

**JUAN DE FUCA ELECTORAL AREA
GOVERNANCE STUDY
July 21, 2006 at 2:00 pm
Otter Point Fire Hall**

Introductions

Ken Pungente - Presiding
Bob Lapham - **General Manager Planning & Protection Services**, CRD
Diana Lokken - General Manager, Corporate Services, CRD
Diana Pogue – East Sooke Rural Residents & Ratepayers Association
Terri Alcock – Shirley **Education & Action** Society
Erik Lund – Regional Director, Juan de Fuca Electoral Area
John Stewardson - Malahat
Sarah Tidwell - Shirley Volunteer Fire Protection Society
John McCrae – Otter Point Fire Chief
Joanne Hemphill – Kemp Lake Waterworks District
Kevan Brehart – Kemp Lake Waterworks District
Kenny Jones - Otter Point Fire Trustee
Layton Engwer - East Sooke Fire Trustee
Jeri Grant - Seagirt Water Improvement District
Joel Nelson - Sheringham Water Users (Shirley)
Maureen Nelson - Shirley Education & Action Society
Arnie Campbell - Otter Point & Shirley Residents & Ratepayers Association
Tanya Kaul - Ministry of Community Services
Gary Paget - Executive Director of Governance, Ministry of Community Services

Purpose of meeting

K. Pungente - The voters in East Sooke, Otter Point, and Shirley/Jordan rejected amalgamation with Sooke Municipal District by an 80% vote. Members of these communities began looking for options and met Dale Wall from the Ministry of Community Services. Mr. Wall wanted proof that this was the wish of the majority of the communities not just a few individuals. Petitions from East Sooke, Shirley, Malahat, and Otter Point were gathered and submitted to the Ministry.

Comments from Shirley, Otter Point and East Sooke

Arnie Campbell read the following statement:

PRESENTATION TO THE CAPITAL REGION DISTRICT AND MINISTRY OF COMMUNITY SERVICES

SUPPORTING THE NEED FOR A GOVERNANCE STUDY FOR OTTER POINT

There is a governance problem in Otter Point. The problem is not of our making; however we live with the consequences and we certainly need to be part of the solution. The future of our community depends on the process which begins, here, today, to solve the problem without creating new ones.

I propose that there are three conditions which need to be considered when examining the governance problems in our community and before offering a solution. These conditions are interrelated and need to be reviewed together in order to evaluate the likely success of any proposed change in Otter Point's governance.

Capacity: Does our community - or the larger Juan de Fuca Electoral Area for that matter, have the capacity to support a change in governance? Do we have the tax base, population; land mass, leadership, infrastructure, economic opportunities and natural resources - both now and in the foreseeable future, to sustain a change in governance?

Motivation: Is there a desire to change the governance structure? Do the residents and ratepayers of Otter Point, along with local, regional and provincial governments want to see a change? Will this motivation change with different governance options and governance boundaries?

Process: What public opportunities will be provided to identify and assess the governance options? Who will set the terms-of-reference, pay the costs and ensure transparency and community input during the process of identifying governance option? Who will monitor the process to ensure that it reflects the wants and needs of the whole community and not just the outcome that a particular level of government or special interest group desires?

I pose these questions at the outset and ask that you keep them in mind as I review the information which I feel demonstrate the need for a comprehensive governance study for the community of Otter Point.

There are six reasons that support the need for a governance study for Otter Point.

1. Integrity of our boundaries: As an unincorporated community we have no legal right under the *Local Government Act* to prevent annexation of any part of our community by an incorporated community. The recent annexations of properties both here, in Otter

Point, and in East Sooke support this. Some of these annexations have not been contiguous properties. They have “leap-frogged” properties that didn’t want to be incorporated; they have split a community watershed in Otter Point and have ignored logical geographic and local planning boundaries as identified in the CRD’s Regional growth Strategy and the Otter Point Official Community Plan.

2. Representation: When the District of Sooke was incorporated it left the Juan de Fuca Electoral Area with a governance problem. The governments of the day decided to consolidate the remnants of two remaining Electoral Areas and limit them to one regional director. The reconfigured JDF Electoral Area has some notable electoral and governance shortcomings:

- It is too geographically scattered. There are 7 communities plus the View Royal Native Lands spread over an area that is probably larger than the rest of Greater Victoria put together.
- These different communities have varied and competing needs; certainly too many to be effectively dealt with by a single regional director. What should have been a part-time position is now full time; and even then, the regional director is often represented by the Alternate Regional Director – an **unelected** position.
- Representation by one person can result in too narrow a point-of-view.
- There is no continuity with only one elected representative. When the regional director changes, dramatic swings in leadership, decision-making and policy direction can occur through-out the entire JDF Electoral Area.
- While the recent addition of the elected Land Use Committee and the Advisory Planning Commissions have added to the democratic decision-making process, all land use and other local bylaws are ultimately determined by representatives from other communities and municipal jurisdictions.
- According to the 2005 CRD Voter Enumeration, 1,047 voters; or about 31% of the eligible voters in the JDF Electoral Area, reside on the View Royal Indian Lands. What is a significant block of urban voters doing in an otherwise rural electoral area?

3. Exclusion from decisions: As an unincorporated community we are often not entitled to participate in decisions that impact our community. We are often not informed about pending decisions; usually only find-out about them after they have been announced. For example:

- We do not participate in the approval of our own sub-division applications.
- We have no vote on annexation decisions.

- We have been excluded from CRD Regional Growth Strategy discussions that have an impact on our community; most recently whether the District of Sooke would be allowed move its urban containment boundary to include the recently annexed rural properties in Otter Point.
 - 17% of the land mass (approximately 1570 acres) within the Otter Point Official Community Plan area belongs to the province. The province is currently negotiating Native Indian land claims that include at least some and perhaps all of this property. We don't know exactly which crown lands are included in these negotiations and we have no idea what the long-term implications will be for future development or demand for services such as roads, water supply and fire protection.
- 4. Inadequacies of CRD Local Governance:** The CRD functions primarily to provide regional planning and service delivery for its 13 member municipalities. It also provides limited regional services to the unincorporated areas and is the “local government” for Otter Point and other JDF Electoral Area communities. However, the CRD is neither a responsive nor effective local government for Otter Point. For example:
- The CRD took no advocacy or leadership role on behalf of Otter Point to oppose recent annexations of land from a neighboring municipality, despite possible negative implications for the future of our community water supply and fire department tax base and widespread voter opposition to the annexations.
 - The CRD, through its Regional Growth Strategy, has indicated that it does not plan to extend regional water or sewer services beyond current CRD municipal boundaries to the unincorporated electoral areas. However, it is approving the creation of Settlement Containment Areas in our community without undertaking any concurrent planning to determine the possible long-term need for water and sewer services in these areas.
 - Although the CRD is, above all, a regional planning and service delivery organization it has neither consulted with Otter Point residents nor publicly proposed to them a long-term development plan regarding future social, economic and infrastructure needs of Otter Point. Effective local governments do not ignore such important, broad-based planning issues.
 - Within Otter Point, there is increasing concern about the absence of local governance and leadership by the CRD. What is *not* clear is how much of this “absence of function” is due to the limitations of the single regional director system within the unincorporated JDF Electoral Area, and how much is due to a lack of interest or capability on the part of a CRD board that is oriented towards incorporated municipal governments.

- 5. Growth and Vision:** Southern Vancouver Island is experiencing rapid and widespread growth, with accompanying demands for housing, infra-structures and services. As land becomes more expensive in Colwood, Langford and Sooke, there will be an increasing demand for housing and commercial development in Otter Point. Although the CRD Regional Growth Strategy and the Otter Point Official Community Plan project linear annual population growth of about 2% - 4%, recent events do not support this conservative estimate.
- TimberWest has indicated that it wishes to remove its active forestry operations away from areas of residential growth. The company owns significant properties in Otter Point in areas of current and potential residential growth. It recently sold 559 acres behind the Otter Point Fire Hall to a land development company that has already announced, on its web site, its intentions for a large residential development in that area, subject to rezoning approval. In addition to these 559 acres, TimberWest has indicated that its property in the Muir Creek and Tugwell Creek area may become available for residential development, and its Industrial property on Otter Point Rd. at Butler Main is already on the real estate market.
 - The massive, high-density, Sun River Estates development in Sooke is rapidly approaching a large parcel of crown land in Otter Point. A sale of the adjoining crown land, its annexation into Sooke, or its incorporation as a Native Land Reserve have potential implications for Otter Point.

Currently, Otter Point does not have community goals or strategies. The draft OCP and Zoning Bylaw being developed for Otter Point will certainly help to guide and regulate growth in the community. But these documents are too narrowly focused on ensuring an adequate supply of land for housing and setting land use and zoning and standards. A plan or vision for Otter Point is necessary, and it must include goals that reflect our community priorities.

Improved governance is only one of Otter Point's priorities. Taxation, social development, economic development, and cultural, recreational and environmental preservation are others. And we have no way of knowing what the impact of Treaty land claims will be. AS well, will the urban containment boundary, as determined by the RGS, be moved every time another rural property is annexed by Sooke? Addressing the problem of governance needs to be done within the larger context of growth and a future vision for our community.

- 6. Status Quo is not an option:** While collecting signatures for the petition, asking for a governance study for Otter Point, some of us we were made keenly aware of the reasons why local residents wanted a governance study. Much of what we were told is already reflected in my comments. What hasn't been said, though, is that most of the people who signed the petition made it clear that they did not see staying "as is" as being an option. The opposition to joining Sooke - as was

reflected in the estimated 59% turn-out and 80% rejection by voters at the last referendum is still there. Incorporation, along with Shirley and Jordan River - and even out to Port Renfrew, is the most favoured option. Some sort of alliance or incorporation with East Sooke and Metchosin is viewed with skepticism, but there is a willingness to learn more about it and put it to a vote if necessary. This should happen within the next two years so that we can go to the polls in November of 2008 to elect a new form of governance.

Concluding Comments: I will conclude by referring you back to the three conditions of **capacity, motivation and process**. I ask that you consider them carefully when you develop the terms-of-reference for a study looking at governance options within the Juan de Fuca Electoral Area.

You may recall that two previous efforts – the Ben Marr Report and the Sooke Boundary Extension Study, were both partial successes and partial failures - albeit for different reasons. However, bringing us yet another reworking of the “same old-same old” will not resolve our community’s governance problems. What will likely happen is we will have to reconvene again in another five years and begin the process anew.

We are asking for a governance solution that will stop further annexation, provide more democratic representation, plan for orderly growth, preserve our rural lifestyle, allow us to develop a vision for our community and include us in decisions effecting the development of our own community. We ask that this governance study be concluded within two years and that in the meantime **no further annexations are approved by the province**.

It is my sincere hope that you will agree to move forward with a governance study that addresses the issues raised on behalf of Otter Point and the other communities represented here today. However, if our request is denied, I request that you provide us with the reasons why and identify what changes in capacity, motivation and process would be required to obtain a successful solution to our governance problems.

Arnie Campbell – President OPSRRA
21 July, 2006

Mr. Nelson, representing Shirley, talked of various meetings within his community. He presented a map showing the large geographical area of the Juan de Fuca Electoral Area. He went into the history of its formation without the Province informing local residents, without public input, and without involving local residents in the decision-making. He reiterated the strong objection to joining Sooke and the desire to remain rural by residents as demonstrated at the voting booth. He mentioned the Ben Marr Report and talked about the Sooke Boundary Restructure Report which many people thought was a “long time wasted” and produced resentment in the area. He said that a democratic vote was ignored when the Province allowed the District of Sooke to annex lands from

East Sooke and Otter Point. He stated that “Things have to change.” He said that he felt that options in Minister Chong’s letter to Alan Lowe, CRD Chair, were not appropriate and that we don’t want to repeat the Sussex study. He said that this form of governance can’t continue. Several meetings ago, representatives from Otter Point and Shirley decided on these options:

1. A stand-alone municipality
2. Joining Metchosin’s municipality
3. Forming a rural alliance with Metchosin, whatever that means
(Maybe it is service and financial sharing)

Mr. Nelson said that the Land Use Committee and the Advisory Planning Commission who are elected can only make recommendations. The Juan de Fuca Director and two others from the CRD make the actual decisions. Subdivision applications go to Rob Howat in the Ministry of Transportation for approval with no recourse or public input. All building applications in Jordan River are submitted to Ministry of Transportation for their approval. This system is flawed. Shirley and Otter Point have a large forestlands tax base.

We need Ministry funding and CRD help, but we have to decide what will be studied. We don’t want “This is what we want you to study”. We need representatives from all geographical areas to be in study group.

The local areas should decide for themselves. It might be that East Sooke will go with Metchosin. Port Renfrew might want to go to Cowichan Valley. We were forced to be with Willis Point and Songhees.

We want the Province to say “No more annexation of the Electoral Area”.

Diana Pogue, representing East Sooke, read the following statement:

I’m Diana Pogue, President of the East Sooke Rural Residents & Ratepayers Association, ESRRA: We’re very pleased to have this opportunity to meet with Gary Paget, from the Ministry of Community Services, and with the Capital Regional District. This meeting is much needed, and I hope that it will ultimately result in a meaningful resolution to the difficulties we face as an unincorporated area.

I would like to thank Arnie Campbell as president of OPSRA for keeping these issues to the fore, and to our MLA John Horgan, in being fair and supportive of his constituents. And thanks to Regional Director Erik Lund for his vision and leadership in strengthening the governance of the Juan De Fuca Electoral Area.

We are sympathetic to the residents of Otter Point and Shirley, as we face similar difficulties in our total vulnerability to Municipal annexation.

We are supportive of our neighbours, and respect their request to study a Rural Alliance, I am also appreciative of their hope for Incorporation, which would help secure their position to the West of Sooke.

My role at this meeting is to speak for the community of East Sooke. In this capacity I am again putting forward East Sooke's request by formal petition submitted in January 2006, to undertake an amalgamation study of East Sooke and Metchosin.

Towards the end of last year, a petition from East Sooke of 472 signatures was collected, representing a strong majority of registered voters and ratepayers. This Petition was sent to the Minister on January 9th, of this year, by Regional Director, Erik Lund. The Malahat has also submitted its own majority Petition.

I am aware that correspondence exists between Minister Chong and Mayor Ranns, relating to the feasibility of this amalgamation, and indicating the necessary funding for this option. From my understanding the funding for the Metchosin option, is separate and apart from the money allocated for the governance study being proposed here. I hope that is the case, as I'm here to protect the interest of East Sooke in this matter.

It needs to be stated that, our Regional Director, has received no confirmation from the Ministry, either on the receipt of our petition, or of the Minister's intentions. We are confounded by this lack of response, and believe that an acknowledgement is long over due. We hope Mr. Paget that your presence at this meeting will elicit an explanation to the people of East Sooke and our Regional Director, regarding this long delay in responding to our petition. Action and accountability is needed in order to remedy this outstanding omission of our community. We deserve consideration, and request a meeting with Minister Chong and our elected representative Erik Lund, and trust that it will be forthcoming. We have always trusted that the government of British Columbia has an open door policy. We ask that this situation be remedied, and that a meeting with the affected parties can be arranged with the Minister.

Positive changes are needed, certainly in communications with our elected officials. We have always trusted that the government of British Columbia has an open door policy. We ask that this situation be remedied, and that a meeting with the affected parties can be arranged with the Minister.

Please recall that in February of last year, East Sooke and the other communities of the JDFEA overwhelmingly voted by Referendum, not to proceed in amalgamation with Sooke. The 80% "NO" vote must be unheard of in BC. This

was the final result of three endless years of consultation with appointed committees from each community, and facilitated by a Consultant, it was an extremely costly and dissatisfying process for everyone involved. The people recruited for this study apparently had different aspirations from the people of the community.

Surely this was not the outcome the Ministry expected?

The 80% No Vote, makes it clear that Sooke is not an option, and that other solutions must be found for our shared dilemmas. You were apparently unaware of the strong feelings we have to protect these rural areas. Please do not underestimate us. We are not interested in wasting government funds in pursuing ineffectual studies that will take us nowhere. It is time to evaluate and act upon the only governance option expressly desired by the community of East Sooke.

We need real and workable options.

It is essential that these problem areas are settled before the next election, and that the appropriate solutions are found.

The community of East Sooke feels particularly threatened having lost a valuable Tax base by the annexation of significant lands, both on its East and West borders, to the Municipality of Sooke. These annexations have created tension and apprehension for the future sustainability of our rural way of life.

They do nothing to bring us closer to any longterm solutions for managing the future of these rural areas. They are an impediment to good planning and prudent management, and we request that the Ministry puts a halt to this practice of annexation. Our NO VOTE MEANS NO!

While we share our neighbours concerns regarding governance, please recognize on the positive side, the JDFEA remains debt free because of responsible fiscal management. We have elected **APCs**, and elected Land Use Committees representing each community, thus making land use decisions a fair and democratic process. To my knowledge this structure does not exist anywhere else in BC.

If there can be improvements to our present structure, particularly in regard to the lack of our own Approving Officer, those should be undertaken immediately. Anything that is fixable should be fixed!

The recently drafted Official Community Plans, are up for approval in September with the accompanying Bylaw. This will give them the strength they merit. The

OCPs are critical to the success of maintaining these rural areas, and need to be supported as a planning document. They are also critical to the success of the Regional Growth Strategy, as they help define the urban containment boundaries that are of paramount importance, in stopping the incursion into the rural areas.

In summary:

The ESRRRA requests that you deliberate and consider, the option for the Amalgamation of East Sooke with Metchosin. The inclusion of the Malahat, and some of the forest lands, would make this a very attractive proposition. We ask that the financial implications of this option be given priority.

Amalgamation with Metchosin is the governance direction our community desires.

The choice is logical, with shared history and development. Our borders are contiguous. Both communities are well managed and it makes good planning sense as we share similar rural values.

An East Sooke/Metchosin Amalgamation would strengthen, and protect the world class wilderness aspects that make this area so attractive as a destination.

It will create a partnership of mutual benefit for each community: both in wilderness protection and sensitive, sustainable development.

The value of this region to Southern Vancouver Island, and the British Columbia economy, is inestimable.

In closing, we request timely assistance and funding from the Ministry and the CRD in helping us achieve these objectives.

Respectfully submitted,
Diana Pogue, President
East Sooke Rural Residents & Ratepayers Association
(ESRRRA)

Background – Ministry Staff

G. Paget - I've heard from everyone present and the CRD. We hear strong views and interests in response to series of events, the Restructure Vote and contentious Boundary Extensions. The Minister had a challenging time and February letter to CRD was her way of recognizing issues coming out of Boundary Extensions. Her job is to deal with the issues so her

letter outlined a series of approaches as a way to go forth. The letter was sent to Mayor Lowe as Chair of the CRD Board. Ministry Staff have been following up by scheduling meetings. This is the second of 2 meetings

The first meeting was with administrators of the CRD, Langford, Metchosis, and Sooke to get their views. They turned over issues to the CRD such as Land Use, Water, Fire Districts, and other services. Those issues are presently handled by CRD.

Capital Regional District – CRD staff

D. Lokken- Our staff had a meeting with Langford, Metchosis, and Sooke to get some sense of where their interests lay. We determined that these municipalities were not trying to drive what happens to the rural area. They had no overwhelming desire to take control. The majority of issues mentioned involve the Planning Department. The CRD has hired Bob Lapham to work on regional planning and community planning as well as emergency services; therefore, he is in a position to help work out some of the major issues.

B. Lapin – My additional responsibilities are housing, bylaw enforcement, and building inspection. I come from large community (Nanaimo) background. I have been on the job for one month. I have the ability to have a more holistic view.

Currently, there are 4 communities that have not completed their Region Context Statements - North Saanich, Metchosis, Esquimalt, and Sooke. When completed these will deal with some of the issues such as water and containment boundaries, The OCPs have been referred out to agencies. Once they are completed, that will also help.

One of the challenges that we face is the forestlands with many properties being sold and developers having expectations. We need a balanced view on outstanding issues before we study governance. All governance studies need to have solid planning. Identifying gaps in planning and policies is an area for work.

Study Objectives – Ministry staff

G. Paget presented the Ministry's Juan de Fuca Governance Study Draft – July 21, 2006:

Juan de Fuca Governance Study

Draft – July 21, 2006

Study Objectives:

The objectives for the study are to review, and improve where possible:

- The processes of public input into land use management by the CRD;

- The mechanisms for local governance within the CRD electoral area spheres of jurisdiction; and
- The processes and planning for existing and potential future services of the CRD.

Study Tasks:

The study would focus on a review of rural governance options for the communities of the Juan de Fuca Electoral Area, both as a whole, for the individual communities as being represented by local service areas (East Sooke, Otter Point & Shirley, Willis Point, Port Renfrew, and the Malahat). The study's tasks will be to:

1. Document the existing situation including:
 - Population (overall population and by community)
 - Communities
 - Local governance structure
 - Tax assessment
 - Services provided: water, fire, sewer and building inspection
 - Costs and services: service delivery structures
2. Examine and define the governance, planning and service delivery issues i.e.:
 - Growth management
 - Municipal boundaries
 - Local services
 - Local representation and control
3. Establish specific objectives to be achieved by changes to rural governance i.e.:
 - Land use certainty
 - Efficient service delivery
 - Political representation
 - Integration of services
4. Develop a vision for the governance of the electoral area
5. Review possible approaches to rural governance, planning and services delivery:
 - Management committees
 - Elected community commissions (i.e. Port Renfrew)
 - Planning committees

Study Process:

The study would be overseen by a committee representing each of the communities within the Electoral Area with support from the Capital Regional District and the Ministry of Community Services.

Initial Timeline

The following is an initial timeline for discussion purposes:

Draft Terms of Reference	July 2006
Finalize Terms of Reference	August 2006
Select consultant	September 2006
Consultant Interim report:	November 2006
Final Report	December 2006

G. Paget made the following comments:

What is the Ministry thinking about? This draft represents what they are thinking about at the moment and what the Ministry's objectives are:

1. The Ministry's interest is to ensure a stable, predictable land use framework for the Electoral Area. The central issue is what areas will grow versus areas that are stable. Service providers can then make decisions based on that information.

The OCPs are completed or nearly completed. We are not badly off compared to other areas because we do have a Regional Growth Strategy. There are pieces missing. Metchosin and Sooke don't have their Context Statements in yet. Forest policy is missing.

2. Look for stability of boundaries. The Ministry doesn't like dealing with individual extensions. Maybe things have changed since last fall when Sooke had boundary extensions. At present, Sooke has a moratorium on annexation. All requests are being forwarded to the Ministry who is filing the requests. The Ministry is not dogmatic and is open to the concept of Metchosin extending its boundaries to include East Sooke. Support could be forthcoming.

3. The Ministry believes in effective in rural governance and service delivery and has supported the CRD as they struggled to find a planning model. CRD came up with its own model. We are not dogmatic about creating new municipalities, but we a new municipality is not something that would be welcome at the Regional table.

4. The Ministry also has the interest of representing industrial and business interests who don't vote. For example forestry taxation.

My job as a civil servant is to provide advice to the Minister and to implement decisions that the Minister makes. We have to try to make sure that all interests are at the table and balance them. All the municipalities and CRD are our clients that we have to protect.

Next Steps – Ministry staff

G. Paget - The presented paper is what Minister Chong's letter hinted at. It gives us a sense what we can do. It could help to improve land use planning and involve the public. The purpose of the document is to review Land Use planning process and to find a mechanism for local governance with the CRD (Fire Districts and Water Districts.) The goal is achieve land use stability and boundary stability.

We need to lay out the issues and establish specific objectives. Numbers 3 and 4 in the **JDF** Governance Study Draft addresses what needs to be done. Port Renfrew has two (2) elected commissions which work effectively for them.

What is your vision of governance? I hear "local control over our destiny" is key. If East Sooke doesn't go with Metchosin, how will they fit into **JDFEA**?

Comments from others at the table

E. Lund - There are two main issues. 1. East Sooke and Malahat presented strong petitions to amalgamate with Metchosin study which should commence immediately. It should not be confused with any other study that may or may not take place. 2. Otter Point's and Shirley's desire for local control is something that I support. If they have a study, then I would support this. The province should move forward on Malahat/East Sooke immediately. The Province can't stall aspirations of any community.

I cannot comment on the governance study document. I wish that I'd had copy before to study it and I would be able to comment on it. The Province and the CRD seem to feel that there is a planning/land use problem in the Electoral Area. I don't agree. More can be done for Land Use, but as the rules exist now, this is the most democratic form.

J. Horgan – My thanks to Ministry. After looking at this Governance Study document, keep the first 4 items. My question is on funding for the study. These people won't go away and I hope we don't have to go through this in 5 years. The opportunity here is for us to decide what is our process and fits our needs. We should focus on what we people here want and think. Stability of land base is something that is creating anxiety. Sooke's self-imposed moratorium is no comfort. If a really juicy application for annexation comes in to Sooke, Sooke will change their moratorium status. I will continue to represent all the areas plus others. It is time for the Province to meet our needs.

Round Table

T. Alcock – On the draft that we have just been presented, I can't respond today.

On item 1, we already have that information. We know problems. We know the objectives. We don't have enough people to do all this work. Our volunteers have more work to do than they have time for.

I don't see our 3 options. Number 5 stops short of rural alliance. We need land use certainty that our boundaries are our own and can't be taken. We need community independence on land use and services to enjoy benefits of sharing with like-minded communities. We don't need tweaks. We don't need to always be under pressure. There are a limited number of people to do the work. We want to know that you will listen.

G. Paget - Today is a time to listen and I appreciate that opportunity. Today is not a day for debate. I want you to see "terms of reference", but we must agree on parameters first. This was to give us frame of reference.

K. Pugente - We need time to study the draft.

J. Stewardson - Malahat is part of this. The government should want a solution to deal with 100% of the Juan de Fuca Electoral Area otherwise it will create problems. A Stand-Alone municipality for the entire electoral area would be the simplest. Or East Sooke and Malahat could go with Metchosin. Or as for a Rural Alliance, Metchosin isn't thrilled with it, whatever its political implications are. The Rural Alliance needs to be studied. What are the political implications for politicians and for voters? What do the economics look like (taxes and services)?

S. Tidwell, J. McCrae, J. Hemphill declined to comment.

K. Brehart - What concerns me is what we have to work and tweak and massage and I don't have a sense of an open mind for coming up with creating solutions. We need a fresh look or fresh view. The Province and the CRD are supposed to be the peoples' representatives. Now they rule us, but people should guide the change.

L. Engwer – We need action items. A self-imposed ban on annexation is not good enough. Maybe we need a 2-year ban until things are settled. We want an answer from the Ministry on this. All communities deserve a response to petitions. An East Sooke and Metchosin study should be confirmed or a wider study on incorporation.

As B. Lapin said, there has been no context for planning. What are next steps? We need action committee, a community advisory group for the study process.

J. Grant. – I agree with what has already been stated.

M. Nelson - I agree with statements, but I am disappointed with the way land use is now. Tweaking doesn't solve problems. The new OCPs and the Zoning Bylaw

would cover it would cover some of the land use issues. In Jordan River, 2 land sections are outside the current planning area but will be included in the new OCP Boundary Areas. There is no local control. Those subdivisions went to the Ministry of Transportation. This is unacceptable. There isn't any fire protection in this area. Something else that is wrong is the Province's Bare Land Strata. It is out of place and not acceptable in rural areas.

G. Paget – We will work with you to design a process, but I can't guarantee outcome with voters.

J. Horgan - What about money?

G. Paget - \$10,000, but there may be a little bit more. \$30,000 was mentioned. East Sooke confuses the money situation.

Wrap up

K. Pugente – This was an information session, and we will want answers. It is hoped that this will subdue frustration among people. We know that the Minister holds G. Paget's advice in great esteem. The CRD and the Province are our only ears. We don't want to break into civil disobedience. The Province and CRD are not the enemy. Thanks to those who are attending because that will protect our future.

Appendix A

PRESENTATION TO THE CAPITAL REGION DISTRICT AND MINISTRY OF COMMUNITY SERVICES

SUPPORTING THE NEED FOR A GOVERNANCE STUDY FOR OTTER POINT

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Capacity: Does our community - or the larger Juan de Fuca Electoral Area for that matter, have the capacity to support a change in governance? Do we have the tax base, population, land mass, leadership, infrastructure, economic opportunities and natural resources - both now and in the foreseeable future, to sustain a change in governance?

Motivation: Is there a desire to change the governance structure? Do the residents and ratepayers of Otter Point, along with local, regional and provincial governments want to see a change? Will this motivation change with different governance options and governance boundaries?

Process: What public opportunities will be provided to identify and assess the governance options? Who will set the terms-of-reference, pay the costs and ensure transparency and community input during the process of identifying governance option? Who will monitor the process to ensure that it reflects the wants and needs of the whole community and not just the outcome that a particular level of government or special interest group desires?

I pose these questions at the outset and ask that you keep them in mind as I review the information which I feel demonstrate the need for a comprehensive governance study for the community of Otter Point.

There are six reasons that support the need for a governance study for Otter Point.

1. Integrity of our boundaries: As an unincorporated community we have no legal right under the *Local Government Act* to prevent annexation of any part of our community by an incorporated community. The recent annexations of properties both here, in Otter Point, and in East Sooke support this. Some of these annexations have not been

contiguous properties. They have “leap-frogged” properties that didn’t want to be incorporated; they have split a community watershed in Otter Point and have ignored logical geographic and local planning boundaries as identified in the CRD’s Regional growth Strategy and the Otter Point Official Community Plan.

2. Representation: When the District of Sooke was incorporated it left the Juan de Fuca Electoral Area with a governance problem. The governments of the day decided to consolidate the remnants of two remaining Electoral Areas and limit them to one regional director. The reconfigured JDF Electoral Area has some notable electoral and governance shortcomings:

- It is too geographically scattered. There are 7 communities plus the View Royal Native Lands spread over an area that is probably larger than the rest of Greater Victoria put together.
- These different communities have varied and competing needs; certainly too many to be effectively dealt with by a single regional director. What should have been a part-time position is now full time; and even then, the regional director is often represented by the Alternate Regional Director – an **unelected** position.
- Representation by one person can result in too narrow a point-of-view.
- There is no continuity with only one elected representative. When the regional director changes, dramatic swings in leadership, decision-making and policy direction can occur through-out the entire JDF Electoral Area.
- While the recent addition of the elected Land Use Committee and the Advisory Planning Commissions have added to the democratic decision-making process, all land use and other local bylaws are ultimately determined by representatives from other communities and municipal jurisdictions.
- According to the 2005 CRD Voter Enumeration, 1,047 voters; or about 31% of the eligible voters in the JDF Electoral Area, reside on the View Royal Indian Lands. What is a significant block of urban voters doing in an otherwise rural electoral area?

3. Exclusion from decisions: As an unincorporated community we are often not entitled to participate in decisions that impact our community. We are often not informed about pending decisions; usually only find-out about them after they have been announced. For example:

- We do not participate in the approval of our own sub-division applications.
- We have no vote on annexation decisions.

- We have been excluded from CRD Regional Growth Strategy discussions that have an impact on our community; most recently whether the District of Sooke would be allowed move its urban containment boundary to include the recently annexed rural properties in Otter Point.
 - 17% of the land mass (approximately 1570 acres) within the Otter Point Official Community Plan area belongs to the province. The province is currently negotiating Native Indian land claims that include at least some and perhaps all of this property. We don't know exactly which crown lands are included in these negotiations and we have no idea what the long-term implications will be for future development or demand for services such as roads, water supply and fire protection.
- 7. Inadequacies of CRD Local Governance:** The CRD functions primarily to provide regional planning and service delivery for its 13 member municipalities. It also provides limited regional services to the unincorporated areas and is the “local government” for Otter Point and other JDF Electoral Area communities. However, the CRD is neither a responsive nor effective local government for Otter Point. For example:
- The CRD took no advocacy or leadership role on behalf of Otter Point to oppose recent annexations of land from a neighboring municipality, despite possible negative implications for the future of our community water supply and fire department tax base and widespread voter opposition to the annexations.
 - The CRD, through its Regional Growth Strategy, has indicated that it does not plan to extend regional water or sewer services beyond current CRD municipal boundaries to the unincorporated electoral areas. However, it is approving the creation of Settlement Containment Areas in our community without undertaking any concurrent planning to determine the possible long-term need for water and sewer services in these areas.
 - Although the CRD is, above all, a regional planning and service delivery organization it has neither consulted with Otter Point residents nor publicly proposed to them a long-term development plan regarding future social, economic and infrastructure needs of Otter Point. Effective local governments do not ignore such important, broad-based planning issues.
 - Within Otter Point, there is increasing concern about the absence of local governance and leadership by the CRD. What is *not* clear is how much of this “absence of function” is due to the limitations of the single regional director system within the unincorporated JDF Electoral Area, and how much is due to a lack of interest or capability on the part of a CRD board that is oriented towards incorporated municipal governments.

- 8. Growth and Vision:** Southern Vancouver Island is experiencing rapid and widespread growth, with accompanying demands for housing, infra-structures and services. As land becomes more expensive in Colwood, Langford and Sooke, there will be an increasing demand for housing and commercial development in Otter Point. Although the CRD Regional Growth Strategy and the Otter Point Official Community Plan project linear annual population growth of about 2% - 4%, recent events do not support this conservative estimate.
- TimberWest has indicated that it wishes to remove its active forestry operations away from areas of residential growth. The company owns significant properties in Otter Point in areas of current and potential residential growth. It recently sold 559 acres behind the Otter Point Fire Hall to a land development company that has already announced, on its web site, its intentions for a large residential development in that area, subject to rezoning approval. In addition to these 559 acres, TimberWest has indicated that its property in the Muir Creek and Tugwell Creek area may become available for residential development, and its Industrial property on Otter Point Rd. at Butler Main is already on the real estate market.
 - The massive, high-density, Sun River Estates development in Sooke is rapidly approaching a large parcel of crown land in Otter Point. A sale of the adjoining crown land, its annexation into Sooke, or its incorporation as a Native Land Reserve have potential implications for Otter Point.

Currently, Otter Point does not have community goals or strategies. The draft OCP and Zoning Bylaw being developed for Otter Point will certainly help to guide and regulate growth in the community. But these documents are too narrowly focused on ensuring an adequate supply of land for housing and setting land use and zoning and standards. A plan or vision for Otter Point is necessary, and it must include goals that reflect our community priorities.

Improved governance is only one of Otter Point's priorities. Taxation, social development, economic development, and cultural, recreational and environmental preservation are others. And we have no way of knowing what the impact of Treaty land claims will be. AS well, will the urban containment boundary, as determined by the RGS, be moved every time another rural property is annexed by Sooke? Addressing the problem of governance needs to be done within the larger context of growth and a future vision for our community.

- 9. Status Quo is not an option:** While collecting signatures for the petition, asking for a governance study for Otter Point, some of us we were made keenly aware of the reasons why local residents wanted a governance study. Much of what we were told is already reflected in my comments. What hasn't been said, though, is that most of the people who signed the petition made it clear that they did not see staying "as is" as being an option. The opposition to joining Sooke - as was

reflected in the estimated 59% turn-out and 80% rejection by voters at the last referendum is still there. Incorporation, along with Shirley and Jordan River - and even out to Port Renfrew, is the most favoured option. Some sort of alliance or incorporation with East Sooke and Metchosin is viewed with skepticism, but there is a willingness to learn more about it and put it to a vote if necessary. This should happen within the next two years so that we can go to the polls in November of 2008 to elect a new form of governance.

Concluding Comments: I will conclude by referring you back to the three conditions of **capacity, motivation and process**. I ask that you consider them carefully when you develop the terms-of-reference for a study looking at governance options within the Juan de Fuca Electoral Area.

You may recall that two previous efforts – the Ben Marr Report and the Sooke Boundary Extension Study, were both partial successes and partial failures - albeit for different reasons. However, bringing us yet another reworking of the “same old-same old” will not resolve our community’s governance problems. What will likely happen is we will have to reconvene again in another five years and begin the process anew.

We are asking for a governance solution that will stop further annexation, provide more democratic representation, plan for orderly growth, preserve our rural lifestyle, allow us to develop a vision for our community and include us in decisions effecting the development of our own community. We ask that this governance study be concluded within two years and that in the meantime **no further annexations are approved by the province**.

It is my sincere hope that you will agree to move forward with a governance study that addresses the issues raised on behalf of Otter Point and the other communities represented here today. However, if our request is denied, I request that you provide us with the reasons why and identify what changes in capacity, motivation and process would be required to obtain a successful solution to our governance problems.

Arnie Campbell – President OPSRRA
21 July, 2006

Appendix B

I'm Diana Pogue, President of the East Sooke Rural Residents & Ratepayers Association, ESRRA: We're very pleased to have this opportunity to meet with Gary Paget, from the Ministry of Community Services, and with the Capital Regional District. This meeting is much needed, and I hope that it will ultimately result in a meaningful resolution to the difficulties we face as an unincorporated area.

I would like to thank Arnie Campbell as president of OPSRA for keeping these issues to the fore, and to our MLA John Horgan, in being fair and supportive of his constituents. And thanks to Regional Director Erik Lund for his vision and leadership in strengthening the governance of the Juan De Fuca Electoral Area.

We are sympathetic to the residents of Otter Point and Shirley, as we face similar difficulties in our total vulnerability to Municipal annexation.

We are supportive of our neighbours, and respect their request to study a Rural Alliance, I am also appreciative of their hope for Incorporation, which would help secure their position to the West of Sooke.

My role at this meeting is to speak for the community of East Sooke. In this capacity I am again putting forward East Sooke's request by formal petition submitted in January 2006, to undertake an amalgamation study of East Sooke and Metchosin.

Towards the end of last year, a petition from East Sooke of 472 signatures was collected, representing a strong majority of registered voters and ratepayers. This Petition was sent to the Minister on January 9th, of this year, by Regional Director, Erik Lund. The Malahat has also submitted its own majority Petition.

I am aware that correspondence exists between Minister Chong and Mayor Ranns, relating to the feasibility of this amalgamation, and indicating the necessary funding for this option. From my understanding the funding for the Metchosin option, is separate and apart from the money allocated for the governance study being proposed here. I hope that is the case, as I'm here to protect the interest of East Sooke in this matter.

It needs to be stated that, our Regional Director, has received no confirmation from the Ministry, either on the receipt of our petition, or of the Minister's intentions. We are confounded by this lack of response, and believe that an acknowledgement is long over due. We hope Mr. Paget that your presence at this meeting will elicit an explanation to the people of East Sooke and our Regional

Director, regarding this long delay in responding to our petition. Action and accountability is needed in order to remedy this outstanding omission of our community. We deserve consideration, and request a meeting with Minister Chong and our elected representative Erik Lund, and trust that it will be forthcoming. We have always trusted that the government of British Columbia has an open door policy. We ask that this situation be remedied, and that a meeting with the affected parties can be arranged with the Minister.

Positive changes are needed, certainly in communications with our elected officials. We have always trusted that the government of British Columbia has an open door policy. We ask that this situation be remedied, and that a meeting with the affected parties can be arranged with the Minister.

Please recall that in February of last year, East Sooke and the other communities of the JDFEA overwhelmingly voted by Referendum, not to proceed in amalgamation with Sooke. The 80% “NO” vote must be unheard of in BC. This was the final result of three endless years of consultation with appointed committees from each community, and facilitated by a Consultant, it was an extremely costly and dissatisfying process for everyone involved. The people recruited for this study apparently had different aspirations from the people of the community.

Surely this was not the outcome the Ministry expected?

The 80% No Vote, makes it clear that Sooke is not an option, and that other solutions must be found for our shared dilemmas. You were apparently unaware of the strong feelings we have to protect these rural areas. Please do not underestimate us. We are not interested in wasting government funds in pursuing ineffectual studies that will take us nowhere. It is time to evaluate and act upon the only governance option expressly desired by the community of East Sooke.

We need real and workable options.

It is essential that these problem areas are settled before the next election, and that the appropriate solutions are found.

The community of East Sooke feels particularly threatened having lost a valuable Tax base by the annexation of significant lands, both on its East and West borders, to the Municipality of Sooke. These annexations have created tension and apprehension for the future sustainability of our rural way of life.

They do nothing to bring us closer to any longterm solutions for managing the future of these rural areas. They are an impediment to good planning and prudent

management, and we request that the Ministry puts a halt to this practice of annexation. Our NO VOTE MEANS NO!

While we share our neighbours concerns regarding governance, please recognize on the positive side, the JDFEA remains debt free because of responsible fiscal management. We have elected APC's, and elected Land Use Committees representing each community, thus making land use decisions a fair and democratic process. To my knowledge this structure does not exist anywhere else in BC.

If there can be improvements to our present structure, particularly in regard to the lack of our own Approving Officer, those should be undertaken immediately. Anything that is fixable should be fixed!

The recently drafted Official Community Plans, are up for approval in September with the accompanying Bylaw. This will give them the strength they merit. The OCPs are critical to the success of maintaining these rural areas, and need to be supported as a planning document. They are also critical to the success of the Regional Growth Strategy, as they help define the urban containment boundaries that are of paramount importance, in stopping the incursion into the rural areas.

In summary:

The ESRRRA requests that you deliberate and consider, the option for the Amalgamation of East Sooke with Metchosin. The inclusion of the Malahat, and some of the forest lands, would make this a very attractive proposition. We ask that the financial implications of this option be given priority.

Amalgamation with Metchosin is the governance direction our community desires.

The choice is logical, with shared history and development. Our borders are contiguous. Both communities are well managed and it makes good planning sense as we share similar rural values.

An East Sooke/Metchosin Amalgamation would strengthen, and protect the world class wilderness aspects that make this area so attractive as a destination.

It will create a partnership of mutual benefit for each community: both in wilderness protection and sensitive, sustainable development.

The value of this region to Southern Vancouver Island, and the British Columbia economy, is inestimable.

In closing, we request timely assistance and funding from the Ministry and the CRD in helping us achieve these objectives.

Respectfully submitted,
Diana Pogue, President
East Sooke Rural Residents & Ratepayers Association
(ESRRRA)

Appendix C

Juan de Fuca Governance Study

Draft – July 21, 2006

Study Objectives:

The objectives for the study are to review, and improve where possible:

- The processes of public input into land use management by the CRD;
- The mechanisms for local governance within the CRD electoral area spheres of jurisdiction; and
- The processes and planning for existing and potential future services of the CRD.

Study Tasks:

The study would focus on a review of rural governance options for the communities of the Juan de Fuca Electoral Area, both as a whole, for the individual communities as being represented by local service areas (East Sooke, Otter Point & Shirley, Willis Point, Port Renfrew, and the Malahat). The study's tasks will be to:

1. Document the existing situation including:
 - Population (overall population and by community)
 - Communities
 - Local governance structure
 - Tax assessment
 - Services provided: water, fire, sewer and building inspection
 - Costs and services: service delivery structures
2. Examine and define the governance, planning and service delivery issues i.e.:
 - Growth management
 - Municipal boundaries
 - Local services
 - Local representation and control
3. Establish specific objectives to be achieved by changes to rural governance i.e.:
 - Land use certainty
 - Efficient service delivery
 - Political representation
 - Integration of services
4. Develop a vision for the governance of the electoral area

5. Review possible approaches to rural governance, planning and services delivery:
- Management committees
 - Elected community commissions (i.e. Port Renfrew)
 - Planning committees

Study Process:

The study would be overseen by a committee representing each of the communities within the Electoral Area with support from the Capital Regional District and the Ministry of Community Services.

Initial Timeline

The following is an initial timeline for discussion purposes:

Draft Terms of Reference	July 2006
Finalize Terms of Reference	August 2006
Select consultant	September 2006
Consultant Interim report:	November 2006
Final Report	December 2006