

**OTTER POINT & SHIRLEY RESIDENTS & RATEPAYERS
ASSOCIATION**
**PRESENTATION TO THE OTTER POINT OFFICIAL COMMUNITY PLAN
PUBLIC HEARING: 17 JANUARY 2007**

One purpose of the Otter Point & Shirley Residents & Ratepayers Association is to ensure that development in the two communities of Shirley and Otter Point takes place in an orderly way and in the best interests of its residents. Official Community Plans are one of the planning tools used to protect the environment, determine land use and recommend density in our community. OPSRRA supports the proposed Official Community Plan for Otter Point.

On October 3, 2006, OPSRRA submitted an initial list of errors and out-of-date information in the Otter Point OCP to the Juan de Fuca Electoral Area Land Use Committee. We submitted a more complete list at the public hearing on November 7, 2006. The CRD Planning Staff reviewed the list of errors and out-of-date information and made some changes to the present draft OCP. OPSRRA would like to thank CRD Planning Services and the Land Use Committee for making these improvements to the draft OCP. OPSRRA and others also submitted an extensive list of recommended changes related to mapping, boundaries, eco-sensitive areas - and more, at the November public hearing. A few of these recommended changes appear in the revised draft but most of our suggested changes, as well as those made by other presenters have not been considered at this time. However in our understanding they will be considered as possible amendments after this OCP has been approved as a bylaw. I ask for assurance of that this evening.

In addition to the recommended changes submitted at the November public hearing, OPSRRA continues to have the following concerns about the present draft:

A) Technical Issues:

1. When compared to the previous draft of the Otter Point Official Community Plan, the 2001 population profile for Otter Point has **decreased** by 55 residents while the population estimates for 2006 and 2011 have increased significantly. This has resulted in a change in the percentage increase in population growth from 1.5% to 24%. To clarify public understanding, **we recommend** that a footnote be added to page 5 identifying the population data sources and describing the estimating methodologies used.
2. The up-grading of building permit data to include the period from 2001 to 2006, as requested, is acknowledged. However, Figure 1 on page 6, outlining historical trends about the issuance of building permits in Otter Point, remains confusing and incomplete. It is confusing because it compares building permits issued for five different lengths of time (an open-ended pre-1946 period, a 15 year period, two 10 year periods, three 5 year periods and a 6 year period). It is incomplete because it reports nothing after the year 2001. **We recommend** that Figure 1 be revised to compare the issuance of building permits over comparable five year periods including the period 1996-2000 and 2001-2005.
3. Table 4: Gravel Pits on page 9 is still incorrect. The Arden pit is not owned by the province.
4. Table 5 on page 24, outlining land use inventory statistics in Otter Point, has been expanded to identify settlement containment areas and is more informative than the

table in the previous draft OCP. However, it is unclear why the overall area of Otter Point has increased from 3821.4 hectares in the previous draft OCP to 4409.2 hectares in the current draft, especially since the land annexed by Sooke last year was to have been removed. And, if you add-up the Land Use Area that equals 100% in the table it totals 3405.4 hectares and not the 4409.2 in the table. **We recommend** that a footnote be added to the table clarifying both the data sources and the methodology used in calculating different land use areas.

B) Mapping Issues:

1. Crown lands constitute a large and important part of Otter Point. Again, we recommend that they be identified on an OCP map.
2. The Kemp Lake Waterworks Improvement District is a key community infrastructure system, which is described on page 12. Again, **we recommend** that both the Water District and the Kemp Lake watershed boundary be included on an OCP map given their importance, both as a source of local water in Otter Point and the need to protect them from pollutants.

C) Policy Issues:

1. Environmentally Sensitive Areas and Ecosystems:
 - a) The OCP acknowledges in Section 1.4 that the Otter Point area is located outside the study area for the Sensitive Ecosystems Inventory carried out by the Canadian Wildlife Service, and in Section 4.1.20 there are environmentally sensitive areas within the Plan area that have not been mapped or identified. It then stipulates in Section 4.1.20 that “in order to identify and protect these areas, development proponents are **encouraged** to conduct a complete site terrain and inventory analysis to locate environmentally sensitive areas, sensitive ecosystems, rare and endangered species and endangered species and habitat prior to planning development”. There is no requirement that development proponents must carry out such an inventory or report their findings to the CRD planning authorities. **We recommend** that completion and registration of an environmental plan become a requirement for all environmentally sensitive areas.
 - b) In our November 7 submission, we had asked that the assessment tool known as PROPER FUNCTIONING CONDITION (PFC) be utilized in the assessment of riparian/wetland areas as has been adopted in the Metchosin OCP (Bylaw No.259 Page 7). The BC Riparian Areas Regulation only protects fish and fish habitat and is based upon such assessment methodologies. Under the PFC assessment, riparian/wetland areas have standing in and of themselves whether or not they are fish habitat. A PFC lentic (standing water) or lotic (moving water) assessment identifies whether a riparian/wetland ecosystem is “proper functioning” or “functional-at risk “ and whether this pattern is improving or declining and identifies what variables are in significant operation. Because Otter Point does not have complete maps and inventories of Environmentally Sensitive Areas, we believe it is important to not only identify the value of preserving such areas, but also to clearly stipulate the assessment processes and methodologies to be utilized. PFC is now the accepted North American standard. Again **we recommend** that the PFC approach be written into our OCP.

- c) The preamble to section 4.4, further stipulates that any environmentally sensitive area identified on Map 3, which is attached to the OCP, should be preserved in its natural state. **We recommend** that the word “should” be replaced by “must”. Also, those environmentally sensitive areas that have not yet been identified in Otter Point, and which therefore cannot be included in Map 3, are not afforded any related protection for preservation purposes. Our argument at the last public hearing, and again today, is that, unfortunately, environmentally sensitive areas and ecosystems which are not identified are not protected in the OCP.
- d) Section 4.10 (Development Permit Area) states that development permits are approved by the CRD Board and may require some sort of security to ensure that the conditions in the Permit are achieved. **We recommend** that the word “may” be changed to “must”. Our rationale is that until we have the maps and inventories of our Environmentally Sensitive Areas and Endangered Species, we require a process to ensure expedited restoration, repair or recovery to environmentally sensitive areas damaged by development.
- e) Section 4.11 (Development Approval Information Area), under Justification, states that a through analysis is to be completed before a development takes place. In the absence of a definition of who is a “qualified person”, **we recommend** that the wording be amended to stipulate that the through analysis be undertaken by a qualified professional as defined in the CRD’s Development Approval Information Bylaw.

D) Review of Otter Point and Shirley/Jordan River Boundaries:

The OCP indicates that the boundary between Otter Point and Shirley/Jordan River will be reviewed within one year to determine whether or not it will be moved in an easterly or westerly direction. Arbitrary boundary reviews and changes are neither democratic nor acceptable. There is no indication of how such a review would be carried out, the decision-making criterion to be used or how the public will be consulted in the review. It is **recommended** that such factors be addressed in the OCP or the reference to the boundary review be deleted.

In conclusion, it is OPSRRA’s **recommendation** that the OCP and its development permit process be modified to remedy these identified deficiencies and to strengthen protections for environmentally sensitive areas and ecosystems.

Submitted to the Otter Point Official Community Plan public hearing on January 17, 2007.

Arnie Campbell, President OPSRRA