

Association for the Protection of Rural Metchosin,
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RR#1, Victoria, BC. V9C 3Y6
www.metchosinaprm.org

November 6, 2020

Mayor and Council
District of Metchosin
4450 Happy Valley Road
Victoria, BC V9C 3Z3

Dear Mayor and Council,

Re: Sea Bluff Trail

The Association for the Protection of Rural Metchosin (APRM) is writing to address the continuing closure of the lower portion of Sea Bluff Trail (the Trail) and to encourage action on ensuring the Trail is re-opened, effective restoration work is completed, and access is ensured in perpetuity. The sudden closure of the Trail this summer raises serious questions about District processes in terms of managing its public trails, which we address below.

There is an established public right of access to Sea Bluff Trail.

The Sea Bluff Trail was created by grant of a statutory right of way (SRW) in 1988 by the landowner at that time to the District of Metchosin. The SRW is now registered by the province as SRW EB114263, and the present landowner is bound by it, as indicated by Section 4.3 of the granting document:

“This agreement shall enure to the benefit of and be binding on the parties hereto and their successors and assigns and their heirs and administrators respectively.”

Section 2.1 clarifies the landowner’s obligation to not obstruct access through the SRW:

“The Grantor [the landowner] will not, nor permit any other person to erect, place, install or maintain any building, structure or other obstruction over the Right-of-Way so that it in any way interferes with or damages or prevents access through the Right-of-Way.”

The landowner’s excavation work has clearly obstructed Trail access.

A site visit conducted by Ken Farquharson, Councillor Marie-Térèse Little, the landowner and myself on November 3 revealed the extensive scale of the excavation work. This work has not only resulted in the dugout berm further encroaching on the SRW, but has significantly altered the Trail alignment, pushing it further toward the neighbouring property. As noted below, this new alignment will make rehabilitation efforts challenging.

Regardless of the landowner's rationale for the timing and scope of the work, we believe that adequate information sharing and consultation should have occurred with the District *before* this work began. We have heard from a number of our members that this situation is reminiscent of the Blaney Trail tree cutting issue in late 2019. There is real concern that we are facing another situation where private interests have seemingly been put ahead of community interests.

We request that the District implement a consultation process that would apply to landowners seeking to undertake work that may impact public assets. The objective of such a process should be advanced information sharing and consultation with key stakeholders on matters that may impact public assets.

Effective rehabilitation on the impacted portion of Sea Bluff Trail efforts will require comprehensive planning and should involve an engineer.

The scope and scale of the landowner's work has not only changed the Trail alignment but has created serious issues with effectively remediating the Trail. For example, the Trail is now pushed to the lower, wet side of the SRW, and the size and slope of the berm has reduced the Trail width. At our site visit, the landowner spoke about installing (at her cost) a fence on her neighbour's property. While we support this gesture, fencing adds another factor to be considered in planning rehabilitation work.

While we understand that the Mayor has spoken to the landowner about a plan for the Trail (i.e. using 'lock-blocks'), **the APRM recommends that a written plan be developed in consultation with an engineer.** The plan should include aspects such as:

- Trail elevations
- Drainage
- Safety issues
- Fencing on the neighbour's and landowner's properties
- Vegetation / replanting on the berm
- The timing of rehabilitation work and a clear and realistic target for the Trail's re-opening

We would strongly recommend that Metchosin's Parks and Trails Advisory Committee be provided an opportunity to review this plan. Given the lack of consultation with the District on the work, the onus should be placed on the landowner to cover the costs associated with planning and the work to reconstruct the Trail.

We look forward to learning more about the District's and the landowner's plan to restore the community's right of access to the Trail.

Sincerely,

Jay Shukin
President, APRM

CC: APRM Executive