

Otter Point and Shirley Residents and Ratepayers Association

Minutes of the General Meeting

Date: September 30, 2008
Time: 7:30 pm to 9:30 pm
Place: Otter Point Fire Hall, 3727 Otter Point Road
Chair: President, Arnie Campbell

Present: Arnie Campbell, John Charles, Sarah Tidwell, Sandy Barta, Wayne Fritz, Erik James

Regrets: Bob Phillips, Ken Pungente
There were **xx** members present.

1. Introductions

Arnie opened the meeting at 7:30 pm with a welcome to all and introduced the directors.

2. Approval of Minutes of the March 5, 2008 Annual Meeting

Arnie summarized the minutes of the March 18, 2008 Annual General Meeting.

Motion: to accept the Minutes of the March 5, 2008 Annual Meeting.

Moved: Bren Keetch; **Seconded:** Ken Ryan; **Carried.**

3. Treasurer's Report

OPSRRA has a bank balance of \$245.21 and a float of \$50.00 for a total worth of \$295.21.

Since the last report in March 2008 expenses have been:

Advertising \$36.23

Petty Cash Transfer \$50.00

Bank Fees \$20.19

Income from donations and membership fees: \$38.25.

OPSRRA is also the banker for the Otter Point & Shirley Developing A Strategic Vision Project. Of the \$8,000 which was raised to finance this project there remains \$1993.35.

Motion: to accept the Treasurer's Report

Moved: Sid Jorna; **Seconded:** Ken Ryan; **Carried.**

4. Membership Report

Membership at the time of the March 2008 AGM was 370 with 49 being from Shirley and 321 from Otter Point.

OPSRRA continues to keep its membership up-to-date. During the past year we have removed 8 members (moved, lost contact, deceased, requested removal).

During the past year we have added 1 new member residing in Otter Point.

Membership now stands at 363 with 44 being from Shirley and 319 from Otter Point. We also have 8 Associate members who do not reside in the Otter Point & Shirley

area, do not have any voting privileges but support the association and wish to receive the monthly newsletter.

Motion: to accept the Membership Report

Moved: Ken Ryan; **Seconded:** Rosemary Jorna; **Carried.**

5. President's Report on OPSRRA Activities Since the March AGM (March 5, 2008)

- 5.1 OPSRRA Directors have held five meetings.
- 5.2 Six monthly newsletters prepared and sent to about 200 members by email.
- 5.3 Continued to add local businesses to the web site's Business Services listings. There are now 25 listings.
- 5.4 Continued to update the OPSRRA web site (www.opsrra.ca)
- 5.5 Maintained 17 Community Notice Boards in Otter Point. Moved some notice boards to coincide with the new rural mail box locations.
- 5.6 Attended JDF Parks, SEAPARC and JDF Land Use Committee meetings.
- 5.7 Provided continued support to the Otter Point, Shirley and Jordan River Developing a Strategic Vision Project.
- 5.8 Wrote Minister of Highways requesting paving of the shoulders of Highway 14 and major routes in Otter Point in Shirley to improve pedestrian and non-vehicular safety.
- 5.9 Wrote to 11 local agencies expressing concern about off-roading activities in Otter Point and requesting cooperation to find alternatives.
- 5.10 Made a presentation at the CRD Parks community consultation in Shirley regarding proposed park acquisitions west of Sooke.
- 5.11 Made a submission to CRD Planning Services regarding the draft Rural Resource Area Development Plan.
- 5.12 Wrote the Provincial Subdivision Approving Officer explaining the importance of taking local planning into consideration when making a decision on the WFP subdivision application and requesting a public hearing.
- 5.13 Wrote the Chief Inspector of Mines regarding the Arden mine application thanking him for taking some of the residents' concerns into consideration and asking how the permit's conditions will be monitored and enforced.
- 5.14 Met with senior management at WFP to continue a discussion of their plan to develop private forest lands in Jordan River, Shirley and Otter Point for residential use.
- 5.15 Presented at a Public Hearing in support of 3L Development's proposal to be rezoned and included within a Settlement Containment Area.
- 5.16 Wrote three letters to the CRD, on different points, requesting that the review of the Juan de Fuca Electoral Area zoning bylaws and local OCPs be resumed.
- 5.17 Met with the Regional Director and Manager of Planning Services regarding the need to restart the zoning, OCP, Parks and Resource Lands planning.
- 5.18 Met with the Provincial Subdivision Approving Officer to request a public hearing regarding the WFP subdivision application.

6. Web site Report

Sandy Barta gave a brief report on the web site.

7. Correspondence

Arnie read out the letter from Kevin Falcon, Minister, Ministry of Transportation and Infrastructure, received August 25 in reply to our letter about safety.

Arnie read out letter to Ministry of Energy & Mines, Chief Inspector of Mines, sent to us April 18, 2008 regarding Arden Mines. Arnie read out the reply from the Minister he received by email today.

Arnie reported that we have not received replies to an of our letters regarding the JdF Electoral Area Zoning and OCP review. Wayne will address this later in the meeting

8. Juan de Fuca Parks and Recreation Commission Report on William Simmons Park (Poirier Lake)

Larry Hutchings presented background information and the history of the three parcels of land compiled for the park, and spoke to plans, access and other issues.

The CRD agrees to preserve the land substantially in its natural state and, will not cut trim, damage defoliate or remove trees or vegetation or excavate or remove soil or place fill on the land unless necessary to build, construct, install or erect trails or other park improvements and to prevent or remove immediate hazard to the safety of persons or property. The cabins and other structures are unsafe, although the studio may be usable. There is debris and derelict vehicles around the site; the site needs to be cleaned up. There are plans to develop trails on the site; Sid Jorna reviewed how this park fits in the overall trail system being assembled in Otter Point. Parking on Otter Point Road will not be allowed as access from Otter Point Road is unsafe.

Contact information:

email: seaparc@crd.bc.ca

phone: 250.642.8005

Larry answered questions from the membership and reassured members about the covenants on the land. Bren gave background information on Williams and Eric's wishes and the history of the negotiations. Bren asked if the CRD will do an environmental assessment on the lake as there is now a boil water advisory. Margarita Dominguez expressed concerns about the welfare of the animals left on the property.

9. Update and discussion: Western Forest Products Subdivision

OPSRRA's position is that we are not opposed to development, but that development should be in the best interest of our community and take place in an orderly manner. We want people who are making decisions regarding land development to respect the planning that is in place. On May 29 OPSRRA wrote Bob Wylie, Approving Officer, asking that we have public hearing. Arnie read out the letter. Today, Arnie was invited to meet with the Approving Officer along with

representatives from other local organizations. The Approving Officer is receptive to the public hearing, but doesn't have to have a hearing. He has only just received an application for one small piece of property. He reassured us that he DOES do due diligence and he has to make sure that his decision is not challenged. Once he has seen the applications, he will make a decision on any outstanding information, once he lets the applicant know of the outstanding information, the application becomes public. We still don't know what will happen. WFP went to the Supreme Court regarding the Zoning by-law that 'down-zoned' their property and we don't know if the zoning will be struck down.

We want feedback on our options—we need a sense of how we should proceed, and respond to developers:

1. Refuse any request to discuss subdivisions;
2. Refuse to meet to discuss unless major concerns;
3. Meet, but only to exchange information;
4. Be the 'organizer' that brings others to meet;
5. Full participation as a community representative in any meetings to negotiate (size, location, amenities).

From the membership:

- Sid and Rosemary Jorna: # 5 add consultation rather than negotiate. #3 and 4 are valid. #1 and 2 not valid.
- Ken Douche urged us to become an advocate for the community—add advocate to #5.
- John McCrea: #1 & 2 are not valid.
- Ken Ryan: # 4 valid.
- Dan Tkachuk: Chose # 2 (i.e., we act as a 'bridge')
- Bill Giles: Go to them with specific needs and wants (over and above what you want) #4
- Ken Ryan, be wary of concessions.
- ?? Need a “structure” an OCP that gives the community the clout to negotiate and lead.
- Arnie answered a question about our legal standing—we have no legal standing to speak for our community. Although we have the one statement in our constitution to go on and guide our actions. Our Government is an elected Regional Director. We have no more status than an individual.
- Dave Golmer: Timberwest is forming a development company and we will see more development pressure.
- Murray Tomkin: OPSRRA is a facilitator, getting information to the community, communicating with government agencies.
- Bill Giles: Asked about our formation—Arnie replied that OPSRRA started to when we were faced with amalgamation with Sooke.

10. Update and discussion: Developing a Strategic Vision

10.1 Update:

- Wayne Fritz reported that the Strategic Vision for Otter Point, Shirley and Jordan River has been completed.
- Copies of the strategic vision have been widely distributed in electronic form throughout the community while paper copies have been forwarded to community and service organizations, local economic groups, elected representatives and media contacts. Additional copies are available to anyone either through the project or OPSRRA website, or from Arnie Campbell or Wayne Fritz.
- A brochure which highlights the Strategic Vision has also been mailed to every address in Otter Point, Shirley and Jordan River that will accept un-addressed mail.

10.2 The Strategic Vision:

- The Strategic Vision was developed to answer the question: “how does the community wish to develop over the next few years and what can it do to achieve those goals.”
- The Strategic Vision is organized around six major theme areas: governance, economic development, social development, water and environmental conservation, transportation and trails, and sustainable rural land use.
- The Strategic Vision outlines broad long-term community goals, and strategies and suggested activities to achieve them.
- The Strategic Vision reflects the views of community residents.

10.3 The Process

The process of developing a Strategic Vision began over 1½ years ago at an OPSRRA members meeting very similar to tonight. The OPSRRA Board of the day thought that the idea of developing a Strategic Vision had some merit and wanted to hear what OPSRRA members thought of the idea. Your response was that OPSRRA should support such a project if there was also significant community support for the idea.

Every community group, organization and elected local official that we could think of was invited to attend a meeting to discuss the idea. The general view at that meeting was that although there were some reservations about whether it could be done, it was a project worth trying. Many of those attending the meeting subsequently became members of an Advisory Committee for the project.

Wayne introduced the members of the committee (Heather Phillips, Rosemary Jorna, John Charles, Cleo Gardener, Veronica Diment, Arnie Campbell) and asked that the membership acknowledge the untold hours, energy and effort they have put into the project over the past 18 months.

- The steering committee's first task was to sort out a plan and arrange funding to carry out the plan.
- The Regional Director, the JdF Economic Development Commission and the BC Real Estate Foundation came up with some grant funding for the project.
- The steering committee organized four public information forums (rural land use, economic development, water and environmental issues and local governance) to encourage and stimulate public debate and discussion about these issues in our community. Many of the people here tonight attended some or all of the forums.
- The steering committee then organized two day long community workshops. A wide range of community residents were invited to participate in a facilitated process to discuss and document their values and views about the community's future, and about future community goals and strategies to achieve them. Andrew Moore was a great help as the facilitator. The workshop participants did most of the work.
- The steering committee then reviewed the material from the information forums and community workshops, and wrote up the concerns and ideas expressed into a "draft " Strategic Vision for Otter Point, Shirley and Jordan River. The draft Strategic Vision was publicly advertised and circulated electronically as widely as possible for community comment and feedback. Changes were then made to that draft Strategic Vision to review and incorporate the feedback obtained. A draft brochure highlighting the strategic vision was also was circulated by mail to community residents for similar community comment, feedback and revision.
- The finalized Strategic Vision and brochure were completed and distributed this September.
- The steering committee's work is nearly done. Steering Committee members are meeting with groups and individuals who have asked them to discuss the Strategic Vision and how it was developed. A last meeting with the project advisory committee is still to be scheduled. The Steering Committee also has some work to do yet in drafting final reports for the project funders and sorting out what to do with all of the project material it has collected or developed.

The steering committee has largely done its work in helping community residents develop a Strategic Plan for Otter Point, Shirley and Jordan River. It will disband itself sometime in the next few weeks.

10.4 Implementing the Strategic Vision:

- This is the community's report and it is the community's organizations and residents who must decide what they want to do to with their Strategic Vision.
- OPSRRA as an organization has played a key role in starting and supporting the development of the Strategic Vision.
- It is now up to OPSRRA to decide whether it wishes to support the Strategic Vision that has been developed, and how it might go about doing so.

Motion: that OPSRRA, within its mandate, promote and implementation of the key features of the Strategic Vision.

Moved: Sid Jorna; **Seconded:** Fiona ??; **Carried.**

11. Update and discussion: Planning and Zoning

11.1 Our Old Zoning Bylaw Needs Updating

The current zoning Bylaw 2040 for Otter Point, Shirley/Jordan River and East Sooke has not been comprehensively reviewed and updated for many years. Bylaw 2040, which is entitled "Sooke Land Use Bylaw" was originally adopted in 1993 to regulate land use and subdivisions in what was then the electoral area of Sooke. The zoning bylaw incorporated a vision of the area with Sooke as the center where the most intensive land use and detailed zoning occurred while a more casual "live and let live" zoning approach was used with the outlying areas. Sooke left the electoral area almost nine years to incorporate as a municipality. Almost nine years later, 19 of the 33 different zones currently in Bylaw 2040 aren't found in Otter Point, Shirley or East Sooke but were at one time developed for and used within Sooke. Bylaw 2040 has simply not been updated to remove the old Sooke zones or even to change the name from "Sooke land use Bylaw". And with some exceptions, relatively few substantive changes have been made over the past eight years to update or adapt that zoning bylaw to respond to evolving planning, community, economic and other developments in Otter Point and Shirley/Jordan River.

11.2 Other Planning Considerations to be Addressed in a Zoning Review

Some major planning activities need to be considered and dealt with when reviewing and updating our old inherited "Sooke land Use Bylaw".

- In 2003, a binding Regional Growth Strategy was agreed to by all district and municipal governments in the Capital Region District. A central strategy of the plan is to keep regional urban growth compact through the use of designated regional urban containment policies and that existing rural areas such as Otter Point and Shirley are to remain rural in character.
- In 2006, local Official Community Plans for Otter Point and Shirley/Jordan River were enacted. Through those OCPs, settlement containment areas were established which specified where the most intensive future development is to occur. The desired parcel size for development within settlement containment areas was set at being in the one hectare range and over two hectares outside the settlement containment areas. The Local Government Act requires that local zoning requirements be in accordance with their local Official Community Plan.
- In 2008, Otter Point and Shirley/Jordan River completed a strategic vision to guide future change in their community. It did speak to a number of different zoning issues. Although the strategic vision does not have any binding legal power like a Regional Growth Plan or an Official Community Plan, it does provide an important source of information about what large segments of the community want to see achieved through their local zoning process.

11.3 The Community Facility Zone

The Community Facility Zone in Otter Point is where what most of us in Otter Point know as Camp Bernard. The currently permitted land uses within the Community Facility Zone are: "churches, civic uses, assembly uses, community care facility, theatres (except commercial movie theatres), cemeteries, one dwelling unit as accessory use to a church use, and a country market as accessory use to permitted civic uses". The minimum lot size permitted for subdivision purposes is 900 square metres (0.09 hectare). Camp Bernard uses its land within this zone primarily as a Boy Scout Camp. If Camp Bernard were to ever sell all or part of its land for development purposes, a potentially very high density, small lot development area would be allowed under existing zoning in contradiction to the Regional Growth Plan, the Otter Point Official Community Plan and likely the views of a majority of local residents. A general review of the current zoning bylaw which includes the community facility zone is long overdue. Doing so in collaboration with Camp Bernard and community residents would seem both reasonable and prudent from a community planning perspective.

11.4 Rural A & B Zones

Recently, zoning changes were made by the JdF Land Use Committee and the CRD Board to the Rural (A) zone in response to the Western Forest Products lands being taken out of Tree Farm Licenses. The changes were made in a "one-off" response to the situation and were not part of any larger review of the zoning bylaw in Otter Point and Shirley/Jordan River. The changes focused almost exclusively on zoning changes to regulate minimum lot sizes for subdivision purposes.

In the Rural A zone, for all lots over 8 hectares in size and outside a settlement containment area:

- the minimum lot size for future subdivision purposes was increased from 4 to 120 hectares;
- strata titling of a lot under the Strata Property Act was allowed only for a lot plan of at least 120 hectares.
- the minimum lot size when subdividing for a relative under Section 964(4) of the Local Government Act was increased from 4 to 120 hectares; and
- the zone name was changed to Rural (B).

All lots within the new Rural B Zone:

- continued to have the same permitted land uses as before which are: agriculture, intensive agriculture, silviculture, animal hospitals, veterinary clinics, land based fin fish culture, one or two family dwellings, a travel trailer or camper, and a secondary suite;
- continued to be allowed to have more than one dwelling unit per lot, depending on lot size (ranging from one family dwelling on a lot of 0.4 hectare or less to eight family dwellings on a lot more than 32 hectares)
- continued to have the same other zoning requirements as before (e.g., setbacks, building height restrictions , maximum lot coverage, etc.).

For Rural (A) lots that were either inside a settlement containment area, or under 7.99 hectares and outside a settlement containment area:

- the minimum lot size for future subdivision purposes remained at 4 hectares;
- strata titling of a lot under the Strata Property Act was allowed only for a strata lot plan of at least 4 hectares;
- The minimum lot size when subdividing for a relative under Section 946(4) of the Local Government Act was set at 4 hectares.

Those lots:

- continued to be zoned as Rural (A);
- continued to have the same permitted land uses;
- continued to be allowed to have more than one dwelling unit per lot depending on the lot size; and
- continued with all other zoning requirements.

These bylaw changes were clearly designed to increase the minimum lot size for subdivision purposes in the new Rural B zone and to do so on a massive scale.

They were also designed to maintain the same minimum lot size for subdivision purposes in both the Rural B and A zones irrespective of whether the subdivision occurred through the regular zoning bylaw or through legislation dealing with strata-titling or subdivisions for a relative. Such an approach, when used by other jurisdictions, is usually justified as: maintaining greater local community control over minimum lot sizes for subdivision purposes; treating all subdivision applicants equally irrespective of what subdivision process is used; and providing greater community predictability about potential subdivision outcomes.

Some affected landowners have expressed concerns about limited public consultation involved with the zoning change and are calling for a speedy "grandfathering" return to all of the previous Rural A zoning standards. However, to do so in another quick, low public consultation response to the earlier zoning decision would be both short sighted and likely counter productive for the overall community. It is precisely because the new Rural B zone is large and critical to the future development of Otter Point and Shirley/Jordan River that it should be reviewed as part of a larger public review of the current zoning bylaw.

There are some fundamental questions to consider when carrying out a review of the current zoning bylaw, which apply to the Community Facility Zone, the new Rural B zone and other zones in Otter Point and Shirley/Jordan River. These are:

- How does the broader community wish to see particular areas develop in the future and how does this fit within other regional and local plans?
- Would the establishment of new zones with different permitted land uses support the community's vision for its future or not?
- Do the permitted land uses in existing zones need to be changed or updated;
- What is the minimum lot size for subdivision purposes that will effectively support the permitted land uses within the zone?

- Should a common minimum lot size for subdivision purposes within a zone, irrespective of the method of subdivision, be established for some zones, all zones, or no zones?
- What building densities should occur within different zones?
- What process will be used to encourage broad public involvement in the zoning review?

We have a local government election coming up soon. Decisions about the current zoning bylaw will be made by the elected Regional Director and the locally elected Land Use Committee members. Local Advisory Planning Commission members may be asked to provide advice about the zoning bylaw. It's a good time to ask candidates for office what their views are about these issues and to use your vote to support the approaches that you think are best.

OPSRRA wrote the Regional Director, wrote three members of the Land Use Committees, and the Chair of the CRD and have not received replies regarding the out of date zoning.

Some of the Directors met with new planner—within a week she is planning on getting the draft parks plan going and hoping it will go to public hearing at the end of the year. The Resource Lands OCP will be revived and public hearing should happen. However, she cannot make any commitment on reviewing the zoning until after March, 2009 when she will know if she has the money to do it—it will be another half year or more before we could see a start on the zoning.

12. New Business

Ken Ryan, from the trailer park down Kemp Lake Road, spoke on the development pressures on trailer parks and the lack of protection for the tenants. Right now they only have one year to move and don't have any place to move their manufactured homes. He brought up Langford's bylaw—they are asking for the same protection and want an approval in principal to work towards establishing protections for these tenants. Arnie asked them to put this in writing, and send it to the Board of Directors so we can then deal with it and meet with them.

Elections: Registration period for Regional Director and the committees and commissions started today. We will post nominees names on our web site.

Hosting all candidates meeting Monday, November 3. Shirley community is having their meeting Monday, November 10.

13. Adjournment

Leslie moved adjournment at 9:50.