

**Watchdog Report on Sooke Regular Council Meeting
Monday, September 20, 2021
Hester Vair for Watchdog Committee, Transition Sooke.**

Present at the meeting: Mayor Maja Tait, Councillors Jeff Bateman, Al Beddows, Tony St-Pierre, and Dana Lajeunesse. Councillors Ebony Logins and Megan McMath absent.

This is a big one! Don't be disheartened by the length of this - as usual I have separated a general summary from the nitty gritty details you may not be interested in, and I have used subtitles liberally so you can skim what is not of interest.

1. The biggest issue is the plans for the Lion's Club building on John Phillips Park, and the tension between Council and the public objecting to the project. .
2. Development issues: There are two rezoning applications with consequences for growth and increased density in Sooke, one on Woodlands Road, and one on Powliuk Cres, and also a request for a variance on a development permit that has implications for water issues and also potential insights on Transition Sooke's work.
3. A report on pesticides from Yvonne Court from Transition Sooke, and the indirectly related good news that the conflict of interest rules for councillors does not apply in situations of advocacy in the public interest.
4. Two brief mentions of the work on climate change, one in the report of the Chief Administrative Officer, and the other in a request from Climate Action Committee.

1. LIONS PROPOSAL FOR JOHN PHILLIPS PARK

Item 13.1 The report on the approval process allowing the District of Sooke to lease part of John Phillips to the Lions club in order to build a community centre led to an unproductive public participation process and an explosion from Mayor Tait.

Background

There is a proposal for the Lion's club to lease land in John Phillips Memorial Park to build a community hall; the lease would be partial payment for a Lion's club property at 2008 Murray Road, and the rest would be monetary payment. The Lions Club proposal would take up 1.9 acres of the park and would include a 300 person capacity hall, a daycare, a concession, parking, an outdoor stage & an emergency reception centre. A long-term lease for a portion of a park requires approval from Sooke electors. Council decided to use an Alternate Approval Process (set out in the Local Government Act) to gain this approval. Eligible electors in Sooke had from August 12 to Sept 15 to indicate they did not approve by submitting a form to the District..

Alternate Approval Process was 7% short of the numbers needed to scupper the deal, and tempers erupt !

Under the Alternate Approval Process, 10% of the eligible people have to submit 'nay' forms. The number of electors in Sooke is 11,238 so 1,238 rejections were required; the tally was 1026 nays, or 9.13% of eligible voters.

Many members of the public were angry and protested that the process was unfair. Council members report that the public accused them of being corrupt - to put it succinctly, and they were distressed by this - none more than Mayor Tait who delivered a long rant partly in defense of the

project, partly in defense of her record, and partly against, what she seemed to think (my interpretation entirely) was the public's irresponsible and unpredictable manner of public engagement.

In this context it is not surprising that the exchange between members of the public and council was not productive. Accusatory statements whizzed by each other, never quite engaging the centre of the other's concern. On Council Tait and St-Pierre were defensive and angry about accusations from the public (these were not actually spoken at this particular meeting), and this coloured the discussion in an unhealthy way. Bateman was distressed by the accusations of the public, but responded constructively, and Lajeunesse supported the Lion's project, but made no comment about the accusations from the public. In the Mayor's rant (see below) the public seemed to be perceived as a irresponsible monolith, a single, badly-behaving body.

Brief summary of concerns of the public and the response from Council (more under further details)

- The residents who spoke at the meeting were concerned about environmental issues, about the lack of green space in the area, given future growth, and were unhappy about the size of the proposed project. Susan Belford's comments to council are a succinct and coherent summation of the issue. My paraphrase: 'The project sounds really good. It is just the wrong place for it. We shouldn't be getting one social good at the expense of another. A park of enough size where we can have some real solitude is rare and a social good.'
- In addition people objected to the Alternate Approval Process; they said that there was not enough information about the proposal, not enough prior consultation on the idea, and not enough time for discussion, and that it felt like the proposal was railroaded through.
- Council seemed to barely hear the first set of concerns about environmental issues and the concern for future green space; instead they responded with a defense that slipped slightly off the point of engagement with the points being made by the public. For example, Council argued that the facility was needed, that the park was designated as an active park, and the emphasis was on the insistence that the process was legal and correct. None of this addressed the public's real concerns.

Moments of clarity and some partial answers

Bateman's response to the issue was without question the most constructive. Bateman was the only councillor who was clear about the attacks he received: "I've read that we are corrupt, unprincipled I was approached by 2 gentlemen who said it was a conspiracy, sneaky, underhanded, a done deal, and that we were in league with the Lion's club." Bateman said, "This stems from fear and lack of knowledge. And people wanting to retain the values of this park. This has been the liveliest and most engaged I have seen the community. Vive democracy."

Bateman brought clarity when he asked staff to address some questions raised by the public:

- He asked: how council made people aware of the proposal; staff responded that legislation required that they put two notices in the newspaper - which they did. In addition, they also put out a 9-page document on their website along with sample forms, and the communications co-ordinator spent many hours in the park talking to people - neither of which was required.
- Bateman raised the issue that got to the heart of the problem - the feeling that people had the proposal sprung on them with little time to think about it - and asked why the public had not

been informed when the Lions began to meet with staff about this. McInnis responded that these meetings were in camera (but did not say why) and that this was the first opportunity to get the information out.

- He also asked about the details of the building. McInnis reported that the Lions did not want to invest a great deal of money on the plan until they had assent; McInnis said he understood that the sale of Murray road property would pay for the design and planning.
- More important information about timing came out when Bateman asked about why email forms were inadmissible. The answer to this from the Corporate Office, Carolyn Mushata, and explains the timing. She said that the time frame chosen by staff and agreed upon by council was very tight because of the requirement to allow time for a second process - an assent vote - before Christmas, if the Alternate Proposal Process had failed.

Bateman frequently puts the public's questions and concerns to staff and in this way brings clarity to a situation, although he rarely presses the point and often stops with the role of a conduit for clear information.

The Mayor's Rant (more under further details)

Mayor Tait was upset about the response to the alternate approval process and had a full-on rant. She began her rant after at 1:56:26 on the YouTube tape, finally turns it over to staff 23 minutes later, only to begin again at 2:39 and go on for another 13 minutes. Her anger was palpable even through the digital media. At some points she was handling the papers in front of her roughly and thumping occasionally on the desk.

The mayor began by acknowledging that there were 'some valid concerns raised about this' but there was no expansion on this point and instead she went off into a rant that was not always coherent. Not only were her comments rambling and not always either pertinent or logical, they were often personally defensive about her long-term record, and, most problematic, included a number of sarcastic and insulting comments about the public.

Prior to this I have observed Mayor Tait to be consistently courteous to individuals presenting to council, even when one suspected she might not think highly of what she was hearing, and she can be relied upon to raise the issue of encouraging public participation (in fact she did so in the meeting where the alternate approval process was agreed to by council).

Mayor Tait could have interpreted the unjust accusations against her as a sign the communications had gone badly wrong, or that council and staff had misjudged the feelings of the public on the issue stirring up some rash comments, but instead she seemed to take it as an attack by an irresponsible public who owed her more respect. I am left wondering just what she thinks about the relationship between citizens and council.

She finished by trying to assure the public that this is not a done deal and there is plenty of time for public input: 'We are here at the start of a process. We don't have zoning, or a lease signed' and she repeated this several times more in the meeting, I assume as a way of pulling back from her earlier display of anger. But, her anger aside, the fact that there was no acknowledgement that the public has a legitimate concern and that council misjudged matters, and instead, a focus on the public's ignorance of legal process and the mandate for John Phillips, will do little to assure the public that they are heard by Council.

Further details on the concerns of the public

At the meeting there were a number of speakers and also correspondence on the issue. Most speakers were slightly over time, but Mayor Tait allowed them to finish quickly. Here is a selection of comments:

- About the process: Council did not educate us in this matter. / There was a very short space of time. / It was too busy a time with children back to school and federal elections. Alternate process 'seems sneaky' / Too fast. / I have had 2 leaflets on the OCP, but nothing sent or posted on the process about the park.
- About the project itself: Too much space given to the building. / Will take up too much of the park. / Will block off the sightlines in the park.
- About the importance of the park: There is a lot going on in the park and many people use it. / Low lying wetlands area here, so it is not appropriate for building. / Given all the development slated to happen and already underway, a significant reduction of the size of the park is a really really bad thing. / Park is important all year. / Good for elderly because it is level walking.
- About reconsidering: I do not think council should think it can go ahead just because we were a bit short of votes. / Your method is not good. Please reconsider.

Further details on Council's defense of its position

- Tait said that the project was a good idea because we need an emergency center. She said with a growing community and the issues of the recent heat dome, potential earthquakes and tsunami we need a place for people to go. She also mentioned that the location is one which will become a community hub with the library, senior's centre, and a transportation hub. She mentioned the need for a large hall which is accessible and can take weddings when the Prestige is full.
- Tony said that the intent of the park is active and the project was not about reducing biodiversity, it is about securing our future because we need this facility are there are not other places we could put this amenity.
- Tony defended the process sounding uncharacteristically defensive saying that the process is not something council has any business in, and that 'allegations that we kept information back were not true' because 'the process required us to do it the way we did it'. He said that 'information was out there or 'they would not have got such a close percent'. (Although the time line for the process was something chosen by Council).
- Dana said the hall built by the Lion's would provide social good for the community, and allow events that bring people together. He mentioned that an accessible and modern facility was needed, describing its location in the park as a facility with a back yard.

Further Details on the Mayor's Rant

- Her response was defensive, self justifying and not entirely candid. For example in her defense of the legal correctness of the process she asserted that this was not a district- led process; rather, it was what council had to do to respond to a proposal from Lion's club - but of course this is not entirely true, although technically it was a response to the Lion's Club proposal, council was making clear choices here – at a previous council meeting it was stated that staff had been working with Lions for years, and council chose the alternate process based on the cost of referendum and the speed that they felt they needed to get it through.
- Tait used a sarcastic tone in her remarks - for example referring to using an alternate piece of

land for an emergency centre she put it thus: ‘I support this because this is where the people are. What? Should we buy a piece of land and cut all the trees down and have people drive to it?’

- A number of her sarcastic remarks were about the public’s poor response to the district’s attempts to have public engagement - which unfortunately all sounded like dismissal of engagement that was not on council’s terms: ‘Last year we send out 200 surveys about budget and we are glad that 2 filled it out. We are really glad that you have given us your feedback.’
- On the comments about the park on social media: “People write on social media, why don't they write here where it matters. I can't make a decision based on social media. I can't look through all of the social media. I'm not going to infiltrate groups.”
- Her response to correspondence from Sooke On Fire Taxpayers Group (who wrote a letter to Council on the issue, and summarized the response they had handing out 1000 of the forms to people in the park): “Sooke On Fire Taxpayers - an anonymous group to me.’

And the Lions ??

Part of the concern of the public is the suspicion that this will be a private club for the Sooke Lions. A number of the public comments stated that they have the greatest respect for the Lions, and Mayor Tait vigorously defended the Lion’s Club - you might go so far as saying she valourized them. It is worth noting that the wording on Lion’s Club website may be partially responsible for some of the public’s impression of the project. In a report on the John Phillips project it says: “The proposal -- labeled as a "Community Hall" on the map but known formally as the "Sooke Lions Centre" -- calls for a 21st Century companion and counterpart to our wonderful 1937 heritage hall on Eustace.” Later in the document another sentence likely to raise the ire of the public characterized the park as sorely underutilized: “...aside from a handful of summer events, JPMP has remained a serene green space populated by a relatively small numbers of walkers, dog owners, fitness groups and Nott Pond's armada of ducks and red-winged blackbirds.” A more careful read of the document gives a better impression of the Lions intentions.

2. DEVELOPMENT IN TOWN: REQUESTS FOR REZONING AND A DEVELOPMENT VARIANCE

Item 7.1. A request to rezone from Rural Residential (RU4) to Neighbourhood Rural Residential (RU5) to create 4 new lots on 5627 Woodlands Road in Saseenos was approved. Susan Belford of Transition Sooke spoke against it; Bateman asked about trees.

- The request had first and second hearing on July 12th, and is up for 3rd hearing and public input.
- The request is for property in north Saseenos, rezoning to divide one lot to 4 lots with the potential for a 5th to be added later.
- Two interesting points were made, one by Susan Belford (of Transition Sooke) who pointed out that this development would substantially increase the density in north Saseenos and would be dealt with differently under the new Official Community Plan which is only about a month away. The applicant responded that he began this process in March of 2018.
- The second by Jeff Bateman (who did vote for the rezoning). He noted that in 2019 he voted against the rezoning of a neighbouring property because he felt that Council was amending zoning bylaws to accommodate developers very frequently and this would set a precedent. He noted that in 2019 there were people speaking in opposition, but now neighbours appear to be in favour.
- An Issue mentioned in the discussion was the capacity of the road to deal with the increasing

density of the neighbourhood.

Further Details:

- The area is currently mixed rural and agricultural, and is currently designated gateway residential which means low density infill development. The rezoning would allow a fifth lot to be added later. The applicant signed a covenant that duplexes would not be built.
- The applicant has offered \$9,000 towards the district's affordable housing fund. A 5% land dedication or cash-in-lieu is required for subdivisions creating three or more lots and staff suggests accepting cash since the Parks and Trail Master Plan does not have a specific recommendations for a park nearby.
- In the discussion Bateman asked about trees. A tree protection plan is required and the applicant is not able to remove trees without penalty. Bateman noted that there were lots of trees in the photos of the lot, but it appears that there are fewer now. Pawlow reported that staff were advised trees were removed because life safety concerns.

Item 7.2 A request to rezone one lot to create 2 on Powliuk Cres

The neighbourhood is off West Coast Road, where Caldwell intersects it. Staff called it 'within walking distance of downtown'. Discussion was based on the issue of increasing density, particularly the potential addition of up to 4 homes, 2 duplexes on each lot. Duplexes are allowed on both R2, medium lot residential, and on R3, small lot residential depending on size of lot. In my experience listening to council meetings, Beddows often raises the issue of duplexes; he has concerns about increasing density to the point where traffic is an issue and the lots are tiny.

- Bateman and Beddows both voted against it but it passed.
- St-Pierre and Lajeunesse both spoke in favour
- This was the 3rd reading and there was opportunity for public input, but no one spoke against it.

Further details

- Application to rezone from Medium Lot Residential (R2) to Small Lot Residential (R3) to subdivide into 2 lots. The area is within the designated Community Growth Area where low to medium residential density growth will occur.
- Applicant offered \$3,000 for the affordable housing fund.
- Applicant says their rationale is to allow their daughter to build on the lot beside them. It was agreed by council and staff that this is not something that could be taken into consideration, because once rezoned, the rules for what can be built in the future change.

Item 7.3. A request for a variance to the setback required from a pond is turned down by council.

The issue is a variance on the permit for a 7-lot subdivision, on Otter Point about 2k from the town centre. The variance requested would reduce the required setback from a pond by half. (The land was rezoned in 2019 in order to allow the subdivision - which staff say is in keeping with the community plan currently in force).

- Before the public input Bateman asked why riparian setbacks are routinely overturned. Staff response was that although Sooke has moved to adopt the provincial recommendation of a 30 m setback, other municipalities have less, and the 30 m setback is often not needed. Staff will support a variance where an environmental professional says that the required setback of 30 metres is not needed.
- St-Pierre spoke against it. Sooke has adopted the green lens of 'Low Carbon Resilience' and reducing the setback here does not fit with this, and it will bring problems with storm waters.
- All the councillors were concerned not to upset the developer's plans to proceed and wanted to

make sure that rejecting the variance would not trigger a 12-month pause on returning to council.

- The variance was denied.

Info Note on Low Carbon Resilience that St-Pierre referred to:

- In March, 2021 Sooke formally adopted Low Carbon Resilience as their green lens for evaluating development.
- From Sooke's website: Low Carbon Resilience is a type of green lens that balances the co-benefits of environmental, economic and social determinants and aligns with Sustainable Development Goals. The District of Sooke Council Strategic Plan references a "green lens\climate first" approach to planning. The green lens\climate first reference is without a definition. The recommendation that Low Carbon Resilience be the definition helps to ensure Council and staff have a shared understanding to support subsequent planning.

Public Input

- Two people spoke strongly against this in the public hearing: Susan Belford and Steve Unger.
- Belford made the point that each of these 7 lots could possibly have 2 units which will add up to a lot of stress on the pond, and she said that the protection of habitat and benefit of carbon sequestration should be considered as greater benefits. She also noted that council had recently reduced the setback for another property and hopes this is not a trend.
- Unger made similar points to Belford, saying that there were no social or environmental benefits to Sooke from the development, and that the pond is of value. He points out that the pond protects DeMamiel creek which is in trouble because of development in Otter Point and in Broom Hill, plays in role dealing with storm water and in protecting salmon spawning ground. He disagrees with the environmental report stating that other properties are not affected because as the downhill neighbour from the property, he experiences significant erosion from storm water.

Lessons for Transition Sooke:

- Council was influenced directly by the public input, and I think in a more general way, by the public engagement on what they are doing. They need the support of residents to make decisions that are against developers interests.
- Council was influenced by the input provided by Unger and Belford. Tait said, "Mr. Unger is spot on. Green space is important". Beddows said that he did not disagree with the environmental professional until he heard Unger speak and then he changed his mind. (I have observed that Beddows is very responsive to the concerns of neighbours, and to specific concrete problems).
- Belford began her remarks by saying she was 'tilting at windmills again'; although noone responded directly to this comment, I had the impression that council, particularly Mayor Tait, was not comfortable being seen as always accommodating developers. Bateman's questions about this variance and his remarks about the earlier rezoning (which he nevertheless voted for) may have also contributed to a sense that developers are sometimes over-accommodated.
- Maja Tait spoke very strongly in support of rejection. She said several times that the developer had been asked for rezoning, got it, and should stick with the rezoning they requested. I thought it was implied that she felt developers were pushing and that she wanted it to be clear that she would take a stand on this. I think it is worth mentioning that later in the meeting on a

different item she again referred to council's decision here to deny the request.

- (NB there are 2 developers involved here - the land has been sold since being cleared by the original applicant for rezoning).

A side issue that possibly someone in Transition Sooke with lots of time on their hands could take up.

- Tony raised the issue of cash in lieu for parkland and asked if there were other models that would not cost developers more and would add to green space since Sooke does not plan (at the moment) to build more parks. His suggestions were raingardens on site, hedgerows for wildlife, community gardens, small areas of wildlife habitat or trees or growing space, instead of money for parks we can't use.
- Staff raised the issue of maintaining these and Tony responded that a number of these would require little maintenance, or could be managed by residents.
- Pawlow said that if they were directed to, staff could look at other models.
- There was no motion to follow up on this.
- Perhaps someone on Transition Sooke might want to follow up on this suggestion and gently present options to council and ask for council to get staff to follow up? It would be a supportive measure, and lately we have had to take a combative approach on some issues.

1.17.07

A tiny bit of possibly insignificant strangeness -

Item 8 was the adoption of minutes and Bateman had a correction of the minutes for July 26 because he and Tony voted against a zoning bylaw but it was reported as passing unanimously. Bateman said that his reason to vote against was the loss of a mature 2nd growth forest. The tiny bit of strangeness was that staff responded that they do not include reasons, but, Bateman pointed out, that in his direct experience, they have in the past. Nothing was said. I thought a response was needed.

3. TRANSITION SOOKE'S PESTICIDE GROUP & NEWS ABOUT COUNCILLORS' CONFLICT OF INTEREST

Item 9.1 was a presentation on the ban of Cosmetic Herbicides/ Pesticides by Yvonne Court of Transition Sooke. Also important here is the issue of Councillors' conflict of interest.

Yay Yvonne Court

Yvonne Court gave a presentation on pesticides. It is in the agenda package for the meeting.

Update on Sooke and Pesticide from Bateman

- Bateman reported that rather than propose a ban against pesticides in Sooke he has worked for a ban provincially. This is because a ban against pesticides in Sooke can have little effect when Sooke does not have the authority to prevent their sale.
- Bateman and Tait have connected with the province advocating for a new pesticide strategy. They are in touch with Christa Zacharias-Homer, Director of Integrated Pest Management at the Ministry of Environment and Climate Change. He suggested she be invited to the meeting where Transition Sooke presents on this issue.

Hurray for advocacy work!! No conflict of interest here.

- Bateman is a cofounder of Transition Sooke and in the past has been very careful to declare this

as a conflict of interest. But - excellent news - he has had a legal opinion, and if the issue is a public issue, and not one of fiscal benefit to the organization, he is not in conflict of interest. It is fine for councillors to act as advocates for a public interest.

- I believe this is a very important for Transition Sooke - not so much that we will sometimes have councillors who share our concerns in our corner, although that is certainly needed, but because a very narrow notion of 'conflict of interest' is a real problem for all progressive change. It has been taken to mean that if something is at all divisive, councillors who are committed to it, should not speak for it. I have noted that when councillors speak on issues that are dear to their hearts, but not divisive, their input is welcomed. When Dana Lajeunesse offers his expertise and experience on issues of accessibility, it is - as it should be - appreciated and not seen as a conflict of interest; similarly with Tait's contributions on school issues, and St-Pierre on agricultural concerns.

4. TWO BRIEF MENTIONS OF SOOKE'S CLIMATE CHANGE WORK

Item 10 Report of the Chief Administrative Officer:

- Mcinnis reported on the amount of work and success of the city staff in obtaining grants that allow many of Sooke's projects to get underway.
- He also noted that they (?) have costed out the 7% solution (the Climate Action Committee's recommendation, which was adopted by Sooke) and will be taking it back to the Committee for a little more help.

13.3. A request from the Climate Action Committee for further funding for consultant

Presented by Bateman, the liaison with the committee. The Climate Action Committee recommended that the consultant, Denise Withers, who has been working with the committee be retained for some further work. They would like an extra 25 hours, and suggest that her fee of \$3,750, could be paid for from the District's Carbon Tax Rebate Reserve Fund which still has about 8 grand in it. Council is fine with this. Both Tait and Beddows remark that it is important.