

**Langford's Bear Mountain Interchange
Urbanization on the Western Frontier and the
Blurring of Public and Private Interests**

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The following report is based on a thorough review of Langford City Council proceedings from January 2000 until December 2007. It draws from regular meetings of council and special meetings, along with selected Committee of the Whole and sub-committee meetings. It should be noted that in 2003, Langford successfully applied to the province to change its classification from district to city.¹ The District of Langford became the City of Langford, embodying the process of urbanization.

Introduction

In February 1998, land surveyor Danny Carrier prepared a report for Western Forest Products (WFP) on “the development potential of Crown Lands ...in the Municipality of Langford.” Carrier concluded that: “Possible impediments to development of the sites are public opposition, environmental issues and the required funding of off-site services.”² WFP sought Crown lands in the vicinity of Goldstream Provincial Park for a high-end golf course and residential subdivision. The forest company also proposed a new highway interchange from the Trans-Canada Highway to service the development. Herb Doman, owner of WFP’s parent company, Doman Industries Ltd., wrote to the deputy minister of Environment, Lands and Parks objecting to “further delays.”³ Another WFP official, chief lobbyist Bob Flitton (himself a former deputy minister of lands in the Social Credit government of the 1980s, and today Bear Mountain’s Residential Project Manager) wrote optimistically: “the next step would be for us to have the surveyors ribbon the proposed subdivision boundary.”⁴

Over the next decade, a series of backroom manoeuvres and public and private decisions transformed Langford’s Skirt Mountain, elevation 347 metres (1138 feet), into a Whistler-esque golf resort and subdivision with a projected build-out valued at \$2.5-billion.⁵ Forest and wetlands gave way to manicured fairways, a “village centre,” and million-dollar homes. Traffic congestion worsened as development increased. The Bear Mountain Interchange proposal came to the fore.

From Rural Backwater to Urban Centre: Langford, 2000-2001

Bear Mountain must be understood in the context of a rapidly suburbanizing municipality, a formerly rural area that rigorously pursued urban growth in the years after incorporation in 1992. Signs of urbanization were apparent at the opening of the 21st century: the banning of bow hunting in lands south of the Trans-Canada Highway in July 2000; the exclusion of Agricultural Land Reserve lands at Goldstream Meadows and Hull's Field in 2001; and a raft of infrastructure changes.⁶ Storm sewers replaced drainage ditches. Wells and septic systems gave way to water and waste-water services provided by the CRD and private West Shore Environmental Services, a Terasen subsidiary. Sidewalks and traffic lights lined Langford's expanding road and street network.

Part of this rural-to-urban transition was the re-branding of the CRD's western reaches, from the Western Communities to the more sleek West Shore. In early 2000, Langford accepted an application from the West Shore Chamber of Commerce to rename the new RCMP detachment headquarters building "West Shore RCMP."⁷ In June 2001, Langford Council approved West Shore Intermunicipal Commission Bylaw No. 596 (2001), entrenching the re-branding within the structure of local government.⁸

Development pressures strained existing infrastructure. In July 2001, Langford Council imposed a moratorium on any further rezoning bylaws north of the Trans-Canada Highway "until the total road improvement costs have been determined...and a funding mechanism is in place to ensure the benefiting property owner have fully contributed to these costs."⁹

Langford residents were far from unanimous on the urban transformation of their community. During the debate over Hull's Field, Langford lawyer Ron MacIsaac – a veteran of the 1990s battle over Clayoquot Sound – "requested Council to think of the future and to be conservative while making their decision to rezone Hull's field, as wetland cannot be replaced."¹⁰ When council considered a Hockley Avenue subdivision in October 2000, a resident of an effected mobile home park, Mr. Larry Jorgensen,

questioned “an \$8,000 bribe to allow the development.” Mayor Stewart Young replied that “Council would not listen to any accusations of bribes, as they were totally false.”¹¹

Indeed, Young and other Langford politicians often excused themselves from decisions because of their business interests. As the owner of Alpine Disposal and related waste and recycling companies, Young (who had been elected in 1999) abstained from decisions relating to the new Walmart on Attree Avenue. He declared a conflict of interest because a company he partly owned rented land from the owner of the future big-box site. In Young’s absence, Langford Council approved OCP amendments, rezoned the land, and issued a development variance permit increasing the allowable signage on each side of the building from 1 to 10 and increasing the square-footage of the freestanding pylon sign from 40 square feet to 164 square feet.¹²

Even as “greenfield” sprawl intruded on wetland, farmland and forested areas, Langford was not entirely oblivious to ecological concerns. In February 2001, Council adopted the District of Langford Watercourse Protection Bylaw No. 550, 2001, which mandated that: “No person shall discharge silt or other substance harmful to fish, or to aquatic plants or animals on which fish depend, into any stream, creek, waterway, watercourse, ditch or drain.”¹³ Protective covenants were a regular feature of rezoning bylaws. For example, the OCP amendments that transformed Langford’s southern reaches from A1 (Rural) to CD4 (Comprehensive Development 4) – the Olympic View subdivision – mandated that “the applicant dedicate, prior to bylaw adoption, the identified “hardhack swamp” ecosystem, in its entirety.”¹⁴ Earlier that year, a homeowner on Langford Lake was granted a permit to construct a deck and addition in a riparian area, on the condition that a willow tree be planted adjacent to the lake and existing vegetation be retained.¹⁵

Important in light of Bear Mountain, on May 7, 2001, Langford council expressed concern over future uses of Western Forest Products (WFP) lands in the Highlands, after receiving Highlands Bylaws 137, 138, and 149 amending the OCP to allow development in these lands. Langford expressed concern that this “development may have a significant impact on hydrological features and stormwater runoff” and that “fire fighting protection

without municipal water service and hydrants may not be adequate.” Langford asked “that Highlands Council consider the opportunities for trails connections that exist between the Highlands and the District of Langford.”¹⁶

A month later, Langford directed staff to prepare amendments to the Official Community Plan rezoning what is today known as “Westhills” from Green Belt 1 (GB1) to Comprehensive Development 1 (CD1), from rural usage to “future neighbourhood.”¹⁷ Five months earlier, CRD Parks had proposed purchasing a portion of these lands for conservation purposes, in a Draft Management Plan for the Sooke Hills Wilderness and Mount Wells Regional Parks forwarded to Langford. Council responded to CRD Parks “that the parcel of land that it is interested in acquiring to the east of Mount Wells Park is shown as Future Neighbourhood in the OCP.”¹⁸ However, it appears that at the time Langford sent this letter, the old Green Belt designation remained in force.

The June 2001 OCP amendment coincided with Council’s consideration of the Regional Growth Strategy (2001), the CRD initiative that established an Urban Containment Boundary. Langford asked the CRD “to amend the Growth Management Strategy” to:

Update/revise the urban containment boundary on Map #3 of the Strategy to reflect Langford’s Official Community Plan and the current applications to amend the Official Community Plan and that flexibility be incorporated into the urban containment boundary to allow individual municipalities to adjust the boundary.¹⁹

A notable feature of Langford’s political process is a tendency to make important land-use decisions during the summer months, when many citizens are away from the municipality or occupied on more leisurely pursuits. In August 2000, Humpback Road resident Ms. Nitya Harris expressed her displeasure that Council held a hotly contested Hull’s Field public hearing, considering OCP amendments, “during the summer, therefore not allowing concerned residents who may be on holidays to attend.”²⁰

Other summer-time decisions paved the way for “greenfield” sprawl for Slegg Lumber on Sooke Road; big-box retailers such as Home Depot on Millstream Road; the 950-home

Olympic View subdivision; Goldstream Meadows; and Westhills, currently under development on the forests slopes below Mount Wells – which received a boost in density from 5000 to 5900 units after a July 2007 hearing, with no height restrictions.²¹

As the preceding discussion demonstrates, Langford was opened for business during the mayoralty of Stew Young – and the deputy mayoralty of Denise Blackwell, who occupied the mayor’s chair more than 30 times between 2002 and 2004 in Young’s absence.²² The sleepy rural backwater re-tooled and re-branded itself as “West Shore’s” up-and-coming urban centre.

Bear Mountain: Land Assembly and Regulatory Change, 2001-2002

The first mention of the Bear Mountain development appears in the January 7, 2002 Langford council minutes, during Stew Young’s inaugural address in the new City Hall on Goldstream Avenue – marking the start of the municipality’s 10th anniversary.

Young extolled Langford’s achievements in the preceding year: completion of the West Shore RCMP headquarters and Peatt Road Firehall; revitalization of the downtown including the debt-free City Hall; new parks at Glen Lake, Langford Lake, and Veteran’s Park in the core; a number of road and sewer extensions; the casino cost-sharing agreement with View Royal, a first of its kind in BC; and the restructuring of the CRD’s Juan de Fuca Parks and Recreation Commission into the quasi-independent West Shore Parks & Recreation Society.

Young concluded that through the West Shore Chamber of Commerce, “*we are proposing a new arena...and a private sector driven 18 hole Nicklaus design golf course north of the Trans Canada Highway.*”²³ At the end of the meeting, Young presented his 2002 Awards of Distinction to citizens including Les Bjola, president of the West Shore Chamber of Commerce; Mike Gibbons, of the Victoria Contracting and Municipal Maintenance Corporation; and Terry Ross, publisher of the Goldstream News Gazette.

While Young identified private interests as the motive force behind the new development, events before and after suggest that public decisions were integral to the evolution of what would become the Bear Mountain Golf Club and Resort.

In the six months preceding Young's announcement, a flurry of back-room deals had sealed the fate of Skirt Mountain, Langford's highest peak and home to dozens of aboriginal heritage sites, endangered Garry Oak and Arbutus habitat, and wetlands and watercourses feeding Florence Lake and the Langford Lake aquifer.²⁴

In July 2001, three years of quiet negotiations between Western Forest Products (WFP) and the BC Ministry of the Environment's Crown Land Unit culminated in the transfer of 101 hectares of Crown land in Langford and Highlands to WFP for the modest sum of \$1.051-million. The province also received 170 hectares of surplus forest lands on northern Vancouver Island for park purposes and a 10-hectare slice of rocky outcropping adjacent to Mount Finlayson.²⁵ The chief player in these negotiations was WFP lobbyist Bob Flitton, a Highlands resident and former deputy minister of forests and lands in the Bill Bennett and William Vander Zalm Social Credit governments.²⁶

In December 2001, WFP's new Skirt Mountain holdings were transferred to LGB9, the Bear Mountain Development Group, a conglomerate of real-estate investors and former NHL hockey players headed by former Florida Panthers' "enforcer" Len G. Barrie.²⁷ Also in December 2001, another significant parcel of Skirt Mountain – the 100-hectare "Goudy Lands" that were protected in the Forest Land Reserve (FLR), moved closer to the LGB9 orbit. Langford councilor John Goudy and his sisters owned these forested lands, which had belonged to their family since the 1950s and included the summit of Miniskirt Mountain. In the 1980s, the Goudys had received federal-provincial silvaculture subsidies to increase the forestry potential of the property. The "Goudy Lands" were divided between the siblings but included under the Forest Land Reserve Act in 1994, which mandated that: "A parcel, all or part of which is private forest reserve land other than Crown license land must not be subdivided...."²⁸ Beginning in 1997 and

continuing for the next four years, John Goudy and his sisters lobbied the Land Reserve Commission for the exclusion of a portion of these lands from the FLR. However, the Commission rejected these applications, concluding in April 2001 that (1) “forestry can be practiced” on the land; (2) “removal and subsequent subdivision would negatively impact” surrounding FLR lands; (3) previous investment in forestry “would be lost.”²⁹

In December 2001, as the closing date for the WFP-LGB9 deal approached, Bob Flitton e-mailed former Social Credit colleague Stan Hagen, Minister of Sustainable Resource Management, requesting Hagen’s “urgent” assistance (see Appendix C). Flitton wrote that “we stand to jeopardize a \$7.5 million business deal” unless the Land Reserve Commission provided a “comfort letter” by 28 December 2001 assuring that a portion of the “Goudy Lands” would be removed from the FLR: “Bottom line is we need someone who is authorized to act and we need it quickly. This may be the Minister or the Deputy Minister.” According to maps received from the Land Reserve Commission, the FLR land was needed for the right-of-way for the Bear Mountain Parkway, the sole route up Skirt Mountain (see Appendix E). Two days after Flitton’s e-mail, Kirk Miller, chairperson of the Land Reserve Commission – who was out of the province at the time – provided the “comfort letter.”³⁰

With the road allowance through the FLR assured, the WFP-LGB9 transaction closed on December 28, 2001, for a price Flitton pegged at \$7.5-million.³¹

Langford Mayor Stew Young acknowledged the Bear Mountain proposal a week after the deal closed and presented an Award of Distinction to Les Bjola, president of the West Shore Chamber of Commerce and a lead consultation for LGB9 through his Turner Lane Development Corporation. *On January 21, 2002, council received a letter from Turner Lane, on behalf of LGB9, requesting a burning permit for sections 81, 82, 83, and 84, and voted to disband the district Wildfire Interface Committee.*³² In April, it adopted development permit guidelines for interface fire hazards.³³

As land-clearing proceeded on Skirt Mountain, increased traffic on Millstream Road immediately gave rise to concern. In February 2002, Mayor Young provided a verbal report on a “blind spot” between the Bear Mountain access and Goldie Road, prompting the installation of traffic warning signs on Millstream – at Langford’s expense.³⁴

That month, Langford delegate Denise Blackwell voted against the Regional Growth Strategy at the CRD Board, and at their next meeting councilors unanimously approved a resolution from John Goudy declaring that “Langford Council no longer supports the Regional Growth Strategy, as it is far too expensive.” A second resolution, moved by Blackwell, instructed the mayor to write to the BC Minister responsible for local government, suggesting the province “establish controls on the CRD Board,” and expressing council’s view that “it has sufficient local planning in our own municipal staff without the wasting of additional funds for regional planning resources and that the Langford Council has a record of quality and balanced growth in our municipality.”³⁵

In April 2002, Council received a rezoning application from LGB9, for “Bear Mountain Estates” on Skirt Mountain. Council directed staff to prepare bylaws amending the OCP and rezoning the property from GB2 (Green Belt 2) to “a new Comprehensive Development Zone,” subject to the following conditions:

- Residential development be limited to 1500 units, including a maximum 610 single-family units;
- LGB9 extend CRD Water to the property and covenant that private green spaces are retained as green spaces;
- No development proceed until “Crown Land to the west of the subject property is added to Goldstream Park”;
- Langford receive “a gift” of one hectare of land or a building in the “village centre”
- Development be limited “to the golf course/clubhouse facility and either 400 single family residential dwelling units or 700 multi-family residential dwellings

units, *until a new north/south road that joins the subject property directly to the Trans-Canada Highway is constructed and operational.*”

A new highway interchange and access road up Skirt Mountain’s southern slope was integral to the Bear Mountain plan. LGB9 was required to “pay for a detailed study, to determine alignment options and costs” and “secure rights of way for the new north-south route.” LGB9 was also required to contribute (at the time of subdivision or building permit) \$5,000 per residential or hotel unit, and \$2 per square foot of commercial space, “towards the design and construction of the new north-south route connector to the Trans-Canada Highway.”³⁶

LGB9 contributed funds to assist with the administrative costs of rezoning Skirt Mountain.³⁷ Council gave By-laws No. 669 and 670 first and second reading on 6 May 2002, and after an uncontested hearing on 14 May rezoned Skirt Mountain from Green Belt 1 to Comprehensive Development Zone 6 (Bear Mountain).³⁸ Councillor John Goudy absented himself, citing a conflict of interest relating to his ownership of the adjacent property. Bear Mountain was born, along with plans for a new connector from the Trans-Canada Highway up Skirt Mountain.

A Transportation Crisis that Langford Created

The ambitious plans for Skirt Mountain foreshadowed conflict over infrastructure expansion and transportation planning. Intense commercial development at the base of Skirt Mountain, in the vicinity of the Millstream Road “power centre” plaza, contributed to gridlock that worsened as Bear Mountain grew.

The Millstream traffic problem was apparent in 2001. At an April 2001 public hearing on expansion of the Millstream power centre, Councillor Lanny Seaton responded to concern over increased traffic, stating that access from Millstream to the peculiar residential subdivision on Sunshine Terrace would be closed as development proceeded –

a move that never occurred. Mayor Young advised that sidewalks would eventually be installed “all the way up Millstream Road to Treanor Road.”³⁹ During a July 2001 vote, Councillor Heather Ashton was the only member of council to oppose the Millstream power centre expansion.⁴⁰

In November 2001, further expansion was considered. A representative of Millstream Properties Inc., developer of the mall east of Millstream, acknowledged that “a major concern...is the impact of increased traffic,” and endorsed the expansion of Millstream Road to six lanes, which Council approved.⁴¹ Selwyn Road resident Marylou Patterson spoke against the rezoning, “suggesting the development would be a haven for shoppers coming from other municipalities, creating traffic congestion on Millstream, in addition to noise pollution impacting the residential neighbourhoods.” Despite these concerns, Langford council approved the Millstream East project.⁴²

In January 2002, the Millstream power centre was again considered by council. A Skedans Road resident, Ken Lavert, and several others, opposed a development variance permit to allow access from Millstream to a new McDonald’s restaurant and Home Depot. Lavert cited “safety concerns with the volume of traffic that will be created from McDonalds, which is located on a quiet residential street.” Again, Council disregarded citizens’ objections and approved direct access from Millstream to the fast-food outlet and big-box retailer.⁴³

The rapid development of Bear Mountain in 2002-2003 intensified the Millstream Road transportation problem. In spring 2003, Langford assumed the lead role in the construction of the Bear Mountain Parkway and a sewer line up Skirt Mountain.⁴⁴ This required an elaborate agreement with the District of Highlands, as a portion of the road and sewer line ran through the Highlands, and the adoption of legislation to permit Langford to establish services outside its municipal boundary.⁴⁵ Langford approved in June and July 2003 Phase 1 of Bear Mountain, consisting of a secondary road and 42-unit residential subdivision. Langford also offered its “unconditional support” for an application to the BC Liquor Control and Licensing Branch to extend the hours of

operation of the new Bear Mountain Club House restaurant to 1:00 a.m. daily.⁴⁶ In August 2003, Langford introduced omnibus amendments to the Official Community Plan exempting Bear Mountain from development permit requirements.⁴⁷

In October 2003, Langford council approved “preliminary project lists” for road development in the municipality, *including the proposed connector “from the southerly Bear Mountain property boundary to the Trans Canada Highway”* and Millstream Road improvements.”⁴⁸ A month later, council noted that “development is proceeding much more rapidly than originally contemplated,” and drafted OCP amendments mandating that Skirt Mountain lands be set aside for school purposes for 10 years, rather than the 20 years contemplated in the original bylaw. It also revised the formula for LGB9’s cost contribution to the TCH connector and Millstream Road improvements – foreshadowing the deferment of the \$5,000/unit fee the following spring.⁴⁹

These OCP amendments and rezoning bylaws were approved following a public hearing in November 2003. LGB9’s allowable density increased from 1500 to 2200 units and 300,000 to 400,000 square feet of commercial floor space. Buildings more than five storeys in height were also permitted under the zoning changes, which stipulated no height limit. One speaker at the hearing, Alf Mathews of Goldstream Avenue, questioned whether tall buildings were more appropriate in Langford’s downtown core rather than on its forested periphery. Municipal planner Rob Buchan responded that “there were benefits to the environment as clustering density results in a smaller footprint.” Buchan cited plans for a 60-room hotel. Les Bjola, who presented the LGB9 application, said the project was in Year 7 of the development projections despite the fact it had only been underway for one year. *Bjola anticipated the need for a second access road to the new “westerly” TCH connector.*⁵⁰

*The cost of the new TCH connector was pegged at \$38-million in a Langford staff report in December 2003, with an additional \$3.6-million required to extend the parkway from the Bear Mountain Village Centre to the project boundary. Langford councillors included this work in the project lists for the North TCH Roads Development Cost Charge.*⁵¹ In

September 2004, council relaxed the traffic covenants that had limited Bear Mountain's growth, allowing "Bear Mountain development approvals on a phase by phase basis" provided construction on the Bear Mountain Parkway "continues at a pace that will ensure, to the satisfaction of the City Engineer, that it will be ready in time to deal with the additional traffic generated."⁵²

In December 2004, Langford council once again approved land-use changes that implied increased traffic pressures. Council endorsed amendments to the CRD's Regional Growth Strategy, to allow LGB9 to install services and increase density on 202 hectares of land it owned in the Highlands, a traditionally anti-growth municipality.⁵³ According to a Highlands staff report, *the BC Ministry of Transportation believed the new Trans-Canada Highway interchange "should be completed prior to construction" on LGB9's Highlands lands*. Staff concurred, recommending that the traffic problem be addressed "before significant construction on the [LGB9] proposal commences."⁵⁴

In January 2005, Bob Flitton was appointed to Highlands' Infrastructure committee and played a role in the *Were You Aware* newsletter that helped tip the balance in the November 2005 Highlands election, which saw a pro-development majority edge out conservationists including Mayor Karel Roessingh.⁵⁵ In February 2006, Flitton told the CRD Planning and Protective Services Committee that the traffic problems caused by Bear Mountain expansion "will be resolved by a road through [the] Bear Mountain development to the island highway."⁵⁶

The Bear Mountain Interchange

In January 2005, Langford council had approved the Bear Mountain Parkway/Trans-Canada Highway Interchange as the top priority for infrastructure funding, applying for \$8-million in grants.⁵⁷ The next month, the "TCH Interchange" was included in the city's 5-year capital plan, which anticipated \$1-million in spending in 2007, \$5-million in 2008, and \$5-million in 2009.⁵⁸ At the same meeting, council received without action a letter

from View Royal regarding a proposed interchange at McKenzie Avenue and the Trans-Canada Highway, the third highest car crash site on Vancouver Island.⁵⁹ In May 2005, Langford council agreed to cover one-third the cost of the “Bear Mountain Interchange,” as the minutes described it, and revised spending forecasts to \$3-million in 2006, \$8-million in 2007, and \$1-million in 2008. Council applied for a Canada-British Columbia Infrastructure Grant for the project.⁶⁰

Throughout 2005 and 2006, Langford and LGB9 intensified pressure for federal and provincial funds for the interchange project. In May 2005, Len Barrie mailed pamphlets to thousands of homes in the Malahat-Juan de Fuca and Saanich South electoral constituencies, urging voters against electing anti-development (read: NDP) candidates. Despite this pressure, the opposition party swept all South Island seats with the exception of affluent Oak Bay and North Saanich.⁶¹ During the federal election campaign in January 2006, the outgoing Liberal Party of Canada pledged \$5-million in federal funding toward the interchange, as part of its “Made-in-BC” agenda.⁶² In March 2006, LGB9 project manager Les Bjola told the *Victoria News* that the interchange was essential for the “ultimate build-out” of Bear Mountain.⁶³ Meanwhile, Langford purchased private homes along Leigh Road in anticipation of the Interchange project.⁶⁴

Ironically, in light of many land-use decisions, the Liberal government of British Columbia provided a voice of restraint in discussions over the Bear Mountain Interchange. In March 2006, John Horgan, New Democratic Party MLA for Malahat-Juan de Fuca (which includes Bear Mountain), demanded provincial money for the interchange, describing Bear Mountain as “a fantastic place... a good thing for my community”:

I can start with the Bear Mountain interchange, a classic opportunity for this government to embrace a P3. There's federal money, there's municipal money, and there's private money. Where's the province? Nowhere to be seen — it's in an NDP riding. In fact, the proponent, no supporter of mine, sent mail to every one of my constituents, spreading misinformation about the New Democratic Party and its role and function in society. Yet here I am, standing in this place defending him and his request for provincial assistance

so that we can have an interchange so that the economic development that's taking place at Bear Mountain can continue.

It's a fantastic place. I encourage the members opposite to take a drive up to Bear Mountain and look at the economic development going on there. It's not because of the policies of this government. It's because of low interest rates, it's because of the beautiful view of the south Island, and it's because investors took a chance. They took a chance, and they're making millions, and that's a good thing. It's a good thing for my community; it's a good thing for this province.⁶⁵

Two months later, in May 2006, Horgan again demanded provincial money for the interchange, informing the legislature that: "What seems to be missing is a one-quarter contribution from the province."⁶⁶ Transportation Minister Kevin Falcon responded:

The interchange largely benefits the developer. They're creating all the traffic as a result of their development. Therefore, they would like to see an interchange, and therefore, most of the benefit will go to the developer.... We will require the developer to pay most, if not all, of the costs.

You know, they'll make all the arguments — right? "Gee, it creates all this great economic development. Taxpayers should get into this," and blah, blah, blah. I remind them that this is not a government that's in the business of subsidizing business and that we will look at every project on this basis: is there a benefit for the Trans-Canada?⁶⁷

In spring 2005, Bear Mountain's projected traffic needs had increased, when John Goudy and his wife sold what was left of the former Forest Land Reserve lands for \$1.5 million, entering into a mortgage with LGB9 at a 12.5% annual rate of return. The mortgage agreement also provided a \$10,000 bonus to Goudy for every lot sold: "*Upon Subdivision of the Land into residential or commercial lots the Borrower (LGB9) will pay the Lender (John and Helen Goudy) the sum of \$10,000.00 up the sale of each lot sold by the Borrower.*"⁶⁸ A year earlier, John Goudy's sister, Elizabeth Booth of Vancouver, had appeared before Langford council to protest signage and the road allowance for the Bear Mountain Parkway, which cut through her former property and was located in an

Environmental Permit area. “The road dedication process is questionable,” Booth told council, objecting to “the amount of [Langford] land that had been given.”⁶⁹

The former Goudy lands were incorporated into Bear Mountain’s Comprehensive Development “CD6” zone at a 21 June 2005 public hearing, with bylaws 943 and 944, increasing LGB9’s development ceiling from 2200 to 2983 units. At the hearing, developer Les Bjola said Bear Mountain had “been very diligent in protecting the sensitive ecological areas.” However, Langford resident Scott Livingstone argued that “this type of development will scar our landscape” and result in “the logging of Mini and Skirt Mountain.” Mr. Livingstone told council his family had lived in Langford for 75 years and sold property to the Ministry of Highways “for \$1 to preserve as greenbelt.”⁷⁰

Proposed development on the southern slopes of Skirt Mountain increased pressure for an interchange. Langford approved land-use changes in 2005 for properties at 2690 and 2695 Savory Road, directing staff to stipulate in the Savory bylaw: *“That no building permits shall be issued until the new TCH interchange west of Savory is complete unless approved by the City Engineer taking into account the capacity of the existing road network and the owners contribution to the construction costs of the road connecting Spencer to the east end of the Bear Mountain Mountain Parkway.”*⁷¹ Langford’s Official Community Plan was amended at a 19 May 2005 public hearing to allow 597 residential units, 15,000 square feet of retail space, 100,000 square feet of office space, and 150 hotel rooms on the Savory property, owned by Ms. Clara Kramer.⁷² A storm-water study for the area noted that: “Ultimately, upgrading at the new Bear Mountain Interchange may redirect flows westerly along the TCH [toward the Langford Lake basin and Goldstream River]...rather than...southerly into Spencer Pond.”⁷³

Planning for the Bear Mountain Interchange proceeded. In February 2006, Langford council – re-elected in November 2005 elections – approved \$750,000 for design and project management for “Bear Mountain Interchange Design Development,” including environmental, geotechnical, and survey work. The motion was seconded by John Goudy who stood to receive \$10,000 for every unit sold on his former Skirt Mountain property.⁷⁴

Underscoring the importance of the interchange – and revealing a shift in language that downplayed Bear Mountain’s role – council passed a motion in May 2006 directing staff to *“advise new applicants for developments north of the Trans Canada Highway that Council does not wish to receive or approve any further applications until such time as the Spencer Road Interchange has been secured.”* Those development application already submitted to the City *“may be tabled until such time as the costs and funding for the Spencer Road Interchange have been secured.”*⁷⁵

However, in July 2006, Langford council approved two new zoning bylaws that allowed for further density at Bear Mountain. When two Langford residents questioned this move, Mayor Stuart Young insisted that *“the new developments would not begin until the Spencer Road Interchange is completed.... The Mayor explained the interchange will be paid for by area developers and therefore they need to know that the development potential exists before paying for the interchange/overpass.”*⁷⁶ In September, Langford council formally imposed a moratorium on all residential zoning north of the highway, *“until an agreement has been reached by all parties that would result in the completion of the Bear Mountain Parkway and Interchange.”*⁷⁷

Back in 2002, Mayor Stew Young had awarded Les Bjola, on behalf of LGB9, his Mayor’s Award of Distinction Environmental Stewardship Award.⁷⁸ However LGB9 proceeded to bulldoze the natural features of Skirt Mountain – literally and figuratively. The company applied for a development variance permit in March 2004 to reduce the required setback from a watercourse from 30 metres to one metre – to allow for the siting of the Bear Mountain Clubhouse on riparian habitat.⁷⁹ LGB9 also embraced the practice of “terra-forming,” blasting and leveling natural contours to create uniform terraces for building sites, described as “mountain-top removal” in environmental circles.

By 2006, the first 18-hole Jack Nicklaus-designed golf course had opened along with the Bear Mountain Westin Hotel, the village centre, and several hundred homes. A second Nicklaus course was under construction on the Highlands parcel, described by Les Bjola as a “wilderness golf course” and “the opportunity of a lifetime” for the municipality.⁸⁰

The Juan de Fuca Water Distribution Commission approved construction of a pump station, pipeline and second reservoir for Bear Mountain at elevation 320 metres, to allow for further upland development.⁸¹

As development crept toward the Skirt Mountain summit, a group of local First Nations said no.

First Nations Stand, 2006

“If we want to blow up a cave and put up a hotel, we will.”⁸²

-Len Barrie, as quoted in Times Colonist, 25 May 2006

In 2006, Bear Mountain was catapulted into the public spotlight when members of the Songhees and Tsartlip First Nations objected to the planned destruction of a cave near the Skirt Mountain summit, which they considered sacred. The mountain they called SPAET had been a gathering place, a “shared place,” for indigenous people from across the south island for centuries or more. Discussion of ceremonial practices are considered taboo by coastal First Nations, but the general contours saw family groups gather for weeks at a time to hunt, bath, and engage in other spiritual activities.

On May 24, 2006, Cheryl Bryce, lands manager of the Songhees First Nation, issued a media release warning that continued failure to consult First Nations on cultural sites considered sacred would result in a blockade of the Bear Mountain development. Bryce specifically mentioned the cave near the Skirt Mountain summit, which contained a large subterranean lake.

Throughout summer and autumn 2006, Bryce attempted to dissuade LGB9 and Langford from developing in the vicinity of the cave, but these efforts were in vain. The BC Archeology Branch of the Ministry of Tourism, Sport and the Arts approved excavation work in November 2006, ostensibly to determine its archeological value: “There is often

the situation with archeology where, to preserve the information, you in fact have to destroy the site,” Archeology Branch director Justine Batten told the *Times Colonist*.⁸³ Bryce and other First Nations responded by hiking up the backside of Skirt Mountain before sunrise on November 16, 2006, establishing a blockade at the cave entrance, hours before heavy machinery arrived at the site.

Work halted for the next month.

LGB9 responded quickly and aggressively, sending 125 construction workers to intimidate the First Nations protesters and suing Bryce and the Songhees and Tsartlip chiefs and bands for \$1-million in damages. A provincial judge postponed the action pending the outcome of high-level discussions between federal and provincial Aboriginal Affairs ministers and Langford, LGB9, and First Nations representatives. During these discussions, which excluded Bryce and proceeded behind closed doors under the direction of RCMP officer John Brewer, Langford and LGB9 sought to woo First Nations leaders with the promise of a casino atop Skirt Mountain. The casino idea promised much-needed jobs for First Nations facing high on-reserve unemployment – and jelled with Langford’s long-held aspiration for a casino within its borders. This casino proposal was leaked to the press, in the form of a draft Agreement in Principle.⁸⁴

In the controversy that followed, Tsartlip and the Sen’co’ten Alliance walked away from the negotiating table, demanding consultation on all future development at Skirt Mountain and elsewhere on the South Island.⁸⁵ Songhees Chief Robert Sam, however, signed an amended agreement with LGB9, Langford, and the province. Sam appeared at a media conference with Barrie, at the Bear Mountain Club House, arguing that the cave had “served its purpose.”⁸⁶ The agreement with the Songhees allegedly included Provincial Capital Commission land in the vicinity of the proposed Bear Mountain Interchange site.⁸⁷

Recent Events

In February 2007, the *Victoria Times Colonist* quoted Langford Mayor Stewart Young to the effect that construction on the Bear Mountain Interchange would begin within six months: “I think we’re 99 per cent there,” Young said.⁸⁸ Talks with the province were “progressing well,” he claimed, though no formal agreement had been reached. Believing a decision on the project was imminent, citizens associated with a group called the Coalition to Protect Goldstream Watershed erected a “Tree Sit” in a mature cedar tree in the path of the proposed interchange, establishing a permanent protest camp.⁸⁹

In May, when a Langford building crew attempted to move heavy machinery toward the site, protesters successfully blocked their path, vowing to protect a 40-metre long cave in the area.⁹⁰ Tsartlip Chief Chris Tom visited the site to lend support. Sensing that public opinion reflected this environmental concern, the City of Langford publicly directed its engineers to “go green” with the interchange and re-route the project around the Langford Lake Cave.⁹¹ Earlier, an Archeological Impact Assessment commissioned by the city had avoided any examination of the large limestone cave, citing “safety issues and First Nations concerns with these type of features.”⁹² An Environmental Assessment prepared by the same firm, Golder Associates, similarly avoided consideration of environmentally and culturally significant features in the area.⁹³ In July, Langford expropriated the property at 2752 Leigh Road to make way for the interchange.⁹⁴

An uneasy standoff settled in, with the Coalition to Protect Goldstream Watershed lobbying the provincial government and Provincial Capital Commission, the entity that oversaw the Trans-Canada corridor and had leased land to Langford for the interchange. Meanwhile, throughout the Capital Regional District, citizens voiced opposition to the proposed amendments to the Urban Containment Boundary to allow for Bear Mountain’s expansion into the Highlands.⁹⁵ In November, the B.C. Ministry of Transportation and Highways quietly announced \$5-million in provincial funding for the interchange. The City of Langford declared that land clearing and road building were imminent. The protesters expanded the number of platforms in the forest. The outcome of these overlapping developments remains to be seen.

Appendix A

Chronology of Bear Mountain Development

The following is a chronology of major government decisions and private transactions related to the Bear Mountain development in Langford, BC.

1998-2001 – Discussions between Western Forest Products, the Government of British Columbia Crown Grants Unit, and LGB9 (Len G. Barrie's development group, a consortium of real-estate developers and current and former NHL hockey players), proceed over the proposed Bear Mountain Golf Course and Subdivision on Skirt Mountain (elevation 347 metres/1138 feet) in Langford, BC.

Skirt Mountain is located on the edge of the Capital Regional District's Urban Containment Boundary, in the northwest corner of the City of Langford bordering Goldstream Provincial Park, the District of Highlands, and the Trans-Canada Highway.

10 April 2001 – The BC Land Reserve Commission rejects an application from Langford municipal councilor John Goudy and his sisters, requesting the removal of Forest Land Reserve lands on Skirt Mountain. The Commission bases its decision on the grounds that that (1) "forestry can be practiced" on the land; (2) "removal and subsequent subdivision would negatively impact" surrounding FLR lands; (3) previous investment in forestry "would be lost."

16 May 2001 – The BC Liberal party wins a general election and forms the government of British Columbia.

14 July 2001 – The provincial Crown Grants Unit grants 44 hectares of Crown land on Skirt Mountain to Western Forest Products for \$1.05-million. This land is adjacent to Goldstream Provincial Park, in Sections 81 and 84, Highlands Land District.

September-November 2001 – Western Forest Products and the Goudy family continue to lobby the Land Reserve Commission for the exclusion of FLR lands ("the Goudy lands") on Skirt Mountain, the location of the proposed Bear Mountain Parkway – the sole access route to the proposed resort.

19 December 2001 – WFP lobbyist Robert Flitton (a former Deputy Minister of Lands under Vander Zalm) emails Stan Hagen, minister of Sustainable Resource Management, requesting Hagen's "urgent" assistance. Flitton writes that a "\$7.5-million business transaction" would be "jeopardized" unless the Land Reserve Commission provides a "comfort letter" by 28 December 2001 assuring that the Goudy lands would be removed from the FLR: "Bottom line is we need someone who is authorized to act and we need it quickly. This may be the Minister or the Deputy Minister."

- 21 December 2001 – Two days following Flitton’s request, BC Land Reserve Commission chairperson Kirk Miller, who was away from Vancouver at the time, provides a letter to an associate of LGB9 confirming that an application to remove Forest Reserve Lands on Skirt Mountain "is supportable."
- 28 December 2001 – The former Crown land adjacent to Goldstream Park and several hundred hectares of WFP's private forest land on Skirt Mountain are transferred to LGB9 for the reported price of \$7.5-million. It appears that the exclusion of FLR lands for the Bear Mountain Parkway was a condition of this transaction.
- 28 March 2002 - The Land Reserve Commission officially approves the exclusion of the Skirt Mountain lands from the Forest Land Reserve, citing "the direction given by government regarding the elimination of FLR following the core services review." However the Forest Land Reserve Act remains in force (it would not be repealed until August 2003). Section 16(1) reads: "A parcel, all or part of which is private forest reserve land other than Crown license land must not be subdivided...."
- 14 May 2002 - The District of Langford re-zones LGB9 property on Skirt Mountain from GB1 (Greenbelt 1) to a new CD6 (Comprehensive Development 6 – Bear Mountain) Zone, capping growth at 1500 units until a second access route is build to the Trans-Canada Highway. Construction begins.
- 2002-2006 – The Bear Mountain Parkway is built through the former Forest Land Reserve lands, while the remainder of the Goudy lands are removed from the FLR and sold to LGB9 for subdivision and development. Farther up Skirt Mountain, a Jack Nichlaus-designed 18-hole golf course is built on the former Crown lands and WFP lands, along with a village centre of shops, condominiums, and a Westin hotel. Representatives of Langford, the City of Victoria, and the Government of BC attend the grand opening of the Westin. Several hundred luxury homes are built on terra-formed platforms where Garry Oak and Arbutus meadows once stood overlooking Greater Victoria.
- Spring 2006 – Langford purchases private homes along Leigh Road in anticipation of the Bear Mountain Interchange project.
- 24 May 2006 – The lands manager for the Songhees First Nation, Cheryl Bryce, demands protection of a cave that is considered sacred near the summit of Skirt Mountain, which indigenous people call SPAET. Bear Mountain CEO Len Barrie tells the *Victoria Times Colonist*: "If we want to blow up a cave and put up a hotel we will."
- July 2006 – The Juan de Fuca Water Distribution Commission approves a request from Bear Mountain for construction of a second reservoir at an elevation of 320 metres, to allow for increased development near the Skirt Mountain summit.
- November 2006 – the BC Archeology Branch approves the excavation of the cave,

claiming it must be dismantled in order to ascertain its archeological value. An employee of the Archeology Branch, CRD chair Denise Blackwell, serves as a Langford City Councillor and has voted in favour of LGB9 development permits. No conflict of interest is declared.

16 November 2006 – Bryce, along with the lands manager of the Tsartlip First Nations and other local First Nations, object to the Archeology Branch's cave ruling, insisting that the site is sacred and work must stop. Several First Nations protesters establish a blockade at the entrance to the cave.

17 November 2006 – LGB9 sues Bryce, Songhees First Nation, Tsartlip First Nation, Songhees Chief Robert Sam, and Tsartlip Chief Chris Tom, and requests an injunction allowing work to proceed. However a judge adjourns the proceedings pending negotiations between the federal and provincial ministers of aboriginal affairs, LGB9, the Songhees, Tsartlip, and Sencothan Alliance. A 14-day truce is agreed to with RCMP sergeant John Brewer appointed as mediator. Barrie reportedly pledges to protect the cave.

1 December 2006 – A draft agreement is leaked to the media suggesting that First Nations leaders have approved destruction of the cave in exchange for a casino, land, cash, and commemoration of First Nations heritage at Bear Mountain. Brewer denies that a deal has been reached: “Nothing has been agreed to.” Since 2000, Langford Mayor Stew Young has coveted a casino for his municipality, after losing out to View Royal when the Great Canadian Casino was relocated.

13 December 2006 - Songhees Chief Robert Sam appears at a press conference with Len Barrie at the Bear Mountain Westin, announcing a revised agreement (which does not mention a casino) and declaring: “Maybe this cave has served its purpose and maybe its time to move on.” Tsartlip Chief Chris Tom, however, walks away from the table, vowing to oppose any development in the region that lacks consultation with First Nations. The Union of BC Indian Chiefs publicly endorses the Tsartlip position

Current Status

LGB9 and the City of Langford are currently lobbying the Province of British Columbia for funds, regulatory approval, and Provincial Capital Commission lands for a highway Interchange (the Bear Mountain Interchange, also known as Spencer Road Interchange). This interchange would connect the Trans-Canada Highway near Goldstream Provincial Park to a second access road up Skirt Mountain. Since April 2007, a group of protesters have occupied the interchange site.

Compiled from BC Land Titles searches, City of Langford council proceedings, media reports, and Freedom of Information Requests to the BC Minister of Environment, Minister of Forests and Range, Minister of Tourism, Sport and the Arts, Provincial Capital Commission, and City of Langford. Supporting documentation available upon request.

Appendix B
Bob Flitton e-mail to Al Delisle, 1 November 2000

NOV-01-00 05:04 PM Flitton

250 474 0925

P. 01

Flitton Management Ltd.
680 Stewart Mountain Road
Victoria, BC V9B 6J8
Tel 250-474-0909; Fax 250-474-0925
E-Mail bflitton@direct.ca

November 1, 2000

Ministry of Environment, Parks and Lands
Crown Lands Division

Attention: Al Delisle

Re WFP Crown Lands Agreement and negotiations with the Tsartlip

You mentioned yesterday that the Crown has increased their offer to the Tsartlip. Do you have a copy of that letter available?

Just for you information in finalizing this matter, WFP will not take lightly the request by the Tsartlip to have covenants registered against the properties they are acquiring from the Crown. That is something that we need to convince them not to pursue.

Thanks



Bob Flitton

SOURCE: Land Reserve Commission FOI release, February 2007.

Appendix C

Bob Flitton e-mail to Stan Hagen, 19 December 2001

From: Barclay, Jennifer SRM:EX
Sent: Wednesday, December 19, 2001 4:24 PM
To: Guest, Marina SRM:EX
Subject: FW: We require your assistance urgently

-----Original Message-----

From: BFlitton@domans.com [mailto:BFlitton@domans.com]
Sent: December 19, 2001 11:19 AM
To: Hagen, Stan SRM:EX
Cc: drc@jeanderson.com
Subject: We require your assistance urgently

*Bob
Flitton*

361-7125

Western Forest Products Limited, a Doman company, has an urgent requirement to obtain a letter from the Forest Land Commission by December 28, 2001 or we stand to jeopardize a \$7.5 million business deal.

The Manager, Gordon Bednard, states that although he knows of my meeting with the Board earlier this year, and what they indicated to me, he cannot provide the confirmation of that discussion which we require without Board approval. This is the same issue that I raised with Minister Hagen in a meeting this past summer, talking about the bureaucratic delays - seems little has changed. I also spoke to Minister Hagen about this a couple of says ago.

We have attempted to contact the Commission Chair, Kirk Miller, and am told he is away until the New Year and have had little success contacting others. Bottom line is we need someone who is authorized to act and we need it quickly. That may have to be the Minister or the Deputy Minister. What we require is a letter that indicates that on receipt of Doman doing what was requested of the Commission, the removal will be approved.

The situation is that we are attempting to remove 35 acres of land in Langford from the FLR. We are agreeing to place a different 35 acres

into
the FLR to replace the removed lands. Very simple and uncomplicated.
We
have the support of the City of Langford and our neighbours. There is
no
opposition to our application. That matter was held up while we
obtained
to consent letters from neighbours, which we obtained, and until a
Professional Forester presented a letter saying the lands were
comparable
for tree growing potential. I had expected that letter last week,
however
the Professional Forester that was to prepare the letter ended up in the
hospital with an eye operation and I understand "it hasn't gone well".
We
will get another Forester on it this week, but I do require the above
comfort from the Commission, or someone able to speak on its behalf by
the
28th.

Thank you

Bob Flitton

Bob Flitton
Doman Industries Limited
Tel: 250-748-3711; Fax: 250-748-6045
bflitton@domans.com;

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SOURCE: Land Reserve Commission FOI release, February 2007.

References

- ¹ “Change in Municipal Classification – Staff Report (File No. 0112-03),” Langford council minutes (hereafter Minutes), 5 May 2003, Langford Council Proceedings < www.cityoflangford.ca >. In January 2004, Langford received a congratulatory letter from the Member of Parliament for the area, Keith Martin, “regarding Langford becoming a city,” and a similar letter from the West Shore Chamber of Commerce. Minutes, 5 January 2004; 2 February 2004.
- ² D.L. Carrier to WCL Developments Ltd., 10 February 1998, p. 3. FOI MoE 2007.01
- ³ H.S. Doman to Cassie J. Doyle, Ministry of Environment, Lands and Parks, 10 March 1998. FOI MoE 2007.01.
- ⁴ Bob Flitton to Mike McGrenere, Al Delisle, and Dave Chater, BC Crown Lands Unit, 8 April 1998. FOI MoE 2007.01.
- ⁵ “The Story of Vancouver Island’s Bear Mountain Resort,” *Cybergolf* (2007) < <http://www.cybergolf.com> >
- ⁶ Bow hunting was banned at the 17 July 2000 council meeting, on the recommendation of the Protective Services committee, eliciting support of Humpback Road residents but vocal complaints from several sportsmen. A heated council meeting on 15 May 2000 approved the removal of Hull’s Field from the Agricultural Land Reserve and directed staff to prepare OCP amendments and a development agreement. Acting Mayor Denise Blackwell said at the time that the owner had offered “52% of his property to be preserved, plus, he will spend his money enhancing the dedicated wetland.” The removal of Hull’s Field and Goldstream Meadows from the ALR was mentioned in a 18 June 2001 council resolution requesting amendments to the CRD’s Regional Growth Strategy to expand the area available for development in Langford. Minutes, 15 May 2000; 17 July 2000; 18 June 2001.
- ⁷ Minutes, 21 February 2000; 3 April 2000. In April 2000, a majority of councilors defeated a motion from councilors Maxwell and Ashton declining the proposed name change by a vote of 2-5; the majority promptly approved the change 5-2.
- ⁸ Bylaw 596 was amended at a peculiar 15-minute-long Special Council meeting, convened at the Olympic View Golf Course, on 18 July 2001. See Minutes, 18 June 2001 and 18 July 2001. Also 7 August 2001.
- ⁹ Minutes, 16 July 2001.
- ¹⁰ Minutes, 15 May 2000.
- ¹¹ Minutes, 16 October 2000 ; also 15 May 2000.
- ¹² Minutes, 18 June 2001, 19 February 2001, 17 April 2001.
- ¹³ District of Langford Watercourse Protection Bylaw No. 550, 2001; Minutes, 5 February 2001.
- ¹⁴ Minutes, 16 July 2001.
- ¹⁵ Minutes, 22 May 2001.
- ¹⁶ Minutes, 7 May 2001.
- ¹⁷ Minutes, 18 June 2001.
- ¹⁸ Minutes, 15 January 2001.
- ¹⁹ Minutes, 18 June 2001.
- ²⁰ Minutes, 16 August 2000. Special Council Meeting.
- ²¹ Minutes, 5 September 2000, 18 June 2001, 16 July 2001, 30 August 2004, 30 July 2007.
- ²² Between January 2002 and December 2004, Young was absent from 38 council meetings, including 18 in 2003 alone. Blackwell was absent from 8 meetings between 2002 and 2004. Minutes, January 2002 to December 2004.
- ²³ Minutes, 7 January 2002.
- ²⁴ Sylvia Kenny, *Aquifers in the Capital Regional District*, prepared for Capital Regional District, December 2004, p. 79.
- ²⁵ See documents released by BC Ministry of Environment pursuant to Freedom of Information Request No. MoE/07.001, August 2007.
- ²⁶ For earlier land-use controversy involving Bob Flitton, see Hansard, *Official Report of Debates of the Legislative Assembly*, 14 July 1987; 17 May 1988; 29 March 1989; 6 April 1989; see also 22 September 1983. In 1983, opposition leader Bob Skelly identified Flitton as National President of the Housing and Urban Development Association of Canada (today the Canadian Home Builders Association). In 1988, NDP MLA Bob Williams told that legislature that Flitton was “a Sacred hak who was then made deputy minister,” a vice-president of the Social Credit party in Kamloops and former executive member in Prince George. In March 1989, Williams said: “For those with good memories – there are not a lot of us in this province – Mr. Flitton was one of the campaign managers on the campaign plane for Bill Bennett at an earlier stage of the game. On the basis of those and I guess other qualifications, he became Deputy Minister....” Flitton occupied this position as controversy arose over the granting of Crown lands for the Songhees Point development in Victoria and the Riverview and Westwood Plateau developments in the Lower Mainland. In the late 1980s, he was at the centre of controversy over the relaxing of apprenticeship requirements for a Tree Farm License granted to Doman Industries, parent company of WFP, which hired Flitton as its Government Affairs Manager (chief lobbyist) when Social Credit was voted out of office. Flitton worked for WFP/Doman until 2004, appearing before Canadian Senate hearings on the softwood lumber dispute. In 2004, he was hired as Residential Project Manager for Bear Mountain.
- ²⁷ Len Barrie played a total of 184 games in the NHL, scoring 19 goals and 45 points with 290 penalty minutes in an on-again-off-again career that found him in the Western Hockey League (WHL), American Hockey League (AHL) and International Hockey League (IHL). A sixth-round draft pick of the Edmonton Oilers in 1988 (124th pick overall), Barrie never saw ice time with the Oilers, playing for the WHL Calgary Wranglers, Victoria Cougars and Kamloops Blazers from 1985 to 1990. Traded to the Philadelphia Flyers, he played one NHL game in the 1989-90 season before going back to the farm league, playing with the AHL Hershey Bears from 1990 to 1993. Barrie played another 8 NHL games with the Flyers in 1992-93 (scoring 2 goals and 2 assists), before being traded to the Florida Panthers, who put him on the ice twice in 1993-94 (no goals or assists). He was traded to the Pittsburgh Penguins, playing 48 games in 1994-95 and 5 games in 1995-96 (for a total of 3 goals and 11 points), and also playing in the IHL Cincinnati Cyclones, Rochester Americans, Cleveland Lumberjacks, San Antonio Dragons and Long Beach Ice Dogs. He ended his hockey career in the NHL, playing 46 games in the 1999-2000 season with

the Los Angeles Kings (5 goals, 8 assists) and 14 games with the Florida Panthers (4 goals, 6 assists). The next season, 2000-2001, Barrie played 60 games with the Panthers, scoring 5 goals and 18 assists. He spent a total of 135 minutes in the penalty box that season. < <http://www.hockeydb.com/ihdb/stats/> >

²⁸ Forest Land Reserve Act (R.S.B.C. 1994), Section 16 (1). This legislation was not repealed until August 2003.

²⁹ Documents received from Land Reserve Commission pursuant to Freedom of Information Request to Ministry of Forests and Range, 22 January 2007.

³⁰ See Flitton to Hagen, 19 December 2001; Flitton to Miller, 20 December 2001; Miller to Carrier, 21 December 2001; and related documents from Land Reserve Commission pursuant to Freedom of Information Request to Ministry of Forests and Range, 22 January 2007.

³¹ Also Freehold Transfer Form A (Land Title Act Section 185(1), dated 31 December 2001, VI ES118678.

³² Minutes, 21 January 2001. See Correspondence and Agenda Item 8 (b) Wildfire Interface Committee – Staff Report (File No. 6520-20W).

³³ Bylaw No. 635, Langford Official Community Plan Bylaw, Amendment No. 53 (Development Permit Guidelines for Interface Fire Hazards), 2002; Minutes, 15 April 2002; also 18 March 2002.

³⁴ Minutes, 18 February 2001.

³⁵ Minutes, 4 March 2002. On 17 June 2002, this position was revised in response to changes in the CRD Regional Growth Strategy, with council approving “the current draft.” In the months that followed, Highlands raised its own objections to the revised RGS, related to the LGB9 property. At a special meeting of Langford council on 29 October 2002, council withdrew “its concerns” on the condition that an agreement was reached with Highlands on “cross-boundary road, traffic and firefighting concerns arising out of large major new developments in south Highlands.” Langford confirmed its willingness “to enter into an Intermunicipal Agreement with respect to a tight sewer pipe through a portion of the District of Highlands for the LGB9 property in Langford.” See Langford Council Minutes, 17 June 2002; 29 October 2002.

³⁶ Minutes, 2 April 2002. Council resolution regarding Rezoning Application – Bear Mountain Estates (Application to Rezone 2080 Millstream Road (Bear Mountain Estates) from GB2 (Greenbelt 2) to a New Comprehensive Development Zone to Allow a Future Residential and Recreational Development)(File No. Z-01-10)

³⁷ At the April 2nd meeting, Council “received with thanks” a letter from Les Bjola’s Turner Lane Development Corporation outlining LGB9’s “contribution of funds for the Bear Mountain Estates Rezoning.” Minutes, 2 April 2001

³⁸ Minutes, 15 April 2002; 14 May 2002; 17 June 2002.

³⁹ Minutes, 17 April 2001. Hearing on Langford Zoning Bylaw, Amendment No. 51, (2433 Millstream Road), 2001.

⁴⁰ Minutes, 16 July 2001.

⁴¹ Minutes, 28 November 2001. Special Council meeting.

⁴² Minutes, 28 November 2001. Special Council meeting.

⁴³ Minutes, 21 January 2001; 4 February 2001. Millstream and McCallum Road Exchange Bylaw No. 643; Rights of Way at 2430 and 2420 Millstream Road; DVP-01-21– 2465 2451, 2447, 2443, 2441, 2439 and 2429 Millstream Road and 690 Reddington Avenue.

⁴⁴ Minutes, 7 April 2003; 22 April 2003; 5 May 2003; 20 May 2003; 2 June 2003; 16 June 2003; 15 September 2003.

⁴⁵ See Bylaw No. 735, “A Bylaw to Establish Services In an Area Outside the Municipality,” Minutes, 2 June 2003.

⁴⁶ Minutes, 16 June 2003; 15 July 2003; 21 July 2003. The Liquor license extension was approved at a special meeting on 15 July 2003 convened exclusively for that purpose. At the next regular meeting, council adopted a resolution stating: “As an exception to Council’s resolution of December 16th, 2002 opting out of the Licensing process for Liquor Primary Application, that Council direct staff to write a letter of unconditional support to the Liquor Control and Licensing Branch for a Primary Liquor License at Bear Mountain Golf and Country Club.”

⁴⁷ See Bylaws Nos. 771 and 790; Minutes, 5 August 2003; 20 October 2003; 15 December 2003; 5 January 2004.

⁴⁸ Minutes, 20 October 2003.

⁴⁹ Bear Mountain Bylaws No. 802 and 803, Minutes, 3 November 2003; 15 March 2004.

⁵⁰ Public Hearing on Bylaws No. 802 and 803, Minutes, 17 November 2003. Other decisions pertaining Bear Mountain servicing and roads and variances for the 32-unit Phase 2 expansion, see 18 August 2003; 15 September 2003, 5 October 2003. In March 2004, council approved a servicing agreement for the 44-unit Phase 3 expansion. The next month, it revised the deadlines for completing road, sidewalk, and landscaping in the Village Centre and Phases 1 and 2 under the Bear Mountain Master Partnership Servicing Agreement. Minutes, 15 March 2004; “Bear Mountain – Revised Servicing Agreement for Village Centre and Phases 1&2 to Extend Deadlines for Works Required by that Agreement,” 4 April 2004.

⁵¹ Minutes, 15 December 2003. See also “City of Langford Development Cost Charge Bylaw No. 26; Amendment No. 7, 2004,” Minutes, 5 April 2004.

⁵² Minutes, 7 September 2004.

⁵³ This issue – cause of ongoing controversy in the CRD – had been explosive in the traditionally anti-growth Highlands since the late 1990s, when Flitton lobbied for an earlier incarnation of a golf course resort. Highlands’ council remains divided on the RGS amendment and LGB9 generally. While pro-development mayor Mark Cardinal narrowly defeated conservationist Karel Roessingh in November 2005 elections, until December 2007 there was no effective voting majority. Rookie councillor Michelle Mahovlich, a consultant with Seacor Environment Inc., is married to Todd Mahovlich, Bear Mountain’s former director of golf operations (chief golf pro). Mahovlich’s absence from Bear Mountain decisions left the council split 3-3 between pro- and anti-LGB9 forces. See Langford council Minutes, 20 December 2004; also Staff Report to Highlands Council, 17 December 2004, re: Bear Mountain Proposal – Summary Report; “Density a worry at Bear Mountain,” *Times Colonist*, 4 March 2004; District of Highlands regular council meeting, Minutes, 15 March 1999; “Highlands council postpones action on WFP rezoning application,” *Mud News*, April 1999, published by South Island Mountain Bike Society

- (included with records from Freedom of Information Request MoE 07.001); District of Highlands Committee of the Whole Meeting, 11 April 2002; District of Highlands Special Meeting minutes, 21 June 2005; District of Highlands Special Meeting minutes, 15 February 2006; District of Highlands council meeting, 18 April 2006.
- ⁵⁴ Staff Report to Highlands Council, 17 December 2004, re: Bear Mountain Proposal – Summary Report, p. 12.
- ⁵⁵ District of Highlands, *2005 Annual Report*, p. 8; *Were You Aware*, June 2005-February 2006; Highlands, Statement of Vote, 2006.
- ⁵⁶ CRD Planning and Protective Service Committee minutes, 22 February 2006; Highlands council minutes, 18 April 2006.
- ⁵⁷ Minutes, 17 January 2005; also Minutes of Transportation and Public Works Committee, 25 January 2005.
- ⁵⁸ Minutes, “Roads DCC Projects 5 Year Plan – North TCH DCC Project,” 7 February 2005.
- ⁵⁹ Minutes, 7 February 2005; “ICBC spotlights top crash sites,” *Times Colonist*, 25 July 2007.
- ⁶⁰ Minutes, 16 May 2005.
- ⁶¹ British Columbia, *Statement of Votes*, 2005.
- ⁶² “Grits pledge \$5 million for Bear Mtn. overpass,” *Victoria News*, 11 January 2006.
- ⁶³ “Overpass under review,” *Victoria News*, 3 March 2006.
- ⁶⁴ Report of Community Environmental Consultation on the Bear Mountain Interchange, Colwood BC, 19 September 2007.
- ⁶⁵ John Horgan speech in British Columbia Legislature, *Hansard - Official Report of Debates of the Legislative Assembly*, 6 March 2006, p. 2715.
- ⁶⁶ Horgan speech, *Hansard - Official Report of Debates of the Legislative Assembly*, 8 May 2006, p. 4560.
- ⁶⁷ Kevin Falcon speech, *Hansard - Official Report of Debates of the Legislative Assembly*, 8 May 2006, p. 4561.
- ⁶⁸ Land Title Act Form B [Mortgage agreement], Goudy to LGB9 sale, VIP74504 and 78400.
- ⁶⁹ Minutes, 7 June 2004.
- ⁷⁰ Minutes, 21 June 2005.
- ⁷¹ OCP-05-01 and Z-05-01 Langford staff report, 2690 and 2695 Savory Road, 25 April 2005, p. 11.
- ⁷² Minutes, 19 May 2005. By-laws 941 and 942.
- ⁷³ Focus Corp., *South Skirt Mountain – Stormwater Management Plan*, prepared for City of Langford, 7 September 2006, p. 3
- ⁷⁴ Minutes, 6 February 2006; Langford Transportation and Public Works Committee minutes, 24 January 2006; Staff Report File No. 5330-20 Bear Mtn Interchange.
- ⁷⁵ Minutes, 1 May 2006.
- ⁷⁶ Minutes, 5 July 2006. Bylaw No. 1027 (File No. 3900-1027), “Langford Official Community Plan Bylaw, 1996; Amendment No. 109, (Appendix M: Bear Mounting Estate Area Plan – Text Amendment), 2006”; and Bylaw No. 1028 (File No. 3900-1028), “Langford Zoning Bylaw, Amendment No. 184 (Text Amendment – CD6 [Comprehensive Development 6 – Bear Mountain], 2006.”
- ⁷⁷ Minutes, 5 September 2006.
- ⁷⁸ Minutes, 2 December 2002.
- ⁷⁹ Minutes, 15 March 2004; 5 April 2004.
- ⁸⁰ District of Highlands, Report of Public Hearing, 21 June 2005.
- ⁸¹ Minutes of Juan de Fuca Water Distribution Commission, 11 July 2006.
- ⁸² “First Nations bands threaten blockade of Bear Mountain,” *Times Colonist*, 25 May 2006.
- ⁸³ “Destroying cave only way to gather information,” *Times Colonist*, 16 November 2006.
- ⁸⁴ Agreement in Principle, dated 21 November 2006, signed 24 November 2006, document in possession of author; “Developers court natives with casino,” *Times Colonist*, 2 December 2006. In 2000, when the Great Canadian Casino relocated from the City of Victoria, Langford flexed its muscles in a bid to host the new facility. However, the BC Lottery and Gaming commission favoured View Royal, despite emergency resolutions and other manoeuvres. Langford and Council succeeded in winning a portion of revenues from the new casino, but held out hope of opening its own facility in the future. See Minutes of Joint Meeting of Langford and Colwood Councils, 30 May 2000, and other resolutions, May- 2000.
- ⁸⁵ Tsartlip First Nation Media Advisory, 18 December 2001; “Tsartlip issue stern warning on destruction of sacred sites,” *Times Colonist*, 20 December 2006.
- ⁸⁶ “Cave issue tests Songhees unity,” *Times Colonist*, 14 December 2001. In contrast, Carolyn L. Ramsey of Campbell River, a speleologist (cave expert), wrote to BC Premier Gordon Campbell, suggesting that: “Bear Mountain’s reputation as a good corporate citizen would be assured” if it worked with First Nations to protect the cave, rather than destroyed it. See Carolyn Ramsey to Gordon Campbell, 30 November 2006.
- ⁸⁷ This information was provided by an informant on the condition of anonymity.
- ⁸⁸ “Langford gridlock relief in sight,” *Times Colonist*, 15 February 2007.
- ⁸⁹ “Out on a limb for trees,” *Times Colonist*, 12 April 2007; “Tree Sit established in path of Bear Mountain Interchange,” Media Release, Coalition to Protect Goldstream Watershed, 10 April 2007.
- ⁹⁰ “Protesters stop Langford crew from gating cave,” *Times Colonist*, 1 June 2007.
- ⁹¹ “Engineers told to go green on interchange,” *Times Colonist*, 14 May 2007. A week earlier, Langford council had receive without action a request from the Vancouver Island Cave Exploration Group to protect the cave. Minutes, 7 May 2007.
- ⁹² Golder Associates, *Report on Archeological Impact Assessment of the Spencer Road Interchange, Langford, B.C.*, 22 December 2006.
- ⁹³ Golder Associates, *City of Langford Spencer Road Interchange Environmental Assessment*, 21 December 2006.
- ⁹⁴ Minutes, 16 July 2007; 4 September 2007.
- ⁹⁵ “Decision seen as key for allowing Bear Mountain to expand into Highlands,” *Victoria News*, 18 July 2007.