledge that Metchosin is trying to work with the Sc'ianew Nation in order to achieve the IPA. He again asked Kathy and Nicole if they, in principle, supported that process.

*Kathy Saluke* commented about information sharing. She felt that information was kept from the community about the Buffer Land and doing so was wrong.

*Mayor Ranns* said he completely disagreed with that characterization. He also stated that "cherry picking" items out of an FOI report is not a very positive way of trying to determine what has transpired over several years.

*Councillor Kahakauwila* intervened, indicating that Council had a lot of other business to attend to. She noted that there are matters that Council discusses, which can't be released to the public as quickly as they'd like. Regarding the potential Buffer Land sale, there were things that Council could have done better, either in releasing information or providing more context. What was done was legally correct, but Council could have done things better in terms of the approach to getting information out. She reminded everyone that the sale was stopped and there was a commitment to consult on the future of the land, which will happen. She appreciates the information the residents have brought forward from the FOI. The mayor is correct in that such information does not always reveal the full story.

*Councillor Little* asked for an opportunity to speak. She stated that she was unaware of negotiations to sell the Buffer Land to the CRD until the agreement was brought to an *in camera* meeting in September 2021. This meeting had been moved from the Monday to the Friday, when she was unable to attend that meeting due to a personal matter. She had no prior knowledge that the Buffer Land was ever going to be sold. She felt it was important to state that.

*Councillor Kahakauwila* offered Councillors Epp and MacKinnon the opportunity to comment. Both indicated that they had nothing further to add. *Councillor Kahakauwila* also said she had nothing further to add.

*Selby Saluke* then read a letter from Steve Gray. In summary, Steve is aware of the website on the Buffer Land ([www.MetchosinBufferLand.com](http://www.MetchosinBufferLand.com)) and found the FOI information posted on the site revealing. He urged Council to place a formal moratorium until October 15, 2022 on any transactions to do with the buffer lands and/or begin the public consultation process on the buffer lands by scheduling a public information meeting to be held next month

### **Adoption of Minutes**

Special Council Meeting of May 30, 2022. Carried

## Reports for Action

- a) Draft Bylaw Enforcement Policy. [See the report here.](#)

*Councillor Kahakauwila* led Council through proposed revisions to the new draft of the Bylaw Enforcement Policy, seeking their views on suggested edits and comments. These were provided by the APRM and Bev Bacon. Most of the APRM's suggested revisions were approved for inclusion in a new draft that will be developed. *Councillor MacKinnon* also recommended several edits to the current draft.

Motion to incorporate the new changes and to bring a new version of the Policy to Council so that it can be formally adopted. Carried.

## Correspondence

- a) Letter on Reducing Liability Associated with Liquor Service on District Property. [See the letter here.](#)

Summary of this letter from Steve Gray. Steve has done further research into the negative impacts on having a liquor establishment in the Village centre (specifically Mile Zero Brewing) and policy/legal matters pertaining to the Liquor and Cannabis Regulation Branch (LCRB). The District has a Municipal Ground Use Application process for events, and he noted the associated liability risks. Comments were offered on past discussions about liability related to Mile Zero. There have been legal decisions around liability which, he wrote, have consistently found that owners and operators of facilities can be held liable for damages from intoxicated patrons. There is a growing awareness of the harms of alcohol use, particularly around vehicle incidents. The Liquor Control Branch recommends that local governments develop and enact policies to manage alcohol consumption. He suggests seeking Mile Zero's agreement to enact practices required of those for events on municipal grounds. Specific suggestions are made. He requests the creation of a Municipal Alcohol Policy.

### *Council discussion:*

*Councillor MacKinnon* has reviewed the LCRB material on this matter and it appears that the issues are related to special events, such as the beer garden held at Metchosin Day or special events at Metchosin Hall, other than renting out a space for a property the District owns. He was not 100% certain that the liability issues implied in this letter would apply to Metchosin (NB: I believe *Councillor MacKinnon* means this in relation to Mile Zero); however, perhaps it was a good time to seek legal advice on this matter.

*Councillor Kahakauwila* noted her discussions with our previous planner and that it was not implied that we would have the liability risks indicated in the letter. The issues seem to be about special events (i.e. the Metchosin Day beer garden). She will take this back to the District's new planner for discussion

*Councillor MacKinnon* saw that the LCRB has wording about situations where a local government might run a standing bar at, for example, a curling club. He supported the idea of raising this with the planner to get further clarity.

Motion to receive the letter, with *Councillor Kahakauwila* seeking more information from the planner. Carried.

### **Other Business**

- a) 2022-2023 West Shore Parks and Recreation Society (WSPRS) Fees and Charges. [See these here.](#)

*Mayor Ranns* noticed that there was not a consistent elevation of the fees and he asked *Councillor Kahakauwila* for clarity.

*Councillor Kahakauwila* had also asked WSPRS staff about this matter; some of the increases were to stay in-line with what other municipalities were charging; some of the fees were lower than what they should have been, others were “on par;” others, it was felt, should not be raised. That’s why there was a discrepancy: some of the fees increased by zero per cent, others as much as 11%, with some fees even higher.

Motion to receive. Carried.

Adjourned.

### **PARKS COMMITTEE** (Chair: *Councillor Little*) [See the full agenda here.](#)

#### **Presentations**

Metchosin Museum Society – Recent Upgrades to the Barn Museum and the School House Museum, *Jim MacPherson*, President of the Museum Society.

*Jim MacPherson* outlined the transformation at the Schoolhouse Museum. Several years ago, the Metchosin Museum Society received a \$100,000 donation for refurbishment efforts, with an additional grant of \$52,000 in 2019-2020, which allowed the repairs to start. These addressed wood rot in the beams and joists under the floor; poor drainage around the school and water seepage in the crawlspace; inadequate insulation; rotting siding; disintegration of chimney mortar; and other issues. Some of this was done by professionals: lifting of the school, installation of a ground seal, blowing in insulation, electrical re-wiring, chimney repairs, exterior and interior painting. But throughout there was the work of volunteers, many of them seniors, who volunteered their time, skills, cash, organizational skills, services, and goods and materials. *Jim* thanked *Bob Burgis*, who served as the project manager. The new vision of the museum is to focus on the education with priority given to the 1872-1914 period and secondary focus on the period from the First World War through to final closure in 1949. The Society also took charge of the landscaping in the area, creating a native plant garden. *Jim* thanked the many

volunteers who had, and continue to, work on the project. This also includes those at the Pioneer Museum whose volunteers continually work at improving the quality of displays. Jim names many folks in his letter, also thanking Council, the Fire Department and Public Works.

## **Public Participation**

*Jennifer Burgis* thanked Jim MacPherson for his work on the Museum. Jenn noted that Jim is the prime grant writer and not much could have happened without his work. Jenn noted the work that's been done on Blaney Trail. She works with a group called Friends of Blaney Trail. She wanted to get some funds to recognize the help of the young people who come and help out in the area. Funds of \$600 were mentioned. Councillor Little asked if this could be brought to the next Finance and Environment Committee for discussion.

*Shelly Donaldson* commented on the APRM general meeting held on June 9 and that Johnny Carline presented on "How a Municipal Government Works". Johnny's presentation on the factors contributing to a high functioning Council team affirmed her own experience in managing people. Shelly expressed gratitude to Councillor Little for her community involvement, and as someone who seeks solutions in a collaborative manner, and who is consistently building community relations. She also thanked Jim MacPherson for his work on the Museum. On the Buffer Land, Shelly noted that it has been eight months since the land disposition notice appeared in the *Goldstream Gazette*. There were two petitions with well over 500 signatures to stop the sale of the buffer to CRD and request public engagement. March was the last time we heard that letters would be sent to Neild / Happy Valley Road neighbours seeking their input into the future of the Buffer Land. Shelly wanted to know when the public engagement will occur, preferably before summer which is just around the corner.

*Councillor Little* acknowledged that the public was getting frustrated with the slow start of public engagement. This was something that Council had supported, and she is on record as saying that this was an effort that Council should have done long before now. This was to have begun with a letter to the Neild Road / Happy Valley letter. This has been delayed, but she hasn't heard anything from Council indicating that the process would not start.

*Kathy Saluke* asked if there was any progress on the ban on pesticide use in the District. She had recently seen a documentary about the link between glyphosate (i.e. the key ingredient in Round-up, Ranger-Pro) and non-Hodgkin Lymphoma. Kathy asked if there could be progress on moving this toward making Metchosin pesticide.

*Councillor Little* has received some letters on this subject from residents living along Metchosin Road. She asked *Councillor MacKinnon* to comment. He noted that this had been referred to MEASC, which has provided some recommendations on the policy. He felt that this was best discussed at the next Finance and Environment meeting.

*Kathy* also commented on the Bylaw Enforcement Policy. She had noticed that there was no specific reference in the policy about the District not being obligated to enforce its bylaws. She was glad to see that this was not specifically mentioned.

*Councillor Kahakauwila* said that this statement is used by other municipalities. She noted that there have been some court cases where this point (local governments not being obligated to uphold bylaws) had been tested and upheld.

### **Minutes**

The minutes of the April 11 Parks Committee Meeting were adopted.

### **Receipt of Minutes**

The minutes of the April 17 Parks and Trails Committee were received.

### **Business Arising**

a) APRM Proposal for the Development of a horseshoe pitch on municipal grounds.

*Councillor Little* said that this was a wonderful idea as a community gathering space. She asked the Committee for further comments.

*Councillor Kahakauwila* asked if this kind of proposal would have to go to the Agricultural Land Commission (ALC). *Mayor Ranns* indicated that it would. *Councillor Kahakauwila* noted that this was in the same realm as what the Cricket Club was facing. She made a motion that this be referred to staff for a report. Carried.

b) Community Garden Proposal from George Evans.

*Councillor Little* said that Metchosin is a great place to garden, but some residents aren't able to do this because of certain circumstances, such as lack of sun and low soil levels. She wanted to gauge the Committee's views of the proposal.

*Councillor Kahakauwila* pointed out that the area desired for the garden was in the Agricultural Land Reserved (ALR) and that it should be referred to staff for assessment.

*Councillor Little* acknowledged that the site was in the ALR, but she wondered if the changes and renovations to the Museum had also been assessed for ALR impacts. *Councillor Little* doubted that the Agricultural Land Commission would have any objections, particularly if vegetables replaced the blackberries currently growing on the site.

*Councillor Kahakauwila* believed that the Museum's project hadn't needed such an assessment as its footprint hadn't changed. She felt that more specificity was needed in the proposal that was currently before the Committee. There should be more certainty about how the site would be managed. She felt there needed to be some organization amongst those interested in the site. Perhaps a society might be created to help manage and govern the garden area once it got going. She pointed to the Hall Society or the Equestrian Society. She was leery of opening this up until there was some better assurance that it was going to be managed well.

*Mayor Ranns* asked Chief Dunlop if the Fire Department had any use of the site (she indicated "no"). There were logistical matters that needed to be addressed, such as water supply and the storage of tools. He wanted further discussion as to whether this was the right site.



*Councillor Little* recalled an earlier meeting with Mr. Evans about the site and she felt that this was very conducive to a garden and it would be good to have more volunteer presence in the area.

*Councillor MacKinnon* felt this was a great idea, but that it needed more investigation.

*Councillor Kahakauwila* stated again that she felt this was a good idea. She suggested that the group put together more of a plan and then re-approach the Committee.

*Councillor Epp* agreed that more organizational work needed to be done. She recalled work that residents had done several years ago.

*Shelly Donaldson* was invited to comment on this. She said lots of work had been done to explore a community garden for this site. She pointed to the research done on the community garden in Colwood. She offered to help George Evans with further work on his concept.

Motion to refer the proposal back to Council and to request a more detailed plan from George Evans. Carried.

## **Reports**

- a) Staff Report, Draft Animal Control Amendment Bylaw. [See the report here](#). The proposed amendments follow a number of recommendations from the Dogs in Metchosin Working Group report ([see page 5 of this link](#) for the full report presented in January).

*Councillor Kahakauwila* recommended that the report be provided to CRD Bylaw for their review and comments. This was option one contained in the staff report. Carried.

- b) [Councillor's Update](#)

Signage from Weir Beach to Taylor Beach.

*Councillor Little* said that she and Councillor MacKinnon had walked this trail in April and had spoken to residents. She asked that the Committee approve the signage, the goal of which was to inform the public that there was no public trail use in this area.

*Councillor MacKinnon* said they had received strong direction from the local residents they had spoken to. He would like to see the signs as presented at the last meeting.

*Councillor Little* said that there had been some small changes to the signs. These would be placed on District property.

*Mayor Ranns* felt that this was a situation where access was being blocked to the foreshore. He felt there was uncertainty about where the boundary is; this can be determined by the change in sea foliage vs. land foliage. He objects to the District paying for the signage, particularly for what might have been an illegal activity. The situation needs more investigation.

*Councillor Little* said there was a definition of the foreshore and public access. The property owner has done extensive work (legal, surveying) to define the boundary. The District has not been involved in getting a legal opinion. The landowner also requested to meet with Council; only Councillor Little responded. She asked if a further meeting was appropriate. The signage was meant to mitigate abuse that landowners in that area have faced for years.

*Mayor Ranns* said that there has been correspondence between the District and the property owner's lawyers. They are currently awaiting a response; signage shouldn't be put until there is a response.

*Councillor Little* said she was unaware of that. She asked for clarification on who is waiting for a response.

*Mayor Ranns* said that it was the District that was waiting for a response from the property owner.

*Councillor Little* said that this was new and that she felt that the issue should be deferred to the next parks meeting.

*Councillor Kahakauwila* asked that copies of the signs be included in the next agenda package.

*Councillor MacKinnon* said that the original intention of the signs was to inform the public that there was no public access over these lands. He felt very safe in saying this.

Motion to hold on approving the signage until there was more information. Carried.

#### Agricultural Forum

*Councillor Little* said that this was highly successful, with over 50 participants involved. The event was hosted (free of charge) by Bilston Creek Farm and involved farmers from Metchosin and East Sooke. The goal is to use the input to develop a Metchosin-centric Agricultural plan. Jackie Larkin was thanked for her work in facilitating the event.

#### Metchosin Museum Society

*Councillor Little* noted that the 150-anniversary celebration of the School House will be held on September 24, 2022. There was discussion about how to commemorate the work of volunteers. *Mayor Ranns* thanked the volunteers and said that their work on the Museum was probably the greatest volunteer effort ever seen in the community. *Councillor Kahakauwila* suggested that a plaque be developed commemorating the volunteers and the project. Councillor Epp agreed. Motion to direct staff to develop a plaque for the Museum as well as the Barn, including the names of the volunteers. Carried.

- c) Victoria Family Court & Youth Justice Committee - Update and letter to CRD Board and CRD Governance Committee VFCYJC 2021 [Annual Report](#)

## **Correspondence**

- a) [Fencing at Devonian Park](#). An inquiry about the Taylor Beach to Weir Beach route being closed to the public
- b) [New Pears Road Trail](#). A nearby resident thanked Councillor Little for the previous work on the trail, indicating that the trail gets a lot of use. There has been some discussion with neighbours about making this a “community food walkway,” with each household donating a fruit tree or edible plant on the trail. He wanted to get input on the idea.
- c) [Community Garden](#). As discussed above.
- d) [Metchosin Museum Society Agenda, May 19, 2022](#). As discussed above.

Motion to receive correspondence. Carried.

## **PUBLIC WORKS COMMITTEE** (Chair: Councillor Epp)

[Full agenda here.](#)

### **Agenda**

Approved

### **Public Participation**

*Jennifer Burgis* thanked Councillor Epp for the 40 km flashing signs next to the play school on Metchosin Road. It flashes very well and seems like it will be effective in encouraging drivers to drive the speed limit (40km) when going through the Village. She wondered where the other signs were. Jennifer asked about handicap parking signs. Public Works has helped establish handicap access to the School House Museum. She also asked about handicap signs next to the old Metchosin School. Those arriving at the school should know where handicap parking is located.

*Councillor Epp* noted that the issue of parking was discussed at a previous meeting and a staff report will be coming.

*Pattie Whitehouse*, in response to Jennifer’s earlier question about the 40km flashing signs, noted there was also one near the corner of Happy Valley Rd and Rocky Point Rd.

*Shelly Donaldson* thanked the volunteer fire fighters for setting up safe passage lanes along Happy Valley Road.

### **Adoption of Minutes.**

The Minutes of the April 11 Public Works meeting were adopted.

### **Reports**

- a) Councillors Update

Seniors’ Association.

The Parisian Café event was recently held and was very successful.

Crossing lights at Glen Forest.

Al Herle has been on holidays and the lights will be installed when he returns.

ICBC Grants.

Councillor Epp is aware of forthcoming funding of \$6,000 for two radar speed readers. These will be ordered shortly. There will be a sign that will be installed near Hans Helgesen once the water main work is completed.

Harmony for Ukraine

She commented on the success of the event, which raised \$3,000.

The meeting adjourned at 9:27pm

This information is brought to you courtesy of the  
[Association for the Protection of Rural Metchosin.](#)