

OTTER POINT & SHIRLEY RESIDENTS & RATEPAYERS ASSOCIATION (OPSRRA) INFORMATION UPDATE FOR JUNE 2004

Are you an OPSRRA member? Do you want to receive the OPSRRA newsletter and notice of meetings directly to your e-mail address? OPSRRA is now e-mailing this newsletter to over 50 of our members.

Contact Arnie Campbell at: d.acampbell@shaw.ca if you want to receive this service.

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) 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.

OPSRRA's EXECUTIVE AND DIRECTORS

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

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1. Up-Coming Meetings

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| Tuesday, June 8 | <p>DeMamiel Estates Ltd. Public Hearing
 7:00 p.m.
 Otter Point Fire Hall
 3727 Otter Point Road</p> |
| Saturday, June 12
& Sunday, June 13 | <p>Otter Point Fire Department Garage Sale In Support Of Muscular Dystrophy
 From 10:00 a.m. – 4:00 p.m.
 Otter Point Fire Hall
 3727 Otter Point Road</p> |
| Monday, June 14 | <p>Otter Point Official Community Plan Committee (OCP) Meeting
 6:30 p.m.
 Otter Point Fire Hall
 3727 Otter Point Road</p> |
| Wednesday, June 16 | <p>Land Use Committee “A” Monthly Meeting
 7:00 pm.
 Sooke Council Chambers
 2225 Otter Point Road
 Note: As of June 3rd there was no business for the June meeting. Contact the CRD Planning Services Office (Phone 642-1620) to ensure that this meeting is happening and to receive an agenda</p> |
| Saturday, June 19 | <p>Elections For Appointment To The Shirley/Jordan River Advisory Planning Commission & The JDF Land Use Committee
 This Election Has Been Cancelled:
 See Item No. 8—Personal Statements Of Candidates— for an explanation.</p> |
| Monday, June 21 | <p>Shirley/Jordan River Official Community Plan (OCP) Meeting
 6:00 p.m.
 Shirley Community Hall</p> |

2. SHERINGHAM POINT LIGHTHOUSE SOCIETY

A new preservation society is being formed in Shirley to try to purchase the federal (Coast Guard) property surrounding the Sheringham Point lighthouse. Society memberships are \$5.00. Further information can be obtained from Rob or Karen Van Veen @ 646-2213.

3. SHIRLEY VACANCY ON THE JDF ECONOMIC DEVELOPMENT COMMISSION

A resident from Shirley is needed to fill a vacancy on the JDF Economic Development Commission. The interested individual should be a business owner or have business experience. The commission meets on the fourth Thursday of the month from 6:00 p.m. to 8:00 p.m. Further information can be obtained from the JDF/CRD Planning Services Office (Phone: 642-1620) 2205 Otter Point Rd.

4. OPRRA VS. OPSRRA SURVEY

Do OPSRRA members who reside in Shirley wish to remain with OPSRRA or do they feel that their needs will be better represented through the recent formation of the Shirley Education And Action Society (SEAS)? The OPSRRA directors, at our recent AGM, raised this question and a motion was passed, asking that a survey of Shirley members be undertaken and the results brought back to the next OPSRRA meeting. The survey will take place during June. If you are an OPSRRA member residing in Shirley and you have an opinion on this matter and you have not been contacted, you should phone either Frances Stocks (642-6868) or Virginia Boyd (646-2345).

5. DISPOSAL OF USED MOTOR OIL

Wondering where to get rid of your used motor oil since the recycle tank has been removed from the Chevron gas station in Sooke? Try the Canada Tire store in Langford (Can West Shopping Centre). They have a public access oil recycle tank at the back of the automotive shop. Check-in at the Automotive Services desk; they'll either take your oil (20 litres maximum) if you don't want your container(s) back, or send you off to dump your own if you want to keep your container(s).

6. FREE ADVERTISING FOR LOCAL BUSINESSES 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.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. We anticipate having listings for accommodation, farm produce, art, furniture, fishing charters, eco tours, firewood, knitting, soaps, landscaping, bookkeeping, sewing and more. More information, businesses already listed and a registration form are available on OPSRRA's web site (www.opsrra.com) under Business Listings.

OPSRRA welcomes Birds Edge Press to its business listing service. Local Artist Kerry O’Gorman uses pressed leaves and her knowledge of botany to create small and large botanical pressings framed under glass. Contact Kerry at farmlass@mail.com or through her web site: www.birdsedge.com.

Other local businesses listed on OPSRRA Business Services site are:

- Malahat Farm B & B
- Beaches West B & B
- Tugwell Creek Honey Farm & Meadery
- ALM Organic Farm & Full Circle Seeds
- Otter Point Store & Eatery

7. BACKGROUND TO NEW JUAN de FUCA LAND USE COMMITTEE — CRD BYLAW No. 3166

The present LUC consists of the Regional Director as Chair and a municipal council representative from Sooke, Metchosin, Langford and Colwood. The CRD Board approved Bylaw No. 3166 in March of 2004, allowing for a change in the structure of the JDF Land Use Committee (LUC). This was an initiative of the JDF Regional Director and will result in the following changes:

- a) A reduction in municipal representation.
- b) Combining Land Use Committee “A” and “B”.
- c) The election of one nominee to the Land Use Committee from each of the 6 rural areas (Willis Point, Malahat, East Sooke, Otter Point, Shirley/Jordan River and Port Renfrew) that make-up the Juan de Fuca Electoral Area.

Although this is being referred to as an election, it remains an appointment process that now includes an extra step: an election is being used to determine a local area’s preference as to who they would prefer being nominated, by the regional director, to sit on the Land Use Committee. Neither the regional director, who brings the name of the nominee to the CRD Board, nor the CRD Board are obliged to appoint the winning nominee—although not appointing that person would be quite unlikely.

The new Land Use Committee will have the power to make recommendation to the CRD Board on:

- a) The development of, any amendment to, or any repeal of any Official Community Plan.
- b) The development of, any amendment to, or repeal of any Zoning Bylaw.
- c) The issuance or non-issuance of any temporary commercial or industrial use permit.
- d) The issuance or non-issuance of any development permit or development variance permit.
- e) Acceptance, rejection or removal of any Section 219 covenant as outlined through the **Land Title Act**, associated with any Part 26 (Planning & Land Use Management) application.

The new Land Use Committee will also be delegated the authority from the CRD Board to:

- a) Determine who will be consulted, as outlined through Section 879 of the **Local Government Act**, when an Official Community Plan is being developed, amended or repealed.
- b) Authorize staff to commence work on any Part 26 (Planning & Land Use Management) application, when that authority is requested through a staff report.

8. PERSONAL STATEMENT OF CANDIDATES FROM OTTER POINT SEEKING A NOMINATION TO THE JDF LAND USE COMMITTEE

Colin Corby withdrew from the Otter Point LUC election on June 3rd. The remaining candidate is Ken Douch and he will be appointed by acclamation.

OPSRRA invited the Otter Point candidates running for nomination to the Juan de Fuca Land Use Committee to submit a personal statement.

Ken Douch submitted the following personal statement.



Ken Douch
Candidate for the Otter Point
member of the JDF Land Use
Committee

Why am I running?

Since moving to Otter Point seven years ago, I have observed an accelerating rate of development in our beautiful area, some good and some not so good. My work on the Seaparc Parks Committee has illustrated how there is a possibility of conflict between sub-development and our ecological, scenic, traditional and heritage sites. On the other hand, as a JDF Economic Development Commissioner, I am also aware that the area needs economic renewal and local employment opportunities.

I believe that I can help our rural community, as it moves towards a more urban environment, to retain its natural beauty and ecology, using the proper vision and controls.

The incentive to create JDF sub-regions having direct representation on such as the Official Community Plan and Land Use Committee is seen as a step in the right direction towards improved self-governance. We will now have a voice on our own land use issues and not be dictated to by neighbouring communities.

I welcome the opportunity for a democratic election to the LUC; the results of the vote in Otter Point will affect the direction that the community takes in the years to come. I enjoy living in Otter Point and am concerned that its history, scenic beauty,

flora and fauna are protected. I believe that, with the proper controls, there is room for additional residents to share our life-style, together with opportunities for local employment.

I would like to offer my time, experience and expertise to the community.

Who am I?

A retired aerospace project manager, I moved to Otter Point from Montreal seven years ago. I am widely traveled, and have found my home at various times in England, Quebec, Vermont, Sooke and Otter Point, making me aware of how other communities control land use.

Born in rural England and trained as an engineer, I moved to Quebec at the age of 22 to work for Pratt & Whitney of Canada in Research and Development. As a technologist, I understand the constraints that should be applied to land use and I am trained to organize.

Hobbies include reading history, steam boating, model engineering and vintage cars. Married to Lesley, who is a gardener and secretary of the Sooke Philharmonic Society.

Contact me by phone or fax at 642-2114 or by email at douch@shaw.ca. I will be providing more on this subject on my website: www.douch.ca in the near future.

Please vote on June 19th, 2004, at Otter Point Fire Hall (8 a.m. to 8 p.m.)

Note: A public forum arranged by OPSRRA for June 15th for the LUC candidates was cancelled as one of the candidates declined the offer.

9. ACCLAMATION OF NOMINEES TO THE SHIRLEY/JORDAN RIVER ADVISORY PLANNING COMMISSION

The following Shirley/Jordan River residents have been acclaimed to the Shirley/Jordan River APC:

Sonja deWit; Joen Nelson; Volker Metz and Jane Munro. Robert Steele, who would have continued as a member from the previous Otter Point/Shirley APC committee, has resigned, leaving one position to be appointed by the regional director.

There are two vacancies on the New Otter Point APC. The regional director chose not to hold an election for these two nominees: the vacant positions will now be filled by appointment by the regional director.

10. OFFICIAL COMMUNITY PLANS UP-DATE

Both the Otter Point and the Shirley Jordan River Official Community Plan (OCP) committees have had their initial public meeting.

Highlights:

- The Otter Point OCP committee elected its chair (Wayne Fritz) and vice-chair (Greg Whincup). The Shirley/Jordan River OCP has not elected their chair.
- For the first time, in the JDF Electoral Area, the OCP committees will be developing Zoning Bylaws for their community.
- Decision-making responsibility (approval) for the final plan remains with the CRD Board (this responsibility previously resided with the JDF Land Use Committee and the Board).
- The boundary between Shirley and Otter Point is undecided. There are 3 possible boundary lines being considered:
 - a) The present Otter Point/Shirley Fire Protection boundary (approximately Anderson Rd. at West Coast Rd.).
 - b) The new Otter Point and Shirley LUC, OCP, APC, boundary approved in CRD Bylaw No. 3166 (this is slightly west of the Fire Protection boundary).
 - c) The geographical boundary of Muir Creek.

According to Ken Cossey, the CRD planner assigned to work with the OCP committees, the OCP committees' considerations are limited to the content items specified under Section 877 of the **Local Government Act**. Urban Containment Boundaries (UCB) are not an identified content item under Section 877 and therefore cannot be considered by the OCP committees. However, in a follow-up meeting with him, to clarify what appears to be a contradiction (see the following item on UCB's to understand the contradiction that this seems to present), he informed OPSRRA that the OCP committees can identify specified development areas, where higher density may warrant access to municipal services such as water and sewer. One example could be the area in Otter Point now serviced by the Kemp Lake Water District.

11. URBAN CONTAINMENT BOUNDARY

A recent application by DeMamiel Estates Ltd. to have the CRD Water District water line extended another kilometre along Otter Point Road, and brought onto their Otter Point property, was denied by the CRD Board because it would have resulted in the water line crossing the District of Sooke's UCB. This, in the opinion of the Board was in contravention of Section 1.1 (Actions part 5) of CRD Bylaw No. 2952—**The CRD Regional Growth Strategy**, a bylaw that prohibits the extension of municipal water and sewers beyond Urban Containment Boundaries, in order to limit growth in designated rural areas such as Otter Point. In the opinion of the Board, the extension of the waterline across an UCB could only happen if there was an amendment to the RGS Bylaw and the Board was not prepared to consider an amendment to the RGS at this time.

Whether Otter Point or Shirley were ever intended to have, or ever should have Urban Containment Boundaries, remains uncertain. The application by DeMamiel Estates Ltd. has helped to identify some of the differing opinions that will need to be considered by the Otter Point and Shirley/Jordan River OCP committees over the next 6 months. Here is a summary of what has been said to date:

The CRD's Regional Planning Services staff maintains that the JDF Electoral Area was never intended to have UCBs. This determination was stated in the original draft of the **Regional Growth Strategy** Bylaw. However, as a result of draft

revisions and at the request of the previous JDF regional director, the JDF Electoral Area was given until August 2005 to make this decision as part of the updating of their OCP's.

At the February 18th 2004 LUC "A" meeting, Ken Cossey (JDF/CRD Planner-Administrator) advised the committee that the CRD Board had given the JDF Electoral Area until August 2005 to complete OCP's and define urban containment boundaries.

In an April 21st, 2004 memo to the JDF Land Use Committee "A", the CRD's JDF Electoral Area Planning Services staff stated that, "Current programmes to update the Local Area Plans within the Juan de Fuca Electoral Area will provide a comprehensive opportunity to identify areas that may meet Urban Containment Area criteria, particularly in the Otter Point Sector."

Two weeks later, on May 4th, 2004 the Otter Point OCP committee was informed by Ken Cossey that because urban containment boundaries are not specified under Section 877 of the **Local Government Act** the OCP committee was not permitted to consider whether or not there should be UCB's in Otter Point.

On May 24th a representative from OPSRRA met with Ken Cossey to clarify whether or not UCBs would/could be considered by the OCPs. His reply was "yes and no". Because UCBs are not specified under Section 877 of the Local Government Act the committees had no mandate to deal with the topic. Secondly, UCB was a "buzz word" and not the correct way to describe or define limits around areas of higher or lower density. Finally, that the OCPs could (if they wanted) identify specified areas that they would recommend be given access to certain municipal services (e.g. water and sewer).

If you are interested or concerned about urban containment boundaries then plan to attend the monthly OCP meetings in Otter Point and Shirley/Jordan River.

12. BOUNDARY RESTRUCTURE (AMALGAMATION) UP-DATE

The Juan de Fuca/Sooke Boundary Restructure Committee met on May 20th and received notice from the District of Sooke that it was prepared to accept the latest Offer of Assistance from the province and that the District was willing to proceed to a referendum with their voters even if only one rural area (East Sooke or Shirley/Otter Point) favoured amalgamation. This decision clears the way for another round of public information meetings in the early fall and a tentative amalgamation referendum, in the rural areas, in late November. The committee is awaiting the province's approval of a final budget for Sussex Consulting; if approved the consultant would up-date his analysis of the impact of amalgamation on the rural communities (East Sooke, Otter Point and Shirley) as well as the District of Sooke and prepare a new information package for both rural and District of Sooke voters.

This newsletter is published monthly on the 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
