

Nareka Jacques

Subject: RE: Proposed CRD Foodlands Access Service #2

From: Jason Austin [REDACTED]
Sent: Friday, January 24, 2025 4:58 PM
To: Emilie Gorman <Emilie.Gorman@csaanich.ca>; Pamela Martin <Pamela.Martin@csaanich.ca>
Cc: Mayor Ryan Windsor <Ryan.Windsor@csaanich.ca>
Subject: Fwd: Proposed CRD Foodlands Access Service #2

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

For Mayor & Council

----- Forwarded Message -----

Subject:Re: Proposed CRD Foodlands Access Service

Date:Tue, 21 Jan 2025 15:09:47 -0800

From:Jason Austin [REDACTED]

To:CRDBoard@crd.bc.ca, malto@crd.bc.ca, directorsgi@crd.bc.ca, sbrice@crd.bc.ca,
jbrownoff@crd.bc.ca, jcaradonna@crd.bc.ca, ccoleman@crd.bc.ca, zdevries@crd.bc.ca,
bdesjardins@crd.bc.ca, sgoodmanson@crd.bc.ca, charder@crd.bc.ca, directorssi@crd.bc.ca,
pjones@crd.bc.ca, dougkobayashi@crd.bc.ca, dougkobayashi@crd.bc.ca, mlittle@crd.bc.ca,
Cliff McNeilSmith <cmcneilsmith@crd.bc.ca>, kmurdoch@crd.bc.ca, cplant@crd.bc.ca,
mtait@crd.bc.ca, dthompson@crd.bc.ca, stobias@crd.bc.ca, directorjdf@crd.bc.ca,
kwilliams@crd.bc.ca, Ryan Windsor <rwindsor@crd.bc.ca>

CC:Victoria Mayor and Council <mayorandcouncil@victoria.ca>, council@saanich.ca,
council@esquimalt.ca, allmayorandcouncil@northsaanich.ca, cday@colwood.ca,
dgrove@colwood.ca, djantzen@colwood.ca, iward@colwood.ca, kjordison@colwood.ca,
mayorandcouncil@metchosin.ca, admin@sidney.ca, obcouncil@oakbay.ca,
council@sooke.ca, mayorandcouncil@viewroyal.ca, kwilliams@highlands.ca,
[REDACTED] info@highlands.ca, Mayor
Ryan Windsor <Ryan.Windsor@csaanich.ca>, chris.graham@csaanich.ca,
zeb.king@csaanich.ca, gordon.newton@csaanich.ca, Niall Paltiel <Niall.Paltiel@csaanich.ca>,
sarah.riddell@csaanich.ca, bob.thompson@csaanich.ca

The CRD Board of Directors,

Copies to the Mayors and Councils in the Capital Region

Re: The invalid public Notice for the Proposed CRD Foodlands Access Service

In my email to you of January 15 2025 I said it appears to me the AAP process for proposed bylaw 4602

was invalidated because the Notice given to the public does not meet the disclosure requirements of the Community Charter. This is the reason:

The CRD intend the Foodlands Access Service to be charged to the municipalities annually in excess of \$1,000,000 with no end date. In the Notice the CRD published they removed the word "annually" so the notice reads as if the \$1,000,000 would be a one time charge. The Notice was not descriptive of the CRD's intent and consequently no reasonable person seeing the Notice could make an informed decision.

This is an extract from the public notice at https://www.crd.bc.ca/docs/default-source/legislative-pdf/ads---notices/aap-bylaw4602-foodlands.pdf?sfvrsn=5efa53cf_1 a copy of which is attached and marked the section in red :

The maximum amount that can be requisitioned for the :
one million dollars (\$1,000,000) or an amount equal to t
that could be raised by a property value tax rate of \$0.00
thousand dollars (\$1,000.00) to the net taxable value of
improvements within the service area.

That was the key message in this Notice to the public - that ***the maximum amount*** that can be requisitioned is \$1,000,000*..... There is no ambiguity and a reasonable person would read this as a one time charge.

Despite telling the public that the maximum requisition was \$1,000,000, all along the CRD intended this would be an annual charge, not a one time charge.

See <https://www.crd.bc.ca/about/how-we-are-governed/elections-other-voting/foodland-access-service-alternative-approval-process> where the same language was used that was in the public notice but also includes the word "annually".

The maximum amount that can be requisitioned **annu** million dollars (\$1,000,000) or an amount equal to the raised by a property value tax rate of \$0.00543 per one (\$1,000.00) to the net taxable value of the land and im service area.

And the draft bylaw also includes the word **annually** for the cost of the service (see [https://www.crd.bc.ca/docs/default-source/legislative-pdf/alternative-approval-process/2024-foodlands-access-\(bylaw-4602\)/bylawno.4602.pdf?sfvrsn=e7b851cf_1](https://www.crd.bc.ca/docs/default-source/legislative-pdf/alternative-approval-process/2024-foodlands-access-(bylaw-4602)/bylawno.4602.pdf?sfvrsn=e7b851cf_1))

Maximum Requisition

6. In accordance with Section 339(1)(e) of the *Local Government Act*, that may be requisitioned annually for the cost of the Service is that
 - a) One million (\$1,000,000); or
 - b) An amount equal to the amount that could be raised by a \$0.00543 per one thousand dollars (\$1,000) that, when applied to the land and improvements within the Service Area, will yield an amount that may be requisitioned for the Service.

In summary, the CRD gave notice to the public there was to be a one time maximum charge to the municipalities of \$1,000,000, but all along it intended to charge the municipalities **annually, every year into the future**. Omitting the word "annually" appears to be a deliberate act by the CRD. This is an enormous difference and would have influenced any person reading this notice. I believe this invalidates the Notice given by the CRD of the Alternative Approval Process.

Sincerely,

Jason Austin
Gatton Farm
Central Saanich

* For simplicity in this email I have spoken of the maximum requisition being \$1,000,000. The actual intent however was the maximum requisition was to be the greater of \$1,000,000 or a mill rate applied to the assessed value of the CRD region.

"The information contained in this transmission may contain privileged and confidential information of the District of Central Saanich. It is intended for review only by the person(s) named above. Dissemination, distribution or duplication of this communication is strictly prohibited by all recipients unless expressly authorized otherwise. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you."

Alternative approval process for Bylaw No. 4602 to authorize the establishment of a new regional service for the purpose of coordinating preservation and access to farmland for agricultural use, and to promote regional food security.

Notice is hereby given that the Board of Directors of the Capital Regional District ("CRD") proposes to adopt Bylaw No. 4602, "Foodlands Access Service Establishment Bylaw No. 1, 2024". The service area applies to all municipalities and electoral areas of the CRD.

The purpose of Bylaw No. 4602 is to establish a new regional service for the purpose of coordinating preservation and access to farmland for agricultural use, and to promote regional food security. The service will purchase, lease, or otherwise acquire land to be used for agricultural and agricultural-related activities. In addition, the service will fund capital improvements to agricultural land, provide operational funding for service delivery, allow the CRD to enter agreements with third parties for service delivery and operation, provide grants or financial assistance to support agricultural initiatives, and undertake promotional activities.

The maximum amount that can be requisitioned for the service is one million dollars (\$1,000,000) or an amount equal to the amount that could be raised by a property value tax rate of \$0.00543 per one thousand dollars (\$1,000.00) to the net taxable value of the land and improvements within the service area.

The proposed service area applies to all municipalities and electoral areas of the Capital Regional District, including Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, and the Electoral Areas of Juan de Fuca, Salt Spring Island, and Southern Gulf Islands. Participating area consent will be obtained by conducting a region wide alternative approval process.

Please note that this synopsis of Bylaw No. 4602 is not intended to be or understood as an interpretation of the bylaw. A copy of the complete bylaw and this notice may be viewed at Capital Regional District office located at 625 Fisgard Street, Victoria, BC from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays). The bylaw may also be viewed at www.crd.bc.ca/foodlands-aap.

Take further notice that the CRD may proceed with Bylaw No. 4602 unless at least 33,194 electors (constituting 10% of eligible electors) within the Capital Regional District indicate, by signing the elector response form, that the Board must obtain the assent of the electors by way of an assent vote (referendum) before proceeding to adopt Bylaw No. 4602.

The elector response must be in the form as established by the CRD and is available from the CRD on request or from the CRD website at www.crd.bc.ca/foodlands-aap. The only persons entitled to sign elector response forms are electors of the area to which the alternative approval process opportunity applies. The alternative approval process applies to all municipalities and electoral areas of the CRD, including Central Saanich, Colwood, Esquimalt, Highlands, Langford, Metchosin, North Saanich, Oak Bay, Saanich, Sidney, Sooke, Victoria, View Royal, and the

Electoral Areas of Juan de Fuca, Salt Spring Island, and Southern Gulf Islands.

The deadline for submitting signed elector response forms, in relation to Bylaw No. 4602, to the CRD is **4:30 pm on Wednesday, January 15, 2025**. Forms must be received by the deadline to be counted.

A copy of the elector response form may be downloaded from: www.crd.bc.ca/foodlands-aap

To obtain an elector response form, or for questions about the alternative approval process, contact Legislative Services, 625 Fisgard Street, Victoria, BC, V8W 1R7, email legserv@crd.bc.ca, telephone 250.360.3024 or toll free 1.800.663.4425 from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays).

Questions regarding Bylaw No. 4602 may be directed to Patrick Klassen, Senior Manager Regional Planning, 625 Fisgard Street, Victoria, BC, 250.360.3244, pklassen@crd.bc.ca, from 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until January 15, 2025.

Qualifications for Resident and Non-Resident Property Electors
Resident Elector: You are entitled to submit an elector response form as a Resident Elector if you are 18 years or older on the date of submission of the elector response form, are a Canadian citizen, have resided in British Columbia for at least 6 months and currently reside in the Capital Regional District prior to signing the elector response form.

Non-Resident Property Elector: You may submit an elector response form as a Non-Resident Property Elector if you are 18 years or older on the date of submission of the elector response form, are a Canadian citizen, have resided in British Columbia for 6 months, have owned and held registered title to property in the Capital Regional District for 30 days and do NOT qualify as a Resident Elector. If there is more than one registered owner of the property (either as joint tenants or tenants in common) only one individual may, with the written consent of the majority, submit an elector response form.

Elector response forms, a copy of Bylaw No. 4602, and a copy of this Notice may be inspected during regular office hours, 8:30 am to 4:30 pm, Monday to Friday (excluding statutory holidays) from the date of this notice until **4:30 pm on Wednesday, January 15, 2025** at the following CRD locations:

- CRD headquarters, 625 Fisgard Street, Victoria
- on the CRD website: www.crd.bc.ca/foodlands-aap

Given under my hand at Victoria, BC this 21st day of November 2024.

Kristen Morley
Corporate Officer