

**OPSRRA PRESENTATION
to the
SEPTEMBER 6, 2011 PUBLIC HEARING
FOR THE PROPOSED REZONING
OF MARINE TRAIL HOLDINGS PROPERTIES
IN THE RURAL RESOURCE LANDS**

This presentation is being made on behalf of the directors of the Otter Point & Shirley Residents & Ratepayers Association. Last week we circulated an outline of our presentation to about 300 members of the association who receive our monthly newsletter asking for their comment on whether we should be speaking at this public hearing. We heard back from 51 of our members: 3 opposed and 48 supported our participation.

Although the Rural Resource Lands are not part of the communities of Shirley and Otter Point they are part of the Juan de Fuca Electoral Area and the Rural Resource Lands are the immediate neighbour of Otter Point, Shirley, Jordan River and Port Renfrew. The directors of the Otter Point and Shirley Residents and Ratepayers Association (OPSRRA) therefore believe that what happens to the Rural Resource Lands is important for the future of our two communities. We have considered the proposed rezoning application by Marine Trail Holdings and make the following comments.

1. OPSRRA spoke in favour of the Rural Resource Lands Zoning and Land Use bylaws at the January 2010 public hearings. In our opinion the bylaws were a successful compromise, arrived at after extensive community consultation. Included in the bylaws was a provision for some recreational development in the Rural Resource Lands. However, the size and form of this rezoning proposal far exceeds what was presented two years ago. Also, the Rural Resource Lands Land Use Bylaw defines cabins as *“temporary accommodation for the traveling public”*. The Marine Trail Holdings proposal is for a building strata development with owners or others being allowed to stay for up to 60 days at a time for a total of six months in a calendar year. This is not accommodation intended for the traveling public.
2. The Rural Resource Lands Land Use Bylaw states that *“forms of development that increase demands for services and infrastructure and that negatively impact the rural resource nature and the integrity of rural communities of the area are discouraged”*. In our opinion the scale of the proposed application by Marine Trail Holdings, which at full build-out will have a larger population than the immediate communities of Shirley, Jordan River and Port Renfrew is inappropriate for its location and will increase the demand for taxpayer supported services such as emergency

search and rescue, policing, bylaw enforcement and land use planning services. Documented risks for fire - both structural and wildfire, have been made and we make reference to the memorandum from the Shirley Fire Protection and Emergency Response Commission, which was received by the Juan de Fuca Electoral Area Planning Department on March 21, 2011.

3. An issue often raised at our OPSRRA meetings is the condition of Highway 14, which runs through our two communities. The road is narrow, difficult to maintain, has sharp curves and steep grades, no shoulders and has to accommodate heavy industrial, commercial, recreational and domestic traffic as well as pedestrians, cyclists, horses and joggers. Most of the traffic heading to and from this proposed resort area will pass through Otter Point and Shirley. Increased congestion on Highway 14 will likely have an impact on the Otter Point, Shirley and Port Renfrew Volunteer Fire Departments as the further removed you are from the police and ambulance services, based in Sooke, the greater the likelihood that the volunteer fire departments will have to be the first responders for traffic accidents. Is anyone offering to improve Highway 14 or compensate our taxpayer supported volunteer fire departments?
4. There is cause for concern with regard to governance and the decision-making processes.

This application is substantially different from the application for rezoning referred to the Advisory Planning Commissions in 2009. This application was not referred back to the APC's after revision, even though the revisions were of a magnitude as to make this rezoning application in effect a new application.

And the decision by the Juan de Fuca Land Use Committee to recommend the application be moved forward for approval by CRD Land Use Committee A and subsequent public hearing is curious as there is considerable local and regional concern and outstanding questions regarding this application and its compliance with the Regional Growth Strategy and the Rural Resource Lands OCP.

5. Zoning decisions about future development in the Rural Resource Lands will likely establish an approach to planning set a precedent for forthcoming land use planning in Otter Point, Shirley and Jordan River. It is important that decisions are made in a manner which takes into account the local communities and their concerns and are consistent with the OCP and Zoning Bylaws which govern the area.

In conclusion I have two observations:

First, it is a disappointing fact and a dismal commentary on the process followed in this rezoning proposal that the most successful outcome, for many, will be if the rezoning application is approved so that the parkland amenity is acquired and then the resort development project fails to go ahead to completion. Whatever

the outcome, the amount of taxpayers' money spent on staff time, room rentals, lawyer's fees, advertizing, Court costs and other expenses would likely have covered the cost of buying the contested property at the outset. Democracy in the Juan de Fuca Electoral Area has a price and the taxpayers of Shirley and Otter Point are likely getting the bill!

Finally, as an unincorporated area our governance system requires we leave it to others - who neither reside nor pay taxes in the Juan de Fuca Electoral Area, to decide what is appropriate land use in our rural area. So I'll leave you with a definition of rural. It was provided by Director Hicks at a public meeting earlier this summer. His definition of rural was having the privacy to pee off of your deck without worrying about offending the neighbours! I'll leave you to conclude whether this rezoning application proposal meets that definition.

Arnie Campbell – President OPSRRA

Post Script:

For your additional information, here are two widely circulated e-mails that followed the last evening of public hearings. The first was sent by Juan de Fuca Electoral Area Regional Director Mike Hicks to fellow CRD Directors, media and constituents. The second was a reply sent to the Regional Director by Mayor Saunders of Colwood who was one of the 5 members of the CRD Land Use Committee given the task of ruling on the Marine Trail Holdings rezoning application.

I will be recommending and voting to deny the Marine Trail Holdings rezoning application. It is clear to me that the vast majority of the Juan de Fuca residents and the residents of the Capital Regional District want the land to remain forest and preferably park. There is little support for a resort development of any size.

I will represent the public's wishes and vote to deny the application.

Mike Hicks

Hi Mike,

Thank you for the heads up. Just so you know. I have received advise from Bob Lapham as I have had to respond to media requests since you made your decision known. I did not want it perceived that your announcement and comments on the radio had influenced my decision in any way as it did not, what has influenced my decision was the leg work I did in the JDF community and what average Joe and average Jane had to say at the public hearing. I will also be voting no to the development and will also be

making some possible recommendations to the CRD Board coming from several comments in relation to the public hearing, the Marine Trail, infrastructure, emergency services and the development land.

I also would like to acknowledge the outstanding job you did as Chair of the Public Hearing!

Dave Saunders