Report to Council

From: Councillor Kahakauwila – Planning Chair

Meeting Date: Monday, August 22, 2022

Purpose:

The purpose of this report is to bring clarity around the discussions and decisions that Council made and had, regarding the disposition of Lot A, the "greenspace" of the 2017 Reconciliation agreement with the City of Langford and Beecher Bay First Nation. (Note: the Greenspace, is also referred to as the "buffer land").

The timeline presented below starts with the most recent discussions/decision, moving back in time.

Timeline:

- ➔ October 25, 2021
  - Disposition of the Greenspace
    - Council discussed the potential sale of the 113 acres buffer/greenspace to the CRD Board, including:
      - Security of greenspace and conservation covenant
      - Third party appraisal value as parkland
      - Costs to maintain the greenspace if Metchosin keeps it; work that will need to happen before opening the area to the public
      - Public inquiries as to "when" area will be open, public already using the area
      - Public consultation & process for selling the greenspace
    - Continued discussion, including:
      - The effect this is having on the Neild Rd residents
      - Getting a 3rd party assessment done on the property
      - The timing is wrong
      - Placing "no entry" signage on the greenspace/buffer property
    - **Moved & seconded by Councillors Kahakauwila & Epp that Council not enter into a Purchase Agreement with the CRD ~ passed unanimously**
- ➔ October 7, 2021
  - Purchase Agreement – District of Metchosin and the CRD
    - Council discussed the agreement following an overview from Staff
      - Concerns & risks

- Changes made to the Purchase Agreement (to date)
- Legal advice
- Allowed usage and wording used to describe uses
- Exploring a sale with the CRD for a regional park, this is the 1st step
- Noted that Staff were to bring back the Purchase Agreement with suggested amendments

▪ **Moved & seconded by Councillors MacKinnon & Kahakauwila that Council provide approval for staff to provide Notice of Disposition of Property in 2 consecutive editions of the Gazette (under s.26 of the Community Charter) ~ Passed unanimously**

▪ **Moved & Seconded by Councillors Kahakauwila & Little that Council release the motion to approve the advertising the Notice of Disposition of Property ~ Passed unanimously**

➔ September 17, 2021

o Disposition of Greenspace

▪ Council discussed assurances that Lot A remain greenspace in perpetuity; Section 219 Covenant

- Direction given to Staff to confirm how to ensure it remains park

➔ July 12, 2021

▪ Staff gave a report on attached documents

- Work still in progress on amendments
- Questions to be sent to our lawyer
- CRD valued District's property significantly less than expected
- Protect parkland is not worth much money
- Managing protected greenspace – costs involved
- Legal Opinion on disposition

➔ June 14, 2021

o CRD Parks – Purchase Proposal

▪ Staff gave a verbal update on the CRD Parks Purchase Agreement

Discussion:

Releasing this information is a way to clarify with the public the process Council considered in the disposition of Lot A to the CRD, and ultimately how Council also came to the decision to end the negotiations and to not move forward with the Purchase Agreement of Lot A.

Council's consideration of disposing Lot A was in part to ensure that the land would be effectively managed as park/greenspace in perpetuity. While Council proceeded with the disposition in a technically and legislatively correct manner; Council did not calculate the public concern adequately. Hearing from our residents, the decision was made to not move forward with the Purchase Agreement with the CRD.

While a current Council cannot fetter a future Council from making decisions, current Council is committed to preserving Lot A as the greenspace/buffer it was intended to be when we entered into the Reconciliation Agreement of 2017.

Recommendation:

It is my recommendation that Council:

1) Release this report in its entirety to the public
2) And direct staff to release the "Supplemental Information – Metchosin Greenspace Disposition Package" (dated August 22, 2022) redacted (blacklined) to the public.

Respectfully submitted,

Councillor K. Kahakauwila
Chair, Planning Committee