



Making a difference...together

**Minutes of a Special Meeting of the
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
Held Tuesday, November 24, 2015 at the Juan de Fuca Local Area Services Building,
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: L. Paterson (Chair), V. Braunschweig, K. Douch, S. Jorna, M. Kimmel,
P. Sloan, W. Vowles (Alternate Director)
Staff: M. Walton, Regional Parks Senior Manager; R. Hamilton, Parks &
Recreation Manager; W. Miller, Recorder
ABSENT: C. Bennett, A. Boquist
OTHER: M. Hicks (Director)
PUBLIC: Approximately 43

The meeting was called to order at 3:01 p.m.

1. Approval of the Agenda

The following addition was made to the agenda:

3. b) Service Plans Review Process

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Braunschweig that the agenda be approved as amended. **CARRIED**

2. Delegations

a) Sheringham Point Lighthouse Preservation Society

Further to the letter dated June 23, 2015 from the Society, the Chair advised that the meeting will focus on use of the statutory rights of way (SRWs) held by the Capital Regional District (CRD) on the strata portion of Sheringham Point Road and liability related to use of the SRWs.

The Chair asked that the Society Board of Directors limit their address to 15 minutes.

Terri Alcock, Society Secretary-Treasurer

- thanked the Commission for meeting with the Society
- announced that stewardship of the Sheringham Point Lighthouse and lands have now been transferred to the Sheringham Point Lighthouse Preservation Society
- although transfer has only occurred in the last few weeks and the structure and site require significant work, the gates are now unlocked daily to permit public access to the lighthouse site
- remaining issue is securing access to the site
- there is overwhelming support for access to the site for residents and visitors and for continued management of the Lighthouse View Trail by the Society
- the Society has reviewed the staff report outlining alternatives for access to the lighthouse site
- the Society is prepared to accept the liabilities related to improving and maintaining the SRWs as outlined in Alternative 1
- the Society asks that Alternative 1 be amended to extend the operating agreement from five to ten years in view of the financial commitment proposed by Alternative 1

- the Society further asks that the Commission reinstate a management agreement for the Lighthouse View Trail by the Society for ten years, matching the length of the operating agreement
- this proposal eliminates the need for a second parking lot and development of a second trail head
- the Society has asked its solicitor to draft a management agreement for consideration by the Commission
- draft will be forwarded to the Commission
- the Society asks that the Commission move forward with the Society for the benefit of the community and region
- the Society asks that the Commission join and celebrate the opening of the lighthouse site at the formal dedication

Robert Vanveen, Society Vice President

- original goal was to protect the lighthouse and site
- working with the community and the developer, the Society strove for dedication of a trail
- the Commission accepted cash-in-lieu of parkland dedication
- the Society signed an agreement with the developer that resulted in the creation of a public trail on private property, owned by the CRD
- the public trail provides loop access to the lighthouse site
- further covenants were negotiated stipulating buffers, no tree cutting and no further subdivision
- conclusion of the management agreement for the Lighthouse View Trail appears to coincide with the Society's decision to acquire ownership of the lighthouse and site
- it was understood that the Commission wanted to take ownership of the lighthouse site and not the lighthouse structure
- with this understanding, the Society moved forward with its decision to acquire ownership
- the Society asks that the Commission restore the commitments made by the former Regional Director and previous CRD staff and reinstate the management agreement for the trail
- the Society has the funds, maintenance crew and volunteers to maintain the trail, eliminating the need for tax dollar support

John Walls, Society Director

- primary role is fundraising
- private funds are available including a ten-year commitment from a benefactor
- transfer will be a historic Canadian event
- huge task at hand and more funds will be required but end result is a passive park for the enjoyment of residents and visitors

Bill Parkes, Society Director

- Society solicitor has provided the SWRs held by the CRD
- a SWR (FB219247) provides for a public access and parking area
- this SWR permits access to lighthouse site to members of the public who may have mobility issues
- the Society asks that this agreement be honoured

Martha Moore, Shirley Women's Institute Member

- supports continued access to the lighthouse site
- access is required to support local girl guide use and general tourism, welcoming visitors to Shirley

Melanie Cunningham

- son took his life at Sheringham Point
- husband not mobile
- supports continued access

Bill Turner, Society Director

- thanked the Commission for meeting with the Society
- asks that the Commission amend Alternative 1 to reflect a ten-year agreement with five-year review and that the agreement include the Lighthouse View Trail
- offered to review the historical record
- stated that Alternative 2 would be more costly to the Commission

R. Hamilton thanked the attendees for their comments and read the staff report aloud, clarifying that:

- the Sheringham Point Community Park Trail (View Trail) connects to the lighthouse site
- both Alternatives include a new trailhead
- the new trailhead and enhanced parking area (in the upper parking area) for the park will be a cost to the CRD of approximately \$15,000
- Under Alternative 1 the Society would have almost exclusive use of the CRD SRWs over the strata road and lower parking area, and be responsible for all costs associated with their improvements and long term maintenance needs, to be detailed in an Operating Agreement
- it will cost approximately \$20,000 to move the gate as proposed by Alternative 2
- costs associated by Alternative 2 would be borne by the CRD
- should the Society be agreeable to Alternative 1, a five-year trial Operating Agreement will be prepared by staff, and reviewed and completed to the satisfaction of both parties
- the option to review/renew can be included in the agreement
- the initial five-year trial Operating Agreement acts as a performance bond to ensure road/lower parking area improvements and maintenance obligations have been met by the Society

MOVED by Commissioner Jorna, **SECONDED** by Commissioner Braunschweig that the Commission recommend that the Capital Regional District reduce its level of risk by entering into a five-year trial operating agreement with the Society, whereby the Society is responsible to operate the CRD's statutory right of way on the strata portion of Sheringham Point Road and the lower parking area, provided the Society be responsible for all costs, risk and liabilities related to improving and maintaining it to an acceptable standard.

Commission comments included:

- support for Alternative 1 as it supports agreement review
- support for Alternative 1 as it is closest to the Society's desires

The Chair called the question.

CARRIED

R. Hamilton stated that, regardless of the Society's willingness to accept liability, the CRD will be identified in any claim as legal holder of the SRWs. The new trailhead provides more distinction, separating the risks between trail users and lighthouse visitors to the best extent possible.

b) Service Plans Review Process

R. Hamilton advised that internal review of the Service Plans for 2016 – 2019 is now complete. The Service Plan for Juan de Fuca Parks and Recreation is presented for formal approval by the Commission.

MOVED by Commissioner Kimmel, **SECONDED** by Commissioner Jorna that the Commission approve the Service Plan for 2016 – 2019.

CARRIED

3. Correspondence

- a) **Sheringham Point Lighthouse Preservation Society – Sheringham Point Lighthouse View Trail**
- b) **Sheringham Point Lighthouse Preservation Society – Heritage Status – Sheringham Point Lighthouse Site**
- c) **Nova Scotia Lighthouse Preservation Society Letter to Support Sheringham Point**
- d) **Petition Letters of Support – Sheringham Point Lighthouse – Securing Public Access**

The Commission received the correspondence.

4. Next Meeting

December 15, 2015

5. Adjournment

At this time, Director Hicks stated that:

- both the Commission and the Society have worked hard
- he supports the Commission's recommendation and will support the recommendation at the CRD Board

The meeting adjourned at 3:50 p.m.

Louise Paterson, Chair

Wendy Miller, Recorder