

Watchdog Report on Sooke Council
Regular Meeting - 27 June 2022
Hester Vair for Watchdog Committee, Transition Sooke.

Mayor Tait chairing the meeting. Also present: Councillors Al Beddows, Jeff Bateman, Tony St-Pierre, Ebony Logins & Dana Lajeunesse.

Staff Present (voices that I heard & recognized): Interim CAO Chief Administrator Officer Don Schaffer, Matthew Pawlow, Director of Planning and Development, Raechel Gray, Director of Financial Services, and Jeff Carter, Director of Operations.

Speaking at the Public Hearing

Ian Laing, of Ian Laing Properties Ltd and Mike Bignell, project manager of the View Point development, engineer and also President of Westbrook Consulting, Langford.

Susan Belford, Anna Russell, Susan Clarke, and John Brohman.

What Is In This Report?

This meeting was 4 hours and 45 minutes. I'm reporting on only a few items; I have notes on all of the items and have listed them at the end so readers can contact me or head to the Council website for details. There are two major items of interest to Transition Sooke: the first is a decision on how to deal with the time constraints on the Council review of the OCP, and the second is a new covenant to be signed for the View Point development. The small items are: Council's response to the 606 Water Group; support for a Capital Regional District (CRD) co-working facility, and Sooke's decision to join Vancouver Island Green Business Collective (VIGBC).

One theme that runs through the meeting is developers' expectations and Council's response, with the upcoming October election a shadow in the background of this theme. There is pressure from developers to alter the OCP, which most councillors wished to respond to - the discussion about this had a cautious tone, as if kid-glove treatment is required. Developers were not identified by their material or political interest, they were not clearly named as a group at all, instead they were masked by vague phrases like 'these people'.

Item 9.5 Additional Official Community Plan Review Meetings

To date there have been two meetings to review the Official Community Plan (OCP). The interim CAO, Shaeffer said that a serious staff shortage combined with a lack of time between now and the municipal election on Oct 15th means that Council's careful review of the OCP may be difficult to complete. Staff brought two alternatives for Council to consider - first, that the review of the OCP should be paused, and taken up by the new council after the municipal elections in October; second, that they should try to schedule more meetings. What followed was a long and fairly contentious discussion. It took 3 tries to come to the resolution that they would meet a third time.

Two Issues: 1. How Detailed Need Council's Review Be? 2. Late Demands from Developers

Thus far the review has been slow and detailed. Mayor Tait remains committed to this, and in earlier meetings Bateman seemed to share her approach, but is now willing to move more quickly in order to get the OCP through before the election. At this meeting the new demands from 'a small group' (developers) complicates matters, some councillors believe that the dissatisfaction of this small group is good reason to pause the OCP until after the election.

Who are these people?

I have said 'developers', but it is not so obvious in the meeting. The existence of a group deeply dissatisfied with the OCP and clamouring to be heard was a major topic in these discussions, but they weren't given a group identity; they were depicted as citizens with no particular material or political interest. Their shared interest was rarely stated. I draw the conclusion that they are developers from two things. First, it was clear that a group called Concerned Citizens of Sooke was an issue for Council

because an item of correspondence from them was mentioned. The names on that letter were: Randy Clarkston, Dave Saunders, Dave McClimon, Matt Mortenson and Brian Butler. Second, Lajeunesse used the term ‘developer’ in the discussion on ‘this group’, when he said that developers had concerns that the OCP ‘would not work’.

Beddows and Logins used phrases like ‘the same people’ or ‘these people’, and St-Pierre stuck with the term ‘the community’. I found it disturbing that Council were uncomfortable naming the interest of this group. Even Beddows, who is never mealy-mouthed and refers on occasion to the ‘green contingent’, never named this group in a way which would allow a listening non-insider to identify their interests or politics in Sooke. I found it disappointing that, of all councillors, St-Pierre was the least clear in being explicit about this group being pro-development – ‘community buy-in’ was his chosen term in the discussion - quite the euphemism when one is talking about a very small group with a very particular interest. Why would Council respect the ‘concerned citizen’ mask? The whole thing reminded me of science fiction novels where the name of a small powerful group that everyone is afraid of cannot be spoken aloud. If council can talk about ‘greens’, ‘renters’, ‘downtown business’, and ‘commuters’, as groups having particular material interests in Sooke, then why are developers able to run cloaked under the very broad term ‘the community’?

What Do “These People” Want?

The major concern of “these people” was the Development Permit Areas (DPAs). It seems a bit crazy, but there was a suggestion that all guidelines for DPAs should be removed from the OCP. For those not in the know - DPAs are an essential part of an OCP, because they are the basic structure of how a municipality manages land use - this kind of land use, say, apartment housing, is permitted in this area, this other kind of land use, say, rural residences, is permitted in another. It is hard to imagine having an OCP without specifying guidelines for how land should be used in particular areas. Bateman said he had looked, but could find no examples of OCPs without guidelines on DPAs. (By the end of the meeting it was decided that this should be discussed at another meeting - I believe the July 19th meeting which Watchdogger Jack Gegenberg is reporting on as I write).

What to Do about Developers’ Concerns

All, except Beddows, agreed that the concerns of this group should be discussed. Beddows was decidedly cranky and impatient with this group and felt strongly that they had lots of chances to be involved and at this late stage should not be allowed to disrupt the process. He said he was ‘fed up’ with them: ‘now we are catering to a few. We come back to the same names time and time again.’ ... “ we are going around in a circle again. We just got another letter from people that should have been here last year, they couldn't be bothered, but here they are now. I'm tired of catering to the same people. Same agitators screaming in my face about stuff... [something about people phoning him and people who think they have been here 60 years so they think their view is more important] We are here to represent everyone.”

Logins also said that ‘the people complaining are the same people and we have mostly dealt with their issues’, but she was concerned that ‘misinformation is being spread’ and said that it would be a good idea to address their concerns. Bateman mentioned that it would be important to address the issue of DPAs before the election. Lajeunesse and St-Pierre appeared to be the most concerned about them and talked about ‘community buy-in’.

The Land Use Committee as a Pair of Kid Gloves to Deal With Developers

This is a red herring, but worth mentioning, because it is an illustration of the kid-glove treatment that this group seems to elicit. Both Lajeunesse and St-Pierre were pretty insistent that the Land Use Committee should meet and discuss the concerns raised by ‘these people’ prior to the next Council

meeting on the OCP. St-Pierre raised this, referring to the 'technical nature' of the DPAs and saying that the expertise of the committee would be helpful. Lajeunesse was more clearly sympathetic - he said: 'These people have valid concerns and we need to give them a chance to be heard.' Regarding the Land Use Committee, he said 'I have some concern with, for example, DPAs - I would love to get the committee together and go over the DPAs. I wouldn't want to move forward without that.' He also mentioned that the Land Use Committee had not been able to have much impact on the OCP, saying that the one meeting they had on the issue was not attended by any staff so they could not ask questions. Maja said she also was in favour of the Land Use Committee looking at this.

Beddows response was illuminating. He said that staff could answer any questions that needed answering and we do not need the Land Use Committee and further, that it 'was the same people anyway'. Tait responded, 'No, Susan Belford is on the Land Use Committee' - later expanding this to "some of the people who wrote the letter [from the Concerned Citizens] are not on the Land Use Committee". Are we to take from this that the Committee is primarily pro-development, with the exception of Susan Belford? If the Committee is not neutral, it is curious that Lajeunesse, St-Pierre, and Tait would think it appropriate to have them address the issues developers have raised with the OCP - at this late date - and before the review of that section of the document. BTW: In a set of minutes of the committee the names listed are: Susan Belford, Brian Butler, Paul Clarkston, Kory Elliott, Dave McClimon, Neil Nunn, Kyle Topelko, Councillor St-Pierre.

The issue was a red herring because staff pointed out that the term of the committee as to expire shortly.

Returning to the Larger Issue: A Summary of Councillors' Positions - Leave the OCP to the next Council, or Push to Get It Done?

Beddows opened the meeting with: "I've been pretty patient, but I can't say that I have been really happy." He said that the current review exercise involves long hard meetings, minor word smithing, and yet has yielded no major changes. He said the committee has done their work - which he thinks should be trusted. His description seems to stand for the Council's collective view of what has happened, and also captures Beddows' argument that council could stop the detailed review and jump forward. (Note - my observation at the first meeting where the OPC was reviewed does not agree with this: changes were suggested that were not mere wordsmithing, they impacted meaning and emphasis, which are critical in an overarching document which emphasizes intent. For example, Bateman attempted word changes that would make a significant difference to meaning and several times Beddows, among others, spoke to recommend no change). Beddows was so frustrated with the idea that all of this careful work of staff and committees and consultants and Council could all be thrown out for the sake of a careful thorough review at Council that he was inclined to be a little incoherent - which is not his style. His impassioned summary was "It is up to council because I'm just one person. If it is that bad, waste the \$200,000 and throw it out. We have had a good committee. People have given us their ideas and we have captured those ideas. We can take the heat for it in the election. I'm happy for that."

So a bit of a ramble, not in Beddows usual style. And I believe at the end of this he got up to leave (the visuals focus on slides, so it is difficult to see what is happening) and Tait said "I'm sorry that you are leaving Councillor Beddows. You did an excellent job on this." "I saw you doing the work with the public that the consultants were not willing to do." Despite his frustrations he voted to continue the meetings, and he remained at the meeting.

Two of three resolutions on this failed. On the two that failed, Beddows, Logins, and Bateman voted to continue with the review and St-Pierre, Lajeunesse, and Tait voted to pass it to the next council. (The next council was not frequently mentioned in this discussion, but I wonder if councillors were thinking that putting the OCP off to the next council might result in a radically different OCP, given the risk that changes wrought by this council might result in a well-funded backlash in the next election.)

Logins was in favour of having one more council meeting to discuss the issues raised by the Concerned Citizens of Sooke - 'the letter represents the issues that are a problem for people. So those are the ones we need to answer.' She voted to continue the review rather than pass it on to the next council.

Bateman made it clear that seeing the OCP through was important to him because he campaigned on it and wanted to complete that task; he did mention that he might find himself unable to work with the OCP after the election if he is not re-elected. Bateman proposed the resolution that finally passed unanimously. His motion called for one more meeting, in July, which will discuss DPAs and other issues important to councillors, with a decision about the next move to be made at that meeting.

Tait, Lajeunesse and St-Pierre were on the other side of the issue. Lajeunesse and St-Pierre both agreed that the OCP was a strong document and they were happy with it, but both of them were focused on the concerns raised about DPAs. Lajeunesse said since 'not everyone is happy, a pause is a good idea'. 'I think it does not fully represent our community. Some people are saying that it won't work. Putting a pause on this is not such a bad idea. Having it go through two councils will make it a better document.'

St-Pierre response was captured by his remark "I hate this". I gather he did not vote, but that this counts as a positive vote, (explained by Tait) so effectively he voted to put a pause on OCP and hand it over to the next council.

Tait's position was complicated. She was dedicated to giving the document a thorough review at Council, and would not be satisfied with a narrowed range of focus in a single remaining OCP review meeting. Her comments focused on the issue of time, and on the number of errors the consultants left in the document. I wasn't entirely convinced that this was her reason for standing by the need for Council review, since many of her contributions at the earlier meeting on the OCP went beyond these kinds of corrections. She remained committed to the need for a full Council review, even it was the next Council. It became clear near the end of the discussion that Tait's schedule did not allow her to participate in any additional July meetings, so if meetings on the OCP continued she would likely be excluded from them.

In the end it was agreed that there will be one more meeting in July (it was July 19th) where Council would try and avoid getting bogged down in minutia and focus particularly on the DPAs, and on other issues that councillors thought were important.

item 6. A public Hearing and Consideration of a new Covenant Between Sooke and the Developer on View Point Estates (7044 Maple Park Terrace / 2191 Mountain Heights)

Significance for Transition Sooke

This development is a one of the biggest in Sooke and has been a thorn in the side of nearby residents. It illustrates the problems with poorly planned projects who have not taken account of the challenges of the geography, have little sympathy for the residents, and are cavalier about the regulations. It is also an example of Sooke requiring a developer to fulfill their obligations. This item is a useful one to keep in mind when we consider the importance of the OCP and the interests developers might have in weakening regulations about land use.

Description of the Problem

As Tait said, this development has been called the 'blast site' of Sooke. The project has been ongoing at least since 2010, and has been through several owners (the current owner said he got the project on a foreclosure). Current owners are Ian Laing Properties Ltd, and two other corporate entities, Silver Arrow Real Estate, and Red Brick Holdings Ltd; I don't know of the relationships between the three, but

Ian Laing described himself as ‘the owner’. In 2018 a covenant was signed which included plans for parkland and other public spaces. In 2021 the development hit a wrinkle and they needed to rearrange the plots, which would require a revision to the covenant to allow lots of smaller size (this is not an issue of increasing the number of lots). When the developer spoke to Sooke staff about revising the covenant, staff visited the site and found so many problems that the focus became resolving the issues that staff found on the site: ‘unapproved alterations [to the natural landscape] from clearing, blasting, and substantial volumes of fill material deposited on top of the land’ and ‘encroachment into parkland’. Staff ‘worked with the developer’ to address the damage to promised parkland. Staff presented council a proposal for a new covenant they have worked out with the developer.

The amended covenant addresses the damage to parkland and surrounding ecosystem, and sets out what will happen going forward regarding the promised parkland, the trails, environmental assessments, as well as addresses the developer’s original desire to have some lots of a smaller size. A new piece of land in its natural state is included in the park dedication, one adjacent to existing district owned park that has ‘environmentally significant meadowlands with a mature healthy tree’.

Staff say the damage to the land was significant. The developer, Ian Laing, - disagrees. Laing made a remark about how developments at his stage are not pretty - perhaps implying that staff over reacted. He stated several times that he never violated the covenant, and it was his right to have the covenant amended. He acknowledges that another company that he had hired was a problem – ‘someone went a little over onto the parkland’, and he also mentioned a previous project manager that was not good. However he said this would not happen again.

Laing said that the first meetings with staff were not pleasant because the staff were not pleased with what they saw, but claims they have a good relationship now. (Staff did not refute or agree with this). Laing made comments about the cost to him and the benefit to the district in the new covenant - ‘This has cost me more than a million dollars.’ ‘This had cost an absolute fortune and taken a year and a half [to reclaim the damaged land]’. Mike Wignall, project manager (engineer and also President of Westbrook Consulting), has been involved with the project since 2008, and he remarked that the District was getting a lot; he mentioned two examples - first that it was unusual for a developer to be tied into a specific type and quality of playground equipment regardless of future price changes, and second, the requirement to keep and protect a lone tree on the land and provide compensation if it died, was highly unusual.

Given that this project has been a problem in Sooke for a few years it is not surprising that Council were not very sympathetic to the developer, but they felt bound to sign the new covenant because there was no other choice with a project so far along. Those who spoke most strongly were Beddows, Bateman, and Tait.

Beddows set the tone of council’s response when he said: ‘so staff were aghast when they saw this? (Pause) Why weren’t you?’ He continued, ‘you changed things because you had to, but you didn’t tell Sooke what you were doing. I am a little suspicious.’ Beddows also summed up the mood of council near the end of the discussion when he said ‘I do not have a warm fuzzy feeling. The ship has sailed and now we have to make the best of it.’

When Mr Laing referred to the problems as coming from others that he hired, Bateman asked if he will now ‘follow it through’. The answer was no, but he will ‘stay close because reputation is everything.’ Bateman also spoke about feeling grief over the loss of ‘sacred spots’ such as the south face of this mountain, and he quoted Susan Clarke’s remarks from the Public Hearing section of the meeting, who remarked aptly that the project was ill advised all along, and now the city and the developer were

involved in ‘a death dance’ to make it work.

Tait said to the developer, ‘it is hard to trust you’. She said that the site is shameful, that the process had been a nightmare and she reviewed some of the history of the difficulties with this development. She said that from the start it had been rushed, that developers had jumped over staff and brought things to council, that the developer had little empathy for the people who live nearby, and that campaign donations were made to people running for Council, which are a matter of public record (the implication was that this made it easier to jump staff and put things through Council). She said she recognizes that the new owners have inherited all this, but said that they need to recognize that the development had been ‘hellfire for many residents’. She commented that she was very pleased that there has been such good ‘citizen oversight’.

The new covenant was adopted.

Kudos to Sooke Staff - I do not know exactly who was involved, but Matthew Pawlow, Director of Planning, and the planning department worked on the document, Laura Hooper is the Manager of Parks and Environmental Services, and Jessica Boquist, Sooke’s Parks and Environmental Coordinator, is mentioned in the Agenda Package as doing site visits.

Kudos to Logins -- Logins called the developer on his use of the term affordable (when he argued that the smaller lots would be more affordable). She said: “Don’t use that language. They might be less expensive, but lets not pretend they are less affordable.”

Item 8.2 606 Water Group

There was a recommendation from the June 20, 2022 Committee of the Whole Meeting that Council pass a resolution to direct staff to produce a high-level staff report on questions raised by the 606 Water Group. Bateman moved this. Staff were asked about the time and work involved. Carter, Director of Operations, said that a lot of the questions are quite technical and it would take about 3 or 4 weeks to answer just the aquifer recharging time. Bateman says given this, he will vote against his own motion. Tait says that ‘we should suggest that the group reach out to the CRD, since we can’t do it at this time.’

8.2 Co-working space in Sooke

Sooke will support the development of provincial employee co-working hub in the CRD building on West Coast Road. It will contribute to the reduction in vehicle transportation emissions because 237 provincial government employees reside in Sooke. Langford has a ShareSpace co-working hub and it is very successful.

8.2 Sooke to join VIGBC Vancouver Island Green Business Collective

VIGBC is a group organized to support green businesses and governments trying to reduce their environmental impact; the organization is developing a certification for business and governments. The organization has been explored by the Climate Action Committee and the Economic Development Committee. Bateman suggests we join, and host a ‘Lunch and Learn’. Council decided we are too short staffed at present to undertake a lunch and learn, but joining the organization and passing the information on to the Chamber of Commerce and to local businesses is a good idea - a motion is passed to that affect. Beddows is opposed because he says he does not know enough about the organization and the benefits it might bring.

Other substantive items of Business not covered in this Report

8.2 Issues that came out of the July 20th Committee of the Whole:

That the Fire Master Plan Report from June 20 meeting be included in consideration for the 5 year financial plan.

That Council refer all committee recommendations to staff to put together for the incoming Council.

9.1 Naming of the Sports Box - Ravens Ridge

9.2 Adoption of Volunteer Program Policy

9.4 Council approval for Mayor Tait to participate in the standing committees of the Federation of Canadian Municipalities

9.6 Application for Grant funds to complete Active Transportation Corridor on Charters Road.

10.1 Bylaw to enlarge the community sewer system at 7117 West Coast Road.

10.2 Changes to the existing bylaw regarding extraction and depositing of soil.

10.3 Changes in the municipal ticket system to use one bylaw to replace this information across a range of bylaws.

11.1 Notice of Motion Bateman - to engage with SEAPARC to propose ways to share programming.

The facts here are from listening to the meeting (on YouTube) and the analysis is mine also.