

**OTTER POINT & SHIRLEY
RESIDENTS & RATEPAYERS ASSOCIATION (OPSRRA)
INFORMATION UPDATE JANUARY 2009**

WISHING EVERYONE A SAFE AND HAPPY NEW YEAR

The Otter Point & Shirley Residents & Ratepayers Association (OPSRRA) is a registered non-profit society with an elected Board of Directors and strives to present the points-of-view of its members to local government. OPSRRA was founded in 1992 and has a membership of about **385**. Any resident or property owner in Shirley and Otter Point is eligible for membership.

Lifetime memberships cost \$5.00 per person and are available from OPSRRA directors—see our web site (www.opsrra.ca) for further information and on-line registration. Associate (non-voting) memberships are available for persons who do not reside or own property in Shirley or Otter Point, but who wish to support the Association.

The purpose of our society is to:

- 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.
- Co-operate with local government and other public bodies in the furtherance of the objectives of the society and benefits to the community.
- Concern itself with the performance of government agencies.
- Encourage citizens to stand for public office.
- Promote community spirit and sense of identity by organizing or supporting appropriate activities.

Are you an OPSRRA member? Do you want to receive the OPSRRA newsletter and notice of meetings directly to your e-mail address? OPSRRA now e-mails this newsletter to over **225** of our members. Contact Arnie Campbell at: d.acampbell@shaw.ca if you want to receive this membership service.

OPSRRA's EXECUTIVE AND DIRECTORS

Arnie Campbell	President	Wayne Fritz	Director
Phone:	250-642-3113	Phone:	250-642-0440
Email:	d.acampbell@shaw.ca	Email:	wlfritz@shaw.ca
Sandy Barta	Director	John Charles	Director
Email:	sbarta@shaw.ca	Phone:	250-642-0382
Erik James	Director	Ken Pungente	Director
Phone:	250-642-6368	Phone:	250-642-5177
Email:	mekjames@telus.net		
Bob Philips	Director	Sarah Tidwell	Director
Phone:	250642-3297	Phone:	250-642-2733
Email:	bother@telus.net	Email:	sarah0406@yahoo.com

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1. UPCOMING MEETINGS AND EVENTS

Contact Arnie Campbell at: d.acampbell@shaw.ca or 642-3113 to have your community event listed in our monthly community events calendar.

NOTE:**JANUARY MEETING NOTICES**

Juan de Fuca Electoral Area Land Use Committee
rescheduled to February 3

Economic Development Commission **cancelled**

No information available as to whether the JDF Parks and Recreation Commission will meet January 8.

Thursday
January 1

Polar Bear Swim
Sponsored by the Otter Point Firefighters
Association

12:00 p.m.
Whiffin Spit Park, Sooke BC



Saturday
January 3

Juan de Fuca Community Trails Society
Check out the Silver Spray Tail Corridor

9:30 a.m.
This is an easy walk.
Meet at the end of Silver Spray Drive (East Sooke).
Phone Rosemary Jorna, 250-642-2767 or email sid2767@shaw.ca
for details.

Please note our new web address:
www.jdfcommunitytrails.ca

Thursday
January 8

Juan de Fuca Parks Committee
5:00 p.m.
JDF Electoral Area Services Office
2-6868 West Coast Road, Sooke BC

Check with
JDFEA office to
confirm

Tuesday
January 13
**This meeting
rescheduled to
Tuesday,
February 3**

JDF Electoral Area Land Use Committee (LUC) Meeting
7:00 p.m.
District of Sooke Council Chambers
2225 Otter Point Road

You can obtain the agenda the Friday before the meeting at the CRD Planning Services office, 2-6868 West Coast Road or on the CRD website at: www.crd.bc.ca/jdf/index.htm
Click on "Agenda" at the top of the page.

Thursday
January 15

**OPSRRA Board of Directors
Monthly Meeting**
Members welcome!
7:30 p.m.
Sooke Region Museum
Sevice Building Meeting Room

Thursday
January 15

**Sooke Electoral Area Recreation Commission (SEAPARC)
Meeting**
7:00 p.m.
Multi-Purpose Room "A"
SEAPARC Leisure Complex
2168 Philips Road Sooke BC

Tuesday
February 3

JDF Electoral Area Land Use Committee (LUC) Meeting
7:00 p.m.
District of Sooke Council Chambers
2225 Otter Point Road

You can obtain the agenda the Friday before the meeting at the CRD Planning Services office, 2-6868 West Coast Road or on the CRD website at: www.crd.bc.ca/jdf/index.htm
Click on "Agenda" at the top of the page.

Tuesday
December 9

**Otter Point, Shirley & Jordan River Developing a Strategic
Vision Steering Committee meeting**
To finalize the project's supporting material.
Public welcome!
9:30 a.m.
Boardroom
SEAPARC Leisure Complex
2168 Philips Road Sooke BC

Saturday
February 7

**Juan de Fuca Community Trails Society
King Creek Trails**
9:30 a.m.
This is another easy walk.
Meet at the corner of Otter Point Road and Farmer Road
Phone Rosemary Jorna, 250-642-2767 or email sid2767@shaw.ca
for details.
Please note our new web address:
www.jdfcommunitytrails.ca

Second & Shirley Quilters and Crafters
Fourth 10:00 a.m. to 3:00 p.m.
Thursday Shirley Community Hall
of every month

2. PROPERTY ASSESSMENTS AND RIGHT TO REVIEW

Your property assessment for 2009 taxes will be arriving in your mail the first week of January. If you do not receive your property assessment by January 16:

call toll-free 1-800-990-1159 or
e-mail capital@bcassessment.ca

to ask for your assessment notice.

The B.C. Assessment Authority is responsible for evaluating the value of all properties in British Columbia. This valuation is based upon their best guess of your property's value as of July 1, 2008, based upon recent, comparable property sales and assessments in your neighbourhood. Their valuation will be used by the local taxing authorities (province, school district, regional district and electoral area) to determine your 2009 property tax. If you feel that the B.C. Assessment Authority valuation is incorrect or you want more information on how they arrived at your property assessment, contact the local B.C. Assessment Authority Office. Contact information for the Greater Victoria Office is:

Toll Free: 1-800-990-1159
Fax: (250) 479-1849
Email: capital@bcassessment.ca
Mail: 102 - 3350 Douglas Street
Victoria BC V8Z 7X9

The Capital Office Management Team is:

Assessor: Brian Hawkins
Deputy Assessor: Gerry Marolla
Deputy Assessor: Rick McMahon

The web site provides access to the assessed value of every property in B.C.

web site: www.bcassessment.bc.ca

Note: As a result of recent provincial intervention there will be a special option available to property owners this coming year. This option will allow you to choose whether you want to accept the lower of either your property evaluation at July 2007 or July 2008. The following assessment information is provided by the B.C. Assessment Authority:

The following points summarize the key changes for 2009 assessments, by property class, provided there have been no changes to the condition or use of the property:

- **Class 1, Residential; Class 5, Light Industry; Class 6, Business and Other; and Class 8, Recreational Property/ Non-profit Organization** – assessments for these properties will reflect market value at either July 1, 2007 or July 1, 2008, whichever is lower.
- **Class 2, Utilities** – most properties in this class are valued using regulated rates and will not change from previous assessments.
- **Class 3, Supportive Housing** – properties in this new class will be valued using nominal values set by regulation.
- **Class 4, Major Industry** – land used for major industrial purposes will reflect market value at either July 1, 2007 or July 1, 2008, whichever is lower. The value of major industrial improvements (e.g. buildings) are regulated and will not change from previous assessments. Designated port land rates will not change from previous assessments.
- **Class 7, Managed Forest Land; Class 9, Farm Land** – the value of these lands are regulated and will not change from previous assessments.

2009 property assessments will continue the normal practice of reflecting changes to property which have occurred since the previous assessment. These include changes such as new construction and development, changes in property classification or use, changes in tax exemption status, additions to properties, or heavy damage to a property (e.g. fire). All property owners will receive assessment notices in early January and all rights to appeal will remain unchanged.

Note: The deadline to appeal your 2008 property assessment is midnight on Monday, February 2, 2009. Property owners wishing to appeal their property assessment must do so in writing. An on-line version of the complaint form is available on their web site: www.bcassessment.bc.ca

3. SHIRLEY VOLUNTEER FIRE DEPARTMENT TRUSTEES

The Shirley Volunteer Fire Department is going through a transition that will see it move from being the direct responsibility of the Shirley Volunteer Fire Protection Society to become the responsibility of the newly established Shirley Fire Commission which will operate under the authority of the CRD. (this is the way the Otter Point Fire Department is currently set-up).

Here is how the change is coming about:

- On December 10, 2008 the CRD Board passed a bylaw creating the new Shirley Fire Commission.
- On December 14, 2008 the Shirley Fire Protection Society held its Annual General Meeting and passed new bylaws reducing the size of the Board of Directors for the society from seven to five. They elected the following trustees: Jurgen Kirste, George Miller Sharon Cormier, Andrea Powell, Conrald LeClerc, Bobbie Metzger and Reg Allan.
- Once the new bylaws of the Shirley Volunteer Fire Protection Society are registered, George Miller and Jurgen Kirste will resign and the remaining five officers will elect new officers according to the new bylaws.
- On January 14, 2009 the CRD Board will make the following appointments to the Shirley Fire Commission: Jurgen Kirste, Ian Blaney, Conrald LeClerc, Sharon Cormier, Eric Ellis, and Andy Barber.

4. SUPREME COURT DECISION: LEGALITY OF JUAN DE FUCA ELECTORAL AREA LAND USE COMMITTEE

On December 23, 2008, Judge Metzger of the B.C. Supreme Court handed-down his judgment in the case of Western Forest Products (WFP) and the B.C. Landowners Association (BCLA) vs. the Capital Regional District in the matter of Bylaws 3474, 3495, 3497, 3498, 3499 and 3500. The full text of the Judge Metzger's decision is attached to this issue of the OPSRRA newsletter or you can use the link located on the right hand side of the CRD web site Home Page: www.crd.bc.ca to locate the document.

In summary, the Court's decision has invalidated the six CRD Bylaws passed in April 2008 to control development on larger rural properties in the Juan de Fuca Electoral Area (JDFEA) by limiting the size of subdivisions on these lands. At issue by the two petitioners (WFP and BCLA) was that only the directors from the District of Metchosin and the District of Central Saanich were voting with the JDFEA Regional Director when these bylaws came to the CRD Board. In Judge Metzger's opinion the legality of the Land Use Committee is not in dispute. However, in his legal opinion, the April 2006 agreement that allowed Central Saanich and Metchosin to participate in the CRD Board vote did not incorporate the appropriate terms set out in the Provincial Local Government Act. Following this opinion, the judge ruled that voting on land use issues in the JDFEA Electoral Area must be as described in Provincial Government Order in Council (No. 287/2001). This Order in Council listed which CRD directors, or alternates, were entitled to vote on land use matters in the JDFEA prior to the April 2006 agreement.

Why are land use decisions in the Juan de Fuca Electoral Area being voted upon by regional directors from other municipal jurisdictions? This is because the JDFEA is unincorporated and we fall under Provincial legislation when it comes to making land use decisions. The Provincial Local Government Act states that all when there is only one regional director eligible to vote on land use matters, then all the CRD directors are entitled to vote—unless some other approved arrangement has been put into place by the CRD Board.

During the past nine years, since the incorporation of Sooke and the consolidation of the remainders of the Langford and Sooke Electoral Areas into the Juan de Fuca Electoral Area, the JDFEA has only had one regional director. In order to meet the voting requirements of the Local Government Act our Land Use Committee has consisted, at various times, of:

- The entire CRD Board of Directors
- Directors from Langford, Colwood, Metchosin, Sooke and the Juan de Fuca Electoral Area operating as Land Use Committee A and Highlands, Saanich, Langford, Central Saanich, and the Juan de Fuca Electoral Area operating as Land Use Committee B.
Note: This committee structure reflected the voting regime described in the Order in Council referred to in the Supreme Court judgment
- Directors from Langford, Colwood, Metchosin, Central Saanich, Sooke and the JDF Electoral Area operating as a combined Land Use Committee
- Directors from Langford, Colwood, Metchosin, Central Saanich, Sooke and the JDF Electoral Area plus one "elected" representative from each of the six sub-areas (Port Renfrew, Shirley/Jordan River, Otter Point, East Sooke, Willis Point and the Malahat) in the JDFEA
- Directors from Metchosin, Central Saanich, the JDF Electoral Area and one "elected" representative from each of the six sub-areas in the JDFEA

So what happens now? At the moment no one really knows:

- Will the CRD Board decide to appeal the Court's decision?
- Have all the other recommendations since April 2006, from the JDFEA Land Use Committee to the CRD Board, also been "illegally" voted upon?
- Can the province intervene to backdate or somehow validate some or all of the land use decisions of the JDF Electoral Area since April 2006?
- Will the CRD Board decide to reintroduce the invalidated bylaws?

Because of the present confusion over who can vote at the CRD Board on land use matters affecting the JDF Electoral Area, the JDFEA Regional Director has decided to cancel the January 13 JDFEA Land Use Committee meeting. It has been rescheduled for February 3. In the meantime the CRD Board will be meeting on January 14 to review the Court's decision, hear recommendations from CRD staff and hopefully agree on an interim arrangement for voting on the recommendations of the JDFEA Land Use Committee that will satisfy the Court's ruling and enable the committee to carry-on with a three month backlog of land use decisions.

5. PLANNED MEETING WITH REGIONAL DIRECTOR

A meeting between OPSRRA directors and the Juan de Fuca Electoral Area Regional Director has been arranged for early January. This meeting is in response to a request from OPSRRA as summarized in the following letter dated 11 December 2008.

OTTER POINT AND SHIRLEY RESIDENTS AND RATEPAYERS ASSOCIATION

Dear Director Hicks:

I am writing on behalf of the directors of the Otter Point and Shirley Residents and Ratepayers Association (OPSRRA) for two reasons. First of all we would like to welcome you as our new Regional Director and look forward to an opportunity to work with you, on behalf of our membership, over the next three years. The second reason is to request a meeting to update you on a range of community issues and initiatives that are of interest to our association.

- Governance issues; e.g., governance options study
- Arden Gravel Pit community concerns
- Fire protection for Jordan River
- Regional Growth Strategy Review.
- Otter Point and Shirley/Jordan River OCP reviews
- Otter Point and Shirley/Jordan River Zoning review
- Park issues. e.g., Poirier Lake, Broom Hill, park maintenance.
- Water and watershed mapping and protection; e.g. Kemp Lake, Sheringham Estates.
- Road issues; e.g., shoulder upgrade, safety for non-vehicular users, larger volumes because of Circle Route and more development west of Otter Point, truck frequency and size with mining operations, reflector lights
- Developing a Strategic Vision Project Goals and Strategies
- Economic development/tourism
- Future of WFP lands
- Role of OPSRRA

Arranging a time early in the New Year to discuss these items would be appreciated. A reply with a suggested meeting date and time is requested.

6. DID YOU KNOW THAT ...

There used to be a lumber mill located where the parking lot is for French Beach Provincial Park in Shirley? The French family owned 145 acres in what is now French Beach Provincial Park and the French brothers operated the mill for about twenty years in the 1950s and 1960s. Over the years their mill cut box material, lathing and even furniture lumber. One of their customers for furniture lumber was Standard Furniture of Victoria which has just closed its business on December 31, 2008 after 90 years of operation.

The current location of the Sooke Business Park, next to Poirier Lake in Otter Point, was previously a dry-land log sort? This 40 acre site was originally developed as a dry-land log sort by T.W. MacKenzie Logging (operating as a subsidiary of Canadian Pacific Railway's Pacific Logging Company) in 1974. In 1977, MacKenzie Logging and other Pacific Logging subsidiaries amalgamated to form Pacific Forest Products (PFP) Limited. In 1985, PFP amalgamated with the Tahsis Company to become CIP Forest Products. The log sort experienced numerous shutdowns in the 1990s, eventually ended-up being owned by TimberWest and was rented-out to a private contractor for a few years between 1999 and 2002 as an inspection and sorting station for logs that were suspected of being contaminated by the Gypsy Moth. A spectacular fire occurred in the wood waste pile in the early morning hours of November 1, 2002. A quick response from the Otter Point Fire department prevented the fire from spreading. The initial response involved the help of the Shirley, East Sooke and Sooke Fire Departments who provided tankers to haul water to the site. The fire continued to burn for several days and required 24 hour fire suppression and monitoring by the Otter Point Fire Department. The property was sold to the current owners in 2006.

Information for this month's **Did You Know That?** is from *4,000 Years—A History of the Rainforest, The Sooke Story—The History & The Heartbeat*, both written and published by the Sooke Region Museum, and John McCrea of the Otter Point Fire Department.

Do you have local historical information that you would like to share or questions that you would like answered? If so, let us know and we'll try to help.

7. FREE SMALL BUSINESS LISTING ON OPSRRA'S WEB SITE

Do you operate a small business? Are you an OPSRRA member? OPSRRA is offering a free business listing service for members, on its web site: www.opsrra.ca. We will list non-members 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. We anticipate having listings for accommodation, farm produce, art, furniture-making, fishing charters, eco-tours, firewood, knitting, soaps, landscaping, bookkeeping, sewing, spas and more. More information, businesses already listed, and an on-line registration form are available on OPSRRA's web site (www.opsrra.ca) under **Business Listings**.

Note: OPSRRA does not accept responsibility for the services provided. Always check references and ask for confirmation of Work Safe B.C. Registration if applicable.

The OPSRRA web site has more information about the following business listings

1001 Welding & Equipment Repair

Accent in Grooming

ALM Organic Farm	A Point of View B&B
Beaches West B&B	Bear Home Remodeling
Birds Edge Press	DanCyn Kioti Excavation
Eagle Cove Beachfront Guest Suite	Fancy That Esthetics & Body Care
Full Circle Seeds	Heron's Rest B&B
Jambo Pet Sitting Service	Kemp Lake Store
Knotty Beds by Nature	Le Sooke Spa
Malahat Farm Heritage Cottage	Otter Point Beach House
Rhythm's Edge Percussion Shop	Road's End Construction
Sandy's Drywall Ltd	Stick in the Mud Coffee House
Straitview Ridge Bed & Breakfast	Tugwell Creek Honey Farm
Tugwell Creek Meadery	Wood Visions

8. BACK ISSUES OF THE OPSRRA NEWSLETTER

Back issues of the OPSRRA newsletter are available on the OPSRRA web site.

This monthly newsletter is prepared by the directors of OPSRRA. It is available to members by e-mail and to others on our web site: www.opsrra.ca. To have an item you would like to have considered for placement in the newsletter, or make a comment about the newsletter, contact an OPSRRA director. OPSRRA tries to verify the correctness of the information in this newsletter; if we got it wrong we will acknowledge that and make a correction as quickly as possible.
