

Otter Point and Shirley Residents and Ratepayers Association

Minutes of September 20, 2006, Membership Meeting

Time: 7:00pm
Place: Otter Point Fire Hall – 3727 Otter Point Road
Present: Arnie Campbell (chair), Jim Dexter, Emma Taylor, Ken Pungente, Bob Phillips,
Wayne Fritz, Sandy Barta
17 members

1.0 Adoption of Agenda

Arnie asked if the new meeting time of 7pm was convenient for people. No feedback was received from members at this point. Each director was introduced to the members with a brief background given.

2.0 Approval of Agenda

Motion: to adopt the September 20, 2006 agenda

Moved: Kay Mitchell

Seconded: John Charles

Carried

3.0 Reports to Membership

3.1 Recent Activities

3.1.1 Website

- Sandy reports she is keeping the website up-to-date. The business listings page is being built; listings are up for local accommodations, artists, stores etc. The application form is online for those interested in posting their business listing. Sandy passed around a sign-up sheet for people to update their businesses addresses and contact information. Past newsletters are available for viewing on the website.
- Arnie announces that the monthly newsletter is currently emailed out to 125 members. He stressed it is the most simple way of being informed about OPSRRA activities.
- Jim acknowledged that Murray Tomkins helped with building 8 new notice boards. 8 already up, 8 more coming. None of the new ones have been put up yet, but will be soon. Thanks!

3.1.2 Treasurer's Report

Treasurer's Report for February, 2006: \$323.49

Money received since February, 2006:

total \$180.00

\$130.00 membership fees

\$50.00 donations

- March 3 - \$55.00
- April 26 - \$45.00
- June 1 - \$15.00
- July 19 - \$65.00

Expenses since February, 2006:

total \$334.93

- March 23 - \$25.00 (Minister of Finance, Society Act Fees)
- March 24 - \$185.86 (Black Press Group Ltd., Advertising)
- May 15 - \$15.00 (Minister of Finance, Society address change fee)
- July 19 - \$25.00 (OPSRRA float)
- August 22 - \$35.60 (hardware for community notice boards)
- August 30 - \$41.34 (DNS Technologies, website domain)
- Cumulative bank fees - \$7.13

Current Balance since August 18, 2006:

- \$168.56 plus \$27.20 float = \$195.76

Motion: to accept the Treasurer's report

Moved: Susan Isaac

Seconded: Rosemary Jorna

Carried

3.1.3 Membership Report

Membership Report since February, 2006:

- 23 new members from Otter Point
- totaling 310 members from Otter Point

- 3 new members from Shirley
- totaling 42 members from Shirley

- 6 associate members

- 352 OPSRRA members with 6 associate members

4.0 Approval of Minutes of the 2006 AGM

- Jim Dexter summarizes the minutes of the 2006 AGM
- See attached document for summary

Motion: to adopt the minutes in summary of the 2006 AGM

Moved: Susan Isaacs

Seconded: John Charles

Carried

5.0 Invitation to Local Organizations

Arnie invited local organizations to the meeting in order to increase awareness of their causes. Rosemary from JDF Trails, Kate Woods from Muir Creek (both OPSRRA members!) were in attendance. Regrets from the Sheringham Point Lighthouse Preservation_society.

6.0 Election to fill One Director Vacancy

- Mitch Moneo has resigned from OPSRRA board due to family obligations.
- Arnie asked if anyone was wishing to nominate someone or come forth to fill the vacancy.
- John Charles put himself forth
- Second call for nominations
- John Charles is appointed Director until next AGM

7.0 Update on Request for a Governance Study for Otter Point & Shirley/Jordan River

- Arnie reviewed governance issues from February, 2006. Since February, OPSRRA has assessed options such as joining with Metchosin, forming a rural alliance, incorporating the Western Communities (Shirley, JR, OP), make internal changes to JDF electoral area. Internal suggestions included: electing a subdivision approving officer, transferring View Royal Indian lands, electing an alternate regional director, commission government.
- Ken explained that the governance group has expanded from Otter Point and Shirley to now include East Sooke (Seagrit Water District, East Sooke Rural Residents and Ratepayers Association, fire trustees) and the Malahat; Eric Lund has attended these meetings. Government representatives were also at last meeting. The groups decided to send letter to Ida Chong. Ken reads letter sent to the Minister on August 17, 2006. Letter was signed by list of organizations.

- Ken reads MLA John Horgan's letter to Ida Chong of August 23/06.
- No response has been received from the Minister to date
- Arnie talks about how OPSRRA has filed complaints to the Ombudsman on two accounts. Annexation procedures were one complaint to ombudsman. Ombudsman shared concern but confirmed that the law allows that. Second complaint was about lack of response from Minister within reasonable amount of time. She is still pursuing that issue with the Ministry. The Ministry has received our letter, but has not responded.
- Arnie reviews terms of reference of CRD offer. John Stewardson, a representative from Malahat District, writes a letter to the Governance Study Group. Arnie reads portion of John's letter about why refusing the province's and the CRD's proposed terms of reference. 3 concerns are highlighted: annexations done without community input; JDF electoral area too large to be governed by one official; land use decisions not made by residents. Incorporation addresses these issues, but no other option does.

7.1 Questions

- *Heather Phillips* – Would the study for incorporation include the areas north of Otter Point and Shirley?
- *Arnie Campbell*- yes, up to Cowichan (SCRD). Private forest lands would give revenue.
- *Heather Phillips*- follow up comment. RD had talked about OCP for the northern 'grey areas'. Include those areas under more strict planning.
- *Ken Douch*- CRD having problems meeting schedule for proposals.
- *Ken Pungente*- East Sooke wants the forestry land to offer to Metchosin and Malahat. Silver spray can eat up land around it now. East Sooke being attacked from both sides.
- *Jim Dexter*- we would like this issue resolved by next CRD election – 2 years from now.

8.0 Preparing for Upcoming Official Community Plan Public Hearings

8.1 Concerns with OCP Handout sections A1, A2 and A3

- Arnie explains that the OCP for Otter Point, Shirley and Jordan River were approved and in place legally but there was disagreement about the change to marine shore setbacks from 15 to 30 meters. Pressure to revisit OCPs and a legal "error" resulted in a further review of the documents. The plans have started through the legal process again. That has given us a chance to re-visit the plans. On October 3rd, a date will be set for public hearings – probably mid-November. Directors have reviewed the document and see potential problems with certain

areas. We are asking if there is sufficient reason to speak to these issues at the upcoming public hearing. (See handout: "Concerns with Current Draft Otter Point OCP" for examples).

- Arnie Campbell reviews sections A1, A2 and A3 of handout: "Corrections, Examples of updates required and Examples of additional info requirements."
- Wayne Fritz reviews section B1 of handout: "Settlement area designation."

8.1.1 Questions

Ken Douch- how does the Settlement Containment Area relate to Kemp lake water district? Not shown as such on map.

Wayne Fritz- Settlement boundary is not as large as Kemp Lake Waterworks District boundary. Advisory committee recommended to CRD Land-use committee that settlement containment area should be consistent with water district.

Ken Douch- lot size is dependent on water supply to lots.

Wayne Fritz- Advisory committee would concur.

Sandy Barta- Committee has had questions about some points and requires expertise. No CRD Planning staff representative has been present at last several meetings. These points about Kemp Lake are not getting resolved

Heather Phillips- Attended AGM for Kemp lake water district which almost didn't happen because she was only one there other than the directors. Encouraged others to attend AGMs to get info on how the water system works. Further problems will arise if lots are not relative to water supply.

Arnie Campbell- 404 houses with 6 under construction and room for 24 more on system as it stands now. Zoning within boundary will be maxed and then expansion of the waterworks will be needed.

Susan Isaacs- smaller lots refer to lots smaller than 2.5 acres?

Wayne Fritz- 1 Hectare lots generally. Many smaller lots exist however. Many lots are larger than 1 hectare. Desirable lot size is 1hectare. RR2 zoning is recommended by advisory committee

Susan Isaacs- health board requires secondary septic backup. Any thing less than 1 hectare would not be legal.

Wayne Fritz- yes, it depends on the lot- drainage etc. Recommend a hectare or more. Not all houses have to been on septic. 1 hectare is bottom line if having a septic field.

8.2 Concerns with OCP Handout Section B2

- Bob Phillips outlined the concerns with the OCP to do with environmentally sensitive and wetland areas. A separate handout was circulated on "Biodiversity: Riparian, wetland, dominant and sensitive ecosystems." The need for coherent mapping over time was emphasized in order to determine risk areas and changing environments. Otter Point's OCP was compared to Metchosin and Highlands. The

language in other OCPs towards environmental regulation is much stronger. The tools of assessment used in the OCP should be made explicit. Concern over Kemp Lake watershed land being divided between Otter Point and Sooke was expressed. Portion recently annexed by Sooke has better protection under Supplementary Letters patent then portion remaining in the Electoral Area.

8.2.1 Questions

Ken Douch- East Sooke OCP has a development permit area for sensitive ecosystem areas. Requires permit process for development. We don't have the mapping detail. Should say that info is not available and developers who wish to develop should have to do the research themselves.

Bob Phillips- 3b: small scale subdivisions are exempt- why?

Ken Douch- we don't have a hope to get area mapped, so my suggestion is a replacement. Restriction makes it a process.

Heather Phillips- Bob is saying put the process that the developer should fill out. Some standards should be there to guide.

Rosemary Jorna- we wish to retain rural values. Quality of rural life depends on sensitive ecosystems. Some can be very small. The disappearance of one little wetland can devastate a species. Need to have standards and a process for development. Cross checking mechanisms need to be there. Steep slopes could lead to disasters if we don't pay attention to those issues. The burden of cost is an issue. Not enough staff in electoral area to address our concerns so onus should be on developer.

Bob Phillips- yes, but responsibility is primarily on us to set standards for our community. We need consensus on vision of our community. Are our standards too high or low?

8.3 Concerns with OCP Handout Sections B3 and 4A

- Wayne Fritz reviews section B3 and 4A

8.3.1 Questions

John Charles – forest land not controlled by locals. Who controls riparian aspect of forest land?

Bob Phillips- I don't know. It changes through time.

John Charles- who enforces it?

Bob Phillips- there are levels of enforcement. There should be compliance to all jurisdictions (like North Van).

8.4 Concerns with OCP Handout Section 5

- Arnie Campbell reviews section 5

8.4.1 Questions

Eric James(?) – let insurance companies deal with people’s choices.

Heather Phillips- insurance policies would cover if the policy was vague, but if the policy was strict they wouldn’t. Our whole settlement area is wildfire development permit area... seems broad and needs fine-tuning.

Jim Dexter- wildfire policies were extremely detailed and onerous. My suggestion is to have a less onerous version and notification to people to ie. Clean brush from side of house etc. OCPs give you permit areas and your zoning is based on that.

Wayne Fritz- Heather is right if you look at hazard areas, they apply to all of Otter Point and Shirley. What is the scope of the hazard area and how far should you go setting criteria?

Arnie Campbell- shows yellow on map that is wildfire hazard area. Not sure if map is current.

John (fire chief)- don’t agree with map. It should include more areas. Fire would threaten pretty much all areas of Otter Point.

Rosemary Jorna- Our lot of 1 hectare, if we were to clear around house in compliance and our neighbour did too, we would be totally exposed. Less privacy! I am prepared to voluntarily comply and take my chances and have a bit of choice.

Eric James- what is fundamental purpose of restriction? What are we trying to prevent? Answer the question before going forward.

Arnie Campbell- reduce risk to dwellings. Review said too restrictive and they withdrew the restrictions. Should we ask that it be reconsidered or should it stay? Acknowledge the risk, but compliance is too restrictive? All of Otter Point in hazard area?

Bob Phillips- reads OCP section 5. Gives no direction... vague wording gives false assumption. Are we protected or not? Safety vs. clearcutting- we need a balance.

Murray Tomkins- setbacks from forested areas is a temporary condition. What if forest grows back?

8.4 Concerns with OCP Handout Section 6

- Arnie Campbell outlines section 6 on handout.

8.4.1 Questions

Ken Douch- how many properties are in the greater setback vs. smaller setback. Does it make a difference? It would only apply to the properties that have larger setback. I don’t think it’s any different.

Jim Dexter- concerns with both setbacks and fire. What about vertical setback ie. 1 foot above high-tide but 50 feet back? What about 100 year storm events? Fire and setbacks are an over-response to fires in interior. Prevention of disasters should be through restrictive bylaws. I would prefer to see a consideration of storm events.

Ken Pungente- Are we looking for a motion?

Arnie Campbell- No, but if someone wishes...

Frank Mitchell- I don't think the change was due to safety. It was because of the outcry- people built according to regulations, as I did. All these would be non-conforming if the draft went through. If I have a fire it wouldn't be insured. Rules interpreted differently all the time!

Jim Dexter- what about Shirley OCP?

Heather Phillips- Addressing Frank's point about legal non-conforming, Lund said they wouldn't be non-conforming. Does anyone know?

Arnie Campbell- they would be non-conforming.

Heather Phillips- if pre-existing houses become non-conforming then what was Lund saying?

Ken Douch- you can't overrule provincial requirement. Read bylaw.

Foster Isherwood- what about tsunami and lowlands, wetlands etc. Important part of map. It should be pointed out if at risk.

Wayne Fritz- OCP committee has spent 2 years trying to figure it out. We support setback because the shore is where smaller lots are and they're on a slope.

Arnie Campbell – who thinks it should be 15? 6 people respond. Who thinks it should be 30? 6 people respond.

Eric James- meet half way in middle. Retain conforming status for those at 30 and have new ones for 15.

9.0 Concerns with Shirley OCP

- Jim Dexter explains that the concerns with the Shirley OCP are generally the same as Otter Point. Lack of mention of ALR, riparian areas. Maureen Nelson will assist at the public hearing.
- *Ken Douch-* LUC rep offering assistance to review OCP
Arnie- thank you, we will accept the offer.

10.0 Developing a Strategic Vision for Otter Point and Shirley

- Wayne Fritz explains how after the annexation issue we started wondering what we do want as a community 20 years down the road? See handout on Developing a Strategic Vision. The process of finding goals can be as important as outcome. If members are supportive then we'll branch out to groups in the area.

10.1 Comments

Heather Phillips- The OCP it says that it represents vision of community. We should ask them to edit that out.

Wayne Fritz- there is no vision; there are goals in OCP, called Local Area Plans, which are closer to a vision statement.

Heather Phillips- if there is language in the intro to OCP that says that it expresses vision of OCP, I think that language should be changed.

Arnie Campbell- the OCP is not vehicle for that vision.

Heather Phillips- "if the language is still there" I don't think it should be.

Bob Phillips- page 23 of the OCP, community and development policies... references development. Development vs. protection can't be separated, but they are in the OCP. Maybe this is the role of the vision. Vision complements the plan.

Eric James- the vision is the goal. Then OCP should address how we meet those goals.

Ken Douch- how is the vision to be used? It's not official, so then its OPSRRA's vision to be presented to official bodies to lobby. It is part of the governance study. How is it enforced?

Wayne Fritz- yes. CRD is local government but they can't respond to our issues. You get the process and see what comes out of the process. Attention will then be paid to it because effort has been put in.

Arnie Campbell- calls time limit. No sense if we should pursue this or not.

Wayne Fritz- should OPSRRA continue to see if there's support?

Majority supports the vision idea.

11.0 Otter Point and Shirley no Shooting or hunting area boundary

- Arnie Campbell presents map where you can legally discharge firearms. More than 50 homes are north of the powerline where it is legal to shoot. Should we go to Ministry of environment to suggest it is an outdated boundary? Propose that boundary should be consistent with settlement boundary?

11.1 Comments

Foster Isherwood- our boundary is Muir creek? Propose moving the boundary. What are we doing about making Muir creek as a park? Shirley has moved forward with Muir creek but OPSRRA hasn't.

Heather Phillips- so does 4B address Muir creek?

Wayne Fritz- non-binding policies is a section that mentions boundaries with Shirley. That is a place to mention the park.

Foster Isherwood- and the lighthouse? What have we done with that idea?

Arnie Campbell- we invited the groups here this evening.

Foster Isherwood- we should be more involved.

12.0 Adjournment

9:30 p.m.