

Frequently Asked Questions - Lansdowne South Land Disposal Greater Victoria School District No. 61

This document is intended to provide additional information for the public on the proposed land disposal at Lansdowne South Campus. Frequently asked questions put forward throughout the engagement are featured below, in case any other members of the public may have the same question.

1) Are you aware of the Bowker Creek Blueprint?

Yes. The Board of Education passed a motion in 2018 that states: "That the Board of Education endorse in principle the Bowker Creek Blueprint". The Board will need to consider its commitment in principle, including the context under which the District committed in 2018 and what has changed in the meantime, if anything, when it considers the decision (3 readings of the bylaw) to dispose of the property.

The motion and plan is available on the Lansdowne South Land Disposal webpage under additional resources: <https://www.sd61.bc.ca/news-events/news/title/victoria-hospice-society-to-purchase-property-from-greater-victoria-school-district/>

2) How will feedback be provided to the Board?

All input provided will be compiled and gathered in an engagement summary report for the Board to review prior to making a decision about the proposed land disposal. The report will include the recorded information session and the correspondence provided through the community inbox. The Board will review the report prior to December's Board Meeting.

3) What are the projections for Lansdowne feeder schools?

The projections for Lansdowne feeder schools were posted as requested online after the public information session: <https://www.sd61.bc.ca/wp-content/uploads/sites/91/2021/10/Lansdowne-Middle-School-Feeder-School-Projections-by-Grade-2021-11.pdf>

4) Can you confirm the property boundary?

The Richmond property plan is available here: <https://www.sd61.bc.ca/wp-content/uploads/sites/91/2021/10/Richmond-Property-Plan.pdf>

If the proposal were to go forward, The Greater Victoria School District would still be a neighbour of the creek. The property would also be re-surveyed if the Board moves forward with the transaction.

5) Has Victoria Hospice considered other land options or purchases?

The District cannot speak on behalf of the Victoria Hospice Society (VHS). The District was approached by VHS with interest in this specific property. The Board determined to move forward with a consultation process that would raise public awareness and gather community voice to inform their decision on this specific potential land disposal.

At this point time, the Board has not made a decision or explored the use of other properties, as VHS is specifically expressed interested in this parcel of land.

6) Has the BC Riparian Areas Protection Act has been taken into account?

If the proposal were to be approved by the Board, then VHS would have to through the process of attaining building and streamside permits through the District of Saanich and other regulatory requirements. Both the Board and VHS recognize this is a sensitive protective area.

7) This area of town is slated for increased densification, Lansdowne School is already split between two sites because it can't accommodate the existing student population. Why do you think it is in the interest of SD61, future students, and the local community that you dispose of this plot of land?

Future enrolment needs are met with Lansdowne Middle School South Campus (formerly Richmond Elementary School) opening, which houses the middle school's grade 6 students. Even if enrolment increased in the catchment, the school at its current enrolment of 721 students is felt to be at capacity relative to a middle school philosophy. A middle school larger than 750 students is undesirable for learning, and any residual enrolment would be attended to at another site.

8) How do you intend to meet future population growth and resulting school needs in the future in this area?

Through the District's annual 5-Year Capital Plan, future enrolment projections are analyzed to determine future building requirements. The District uses a demographics consultant to project future enrolments. In the case of Lansdowne Middle School campuses, surrounding schools can attend to future enrolments and leased properties with upcoming expiry dates can be reopened as SD61 schools to attend to SD61 K-12 enrolment.

9) What opportunities do you see for how this 1.9 acres of land can continue to directly serve the Lansdowne students and the local community now and in the future? What opportunities do you therefore lose? Is this loss warranted?

Students and community can be directly served by the proposed outdoor learning classroom, restoration of the creek and new walking/biking paths for learning and active transportation. Given that no improvements have been made to the creek since the Board endorsed the Blueprint in principle in 2018, there are no lost opportunities from the perspective of student learning.

10) What SD61 needs are you trying to address by selling this piece of land? Please stick to school district and student needs, as Hospice needs are not your mandate.

The Board has a fiscal responsibility to hold capital reserves for future capital purchases such as technology, furniture and equipment and vehicle replacement to provide engaging and safe learning and work environments for students and staff. The Board is also building reserves to be able to contribute to future major capital projects like Cedar Hill Middle School where the District's contribution is allowing a new school to be built rather than the renovation and seismic upgrade of a very old school. This improves the District's asset base and creates quality learning and work environments for students and staff. Having the ability to make a capital contribution to a project may make the project more viable when the Ministry is prioritizing projects in the province.

11) How does this reconcile with the Jan. 24th meeting statement made by a trustee that there is no immediate financial need that this money needs to address?

Different trustees have different opinions of land sales. Not everyone agrees that land should be sold to build reserves. Not everyone agrees that public school districts should have to contribute money to capital projects. For any decision, individual Trustees gather information and vote at the Board table. Once the Board makes a decision, individual Trustees uphold the Board's direction.

12) It is our understanding that when land is sold, that money goes into the capital reserve fund, so you can only spend that money on capital projects. In addition, we understand that the Ministry uses a formula to fund a new build - the Ministry will pay a certain percentage of a project based on the funds you have. Therefore by increasing the capital fund, you will actually receive less from the Ministry for an intended capital project. What is the strategic value of having this \$2.5 million sitting in the capital fund?

When land is sold the proceeds are generally distributed 25% to local capital and 75% to Ministry restricted reserve. Local capital requires board motion/approval to spend. Ministry restricted reserves requires board motion/approval AND Ministry approval to spend.

With local capital at the Board's discretion, there are opportunities to replace technology, furniture and equipment and vehicle replacement, and contribute to minor capital projects to improve the District's asset base.

The Ministry's capital planning instructions do not speak to a formula or a percentage that must be contributed to a capital project but instead contributions are assessed on a case by case, district by district basis. The Ministry's capital planning instructions indicate:

1.9 Project Cost Share

All major capital projects, other than the lowest cost option for a seismic mitigation project, may require boards of education to share in the cost of the project, including:

- Site Acquisition;
- School Addition;
- New School;
- School Replacement;
- Rural Districts Program project;
- Seismic Mitigation Project (where a school district is recommending a project scope that is not the lowest cost option).

The amount of the school district cost share will be assessed by Government on a case-by-case basis dependent on the current financial situation of the school district. A board's ability to contribute has no bearing on the prioritization of projects when the Ministry is developing its capital plan. The value of a board's contribution will be negotiated and determined at the time the business case is ready for final approval.

The board's contribution can be from a number of sources such as Ministry of Education restricted capital, local capital, operating surplus, or other sources. Confirmation of a school district's funds available for contribution will be required prior to the Ministry seeking a project funding decision from Government.

The strategic value of holding reserves to contribute to local capital items is to relieve the pressure of spending operating funding intended for the day to day operation of the school district by having funds to purchase higher priced items or one-time purchases without impacting learning budgets. The strategic value of holding Ministry restricted reserves is that the District's capital project may be assessed as more viable if the District has a financial contribution to the project thus creating a better business case for the Ministry.

13) How was the agreement price fixed at \$2.5 million - please provide evidence as to how this land was assessed for value? If this value is considered below market value, can you provide a rationale for how this meets SD61 interests? Would it be a breach of your fiduciary duty to sell this land below market value?

The Board received an appraisal in July 2020. The negotiated purchase price is higher than the appraised value. The area of land Victoria Hospice Society can use is less than 1.9 acres as outlined in their conceptual drawing which also increases the proceeds per acre.

14) What is the rationale behind the extraordinary quick timelines you have set to dispose of this piece of publicly owned land? The agreement to sell the land was published on October 14, 2021 to the great surprise of the community, and you intended to embark on the first reading of the bylaws in December - which was postponed due to community pressure.

The Lansdowne South disposal consultation timeframe was similar to that of the Lansdowne North disposal. The Board's decision was extended in response to community request to take more time with the process.

15) As per SD61 Policy/Regulation 1163, Trustees have a requirement to consult the community. Please describe the steps you have taken to consult with the community - before and after Oct. 14, 2021 (do not include the steps the community is taking to try and provide feedback and consult with you).

Consultation efforts with respect to the proposed disposal of a portion of Lansdowne Middle School, South Campus lands to the Victoria Hospice Society to date include:

1. Broad public consultation undertaken by the Board to seek input from the education community is set out in the Board's Engagement Summary Report received by the Board on December 13, 2021 at its Regular Open Board

meeting, attached as Appendix A. The engagement report outlines the extensive efforts made to build awareness around the disposal prior to the public meeting.

2. Specifically, an online public information session was held on November 3, 2021 at which approximately 60 people attended.

3. In addition to the consultation set out in Appendix A, the Board also received presentations from eight individuals at its Operations Policy & Planning Committee and Regular Board meetings as follows:

November 21, 2021 Committee:	2 presentations
December 13, 2021 Board Meeting:	4 presentations
January 17, 2022 Committee:	1 presentation
January 24, 2022 Board:	4 presentations
	11 presentations total

In addition to the November 3rd public meeting and presentations to the Committee and Board listed above, the following also occurred:

1. December 8, 2021 meeting on site with staff, governance and consultant representatives from Friends of Bowker Creek, SD61 (three staff and four Trustees), District of Saanich, Community Association of Oak Bay, Victoria Hospice Society, City of Victoria, and Capital Regional District to receive a Bowker Creek Initiative presentation from CRD representative and a walk of the creek on the Lands.
2. January 7, 2022 meeting by Zoom with staff representatives from Bowker Creek Initiative, District of Saanich, Victoria Hospice Society, Capital Regional District, SD61 (three staff) to receive a conceptual creek restoration presentation from Victoria Hospice Society.
3. SD61 Secretary-Treasurer's discussion with District of Saanich Planner to verify the conceptual plan presented by Victoria Hospice Society on January 7, 2022 above and to the Board on January 24, 2022, meets the goals and objectives of the Bowker Creek Blueprint.
4. 169 pieces of correspondence were received by the Board as of January 24, 2022, with additional pieces of correspondence anticipated for inclusion in the February 28, 2022 Board agenda.

16) What is your responsibility to support climate action and adaptation in a community that was directly affected by severe flooding this Fall? Note: One of the primary goals of the Bowker Creek Blueprint is to "manage flows" so as to hold back stormwater in a storm event as experienced in November 2021.

When the Board endorsed the Blueprint in principle in March 2018, it undertook a role in a creek preservation and restoration plan with a range of alternatives, along with other community organizations. The proposed property disposal to Victoria Hospice Society leverages subdivision and development permit applications to action improvements to the degradation of the creek that otherwise have not occurred since endorsing in 2018. Victoria Hospice Society's plan, if approved by the District of Saanich, improves waterflow management through improvements to the creek.

17) There are potential issues regarding building on a floodplain, which this site is on. There is a risk to SD61 that Hospice cannot successfully build there and so might turn around and sell this property to someone else (perhaps for a profit, given the land appears to be undervalued). Have you considered this risk? What responsibility do you have to ensure that any future owner of that land is an appropriate neighbour for an elementary or middle school?

The Board has considered the fact that once the subdivision is approved and the land changes title, that Victoria Hospice can sell the land. The argument can be made that if Victoria Hospice Society is unsuccessful in building on the land, it is unlikely another owner would be able to build either which presumably makes the land less valuable/marketable.

School Districts have the responsibility to keep students safe on the grounds it owns during school hours through supervision and staff involvement. Neighbours surrounding schools change frequently and are not in the control of the School District. As well on a regular basis, municipalities make the School District aware of development

applications within certain distances of schools and invite the District to make comment or oppose the development applications.

18) What is your responsibility to the children and community that surrounds Lansdowne School and counts on the green space and the joint physical, mental, emotional, spiritual benefits that this land brings? This area has a documented deficit in green space. What is your responsibility in safeguarding existing green space?

The Board's consideration of learning as well as community values have been considered as evidenced in seeking the first improvement to the daylight portion of the creek since the Board endorsed in principle, the Blueprint. The proposed conceptual plan provides for an outdoor classroom setting for students in our school district as well as neighbouring school districts, early learning partners and more. This is a similar effort to create a space like Oak Bay High School during the replacement project and the creek restoration at that site.

The Board must consider the safety of students and staff first, then the learning priorities, then the values of community if they do not intersect directly with the Board's mandate. The various regulatory approvals for a development are held by the municipality with the mandate to uphold community values and objectives through Official Community Plans, subdivision approvals and development permit approvals, and consideration for the creek as a party to the Blueprint.

19) Will the sale price remain the same as previously presented?

Yes.

20) In the previous OPPs meeting it was stated that the land would revert back to SD61 if Saanich did not approve building on this site. Can you point that specific clause out to me? If I am mistaken in this, what will happen to the land if Saanich does not allow the proposed build to occur?

If the subdivision is approved, then the District will be paid and title will be transferred and will not revert back to the District if the Society abandons the property for any reason.

21) Hospice indicates that the new proposal meets the objectives of the Blue print. Is there a document from BCI that confirms this?

No. However, the Feb 18, 2022 submission from Victoria Hospice Society speaks to Reach 9's blueprint aspirations and how they are addressed. The blueprint offers two options for this area. One is to reroute the creek to the western border of the land and the other is to leave the creek where it currently is. The proposed VHS plan outlines widening the bottom of the creek and the slope of the banks, replacing the fence, removing invasive species and replanting natural species as per the proposal in the letter and is designed to come in somewhere in the middle of the two options.

22) Does the flood plain storage of 4.9m litres quoted by Hospice compare to the Blue Prints required flood mitigation storage needs.

The Victoria Hospice Society proposal allows for the increase in water holding capacity to be achieved in the creek itself. This is due to the widening of the bottom of the creek and the structure of the banks.

The other option calls for most of the field to be lowered by 2 meters and some of the field 3 meters so that it can become a holding pond in times of severe flooding. This is designed to prevent flooding much further downstream.

Another option could be considered in that District of Saanich also now owns the old 5+ acre BC Hydro (Kings road) land where a dry pond could also be developed.

Another option could be, as mentioned before, is that Lansdowne Middle School, South Campus, become the dry pond if Saanich agreed in the subdivision plan that the field could be dropped given the sewer infrastructure on the Lansdowne Middle School, South Campus side of the creek. It is estimated this could provide 16.3 million litres retention capacity.

The preferred option in the Blueprint provides 36m litres retention capacity.

23) What affect will this land sale have on the recent grant application submitted by the City of Victoria for 5.7 million for flood infrastructure? Has SD61 consulted with the City of Victoria around this?

The impact of the sale of Lansdowne School property on future daylighting of Bowker Creek downstream is currently unknown, but may have negative impacts due to increases in site impervious areas and the reduction of stormwater management facility options for the site if not planned carefully. This may also impact properties further downstream from the Spirit Garden.

Formal consultation did not occur. A City of Victoria staff member attended the December 8, 2021 Bowker Creek partner meeting at Lansdowne Middle School, South Campus held after the November public meeting relative to the proposed disposal. No feedback was received from City of Victoria.

24) The proposal notes restoration will occur in a timely manner. What does this mean? Will restoration occur only when SD61 or other partners commence with restoration of other areas or will this begin immediately?

The commitment and timelines for improvements to the creek will be part of the subdivision and development permit applications between Vic Hospice and the District of Saanich. In order to advance the project, Vic Hospice will need to complete the work outlined in those permit applications. A mutually agreed upon timeline for the restoration will need to be included in the application to Saanich. Saanich will have their methods/requirements to ensure that the time lines are respected.

25) When I review the new drawings, it appears that this reduction in land exchange has had the effect of reducing the amount of land Hospice will be committed to support through stream restoration and increasing the area of stream restoration and flood mitigation to SD61. Within this proposal how many sq meters (or other measure) of stream restoration will be the responsibility of Hospice? How many over the entire property?

The proposed creek restoration will still be the responsibility of Victoria Hospice as it will be a requirement for building on this parcel of land.

Length of the creek on the property is 183m on the Lansdowne South side and 172m on the proposed disposal side.

26) The new proposal comments that the fence will be replaced. Does this mean that the Hospice side of the creek will be fully fenced? The Blue print seeks a widely accessible creek on both sides to support habitat.

Reach action 9-3 in the Blueprint indicates a need to replace the fence which Victoria Hospice is willing to do if required.

27) The new proposal includes drawings for an outdoor learning space and other amenities such as a bike path and benches etc. on SD61 property. What is the financial plan for these amenities?

Victoria Hospice would attend to the cost of upgrades as part of the subdivision and development. The funding would be through partnership grant writing where possible, and VHS funding for the remainder.

28) Will Hospice be providing funding for this or is this expected to come from SD61 or other partners?

Grant writing would be a joint effort with the remainder being paid by VHS.

29) We have heard that the parcel of land Hospice is seeking to purchase is the low area of the parcel. It is this reality that sees the preferred route of Bowker creek through this area, as the water naturally wants to run in this direction. Is Hospice planning to raise this area of the land and build barriers to discourage the stream from running in their direction?

The proposed conceptual plan included in VHS's Feb 18, 2022 letter to address Blueprint Reach action 9-4 includes widening the creek, creating a bench by lowering the sewer right of way to increase cross-sectional area of the channel for major runoff events, and more gentle sloping.

30) If so, what will be the result be to SD61 lands? Will this increase the urgency to restore the creek and adapt for flood mitigation? Will our fields be at risk if we do not mitigate in the same timely manner as Hospice builds?

The creek restoration is proposed to be completed by Victoria Hospice as part of the subdivision and permit application processes. If the east side is available for flood events, Lansdowne South field may flood once each year or two for 2 days or so per event.

31) Will we be responsible for creating the gradual slope required for flood mitigation? How much land will be required for this? What is the estimated cost associated with this?

No. Victoria Hospice will be responsible under the subdivision and permit application approval process. Partner cooperation will be required to write grants, with the difference being funded by VHS.

32) What is the net return on this sale?

Proceeds are \$2.5m, at this time there are no expected costs for SD61 in VHS's creek restoration proposal other than to partner in grant writing and perhaps some staff costs for SD61 expertise as one partner.

33) What is the projected enrollment numbers for this area? Will there be demand for elementary school in the area and or increase in spots for middle school students?

What are the projections for Lansdowne feeder schools?

The projections for Lansdowne feeder schools were posted in an FAQ document as requested online after the public information session: <https://www.sd61.bc.ca/wp-content/uploads/sites/91/2021/10/Lansdowne-Middle-School-Feeder-School-Projections-by-Grade-2021-11.pdf>

Lansdowne Middle School north and south campuses are at capacity with current available seats and enrolment. Future enrolment at middle school would be attended to at alternate sites. In other words, the District does not want Lansdowne Middle School to increase in size because it is felt that a middle school population larger than it already is, is not ideal. Through the boundary review, enrolments are expected to be attended to through District owned assets and existing schools. Leased schools to third parties have short terms in order to be nimble when requiring space for SD61 K-12 enrolment.

33) As most of my concerns center around financial responsibility regarding restoration - please provide me with the sections of the sales agreement that indicate VHS will be covering these costs on our lands

The current Purchase Agreement gives SD61 the right to withhold approval of the terms of the preliminary subdivision plan (3(a)(iii)). It is very likely but not completely certain that the City will require covenants and rights of way to be registered against title to the remainder to ensure that the work is done as a condition of granting preliminary subdivision approval. The Purchase Agreement provides that no encumbrances may be registered against the remainder unless SD61 approves them, in its discretion. The Purchase Agreement also provides that VHS must pay all costs relating to the subdivision, including offsite works.

To address the very remote possibility that the City could approve the subdivision without requiring the work to be done, SD61 can insist that the VHS agree to amend the Purchase Agreement to include the letter from VHS dated February 18, 2022, committing to complete the works at the expense of VHS, when the parties sign the amending agreement that is required today to extend the time for removal of the Ministry condition.

34) Has the School District assessed the increased risk of flooding on school district owned lands as a result of the proposed Hospice development and estimated the associated costs to the school district?

This is not answerable at this time. If the Hospice sale proceeds, VHS will then spend the necessary monies on a detailed design initiated by them on the new site. The restoration work proposed in VHS's conceptual development design of Bowker Creek addresses these future flood risks by providing a significantly improved storm water detention space. Right now, we have zero detention space - just a very deep ditch that Bowker Creek races/rages through when it rains heavily and the flooding the neighborhood experiences happens on adjacent streets/properties.

- 35) Can we see the Hospice building plans?
- 36) Do Hospice plans include any hospice acute or clinical care beds? If so, how many?
- 37) Why is there no parking on the drawings provided by Hospice?
- 38) What is the building footprint?
- 39) What is the impervious surface area in the Hospice plans?
- 40) How many native plants is Hospice planning to plant?
- 41) What is the scope of Hospice's creek restoration plans and associated timelines?

Numbers 35-41 of these questions we do not have answers to at this stage but VHS will develop them during our 90-day feasibility study period. Some of them will likely need to be by mutual agreement (SD61 has input into the preliminary subdivision plan). Once we have drawn the property line and have finalized the details of the purchase then the architect will develop some options for us to review.

The questions regarding the creek are ones that SD 61 and Victoria Hospice will need to sit down with our draft proposal and finalize the details. As it calls for the creek to remain on SD 61 property it will need to be a joint discussion and agreement. Once an agreement is reached Victoria Hospice will be responsible for the getting the work completed. However, a number of the details need to be agreed upon before submitting the final plan to Saanich for approval.

42) How are the commitments Hospice is suggesting it will honor going to be built into the contract with the School District?

The Purchase Contract provides for the subdivision to create a parcel that is approximately 1.9 acres in size. The proposal by VHS would result in a parcel that is only 1.28 acres. Both parties must approve the subdivision plan, but to avoid any uncertainty, the Purchase Contract will be amended to replace the diagram with the configuration proposed by VHS, and to confirm the purchase price remains at \$2,500,000. We will also add to the Purchase Contract a copy of the letter from VHS dated February 18, 2022, since that letter contains commitments by VHS to complete work on SD61 land.

43) What guarantees does the School District have that the 1.9 acres will revert back to School District ownership in the event that for instance Hospice is unable to get necessary zoning, subdivision or variance approvals?

The first step is the subdivision. If the subdivision is approved, then the District will be paid and title will be transferred and will not revert back to the District if the Society abandons the property for any reason.

44) How can the School District initiate a process to amend the contract with Hospice to take into account the information that has come to light as a result of the consultation process?

Same as #42: The Purchase Contract provides for the subdivision to create a parcel that is approximately 1.9 acres in size. The proposal by VHS would result in a parcel that is only 1.28 acres. Both parties must approve the subdivision plan, but to avoid any uncertainty, the Purchase Contract will be amended to replace the diagram in Schedule A with the configuration proposed by VHS, and to confirm the purchase price remains at \$2,500,000. We will also add to the Purchase Contract a copy of the letter from VHS dated February 18, 2022, since that letter contains commitments by VHS to complete work on SD61 land. To be legally enforceable, those commitments should be included in an amendment to the Purchase Contract.

**Any questions regarding Victoria Hospice's proposal or processes will need to be directed to Victoria Hospice. Thank you!*