

15 September 2021

Mayor and Council  
4450 Happy Valley Rd  
Victoria BC V9C 3Z3

Dear Sirs/Madams

**Please include in the agenda package for the Sept 20, 2021 Planning meeting.**

Follow up on formal complaint file about the illegal structure at 436 Annie Jackson Dr

The illegal structure on the foreshore of 436 Annie Jackson Dr is still there (see attached photo). It is over a year now since I drew Council's attention to this unpermitted structure, and a year almost to the day when I made it a formal complaint. In the District I lived for 25 years before returning to Metchosin, this structure would be long gone. The owner would have been told to take it down at their expense, if they did not, the district would have come removed it and billed the owners. If the owners did not pay, a lien would have been put on the property. This didn't just happen for decks or errant driveways, but whole houses that contravened bylaws. Bylaws actually meant something.

Here in Metchosin, bylaws seem to mean naught.

I can also predict the response I will get to this follow up - 'it's gone legal. We can't talk about it'. Yet what on earth does that actually mean or entail? What is the timeline for either resolution through negotiations with lawyers or the District taking the owners to court? Where is the progress report?

As I mentioned previously, to build any kind of structure on the shoreline in BC requires the permission of 4 levels of government – municipal, provincial, federal and first nations. It takes up to two years to move through the process and involves an environmental assessment to ensure no damage is done to foreshore and sea beds. Metchosin's Sharing Our Shorelines brochure suggests that there are numerous complicated environmental concerns to consider when constructing anything near the foreshore. Part 2.6 (Marine Shorelands) of the Metchosin Official Community Plan Bylaw No. 258 states the following:

**(b) Rocky Shores:**

*Definition: Rocky shores are stable shores comprised of exposed bedrock with an absence of unconsolidated material at extreme low tide. Relative to other types of shores, they are low in biological productivity but rich in biotic diversity and aesthetic quality and are characterized by lichens, snails, barnacles, mussels, seaweeds, anemones and sea stars.*

6. 2.6.6 *No building or structure shall be located and no fill shall be placed or removed from any site within 15 horizontal metres (50 feet) of mean high water on Rocky Shore*

*slopes except where engineering and resource management studies indicate that a lesser setback is acceptable.*

7. 2.6.7 *Although the biological capability of Rocky Shore slopes to support life is relatively low, the natural biota may provide habitat for rare species of animal life and that value should be considered with each development proposed.*

In addition, my FOI request about the conditions of the environmentally protected covenant and the environmental impact assessments for two of the surrounding properties (436's EIA being withheld under the 'it's gone legal' excuse) reveal the following things:

- The District has determined that certain areas of the Land are environmentally sensitive and require protection.
- Development of land in the Areas (needing protection), including the construction and placement of any building or structure (of a permanent nature) is prohibited without an EIA and the District permission.
- Council Meeting minutes from July 20, 2015 stated that not only would the district accept \$200,000 from the developer, **“that in addition to OPC requirement of a 15m setback the District protect sensitive areas to achieve conservation objectives along the water front”**.
- From the planners report dated June 10, 2015 under discussion (p.123) that MEASC recommended protection of the Towerpoint area in the covenant “due to the presence of rare and sensitive ecosystems, an active Eagle’s nest, stands of mature trees, and the potential presence of cultural sites...as well as a recommendation to establish a “a shoreline covenant **to protect** the coastal bluff ecosystem”

My questions today are:

- **After over a year, what is being done (or has been done) to protect the coastal bluff ecosystem that has a structure drilled into the bluff?**
- **When can we expect the structure to be removed?**
- And to reiterate from my unanswered question of a year ago, does Council remain committed to this provision of the OCP? If so, how is Council willing to back up the OCP?

If Council is not committed to the OCP and protection of the our marine environment, I would respectfully request an explanation as to why.

Regards

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