

# GOVERNANCE OPTIONS FOR OTTER POINT AND SHIRLEY

TUESDAY, FEBRUARY 19, 2008  
Otter Point Fire Hall, 7:00-9:30 P.M.

## SUMMARY NOTES ON THE SPEAKERS' PRESENTATIONS AND THE QUESTION & ANSWER SESSION

### **Linda Allen: "A Local Governance Conundrum"**

*Linda is co-principal of CitySpaces Consulting Ltd., a firm of 20 planning professionals serving clients throughout western Canada. She has had the great pleasure to work with local governments in all corners of BC for almost 20 years. Her career also includes working with Alberta Municipal Affairs and the City of Ottawa. She is a Fellow of the Canadian Institute of Planners, an organization of 5,000 planners from coast to coast.*

(Linda Allen spoke using a power point presentation. A paper copy is available on request.)

Before starting her power point presentation, Ms. Allen conducted a quick, informal survey to acquaint herself with the audience.

- How many were permanent residents? Answer: most.
- How many lived in the community for less than five years? Answer: about 10.
- How many lived in the community for more than 20 years? Answer: one or two.
- How many drive less than ten miles to work? Answer: about one third.
- How many drive to Victoria to work? Surprisingly few.

Members of the audience then commented that many of the people in the room were retired or not commuters. It was suggested that younger, working residents find it difficult to attend evening gatherings. Members of the audience joked that they had a fixed income and unlimited interest

Ms. Allen began her presentation by defining governance as the fundamental means by which elected officials connect the public with the entity they represent. She said that unincorporated areas often face a conundrum, or dilemma, as to how to provide affordable, appropriate local governance.

Local governance is complex and controversial, raising several questions:

- Is it about reliable, affordable property services?
- Is it about consistent, enforced regulations?
- Is it a long-term sustainable vision?
- Is it fair and transparent decision making?
- Or is it about all of these things?

Her answer was that it is likely about all of these things but with different priorities for every property owner and resident.

Ms. Allen indicated that across BC many unincorporated settlements are facing similar challenges:

- increased growth pressures;

- inadequate or failing services;
- changing demographic patterns;
- insufficient local authority to prevent poor land use decisions; and
- subdivision decisions made by the Ministry of Highways.

While incorporation is often seen as an option to provide greater local control, there are also perceptions that incorporation can lead to:

- higher property taxes;
- too much regulation;
- not enough non-residential property assessment;
- more administration; and
- no guarantees of better value.

Otter Point and Shirley residents are not alone in having such concerns.

Ms. Allen said that she is not recommending a pathway forward for Otter Point, Shirley and Jordan River. She said that our community is facing ten or more years of significant challenge.

Noting that it is always useful to learn from others' experiences, Ms. Allen briefly described six communities in BC and some of the issues they are facing. Three of the communities are currently examining incorporation options, while three have recently incorporated.

#### ***Exploring Incorporated***

South Okanagan	Westside
South Shuswap	Barriere
Sun Peaks	Clearwater

***South Okanagan*** has two separate jurisdictions, the town of Oliver and the neighbouring electoral area of Oliver with a combined population of 5000. The two jurisdictions have many interests in common and see potential opportunities from amalgamating with each other. They are currently exploring their common interests and values. The area has a fragile environment and significant new investment in development. There are many different organizations with diverse interests (Oliver and District Community Economic Development Society, Regional District of Okanagan-Similkameen, South Okanagan Tourism Association, Osoyoos Indian Band, Agricultural Land Reserves, Crown Lands, ecological preserves and protected areas).

***South Shuswap*** is an unincorporated area with a population of over 5,000. There has been substantial investment in recreational properties, particularly by Alberta residents. However, it also has many failing septic systems. Consequently, Shuswap Lake, which is the community's recreational focus and its source of drinking water, is also becoming the community toilet. Part of the community is in a state of denial about the situation but the Columbia Shuswap Regional District is being proactive. There is no official community plan and building permits are not required. A large village development is being planned at the mouth of the Adams River which is one of the best salmon spawning rivers in BC. The development is scary in scale and the potential for environmental damage is also scary. There are concerns effluent from the development

will go directly into Shuswap Lake. The potential for major environmental damage is high. It will require a substantial investment in community infrastructure to deal with the problem.

**Sun Peaks** is a resort area similar to Whistler, but unincorporated. It has very high assessment base. There are a growing number of year-round residents, but the resort does not want to do services for them. The incorporation study has been stymied by First Nations issues.

**West Side** has a population of about 29,000. It was incorporated in 2007 as BC's 160<sup>th</sup> municipality after a four-year incorporation study and much community debate. The Westside governance study Interim Report was published in June 2003 and the incorporation vote took place in December 2007. The community vote was 59% to 34% in favor of incorporation. The provincial government is providing \$1.5 million in transitional funding for the first year and will provide \$7.12 million in total transitional funding over a four-year period. As a municipality, West Side can now apply for a range of federal and provincial infrastructure grants. Its first, and current, mayor was elected on a platform of "dis-incorporation" in order to amalgamate with Kelowna instead. Five out of six elected councilors don't agree with the mayor.

**Barriere** located 66 km. north of Kamloops in the Nicola Valley, incorporated as a town to become BC's 159<sup>th</sup> municipality. It has a population of about 1,800 and a local economy based largely on forestry and tourism. In a 1996 vote, the residents rejected incorporation. In 2005, a study committee was formed to try again and after a two year study, in 2007 sixty-four percent of the population voted for incorporation. Barriere is receiving annual restructure assistance from the provincial government of \$337,500. The Thompson Nicola Regional District supported the incorporation.

The increase in taxes projected for Barriere is: an increase of \$50 to \$1,166 for a \$100,000 home; an increase of \$145 to \$1659 for a \$150,000 home; an increase of \$115 to \$3875 for a \$150,000 business, and for a major industry with a value of about \$2,750,000, an increase of \$11,377 to \$97,954.

**Clearwater** is located 125 km. north of Kamloops at the entrance to Wells Gray Park. It has approximately 2,450 residents. It was incorporated as BC's 158<sup>th</sup> municipality with residents voting 53% in favor of incorporation in June 2007. It received \$612,000 in restructure assistance from the provincial government.

These six mini-stories illustrate the many issues to be resolved and the many paths to dealing with the local governance conundrum. Ms. Allen pointed out that the population in all the communities she has described is either concentrated on a lakeshore or clustered like a bead on a highway. They have centers: infrastructure is relatively compact. She wanted us to bear in mind that no matter what form local governance takes or how much effort goes into the study, not everyone will agree.

Ms. Allen’s advice about how to proceed when making decisions about local governance is to:

- prioritize community values;
- identify and clarify issues;
- undertake homework;
- identify and clarify trade-offs;
- consider future sustainability (financial, ecological, social-cultural); and
- enjoy the trip.

Ms. Allen said we have a lot hard work ahead before reaching a community decision but she encouraged us to look for a successful outcome.

### **Allison Habkirk: “Governance Options for Otter Point and Shirley”**

*Allison Habkirk, BA, MA (Planning), MPA, MCIP has spent over 25 years actively involved in local government as a professional, elected official, and educator. She served as Mayor and Councilor for the District of Central Saanich, a rural community of approximately 16,000. She is a Registered Planner who has worked as a consultant and trainer to local governments and the Province of BC, and is the author of a number of publications on local government planning. She maintains a keen interest in small town and rural planning issues and education. Allison is an Adjunct Assistant Professor in the School of Public Administration at the University of Victoria, where she teaches land use planning and local government. She is also Program Manager for the Local Government Leadership Academy, a new organization formed to provide leadership training to local government and first nations’ elected officials and senior staff.*

(Ms. Habkirk spoke using a power point presentation. A paper copy is available on request.)

Ms. Habkirk began by congratulating the Forum participants for undertaking a strategic visioning process, noting that the more people know about how their government works, the better off their community will be.

Ms. Habkirk described local government as not always rational and often messy. She quoted Winston Churchill, who said, “Politics is the art of the possible.” She described her presentation as beginning with the rational and ending up with what is possible in regard to governance options for Otter Point and Shirley.

The two key roles for local government are a representative/political role and a service delivery role. Each role is important but different, and communities should decide on the relative importance of each role.

Ms. Habkirk discussed three governance options for Otter Point and Shirley.

#### **Option One – The Status Quo**

Option one is to maintain the status quo as an electoral area in a regional district. The current Juan de Fuca Electoral Area (JDFA) is huge and very different from end to end, covering Malahat, Willis Point, East Sooke, Otter Point, Shirley and Port Renfrew.

Ms. Habkirk mentioned that the Otter Point Volunteer Fire Department web site provided the most detailed information about our area.

Key governance representation features of the JDFEA include:

- one elected regional director for the electoral area;
- an elected land use committee (with representatives from each district in the electoral area, Central Saanich and Metchosin, along with the Regional Director);
- an elected advisory planning committee that deals with matters referred to it; and
- CRD Board members (the Regional Director and representatives from Central Saanich and Metchosin) making land use decisions.

Key service features of the JDFEA include:

- some services delivered by the CRD (planning, building, environmental);
- some services delivered by the province (roads, subdivision approvals, policing); and
- volunteer fire department services (CRD commission).

Ms. Habkirk pointed out that the small assessment base in the Electoral Area would likely not be able to support the level of staff and expertise available through the Regional District. The Land Use Committee is structured in wards, electing one member to represent each sub area. However, the committee is advisory, and the final land use decisions are made at the CRD Board level as are decisions about taxation and bylaws,

Advantages of the status quo include:

- likely receives a significant subsidy (e.g., roads);
- access to a large CRD administrative organization with extensive technical expertise (e.g., land use planning, environmental professionals); and
- some community representation beyond the electoral area director through the elected Land Use Committee and the district advisory planning commissions.

Disadvantages with the status quo include:

- political representative limited to one and
- authority rests with the regional district board.

### ***Option Two – Incorporation as a Municipality***

Key representation characteristics would include:

- having an elected council of 5, 7 or 9+ members;
- being a defined area, likely a subset of the JDFEA; and
- still having advisory committees (e.g., Advisory Planning Committee).

Key service delivery characteristics would include:

- most services under the control of the municipality;
- some services likely contracted out to neighbouring communities (e.g., land use planning, roads);
- some in-house services; and
- some volunteer services.

The major advantages of incorporation are broader community representation and greater autonomy and independence. The major disadvantages of incorporation are likely higher taxes and more responsibility placed on the community (with freedom comes responsibility).

### ***Option Three – A Modified Status Quo-Community Commission***

Option three retains one elected Regional Director and land use planning and decisions would continue to be the responsibility of the CRD. However, the management of other local services could be delegated through a CRD bylaw to an elected community commission with 2, 4, 6 or more members and the Regional Director. Ms. Habkirk said Queen Charlotte City started with a Community Commission before it incorporated in 2004. The Mayor said they “made it up as they went along.” In the JDF Electoral Area, Port Renfrew already has Community Service Commissions in place. The key characteristic of a community commission is that each one is different.

The advantages include:

- broader community representation;
- a broader mandate/range of matters that can be considered by the commission (not limited to matters referred to the LUC; and
- being a testing ground for future incorporation.

The disadvantages include:

- more complex
- likely more costly
- should have more services for the commission to oversee.

Useful sources of background information about local governance in BC include:

- the Regional District Toolkit  
<http://www.civicnet.bc.ca/siteengine/ActivePage.asp?PageID=278>
- *Local Government in BC* by Robert L. Bish and Eric G. Clemens (2007)
- *Regional District Review* by Robert L. Bish (1999)  
[http://publicadmin.uvic.ca/cpss/lgi/pdfs/bbish/reg\\_dstrc\\_rev.pdf](http://publicadmin.uvic.ca/cpss/lgi/pdfs/bbish/reg_dstrc_rev.pdf)

Ms. Habkirk cited these sources because they analyze the effectiveness of the regional district form of government, comparing it with other systems in Canada and the USA. The 1999 review is 44 pages, clearly worded and can be found on line using the title for the key words.

Ms. Habkirk concluded her presentation by noting several important questions that a community needs to consider about governance options:

What is it you really want and/or need?

- More, broader representation?
- More, different, improved services?
- Consolidation of the management of services?
- Autonomy/independence?

The community also has to consider the art of the possible:

- What is the likelihood of the status quo remaining the status quo? (Status quo will change if East Sooke and Metchosin amalgamate. Will doing nothing get us what we want?)
- What is the likelihood of incorporation? (The BC Government is not highly motivated for this option for our area. Her sense is that while the BC government is keen on incorporation elsewhere, they don't want more municipalities in the CRD.)
- What is the likelihood of establishing a community commission? (What are the local politics around establishing community service commissions?)

## QUESTION & ANSWER SESSION

**Question:** Are there any options, outside of incorporation, through which we could get our own approving officer rather than depend on subdivision approvals through the Ministry of Highways?

**Answers:**

A. Habkirk – I'm not clear about that. However, if the local bylaws are very clear, subdivision approvals should be straightforward. If there are problems, it is usually with the bylaws. The approving officer has no choice as he/she works off a checklist. The list is created by bylaws.

L. Allen – The provincial government through the Ministry of Highways manages the approval process. Regional districts are usually not willing to take on that task because of the costs. Circumstances may vary among different rural communities. Approving officers are often far away and their decisions not always locally appreciated.

**Question:** What role would a service commission have in land use decisions?

**Answer:**

A. Habkirk – On land use issues, a service commission can only make recommendations to a Regional Board. Land use decisions, as outlined in Part 26 of the *Local Government Act*, cannot be delegated by the Regional Board.

**Question:** Is incorporation the only way to avoid the annexation of land into an adjoining municipality?

**Answer:**

A. Habkirk – Incorporation is one way, but there are other strategies. Developing relationships with your neighbours and electing the right MLA can also help. Annexations from unincorporated areas are a growing concern in rural BC.

**Question from L. Allen:** What is the local situation concerning the annexation of land into Sooke?

**Answers:**

Sooke has annexed land from Otter Point and East Sooke without JDF Electoral Area residents having any say in the decision. Such annexations reduce the tax base in the Electoral Area. Water supply was a factor with the annexation in East Sooke. People

were hoping Grouse Nest development would obtain access to CRD water. There is a concern that wells in the area may run dry or be contaminated by septic fields. Water supply was also an issue in the Kemp Lake area. A large part of the Kemp Lake watershed is now in Sooke. Whether this becomes a problem in the future depends on our relationship with Sooke. Approximately 420 households in Otter Point draw their water from Kemp Lake.

A. Habkirk – If water is a reason for annexation, you might want to consider how to deal with the water issue.

**Questions:** What are the criteria for incorporation? As we have no identified town core, is this a barrier to incorporation?

**Answers:**

A. Habkirk – Population size is not a critical factor although a concentration of the population can help. Economic viability is a key issue. Central Saanich has a spread-out population with lots of agricultural land and many roads to maintain. It would not have a sufficient tax base without its industrial park. A regional district system is a form of local confederation that is quite complex but also very flexible. It can make very specialized services more readily available to its electoral areas. A good information source is an article that Bob Bish has written called “Regional District Review – 1999; Issues and Interjurisdictional Comparisons”

[http://publicadmin.uvic.ca.cpss.1gi/pdfs/bbish/reg\\_dstrc\\_rev.pdf](http://publicadmin.uvic.ca.cpss.1gi/pdfs/bbish/reg_dstrc_rev.pdf)

L. Allen – Highlands was incorporated with a small population and no population core. The province is less likely to establish a rural municipality now.

**Question:** Who decides when an incorporation vote will take place?

**Answer:**

L. Allen – The approval of the provincial government, through the Minister of Community Services, is needed. Its support, along with that of the regional district and local community, is essential. The Ministry of Community Services can provide a grant to support a restructuring study.

**Question:** How can Otter Point and Shirley tap into specialized CRD services?

Lobbying efforts to date for environmental mapping purposes have not been very successful.

**Answers:**

A. Habkirk – There is no fund of CRD money to draw on. You have to pay for the services you obtain through the CRD. For example, Saltspring Island has a very complex water system and pays for the use of CRD expertise in this area.

E. Lund – There is currently a small amount of money available for environmental services in the electoral area.

**Question:** Could you speak to the idea of establishing a rural alliance between the different areas of the CRD for example Metchosin, Malahat, East Sooke, Otter Point and Shirley?

**Answer:**

L. Allen – The *Local Government Act* doesn't provide for the establishment of a rural alliance. A rural alliance is not a legal entity, but if there are shared values and interests, there can also be shared services.

A. Habkirk – After WWII, the provincial government was inclined to establish district municipalities. Rural municipalities are less common now. Given that the JDFEA is very large and maintaining roads is expensive, incorporation may not be practical for districts within it.

**Question:** Could you comment on the use of a ward system within the electoral area? Would the province be amenable to this?

**Answers:**

A. Habkirk – Bob Bish has written about the use of wards within an electoral area. (Clarification: Is the question about whether the Electoral Area could be broken up into smaller parts with each part having a regional director? No, the question is whether the Electoral Area as an incorporated entity could have a ward system.)

L. Allen – I can't speak for what the provincial government might think, but ward systems are quite common in municipalities.

A. Habkirk - The existing JDFEA Land Use Committee is a kind of a ward system. Wards aren't a delegation of decision making. They give local representation to diverse areas but the ward representatives jointly make decisions. More important is whether such a system would result in better decisions and services.

**Question:** A number of communities have recently incorporated. Water supply issues such as arsenic in some wells, punctured aquifers, and wells running dry have been important on Bowen Island before and after incorporation and affect boundary decisions. The District of Sooke is another example of recent incorporation. Are they happier as a result of incorporation?

**Answer:**

A. Habkirk – I think that they have to speak for themselves.

**Question:** How do policing costs change with incorporation?

**Answers:**

A. Habkirk – In the past, local policing costs went up a lot when the population reached 5,000 people, but the rules are changing.

L. Allen – Smaller communities are increasingly assuming a larger share of their policing costs, so it is hard to give a specific answer.

**Question:** There are many committees and commissions already in place. How would the establishment of community service commissions be different?

**Answers:**

A. Habkirk – If an electoral area community is providing local services, it can choose to establish elected service commissions to make decisions about those services. The issue is whether such an arrangement will lead to better services or not. However, land use decisions cannot be delegated to such service commissions.

L. Allen – Elected service commissions work best when they have a defined mandate for specific services.

E. Lund – Port Renfrew currently has two separate elected service commissions.

**Question:** Can the Land Use Committee (LUC) deal only with referrals, or can it take initiatives on its own?

**Answer:**

E. Lund – LUC can take initiatives on its own.

**Question:** Are there instances where an electoral area has split into different parts, and, if so, what resulted from it?

**Answers:**

L. Allen – The Comox-Strathcona Regional District on Vancouver Island was recently split in two, with Comox more urban and Strathcona more rural in their interests. Alternatively, in the Okanagan area there is a move to amalgamate the North, Central and South Okanagan Regional Districts to deal more effectively with a common water supply issue.

A. Habkirk – Changes in regional districts are relatively uncommon although population growth pressures may be leading to more change.

**Question:** It is good to hear that the communities of Barriere and Clearwater, each with small populations, have incorporated. Are there other similarities between these communities and the JDFEA?

**Answers:**

L. Allen – Both Barrier and Clearwater have compact dense population areas with local economies closely connected to the highway. The JDFEA has no dense population center. Highlands is a rural community that has recently incorporated. It has opted for development to help with financing. It currently has Bear Mountain to deal with.

A. Habkirk – It is difficult for a dispersed rural population to be financially viable. Paying for services when relying primarily on residential property taxes is difficult.

**Question:** How would you rate Metchosin? Mayor Ranns spoke to us and said that its population has not changed very much, that it pays for local services, and that it has no debt.

**Answer:**

A. Habkirk – It is unfortunate that Joe Martignago couldn't be here tonight. I think that Metchosin has its challenges. I can only speak from my experience in Central Saanich, which has no debt and no money to spare because it maintains a large road system. It is parsimonious because it largely depends on residential property taxes but could not manage to fund its services without the industrial park assessment.

**Question:** Is the JDFEA eligible to apply for federal and provincial grants?

**Answers:**

L. Allen – Such grants are generally not available to unincorporated areas.

E. Lund – The JDFEA can apply for grants to repair infrastructure but not for the construction of new infrastructure.

A. Habkirk – Unincorporated areas are often not eligible to apply for grants from major funding programs.

**Question:** In Metchosin, would the William Head Penitentiary and other federal institutions be paying property taxes?

**Answer:**

L. Allen – Usually, in those situations grants-in-lieu are paid rather than property taxes. However, such grants are usually less than the tax would be what the community wants them to be and they can be unilaterally reduced.

**Question:** The earlier OCP for Sooke Electoral Area suggests that more land be identified for industry and commerce. This doesn't seem to have happened. Jordan River was a town with a mine and timber industry. What would it take to re-establish the town of Jordan River as a center?

**Answer:**

A. Habkirk – I am not suggesting you can just go out and create an industry or industrial site. It is more complicated as such sites usually require services and a community infrastructure in place to support them.

**Question:** Is a local government required to provide services such as water for fire protection? The Otter Point Volunteer Fire Department is in the preliminary stage of helping design fire protection for an industrial site in Otter Point. Are local authorities responsible to ensure a water supply? Is covering the cost the responsibility of the developer?

**Answer:**

A. Habkirk – I don't know the answer to that question.

E. Ilkay – Developers are usually required to pay for the cost of water services and fire protection.

**Question:** We need better environmental assessments out here. Is there any way that we can demand and get funding from the CRD for such research and planning?

**Answers:**

A. Habkirk – It is your tax money that the CRD would use to pay for such services. If you want the services, raise your taxes to pay for the services.

L. Allen – The provincial government can be approached for environmental assessments on aquifers and sensitive areas. When developers make applications to the CRD for subdivisions or other major changes in land use, this is an opportunity for the CRD to require that environmental or other studies first be carried out.

A. Habkirk – Situations differ, depending on whether the development is occurring with existing zoning or new zoning is being requested.

E. Ilkay—He doesn't think the tax payers should fund these studies. The developer should be responsible.

**Question:** If a study is carried out by an expert but paid for by a developer will it be “at arm's length”? Won't the study be done to benefit the developer? There may be a problem getting the standards enforced.

**Answer:**

L. Allen – There are concerns, but it is necessary to rely on professionals who are expected to meet professional standards when doing studies.

## **CONCLUDING ADVICE**

### **Allison Habkirk**

- Otter Point and Shirley are to be admired for discussing governance options in a visioning process.
- Public discussion and debate are both necessary and desirable.
- There are no right answers. Each community must work out solutions that meet its needs.
- Figure out what the majority in the community want, and craft solutions accordingly.
- Engage the younger residents.
- Good luck.

### **Linda Allen**

- Local government is a conundrum.
- You are on the right pathway. Maybe you will create a new model for others to follow.
- It is necessary for the community to prioritize what it wants and to decide what it is willing to pay to achieve those goals.
- Engage the Ministry of Community Services early. It can be an ally if it understands your vision.
- It's a long road, so enjoy the journey.
- Engage the young, as they will inherit what you have created.

\* An estimated 55 persons attended the Forum.

## ADDENDUM

### Summary of Interview with Joe Martignago, Chief Administrative Officer for Metchosin

*Mr. Martignago was unable to attend the Governance Forum. Arnie Campbell subsequently arranged for an interview with Mr. Martignago to garner some of the information that he would have shared at the forum. Mr. Martignago met with Wayne Fritz, Rosemary Jorna and Heather Phillips at Metchosin Municipal Hall, Feb. 25, 2008, 10:40 a.m. to 12 noon. Metchosin planner Sherri Herst joined for part of the interview.*

*Joe Martignago holds a degree from Simon Fraser University and a Management Certificate from UBC. He also attended the prestigious Kepner-Tregoe Leadership Development Institute in Philadelphia, where he became a certified instructor. He has delivered seminars and training courses on decision making, leadership and management practices to all levels of staff in the private and public sectors and, through the Federation of Canadian Municipalities, delivered local government programs in Africa, the Philippines and Central America. Joe has 35 years of senior management experience, 17 of those years in the private sector. He joined the public sector in 1988, enjoying many successes as City Manager first in Kamloops and later in Victoria. In 2006, he formed his own firm, Martignago Consulting Ltd., to provide local government consulting services. His clients include the District of Metchosin, where he acts as Chief Administrative Officer, Chief Financial Officer, Corporate Administrator and Approving Officer, and where he successfully pioneered his "Virtual City Hall" concept, resulting in increased administrative efficiency and significantly reduced costs.*

Metchosin was incorporated in 1984, long before the other western municipalities. Shirley Wilde foresaw the development to come and convinced the local residents to incorporate to control change in order to maintain the lifestyle they valued. The population was about 3,500

Albert Head was a pre-existing subdivision, created by the CRD prior to the incorporation of either Metchosin or, later, Colwood. It has smaller lots with a greater density of population. Basically all of the lot boundaries were set before 1984.

Metchosin has no debt and \$4 million in the bank. The municipality had a \$100,000 surplus in 2007. It has the lowest tax rate in the area because it provides very few services (mainly road maintenance and fire protection). A municipality does not have to provide services (beyond road maintenance) and Metchosin does not. That is why the taxes are so low.

Incorporation gives local residents greater control of land use decisions. Eighty to ninety percent of a municipality's decisions customarily deal with land use issues. Land use decisions cannot be delegated by a municipal council.

A municipality needs to have

- mapping systems;
- an official community plan, the detailed document through which the municipality decides what it wants to become;
- record keeping and documentation systems;
- total responsibility for road ownership and maintenance of every road, alley & trail; and
- bylaws dealing with issues such as burning, dog/animal control, noise, trees cutting, fill and soil removal.

Municipalities often spend money on recreation, parks, and fire protection. However, no law says that a municipality has to do so. There is no recreation department in Metchosin, and there are no local parks, although there are regional parks and the regional Galloping Goose Trail. Metchosin's recreation budget is largely invested in its trail systems. The community is proactive and protective of its trail systems. There is an active Parks & Trails Committee, which has a master plan. The Parks & Trails Committee is consulted on all municipal land use decisions. It owns an extensive trail system, as it has chosen to take amenities in the form of land for trails. Metchosin rarely asks for cash in lieu because it has the sense that cash goes and the land is forever. It spends about \$10,000 annually on trail signage and repair. Metchosin has no covered recreational facilities. There is a cricket pitch and a bike park on the municipal grounds, the school has a soccer field and a ball diamond, and there is a tennis court and a sports field. All are maintained by volunteers.

Residents of Metchosin do pay for common regional services such as

- the CRD library levy;
- the CRD recreation levy;
- police services;
- health & hospital services; and
- school taxes.

Metchosin contracts to the CRD for enforcement on bylaws such as animal control. A complaint is made. The CRD is called. The CRD bills for each call, expenses & mileage - Metchosin is billed only for the calls it makes

Question: Does Metchosin own buildings and equipment?

The council started in a trailer, went to a prefabricated building, and then moved into the current building. Metchosin also own two municipal vehicles.

The volunteer fire department's fire hall and equipment were already there before incorporation. When an area is incorporated, any existing improvement districts disappear and the district's property ends up as the municipality's property.

Metchosin wants to stay rural. It does not want to give priority to looking after the needs of the developers. Metchosin does not have a lot of staff so each development application waits its turn, even if approval takes an inordinate amount of time. Every

elected council has to make this decision to stay rural. Council needs to be strong, to say “Sorry, I don’t care, I want to stay rural.”

A municipality’s biggest budget item is roads and their maintenance. Either it sets up a maintenance department or it contracts maintenance out. Metchosin contracts out. It no longer has a full-time works supervisor.

Question: What is Metchosin’s “Virtual City Hall”?

All municipalities must have someone to keep good financial records and someone to keep the official records. They need office staff to keep the records, as even in a “no build” zone like Metchosin, there is paperwork. Eighteen months ago, Metchosin had a full-time accountant, planner, roads person, CAO and clerks. Today it is a union shop with five full-time employees:

- a clerk to track all development applications;
- a GIS person for mapping developments and land use permits, soil extraction & soil dumping;
- an accounts payable person (not an accountant);
- a clerk to keep track of building files (if there is a legislative screw up you get sued); and
- a general office person to handle inquiries, the website, etc.

Metchosin is blessed with well-qualified people who chose not to work full time so they are available for contract work. Metchosin gets better value for its money by engaging them on an as needed basis. Contract staff make more per hour than they would get per hour working full time, and Metchosin pays less overall. These are top-notch, experienced people who live in the community and understand Metchosin's slow pace. Metchosin does not want change.

Metchosin’s regular part time/contracted employees include:

- a clerk, who keeps minutes of all Council meetings, maintains the official records, updates by-laws, etc. This is a key position that MUST be appointed by Council. Metchosin's clerk works part-time (4 days per week) and acts as Assistant Administrator, as required.
- an administrator (Joe Martignago) who is a contracted employee (i.e. is paid only a daily rate – no benefits of any kind) and works an average of 4 days per week. (NOTE: Joe has since resigned, on excellent terms, to accept a position with the 2010 Winter Olympic Games. His replacement, Dave Drummond, is also a contracted employee and works approx. 4 days per week.);
- a building inspector, 4 days a week (union position);
- a planner, 1 day a week (contract);
- an accountant, 3 days a month, who prepares budgets, deals with ministries, prepares grants, records, etc. (contract);
- a roads supervisor (experienced, retired), who comes in only as required (contract);
- janitorial services, contracted out;
- grass cutting, as needed, by a hired youth or the administrator; and

- municipal grounds and flower beds, maintained by volunteers.

As Metchosin almost never contemplates passing rezoning applications, the planner writes letters indicating either that rezoning is not going to happen or specifying what changes are required for it to happen.

The OCP is *the* document, and everyone has that message – citizens, councilors, staff, developers and people moving into the area. Metchosin’s OCP is 15 years old and is the key document for the municipality. What the community wants has to be in this document. It has to be carefully written and legally defensible. It is like a constitution. It takes about two years to write. For Metchosin, the trick to preserving community values is to stick to the OCP.

Victoria has over 600 zones and keeps amending its zoning. Metchosin has 10 zones (two of which are for individual properties that existed before incorporation. These are known as "pre-existing, non-conforming" parcels, and there would have been fewer if Albert Head had not been added. Before 1984 there was a concrete pipe manufacturing plant. When it closes, that industrial zone (one of two "pre-existing" parcels) will disappear.

When asked what drives development, Mr. Martignago said sewers are the issue. All of Metchosin is currently on septic fields, even houses on the border with Colwood where a sewer line runs down the road. Avoiding a sewer system is of great strategic importance in avoiding development pressure. About half of Metchosin has access to Greater Victoria Water District water, but “city water” does not provide the same impetus for development as a sewer system does.

Metchosin does have a concentrated service area around the crossroad of Happy Valley Rd. and Metchosin Rd. It includes the municipal hall, school, fire hall, store, cafes, bike park and playing fields. Green development and sustainable development are slightly different, and more commercial services may be needed. For example, it does not make sustainable sense to drive out of the municipality for fuel for cars.

Metchosin actively protects its environment. Riparian protection and rainwater bylaws were created. They are intended to implement provincial riparian area laws. Metchosin has enacted tree bylaws requiring a permit before cutting starts. To address environmental issues associated with development and building, the applicant has to hire and pay a specialist to assess the risks. The municipality cannot recommend a specialist but will give out a list of experts who have worked in the area. The citizens have a strong commitment to support these bylaws, to obey and enforce them. The municipal hall gets frequent phone calls from concerned citizens about tree cutting activity, soil dumping, etc. Metchosin is a self-selecting population; people buying into the area know what they are buying into.

When asked why about a possible amalgamation of East Sooke with Metchosin, Mr. Martignago suggested that those in East Sooke favouring amalgamation might want the

effective protection from development that Metchosin offers. In an unincorporated area where the residents do not want development, they are doomed to fight every single development proposal that comes along. He also noted that there is a price for freezing development. Metchosin's large rural lots have become so expensive that residents' adult children cannot afford to buy in the area. Consequently, there are fewer families with young children. Metchosin recognizes that when large parcels are split, even for families, the rural character of the area changes. The zoning rules have to be enforced, not amended, even if it is hurting some families.

To sum up, if Otter Point and Shirley are to incorporate, they should do it now, before development proceeds. With infill, the voter base changes, the idea of "community" changes, and community values change. Metchosin works because it has an active and engaged citizenry involved in all areas of the community.