

Association for the Protection of Rural Metchosin
#1 – 4401 William Head Road, RR#1, Victoria, B.C. V9C 3Y6

January 15, 2012

Mayor Ranns and Council,
District of Metchosin,
4450 Happy Valley Road,
Victoria

Dear Mayor Ranns and Council,

Re: Proposed permitting of Detached Secondary Suites

Members of the APRM have discussed this issue thoroughly, both before the related referendum and after, and remain convinced that the permitting of Detached Secondary Suites (DSS) would be detrimental to the long term development of Metchosin.

In addition it is noted that the results of the referendum, 52% in favour and 48% opposed to DSS, is not a ringing endorsement of the proposal and leaves the community deeply divided on the issue.

However, should Council determine that it wishes to proceed with new bylaws to permit DSS, then the APRM believes that careful consideration of these bylaws, and those related to Accessory Buildings (AB) and enforcement are essential to restore confidence in the community. The APRM recommends:

- The bylaw must be clear in its definition of a DSS. Is it intended by Council to be only a stand alone building, or can it be located within an AB? At this point Council's intent is not clear. The APRM strongly supports the limitation of DSS to stand alone buildings as this would be much easier to control.
- The referendum included physical restrictions on size and location of a DSS, but did not state what the administrative measures would be to permit a DSS. The APRM strongly recommends that an applicant for a DSS be required to sign a declaration that there is no Attached Secondary Suite (ASS) on the property and allow a visit by staff to verify this. As President Reagan said in relation to negotiations on disarmament "Trust, but verify".
- Further, it is proposed that an applicant for a DSS be required to sign a covenant agreeing that no ASS would be developed on the property, a point apparently also approved by Councillor Gramigma when he addressed our members on Jan4. This covenant would allow annual

- inspection by the municipality with a fee set to provide full cost recovery, much as environmental covenants are monitored.
- To allow a DSS on all properties over 1.98 acres is in effect an upzoning of such lots relative to smaller lots. It is proposed therefore that any applicant for a DSS be required to make a contribution to Metchosin's public good fund, such contribution to be set annually by Council.

It is understood that Council intends to proceed with new bylaws and policies on AB and enforcement, but not at the same time as the DSS bylaw. The APRM strongly recommends that these bylaws and policies be developed and brought forward at the same time so that the public and would-be applicants for DSS have a full understanding of the regime in which applications will be considered. Given the record of illegal development in Metchosin, the last thing the municipality needs now is to open the door to a new type of permitted development without new bylaws and policies needed to ensure compliance with them.

With regard to enforcement, it is recognized that there are many illegal buildings in Metchosin. While it would be ideal to establish policies and bylaws to handle these existing cases together with DSS, we recognize that it may be more feasible to start with the "new" construction. But we hope that Council will undertake to address the existing illegal situations as soon as possible once the revisions for the new DSS have been disposed of.

Metchosin's enforcement policy is presently "complaint driven", this may have been successful in keeping enforcement costs down, but it has failed in terms of the number of illegal buildings and suites on the ground. One of the reasons for this is that Metchosin is sparsely populated and it is easy for any owner to determine which of his/her neighbours initiated a complaint. Thus many people are afraid to make a complaint, as they know they still have to live with the neighbour. The policy works better in more developed areas.

The APRM is convinced that respect for the municipal bylaws in Metchosin will only come when the municipality is prepared to be proactive in enforcement, requiring its staff to report bylaw contraventions when they find them, as well as acting on complaints, and asks that this be part of a new enforcement policy. It is recognized this may initially cost more, but once residents recognize the municipality is serious about its bylaws the cost should reduce sharply.

With regard to revision of the bylaws on ABB, as this is so closely tied to Council's decisions with regard to DSS, the APRM will make recommendations on these when Council's intent on DSS is known.

To summarise, APRM believes that the "best" solution would be not to allow DSS, while tightening up on activities to ensure compliance with existing bylaws. But it is clear Council has adopted a second course. We therefore strongly recommend

that permission for DSS must be accompanied by adequate changes in other items (AB, building inspection) and policies (rearding compliance) to minimize the creation of more loopholes, and to provide a basis for bringing the existing situation into compliance with the law. We were heartened by the remarks of Mayor Ranns at the first meeting of the new Council which noted the need to deal with ABs and enforcement, and trust there will be strong followup on that promise.

With respect,

Ken Farquharson
Preseident

*The APRM is a registered non-profit society established in 1993 dedicated to preserving the quality of rural life and peaceful co-existence of homes, farmlands, diverse livelihoods, forests, natural habitats and trails in our community. Our membership is open to both resident and non-resident friends of rural Metchosin and currently comprises over 180 families.