

# OTTER POINT & SHIRLEY RESIDENTS & RATEPAYERS ASSOCIATION (OPSRRA) DECEMBER 2003 NEWSLETTER

## TOPICS IN THIS ISSUE:

1. OPSRRA's Business Services Directory.
2. Official Community Plans Update & Shirley/Jordan River Committee Appointments
3. Boundary Restructure Update.
4. Lot Averaging Letter.
5. Regional Director's Web Site.
6. CRD Natural Atlas Web Site
7. Timber West's Pesticide Management Plan For 2004.
8. CRD Regional Growth Strategy.
9. Property Transfer Rights.

### 1. LISTING SERVICE FOR LOCAL BUSINESSES ON OPSRRA'S WEB SITE

OPSRRA is offering a free business listing service for members on its web site: [www.opsrra.com](http://www.opsrra.com). Non-members can be listed for a suitable donation!

The purpose of this service is to provide an opportunity for businesses in Jordan River, Shirley and Otter Point to advertise their goods and services to their local community. And, in return, allow the local community to see and support a wonderful variety of local entrepreneurs. We anticipate having listings for accommodation, farm produce, art, furniture, fishing charters, eco tours, firewood, knitting, soaps, landscaping, bookkeeping, sewing and more. More information and a registration form are available on OPSRRA's web site under Business Listings.

### 2. OFFICIAL COMMUNITY PLANS UPDATE

The JDF Regional Director has announced the Official Community Plan (OCP) for Shirley/Jordan River will begin December 11th. The Otter Point will begin in February 2004.

Members of the Shirley/Jordan River OCP committee are:

Dominique Bernardet	Max Kuo
Cleo Gardiner	Maureen Nelson
Sue Innes	Rob Vanveen
Dick Kirby	Gerhard Wild

Residents of Otter Point who wish to be considered for the Otter Point OCP committee are requested to contact Ken Cossey, Electoral Area Administrator, CRD Offices, 2205 Otter Point Rd., Sooke.

### **3. BOUNDARY RESTRUCTURE**

One question that arose over and over again at the recent amalgamation public forums, had to do with how the proposal to consider amalgamating with the District of Sooke came about. OPSRRA has been involved with the amalgamation proposal since the beginning: here is our version of the sequence of events.

#### **Background:**

In the fall of 2000 the CRD Board of Directors and the Juan de Fuca Electoral Area regional director approached the provincial government regarding a governance study. The directors of the CRD felt that this review of governance options was needed because, after the incorporation of Sooke in 1999, the JDF Electoral Area was left with only one regional director. Under the provincial Local Government Act (Part 26, Section 791 {11}), other members of the CRD board were now required to sit on Land Use Committees to decide planning and land use matters for the JDF Electoral Area as the law disallowed only one regional director making these decisions. The rezoning application for Silver Spray in East Sooke proved this process (whereby the whole CRD board had to make land use decisions for the Electoral Area), to be flawed. A more workable long-term solution was needed. In early 2001 the province agreed to terms of reference for the governance review and commissioned a report on future governance options for the Juan de Fuca Electoral Area. This report was completed in July 2001 and is referred to as the Ben Marr Report. It identified three governance options for the JDF Electoral Area:

#### **The Options:**

The Ben Marr held public hearings and met with special interest groups over a three-month period. His report proposed 3 options for the future governance of our local area.

- a) Incorporate all of the communities west of Sooke (Otter Point to Port Renfrew) into the District of Sooke.
- b) Create a new municipality to include Otter Point, Shirley, Jordan River and Port Renfrew.
- c) Progressively reduce the CRD's involvement in the Electoral Area by first incorporating East Sooke into either the District of Sooke or Metchosin and leave the status of the communities west of Sooke to be resolved at a later time.

#### **The Outcome:**

The CRD Board and the province were only willing to consider incorporation with an existing municipality (options a & b). Both the District of Sooke and the District of Metchosin were asked to strike a committee to study their amalgamation with adjoining Juan de Fuca Electoral Area communities. In September 2001 the province's Local Government Structure Branch prepared boundary extension guidelines (*Work Program and Decision Path for District of Metchosin and/or District of Sooke Potential Municipal Boundary Extensions to Include East Sooke and Otter Point – Port Renfrew*) for the District of Sooke, District of Metchosin and the CRD. In April 2002 the District of Metchosin decided that they did not want to amalgamate with East Sooke: this left the District of Sooke as the only incorporation option. The District of Sooke committee agreed to become a joint committee with the Electoral Area; added four more rural representatives; engaged a private consulting firm (Sussex Consulting) to assist with collecting and analyzing the information needed by the joint committee; and proceeded to explore whether to hold a referendum on amalgamation. This phase was to have been completed by October 2002, followed by a referendum on

amalgamation. If the referendum had passed in favour of amalgamation, a new council for the expanded District of Sooke would have been elected in November 2002. These deadlines were never met and the delays continued. Following a committee meeting in February 2003 the completion of the consultant's report was further delayed by several events: incomplete information from the province on the correct boundary for forestlands north of Shirley and Otter Point; a delay of the province's Offer of Assistance (money for road maintenance, etc.) for the District of Sooke; and the sudden death of the mayor of Sooke in April. Meetings of the committee didn't resume until September 2003 and are on-going.

Does OPSRRA hold a position on amalgamation? No.

For the past two years the directors have chosen to support a number of principles that they felt would lead to a fair, open and informed decision on amalgamation by the residents of Otter Point and Shirley.

The District of Sooke/Juan de Fuca Boundary Restructure committee has now completed the initial round of open houses and public forums in Otter Point, Shirley and East Sooke. OPSRRA's January newsletter will contain a summary of the points raised at these public forums.

**PLEASE NOTE. THIS MEETING HAS JUST BEEN CANCELLED**

The next meeting of the Boundary Restructure committee will be:

Date: Thursday, December 4, 2003

Time: 5:00 p.m.

Place: District of Sooke Council Chamber, 2205 Otter Point Road

Purpose of this meeting will be to:

- a) Review the information gathered from the public forums.
- b) Identify additional information needed before a referendum could be held.
- c) Recommend to the province whether the proposed amalgamation between the District of Sooke and the rural areas should proceed.
- d) Finalize the proposed rural boundary that would be included in the referendum.

Contact your rural representative to the Joint Juan de Fuca/District of Sooke Boundary Restructure committee with your comments, questions or for additional information.

Shirley/Jordan River: Sue Smee (Ph. 646-2298)

Otter Point: Bruce Lemire-Elmore (Ph. 642-5607) or Arnie Campbell (Ph. 642-3113)

#### **4. LOT AVERAGING**

OPSRRA members passed a motion at the October membership meeting, opposing the use of lot averaging. The Otter Point and Shirley Local Area Plan (CRD Bylaw 2366) states that: "Lot averaging must not be permitted, even in the case of large parcels of land." However, provincial legislation allows lot averaging and takes precedence over the CRD bylaw. One of the concerns with lot averaging is that the required covenant that is placed upon the land title - legally preventing further development upon the unused portion, can be considered for removal by Land Use Committee "A", following a public hearing.

The following letter was recently sent to the provincial Minister of Community, Aboriginal and Women's Services:

The Honorable George Abbott  
Ministry of Community, Aboriginal And Women's Services  
Rm 103, Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister Abbott:

I am writing on behalf of the Otter Point and Shirley Residents And Ratepayers Association to express our organizations objection to the province allowing Lot Averaging in the Juan de Fuca Electoral Area. Enclosed with this letter is a recent information handout on OPSRRA; you can also visit our web site ([www.opsrra.com](http://www.opsrra.com)) for additional information about the association.

At our October 21st membership meeting a motion was passed that asked OPSRRA to lobby the provincial government to change the provincial statute for the following reasons:

1. Lot Averaging goes against our Otter Point & Shirley Local Area Plan (CRD Bylaw 2366). See appropriate section enclosed.
2. It goes against the democratic principle of local planning and control over land use.
3. It circumvents public participation by not requiring that public hearings be held when Lot Averaging is being considered.
4. Creates problems for local government in later years, when covenants placed upon properties at the time of approving Lot Averaging, are subsequently asked to be removed to allow for further development.

I would appreciate your comments on this matter and ask to be kept informed of any plans to have this statute changed.

Regards,

Ken Pungente  
President OPSRRA

Copy: Brian Kerr MLA  
Erik Lund – JDF Regional Director  
Bill Jordan – Executive Director CRD  
Shirley Action Committee

## **5. JUAN DE FUCA REGIONAL DIRECTOR'S WEB SITE**

Director Lund now has a web site ([www.crd.bc.ca/jdf](http://www.crd.bc.ca/jdf)) that you can access for current information about the CRD and the Juan de Fuca Electoral Area. The site is not entirely complete and will continue to have more features added.

## 6. CRD NATURAL ATLAS

The Capital Region District provides free access to an aerial overview of the whole CRD - including our area. This is a fascinating look at our communities from the air: including roads, streams, lakes, property lines, etc. There is even enough resolution that you can probably make-out your own house — if the trees are not too thick! To find the site go to: ([www.crd.bc.ca/es/natatlas](http://www.crd.bc.ca/es/natatlas)).

## 7. TIMBERWEST'S "PESTICIDE" MANAGEMENT PLANS FOR 2004

OPSRRA has contacted TimberWest as a follow-up to the pesticide spraying news in the October newsletter. TimberWest has yet to complete their field plan for this area. The earliest that they could now undertake the work would be April of 2004. They have indicated that they would notify neighbours before doing any spraying. OPSRRA will contact them again in February for an update and continues to support the use of manual brushing over the use of pesticides.

## 8. PROPERTY TRANSFER RIGHTS

Continuing concern about trying to protect rural green space in Washington State has brought about an interesting piece of legislation called Property Transfer Rights. This idea was researched by Bruce Lemire-Elmore (OPSRRA member, Boundary Restructure committee member and member of the Advisory Planning Commission for Otter Point/Shirley) and has been presented to the JDF Regional Director as a suggested way of compensating rural landowners for not developing their property. Using Property Transfer Rights, an urban developer would "purchase" greater density from a rural landowner who would then be prevented from any further increase of density on their rural property. To get a full explanation of how this is working in King County, visit their web site (<http://dnr.metrokc.gov/wlr/tdr/overview.htm>)

# OPSRRA

OPSRRA is a representative community organization with an elected Board of Directors and strives to present the points-of-view of the residents of the rural communities of Shirley and Otter Point to local government. It was founded in 1992 and has a membership of about 350. **Lifetime memberships are \$5.00** and available from OPSRRA directors—see our web site ([www.opsrra.com](http://www.opsrra.com)) for further information.

The purpose of our society is to:

1. Ensure that the development of the two communities of Shirley and Otter Point takes place in an orderly way and in the best interests of its residents.
2. Co-operate with local government and other public bodies in the furtherance of the objectives of the society and benefits to the community.
3. Concern itself with the performance of government agencies.
4. Encourage citizens to stand for public office.
5. Promote community spirit and sense of identity by organizing or supporting appropriate activities.

**Wishing you and yours the best  
for the  
Christmas Season and a Happy New Year  
from OPSRRA's EXECUTIVE AND DIRECTORS**

Ken Pungente	President	Arnie Campbell	Vice President
Wendy Miller	Secretary/Treasurer		
Byron Tweedy	Director	Mitch Moneo	Director
Virginia Boyd	Director	Wendy Morton	Director
Frances Stocks	Director		

This newsletter is published monthly on the [www.opsrra.com](http://www.opsrra.com) web page by OPSRRA—the Otter Point and Shirley Residents and Ratepayers Association. Comments or requests to have information included in the newsletter can be directed to Arnie Campbell, Vice President. Phone: (250) 642-3113 or e-mail [d.acampbell@shaw.ca](mailto:d.acampbell@shaw.ca)