

Silver Spray:
Conflict Between Economic and Environmental Issues in a Rural Municipal Setting
(A Case Study)

by


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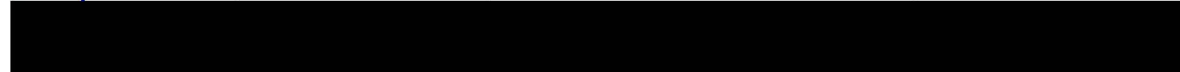
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ABSTRACT

Silver Spray: Conflict Between Economic and Environmental Issues in a Rural Municipal Setting (A Case Study)

The objective of this case study was to explore the roots of division in the five-year long Silver Spray land-use dispute in the rural community of East Sooke near Victoria, B.C. The analysis is based on direct observations at public meetings, interviews with participants, and an examination of relevant government records, media reports, and correspondence. Logan and Molotch's theory of the growth machine, as articulated in Urban Fortunes, provides an analytic framework for examining the Silver Spray dispute. The dispute is compared briefly to the ones around the failed Bamberton and Tod Inlet proposals. This analysis shows that the participants' use of environmentalism to promote their causes, accidents of personality, a confused decision-making process, and appeals to higher levels of government contributed to a costly, bitter, and protracted dispute. Despite the ostensible focus on environmental issues, a use versus exchange value conflict was at the heart of the dispute.

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This thesis is the culmination of years of involvement in community issues in the Capital Regional District. Previous involvement in the Bamberton and Tod Inlet issues allowed me to view the Silver Spray case with the knowledge and information gained from working with many other people and organizations. The lessons learned from hindsight, primary research, and political science did not lead to conclusions I had expected.

Special thanks to those who provided encouragement, advice, and explanations over the years: Clarence Bolt, Brianna Brash-Nyberg, Julia Nyberg, George Sawata, Tom Moore, and the many politicians, bureaucrats, and staff in the Capital Regional District (especially in the municipalities and Juan de Fuca Electoral Area) whom I contacted over the years.

Thank you also to the many residents of East Sooke and, Michael Thornton, who all, in very distressing times, provided me with so many primary materials for my research.

Thank you especially to Dr. Warren Magnusson for introducing me to so many books that I would not have otherwise read. They both influence and reflect what I think about local politics. Dr. Magnusson's patience, insight, and ability to decipher what I was attempting to say were essential in successfully completing this thesis.

DEDICATION

This thesis is dedicated to the memory of Gwen and Derrick Mallard, founders of the Society for Promoting Environmental Conservation (1968) and the Citizen's Association to Save the Environment (1972). They advocated a non-violent, inclusive, logical, and respectful approach to environmentalism within the context of systems in place and who lobbied for change when necessary. Their dedicated teamwork made our province a better place, culminating in the legacy of Tod-Gowlland Park.

CHAPTER 1

INTRODUCTION

The purpose of this case study was to explore the roots of division in the five-year long Silver Spray land-use dispute in the small, rural community of East Sooke near Victoria, B.C. As well, it was hoped that the study could help make sense of the polarization surrounding land-use, especially growth, in the local political realm.

The research for this thesis began in spring 1997, when the media began covering the Silver Spray issue. The research included direct observations at public meetings in Sooke, East Sooke, and in Victoria including local government, regional government, Advisory Planning Commission, and All-Candidates' meetings. As well, relevant government records, media reports, and correspondence were examined. Interviews and conversations with participants, including supporters, opponents, the proponent, and numerous local and regional government politicians and staff provided much background material for analysis.

Logan and Molotch's theory of the growth machine, as articulated in Urban Fortunes, provides an analytic framework for examining the Silver Spray dispute. The dispute is compared briefly to the ones that occurred around the failed Bamberton and Tod Inlet proposals to analyze what did and did not happen in each and how that affected the outcomes in terms of land-use and the impact on communities involved.

THE SILVER SPRAY CASE

How does one make sense of the polarization surrounding land-use, especially growth, in the local political realm? For the past decade on southern Vancouver Island, citizens and developers have been embroiled in conflicts over land-use proposals on the urban fringe of Greater Victoria. Of particular interest is the ongoing Silver Spray debate in East Sooke. Although the Silver Spray development proposal for an eco-lodge, 274 homes, a golf course, and a marina was marketed as eco-friendly, it was met with immediate and sustained environmental opposition. Since 1997, East Sooke has been bitterly divided over Silver Spray. The community has been described as “a social war zone”¹. The developer wanted to increase the value of the raw land purchased on behalf of Home Equity Land Development Incorporated for its investors by densifying its use. Supporters wanted the jobs, tax revenues, infrastructure, and amenities Silver Spray might provide. Opponents believed that the development would change their community by negatively impacting the Silver Spray lands and their rural lifestyle. They wanted the land protected as park or zoned at low density with no commercial uses to protect the rural integrity of their community.

Since April 1997, the residents actively opposing or supporting Silver Spray have attended over 55 local government meetings to debate the issue. The local newspapers have printed hundreds of articles, editorials, and letters. The community of East Sooke has been blanketed with numerous pamphlets and newsletters for and against Silver Spray. The bitter conflict over land-use in East Sooke is a “story of disaster.” Five years of acrimony, an estimated \$100,000² of taxpayers’ money for processing the applications, untold developer’s carrying costs, legal challenges and lawsuits, and immeasurable loss

of social capital exemplify a land-use dispute at its worst. The conflict changed this community socially, economically, and politically, and not for the better.

Both the developer and the opponents used environmentalism to promote their vision for the Silver Spray lands. Much media attention was given to the environmental arguments. But, despite this framing of the issue, something else was at the root of this conflict. There was an intractable divide in East Sooke based on the underlying interests of those involved. It was not just an environmental debate.

The thesis here is that at the root of the conflict in East Sooke were different ways of valuing place. I follow the analysis developed by Logan and Molotch in Urban Fortunes: The Political Economy of Place. They explain the role of a place entrepreneur, the growth machine (coalition), and the opposition to growth in urban land-use proposals. But, most important for this paper are their explanations of the conflicting values of place:

Places can (and should) be the basis not only for carrying on a life but also for exchange in a market. We consider this commodification of place fundamental to urban life and necessary in any urban analysis of market societies.

Yet in contrast to the way neoclassical economists (and their followers in sociology) have undertaken the task of understanding the property commodity, we focus on how markets work as social phenomena. Markets are not mere meetings between producers and consumers, whose relations are ordered by the impersonal “laws” of supply and demand. For us, the fundamental attributes of all commodities, but particularly of land and buildings, are the social contexts through which they are used and exchanged. Any given piece of real estate has both a use value and an exchange value. An apartment building, for example, provides a “home” for residents (use value) while at the same time generating rent for the owners (exchange value). Individuals and groups differ on which aspect (use or exchange value) is most critical to their own lives. For some, places represent residence or production site; for others, places represent a commodity for buying, selling, or renting to somebody else. The sharpest contrast (and the most important in this book) is between residents who use place to satisfy essential needs of life, and entrepreneurs, who strive for financial return, ordinarily achieved by intensifying the use to which their property is put.³

Their framework indicates that a community will divide over use and exchange value⁴ and that the place entrepreneur or developer will usually win. If Logan and Molotch are correct, the conflict over the Silver Spray land is best understood as a conflict between use and exchange value.⁵ And, on their analysis, a project such as Silver Spray would be expected to proceed. In the end, that is indeed what is expected in East Sooke.

I intend to argue that Logan and Molotch provide an adequate framework for understanding the roots of the conflict in East Sooke. Nevertheless, I will also show that this framework has to be adapted to take better account of the way environmentalism is invoked in the interests of both exchange and use value, as well as the way exchange and use values overlap. Moreover, I will also argue that other factors, especially institutional structures and the quirks of personality, can have a significant impact, as they did in East Sooke. Although Logan and Molotch provide us with a framework for analyzing the roots of land-use conflict, we still have to take account of the other aspects of politics, aspects which may well be decisive in a particular case.

In the Silver Spray case, the conflict was complicated by the use of environmentalism by all sides to protect their use of place. Logan and Molotch suggest that environmentalism is more effective than neighbourhood protectionism in protecting residents' use values.⁶ With this approach, opponents of developments can demand environmental impact studies for projects to illustrate the consequences of growth and to act as a stalling or halting mechanism. In East Sooke, this approach was unsuccessful. One of the reasons was that the developer invoked environmentalism as well, as a marketing tool for his proposal. Environmentalism cuts both ways: it can as well be a tool for the promotion of exchange value as for the promotion of use value.

In the Silver Spray case, use value and exchange value interests overlapped and were more complicated than Logan and Molotch allow. The use values of the Silver Spray property were critical to its marketability to potential investors, to politicians and supporters, and to future residents. Those opponents who were homeowners had a vested financial interest in the outcome of the proposal in terms of increased taxes (as a result of growth) and in terms of increased or decreased value of their homes. Logan and Molotch briefly described this inter-relatedness but not in enough detail to help us understand the Silver Spray situation; nor did they discuss the potential for utilizing the overlap of values, or common ground, to lessen the conflict. The failure to recognize this overlap led to greater conflict in East Sooke.

The conflict was exacerbated by the “accident of personalities” involved. The almost immediate polarization surrounding the issue combined with confrontational politics led to a high level of bitterness around the issue. The extremes to which both sides went to protect their vision of East Sooke is unparalleled in the Capital Regional District (CRD). Personal attacks, allegations, and innuendo were all evident in the past five years. Many defamation lawsuits were filed and a court-ordered election for the local community association was necessitated after a controversial change of executives. All of these events were a direct result of the Silver Spray conflict. Similar land-use issues with some of the same players have been seen in the CRD in the past decade, but there was not the same bitterness or such deleterious social effect on the community. It is difficult to explain the differences between the Silver Spray dispute and others without reference to accidents of personality.

As the Silver Spray case unfolded and the opponents began to lose ground in their fight to protect their use values, they focussed much time and effort on trying to get the decision-making for the project into realms that would benefit them. This included appeals to higher levels of government (the Capital Regional District and the Province of British Columbia) for an Environmental Assessment, a park declaration, and purchase, as well as many challenges to the process and to the decision-makers involved in the process. Interpreting this interaction between the opponents and a variety of authorities was an important object of this research. Urban Fortunes provides much insight into the interactions between the growth machine and government, but it does not provide the same degree of insight into the interactions between opponents to growth and the government. The Silver Spray case throws considerable light on the character of these interactions – especially on the way that they are shaped by institutional arrangements. This paper will examine these interactions to determine why they occurred and what the opponents hoped to achieve with their communications with government.

The unclear locus of decision for this land-use issue contributed to the difficulties. “Who decides” changed many times throughout the land-use process for Silver Spray. A governance nightmare in the newly created Juan de Fuca Electoral Area resulted in the CRD Board being unwillingly dragged into decision-making for Silver Spray applications and issues related to it. A bitter election for Local Area director, a CRD-ordered election for the Advisory Planning Commission, and conflict-of-interest allegations all resulted from the disagreement between supporters and opponents over “Who Decides” in East Sooke. This confusion, combined with the adversarial local government processes where only “Yes” or “No” are the answers to land-use applications, resulted in antagonists

repeatedly being pitted against each other as they attempted to show their level of support as the majority.

Despite the lack of focus on the role of environmentalism, overlapping use values, and the interactions between opponents of growth and government, Logan and Molotch provide an adequate framework for understanding the root of the conflict in this issue. And, despite the unpredictable variables of accidents of personality and the unclear locus of decision making which at times overshadowed the real story of Silver Spray, it was a conflict between those pursuing use and exchange value.

In addition to providing an analytical framework for examining this difference in values, Logan and Molotch also provide an explanation for why neighbourhoods may not be able to block threats from entrepreneurs to their community structure. An examination of the community of East Sooke using their definition of neighbourhoodness will show that East Sooke residents who did not want Silver Spray to proceed were unlikely to be successful in stopping it.

The Silver Spray story is worth examining given the intensity of the conflict. It also provides an opportunity to examine the interwovenness of local politics and governance with economic, legal, and social issues. It is prudent to examine such a case given the expansion by the development industry to the outskirts or fringes of many municipalities, the changing regulations regarding British Columbia's Agricultural Land Reserve, and the ebb and flow of environmentalism in both politics and the marketplace.

EAST SOOKE AND SILVER SPRAY

The community of East Sooke is located approximately 30 minutes west of Victoria, British Columbia (See Map 1). The area's geography is a major determinant of its identity. It is:

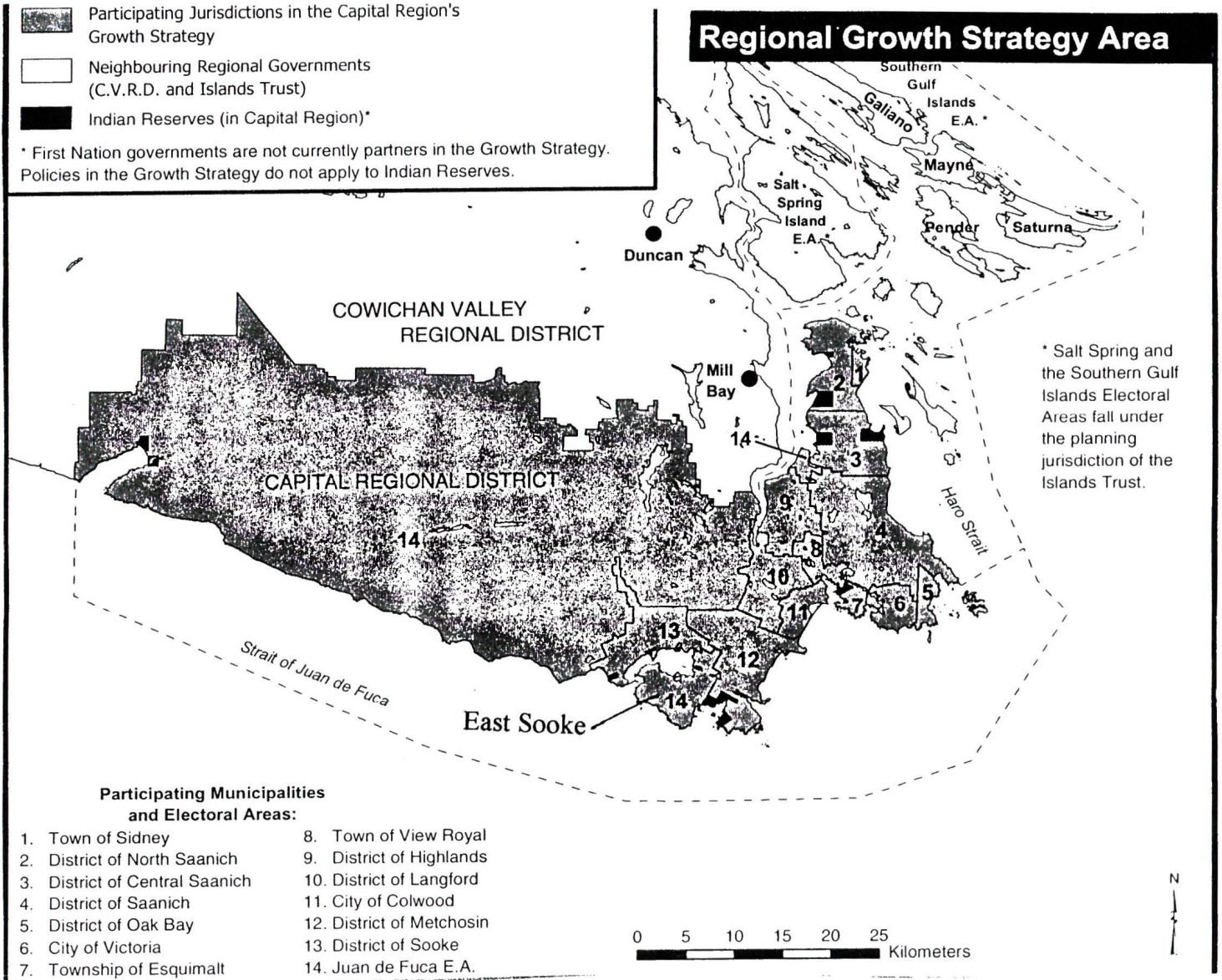
mainly a peninsula surrounded on three sides by water with a panhandle connecting the peninsula to the main part of the Capital Regional District. On two sides of the peninsula is Sooke Harbour/basin and on the third side the Strait of Juan de Fuca.⁷

The fourth side is bounded by Roche Cove Regional Park, Matheson Provincial Park, the Beecher Bay Reserve, and Metchosin, each having low density and little commercial development. East Sooke is composed of many small hills and rocky outcrops. A dense evergreen forest covers most of the area. There are numerous creeks, gullies, and streams here. "All along the rugged coast there are many small and larger coves and inlets which are constantly washed by ocean tides."⁸ Therefore, a limited supply of land is available that is relatively inexpensive to develop for housing or commercial uses.

The bulk of East Sooke is made up of the 1422 hectare (3512 acre) East Sooke Regional Park. The park includes over 50 kilometers (31 miles) of trails in a forested and coastal landscape. The CRD touts it as a "Wilderness Recreation park, (where) you'll experience solitude and harmony with nature in a park untouched by urban progress."⁹

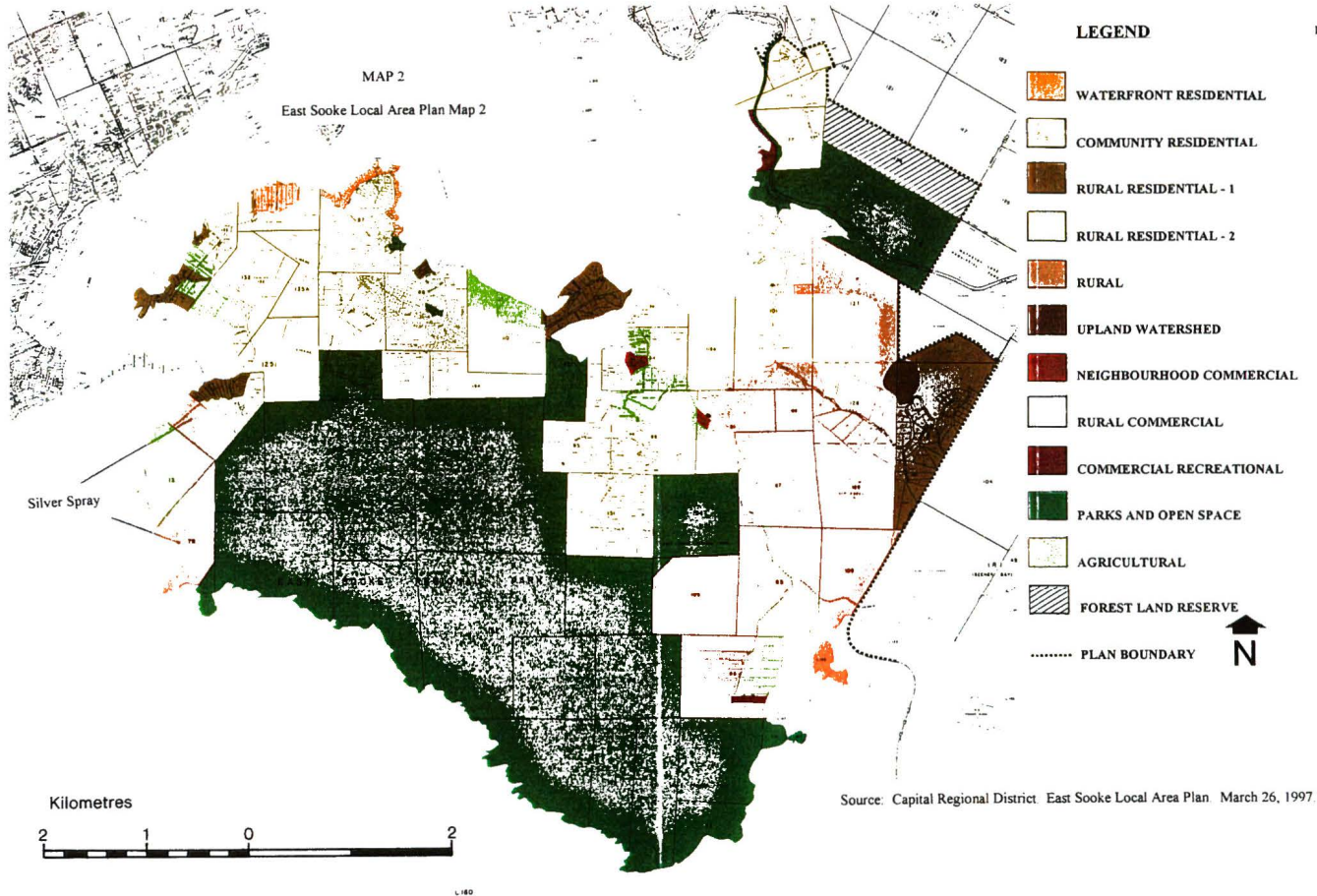
The CRD Planning department's last population estimate (1996) for East Sooke is "approximately 940"¹⁰ persons. Current unofficial estimates place it at 1300.¹¹ East Sooke has a great variation in allowable lot sizes from city subdivision density to large rural properties (See Map 2 and Table 1). Homes vary in size and value from very small

Source: Capital Regional District, *Foundations for Our Future*, March 2002, p. 5.



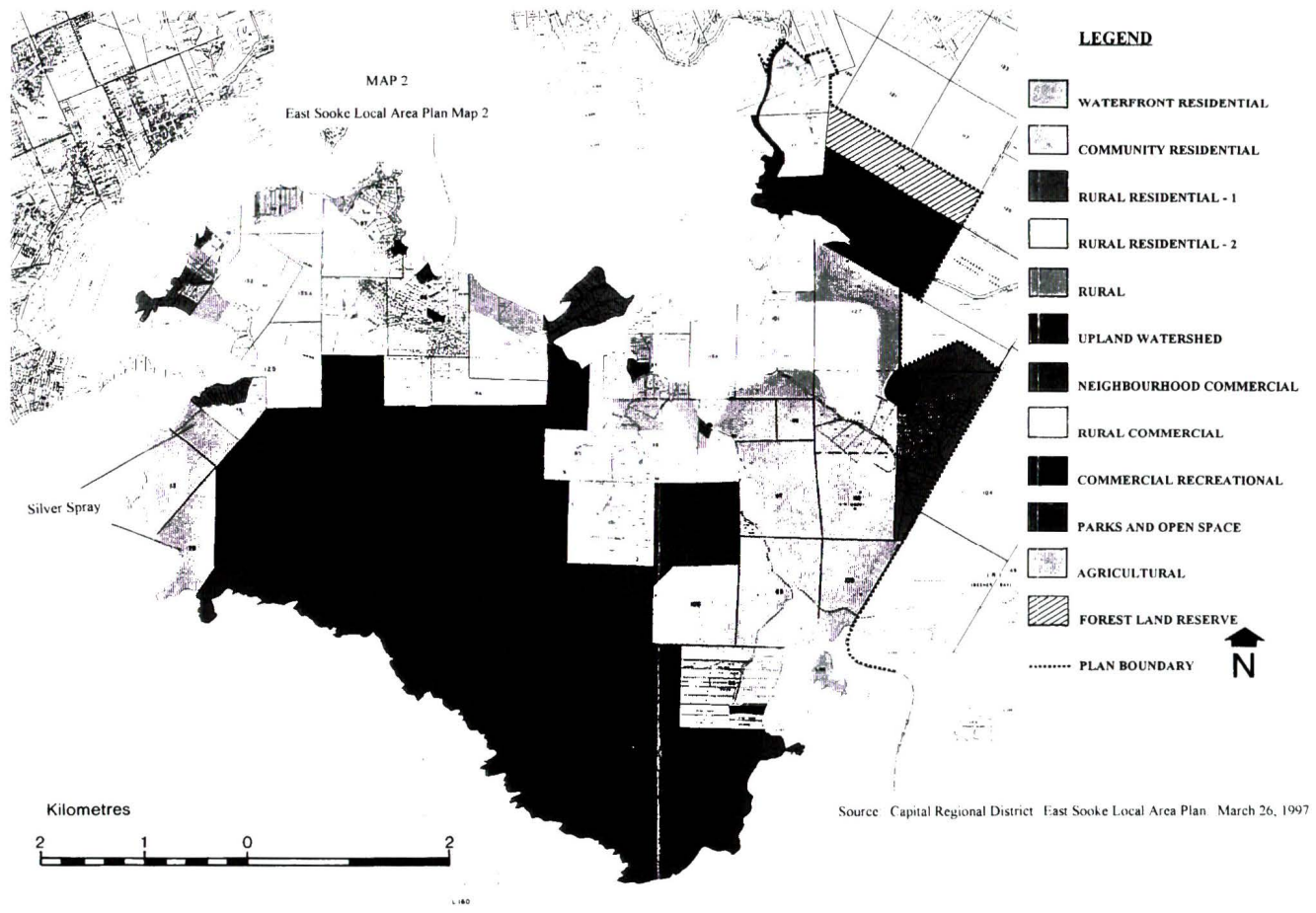
MAP 1

Source: Capital Regional District, East Sooke Local Area Plan, March 26, 1997, p. 10.



MAP 2

MAP 2



Source: Capital Regional District, East Sooke Local Area Plan, March 26, 1997, p. 10.

TABLE 1
Residential Densities

Category Name	Use	Minimum Service Level Required	Minimum Lot Size
<u>Rural residential</u>			
WR-1 Waterfront Res.	single family dwelling* ancillary uses	community water on-site sewage disposal	1300m ²
Comm.Res	single family dwelling* two family dwelling ancillary uses	community water on-site sewage disposal	4000m ²
RR-1 Rural Res.-1	single family dwelling* two family dwelling ancillary uses	community water on-site sewage disposal	8000m ²
RR-2 Rural Res.-2	single family dwelling* two family dwelling ancillary uses	well on-site sewage disposal	2 Ha.
<u>Rural</u>			
Rural	single family dwelling Policy 3.2.2.15 permits additional dwellings agriculture silviculture ancillary uses	well on-site sewage disposal	4 Ha.
RW Upland Watershed	single family dwelling silviculture ancillary uses	well on-site sewage disposal	4 Ha.
AG Agriculture	agriculture single family dwelling farm buildings intensive agriculture ancillary uses	well on-site sewage disposal	4 Ha.

Source: Capital Regional District, East Sooke Local Area Plan, March 26, 1997, p. 11.

and inexpensive to very large and expensive with no correlation between lot size and home size and value. Many residents live in areas with subdivision densities.

East Sooke is an unincorporated area governed under the Local Government Act as part of the Juan de Fuca Electoral Area (including the unincorporated areas of East Sooke, Shirley, Otter Point, Port Renfrew, and Willis Point, on the Saanich Peninsula). This local government structure is the remnant of a larger electoral area system in the CRD which had included up to seven elected Directors who met as the General Municipal Services Committee (GMSC) to discuss land-use issues. The convention was that the Director for the one area would make or not make recommendations to the CRD GMSC, which would be seconded and supported by another Director. The CRD board would then ratify those recommendations. Wayne Hunter, CRD Board Vice-Chair and Director (1996-present) “does not recall any signs of dissent” from East Sooke residents prior to the Silver Spray controversy. Murray Coell, former CRD Chair and Director (1987 until 1993) has “no recollection of any East Sooke politics at the CRD.”¹² The Local Area Plan and other decisions were presented to the CRD without controversy and passed after recommendation from the Area Director.

Most of the CRD’s electoral areas had incorporated by 1997. The number of Directors on the GMSC had decreased to only two, including Director Diane Bernard representing East Sooke, when the first Silver Spray application was presented to local government. With the incorporation of Sooke in 1999, the Juan de Fuca Electoral Area (the Electoral Area) had only 1 Director, a situation the Local Government Act did not allow¹³ for voting on land-use issues. The problem of governance would cause many

delays in the application process for Silver Spray supporters and opponents as well as political problems for the CRD Board.

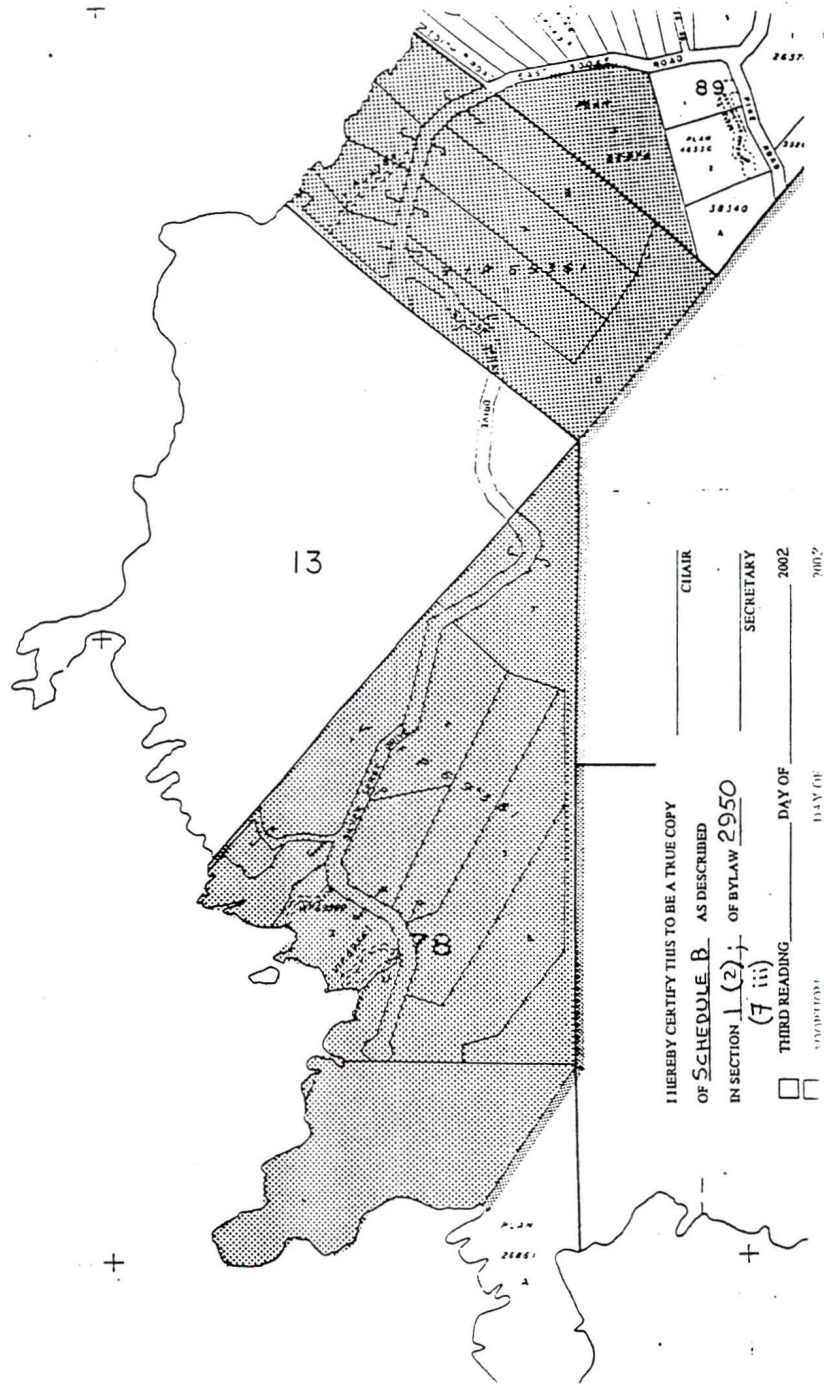
The Silver Spray story began in 1996 when a financial planner alerted Michael Thornton¹⁴ to the property. (For a detailed chronology see Appendix 1). At that time, the property had been for sale for five years. Thornton was a former entrepreneur (Health Food Store, Color Analysis, real estate investor) who incorporated Home Equity Land Development (HELD) in 1993.¹⁵ He and one other principal are currently Directors of the Company. He lived in Vancouver at the time of purchase but his wife is a fourth generation Vancouver Islander. HELD has a development project in Chilliwack and property in Belize.

HELD began to purchase the 274 acre Silver Spray property (see Map 3) adjacent to East Sooke Regional Park in 1996. The Silver Spray land, four parcels including 65 acres of ALR, was zoned for very little development and no commercial activity. HELD purchased three parcels and had an option on the ALR parcel. The original Silver Spray proposal, Plan A, included 274 high end homes, an eco-tourism lodge, a marina, and golf course, trails, pathways, and a ball park.

The developer also had a Plan B, the subdivision of the property into 13 to 17 10-acre parcels. Using a loophole in the Condominium Act, commonly called the "4 on 10," each lot could then be strataed with 4 dwellings per lot. Plan A required rezoning and an extensive public process. Plan B required no public process and would proceed unimpeded, but would result in less profit for HELD and fewer amenities for the community. Plan B could thus be used as a bargaining tool because it provided fewer amenities for the public than Plan A.

MAP 3

Silver Spray (Detailed)



Source: Capital Regional District, Bylaw 2950, p. 8, distributed January 10, 2002.

The first application submitted to local government, in April 1997, was for removal of land from the ALR. Residents immediately began to organize to either support or oppose the exclusion application and the proposal itself. The supporters welcomed Thornton and his proposed changes. The opponents did not want anything but protective status for the land or the 17 lots they thought the property should be limited to. They soon entered into discussions with other community activists and environmentalists in the region to plan a strategy. They called for an Environmental Impact Assessment (EIA) and the purchase, by the Government of BC, of the land for park. Neither happened. The Rural Association of East Sooke (RAES) formed to oppose the proposal and were supported by a variety of community and environmental organizations from the Greater Victoria area. The supporters of Silver Spray were actively endorsing the proposal but not under the auspices of a specific organization.

The divided community resorted to letters to the editor, lobbying of local, provincial, and federal governments, and personal attacks on each other. Community mailouts and ads in the local paper fired the debate. The ALR exclusion application was denied by then Electoral Area Director Bernard, her prerogative by convention (page 7) and did not proceed to the Agricultural Land Commission. Michael Thornton said he might proceed instead with Plan B.

The first of many legal challenges related to Silver Spray was the BC Supreme court injunction filed against Thornton on August 6, 1998, by Allan Crow, a neighbour and vocal opponent. He alleged that site preparation was harming his well and

foundation but the injunction was set aside after the two agreed to conditions for proceeding.

In September 1998, Thornton filed a defamation suit against 15 Silver Spray opponents. They called it a Strategic Legal Action Against Public Participation (SLAPP) suit. The Sierra Legal Defense Fund (SLDF) agreed to represent the 15 in the Thornton lawsuit. This would be followed over the next few weeks with more lawsuits or threats of lawsuits from the CRD and a former CRD director.

Also in September that year, the East Sooke Advisory Planning Commission¹⁶ (APC), against the Electoral Area Director Bernard's advice, recommended approval of Thornton's rezoning application for 88 homes, an eco-lodge, and marina (the original plan had been revised because of the denial of the ALR exclusion application). The application proceeded to the next level in the approval process, where an EIA, to be paid for by the developer, was requested by Director Bernard.

In November 1998, Director Bernard recommended refusal of Thornton's Plan A rezoning application, saying that Thornton was not willing to pay for an EIA (a claim that he denied). Still following convention, the CRD Board supported Bernard's recommendation for refusal. Thornton, the local newspaper editorials, and letters to the editor criticized Bernard's politics, called her a dictator, or implied a personal agenda against Thornton. The year ended with a "plaid shirt, big boot protest" by Silver Spray supporters outside the CRD building and an escalation of emotions and letters to the Sooke local paper.

The acrimony in the community was evident in letters to the editor in the newspapers. A private investigator began taping conversations with opponents about

Silver Spray. In April 1999, the East Sooke Community Association (ESCA) was resurrected after having a low profile for some time. The executive included vocal Silver Spray supporters. At the ESCA AGM on May 11, many opponents of Silver Spray signed up as members and introduced resolutions that supported the Local Area Plan, amendments to the strata bylaw, and an amalgamation study (all of which worked against the Silver Spray proposal). With their votes, the resolutions passed, the executive resigned, and a new executive was elected, including anti-Silver Spray people. The meeting was later challenged in court by the old executive (SLDF represented the new executive) and the court ordered another election be held. At this election, all of the candidates who opposed Silver Spray were defeated. Some of those elected to the executive were Silver Spray supporters.

For much of 1999, discussion focussed on a bylaw to close the “4 on 10” option, a move which would negatively affect Plan B for Silver Spray. The new “4 on 10” would limit large property owners to building one home on ten acres (up to eight homes per property). Properties under 40 acres could still use the 4 on 10. On August 10, 1999, one day before the new bylaw was to be finalized, Thornton received final subdivision approval from the provincial Approving Officer. Most of the Silver Spray property was subdivided into fifteen and ten acre lots. Nevertheless, the GMSC and CRD passed Bylaw 2708 including Silver Spray lands. Thornton filed a legal complaint with the CRD¹⁷ and requested that Silver Spray be removed as an affected property. (Two years later, a Bylaw to remove Silver Spray as an affected property was passed).

The legal battles continued in September, with Allan Crow filing a lawsuit against the East Sooke Fire Improvement District, claiming that two of the members had libeled

and slandered him. The trustees, like the 15 in Thornton's suit, said they were being SLAPPed.

The November 20, 1999, local election for Director was contested by the incumbent Bernard and Brian Henson, who had previously voiced his 100% support for Silver Spray.¹⁸ Henson defeated Bernard 883 (54%) to 752 (46%).¹⁹ Thornton filed a new rezoning application for the Silver Spray lands on December 3, 1999, before Henson was sworn in as Electoral Area director. Plan A (the third) included 127 homes, an 85 room lodge, golf course, and marina. Thornton hired Patrick Hrushowy (a former Bamberton supporter,²⁰ 1996 provincial Liberal candidate, and Brian Henson's campaign manager) to work for Silver Spray. Henson said an EIA would be unnecessary for the new Plan A. The opponents of Silver Spray raised the issue of conflict-of-interest against Henson at the CRD. They also challenged the Aug 10 subdivision approval for the Silver Spray property, asking for a judicial review of the decision.

In January 2000, the new rezoning application went to the Advisory Planning Commission (APC) and was rejected 3 to 2. Henson said he would disregard the votes of two of the APC members as they were defendants in the Thornton lawsuit, resulting in a 2 to 1 decision in favor of Silver Spray. The CRD, without Henson's prior knowledge, introduced a bylaw requiring an *election* for an APC to be held in the following month (APC members are chosen by applications and then appointed by local government in BC and are rarely, if ever, elected). A Silver Spray opponent asked for a commission to examine the Silver Spray issue and for a moratorium on land-use decisions in East Sooke (a request for a judicial review and investigation by the ombudsman were already in

progress). The opponent charged that Henson and his alternate were in conflict-of-interest because of their support for Silver Spray and past work with the company.

On January 26, 2000, the CRD board terminated the East Sooke APC. The new APC, elected on February 26, did not include any of the vocal opponents to Silver Spray who had run, but did include five “independent” candidates who were expected to endorse Silver Spray. On May 3, this APC unanimously recommended that the Silver Spray rezoning proposal proceed to the CRD.

CRD Director Pickup (Saanich) leveled conflict-of-interest allegations against Director Henson regarding Silver Spray. On May 24, the CRD Board dropped Silver Spray from its agenda, saying that it was too time consuming and not within some directors’ mandates. They said that, “... this has become a huge issue that seems to have no end to it with SLAPP suits and residents pitted against residents and is a volatile situation.”²¹ They appealed to the Ministry of Municipal Affairs to provide a solution to the governance problems in the electoral area and placed a moratorium on land-use issues in the Electoral Area. On June 14, 2000, the moratorium was lifted and the Silver Spray rezoning application was received, given First Reading, and was sent on to Public Hearing.

The application was tabled one month later when conflict-of-interest allegations were again presented against Director Henson. On July 12, the CRD lawyers reaffirmed their June 28 opinion that Henson was in a conflict-of-interest. The CRD Board passed a resolution stating that Henson could not participate in or influence any CRD decision-making regarding Silver Spray. An alternate Director was appointed by Henson. The Silver Spray rezoning bylaw did not proceed.

On August 9, 2000, the Silver Spray rezoning application was introduced yet again. The CRD Board had devised a committee system for land-use planning in the Electoral Area, but petitioned the provincial government for a cabinet regulation to modify the voting rules to define a set of Directors who would vote on land-use matters. An October 3, Order In Council designated 8 board members as decision makers for the Electoral Area, including a director from each of East Sooke, Sooke, Metchosin, Colwood, Saanich, Central Saanich, Highlands, and Langford.

Conflict-of-interest charges were soon leveled against Henson's alternate Director but were unsupported. The Silver Spray rezoning bylaws were given First Reading on October 11. An eight-and-a-half hour long Public Hearing was held on November 2, 2000. On November 22, the rezoning application failed to receive approval after a 4 to 4 vote (a tie is a defeated motion). Thornton filed another rezoning application (for up to 127 homes and 2 parks) on December 18.

In January, 2001, the APC unsuccessfully tried to have the CRD reconsider the recently defeated proposal, which they preferred to the latest one. Governance issues dominated the year with the provincial government hiring a consultant to examine the issue. The CRD continued to urge the government to provide another voting mechanism for the Electoral Area. In February, the Ministry of Municipal Affairs provided funds for a review of the governance options for the Electoral Area. Ben Marr, former Deputy Minister of both Environment and Forests and a former manager of the Greater Vancouver Region District, was hired to undertake the review.

From March until the end of April the community argued about the merits and legality of the local government holding a referendum regarding Silver Spray. On

August 8 2001, Mr. Marr presented his review to the CRD Board. He concluded there was a governance problem which was brought to a head by Silver Spray. He recommended that “a Comprehensive Study of selected options be undertaken under the direction of a single Steering Committee and Consultant to determine the pros and cons to each party of amalgamation options.”²² (By 2002, East Sooke residents were examining their options and preparing for possible referenda regarding amalgamation with Sooke or Metchosin.)

In October 2001, one of the fifteen defendants in the first Thornton defamation suit, Dr. Saul Arbess, apologized to Thornton in the press, saying that he had written untrue, disparaging allegations against Thornton. On November 29, Thornton resubmitted his application for an 85 suite lodge, 15 tourist cabins, restaurant, 127 single-family dwellings, nine-hole golf course, and 115 berth marina. On December 7, the provincial government repealed the previous Order in Council and replaced it with Order in Council 1048 which stated that voting on Electoral Area land-use issues would be by one director each from Juan de Fuca, Colwood, Langford, Metchosin, and Sooke, referred to as Land-use Committee A (LUC A). (When the decision for the previous application was made in November 2000, Directors from all of these areas except Metchosin had supported Silver Spray.)

On January 10, 2002, the LUC A recommended that the latest Silver Spray rezoning application, submitted in November, be given First and Second reading and proceed to Public Hearing. The application had not been reviewed by the APC as its members stated in letters to LUC A that they saw no need for a meeting as they had supported the same application in January 2001.

From January, 2002, until the final writing of this paper, some of the defendants in the alleged SLAPP suit filed by Thornton have been in court trying to have the case scheduled for November 2002 ruled improper.²³

On January 23, 2002, the CRD Board passed a motion requiring the Silver Spray application be sent back to the APC for consideration. The APC reviewed it on February 4 and returned their recommendation to proceed to LUC A on February 6. On February 23, LUC A, at the CRD Board table, moved that the application proceed to Public Hearing on March 6. This application was approved by LUC A with a four to one vote. The application received final reading on June 26th and will be a legal bylaw within 30 days, barring legal challenges.

The application for Plan A is a variation of Mr. Thornton's Plan A from 1997. (There is less property to develop because the ALR exclusion was not approved.) Plan B, the subdivision application for approximately 100 homes on the property is still an alternative. As even this skeletal account shows, the dispute over Silver Spray was complex and acrimonious. How then can we make sense of it analytically? For this we must turn to urban political theory.

EXCHANGE VERSUS USE VALUE

Why did the people involved in this issue act as they did? Which, if any, urban theory, best provides an explanation of the actions of those involved in promoting, supporting, and opposing this project?

Pluralist theory focuses on the measurement of power, by determining in case studies who participated in decision making. Pluralists examine specific issues and

formal political structures to determine who has power in a community and study issues that “have become issues” and are in the public realm. Elite theory challenges pluralist theory by focussing attention on the exercise of power behind the scenes, “power [that] can be measured according to reputation or position of pre-eminent individuals in the community.”²⁴ Elite theorists suggest that “urban areas are run by small groups of prominent notables who are interconnected politically, economically, and socially and who determine power behind the scenes.”²⁵ The notables are not necessarily visible and rarely hold public office, so that their decisional influence is difficult to track. Regime theory suggests that such influence depends on the construction of a governing coalition with the capacity to accomplish a “publicly significant result – a policy initiative or development”²⁶ on one issue after another. A regime is an informal and stable coalition of government and non-government actors, one that has the capacity to manage key disputes and move the community in a particular direction.

Our interest here is not in measuring the power of different actors or detecting the presence or absence of local elites. Nor is it really in the presence or absence of a regime (although the acrimony of the dispute in East Sooke was such that it suggests that any regime in place must have been quite ineffective in containing a conflict). Our interest, rather, is in the sources of the conflict in East Sooke and in the structures that determine who wins and who loses with respect to issues of this sort. For this purpose, “growth machine” theory is particularly helpful.

The concept of the growth machine is a variation of elite theory. Its focus is not limited to the formal structure of local government but includes an examination of what is going on behind the scenes, especially the power of the business community and the

activism of place entrepreneurs seeking to increase the exchange value of land. Molotch, in 1976, speculated that the “political and economic essence of virtually any given locality, in the present American context, is *growth*.”²⁷ The urban theory presented in Logan and Molotch’s Urban Fortunes: The Political Economy of Place expands on this idea. It focuses on growth as not one among other equally important issues in local politics but the key issue. In particular, their discussion of the contradictory goals of use and exchange value helps to explain the polarized debate between opponents and supporters of development proposals.

Logan and Molotch provide an empirical approach to land-use issues, using a conceptual argument supplemented by case studies to illustrate and inform their generalizations. They say that urban change is the result of land-use decisions. Their “basic hypothesis is that all capitalist places are the creations of activists who push hard to alter how markets function, how prices are set, and how lives are affected.”²⁸ In explaining their hypothesis, they provide examples of how the conflict between use and exchange value happens, who is involved, and how their actions figure into the analysis.

Logan and Molotch view local conflicts over growth as key to the organization of cities and urban areas. They state that “the earth below, the roof above, and the walls around make up a special sort of commodity: a place to be bought and sold, rented and leased, as well as used for making a life.”²⁹ Place is not only for carrying on life but for exchange in a market. “Any given piece of real estate has both a use value and an exchange value.”³⁰ Those who value land and buildings for its day-to-day use value compete with those who own land and buildings for potential financial or speculative

gain. Speculators attempting to change or densify use create great tension and conflict in a community.

Not only are use and exchange values often contradictory but the debate over them is not symmetrical. Those pursuing exchange value have advantages in organization and resources. Business people have networking capabilities, financial means, and political connections; local citizens trying to protect use values sometimes have few resources of any kind.

The conflict between use and exchange value actors is played out at the local level. It is here that place entrepreneurs try to intensify land-use and thus increase profits on their investment. Place entrepreneurs compete, but also unite to compete with other localities. The local site becomes the setting for the operations of the growth proponents whose ethic “pervades virtually all aspects of local life, including the political system, the agenda for economic development, and even cultural organizations ...”³¹ The growth ethic is seldom questioned publicly and is cloaked with references to the amenities and benefits of growth for local residents.

The setting for Urban Fortunes is the United States; Canadian case studies are rarely mentioned.³² However, the theory can be imported to British Columbia given that in BC as much as in the US, the majority of urban land-use decisions are made at the local government level. It is at that level that most land-use and zoning bylaws and urban planning occurs. In BC like the US, privately held land and/or place is treated as a commodity as well as a place for carrying out one’s life.

Cities are the main focus of Urban Fortunes, but the Silver Spray proposal is located on the urban fringe. However, Logan and Molotch recognize and include the urban fringe in their discussion:

All of our examples are meant to show that, whether among rich or poor neighborhoods, in the central city or urban fringe, neighborhood features are determined by the ways in which entrepreneurial pressures from outside intersect with internal material stakes and sentimental attachments.³³

Despite not being as populated as some of the examples they use, the urban fringe of Victoria is a suitable site for application of their urban theory.

The urban fringe, with its rural land, is particularly attractive to developers wishing to increase their profits by intensifying or densifying land-use. Urban land is usually more expensive than rural land and therefore has a comparatively smaller profit margin unless significant densification/intensification occurs. The slowdown in the condominium market due to the “leaky condo crisis” in BC has hampered efforts to obtain significant profits on urban land. As well, the stock of urban land for intense development is diminishing as projects are completed. While the concept of densification within existing urban areas is promoted by some, many urban residents do not want their neighbourhoods densified. This combination of factors makes the issue of development on the rural fringe particularly salient. Proposals similar to Silver Spray for the Greater Victoria urban fringe will likely be presented to residents of the Greater Victoria area again.

ENVIRONMENTALISM, OVERLAPPING INTERESTS, AND STRUCTURES OF GOVERNANCE

The conflict over Silver Spray illustrates the way “neighbourhood” features are determined by how entrepreneurial pressures from outside intersect with internal material stakes and sentimental attachments. East Sooke is a classic example of a neighbourhood changed by the efforts of a “place entrepreneur” interested in realizing increased exchange value of his newly acquired land. It is also an example of a neighbourhood where resistance to development has been motivated by a concern to preserve existing use values. And, it is an example of a neighbourhood in which the “growth machine” – or at least, the interests associated with the expansion of exchange value – have again (apparently) triumphed. Nonetheless, there have been aspects of the ongoing conflict over Silver Spray that are not so easily explained within the framework that Logan and Molotch provide.

The environmental marketing of the Silver Spray project immediately attracted the attention of the strong environmental community in the Greater Victoria area. Both supporters and opponents of the proposal called themselves environmentally sensitive and used environmental rhetoric to bolster their arguments for or against the project. Some of the media also framed the development issue as an environmental one. The debate was inflamed by this emphasis on environmentalism, an emphasis that led to a clash over the definition of environmentalism and the meaning of being green. The project’s specifics, ethics, and the values of individuals and the community at large were put under an environmental microscope by the supporters and opponents of Silver Spray. Each tried to denigrate the others’ environmental sensitivity and thereby the credibility of

their arguments. The use of environmentalism by all sides resulted in a bitter and personal clash over the definition of environmentalism.

Simplistic analysis might represent the debate as an environmentalist versus developer, growth versus no-growth, or jobs versus environment conflict. None of these analytical alternatives is entirely correct. The developer claimed to be an environmentalist, said that he wanted to help preserve the rural character of the community, and also said that the jobs that he was creating were consistent with a healthy environment. Many people disputed these claims, but others accepted them. Why? What lay behind the different versions of environmentalism that were voiced in the community? If Logan and Molotch are correct, interests in the use or exchange value of the land must be behind these differing visions. Unfortunately, they are too quick to associate environmentalism with use value, and so they miss the way that use-exchange value conflicts can be played out within a shared rhetoric of environmentalism.

Logan and Molotch also tend to minimize the extent to which exchange and use value interests overlap. Silver Spray was marketed as a scheme for maximizing the use value of the land in question and the neighbourhood more generally. Enhancements in exchange value were characterized as consequences of increased use value. On the other hand, opponents of the development were accused of protecting particular exchange values or particular use values at the expense of the more general interest in both. Whatever the truth of these claims, they illustrated the way that exchange and use values can be combined in peoples' imaginations. The two forms of value are connected in complicated ways, and there are different ways of reading the same sets of interests. As a

result, the pattern of political conflict is more complicated than Logan and Molotch seem to suggest.

In the Silver Spray case, the personal attacks, threats, reports of violence, and the legal and jurisdictional challenges of both process and people illustrate a level of emotion not explained in Urban Fortunes. Logan and Molotch suggest the inevitability of conflict over land-use but spend no time examining the degree of conflict possible in local government, the government closest to the people. While “local communities are both the site of people’s life gratifications and the only arena in which most citizens can take any meaningful action”³⁴ they can also be the site of more emotional interactions between residents than other levels of government. Political involvement at the local level is personal and immediate. In very small communities, like East Sooke, access to politicians and bureaucrats is easy. Opportunities for public input are part of the agenda at local government meetings. In comparison, politics at the provincial level are more removed from one’s neighbourhood, and politics at the national level even more so. At the higher levels of government, people have less access to politicians and bureaucrats than they do at the local level and they certainly cannot make presentations to the Legislature or Parliament. At the international level, it is likely that while one may have jetted to the other side of the world to make a presentation on an issue, it is also unlikely that the person’s neighbours knew about it. In East Sooke, those involved in the issue knew, and often kept track of the actions of the others.

The processes of local government are not detailed in Urban Fortunes. How exactly do residents participate in land-use processes? In Silver Spray, both sides tried to manipulate political processes for their means and in their favor. The time, energy, and

financial commitments of participants in government processes are also significant in this conflict. The impact of this degree of sustained commitment on the level of emotion in this land-use issue cannot be understated.

Logan and Molotch discuss the importance of governments, especially local, in the decision making process for land-use. They do not, however, delve into the complexities of different levels of authority (decision makers) in the land-use process. The Silver Spray case illustrates the interwovenness of levels of government in decision making. Different balances of force are also evident in this case. Not only are some decisions made at certain levels but some are reversed or overturned by other levels.

Logan and Molotch's analysis does not account for everything, but it provides a way of explaining the root of the divisiveness in East Sooke. It relates that divisiveness to different values for land-use. Logan and Molotch present an urban theory that explains the "struggles of actors, local and remote, trying to generate profits, rents, and use values."³⁵ Some people valued East Sooke as a site for daily use and enjoying life in their home and community. They were determined to have the status quo remain or only have slow change. Others valued land in the area as a commodity for utilization, an asset for financial gain. They wanted significant growth. The competition between these values was the main cause of the conflict in East Sooke. These irreconcilable values were then highlighted and exacerbated by the invoking of environmental rhetoric by both sides, the accident of personalities, and the confused decision making process.

This case study will show how entrenched the players became, and how they were led into a time consuming, protracted, and expensive process that had little benefit for the

community. A better understanding of the core issues might have helped the participants to deal with their differences more constructively.

In Chapter II, I will show in more detail how Logan and Molotch's analytical framework can be used to explain the actions of the developer, his supporters, and the project's opponents. In Chapter III, I will move outside that analytical framework in order to explain the other factors which contributed to making the Silver Spray dispute so protracted and bitter. In Chapter IV, I will bring these two aspects of the analysis together in order to develop a more comprehensive explanation. In the conclusion, I will consider whether political scientists and community activists can learn anything from Silver Spray that can be applied to similar proposals for the urban fringe in the future.

CHAPTER 2

USING LOGAN AND MOLOTCH'S ANALYTICAL MODEL

The analysis that Logan and Molotch develop in Urban Fortunes helps to explain the motives and actions of the players involved in protecting different visions of place. In this chapter, I want to apply their analysis to the Silver Spray case. The actions of the proponents and opponents of Silver Spray can be explained fairly readily in this way. Nevertheless, we need to understand in more detail the categories that Logan and Molotch use.

THE ANALYTICAL MODEL

The analytic model that Logan and Molotch offer turns on the distinction between the use value and the exchange value of place. Relying on that distinction, Logan and Molotch identify various kinds of entrepreneurs and explain how a “growth machine” tends to develop in most places.

Use Value of Place

Place is important because it is essential for all human activity. While humans may pursue activity elsewhere or on less land than in the space at issue, some place is still indispensable. People's attachment to place includes its “access to school, friends, work-place, and shops ... and connects people to a range of complementary persons, organizations, and physical resources.” These attachments can include “material, spiritual, and psychological connections to land and buildings.”³⁶ Membership in community and networks of sustenance for the daily round are dependent on one's place.

Logan and Molotch describe “fulfillment of all these needs, material and non-material”³⁷ as the *use value* of place for residents. It is difficult to replace one’s home and replicating one’s network of community relationships is virtually impossible. Each place is unique, determined by its natural and constructed features. The attributes of place are not easy to transport or replicate elsewhere, especially for the poor and the elderly.

A neighbourhood or community shares a collective interest as well as individual interests. These relate to the provision of public infrastructure and amenities (garbage, water, sewer, recreation, etc.) and the location of parks, highways, toxic sites, etc. The members of a community or neighbourhood are vulnerable to the same kinds of negative forces, including natural disasters (hurricanes and floods in Logan and Molotch’s examples) and man made disasters (pollution, environmental degradation).

Residents are “not only dependent on what goes on inside a neighbourhood (including compositional effects) but what goes on outside as well.”³⁸ Neighbourhoods are affected by their standing in comparison to other neighbourhoods which can impact the relative strength or weakness of a community’s well being. For example, a wealthy neighbourhood can muster its forces as a voting bloc to ensure that unwanted threats (sewer plants, factories) are not established in their boundaries. (Usually the facilities at issue will be located in a “lesser” place.) A neighbourhood can also use its voting bloc to ensure that desirable services and jobs (especially patronage and public service) are established within their boundaries. The use value of place is determined both by what the location has and what it does not have, as well as by its status in relation to other places.

The wealthy residents of a place are more likely to protect the use value of their place. They are more likely to be successful in campaigns against environmental degradation and the loss of exclusivity, because they often have political or business connections and more influence (donations to parties, campaigns, economic plans for areas) over decisions that protect or harm place. The zoning bylaws for some exclusive neighbourhoods demand large lots and large homes, keeping the poor out of such areas. However, should protection of use values fail, wealthy people (unlike the poor) can more easily move to another location if the special use value of their place is gone.

The mix of use values in each neighbourhood includes the residents' daily round, the informal support networks in the place, the "sense of physical and psychic security that comes with a familiar and dependable environment,"³⁹ and the neighbourhood's sense of identity (spatially and socially). These overlapping use values vary in strength in different neighbourhoods. "When a neighborhood is threatened by exchange value machinations, the precise makeup of this "neighborhoodness" will have a bearing on the ... ability of people to block it."⁴⁰ In other words, a community with a weak makeup of neighbourhoodness could have difficulty stopping a development proposal from proceeding.

In order to protect the benefits and maintain stability of their place in the face of development pressures, residents "organize, protest, use violence, and seek political regulation."⁴¹ Activity at the local political level, where many land-use decisions are made, is often the focus of these actions. Here, those protecting their use value try to influence or attain power for decision making.

Community organization to protect use values of “home” can occur at the small block level, in neighbourhoods, or in larger settings. Residents may pressure local politicians to enforce land-use bylaws or to refuse a developer-initiated change in land-use. Residents often clash with the exchange entrepreneur; hence, an urban conflict over the value of place arises. People may lobby governments individually or as members of community organizations. These organizations may change their focus over time, enter into coalitions with some segment of the entrepreneurial network or be co-opted by other entrepreneurs or politicians. Nevertheless, unless residents and organizations are “high enough in the hierarchies of power to resist growth,”⁴² their neighbourhoods will usually be changed to accommodate growth.

Exchange Value of Place

Exchange value is the value of something on the market. In the case of land, the market value is dependent on the rent that the property will generate. Logan and Molotch use the term rent broadly, as the “outright purchase expenditures as well as payments that home buyers or tenants make to landlords, realtors, mortgage lenders, real estate lawyers, title companies, and so forth.”⁴³ Those wishing to pursue exchange value have a different relationship to place than those pursuing use value. The goal of place entrepreneurs is to make money from place rather than simply enjoy it as a resource in their daily lives.

Place is a finite commodity and cannot be produced given that it consists mainly of land. New land cannot be produced or created (with the rare exception of diking). The owners of land control it as a commodity. Logan and Molotch state that because of this monopoly of the product, the price and conditions of use are controlled by owners who spend much energy striving “to increase their rent by revamping the spatial

organization of the city.”⁴⁴ This can be accomplished through a variety of means including rezoning or increasing density (building up or out). Whatever the route taken to advance exchange value, the economic potential of place is changed through changed land-use, and the rent can be increased.

Crucial to the understanding of this rent is that it is not always driven by competition, as other commodities are, but often by expectations of a future price that is greater than the present one. (Thus, there is land speculation or place speculation.) Logan and Molotch say that entrepreneurs’ investment in place, unlike other commodities, is not economically driven by quality of product or the cunning of a firm’s marketing strategy. It is driven by “competitive bidding on a fixed resource,”⁴⁵ that is, speculation.

This form of capital, place, is parochial and dependent on attracting both local and non-local investment. For those pursuing exchange value, the need to attract investment from local and non-local investors is ongoing. Rentiers cannot operate alone. Land and buildings cannot be moved from place to place. Under the banner of “Growth is good for all,” locals may encourage investment from elsewhere or investors may encourage locals to support their proposals. For both opponents and supporters of growth, the making and unmaking of these coalitions is part of the “tension of the urban drama.”⁴⁶

Regulations and policies influence current and future property prices. Local government controls, zoning being the main tool, determine the use allowed on a piece of property. Federal and state (provincial in Canada) governments can also impact the price of property. When those jurisdictions provide infrastructure money, establish activities, or enter into urban renewal agreements, they influence the specialness of a place. For example, having a waterline or park nearby is usually considered a positive good in

relation to house price while having a sewage plant or juvenile detention centre nearby would be considered a negative impact. “Government activity thus distributes and redistributes rent among owners;”⁴⁷ increasing value from place is usually dependent on government decisions.

As the entrepreneurs pursue exchange value, use value interests are often overwhelmed. The place (property) owners can utilize their property as they choose within the law or attempt to change the laws that govern land-use. With their greater resources and networks, along with ownership of property and its protection under law, owners are at an advantage in pursuing their value of place. Residents, especially renters and people with a lower income, the ones most likely to pursue and need to protect use value, are at a distinct disadvantage.

Use value does, however, play a role in the exchange value of place. Any place’s location in relation to where people want to live or where production activities are or will be affects its price. If people want to live in a place because of its special use values (cultural, friendly, convenient, proximate to work or parkland), it can demand higher prices than another place. Location is a prime determinant of both exchange and use value of place. The price of place is not necessarily dependent on the physical attributes of the land but on this access to locational benefits.

Entrepreneurs

Logan and Molotch identify three types of contemporary place entrepreneurs. The first, serendipitous entrepreneurs, become rent collectors as a result of serendipitous circumstances. They may have inherited property or owned farmland or residential property which, through no effort on their part, becomes valuable for more intensive

development. In each case, the rent collector is passive in the process of increased exchange value; he or she was lucky.

The second, active entrepreneurs, anticipate and seek out the right place for land speculation. They put themselves in the path of development, using local networks to keep informed regarding potential land-use changes. Examples would include owners of city lots (buildings) who buy or hold property in hope of obtaining profit when a block is expected to be redeveloped. They are in the business of buying and selling land. “The more sophisticated among them may also use principles of human ecology or urban economics in their efforts to discern future growth patterns.”⁴⁸

The most sophisticated entrepreneur is the structural speculator who intervenes in the future of a location. “These entrepreneurs speculate on their ability to change the relationships of a given place to other places – that is, they attempt to determine the patterns through which others will seek use values from place.”⁴⁹ They may attempt to influence the location of a government site or a transportation network (highway, rapid transit). They may lobby government to obtain subsidies for their property (infrastructure grants), or for zoning policies benefiting their land. They are most able to move their operations, unlike the serendipitous speculator who is tied to a parochial place.

All homeowners (or their estates) become entrepreneurs when they sell their home (or die). At this point, their interest in place is for its exchange value. “Their houses are the basis of a lifetime wealth strategy.”⁵⁰ As with other places, the exchange value of their homes is enhanced by its use value in terms of specialness and status

Growth Machine

Place entrepreneurs often work in concertation with others to change place. The “apparatus of interlocking pro-growth associations and governmental units makes up what Molotch (1976) calls the growth machine.”⁵¹ The growth machine associates agree that growth is good and that free markets should determine land-use unencumbered by land-use regulations. Growth is portrayed as the vehicle which promotes the public good by providing jobs, an expanded tax base, and funds for services (recreation, infrastructure, etc.). The growth machine(s) works within the city and between cities competing for projects/development.

The members of a growth machine include businesses that profit directly from growth: developers, financiers, construction, professions such as architecture and planning, and real estate companies. Also part of the growth machine are businesses that are place-bound and benefit indirectly from growth, such as the media and utilities. They are not concerned with where growth occurs, only that it occurs. Finally, those agencies and interests with local ties, including universities, cultural and sports organizations, unions, small retailers, and the self employed often promote growth.

Government plays an important role in the growth machine’s pursuit of exchange value. Politicians are “encouraged’ to accept growth, given the benefits supposedly accrued for the public good. Small time developers may be competing with each other for infrastructure funding or they may organize to prevent another neighbourhood or city from obtaining the coveted state (provincially) or federally funded highway or waterline. The applicable decision-making level of government is manipulated by entrepreneurs to affect the outcomes of decisions regarding the use of place.

At the local level, the growth machine can promote its agenda as being good for the citizens of a locale and thereby disguise its self-interest in pursuing exchange value. It can use the local unit as a focus for a civic campaign for jobs, tax revenues, and amenities. Through zoning, permitted uses, and planning documents local government plays a major role in providing the policies and processes for the implementation of growth. The resources of the local government staff can be used for planning projects as part of the land-use change process. Land-use policies, especially zoning, can be changed to increase exchange value, benefiting the growth machine. These local government policies and bylaws are established to give legal and regulatory authority to decisions regarding land-use change. They most often benefit those pursuing exchange values.

There may be times when the elite choose to remain behind the scenes, “relying on informal mechanisms for influencing others,”⁵² a face of power that is not always obvious. Businesses whose contributions in election campaigns favor their supporters may not want to be identified. They can influence their elected candidate (the politician) by reminding of favors given or that may be reproduced in another campaign.

Those protecting use values, if they have not elected a slow or no-growth local government, may be forced to lobby higher levels of government to stop development and its subsequent threat to use values. They may have to lobby for enactment of policies such as environmental protection to achieve their goals. These policies from higher levels of government may supersede/override the local government’s policies. The opposite may be true when a higher level government enacts policies over which lower levels of government have no control or veto power (freeway planning, federal

telecommunications). Pursuers of both use and exchange value will appeal to the level of government most likely to provide a decision benefiting their goal:

rentiers who have control over local government tend to favor home rule when it comes to land-use zoning; environmentalists who think they have a better chance of achieving their goals on a higher tier may strive to enact state standards that preempt local decision making.⁵³

Those pursuing exchange value, however, have the greater networking, financial, and political connections, along with a local government process with procedures in place to enable development, to ensure their greater success.

Sometimes, according to Logan and Molotch, the claims made about the benefits of growth are true. They say that this may be the case in declining cities or growing cities but that “for many times and places, growth is at best a mixed blessing and the growth machines claims are merely legitimating ideology, not accurate descriptions of reality.”⁵⁴ They also said that sometimes the changes resulting from the reorganization of urban space

can represent a use value gain; despite initial hardships from adjustment to even forced moves ... and some commercial manipulations contribute to use values; residents may come to value their new grocery store on the corner or the new factory down the road.⁵⁵

Even so, residents have no control over these changes; they are instigated by place entrepreneurs. There may then be some in a community who support the exchange entrepreneur in order to improve or gain use values they desire for their place, values which may be lacking.

APPLICATION OF THIS MODEL TO SILVER SPRAY

The Silver Spray Place Entrepreneur

Let us see how this analytical model works in the Silver Spray case. We have to identify the place entrepreneur and trace the entrepreneur's activities. We have to see whether the entrepreneur succeeded in developing a growth coalition. We also have to see whether an anti- or slow-growth coalition was formed in response, and on what basis. Was there a dispute along the lines that Logan and Molotch would have expected: i.e., between seekers of exchange value and protectors of use value? If so, was the dispute cloaked in language that brought out what was at stake or instead language that obscured what was really at issue?

The Silver Spray development was an attempt by a developer or place entrepreneur, Michael Thornton, to increase the exchange value of his rural property for himself and the investors in his company, HELD, headquartered in Vancouver. "The directors of Home Equity Development Inc. specialize in managing investor funds within profit-sharing partnerships."⁵⁶ They encourage others to invest with them and use their pooled purchasing power to profit from "the purchase of land parcels that are rezoned and sub-divided for residential lots – then sold at substantial gain."⁵⁷ A review of the actions of Thornton and his supporters will show that their actions, and especially those of Thornton, often mirror the description of the growth machine provided by Logan and Molotch.

HELD recognized what Logan and Molotch repeat throughout Urban Fortunes, that land is finite and cannot be reproduced. In their pamphlet, 27 Ways to Profit From the Coming Land Squeeze, which was advertised in the mid 1990's, Mark Twain is

quoted, “Buy land – they’re not making it any more.”⁵⁸ Logan and Molotch also stress the fact that land is indispensable to humans as a basis for their neighbourhood and is a commodity in limited supply. HELD promotional literature, signed by Thornton, describes land in the same way:

It makes financial sense to own or control affordable property that is strategically well located, *increasingly desirable, and limited in supply.*⁵⁹

As both *increasing demand and shrinking supply* continue to put pressure on land values ...⁶⁰

But what if you knew of a required commodity (land) that would be scarce in the not too distant future, that no one could provide a substitute for, import, or manufacture?⁶¹

It (land) is *irreplaceable.*⁶²

He appeals to his readers to invest in land to make a profit given that people need land to carry out their daily lives and that residential land is becoming a scarce commodity. He is cognizant of the fact that land has value for both use and exchange value and that a wise speculator can benefit from this situation.

27 Ways includes many tips for choosing land to maximize increased exchange value. #1 “Buy land that is suitable for future single family home sites.”⁶³ When the inventory of land is almost built out, remaining property will increase significantly. #6 says, “Always study the ripple effect. As a growing population bids up prices, there is increased demand for more affordable residential lots in *surrounding areas*”⁶⁴ (Thornton’s italics).

Logan and Molotch explained how government matters in the growth machine’s pursuit of profit. A key role of local government is to increase growth. Local governments provide a variety of documents for the public (individual citizens or

developers) to consult when making land-use decisions. In British Columbia, these include regional growth plans, Official Community Plans, Local Area Plans, zoning maps, land-use bylaws, and building permits. Local government pays for the production of land-use documents and the process of land-use change. The developer pays application fees which may or may not cover these costs.

HELD recognized the key role of local government to increase growth and knew how land-use processes worked. They advised paying close attention to the local politics of an area in making land investments. Point # 7 says:

Take advantage of Advance Notice. Each municipality has an Official Community Plan which clearly designates “urban reserve areas” for future residential expansion. As the population grows, you already know that this land will become very profitable to developers ... We have also taken advantage of advance notice with respect to sewer routing, other transportation corridors, proposed zoning changes, a golf course, and additional planned developments.⁶⁵

HELD’s point #8, “look for piggy back purchases”⁶⁶ relates to keeping track of projects already in-stream. “We will let them finance and facilitate rezoning and infrastructure development, and be carried along for the upward ride of property values.”⁶⁷ Utilizing government resources to maximize profit is a strategy Logan and Molotch describe and HELD espouses.

Logan and Molotch describe how developers make profit from land by changing or increasing the density of a place to reap higher rents. 27 Ways, #10, says that to profit from land one should “take steps towards rezoning to add value ... As you take a property through each of them [4 readings], its value increases in the eyes of other buyers.”⁶⁸ Not only is rezoning recommended by HELD but the value of rezoning raw land in particular is favored in point # 11. “Earn dramatic profits from change of use ... The beauty of owning raw land is that you can work to change its use for maximum

profitability.”⁶⁹ The cost for rezoning raw land is less than that of construction development with its uncontrollable variables such as availability of tradespeople, strikes, weather, vandalism, etc. Point #24 discourages increasing densification in existing neighbourhoods because of these problems and the opposition that local residents may present. Instead, “we believe that the areas that will be easiest to densify will be those that are not yet developed. Large raw land owners are poised to profit the most.”⁷⁰ Thornton and HELD operated with many of the principles Logan and Molotch set out in Urban Fortunes. An entrepreneur, Thornton, on behalf of HELD, is bidding on a fixed resource assuming that the future price of the Silver Spray land will be greater in the future than at the time of purchase.

Michael Thornton can be classified as an “active” entrepreneur, one who seeks out the:

right place to be in the future. These entrepreneurs, who anticipate changing use values, speculate on the future of particular spots ... by putting themselves in the path of the development process.⁷¹

His business is the buying and selling of land, as a speculative venture. The 27 Ways brochure illustrates that HELD operates in this manner. They are not serendipitous entrepreneurs as they are not passive in the land-use process. Nor are they structural entrepreneurs as they lack the degree of institutional control or influence on a larger scale that these more cosmopolitan entrepreneurs have. They simply did not have the local political connections or organizational manipulation to determine locational advantages prior to purchasing the property. Thornton has been successful but his involvement in East Sooke is too short in duration to determine whether he will, in fact, later show the characteristics of a structural entrepreneur.

The HELD investors were not local or parochial place entrepreneurs. They were entrepreneurs from outside.

The stranger to fear may not be the man of different ethnicity on the street corner but a bank president or property management executive of irrelevant ethnicity far from view.⁷²

To some of the opponents, this was Michael Thornton, from Vancouver, representing HELD.

By 1996, when HELD began to acquire the Silver Spray Lands, the company became like other place entrepreneurs Logan and Molotch discuss. They were committed to a parochial commodity, with no opportunity for mobility. Their proposal could not be moved elsewhere as it was contingent on this particular piece of land and Mr. Thornton had no intention of taking the plan elsewhere.⁷³ A profit had to be made from densification of this place.

The overlapping of use and exchange value interests is illustrated in item #12 of HELD's brochure, which encourages the practice of pro-environmental planning:

Integrate as much *natural planning* as possible. Aside from an increased sense of pride, you can create more valuable homesites for which the environmentally conscious buyer will gladly pay a premium.⁷⁴

The next point, #13 says, "As long as *natural habitat is not threatened*, most Municipalities are biased strongly in favor of tasteful development, especially if it is attractive and affordable."⁷⁵ These points illustrate the importance of use value to enhance exchange value.

By the spring of 1997, HELD had "purchased three parcels and paid a non-refundable deposit for the fourth"⁷⁶ (in the Agricultural Land Reserve). The property met

their needs as described in 27 Ways. It was raw land that had the potential to be rezoned for higher density and, therefore, a high profit margin.

HELD soon produced a glossy four page brochure for potential investors and partners about Silver Spray. The first three pages extol the environmental characteristics of the property. This was environmental marketing on two levels. First, potential investors had to be convinced of the market for eco-tourism and high end recreational/permanent housing. The brochure described how this property had advantages over the Gulf Islands and Desolation Sound, other popular eco-tourism/rural recreation sites, because of its proximity to Victoria with its amenities, transportation links, and medical facilities, or, in Logan and Molotch's terms, its access to locational benefits. This is an example of place being marketed as having a competitive advantage over other similar places. Thornton implied that Silver Spray was preferable to other recreational/eco-tourism areas and a better investment opportunity.

Second, potential investors and partners had to be convinced that this property had the characteristics to fit that market. Some of the descriptors include:

- an extraordinary piece of land – a virtual diamond in the rough.
- it enjoys a gentle climate and wilderness benefit being surrounded by ocean and the largest park in the Capital Regional District.
- our back yard is East Sooke Regional Park,
- Silver Spray itself has another 3 kilometers of oceanfront, more than a dozen beaches, 3 major points, and world-class salmon and halibut fishing is immediately offshore. With 80 to 300 year old trees adding plenty of character, and a gorgeous tidal coast flooded by the crystal clear waters of the Strait of Juan de Fuca, it is a storybook environment for naturalists, hikers, boaters, scuba divers, photographers, recreational enthusiasts, and kayaking adventurers.⁷⁷

The Silver Spray property is close to existing facilities and amenities, yet far enough away from them and the urban environment to maintain its rural or natural setting. The land at Silver Spray was cheaper to purchase than urban, centrally-located land and,

therefore, had the potential for greater profit for investors. The growing market for eco-tourism and rural getaways added to the marketable specialness of this commodity.

East Sooke's rural, rugged setting cannot protect it from land-use conflicts. Logan and Molotch said, "Our assumption is that virtually all neighbourhoods are subject to potential threats from the rent intensification process."⁷⁸ In today's market, East Sooke and the Silver Spray property are vulnerable to land speculation. Thornton was unaware of recent similar development proposals, Bamberton and Tod Inlet, (Appendix 3) which had failed to proceed⁷⁹ after years of opposition. He did not heed the early advice of the CRD staff and Director "to host meetings in the community to introduce ourselves and share ideas."⁸⁰

For Thornton, a first step in ensuring the success of the proposal (initially 274 homes, lodge, marina, and 9 hole golf course plus accessory uses) was for exclusion of the Agricultural Land Reserve (ALR) property. The application had to be approved by the local Advisory Planning Commission before proceeding to the Agricultural Land Commission for consideration. Thornton said that the ALR land should be excluded because the land had been improperly studied for agricultural viability, it was not open for public use, and the current zoning allowed less desirable uses (i.e. clearcutting for farming, intensive farming, piggery). He also used a common tactic of place entrepreneurs to justify higher density uses; the tax revenues from developed land would be higher than agricultural taxes. The application would be discussed at public meetings from April 1997 until it was finally rejected, after much controversy, in November 1997.

In late summer 1997, a six page Silver Spray brochure was mailed by Thornton to area homes which alerted all East Sooke residents about what was being proposed for

their community. It explained how the proposal would not harm the environment but improve it.

Enchanting waterfalls and over a kilometer of creeks and wetlands will be designed to increase accommodation for many more song birds.

State of the art sewage treatment and wastewater recycling plant ... would far exceed environmental requirements and dramatically reduce water consumption ... This way 274 homes would have less of an environmental impact than one dozen homes on septic fields.

The marina is designed as an amenity ... (it) would discourage road traffic, eliminate the need for unsightly individual docks, and may thus allow a large part of the foreshore to be set aside as an underwater marine park.

Car use could be minimized in favor of non-polluting golf carts

... a golf course can be designed to IMPROVE wildlife habitat ... supporting a dramatic increase in the population of water fowl and songbirds.⁸¹

East Sooke people were told that not only would the environment be protected, but its environmental use to people and its intrinsic value to the ecosystem and wildlife would also be enhanced. The developer promised over 7 kilometers of new public trails and pathways, access to the resort, marina, and Emerald Beach. A wildlife rescue station was also promised.

Residents were reminded that the land was privately owned. If it was sold to someone else its use could become exclusive, but, if HELD's proposal was successful, there would be public access to the property.

Over the next few years it will be transformed, from a private fenced ranch owned by a single American family, into an enchanting recreational and residential oceanfront environment that can finally be shared.⁸²

If someone else acquired the land it could be "kept as a private ranching estate, purchased by an offshore group for an exclusive fishing club, logged, used for tree farming or intensive agriculture, or sold for some other purpose."⁸³ A reminder of the current zoning

allowing for subdivision into parcels each having up to four homes, a bed and breakfast, or home based businesses (Plan B) was included. The brochure emphasized the choice between a regular development or “a chance for something better.”⁸⁴ Silver Spray was promoted by Thornton as the best environmental option for the land and the best use scenario.

From the start, Thornton depicted his wife and himself as environmentally sensitive. He pointed out that he had contributed to WCWC and worked with Canada Earth Save, that his wife had worked in wildlife rescue,⁸⁵ that they were seafood-vegetarians, and that they donated to other causes. He wanted to persuade supporters and potential supporters that they were personally committed to environmental sensitivity. (Later, in August 2000, Thornton announced an annual \$1000 scholarship for a Sooke student “pursuing a future in eco-tourism, travel, or hospitality.”⁸⁶)

The supporters of Silver Spray thought Thornton was wonderful. “No other developer has offered so much for so little.”⁸⁷ Michael and Roxanne are “generous people.”⁸⁸ The project is “born of a vision.”⁸⁹ “One man (is) offering it all to us.”⁹⁰ At the Public hearing, he was often simply referred to as Michael. He was the person willing to invest in Silver Spray and bring amenities and infrastructure to those who wanted it. To them, he was not the stranger to fear.

As a juxtaposition, the environmental sensibilities of opponents to the project were criticized. Thornton repeatedly mentioned that Allan Crow, a vocal opponent of the project and executive member of RAES, hunted octopus for a living and lived in a log house. According to Thornton,

... a small but noisy group mounted an offensive, led by a next door neighbour who lives in an oceanfront dream home and crows loudly against anyone else

living much more eco-consciously next door. His log home with its old septic field is at the narrowest point of the entire Sooke Basin. His house is just as close to the park as the waterfront homes we propose. Proportionately far more trees have been removed from his land. He earns his income hunting octopus – gentle creatures as trusting and intelligent as an average house cat - along much of the foreshore we want to protect as an underwater marine park.⁹¹

He criticized others as well.

PW lives on half an acre and complains that lots twice as big are too small! And it appears that RB promotes farming, opposes it by his neighbour, doesn't help her or her animals when her barn collapses, and personally uses the farm credit as a tax dodge.⁹²

We're no closer to the park or the ocean than most of our opponents, and our sewage treatment will be far superior.⁹³

He compared the Silver Spray marina plans to having docks, floats, and boat ramps along the shoreline (as many residents do). He used the NIMBY label for opponents as well.

The point seemed to be to underscore the environmental insensitivity of opponents.

Silver Spray supporters called the opponents eco-terrorists, eco-freaks, isolationists, and CAVE (Citizens Against Virtually Everything). Letters-to-the-editor in the Mirror were often personal attacks. RAES members were called RAESists who should “trade in their “hypocrisy” green shirts for the “historical” brown shirts...,”⁹⁴ an affront to at least one World War II veteran in the group. One writer, in response to an article on the effects of the marina on cormorants, said that she loved people more than cormorants and that too much time had been spent on cormorant, eel grass, and fingerling needs. Neighbours were trying to destroy each others' credibility.

The adversaries continually criticized each other and the reports the other produced. For example, in mid-December 1999, the Times Colonist printed a half-page Counter Point spread, with both Michael Thornton and Pete Dixon (Sierra Club) writing articles. Thornton devoted 5 paragraphs to defending his proposal and 8 to attacking the

Sierra Club, a “big business dependent on public contributions to remain viable.”⁹⁵ Dixon defended his article of November 30 and continued to refute Thornton’s consultant’s report. And so it went, with reports or presentations being criticized by the other side, often with personal attacks included.

The Sierra Club was attacked for opposing the project on environmental grounds and procedural grounds.

Sierra doesn’t care about our community. Its goal is to raise hell and avoid solutions at all cost. Its fame and fortune depends on how much free press and cash donations it can get.⁹⁶

They had been criticized by Thornton earlier. He said:

Sierra has become a big business dependent upon your contributions to remain viable. It’s much easier to get people to part with their hard earned money if they’re outraged into action. So they are motivated to manufacture tall tales of environmental disregard when it’s politically expedient.⁹⁷

Then, referring to Sierra Legal Defense Fund providing legal assistance to the lawsuit defendants, he said, "Seeing an opportunity for press coverage, the Sierra Legal Defense Fund rushed to their rescue, proving to these people that they don’t need to be personally accountable."⁹⁸ He saw their defense of the May 11, 1999 ESCA executive as:

Shades of the Iran/Contra Affair! When Sierra solicits contributions misrepresented for environmental issues, do contributors realize that their money may actually be used to finance political subversion?⁹⁹

These comments illustrate the continued attempt to discredit environmental credibility. An organization with the reputation of the Sierra Club or the Sierra Legal Defense Fund would have some influence as credible sources of information for decision makers who are environmentally aware and so would be especially targeted.

Prior to the first Public Hearing, Thornton again ran a full page ad extolling the virtues of his project. He also mailed a “Neighbourhood Survey” brochure to the

community with a response section for the CRD saying “Yes, I support the rezoning of Silver Spray to provide water, fire protection, jobs, amenities, and a higher level of environmental protection for the community.”¹⁰⁰ Thornton and HELD had significant funds to promote their proposal with high quality glossy surveys and brochures, unlike the opposition.

The Silver Spray supporters did not always appreciate the involvement of “outside” environmental groups in the issue. Two prominent members of the community who supported Silver Spray said:

Let us remember that a very substantial number of speakers at these meeting do not live, or own property in East Sooke. They were brought in from Metchosin, Sooke, Saanich, Victoria, and presumably elsewhere. This is not their community! Mr. Crow and his supporters have gone to great lobbying efforts to gain comfort and encouragement for their personal agenda outside of the community because they could not find it here in sufficient numbers.¹⁰¹

... a very vocal and organized few who are organizing this farce, apparently abetted by some organizations who do not reside in East Sooke and do not speak for the majority of the community.¹⁰²

This line of thought about outside involvement did not hold true when it came to the Public Hearing in November 2000 when “the count,” or numbers speaking for or against the proposal was all important to the participants.

In a newsletter before the Public Hearing, HELD asked investors to offer support for their rezoning application. “It does not matter where you live, as opponents are soliciting letters and petition far and wide. ... Numerically, every supporter counters an opponent.”¹⁰³ Neither side made an effort to discredit their own supporters as outsiders.

The Growth Coalition

The growth machine includes local media who are portrayed as benefactors of growth. Increasing circulation or viewers (hence increased advertising revenue) leads to

increased profits. The media in Greater Victoria usually followed the route Logan and Molotch describe: “The editorial stance is usually reformist, invoking the common good (and technical planning expertise) as the rationale for the land-use decisions the owners favor.”¹⁰⁴ A November 2000 Times Colonist (TC) editorial was unequivocal: “Let’s Approve Silver Spray.”¹⁰⁵ Calling for rational land-use planning, it said that the CRD and the Province would be responsible for environmental safeguards and that “a rezoned Silver Spray will provide housing, some local jobs, and a badly needed piped-in water supply for some of the area,”¹⁰⁶ illustrating Logan and Molotch’s comments perfectly.

The newspaper coverage of Silver Spray was extensive. The TC printed over 100 articles (stories, editorials, and op ed pieces) regarding the issue. Editorials, stories, and letters from individuals supporting and opposing the proposal were published regularly in the Sooke News Mirror. Some years, very few weeks went by without Silver Spray coverage in the Mirror. The media did not question or raise the issue of the consequences or cost of growth. They act as the statesmen in the community as they have no interest in the distribution of growth, only that it happens.

The Mirror’s headlines focussed on who was doing what, especially regarding government process. For example:

Application made to remove Silver Spray from ALR.¹⁰⁷

Silver Spray talks swap.¹⁰⁸

Developer mails brochure to garner support for Silver Spray.¹⁰⁹

Silver Spray developer applies for subdivision.¹¹⁰

They rarely printed headlines related to environmental issues. These issues were discussed in many of the letters to the editor, however.

The TC began to cover Silver Spray in May 1997. Their headlines focussed on environmental issues for the first few years:

Residents fear East Sooke Wilderness to be bulldozed.¹¹¹

Land should stay for Farm use, Evans tells development critics.¹¹²

Silver Spray deserves to be a park.¹¹³

Act now to save cherished land.¹¹⁴

Too valued to lose.¹¹⁵

Silver Spray. A wise use of a unique area ... or a desecration of Beauty?¹¹⁶

Rural Beauty slides through Condo Act Loophole.¹¹⁷

Eco-review of Silver Spray a must, Bernard says.¹¹⁸

East Sooke development takes Environment into account.¹¹⁹

Marina proposal plagued by problems.¹²⁰

Silver Spray; Environmental tall tales financially expedient: Juvenile salmon will suffer most.¹²¹

Moving plan is not so eco-sensitive.¹²²

East Sooke Park being greatly diminished, perhaps destroyed.¹²³

These articles and op ed pieces discussed the environmental arguments of both the opponents and supporters of Silver Spray. Other TC headlines referred to the political process and actions of supporters and opponents.

By 1999, most of the headlines and coverage in both newspapers focussed on the divisiveness in the community and its political battles. Environmental discussion faded to the background as both sides attempted to manipulate local elections and political processes in their favor. The media coverage changed from framing the issue as

environmental and/or process oriented to an emphasis on the polarization, divisiveness, and anger in the community. The headlines were written to sensationalize the issue.

Building battle continues to rage.¹²⁴

Henson leads Bernard in regional director as violence flares up.¹²⁵

East Sooke no closer to peace.¹²⁶

Half truths on Silver Spray: East Sooke terror.¹²⁷

Developer slams further delays.¹²⁸

Silver Spray debate. Scare tactics will ultimately cause harm to East Sooke.¹²⁹

Show down at Silver Spray.¹³⁰

APC chair offers no apologies for being cozy with developer.¹³¹

Ousted ESCA president calls upon court to order new election of executive.¹³²

Bitterness continues at Bylaw 2708 Public Hearing.¹³³

Logan and Molotch said that:

The media tend to cover it (politics) as the dull round of meetings of water and sewer districts ... The media attitude serves to keep interesting issues away from the public and blunt widespread interest in local politics generally¹³⁴

On the one hand, this analysis does not work for Silver Spray. Sensational headlines and accompanying articles caught readers' attention and kept the Silver Spray issue in the public eye, so in that sense, Logan and Molotch's analysis seems incorrect; the Silver Spray issue was not portrayed as dull. On the other hand, this type of reporting does serve to keep the issue of growth off the agenda and more importantly, keeps the real purpose of politics also off the table. By late 2001, the headlines were boring, simply referring to the application's status. Throughout, the discussion of who gets what, when, and how is rarely mentioned.

The other Greater Victoria media followed the pattern of the newspapers, focussing on environmental, process, and polarization issues and quelling or avoiding in-depth discussion of growth. The Logan and Molotch analysis explains this avoidance.

To the growth machine:

use values of a majority are sacrificed for the exchange gains of the few. To question the wisdom of growth for any specific locality is to threaten a benefit transfer and the interests of those who gain from it.¹³⁵

The media evidence provides a picture of how observers in the community may have seen the Silver Spray issue, a bickering between environmentalists or no-growthers and a developer and his supporters, or, between luddites and progressive people, not a discussion about the pros and cons of growth.

Thornton enlisted the support of notables from established community and volunteer organizations. Those who supported the proposal aligned themselves with Thornton but did not appear to incorporate any organizations or “outside of the community” names to bolster their effort. They were cheerleaders for Silver Spray, sometimes showing up at meetings wearing Silver Spray t-shirts (“Silver Spray is here to stay - Eco tourism is the way”) or jackets, waving Yes signs, or chanting (“Fair play for Silver Spray”).

The late summer 1997 Silver Spray brochure included endorsements from two prominent locals or notables. A member of the East Sooke Governance Committee said, “This is the most environmentally responsible way to create hundreds of new jobs and permanent spin-off benefits for the entire community.”¹³⁶ Another, a Fire and Water Trustee, said that, “I have lived here for 25 years, I am in full support of such a first class development that would open up Silver Spray, attract the growing eco-tourism dollar,

create local employment and almost double our tax base.”¹³⁷ Supportive letters-to-the-editor, comments in media interviews, and presentations at meetings were often made by people who were in construction, other trades, and small businesses. The Logan and Molotch framework would categorize these people as part of the growth machine.

They assert that growth strengthens the local tax base, creates jobs, provides resources to solve existing social problems, meets the housing needs caused by natural population growth, and allows the market to serve public tastes in housing, neighbourhoods, and commercial development.¹³⁸

They united behind Thornton and his proposal espousing two of the pillars of growth, jobs and an increased tax base.

Logan and Molotch’s analysis includes comments regarding elections and the growth machine saying that “Campaign contributions are a useful tool for electing politicians sympathetic to development.”¹³⁹ “Almost always, the business interest side generates the largest war chest, often by ratios of two to one.”¹⁴⁰ This was true in East Sooke. In the 1999 campaign for Local Area Director, the winning pro-growth candidate Brian Henson’s declared campaign costs were \$14,074 and the defeated Diane Bernard’s were \$4,593. While Henson had corporate donations of \$1,950 and \$11,058 from individuals, all of Bernard’s came from individuals.¹⁴¹ There was no contribution from HELD or Thornton listed on Henson’s campaign disclosure form. Some of the companies who made donations to Henson were described by the opponents as Silver Spray contractors. More money was collected and spent, especially on advertising, by the pro-development candidate, who won.

The Opponents

Residents often refer to East Sooke as a rugged, rural, and small community, the qualities that many of its residents cherish. Their Local Area Plan states that:

This is a region of great beauty, with magnificent coastlines and marine environment, wild animals and bird habitats and wonderful examples of west coast forest. Central to the land mass is the superb public natural park. The park and the current use of the private lands impart to the area a special quality that makes East Sooke distinctive, and it is this quality that is a major resource of the region.¹⁴²

The sentiments expressed at many public meetings, in letters to the editor and politicians, and in newspaper articles also illustrate this attachment to place. Some of the opponents' descriptions of East Sooke include:

It is the most rugged, wild and beautiful portion of the Juan de Fuca Strait.¹⁴³

(If) you live in East Sooke because you value its natural qualities of beauty and serenity ... the unique qualities that make East Sooke such a special place to live.¹⁴⁴

We urge all East Sooke residents who share a sincere desire to preserve the natural beauty and rural ambiance of our community to attend.¹⁴⁵

... the ruggedly rural small community of East Sooke.¹⁴⁶

We believe that East Sooke is a uniquely special place ...¹⁴⁷

... nature unspoiled and relatively unchanged. (East Sooke Park).¹⁴⁸

... one of the most beautiful rural areas in the whole world.¹⁴⁹

Rural living is an ethic ... it is a culture based on low population and evolves from the natural character of an area.¹⁵⁰

... this still relatively pristine neighbourhood.¹⁵¹

... the quiet and lovely place that is East Sooke.¹⁵²

East Sooke's proximity to Victoria and its amenities allow residents to live in a rural area and still be within a half hour from shopping, services, and cultural activities. East Sooke has one small general store and some home based businesses. For some, this lack of services is part of the reason they live in East Sooke. Many appreciate and want to protect the rural nature of the area.

The East Sooke Local Area Plan ((LAP) was often referred to as a reason for not approving Silver Spray. Its objective is “to protect the area and its unique amenities for the benefit of the residents of East Sooke and to understand that land is a requirement to sustain life rather than simply a commodity.”¹⁵³ This comment echoes a sentiment of Logan and Molotch who said that the “neighbourhood is the meeting place of the two forces (exchange and use values) where each resident faces the challenge of making a life on a real estate commodity.”¹⁵⁴ The first reading of the LAP was in August 1996, before HELD began to acquire the Silver Spray property. The LAP received final reading on March 27, 1997, one month before the Silver Spray exclusion application was on the General Municipal Services Committee agenda. The writers and supporters of the LAP obviously knew that their community could be threatened by development. Many community activists incorrectly assumed that their LAP would protect the community and that their elected representative(s) would be bound to uphold it.

The Silver Spray lands abut East Sooke Park for most of its westerly border. The Silver Spray Ranch was actively farmed until 1963 and gradually returned to a more natural state. Hence, for years, the farm was thought by many to be a part of the East Sooke Park, a de facto park, not private property. “The ranch has become a park through osmosis.”¹⁵⁵ Both East Sooke Park and the Silver Spray Ranch are important components to some of East Sooke’s rural identity.

The first indication residents had of the Silver Spray proposal was notice of the exclusion application for removal of 65 acres from the Agricultural Land Reserve. The application angered people who objected to any loss of ALR land. The first hint of environmentalism used by opponents was in one of the first letters to the Mirror about

Silver Spray: "... even marginal agricultural land should be preserved, if only to protect the rural nature of the surrounding community."¹⁵⁶ Environmental protection is desired for the protection of their use values: "I wanted a rural lifestyle."¹⁵⁷

The opponents of Silver Spray began to meet with each other and representatives from local environmental organizations. They hoped that an organized effort would help stop the development. Initially, some community members were loath to include "environmentalism" as part of the argument against Silver Spray.¹⁵⁸ Two prominent members of the Greater Victoria environmental community, Derrick and Gwen Mallard were moving to East Sooke and opposed the development as well. They were recipients of federal, provincial, and local awards for their environmental work. More importantly, they had experience and the ear of many local politicians as well as provincial and federal ministers.

The Mallards' organization, Citizens' Action to Save the Environment Society (CASES, formerly Citizens' Association to Save the Environment, CASE), had cooperated with many other environmental and community organizations in the past over development issues similar to Silver Spray, including saving Tod Inlet from development by Fama Holdings and successfully opposing the Bamberton townsite development (see Appendix 3).

Mallard's previous experience in these issues, which were similar to Silver Spray, prompted him to encourage the opponents to use CASES as an umbrella organization for a residents' group opposing the development. He suggested that one of the opponents' first steps should be to ask for an Environmental Impact Assessment (EIA) of the Silver Spray property. If that suggested park potential for the property, then the next step would

be to gain local and regional support for park status. Then, the community, and federal, provincial, regional, and local governments could be approached for support in principle and for park acquisition funding.

Logan and Molotch discussed the use of EIA (Environmental Impact Report in their examples) requests as a means to protect use value. “The main virtue of the EIR for those trying to preserve use value is perhaps its capacity to delay projects, helping to buy time, to discourage investors, to mount political opposition.”¹⁵⁹ An EIA does tie up the developer in terms of time and money. (Thornton said he was willing to pay for an EIA if other developers in the Capital Regional District had to do the same.) If the opponents have the money, time, and skill required to understand and respond to the project, it can be useful to them. They can highlight potential problems with the development and ask for alternate approaches. Involvement in an EIA process also provides the participants with knowledge of and access to the myriad of agencies who oversee a project and thereby enhances their civic education.

In June, 1997, CASE and the Sierra Club appealed to then Minister of Environment, Cathy McGregor, and Premier Glen Clark to stop the project from proceeding until an EIA could be completed. At the same time, at the urging of Allan Crow and Chris Genovali (Western Canada Wilderness Committee - WCWC), Director Bernard asked the CRD to assess the property for park values (hoping for park purchase). The opponents were hoping that the regional and provincial governments would be able to stall or stop the project. Neither a Regional or Provincial EIA nor a Parks assessment happened. McGregor said that Silver Spray was a local issue and that the province was

not interested in park purchase (nor was the CRD). Mallard said that they had asked for too much too soon from a government which was perceived to be in financial trouble.

The opposition opted to form their own organization, the Rural Association of East Sooke (RAES). Despite some members' initial opposition to environmental concerns as the focus for opposing Silver Spray, RAES soon began to focus on the environmental impacts of Silver Spray and enlisted other environmental groups as allies. In August 1997, Lani Thompson wrote in the Mirror that the following supported the Silver Spray lands "... being added to East Sooke Park to protect the area's natural diversity."¹⁶⁰

Chair of the Victoria Natural History Society's Marine Group
 Michael Carson, Chair of Parks and Conservation Society
 Dr. Saul Arbess, Sea to Sea Greenbelt Society
 WCWC
 CASE
 Sierra Club
 David Suzuki Foundation
 Council of Canadians
 Save our Strait
 Dr. Richard Hebda
 Naturalist Joe Percival
 Society Conservation Biology

Comments from these groups/individuals were published in a one page ad in the Mirror on September 3, 1997. Thornton purchased 4 full pages of advertising in the month leading up to an expected decision regarding the ALR exclusion (another illustration of the asymmetrical access to funds favoring developers):

... Should we just go ahead and develop under current zoning, or work together to create an environmentally responsible, community enhancing, access providing, tax base increasing, carefully planned masterpiece?¹⁶¹

He promoted his environmental sensibility and the benefits of the project to the community.

The Catholic Sisters of St. Ann opposed Silver Spray. They own a large acreage in East Sooke and wished to have the Local Area Plan upheld and wild and rural areas preserved. Their designated spokesperson, Sister Beverly Mitchell, cited many environmental reasons for opposing the project. The Chair of the East Sooke Governance study, a Silver Spray supporter,¹⁶² took issue with the involvement of the Sisters in the Silver Spray issue, saying they did not represent the Catholic Church nor the Archdiocese of Victoria. He described an ad of theirs as:

the latest salvo in a protracted public campaign to oppose the support of Silver Spray by a majority of the community of East Sooke – a campaign involving the Sisters, RAES, and Sooke Regional Director Diane Bernard.¹⁶³

The involvement of the Sisters gave legitimacy to the opposition and angered the supporters of the project.

The opposition depicted the issue as regional. Throughout the debate, defining Silver Spray issue as regional, whether it was or not, allowed the opponents to pressure government agencies and officials beyond the Juan de Fuca Electoral Area. It also increased the likelihood of media coverage beyond the local paper. More importantly, it allowed for the inclusion of many well known environmental groups and people in the region who could add legitimacy to their position. These groups frequently referred to the Regional Growth Strategy as designating Silver Spray Rural/Rural Residential. However, until the CRD finalizes the Regional Growth Strategy, “any principals (sic) developed in the planning process do not apply to the (Silver Spray) rezoning application.”¹⁶⁴

The WCWC said the Silver Spray proposal would “destroy the dream of many Victoria area residents.”¹⁶⁵ They wrote to the CRD that “this issue, adjacent to the

CRD's beloved East Sooke Regional Wilderness Park and part of the Sea to Sea Green Blue Belt is an issue that affects all people in the CRD."¹⁶⁶ The Sisters of St. Ann insisted it was an "issue which concerns the whole Capital Region."¹⁶⁷ Guy Dauncey of Sustainable Communities Consultancy said that "the primary consideration must always be the long-term appropriateness of a proposal for the region's future ... I wish to add my voice in support of not approving this project ..."¹⁶⁸ Even students from Parklands High School in Sidney sent a letter to Monday Magazine asking for "complete protection of the Silver Spray Ranch lands."¹⁶⁹ The students had studied the proposal in class. Thornton had not been invited to speak to them.¹⁷⁰

In October 1997, at the inaugural RAES meeting, the Sea-to-Sea Greenbelt Society and WCWC gave presentations. Within the week, WCWC sent a plea to many community and environmental organizations in the CRD to oppose Silver Spray. They wanted as many groups as possible to sign on to a request asking Minister of the Environment, Cathy McGregor, for two things:

that, 1) the Ministry of environment deny approval of the proposed development and 2) ensure these lands are protected as an extension to East Sooke Park and a critical part of the completed Sea-to-Sea Greenbelt.¹⁷¹

The letter stressed the environmental importance of the property and Silver Spray's threat to the integrity of the Sea-to-Sea Greenbelt. The covering letter from WCWC stressed the urgency of the situation, claiming that the:

developer is actively blasting, logging, and road building in the forested 274 acre Silver Spray property adjacent to East Sooke park, effectively ripping the heart out of critical wildlife habitat in East Sooke ... stop the madness.¹⁷²

Attached to the appeal was a four page letter from Allan Crow, much of which included a discussion of the environmental features of the property. Many groups responded quickly to the appeal.

The environmental organizations and many residents who opposed Silver Spray said that the area should be included in the Sea to Sea Greenbelt, be part of the CRD Blues Spaces/Green Spaces strategy, and become part of East Sooke Park. Ecosystems, wildlife and marine habitat, and biological diversity were often mentioned in presentations by opponents at meetings. More specific concerns about the eel grass beds, kelp forests, salmon, dungeness crabs, and cormorant and eagle nesting sites were also raised. At one point, the developer was criticized for sowing non-native wildflower seeds on the site.

Opponents to the project believed that the status quo was threatened by the increased population Silver Spray would bring to East Sooke. They cited traffic concerns, increased crime, noise, loss of privacy and tranquility, devaluation of property, increased fire hazards, and, because of the projected increase in number of jobs and homes, 1200 to 1300 more people coming to East Sooke.¹⁷³ But, when those in a rural area with spectacular scenery, many large lots, some exclusive homes, little traffic, and “a peaceful and gentle life”¹⁷⁴ objected to increased growth, they subjected themselves to negative labeling and being called selfish, as happened in East Sooke. Examples of comments directed to opponents include:

The main opposition to a low density, environmentally responsible, carefully planned community enhancing access, providing tax base, increasing development seems to be “because I don’t want it here”... sound a lot like xenophobia.¹⁷⁵

... I must have stumbled onto a meeting of the Third Reich. Dictators are alive and well in East Sooke.¹⁷⁶

I wonder how many other readers have noticed that the acronym for the East Sooke Rural Association is actually ARSE spelled backwards?¹⁷⁷

This is fortress mentality ... small town mentality.¹⁷⁸

They are simply interested in keeping their little bit of paradise free from any more outsiders, at the expense of the overall good of the community. These folks are obviously graduated of your NIMBY 101 course, experts in manipulating the media and special interest groups.¹⁷⁹

RAES the drawbridge is their only growth strategy.¹⁸⁰

The real issues underlying growth, the effects on social and fiscal health and the environment, are quelled by this negative characterization. The opponents are deemed to be unconcerned with the collective good of the community, unlike the proponents of development who claim to be “aligned with the collective good ... with the interests of the community as a whole”¹⁸¹ (providing jobs, more tax revenues, amenities, and infrastructure).

Opponents were routinely depicted as no-growthers with drawbridge mentalities. In such a situation, it is more comfortable to focus on environmental values than neighbourhood protectionism. Environmental ideals are basically put on a high pedestal in the CRD. The positive results of CRD referenda on parks levies, the many successful efforts of The Land Conservancy, the Sea-to-Sea Greenbelt Society, and many others in the CRD illustrate the public support for environmental initiatives, especially parks. Environmentalism is also looked at as more of a collective good, for people, ecosystems, cormorants, and so on. A sense of caring more about “nature” than oneself is often the implied message. It has a more biocentric reputation but, as will be shown later, is usually anthropocentric.

As the environmental approach to protecting Silver Spray and therefore East Sooke played out, two approaches to environmentalism were seen. Logan and Molotch, in identifying wildlife habitats as threatened by development, described two approaches used in this type of debate:

Some residents seem to appreciate these habitats for their recreational and aesthetic values, integrating these assets into their leisure activities. A minority may even sense the profound need to maintain these habitats as precious biosphere resources.¹⁸²

Most wanted to protect the environment as one of the use values of their community. A few wanted to protect the environment simply for its intrinsic value with no thought to its use for humans.

The opponents of Silver Spray did not dwell on fears about the financial impact of the proposal on their property. Some expressed the sentiment that they had no financial stake in the outcome of the proposal. In letters describing themselves they said,

It is a well educated and articulate group of people (East Sooke residents) who have no personal or financial interest which motivates their person.¹⁸³

Are residents with no financial stake, who value and wish to protect their scenic natural heritage, wildlife habitats, rural lifestyles, Local Area Plans, Regional Growth Strategies, etc. and wish to avoid inevitable higher taxes associated with massive infrastructure costs needed by the developer to facilitate his schemes, a special interest group?¹⁸⁴

While they may have believed they had no financial interest in the outcome of the issue, this is not true. The fear of increased taxes is a financial interest. Those who own property and homes do have a vested interest in anything in the community which enhances or detracts from the specialness and status of their place. This illustrates the blurring of values. Although the use value of place may be uppermost in the opponents minds, "home ownership gives some residents exchange value interests along with use

value goals.”¹⁸⁵ And, as Logan and Molotch said, “Their houses are the basis of a lifetime wealth strategy.”¹⁸⁶ While it may not be their greatest, or even acknowledged concern, they do have a vested financial interest in the status of their community.

As the opponents tried to protect their use values, they often used the same tactic as the supporters of Silver Spray. They tried to discredit those protecting exchange value. Print material (mailouts and web material) said that “There exists in our community a pro-development lobby group which believes that virtually any and all development is good for East Sooke.”¹⁸⁷ They listed the names of who in the community were on various committees and said they were placed there by the pro-development lobby. An “East Sooke Trivia Test” repeated the allegations, including implied procedural improprieties on the part of a past director (which resulted in a defamation suit). The allegations were labeled a RAES Witch hunt.¹⁸⁸

The opponents of Silver Spray had copies of the booklet 27 Ways to Profit From the Coming Land Squeeze and quoted from it in an attempt to tarnish Thornton’s self-portrayal as an environmentally sensitive developer. They would also use it to depict him as simply a big city investor/developer using environmental planning as a marketing tool, destroying natural habitat, and using their community for land speculation.

Victory to the Developer

Both the supporters and the opponents of Silver Spray acted in ways which Logan and Molotch explain in their framework. The developer promoted his project and the opponents tried to have the status of the land changed. These could be seen as proactive approaches; each was pursuing something. When Director Bernard denied the ALR exclusion application in November 1997, the actors were all placed in a reactive stance.

The option Thornton was pursuing for his Plan A had to be changed to reflect this decision and, days later, his Preliminary Layout Approval for subdivision necessary for Plan B (approximately 100 homes), was approved. The opponents had thought 17 homes (pre-subdivision approval) as their worst case scenario and park dedication their best case scenario. Now their best case scenario was at least 100 buildings on the site. Thornton would continue to promote his proposal using environmental sensitivity, jobs, increased tax revenues, infrastructure, and amenities. The opponents would try to stop the project on environmental and procedural grounds.

For the next 4 ½ years, both sides would continue to react to a variety of events precipitated by unforeseen and unexpected actions of local government and their adversaries' actions. Thornton would submit 4 different rezoning applications to local government. The governance structure for land-use decisions would be changed 3 times. While all of this was unfolding, the opponents and supporters of Silver Spray became negative in their reactive stances, reverted to name calling, challenged government decisions, undertook legal actions, and engaged in ceaseless political actions to stall or halt proceedings.

Nevertheless, victory has gone to Thornton. Despite numerous setbacks, reversals of decision, and procedural complications, he was able to win in crucial elections. The ESCA, APC, and local elections were all in his favor. Silver Spray supporters were elected to community and local government positions. The provincial government changed voting regarding Silver Spray in his favor.

CHAPTER 3

OTHER FACTORS WHICH CONTRIBUTED TO THE DISPUTE

The story of what happened to reach the Silver Spray outcome cannot be fully explained within Logan and Molotch's framework. The authors' framework explains the actions of the developer, his supporters, and the project's opponents. The thesis that the root of the conflict in East Sooke was different values of place is supported using their analysis. However, their analysis is sometimes limited and at other times lacking in providing a framework that explains the factors which contributed to making the Silver Spray dispute so bitter and protracted. We must add to and sometimes move outside of Logan and Molotch's framework to explain the rest of the story.

Logan and Molotch provide a limited examination of the relationship between use and exchange value interests which was a critical variable in the dispute. The exchange value of Silver Spray was directly dependent on its use value to future users of the property. This exchange value was expected to be enhanced by the characteristics of the surrounding community, especially East Sooke Park. The Silver Spray opponents were trying to protect some of the same use values that Thornton needed to market his property. As well, the exchange value of many properties in East Sooke, including those owned by opponents, would, in all likelihood, be affected by the proposed development. The overlapping values of the participants must be more fully examined by us than they were by Logan and Molotch.

Logan and Molotch suggest that residents use environmentalism to protect use values but the potential for a developer using environmentalism to market a project is not

examined in Urban Fortunes. Although that book was published in 1987, the commodification of nature and natural experiences existed then and could have been mentioned. In East Sooke, the use of environmentalism by the opponents is complicated by the use of environmentalism by Michael Thornton. We need to explain how Thornton used environmentalism to market his proposal and undercut his opposition. We also need to examine how and why the opponents used environmentalism to oppose Silver Spray and protect their use values.

Logan and Molotch explain the role of government in promoting and enabling growth. While this role of government and its relationship to the Growth machine is thoroughly explored by them, they do not explore the relationship between residents and local government in enough detail to provide insight for the Silver Spray case. Nor do they discuss the problems surrounding the scale of decision making regarding land-use issues. The authority of other levels of government to make decisions which affect other decisions and decision-making bodies will be discussed more fully in this chapter.

We must move outside of Logan and Molotch's analysis to examine the degree of bitterness surrounding the Silver Spray proposal. The accident of personalities in East Sooke was an important variable in the unfolding of events which exacerbated the conflict. The personal, political, and legal actions taken by these personalities will be described to illustrate the high level of anger, anxiety, and distrust surrounding the Silver Spray dispute.

The confused decision making process also exacerbated the emotions in the issue. While the developer, the supporters and the opponents of Silver Spray engaged in behaviour and tactics that were confrontational, controversial, and emotionally charged,

their underlying reason was that a decision would be made about Silver Spray. It would proceed or it would not proceed when local government decision makers could only say “Yes” or “No” to the application. We will examine the complicated governance problems in the Electoral Area and the CRD Board’s aversion to making decisions related to East Sooke land-use issues, both of which prolonged the Silver Spray issue.

The focus on numbers of supporters and opponents will also be examined. As well, an examination of the many appeals to higher levels of government and the courts will further illustrate the bitterness and protraction of the Silver Spray conflict.

Environmentalism

As already mentioned, the opponents of Silver Spray quickly found that neighbourhood protectionism was challenged by those wanting to change the status quo. When taking the position of protecting the status quo, the opponents were labeled as NIMBYs and selfish. Logan and Molotch said that the new threats to life routines require a broader response than neighbourhood preservation movements. Environmentalism is their broader response. Urban Fortunes includes case studies where environmentalism was the tool used to stop development projects. However, not enough emphasis is given to the degree of emotional involvement in the land-use conflict when environmentalism is invoked. In East Sooke, the invoking of environmentalism created many problems for all involved.

Thornton incorporated environmental rhetoric in the Silver Spray debate when he framed his proposal as environmentally sensitive. He maintained that stance throughout the next five years, saying he was providing an opportunity for something else, a chance for something better than a regular development. For Thornton, being green included

calling the hotel an eco-lodge, providing public paths and parks, providing water for fire protection, building a marina instead of many docks, and planning this development instead of farming the land intensively or proceeding with Plan B. Being green also meant purchasing property that was ecologically significant. Being a green developer meant involvement in the new and growing eco-tourism market.

The proposal was dependent and would continue to be dependent on protecting the natural environment in order to sell the proposal to investors, supporters, political decision makers, and eventually to tourists and home purchasers. The exchange value of the property was dependent on its use value. This use value was not totally dependent on the property itself but on the proximity to East Sooke Park, the rural atmosphere of the surrounding area, and the Pacific Ocean with its vistas and sealife.

Throughout, environmentalism was also expected to undercut opposition to the proposal given that it is socially unacceptable to be uncaring of the environment. But, Thornton recognized that “The property’s asset is its liability.”¹⁸⁹ Some of the characteristics that make it special or desirable for developers to market for future residents are the same characteristics that current residents in the neighbourhood appreciate and want to protect.

The opponents of Silver Spray consistently and constantly raised the previously mentioned concerns about the impact of the proposal on the environment. The issue of impact on the integrity of the adjacent East Sooke Park was mentioned frequently. Increased population was depicted as a potential increase in the fire hazard in the area. Traffic affecting air quality and sewage from boats were other concerns. (Interestingly, the potential for pollution from the golf course was not a focus.)

The Silver Spray opponents were well versed in environmental language. Allan Crow's letter to community and environmental groups, "The Sensitivities and Ecological Importances of the East Sooke Silver Spray Ranch Lands" illustrated this. Other opponents' letters and presentations included references to pristine wilderness, natural beauty, ecological sensitivity, ecosystems, habitat (especially threats to), biodiversity, and air, noise and water (surface, ground, and marine) pollution. The opponents had the benefit of some highly educated people as allies and to inform their discussion. Among them were members of environmental organizations including WCWC, Sierra Club, and CASES. Individuals included a science professor, an historical researcher, a PHD in marine science, and a bio-medical research technologist; it was, as one of them said, "a well educated and articulate group."¹⁹⁰

The opponents used the same strategies used before in the region: letter-writing, lobbying politicians directly, media presentations, and organizing with environmental groups (attempts at coalition-building). But, their appeals to the Ministry of Environment and the CRD for park protection (addition to East Sooke Park, part of the Sea-to-Sea Greenbelt) failed.

The environmental approach recommended by Logan and Molotch may be successful in other situations but in East Sooke it was compromised by Thornton using environmentalism to promote his proposal. The environmental marketing of the project was a magnet for environmental opposition, especially in a community with high environmental sensibilities (as the LAP shows). Both sides argued about what environmental sensitivity was, especially regarding the Silver Spray lands. Each side

characterized themselves as environmentally sensitive and the other as not. A five-year-long exchange ensued about what being environmentally sensitive means.

There is no clear definition about what that term does mean, but it varies from a philosophy (ecosophy) that would see human population significantly reduced to enable other species to flourish to ones that see nature as something to be protected for human use. When the Silver Spray debate was framed as environmental, it became a series of personal attacks in an attempt to diminish the others' credibility, and, also, a series of competing analyses about the validity of opposing environmental claims. The opponents of Silver Spray began to attack the environmental plans and reports as well as the environmental integrity of the developer. The developer began to attack the environmental credibility of individual opponents and defend his environmental claims.

Environmentalism as Use Value

Chapter II explained how Thornton used environmentalism to market his proposal on all levels, and to protect and market use values for exchange value. The residents, while invoking environmentalism in an attempt to convince decision-makers not to support the proposal, were usually protecting their own use value (fulfillment of needs, material and non-material) of place. For example, there is no record of any organization, government, private company or NGO offering to purchase the property during the five years it was for sale. Opponents to Silver Spray did not anticipate its purchase by a developer.

When Silver Spray Ranch was advertised for \$3,250,000 and described as perfectly suited for a family estate or corporate retreat, we were not concerned. Any family wanting this property would obviously value it for its beauty and isolation. Any corporation wanting it for a retreat would obviously value it for the same reasons. Neither would destroy it or impinge on the rights of their neighbours.¹⁹¹

Clearly, the protection of the Silver Spray property was for its environmental values in terms of use value to the residents (and, as will be described later, the region) who valued a rural community with open, undeveloped spaces. The ranch (ALR) portion of the property, once optioned by HELD, has been for sale since 1999 and has not been purchased by any level of government for park nor does there appear to be any fundraising effort underway by the private or NGO sector. No mention has been made in this issue of protecting Silver Spray as a wilderness reserve or leaving East Sooke Park as an area only for wildlife. In fact, the Park has a history of resource extraction. The area has been mined on a small scale by non-natives and some of Silver Spray has been clear-cut¹⁹² and farmed. And, of course, native people populated and used these areas long before non-natives arrived. Neither East Sooke Park nor Silver Spray is a “pristine wilderness.”

Environmental protection was often the focus of the Silver Spray debate but the environment was being protected for the direct or indirect use humans. Some of their comments include:

There isn't a sports fisherman around who doesn't know where or what these places are. Giant box crabs, abalone, sea urchin, octopus, ling cod ... a large dungeness crab and shrimp fishery ...¹⁹³

The inclusion of Silver Spray into East Sooke Park could create a much needed family element, much like Aylard Farm and give every Greater Victoria and Capital Regional resident and our visitors easy access to some of our islands most spectacular waterfront.¹⁹⁴

If you are concerned that these values (natural qualities of beauty and serenity) may be damaged or destroyed due to the impact of development ...¹⁹⁵

This is the most critical decision to be made for East Sooke and one of the most important in terms of the livability of the entire Greater Victoria region.¹⁹⁶

How long can I sit back ... while the homes of the birds and the sea creatures we love to see, are forever destroyed, and the natural beauty of our home forever marred?¹⁹⁷

.... is important to protect that value (East Sooke Park) as an ecological and recreational gem to the whole region as well.¹⁹⁸

eco-tourism relies on keeping ecosystems and biodiversity intact.¹⁹⁹

... greatest concern for the protection of rural lifestyle and the natural environment.²⁰⁰

I moved here because I wanted a rural lifestyle. I felt secure with a 3500 acre wilderness park in front of me and ALR lands to the right.²⁰¹

(Silver Spray) will change the tranquility I value most ... my right to peace and tranquility.²⁰²

Others talked of the need to stop Silver Spray to protect wildlife viewing, keep hiking in East Sooke Park a natural experience, and protect the “beautiful farm.” These are all examples of protecting the environment for its use to the residents of East Sooke and the region. “Environmental movements are efforts to *preserve use values* at the expense, if need be, of rents and profits.”²⁰³ In East Sooke this was the case. With rare exceptions, environmentalism was an effort to preserve use values.

For those involved in the Silver Spray issue, there is a high level of environmental awareness, irrespective of the motive behind it. All agreed that Silver Spray was ecologically important. Silver Spray is a piece of property that is spectacular in terms of setting and topography with its rocky headlands facing the ocean. It is verdant with wildlife, especially birds. To again use the words of the developer:

... it is a storybook environment for naturalists, hikers, boaters, scuba divers, photographers, recreational enthusiasts, and kayaking adventures ... The area is home to plenty of birds, deer, sheep, peacock, horses, mink, seals, otters, sea lions, orca, and grey whales.²⁰⁴

The opponents of Silver Spray said basically the same thing. “Silver Spray’s foreshore habitat is the staging and nesting area for hundreds of species of migratory birds. Orcas, sea lions, seals and salmon also migrate through this area.”²⁰⁵ They describe the rock cliffs and diverse forest; “The forest is home to numerous cougar, Black Bear, Wolves, and Deer, many rare mammals and amphibians ...”²⁰⁶ There is no disagreement between them about the intrinsic qualities of the property. That is what both sides appreciate and want to use. The problem was that they disagreed, bitterly, about what to use it for, or who gets to use it.

Bitterness of the Conflict

The pursuit of use and exchange values in the Silver Spray issue was bitter. Logan and Molotch were correct, “the simultaneous push for both goals is inherently contradictory and a continuing source of tension, conflict ...”²⁰⁷ They did not, however, predict the degree of bitterness that could result from a conflict like Silver Spray. In this issue, the conflict was exacerbated by both sides engaging in environmental rhetoric, as already illustrated, and by the accident of personalities involved in a very small community.

Members of the East Sooke community had been active in local politics for years but not on the scale that would be seen after the Silver Spray proposal became public. For example, just prior to Silver Spray, when the Local Area Plan (LAP) was completed, there was some disagreement in the community about who should sit on the LAP committee and about how much emphasis should be given to controlling growth. None of this spilled over to the CRD table.

When residents first heard about the Silver Spray application, in December 1996, through the advertisement regarding the ALR exclusion, some reacted suspiciously. “One may speculate why this has been initiated now during the busy Christmas season?”²⁰⁸ They were already quoting 27 Ways. They quickly began negative descriptions of the developer, “the wrecking crew from Vancouver.”²⁰⁹ He was the out of town investor from Vancouver trying to wrest land out of the ALR to increase the residential potential of the surrounding lands and make a significant profit. He was “a stranger.”²¹⁰ As he began site preparation, he was described as “effectively ripping the heart out of critical wildlife habitat in East Sooke.”²¹¹ The attacks on him would continue and by January 1999, one opponent was depicting him as a “a total anomaly in terms of his personality... Like I like to call him the most congenial pathological liar on the planet ... He’s such a conman.”²¹² (This comment was transcribed from a telephone conversation taped by a private investigator, and later submitted to the CRD Board by Michael Thornton.) Thornton, as previously discussed, also depicted his opponents in negative terms. In one of his first mailouts to the community, in June 1997, he discussed “Our Violent Opposition.”²¹³ The issue was personalized from the outset.

The point here is not to attach blame regarding who “started it” or who was the worst offender but that “it” started very early and set the stage for the bitterness that followed and that could not be reigned in. The Mirror, after less than one year into the five year controversy declared that, “In the year that the battle for Silver Spray took place there was little indication of any type of sincere peace talks. Instead, insults and accusations were volleyed back and forth so often that they became bland.”²¹⁴ To date, the two sides and the developer have not met to discuss the proposal.

The issue became so emotional and adversarial that the courts were soon drawn in. The developer, opponents, and politicians each initiated legal actions against another. The appearance of what some have called SLAPP suits was a surprising turn of events. This American phenomena had rarely been seen in BC. The courts were also appealed to in an attempt to settle the alleged May 11, 1999 East Sooke Community Association takeover (page 15). The former president sought a court order for a special general meeting and a new election. The “takeover” situation was so controversial and bitter that Justice McKinnon ordered another election for its executive. The APC All-Candidates meeting was chaired by an appointed lawyer in an effort to control the people.

The CRD recognized the degree of animosity and bitterness surrounding the issue. At the June 28 2000, meeting when conflict-of-interest allegations against Henson were discussed, five security guards were present for crowd control. In 2002, when a vacancy occurred on the APC, the CRD decided not to fill the position to avoid yet another election in a very divided community.

The animosity between Michael Thornton and CRD Director Diane Bernard added to the acrimony in the community, as some siding with Bernard were offended by Thornton’s comments and some supporting him resented her. He said that early on she tried to bargain for 98 homes, no lodge, and no restaurant in his plans,²¹⁵ favoring the world class resort and restaurant directly across the water from Silver Spray, Sooke Harbour House.²¹⁶ Deertrails, a proposal for approximately 160 acres, near the Sooke Potholes, included a media village, resort, and dwellings. It had been on the public agenda for decades, already had its zoning, had been started in the 1980’s, was abandoned, and was resurrected. Bernard supported it in 1999, stating that it is a:

clean industry, takes advantage of natural setting, zoning has been in place for many years, and ... has been professionally handled and has come back with a solid compromise ... dealings with the owner have been open and up front.²¹⁷

The proposals were on the agenda at the same time. Thornton and Silver Spray supporters would often bring up the easy ride Deertrails received from Bernard and the public compared to Silver Spray.

Prior to the local government election in 1999, Bernard was subjected to a vitriolic, negative campaign in the press and in mail-outs. She was called a Dictator, a small-minded obstructionist, depicted in unflattering ways in cartoons, called a Red Queen imposing bylaws on her subjects, and was asked to resign from office. The Mirror editorials often criticized her. Thornton wrote an article calling her "Die and Burn Hard."²¹⁸ The worst example of the anti-Bernard campaign was the unauthored cartoon in the Mirror depicting her as a St. Bernard dog urinating on Silver Spray.²¹⁹

In the community, the ugliness of the conflict was close. The morning after the APC 2000 elections, some opponents of Silver Spray found for sale signs on their lawns. Derrick Mallard said that he was threatened more than once for opposing Silver Spray. People filed affidavits and statements against others. Files were kept on who in the community was on what committee(s) and how they voted or spoke at meetings. Meetings were videotaped by residents. As well, the many legal challenges added to the bitterness and unease in the community.

Who Decides

The issue of governance in the Electoral Area needed to be addressed once Sooke incorporated and came to a head when the CRD Board had to consider the controversial

land-use by-law concerning Silver Spray.²²⁰ As the various Silver Spray applications were processed or not processed, the authority for decision-making changed many times.

The question of who decides in local politics usually follows a process set out in the Local Government Act (formerly Municipal Act). For land-use issues such as rezoning, bylaws are passed when a majority of council votes in favor of an application and the subsequent subdivision process is completed under the Approving Officer. In the Silver Spray case, the locus of authority would change many times.

Logan and Molotch said that, “The degree of authority found in each level of a system is not static, but rather, as a part of the political process, varies according to the struggles amongst competing interests.”²²¹ They did not, however, explain how the authority varies and what prompts it out of stasis. The Silver Spray case illustrates how this can happen. For five years, politicians and bureaucrats in local, regional, and provincial governments would be lobbied about decision-making (usually in an effort to ensure a forum benefiting the particular lobbyist’s viewpoint regarding Silver Spray).

Because East Sooke is unincorporated, there is no municipal council to make land-use decisions for the area, as would be the case elsewhere in the CRD (except for the Islands Trust). Instead, there is just one elected official, a Director chosen to represent the Electoral Area at the CRD Board. When the first Silver Spray application, for ALR exclusion, was presented to local government, Bernard was the Electoral Area Director. She had the authority to appoint members to the Advisory Planning Commission and then to take their reports under advisement. Her decisions regarding land-use would normally be seconded by another Director at a General Municipal Services (GMSC) meeting (or vice versa) and then approved at the CRD. This gave her

an unusual degree of authority, but that authority was dependent on the support of the rest of the CRD Board. As a result, she was vulnerable to efforts to shift the locus of decision. She was also vulnerable to charges that she had too much personal power.

Having the Director make decisions for the Electoral Area was viewed positively by some and negatively by others, according to their positions on the issues at hand. While Bernard was Director, opponents of Silver Spray were happy, but Silver Spray supporters called her a dictator. Thornton said, "You really need a mayor and council. This system leaves too much power to one person."²²² Opinions changed when Diane Bernard lost the 1999 election to Brian Henson, a supporter of Silver Spray.

In the months leading up to the 1999 election, neither the CRD staff nor politicians nor citizens knew how the decisions regarding land-use in the electoral area would be made in the future. Prior to the 1999 incorporation of Sooke, which had been an Electoral Area, the two Electoral Area Directors representing Sooke and Langford, met as the General Municipal Services Committee to discuss CRD electoral area land-use issues. After Sooke's incorporation, the Juan de Fuca Electoral Area was established when the remainders of the former Sooke and Langford Electoral Areas were combined. The new Electoral Area was represented by one director. The Local Government Act specified that when there was only one Director, decisions regarding land-use would be voted on by the entire CRD Board.²²³ Whether the Board would defer to the Director or not was unclear but most people assumed the role of the Director would still be of some importance and influence.

The 1999 election was fought mainly on the issues of growth and development. The candidates' positions were well known in the community, especially as they related

to Silver Spray. Diane Bernard had refused every attempt by Michael Thornton to have his application proceed. Brian Henson had wholeheartedly supported the proposal in the past. He had also hand delivered Thornton's suit to Gloria Graham,²²⁴ a vocal opponent of Silver Spray. When Henson was elected Director (East Sooke results: Henson 306, Bernard 290, Electoral Area results: Henson 883, Bernard 752), Silver Spray supporters were happy and the opponents were not.²²⁵ All expected Henson to have some degree of influence on land-use decisions. No one expected that he would have none.

Henson's authority to make decisions regarding Silver Spray was challenged shortly after he was sworn into office in December. In January, 2000, after an APC 3-2 rejection of the new Silver Spray rezoning application, he chose to ignore the votes of two APC members who opposed Silver Spray, resulting in a 2-1 approval. The CRD, without his prior knowledge, introduced and passed bylaws to have a February 26th APC election in East Sooke. They wanted an elected APC (whom they would then appoint) in order to ensure a more democratic process for land-use issues in the electoral area. The old APC was terminated on January 26, 2001. On election day, 604 of the 700 eligible voters voted, "one of the highest voter turnout percentages seen for an election."²²⁶ But, *none* of the Silver Spray opponents who ran for the APC were elected. Some supporters were.

The regional (CRD) politicians had bypassed the local politician (Director) to change a non-political body into a political body. An advisory APC which had, by a majority, opposed Silver Spray, were replaced by an elected body, which supported the Silver Spray concept. The newly elected APC unanimously supported the latest rezoning proposal which now included an 85 suite hotel, 15 tourist cabins, restaurant and

accessory facilities, 127 single family dwellings, 9 hole golf course and facilities, and a 115 berth marina. As Appendix 2 shows, the role of the Director in decision making was reduced to one of 23 on the CRD Board.

The CRD Board did not want to be the decision makers for East Sooke. The Chair said that “directors don’t want to get involved in issues outside their jurisdiction ... they (the issues) should have due diligence.”²²⁷ Both Directors and residents complained that the Board were not elected by East Sooke residents, that they did not have the local knowledge of the issue, and that they had significant workloads representing their own electors (some were accumulating reams of materials from those lobbying them). This was not a non-decision choice where the CRD could confine “the scope of actual decision-making to safe issues ...”²²⁸ There was nothing they could do to keep themselves from being involved in this full-fledged issue which required a decision. They *decided not to decide* and appealed to the provincial government for a different voting structure for, and, placed a moratorium on, land-use issues in the electoral area.

The CRD Board soon lifted the moratorium after a legal opinion suggested they do so. During the next four months, they read, tabled, defeated reaffirmation of, and rescinded by-laws for the rezoning application. It was determined that Henson was in a conflict-of-interest regarding Silver Spray, and he was directed by the CRD Board not to participate in any decisions regarding the proposal. An alternate was appointed in his place. On August 9 2000, the Board gave First Reading to new bylaws for the applications (rezoning and Official Community Plan amendment) and referred them to a Land-use Committee A (LUC A), a committee that they had established to deal with East Sooke land-use matters. The final decision still rested with the Board. From the time

preceding the local election until only a few months later, authority for decision-making regarding Silver Spray had changed from Bernard as Director having total influence to Henson as Director having no influence and the CRD Board having all voting authority.

On October 3, 2000, provincial Order in Council 1347 directed that an 8 member committee be established to vote on land-use issues in the Electoral Area, relieving many of the 23 Board members from decision making. However, this still did not alleviate the governance problems in the electoral area. The same complaints that were voiced about the CRD Board voting on land-use issues were raised about LUC A. The Ministry of Municipal Affairs funded an East Sooke Governance Study because of these complaints and others:

Dissatisfaction with the existing governance or decision making process exemplified by this proposal exists well beyond the Board table including its ambit staff, planning commissions, and many community groups and associations.²²⁹

It was expected that having a reduced number of board members voting on East Sooke land-use issues and having them selected from the electoral area and municipalities abutting the electoral area would meet the concerns that had been expressed.

The Silver Spray issue remained at a stalemate despite changes to decision making. When this Land-use Committee voted on the Silver Spray rezoning application, after it had received first and second readings, and been to Public Hearing, they defeated it on a four to four vote.

This experience reinforced the concerns of many board members about the ability of the governance system to deal with electoral area land-use issues and it was noted that similar controversial issues will arise in the future. Discontent was also expressed by many agencies and community groups and only reluctantly accepted by others because the outcome on this occasion was in their opinion satisfactory.²³⁰

Thornton expressed his dissatisfaction by threatening to begin logging the site. He said “three outside the area, as a team, spiked it (the vote).”²³¹

The decision making for Silver Spray was not only complicated because of a changing locus of decision but also because of the different levels of decision making for different applications. Plan A could not proceed because of a defeat resulting from the tie vote (on November 22, 2000) of a provincially appointed committee of the CRD. Plan B could proceed because of positive decisions made by the regional and provincial decision makers. In August 1999, the provincial Approving Officer had given final approval to the Subdivision application for Plan B. On September 26, 2000, the CRD Board had passed a new “4 on 10” bylaw exempting the Silver Spray lands from an earlier bylaw (as explained on page 16) which had restricted Thornton’s subdivision opportunities and would have prohibited Plan B.

Thornton submitted other rezoning applications to the CRD as the Board continued to lobby the provincial government for a satisfactory governance structure. In December, 2001, the new Liberal government issued an Order in Council, 1048, which repealed 1347 and replaced the 8 member committee with a 5 member committee. Four of those five committee members had previously voted four to one in favor of Silver Spray proceeding. This committee has supported the Silver Spray rezoning application submitted on November 29, 2001 thus far.

Appendix 2 shows how the apparent locus of decision making moved from Director to CRD Board to Land-use Committee A (per 1347) to the differently constituted Land-use Committee A (per 1048) and back to the CRD Board (when the issue was removed from a CRD agenda because of a procedural error). It also shows that

the pivotal decision maker has been the provincial government. They produced the Orders in Council which determined who was entitled to vote. In the case of 1048, they made a substantive decision regarding Silver Spray by making a procedural decision. The provincial government, through its Approving Officer, also made the decision necessary for Plan B to proceed. The provincial government made these decisions at the request of the CRD for the Orders in Council and at the request of Thornton for the subdivision application. These were not unilateral decisions; the higher provincial government did not interfere in local government on its own initiative. Nevertheless, the latest decisions benefited Thornton.

For the Silver Spray actors, this ever changing locus of decision making meant that the target for their lobbying efforts was ever changing. And, the further up the level of decision maker, the more difficult it was to make direct contact and present an argument. For example, Bernard and Henson (when he could participate) were much more accessible than CRD Directors or the members of cabinet who produced the Orders in Council.

Numbers

The changing locus of decision-making also meant that the Silver Spray rezoning process was protracted and that tensions in the community were exacerbated. Each change in the decision maker usually was preceded by delays, stalls, or removal of applications from the table. Once a new decision maker was determined, the process would begin anew. The emotional effort necessary to maintain an informed and effective involvement in the issue was unmeasurable, especially in terms of “getting people out.” Those involved seemed to think that the decision for or against Silver Spray would be

based on a count. Each side tried to prove they had the most support and each claimed they had the silent majority.²³² Letters and cards were counted and numbers of people speaking for and against the proposal at meetings were noted. Non-East Sooke residents were considered part of the tally if they were onsite but not relevant in the count if they opposed the view of those keeping the count (including politicians). Lengthy meetings with numerous speakers occurred often. These meetings illustrated the determination of each side to express their views and to win the numbers game.

Whether or not the Silver Spray proposal proceeded was not necessarily dependent on the number of people supporting or opposing it. There is no provision in the Local Government Act saying that a certain number of votes, letters, or speakers for or against any application determines whether it is approved or denied. The magic number for decision-making was often alluded to. Usually it was the majority (50 +1). Percentages were used by both sides when they analyzed the number of votes received at the ESCA, APC, and local elections and tried to correlate them to support for or against Silver Spray. The LAP says that “any amendments to this plan should enjoy broad support from the residents of East Sooke”²³³ Broad support is not defined in the Local Area Plan and has no more clarity than a clear majority, but was cited by some opponents as a guiding principle for decision making regarding Silver Spray. At the March 6, 2002 Public Hearing, 65% was often mentioned by opponents as the definition of broad support.

Attaining a certain number of speakers, letters, or cards cannot guarantee any voting outcome in land-use decisions. Focussing on the numbers game does, consciously or not, quell discussion of the issue of growth and its consequences.

Numbers can matter in trying to *influence* those who make decisions if a politician is concerned about re-election. Or, if a politician bases decisions on what he or she determines the majority wants, then numbers matter. If a politician is trying to do what could be considered right (for example, based on economics, environmental considerations, social impacts or the impacts of growth) then numbers are not relevant, the information is.

Many examples of the diligence in illustrating numerical support for or against the proposal are evident. When the first Silver Spray rezoning application was presented to the GMSC, 31 people spoke against and 39 spoke in favor of the application during a five hour meeting. The November 2000 Public Hearing was attended by approximately 350 people, lasted over eight hours and included 110 speakers, 61 for and 49 against the proposal. Correspondence received at the Hearing included:

- Petition – 1,706 names ... opposing the rezoning bylaws
- Form letters – 68 opposing
- Form letters – 27 supporting
- Mailed in cards – 1,683 supporting
- Mailed in cards – 6 not supporting
- Correspondence – 374 letters in favor
- Correspondence – 399 letters in opposition
- Letters with information for review - 12²³⁴

Given that the population of East Sooke is estimated from 940 to 1300 residents, obviously many submissions, pro and con, came from outside of East Sooke. The March 6, 2002 Public Hearing lasted for six hours and included 125 speakers. Still, no matter how many speakers spoke for or against any application, the decision maker(s), whoever they were in the changing locus, could vote however they chose.

Numbers count in local government elections. Ironically, in this situation, only residents or non-resident property owners (one per property) have a vote; outsiders don't

count. The 1999 local election had been the only opportunity for either side to definitively win the numbers game. Once Henson was elected, the opponents knew they could not change his position regarding Silver Spray. The press acknowledged this, “the fact that he is going to ultimately vote in favor of the rezoning application.”²³⁵ The frustrations of those who did not support him were noted: “Welcome to Juan de Fuca District: Check your brains at the door.”²³⁶ The opponents to Silver Spray began to challenge his legitimacy as a decision maker immediately.

Appeals to Higher Levels

The opponents could not stop Henson from moving the application forward so they resorted to challenging the decision makers and the decisions made about the application. They began a series of requests to the CRD and the Government of BC. Some of these include:

- December 1999 - RAES and CASES filed for a judicial review of the August 10 subdivision approval of Silver Spray²³⁷
- January 2000 - a request that Henson or his alternate not be permitted to speak or vote on these issues (Silver Spray)²³⁸
- January 2000 - a request that the CRD board bring this matter to the Attorney General’s attention and that an independent commission with legal authority be appointed to examine the issue of Silver Spray from its inception²³⁹
- February 2000 – a request that Henson be disqualified from public office based on belief that Henson was too tied to Silver Spray²⁴⁰
- February 2000 - a request for a freeze on Silver Spray rezoning application until lawsuits dealt with²⁴¹
- March 2000 – a request for investigation and legal opinion by CRD lawyers of the activities of Henson and Boehmer relating to the ES APC elections²⁴²
- March 2000 – a request for an evaluation of the conduct of Henson “RE: APC ELECTION 26 FEB 00”²⁴³

- June 2000 – a request to Ombudsman ‘to investigate and monitor decisions made regarding this proposal (Silver Spray) to ensure compliance with the subject legislation.’²⁴⁴ (concerns included recommendations by CRD staff and the ES APC)
- July 2000 - Sierra Club raised numerous unresolved conflict-of-interest issues²⁴⁵
- August 2000 - Sierra Legal Defense Fund (on behalf of clients who did not run in the APC election) request CRD reconsider its position regarding APCs and conflict-of-interest and reinstate the previous APC, and that “it is our intention to refer this (can the CRD require an the election of APC members) to the Ministry of Municipal Affairs and the Attorney General for an opinion from them ...”²⁴⁶
- December 2000 - Lani Thompson levels conflict-of-interest charges against Henson²⁴⁷
- January 14, 2002 – Sister Beverly Mitchell and others demanded that rezoning application not proceed because of alleged local election irregularities, lack of authority of those from outside of East Sooke to vote, request for impartial judicial inquiry, and an Order in Council based on serious misinformation²⁴⁸

All of these actions were made in an attempt to stop the application from proceeding by having a higher level of government reconsider or rescind decisions which had already allowed it to proceed. Their tactics seemed to work initially. The APC was terminated, but none of the Silver Spray opponents who ran for the new APC were elected; instead, some supporters were. While Brian Henson was directed to not participate in Silver Spray CRD issues, he remained a Director, with George Miller his appointed alternate when Silver Spray was on the agenda.

The appeals to higher or other authorities, have not, to date, resulted in many decisions favoring the opponents. Instead, most decisions have favored Thornton. It cannot be assumed, though, that the higher authorities are more susceptible to the growth machine ideology.

The CRD Board is composed of Directors with different ideologies, often representing the growth or slow-growth profile of their communities. The CRD Board as

a whole, did not vote on anything beyond process issues for Silver Spray (first and second reading and referral of by-laws). They did not vote on whether or not the proposal would receive third or final readings. But, those who were on the Land-use Committees did, and their communities have distinct reputations regarding growth. Central Saanich, the Highlands, and Metchosin are all viewed as slow growth communities. Saanich is known for protection of areas outside of its urban containment boundary. Directors from these areas voted against the Silver Spray rezoning application(s). Sooke, Langford, and Colwood are viewed as pro-growth municipalities, being the site of significant recent residential and commercial growth, with predictions for more in the future. Directors from these areas voted in favor of Silver Spray. These Directors represented their communities', and most likely, their own growth perspectives, when voting on Silver Spray. Their votes mirrored their communities' growth reputations. There was not an automatic susceptibility to the growth agenda at the regional level of government.

Appeals to the higher level of provincial government were complicated by changes in leadership and party during the Silver Spray story. When Silver Spray was first proposed to the community, the NDP government, under Mike Harcourt, had a "green" bent and had, through a variety of means, prevented the Tod Inlet proposal from proceeding. However, by the time appeals were made to the NDP government for an EIA and protection of the Silver Spray lands, Clark was the premier and the government was in financial trouble. Intervention by the provincial government in terms of an EIA or acquisition of the land for park did not happen.

The first Order in Council created a “balanced”²⁴⁹ committee, evident by the November 2000 tie vote on the Silver Spray rezoning application. In 2001, the newly elected Liberal government, seen to be pro-business and less environmentally sensitive, created an Order in Council committee which was biased in favor of Silver Spray given its previous voting record and the growth ideology presented in their local governments. (Henson, of course, representing a divided community, was pro-Silver Spray.) While each Order in Council was the product of recommendations from the CRD Board, first producing a denial of the Silver Spray application and later producing an approval of the application, the end result was a favorable vote for Silver Spray. All of these decisions that allowed the application to proceed were made by higher levels of government than the Electoral Area, which, ironically, had Henson been deciding in the pre-1999 decision-making format, would have had the same result. Since the tie-vote in November 2001, decisions regarding who decides have furthered the latest application’s progress.

The opponents of Silver Spray hoped that the influence of higher order organizations would influence decision makers as well. The Sierra Club and Western Canada Wilderness Committee, which have larger networks and memberships than a group like RAES and therefore could have more influence, were enlisted early on for support. In July 1998, RAES received a grant from the West Coast Environmental Law Association to help them in their call for an EIA of the Silver Spray property. They invoked the United Nations Convention on Biological Diversity to further their argument.

In a chain of legislation B.C., the other provinces and territories, except Quebec, and the federal government signed a federal-provincial accord on environmental harmonization in January. ... that accord has the power of shifting primary responsibility for enacting and enforcing regulations to comply with the Convention provisions to protect biological diversity to the province and the CRD.²⁵⁰

An appeal to this accord of an international organization was another attempt at influencing decisions. It does not appear to have had an effect on the issue.

This chapter has shown that the Silver Spray story was more than that which could have been explained in Logan and Molotch's urban theory and was discussed in an earlier chapter. The people involved in the issue brought their own interpretations of environmentalism to the debate. They also brought their own personalities which determined their approach to the proposal and the issues surrounding it. Their distrust of each other, of the governance structure(s) in place, and of the land-use process resulted in their appeals to higher levels of government and the courts for satisfactory decisions. The unusual governance circumstances in the Electoral Area exacerbated the situation. All of these factors, which we can call the practical and real politics in East Sooke contribute to an understanding of the bitter and protracted Silver Spray conflict.

CONCLUSION

EXPLANATIONS FOR WHAT HAPPENED

This paper has shown that for the most part, the Logan and Molotch analysis presented in Urban Fortunes helps to make sense of what happened in the Silver Spray issue. It is clear that the community of East Sooke has been affected politically, socially, and economically as a result of the five-year-long land-use conflict. The chronology in Chapter I described what happened in East Sooke. In Chapter II, I explained what happened using Logan and Molotch's framework. Chapter III filled in the gaps in the framework and presented analyses outside of the framework. Still, there is more to be said about this land-use dispute, the actions of the participants, and the resulting effect on the community.

In this chapter, I will examine "neighbourhoodness," as defined by Logan and Molotch, in terms of its characteristics or lack of characteristics as a major factor in the opponents' inability to stop Silver Spray. As well, how was East Sooke's neighbourhoodness affected by the Silver Spray conflict?

I will discuss environmentalism in terms of its anthropocentric characteristics, as evidenced in East Sooke. How can we define environmentalism? Who has the authority or influence to be a definer of environmentalism? And, what can we learn about environmental debates in land-use issues that were similar to Silver Spray but had different outcomes?

The realities of local government, especially land-use processes will be examined bearing in mind the participants' interpretations of the same. Might their actions have been different with a better knowledge of "the system?"

Finally, what is the legacy of Silver Spray? Many citizens had a long and stressful education in civic participation and local government. They learned a lot. Political scientists and community activists can learn a lot as well.

In summary, a conflict over growth when "parochial elites (try) to make money from development and ordinary people (try) to make community a resource in their daily lives"²⁵¹ did happen in East Sooke. A place entrepreneur, Thornton, on behalf of HELD, purchased land in East Sooke for the purpose of increasing density and thereby attaining a profit on the investment and enlisted the aid of many supporters who fit the characteristics of the growth machine. He promoted his project's benefits: jobs, tax revenue, increased amenities, and infrastructure. Despite numerous setbacks, a protracted and unclear decision making process, and bitter opposition, Thornton's proposal has been approved.

The opponents of Silver Spray tried to protect their use value of place as a rugged, rural, and small community by promoting its environmental sensitivity. This precluded increased population, traffic, and the suggested commercial uses. They appealed to different levels of government to halt the proposal and tried to form coalitions with others to bolster their arguments against Silver Spray, both in numbers and quality of information. However, the growth machine's ability to promote and sustain their own ethic in the asymmetrical conflict prevailed.

Neighbourhoodness

The inability to stop Silver Spray may be linked to the degree of neighbourhoodness in East Sooke. East Sooke does not have all of the characteristics that make up the basis of a neighbourhood, using a Logan and Molotch definition. They said that the neighbourhoodness of a community is constituted by the following values: the daily round, informal support networks, feeling of security and trust, identity, and agglomeration benefits. They also said that

When a neighborhood is threatened by exchange value machinations, the precise makeup of this “neighborhoodness” will have a bearing on the cost of residential displacement and the ability of people to block it.²⁵²

As the following will show, in East Sooke neighbourhoodness would be characterized as initially lacking and then diminishing during the Silver Spray issue.

For example, East Sooke does not meet the concrete daily needs for the residents' life. They cannot shop there nor do many of them work there. East Sooke is a blended bedroom and retirement community with many of the residents' needs met elsewhere, often in Sooke, Metchosin, and Victoria. There is no school in the community and students are bussed to Sooke for school. The community lacks the important focal point in a community that a school provides.

East Sooke does, however, meet the daily needs of those who appreciate it for what it is not. It is not the city; it is rural. It is relatively isolated but only half an hour from Victoria. And, it offers a rural lifestyle at a lower price than rural areas such as the Saanich Peninsula. However, some people in the community want more amenities. The only way they can attain these now is to support the Silver Spray proposal. Some are

willing to make the trade-offs from growth necessary to attain benefits. In East Sooke, some supported Silver Spray because of the promise of jobs, especially for their children, amenities and infrastructure. Some wanted the water line for fire protection. Others wanted a place to work out, have a coffee or dinner, or play a game of golf. These tradeoffs were not attainable by supporting the opponents of the proposal who wish to maintain the status quo or have very limited growth. Whether they supported a growth ideology or not, those wanting any of these amenities had to side with Thornton to attain their wants, dividing the community.

Some of the established informal support networks in East Sooke have fallen apart since Silver Spray. Before Silver Spray, there were active political and community organizations in the community and they are still active. However, the East Sooke Community Association, formerly an important unifying group in the community, along with the East Sooke Fire Improvement District, the Seagrit Water District, the APC, and the recent RAES are all embroiled in the divisive Silver Spray debate.

Another basis of neighbourhood, security and trust, “provides a sense of physical and psychic security that comes with a familiar and dependable environment.”²⁵³ That sense, if it had existed before, has been lessened throughout the Silver Spray issue as residents have attacked each other personally, undermining each others’ credibility and reputations. Following are some examples of how neighbours treated each other during the Silver Spray issue. During the ESCA episode, the “new” president wrote to the previous president regarding unrelinquished documents and an official seal saying, “the Board will have no choice but to file a formal complaint of fraud and theft with the proper authorities.”²⁵⁴ The former president resorted to the courts to have a new election

for an executive ordered. Presidents, past and present, of a little community association used or threatened to use the courts to settle their dispute.

Mail-outs to the community included the following:

Warning: Now RAES wants control of the Fire Department ... to PREVENT us from ever getting WATER ... RAES irresponsible actions can lead to the unnecessary loss of life.²⁵⁵

WANTED. HORST and UTE SCHNARR for questioning of their dereliction of duties as East Sooke APC members. Well known members of RAES and the Bernard Cult²⁵⁶

The Feb. 3, 1999 Mirror letters page contained a 3 X 5" ad placed by a group of concerned citizens;

INVESTIGATION: A concerned group of citizens has retained a private Investigation Firm to examine circumstances surrounding the rejection of the Silver Spray rezoning application and the subsequent loss of needed water, jobs, and critical fire protection for residents of East Sooke. All information will be treated in the strictest confidence. Call Ken at ...²⁵⁷

A private detective taped telephone conversations with Allan Crow. Local government meetings, which were sometimes videotaped by neighbours, were constantly interrupted with "points of order" and arguing between speakers and/or Chairs. Testimonials, witness statements, and files were kept about who did what in relation to Silver Spray. These actions only served to increase the divisiveness in the community and cannot have increased the sense of physical and psychic security residents felt.

The numerous lawsuits filed as a result of the Silver Spray issue served to heighten tension in the small community. A chill, the fear of speaking out, and fear of financial repercussions from court costs damaged the sense of security of many in the community. One resident who moved to East Sooke for what she perceived as a peaceful place described the local political situation as a cesspool.²⁵⁸ In these previous three

categories, then, daily round, informal support networks, and feeling of security and trust, East Sooke cannot be said to have a strong sense of neighbourhoodness when viewed through the lens of Logan and Molotch.

Where East Sooke has a strength is in its identity, its spatial and social demarcation. As stated earlier, its neighbourhood boundaries are definitively defined by the ocean on three sides and low density areas on the other side. Its social demarcation as a rural area is enhanced by the location of East Sooke Park in its bounds. These characteristics help it sustain its image as a rugged, rural, isolated area compared to nearby areas such as the Western Communities and Sooke which are seen as high growth areas embracing new subdivisions and big box stores. East Sooke's strong identity, based on its physical environment, fuels the fight for residents and regional citizens to protect it. But, Logan and Molotch said

the attributes of place are achieved through social action, rather than through the qualities inherent in a piece of land, and that places are defined through social relationships, not through nature, autonomous markets, or spatial geometry. Such factors as topography and mineral resources do matter, but they interact with social organization; the social and physical worlds mutually determine the reality of one another.²⁵⁹

Viewed through this lens, then, East Sooke's weak makeup of neighbourhoodness indicates an inability to thwart exchange value threats.

Its strong identity linked to the inherent qualities of the land could not overcome its other weaknesses. It would seem, therefore, that an appeal to environmentalism is problematic. So, while Logan and Molotch provide a useful description of neighbourhoodness and of using environmentalism to protect use value, they did not link these concepts. They neglected to amend this advice for communities whose identity base is topographic and geographic. As this case study shows, Silver Spray was a

divided, “bedroom” community basing its identity on its natural environment and park. Therefore, connecting Logan and Molotch’s points, the opponents could not stop Silver Spray.

Different Definitions of Environmentalism

Environmentalism as a tool for protecting use value was also invoked to promote exchange value. Thornton’s willingness to frame his proposal as environmentally sensitive compromised the opponents’ environmental arguments. The invoking of environmentalism to protect both use and exchange value interests, both of which were blurred to some extent, resulted in a debate about the interpretation of environmentalism. The following are some examples of environmentalism viewed in a descending order of human selflessness or from a biocentric to an anthropocentric approach.

Deep Ecology would have humans embrace and promote a biocentric perspective, that other species besides humans have inherent worth rather than “seeing nature from a human-centered perspective, or anthropocentrism.”²⁶⁰ The basic principles of Deep Ecology are:

1. The well-being and flourishing of human and nonhuman Life on Earth have value in themselves ... These values are independent of the usefulness of the non-human world for human purpose.
2. Richness and diversity of life forms contribute to the realization of these values and are also values themselves.
3. Humans have no right to reduce this richness and diversity except to satisfy vital needs.
4. The flourishing of human life and cultures is compatible with a substantial decrease of the human population. The flourishing of nonhuman life requires such a decrease.
5. Present human interference with the nonhuman world is excessive, and the situation is rapidly worsening.
6. Policies must therefore be changed. These policies affect basic economic, technological, and ideological structures. The resulting state of affairs will be deeply different from the present.

7. The ideological change is mainly that of appreciating life quality (dwelling in situations of inherent value) rather than adhering to an increasingly higher standard of living. There will be a profound awareness of the difference between big and great.

8. Those who subscribe to the foregoing points have an obligation directly or indirectly to try to implement the necessary changes.²⁶¹

Deep Ecologists promote a non-violent approach to environmentalism.

Earth First! promotes a similar philosophy to Deep Ecology in terms of biocentrism.

EF! means recognizing that the planet and all its life forms have value (or dignity or worth, or elan vital, or deoxyribonucleic acid or whatever it is that gives entities their reason to be) irrespective of the utility for humans. EF! means living in accordance with biocentrism – the principle that all natural life is equally central from the standpoint of the planet. This is diametrically opposed to anthropocentrism – the predominant worldview in human society, at least in the (over)developed nations. Anthropocentrism is the view that humans are the measure of all things, that things have value only insofar as they serve human needs.²⁶²

But, they are infamous for ecotage, especially civil disobedience or monkey-wrenching in the forest industry. Neither Deep Ecologists nor Earth First! view land as having a use value with any preference for humans. Its use value is for all life. Exchange value does not mesh with their philosophies.

Conservancies and Trusts choose to prove their environmental sensitivity by purchasing ecologically significant lands and holding them in trust as parks, reserves, or sanctuaries. The Nature Conservancy, for example, has protected 92,802,446²⁶³ acres of land in North and South America. Their mission is “to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.”²⁶⁴ The Nature Conservancy of Canada has a similar mission but notes, “... Our first priority is to protect regions where the human footprint is the heaviest – largely within the 200 miles north of the Canada –U.S. border.”²⁶⁵ Their current brochure’s cover says, “Every week we create a nature preserve for you.”²⁶⁶

Locally, The Land Conservancy of BC undertakes fundraising partnerships with individuals, organizations, corporations, and government. Their mission is to:

protect the plants, animals and natural communities that represent the diversity of life on Earth, by protecting the lands and waters they need to survive. TLC also protects areas of scientific, historical, cultural, scenic or compatible recreational value.²⁶⁷

Both The Land Conservancy and the Nature Conservancy approach land-use within the context of prevailing notions of the commodification of land, the real estate market. They recognize its use value, especially to non-humans, and are willing to acknowledge its exchange value to participate in the market to protect that use value. A use value for humans is also recognized. For example, the recently purchased Matthews Point has a low-impact trail to a previously inaccessible beach for the public to access.

Well known environmental organizations such as the Sierra Club and Western Canada Wilderness Committee (who both opposed Silver Spray) do not enter into purchase agreements for land but try to spark the public interest in conservation. The Sierra Club's mission is:

to explore and protect the wild places of the earth to practice and promote the responsible use of these ecosystems and resources; to educate and enlist humanity to protect and respect the quality of the natural and human environment; and to use all lawful means to carry out these objectives.²⁶⁸

The Western Canada Wilderness Committee:

works to protect Earth's remaining wilderness and biodiversity through scientific research and grassroots public education. WCWC works on the ground to achieve ecologically sustainable communities. WCWC works only through lawful means.²⁶⁹

Both of these groups acknowledge the use value of land to humans and non-humans.

Finally, for others, environmentalism is directed towards the use of nature or the environment for humans. This is especially so with single use groups (hunters and

guiders, off road bikers) and those focussed on a specific issue or locale. For example, the Saanich Inlet Protection Society, who were vocal opponents of both Bamberton and Tod Inlet development proposals (Appendix 3) and initially opposed Silver Spray, aim “to protect and conserve the natural and cultural resources of the Saanich Inlet for the benefit, education, and enjoyment of this and future generations of Canadians.”²⁷⁰

All of the above would be considered environmentally sensitive groups or philosophies yet they vary. The ultimate logic of Earth First! would be “... that if humans are the problem, then killing most of them would be the solution ...”²⁷¹ Others accept the presence of humans as users of the environment and simply try to mitigate the use. The Saanich Inlet Protection Society, for example, does not attempt to ban human use, rather, they encourage it.

These examples illustrate the wide range of views of what environmentalism can be and how difficult it is to define what it means to be environmentally sensitive. In all of the above, with the exception of the extreme environmental philosophies exemplified in Deep Ecology and Earth First!, use value of the environment was part, if not all, of the focus in mission statements or activities of those purporting environmental sensitivity.

There can be no winners in this type of debate about what environmentalism means when both sides value the environment from an anthropocentric approach. Each can compare the others’ values and actions to a biocentric approach to the environment, even if not embracing that approach themselves. The anthropocentric argument being compared to a biocentric argument was illustrated when Thornton criticized Crow for hunting octopus and having a log house, the implication being that Crow would not kill the “gentle creatures” or cut down trees if he was concerned about the environment.

Given the automatic dismissal of developers often seen in this type of conflict, Thornton's very existence as a developer made him ineligible for environmental sensitivity in many eyes. For every argument one side made about why the development was or was not environmentally sensitive, another could undermine it by comparison to a Deep Ecology principle (or variation).

This was not done using these terms specifically, but the concepts are part of our consciousness. For decades, problems of acid rain, air and water pollution, landfill overloads, destruction of rainforests, and a myriad of other environmental concerns have been discussed in a variety of formats. Every time we start a conventional car we are consuming a non-renewable resource, polluting the air, and depositing chemicals on to the road which then becomes run-off into land or water. As one of the supporters of Silver spray said, "we have all built homes and damaged the environment."²⁷² The environmental movement has done an excellent job of educating many humans about the problems of our consumptive lifestyle. The message is loud and clear that the non-human world is harmed by humans.

This case study shows that with rare exception, the Silver Spray property was viewed for its instrumental value: "its worth depends on its ability to serve a human end."²⁷³ The impacts of the proposal, negative or positive, were usually viewed in terms of the effects on human use of the property and its adjacent areas. This use varied from speculative interests to bird watching. The environmental value of the property, independent of its value to humans, was often described by both sides, but then, almost always reverted to what that meant for humans. The property's intrinsic value, "its worth independent of its utility to humans,"²⁷⁴ was not a major issue in the debate.

With both sides claiming that the Silver Spray property was environmentally valuable, the argument became one of whose version of environmentalism was correct. It was not a conflict between one group espousing an anthropocentric view and another a biocentric view. Both valued nature for its use to humans, be that “use” or “exchange” value as Logan and Molotch define them. In this particular context, it may have been a poor decision on all parties to parade environmental banners. Given the personalities involved, the opportunity for all sides to criticize the other as presenting an idealistic, noble pretense was taken.

This debate about the meaning of environmentalism played out in other ways as well. The many community and environmental groups who supported the opposition initially did not all remain involved. The reasons varied from the time commitment involved, especially given the protracted process, to lack of knowledge and commitment to the issue, to disorganization, and to different environmental priorities. For example, one organization signed the October 1997 letter to McGregor but the members had not been to the site and knew very little about the proposal.²⁷⁵ They simply signed on as a courtesy. The issue was not within their mission statement and they did not remain involved. Another was said, on the radio, to have signed the McGregor letter when in fact they had not.²⁷⁶ Once the degree of bitterness and the lawsuits were publicized, some chose to “stay out of it.”

The CASES organization is no longer involved in Silver Spray as it is inactive following the deaths of both Gwen (1999) and Derrick Mallard (2001). Their expertise and connection to other groups is gone. So too is their connection to government, especially the NDP. It is unlikely that many in the local environmental and community

network have the remarkable relationship with cabinet ministers that the Mallards had,²⁷⁷ especially given the change to a pro-business Liberal government that does not appear to be very green.

The argument over what “being green” means had no arbiter in the Silver Spray issue. This was a factor of the application remaining at the local government level. Few local governments have resources, including staff and financing, to deal with environmental issues. The Electoral Area has even less. The provincial and federal governments with their many bureaucrats, ministries, and access to experts have more authority and influence to deal with environmental issues than most local governments do.

Comparison to Tod Inlet and Bamberton

The previously mentioned Tod Inlet and Bamberton issues are examples where a higher level of government arbitrated environmental issues. In both, environmental opposition forced the decision making for development proposals from the municipal council or electoral area, where it was supported by local politicians, to a higher government level where politicians did not want to decide. The limiting “Yes” or “No” answer required at the local level was avoided.

Tod Inlet had been used as a de facto park for years and a proposal for its development was opposed in a variety of ways. These included presentations to government, public meetings with hundreds of people in attendance, coalition meetings under the auspices of CASE, and a 500 person march to illustrate the specialness of the area to the public and decision-makers. The ‘stakeholders’ in the issue, mostly members of the growth machine, along with environmental and community groups, participated in

The Tod Inlet Consensus Process set up by the Mike Harcourt NDP government as their attempt at consensus building to avert conflict. The recommendation coming from the process, namely high density development, was rejected outright by the community in a series of town hall meetings attended by hundreds from municipalities adjacent to the property. Despite the rejection of the results, the process served the purpose of muting the conflict over the land's use. Rather than an East Sooke affair with endless press coverage of personal attacks, lawsuits, etc, the people involved in the Tod Inlet issue met regularly with a facilitator who chaired the meetings. Any acrimony was dealt with there.

The opposition to the development led to a CRD Parks study of the area followed by purchase of the land by the Province of BC (with corporate donations). The purchase was the result of the confluence of unusual circumstances. The NDP government was torn between being "green" (as they were still seen in 1994) and providing jobs for construction, and did not want to decide the issue. The coming Commonwealth Games provided the government with an opportunity to appease most of the opposing sides and to get good publicity for the government. Purchasing most of the land meant that the citizens of the area were placated, the developer could sell 60 large lots, and was still paid for much of the property. The provincial government did not have to decide "Yes" or "No" in the face of pressure from both the growth machine and the environmental/community organization coalition. They *decided not to decide* and presented the Commonwealth Nature Legacy Park to the World with much fanfare.

Bamberton was also dealt with in a *decision not to decide* fashion. After years of conflict between a coalition of environmental and community organizations, two processes were initiated by the provincial government in July 1994. Minister of

Municipal Affairs Minister, Darlene Marzari, called for the Saanich Inlet Study and a Regional Growth Study for the area. The Bamberton developer submitted to an EIA. Many ministries provided expertise, facilitators, and terms of reference for the studies, allowing for substantial developer, stakeholder, and public input. The ministries' staffs controlled the process and were the arbiters of environmentalism.

The Saanich Inlet Study provided qualitative and quantitative data illustrating the significance of the inlet to scientists and the public. The EIA provided volumes of information for all sides to consider. Both processes were undertaken in a non-hostile fashion, allowed for input of over a thousand people, and prevented a public display of any conflict between use and exchange value. The Saanich Inlet Study began in October 1994 and was released in May 1996. The EIA process was initiated when the Bamberton developers submitted their Project Proposal in October 1994. The process was still ongoing in July 1997 when the new property owner requested previous bylaws be rescinded and effectively pulled the plug on the town proposal. The application for rezoning did not proceed. Once again, the same government did not have to decide between those protecting use or exchange value. The processes had given a government that *did not want to decide* a stall so they would not have to decide.

In both cases, resolution occurred under the watch of an NDP provincial government which, in its early days, was trying to be green. A combination of unusual circumstances led to the projects not proceeding. This did not happen with Silver Spray. East Sooke continues to feel the full brunt of the use/exchange value polarization because the Silver Spray debate, unlike the previous examples, has remained at the local government level. There has been no process initiated at the regional or provincial level

to focus the players' discussions, to act as an arbiter of environmental sensitivities, or to contain the conflict. Given the current Liberal government's actions to date, a focus on a "green" process is unlikely. East Sooke residents are stranded in the adversarial processes of local government.

Polarization

At the local level, the Silver Spray issue festered. This paper has already shown many examples of how the conflict undermined neighbourhoodness. Individuals, and organizations were subject to innuendo, personal attacks, and legal actions. Unfortunately, Logan and Molotch, while acknowledging the closeness of local government to the people, neglect to mention how the actions of those in the use versus exchange conflict impact relationships between neighbours. Granted, their focus includes cities which may, in general terms, not feel these impacts so immediately. But, the many communities within cities and the many small neighbourhoods on the urban fringe are more susceptible to the type of divisiveness and bitterness seen in East Sooke. Local government is not just closer to home; it is at home.

The vocal actors in the issue drew lines in the sand immediately. Thornton has insisted throughout that he would meet with opponents but that they would not meet with him, let alone discuss or negotiate aspects of the proposal. The fundamentalism of each side's positions did not change and this, combined with the personalities involved, reinforced the polarization. Each was morally certain. They fell into the battle Cronon describes in the Edenic myth, "which becomes the vehicle for casting our adversaries into the heart of darkness, demonizing them as allies of the dark angel."²⁷⁸ Gene Miller, a some time developer, expressed this saying that developers are seen as the spawn of the

devil.²⁷⁹ There is only absolute good and absolute evil. On the one hand, the area was described as “the last bastion of oceanfront paradise.”²⁸⁰ On the other, the Silver Spray issue was described as “The evil that has plagued our community...”²⁸¹ Even the Times Colonist noted this; “in an ideal universe, developer Michael Thornton wouldn’t have appeared in paradise three years ago ...”²⁸² That tone, the evil developer harming paradise, was evident throughout the Silver Spray debate. This autopilot to absolute polarization, often seen in local land-use issues, occurred in East Sooke and precluded discussion between the parties.

The jurisdictional nightmare in the Electoral Area was an uncommon variable in a local government situation and could not, in all fairness, be expected to be totally accounted for in an urban theory. Nor could the accident of personalities involved in the issue. The polarized, protracted, and bitter Silver Spray issue provides an example for environmentalists and the development industry of what should not happen.

The Realities of the Issue

It was not a foregone conclusion that the Silver Spray proposal would be approved when it was first presented to the community. Nevertheless, Thornton knew he had more cards in his hand, given the legal rights he had with the current zoning of the property. He could farm it intensively or he could subdivide it, Plan B, and then use the Condominium Act to further increase density. When compared to Plan A, this gave few benefits to the community, and allowed for Plan B to be a bargaining chip. He did not have a right to the rezoning he wanted but he did have the right to attempt to rezone the property. The status quo was not going to remain whether he received rezoning or not.

Many processes, decisions, and actions in the Silver Spray issue were challenged by those involved in the issue. Unfortunately, much of the time, money, and effort spent challenging aspects of the process and politics were in vain because the realities of land-use processes and politics were not clearly understood. Often, a moral imperative was confused with a legal imperative. The importance of everyone in a development issue understanding process cannot be understated.

There is a genuine belief by many protecting use value in communities that Official Community Plans (OCP) and Local Area Plans (LAP) must be adhered to by decision makers. Throughout the Silver Spray issue, opponents of the proposal insisted that their interpretation of the LAP be upheld. They, like citizens in other communities in the CRD, expected their OCP and LAP to offer protection of the status quo or only allow development that was expressed in those documents. There is, however, a dual planning process in local government. While citizens may spend time reviewing their goals and values as they relate to land-use planning, the option remains that anyone may submit an application for amending that plan. The East Sooke LAP states, "Individual citizens may submit applications for Plan amendments or for rezoning which would necessitate an amendment to this plan."²⁸³ Written into the Plan, as in other OCPs and LAPs, was the acknowledgement that it could be changed.

The procedures for rezoning any property, usually to increase density, are detailed in the Local Government Act. As long as an application does not affect the interest of other jurisdictions (Federal and Provincial Ministries) it can be approved by a simple majority of a quorum of local government decision makers. In the Silver Spray case, with a committee of five, only three need support it for it to proceed. So, while on the

one hand citizens may think they are planning their community's future by participating in the government sponsored OCPs and LAPs, in reality, anyone may introduce change to those plans as long as they follow the guidelines provided by the Provincial Government, which produces the regulatory Act(s), and as long as a majority of decision makers support it. There is no legal requirement for any decision-makers (politicians) to do otherwise if they choose. The consequence of changing the LAP and OCP may be moral or political but it is not legal.

Planning, then, is in theory undertaken by residents in their LAP and OCP but in reality, is undertaken by developers, as serendipitous, active, or structural entrepreneurs. The process of development is provided for, and in the most part, paid for by the taxpayers. While the rezoning process allows for residents to participate by making presentations at APC, committee, and council/board meetings, it makes no provision for a numerical basis for determining the vote.

For some politicians, numbers may matter for reasons stated earlier, but once again, decision-makers vote how they choose. There is no legal requirement for a decision maker to base a decision on the number of people speaking for or against a proposal, whether there is a majority, minority, broad or no support. They can only vote "Yes" or "No" to the proposal, and are not obligated under any Act to defend their decisions. If any legal actions related to Silver Spray are followed through and are successful, they will not determine whether the vote is "Yes" or "No". If, at the most, any decision is overruled/overtaken by the courts, it will simply mean that the process would begin again, perhaps with other actors.

The residents of East Sooke are currently discussing whether or not to amalgamate with Metchosin or Sooke. Many think that amalgamating with Sooke will ensure growth in East Sooke and that amalgamation with Metchosin will ensure slow or no-growth. Many residents will choose to join the community they think espouses their growth philosophy. The irony of this situation is that after five years of debating what form of governance East Sooke should or should not have, residents are following the path that gives them no assurances of having an elected representative from their community. Whether they join Sooke or Metchosin, local elections are at large and East Sooke does not have the voting population necessary to ensure they will be able to elect someone from their area to a Sooke or Metchosin council. This could only happen if a ward system was created for the new local government. East Sooke residents can only have direct representation if they continue to have a Director at the CRD table or, if they incorporate and form their own municipality, something many in the community would favor. This is not a popular concept at present given the many jurisdictions already in the CRD. The provincial government has already refused this option.

Another reality in land-use issues is that subdivision applications for land already zoned for the requested density are almost always approved. The role of the Approving Officer, an appointed position, is to ensure all requirements of such applications are met and only rarely is the "Public Interest" invoked to disallow a subdivision.²⁸⁴ The Approving Officer, who makes decisions for subdivisions, has an authority basically unencumbered by political interference.

The bitterness among residents and the confused decision-making process were not the only factors in prolonging the length of time this issue has been on the public and

political agenda. Much attention was paid to the various lawsuits related to Silver Spray which impacted people's lives but did not stop the land-use process. Little attention was paid to the number of conflict-of-interest charges which not only cost taxpayers money but also stalled the process. The lack of knowledge about how the system works made it take longer for the system to work (regardless of the decision).

In the Silver Spray case, the developer appeared to be the most knowledgeable about land-use processes (and should have been, given his occupation as an active entrepreneur). Using the subdivision process which was attached to the current zoning of the property, he was clever enough to have a Plan B as a back up and bargaining chip. The opponents to his plan did not have the same degree of experience in land-use issues. Some had been previously involved in environmental issues but nothing like Silver Spray. Most had to learn as the issue unfolded. This is evident by the many unsuccessful challenges made about decisions and the accusations about individual's actions in various election campaigns. The rules of the game may not seem fair, but nevertheless, they exist. Changing land-use processes midstream is unlikely given the legal rights of the property owner, the time it takes to accomplish change, and the potential problems with making process decisions in the heat of the moment and in haste.

The personalization of the issue served to take the focus off the issues about growth that really mattered, especially for the opponents. The personal attacks on people were an inefficient use of energy. Land-use decisions are not judged on whether or not the developer is worthy of the profit to be made. Although Thornton is the person applying for the rezoning, he is under no obligation to develop the property if it is rezoned and he admits that.²⁸⁵ He can sell the rezoned property to anyone else, who

would then be the “developer.” If the rezoning were to fail, Plan B still exists. To ensure that the property would be developed according to the way it had been marketed would require covenants or more local controls than a simple rezoning. Opponents usually focussed negative attention on Thornton instead of attempting to initiate more controls or conditions on the rezoning.

Thornton, despite his attempt at public relations, needed the use value of the property and the community to protect and enhance the exchange value of Silver Spray. The opponents of the proposal, while claiming to be protectors of the environment and the community, were also protecting exchange value if they were homeowners. Nevertheless, Thornton is predominantly pursuing exchange value and the opponents are predominantly protecting use value. While these interests are not as starkly opposed as they seemed, and they sometimes overlapped, politically effective actors have to recognize this source of tension in land-use conflict.

Recognition of the source of these tensions, placed in the context of the governance system for land-use, could help the actors participate more effectively in dealing with the interests and procedures in place for land-use issues. Then, perhaps, there could be less anger, moral indignation, and bitterness. Energy, time, and money would not be focussed on personalities and challenges but on the effects of growth. And likely, the process would not be as protracted.

In this land-use conflict, the reality of the situation had to be taken into account by all. The land could be subdivided and was. The agricultural use, if undertaken, could be detrimental to the environment. Despite the existence of OCPs and LAPs, the Silver Spray land can be rezoned if the application is processed according to the Local

Government Act and receives approval of the committee established to have voting authority on Juan de Fuca land-use issues. Early on it was clear that neither side would have their ideal vision for the Silver Spray lands. Thornton and his supporters would not see a Plan A which included the ALR land excluded and rezoned. The opponents were unsuccessful in convincing any government body to protect and/or purchase Silver Spray land for park and they could not stop the subdivision process. The reality of the situation had to be dealt with by all once the ideal for each was determined to be unattainable.

THE LEGACY OF SILVER SPRAY

The question now about Silver Spray is not what should have been done but what those involved in future land-use issues should and should not do. The examples of Bamberton and Tod Inlet cannot be used as templates for what to do. The 5 years of conflict in East Sooke must be factored into any approach to land-use change on the urban fringe of the CRD. The ramifications of the approaches chosen by all in the Silver Spray issue: the developer, the supporters, the opponents, and local, regional, and provincial governments, should guide others as they enter into land-use issues.

The actors involved in Silver Spray took adversarial, polarized, and entrenched positions regarding the proposal to protect their vision of the value of place. The environmental, personal, and legal attacks created a constant negative atmosphere in East Sooke. Even Ben Marr, in his Governance Study, noted that East Sooke was a community divided: “The high stress level is apparent, with charges and countercharges and a proliferation of law suits distracting people from normal community activities.”²⁸⁶ Unfortunately, the numerous defamation suits filed by people on both sides of the issue

may result in a “chill” in future land-use debates. Residents and activists in other communities may be reluctant to become involved in local issues if they fear the possibility of lawsuits, or what have often been called SLAPP suits. The unclear locus of decision served to make a mockery of an important level of government, the one critical to both protecting use values of a community and ensuring a legitimate decision making process. And, finally, environmentalism suffered, as it was dumbed down by the constant criticism and diminution of the environmental sensitivities which were expressed.

Logan and Molotch are correct in predicting the inevitable conflict. But, what if the realities of land-use processes had been accepted? What if the opposing values of use and exchange were viewed as more interrelated? What could have happened if the people of East Sooke, both supporters and opponents of Silver Spray, had spent five years actually discussing this issue? What could have happened if they had held fifty plus meetings, involved all of the community organizations, and even had the \$100 000 the CRD has spent thus far on processing the many applications to facilitate meetings between these polarized sides? And, what if rather than attacking each others’ environmental sensitivity and character, they tried to utilize the knowledge each had to find a development proposal that would meet the community’s needs and the developers’ rights?

Silver Spray seemed to be an opportunity missed. A developer who was willing to market a proposal as green, irrespective of what his motives may or may not have been, and had to protect some environmental characteristics of the property to achieve what he wanted to market, appeared on the scene. He claimed to be environmentally

sensitive. Whether he was or not is irrelevant; he had to frame his proposal in this way to sell it to partners, potential investors, decision makers, and, if he developed the property, to future purchasers. He promised to protect the property's use value to increase its exchange value.

The residents of East Sooke appreciate the environmental characteristics of their community, especially the Silver Spray lands, and many claimed to be environmentally sensitive. They wanted the integrity of their community protected, especially East Sooke Park. There was some intersecting of use and exchange values in this case, but when these values were debated, the focus was on the developer's desire for increased exchange value and the opponents' desire to protect their use value. Any overlap in values was rarely factored into the debate. It was overshadowed by the polarization produced by the issue.

This autopilot to polarization is difficult to override in the CRD. In all fairness to the opponents of Silver Spray, this approach has worked in the past. With both Bamberton and Tod Inlet, opponents did not waver in their opposition to the proposals which subsequently failed to proceed. And, in all fairness to Thornton, he had no idea what the local political climate in rural CRD areas was like. Had the opponents recognized the changing politics and financial situation of the provincial government early on, their approach may have been different. Thornton, in preparation for his proposal, could have done some preliminary research about the area and its politics and, perhaps, his approach would have been different.

Unfortunately, different approaches did not happen. The opportunity for a more satisfying outcome for the community and for any reconciliation was virtually lost in the

first month of this saga. The immediate hostility, vilification, and personal attacks ensured this. Silver Spray and its controversy did exemplify a land-use conflict at its worse. The community of East Sooke was changed socially, economically, and politically, and not for the better.

So what can be done in the future? The onus is on all sides to acknowledge their value of place realistically, listen to each other, and attempt to use the intersections of use and exchange value interests to achieve a better outcome for a community than the Silver Spray saga did. This does not mean compromise or a halfway development, but rather a serious attempt, with the dictates of reality in mind, to meet some of each others' needs in order to avoid another social war zone where too many lose.

This onus on residents and local politicians and staff will be particularly important as the provincial government downloads more responsibility to local governments who do not have the resources to contain or inform this type of controversy. At the same time, environmental and other government agencies are being downsized or cut and senior bureaucrats, with their experience in the area, are beginning to retire. All of this limits availability and access to arbiters of environmentalism. If the allowable uses and regulations pertaining to the Land Reserve are changed as expected, the urban fringe will be under even more pressure for development than it is now.

It is crucial that developers, supporters, and opponents participate in joint discussions about proposals early on. In the early stages of a land-use process, the actors have more financial and emotional resources. In the Silver Spray case, each month that passed meant that there were fewer dollars with which to negotiate. Thornton's carrying charges, application costs, advertising costs, and legal costs gradually reduced his ability,

and probably his willingness, to provide amenities for the community or to reduce his demands. The opponents' costs also increased over time as they sought information and advice and incurred legal expenses. The protraction of the issue exacerbated mistrust between the parties as each attacked the other personally in increasingly vindictive ways. Any opportunity for logical discussion between the parties, even if the initial polarization had not occurred, grew less as time passed.

When the next conflict between use and exchange values occurs on the urban fringe, the locus of decision making must be defined clearly and quickly. The legal authority of decision makers to make decisions must be demonstrated clearly. We can only hope that the changes the new Liberal provincial government initiates regarding their ministries and regarding the forthcoming Community Charter do not result in any land-use issues being subject to an unclear locus of decision. If so, land-use issues will surely become protracted.

Given the inability of local government to arbitrate environmentalism, the onus will be on those with contradictory goals to voluntarily arbitrate themselves, a difficult but hopefully not impossible task. Only with informed, calm involvement by all affected in local land-use issues in the urban fringe is there any chance that a scenario like Silver Spray will not be repeated. It is inevitable that another land-use dispute will occur with a conflict between use and exchange value. The lesson of Silver Spray is to talk about what can be done when interests overlap, to know the system and work within it, and to avoid bitter and personal attacks on neighbours which can destroy a community.

ENDNOTES

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- ¹ Sinclair Philip, Sooke Harbour House, Letter to East Sooke Residents, (September 15, 1999).
- ² B. E. Marr, Report on Governance for the Juan de Fuca Electoral Area of the Capital Regional District, (July 2001), p. 31.
- ³ John R Logan and Harvey L. Molotch, Urban Fortunes: The Political Economy of Place, (Berkeley: University of California Press, 1987), p. 2.
- ⁴ In this paper, these terms are used for political (not economic) analysis. For this purpose, using Logan and Molotch's explanation of the terms (from Harvey in The Limits to Capital the, 1982) use value refers to the usefulness of place, be it land or buildings, to satisfy the essential needs of life, both material and non-material. Exchange value refers to the value of place which in this case appears as rent, defined on page 33. These terms are discussed in detail in Chapter 2.
- ⁵ Use and exchange value are not necessarily always opposed to one another but, as I shall argue below, the exchange value of a place is dependent on its usefulness to people, and moreover, people who value land for its usefulness to them also have to think of its resale value. The point, rather, from Logan and Molotch is that people tend to think of land mainly from the one point of view or the other and political coalitions are formed on that basis. The result is a conflict between those mainly espousing use or exchange value.
- ⁶ *Ibid.*, p. 214 -215.
- ⁷ Capital Regional District, East Sooke Local Area Plan. Bylaw 2426, (March 26, 1997), p. 4.
- ⁸ *Ibid.*, p. 4.
- ⁹ Capital Regional District Parks, East Sooke Regional Park (Brochure), (1999).
- ¹⁰ Chris Goldburn, Re: East Sooke Population, CRD Regional Planning, (April 19, 2001).
- ¹¹ Marr, Report on Governance for the Juan de Fuca Electoral Area of the Capital Regional District. p. 4.
- ¹² Interview (telephone) with Murray Coell, (May 8, 2001).
- ¹³ Province of British Columbia, Local Government Act, (Victoria: Queen's Printer for British Columbia, 2000), Section 791 (11), p. 373.
- ¹⁴ Michael Thornton, Interview, (December 1, 2001).
- ¹⁵ Ministry of Finance and Corporate Relations, Type/Number: BC 0460998, (March 21, 2002).
- ¹⁶ APCs are unelected advisory bodies appointed by the local government politician(s) to advise on land-use matters.
- ¹⁷ Capital Regional District, CRD Board Minutes, (August 9, 1999), p. 12.

¹⁸ Capital Regional District, Minutes of General Municipal Services Committee Meeting, (October 28, 1998), p. 12.

¹⁹ The election was for the entire Juan de Fuca Electoral Area, which included East Sooke, Shirley, Otter Point, Port Renfrew, and Willis Point. The East Sooke poll results were Henson 306, Bernard 290.

²⁰ Bamberton was a 1991 townsite proposal for 15 000 people, near Victoria, which failed to proceed.

²¹ Capital Regional District, Minutes of the Capital Regional Board, (May 24, 2000), p. 3. (http://crdinfo.crd.bc.ca/minutes_files/display.cfm?minutes_id+239)

²² Marr, Speaking Notes for Presentation to Capital Regional District Board, (August 8, 2001), p. 2.

²³ Roger D McConchie, Letter to CFX Radio, email copy from Michael Thornton, (April 22, 2002).

²⁴ Katherine A. Graham, Susan Phillips, and Allan M. Maslove, Urban Governance in Canada: Representation, Resources, and Restructuring, (Toronto: Harcourt Brace, 1998), p. 2.

²⁵ *Ibid.*, p. 2.

²⁶ David Judge, Gerry Stoker, and Harold Wolman, eds., Theories of Urban Politics, (Thousand Oaks: Sage Publications Inc., 1997), p. 58.

²⁷ Harvey Molotch, The City as a Growth machine: Toward a Political Economy of Place, American Journal of Sociology, (Chicago: University of Chicago. 1976), p. 1

²⁸ Logan and Molotch, p. 3.

²⁹ *Ibid.*, p. 1.

³⁰ *Ibid.*

³¹ *Ibid.*, p. 13.

³² *Ibid.*, p. 111.

³³ *Ibid.*, p. 123.

³⁴ *Ibid.*, p. 15

³⁵ *Ibid.*, p. 49.

³⁶ *Ibid.*, p. 18.

³⁷ *Ibid.*, p. 20.

³⁸ *Ibid.*, p. 19.

³⁹ *Ibid.*, p. 105.

⁴⁰ *Ibid.*, p. 108-109.

⁴¹ Ibid., p. 19.

⁴² Ibid., p. 14.

⁴³ Ibid., p. 23.

⁴⁴ Ibid., p. 24.

⁴⁵ Ibid., p. 26.

⁴⁶ Ibid., p. 39.

⁴⁷ Ibid., p. 2.

⁴⁸ Ibid., p. 30.

⁴⁹ Ibid.

⁵⁰ Ibid., p. 20.

⁵¹ Ibid., p. 32.

⁵² Ibid., p. 36.

⁵³ Ibid.

⁵⁴ Ibid., p. 85.

⁵⁵ Ibid., p. 111.

⁵⁶ Home Equity Land Development Incorporated., The Land of Opportunity, (N.D. post 1994),
p. 2.

⁵⁷ Ibid., p.3.

⁵⁸ Michael Thornton, 27 Ways to Profit from the Coming Land Squeeze, Home Equity Land Development Incorporated, (N.D.), p.6.

⁵⁹ Land Of Opportunity, p. 1

⁶⁰ Ibid., p. 2.

⁶¹ Michael Thornton, Lessons Learned Playing Monopoly, Home Equity Land Development Incorporated, (N.D. post 1994).

⁶² Thornton, Michael, 27 Ways to Profit From the Coming Land Squeeze, p. 6.

⁶³ Ibid., p. 1.

⁶⁴ Ibid., p. 2.

⁶⁵ Ibid.

⁶⁶ Ibid.

-
- ⁶⁷ Ibid.
- ⁶⁸ Ibid.
- ⁶⁹ Ibid., p. 3.
- ⁷⁰ Ibid., p. 5.
- ⁷¹ Logan and Molotch, p. 30.
- ⁷² Ibid., p. 111.
- ⁷³ Michael Thornton, Personal Interview, (Dec. 1, 2001).
- ⁷⁴ Michael Thornton, 27 Ways to Profit From the Coming Land Squeeze, p. 2.
- ⁷⁵ Ibid., p. 3.
- ⁷⁶ Michael and Roxanne Thornton, Silver Spray Letter, (June 22, 1997), p. 1.
- ⁷⁷ Home Equity Development Inc., Silver Spray ... Canada's South Pacific, Vancouver, (N.D.), p. 1-4.
- ⁷⁸ Logan and Molotch, p. 123.
- ⁷⁹ Michael Thornton, Telephone Conversation, (October 1997).
- ⁸⁰ Michael Thornton, Dear Neighbour, Silver Spray, (N.D. April or May 1997?), p. 3.
- ⁸¹ Silver Spray Investments, Silver Spray: You have a Choice - Every Vote Counts, (Summer 1997), p. 3.
- ⁸² Ibid., p. 1.
- ⁸³ Ibid., p. 2.
- ⁸⁴ Ibid.
- ⁸⁵ Michael Thornton, Telephone conversation, (October, 1997).
- ⁸⁶ Miguel MacDonald, Silver Spray uses scholarship to illustrate commitment towards enhancing tourism, Sooke News Mirror, (August 23, 2000), p. 14.
- ⁸⁷ Ramsay Milne, Letter to the Editor, Sooke News Mirror, (December 23, 1998), p. 11.
- ⁸⁸ Jaclyn LeMay, Public Hearing on Bylaw 2813/4, Verbal Submission, (November 2, 2000).
- ⁸⁹ Alan Stickland, Public Hearing on Bylaw 2813/4, Verbal Submission, (November 2, 2000).
- ⁹⁰ Tim Lewers, Public Hearing Verbal Submission., (November 2, 2000).
- ⁹¹ Michael Thornton, Silver Spray, A wise use of a unique area, Times Colonist, (October 28, 1997). p. A11.

-
- ⁹² Michael and Roxanne Thornton, To our neighbours in East Sooke, (June 1997), p.3.
- ⁹³ Michael Thornton, A Private Letter to RAES, (September 1999), p. 2.
- ⁹⁴ Victor Wehmann, Letter to the Editor, Sooke News Mirror, (November 12, 1997), p. 9-10.
- ⁹⁵ Michael Thornton, Environmental tall tales financially expedient, Times Colonist, (December 18, 1999), p. A14.
- ⁹⁶ Ramsay Milne, Letter to the Editor, Sooke News Mirror, (October 18, 2000), p. 11.
- ⁹⁷ Michael Thornton, Point Counter Point, Times Colonist, (December 18, 1999), p. A14.
- ⁹⁸ Ibid.
- ⁹⁹ Michael Thornton, Letter to the Editor, Business Examiner, (December 7-20, 1999), p. 9.
- ¹⁰⁰ Michael and Roxanne Thornton, Silver Spray Neighbourhood Survey, (October 2000), p. 2.
- ¹⁰¹ Victor Wehman and Lloyd Boehmer, Letter to the Editor, Sooke News Mirror, (July 30, 1997), p. 11.
- ¹⁰² Marilyn Young, Letter to the Editor, Sooke News Mirror, (November 4, 1998), p. 9.
- ¹⁰³ HELD, Home Equity Partner News, (Fall/Winter 2000-1), p. 1.
- ¹⁰⁴ Logan and Molotch, p. 73.
- ¹⁰⁵ Times Colonist, Let's Approve Silver Spray, (November 22, 2000), p. A18.
- ¹⁰⁶ Ibid.
- ¹⁰⁷ Nikki Lewers, Application made to remove Silver Spray from ALR, Sooke News Mirror, (April 23, 1997), p. 15.
- ¹⁰⁸ Nikki Lewers, Silver Spray talks swap, Sooke News Mirror, (May 7, 1997), p. 1.
- ¹⁰⁹ Mitch Moneo, Developer mails brochure to garner support for Silver Spray, Sooke News Mirror, (August 6, 1997), p. 3.
- ¹¹⁰ Nikki Lewers, Silver Spray developer applies for subdivision, Sooke News Mirror, (October 1, 1997), p. 13.
- ¹¹¹ Judith Lavoie, Residents Fear East Sooke Wilderness to be Bulldozed, Times Colonist, (May 30, 1997), p. A5.
- ¹¹² Judith Lavoie, Land should stay for farm use, Evans tells development critics, Times Colonist, (July 9, 1997), p. A4.
- ¹¹³ Eric Clay, Silver Spray deserves to be a park, Times Colonist, (September 26, 1997), p. A15.
- ¹¹⁴ Editorial Board, Act now to save cherished land, Times Colonist, (October 17, 1997), p. A16.
- ¹¹⁵ Nancy L. Turner, PHD, Too valued to lose, Times Colonist, (October 28, 1997), p. A11.

-
- ¹¹⁶ Michael Thornton and Alan Crow, Voices, Times Colonist, (October 28, 1997), p. A11.
- ¹¹⁷ Lani Thompson, Rural beauty slides through Condo Act Loophole, Times Colonist, (Victoria, July 31, 1998), p. A12.
- ¹¹⁸ Bill Cleverly, Eco-review of Silver Spray a must, Bernard says, Times Colonist, (Victoria, October 31, 1998), p. D19.
- ¹¹⁹ Ian Cuthbert, East Sooke development takes environment into account, Times Colonist, (Victoria, November 30, 1999), p. A11.
- ¹²⁰ Pete Dixon and Vicky Husband, Marina proposal plagued by problems, Times Colonist, (Victoria, November 24, 1999), p. A11.
- ¹²¹ Pete Dixon, Juvenile salmon will suffer most, Times Colonist, (Victoria, December 18, 1999), p. A14.
- ¹²² Dixon, Moving plan not so eco-sensitive, Times Colonist, (Victoria, January 27, 2000), p. A11.
- ¹²³ Tony Roberts, East Sooke Park being greatly diminished, perhaps destroyed, Times Colonist, (Victoria, September 16, 2000), p. A19.
- ¹²⁴ Myriam Gibb, Building battle continues to rage, Times Colonist, (August 29, 1999), p. C2.
- ¹²⁵ Jeff Bell, Henson leads Bernard in regional director as violence flares up, Times Colonist, (November 21, 1999), p. A7.
- ¹²⁶ Jody Paterson, East Sooke no closer to peace, Times Colonist, (December 7, 1999), p. A3.
- ¹²⁷ Ken Pogue, Half truths on Silver Spray, Times Colonist, (March 5, 2000), p. 14.
- ¹²⁸ Bill Cleverly, Developer slams further delays, Times Colonist, (May 29, 2000), p. C1.
- ¹²⁹ Richard Underwood, Silver Spray Debate; Scare tactics will ultimately cause harm to East Sooke, Times Colonist, (October 22, 2000), p. A9.
- ¹³⁰ Jim Bowman et al., Showdown At Silver Spray, Times Colonist, (November 12, 2000), p. A13.
- ¹³¹ Mitch Moneo, APC Chair offers no apologies for being cozy with developer, Sooke News Mirror, (January 27, 1999), p. 1.
- ¹³² Mitch Moneo, Ousted ESCA president calls upon court to order new election of Executive, Sooke News Mirror, (June 23, 1999), p. 7.
- ¹³³ Bryan Dreilich, Bitterness continues at Bylaw 2708 public hearing, Sooke News Mirror, (August 4, 1999), p. 12.
- ¹³⁴ Logan and Molotch, p. 64.
- ¹³⁵ Ibid., p. 98
- ¹³⁶ Silver Spray Investments. Silver Spray... You Have a Choice-Every Vote Counts, p. 3.
- ¹³⁷ Ibid.

-
- ¹³⁸ Logan and Molotch, p. 83.
- ¹³⁹ *Ibid.*, p. 230.
- ¹⁴⁰ *Ibid.*
- ¹⁴¹ Michael Cox, Financial ties regional director nothing more than rumors, Silver Spray developer says, Sooke News Mirror, (March 29, 2000), p. 5.
- ¹⁴² East Sooke Local Area Plan, p. 5.
- ¹⁴³ Allan Crow, The Sensitivities and Ecological Importances of the East Sooke Silver Spray Ranch Lands, (October 6, 1997), p. 1.
- ¹⁴⁴ Rural Association of East Sooke, Our Voice, (December 1997), Vol. 1, Issue 2. p. 1.
- ¹⁴⁵ *Ibid.*, p. 2.
- ¹⁴⁶ Diane Bernard, Regional Director, Diane Bernard's Article to Times-Colonist re: rejection of Silver Spray Proposal, Handout, (N.D.) p. 1.
- ¹⁴⁷ Charlotte Funston, If you are thinking of voting in the September 20 ESCA election PLEASE READ THIS, (September 1999), p. 4.
- ¹⁴⁸ Sister Beverly Mitchell, Letter to Jody Paterson, (November 1998), p. 1.
- ¹⁴⁹ Pam Engwer, Jeri Grant, Horst Kohne, Mark LeBlanc, and Ute Schnarre, APC 2000, (February 2000), p. 1.
- ¹⁵⁰ S. Jeppeson, Care or Lose Everything, Times Colonist, Victoria. p. A11.
- ¹⁵¹ Charlotte Funston, Letter to the Editor. Sooke News Mirror. (September 9, 1998) p. 9 and 12.
- ¹⁵² Jim Bowman, Letter to the Editor, Sooke News Mirror, (Sooke, September 16, 1998), p. 9.
- ¹⁵³ East Sooke Local Area Plan, p. 5.
- ¹⁵⁴ Logan and Molotch, p. 99.
- ¹⁵⁵ Allan Crow, Dear neighbour, near and far, (May 8, 1997), p. 1.
- ¹⁵⁶ Crow, Sooke News Mirror, (Sooke, May 9, 1997), p. 9.
- ¹⁵⁷ *Ibid.*
- ¹⁵⁸ Derrick Mallard, Personal Interview, (March 8, 2001).
- ¹⁵⁹ Logan and Molotch, p. 165.
- ¹⁶⁰ Lani Thompson, Letter to the Editor, Sooke News Mirror, (August 1997), p. 9-10.
- ¹⁶¹ Silver Spray, Silver Spray: If You Care – You should Vote! Advertisement in Sooke News Mirror, (September 10, 1997), p. 14.

-
- ¹⁶² Alan Strickland, in Minutes of General Municipal Services Committee Meeting, Capital Regional District, (October 28, 1998), p. 11.
- ¹⁶³ --- Letter to the Editor, Sooke New Mirror, (March 31, 1999), p. 10.
- ¹⁶⁴ Yoon Chee, Letter to Bill Jordan: Additional Info re Silver Spray Rezoning Application, Capital Regional District, (July 2, 2000).
- ¹⁶⁵ Alison Spriggs, Western Canada Wilderness Committee, Letter to Hon. Cathy McGregor, (October 3, 1997).
- ¹⁶⁶ Ken Wu, Western Canada Wilderness Committee, Letter to CRD Chair and Juan de Fuca Land Use Committee, (November 1, 2000).
- ¹⁶⁷ Sister Beverly Mitchell, Letter to CRD Chair and Board Members, (June 24, 2000), p. 1.
- ¹⁶⁸ Dauncey, Guy, Letter to Chair Causton and Members of Juan de Fuca Land Use Committee, (October 19, 2000).
- ¹⁶⁹ Concerned Students of Social Studies 10, Parkland Secondary School, Monday Magazine, (November 13, 1997), p. 3.
- ¹⁷⁰ Thornton, Michael, Telephone Conversation, (November 13, 1997).
- ¹⁷¹ Spriggs, Alison, Western Canada Wilderness Committee, Letter to Minister McGregor, (October 3, 1997).
- ¹⁷² Freedman, Liora, Western Canada Wilderness Committee, Letter to Friends and Allies, (October 3, 1997).
- ¹⁷³ Beverly Mitchell, Attachment to Letter to CRD Board, (June 8, 2000), p. 5.
- ¹⁷⁴ Diana Pogue, Letter to Land Use Committee, (November 2, 2000).
- ¹⁷⁵ Michael Thornton, Letter to the Editor, Sooke News Mirror, (September 10, 1997), p. 11.
- ¹⁷⁶ M. Young, Letter to the Editor, Sooke News Mirror, (October 15, 1997), p. 9.
- ¹⁷⁷ Peter J. Hedge, Letter to the Editor, Sooke News Mirror, (October 22, 1997), p. 11.
- ¹⁷⁸ Judith Lavoie, Residents fear East Sooke wilderness to be bulldozed, Times Colonist, (May 30, 1997), p. A5.
- ¹⁷⁹ Terry McGinty, Letter to the Editor, Sooke News Mirror, (September 16, 1998), p. 11.
- ¹⁸⁰ Detective Joe Friday, Just the Facts Ma'am, February 2000.
- ¹⁸¹ Logan and Molotch, p. 85.
- ¹⁸² *Ibid.*, p. 226.
- ¹⁸³ Charlotte Funston, Letter to Land Use Committee for the Juan de Fuca Electoral District, (November 2, 2000), p. 1.
- ¹⁸⁴ Lani Thompson, Letter to Editor of Business Examiner, (copy of original)(November 4, 1999).

-
- ¹⁸⁵ Logan and Molotch, p. 20.
- ¹⁸⁶ Ibid.
- ¹⁸⁷ RAES, Who speaks for East Sooke? Our Voice, (December 1997). Vol. 1. Issue 2. p. 3.
- ¹⁸⁸ Nikki Lewers, Amalgamation study petition under attack, Sooke News Mirror, (November 19, 1997), p. 3.
- ¹⁸⁹ Michael Thornton, Telephone Conversation, October 1997.
- ¹⁹⁰ Charlotte Funston, Written Submission to Land Use Committee for the Juan de Fuca Electoral District, (November 2, 2000), p. 1.
- ¹⁹¹ Sister Beverly Mitchell, Letter to Jody, (November 1998).
- ¹⁹² Silver Spray, To Our Neighbours and Friends, (June 1997), p. 3.
- ¹⁹³ Crow, The Sensitivities and Ecological Importances of the East Sooke Silver Spray Ranch Lands, p. 1.
- ¹⁹⁴ Ibid., p. 4.
- ¹⁹⁵ Rural Association of East Sooke, Our Voice, (October 1997), p. 1.
- ¹⁹⁶ Dr. Saul Arbess, The Council of Canadians, Letter to East Sooke APC, (January 4, 2000).
- ¹⁹⁷ Charyl Bowers, Letter to the Editor, Sooke News Mirror, (July 22, 1998), p. 11.
- ¹⁹⁸ Alison Spriggs, on behalf of Western Canada Wilderness Committee, General Municipal Services Committee A – Land Use, (October 28, 1998), p. 5
- ¹⁹⁹ Thompson, Lani, Minutes of General Municipal Services Committee A – Land Use, (Victoria, October 28, 1998), p. 9.
- ²⁰⁰ Ute Schnarre, CRD General Municipal Services Meeting, (October 28, 1998), p. 16.
- ²⁰¹ Crow, Dear neighbour... (May 3, 1997).
- ²⁰² Claudia Berry, Verbal Submission at Public Hearing for Bylaws 2950/2951, (March 6, 2002).
- ²⁰³ Logan and Molotch, p. 215.
- ²⁰⁴ Home Equity Development Inc., Silver Spray ... Canada's South Pacific, 1997, p. 3.
- ²⁰⁵ Alison Spriggs, Western Canada Wilderness Committee, Letter to Hon. Cathy McGregor, (October 3, 1997).
- ²⁰⁶ Crow, The Sensitivities and Ecological Importance of the East Sooke Silver Spray Lands, p. 1.
- ²⁰⁷ Logan and Molotch, p. 2.
- ²⁰⁸ Your neighbours, Be aware of Current Land Development Activities, (December 1996).

-
- ²⁰⁹ Crow, Dear neighbours, (May 8, 1997), p. 1.
- ²¹⁰ S. Jeppesen, Care or lose everything, Times Colonist, (October 28, 1997), p A11.
- ²¹¹ Liora Freedmon, Western Canada Wilderness Committee, Letter to Friends and Allies, October 3, 1997.
- ²¹² Ralph Smith, Affidavit (signed February 2000), p. 9.
- ²¹³ Silver Spray, To Our Friends and Neighbours, (June 1997), p. 2.
- ²¹⁴ Editorial Board, Opportunity knocked but nobody answered, Sooke News Mirror, (November 26, 1997), p. 8.
- ²¹⁵ Michael Thornton, Personal Interview, (December 1, 2000).
- ²¹⁶ Ibid.
- ²¹⁷ Minutes of General Municipal Services Committee A – Land Use, Capital Regional District, (October 27, 1999), p. 5.
- ²¹⁸ Michael Thornton, Readers' Forum, Sooke News Mirror, (September 1, 1999), p. 10.
- ²¹⁹ Concerned Citizen of East Sooke, Saint Bernard's Solution, Sooke News Mirror, (December 9, 1998), p. 13.
- ²²⁰ Marr, Report on Governance for the Juan de Fuca Electoral Area of the Capital Regional District, p. 1.
- ²²¹ Logan and Molotch, p. 36.
- ²²² Steve Weatherbe, Silver Spray gears down in rough waters, Business Examiner, (January 20 – February 2, 1998), p. 3.
- ²²³ Government of British Columbia, Local Government Act, (Victoria: Queen's Printer, 2000), Section 791(11), p. 373.
- ²²⁴ Gloria Graham, Letter to Diane Bernard, (September 7, 1998) and Letter to the Editor, Sooke News Mirror, (November 3, 1999), p. 13.
- ²²⁵ Observations of writer at community gathering, (November 21, 1999).
- ²²⁶ Capital Regional District, Minutes of Capital Regional District Board Meeting, (March 8, 2000), p. 6.
- ²²⁷ C. Causton, (CRD Chair), Radio Interview, CBC Radio 90.5, (May 25, 2000, 7:20. a.m.).
- ²²⁸ Peter Bachrach, and Morton S. Baratz, Two Faces of Power, The American Political Science Review, 56 (December, 1962), p. 947.
- ²²⁹ Marr, Governance for the Juan de Fuca Electoral Area of the Capital Regional District, (July, 2000), p. 1.
- ²³⁰ Ibid., p. 6

-
- ²³¹ Michael Thornton, Radio Interview, CFX AM, (November 23, 2000, 9:35 a.m.).
- ²³² Marilyn Young, Letter to the Editor, Sooke News Mirror, (November 4, 1998), p. 9 and Charlotte Funston, Letter to the Land Use Committee for the Juan de Fuca Electoral District, (November 2, 2000).
- ²³³ East Sooke Local Area Plan, p. 30.
- ²³⁴ Juan de Fuca Electoral Area Land-Use Committee A, Report of Public Hearing on Bylaw Nos. 2813 and 2814, (November 9, 2000), p. 26.
- ²³⁵ Editorial Board, Henson should do what we all know he's going to do, Sooke News Mirror, (January 12, 2000), p. 8.
- ²³⁶ John Corsiglia, Letter to the Editor, Sooke News Mirror, (December 1, 1999), p. 11.
- ²³⁷ Ibid.
- ²³⁸ Beverly Mitchell, Letter to Members of CRD Board of Directors, (January 10, 2000), p. 1.
- ²³⁹ Sister Beverly Mitchell, Letter to Members of the CRD Board of Directors, (January 25, 2000).
- ²⁴⁰ Lani Thompson, Letter to Mayor McGregor and Councillors, (February 6, 2000).
- ²⁴¹ Derrick Mallard, Letter to Causton and CRD Board Members, (February 28, 2000).
- ²⁴² Pete Dixon, Letter to Causton and CRD Board, (March 14, 2000).
- ²⁴³ Mark A. LeBlanc, Letter to Whom it may concern, (March 20, 2000).
- ²⁴⁴ M. A. LeBlanc, Letter to Ombudsman of British Columbia, (June 15, 2000).
- ²⁴⁵ Pete Dixon, on behalf of Sierra Club, Victoria Group, Letter to CRD Board of Directors, (July 18, 2000).
- ²⁴⁶ Angela McCue, on behalf of Sierra Legal Defense Fund, Letter to Staples, McDannold, Stewart (CRD lawyers), (August 7, 2000).
- ²⁴⁷ Mitch Moneo, Revised Silver Spray proposal sure to draw fire, Sooke News Mirror, (December 1999), p. 13.
- ²⁴⁸ Sister Beverly Mitchell, Comments at Land-Use Committee A Meeting, (January 10, 2002).
- ²⁴⁹ Marr, Governance for the Juan de Fuca Electoral Area of the Capital Regional District, p. 2.
- ²⁵⁰ Nikki Lewers, RAES uses lawyer in fight to protect Silver Spray biodiversity, Sooke News Mirror, (July 22, 1998), p. 1,4.
- ²⁵¹ Logan and Molotch, p. viii.
- ²⁵² Ibid., p. 109
- ²⁵³ Ibid., p. 105.
- ²⁵⁴ Ibid., p. 45.

-
- ²⁵⁵ Critical Fire Trustees Election (Flyer), (May 28, 1999).
- ²⁵⁶ Wanted (Flyer), (N.D.)
- ²⁵⁷ Mitch Moneo, Private Investigation into Silver Spray another twist in unending sage, Sooke News Mirror, (February 24, 1999), p. 11.
- ²⁵⁸ Confidential conversation.
- ²⁵⁹ Logan and Molotch, p. 45.
- ²⁶⁰ Bill Devall and George Sessions, Deep Ecology: Living As If Nature Mattered. (Layton Utah: Gibbs Smith, 1985), p. 43.
- ²⁶¹ *Ibid.*, p. 70.
- ²⁶² Timothy Luke, Ecocritique; Contesting the Politics of Nature, Economy, and Culture. (Minneapolis: University of Minnesota Press, 1997), p. 40.
- ²⁶³ The Nature Conservancy, January 23, 2002. (www.nature.org/aboutus/)
- ²⁶⁴ *Ibid.*
- ²⁶⁵ *Ibid.*
(www.natureconservancy.ca/templates/template001.asp?lang=e_®ion=1&sec=about&), (January 23, 2002).
- ²⁶⁶ The Nature Conservancy of Canada. Every week we create a nature preserve for you. Distributed at Victoria Conference Centre “Dr. W. Rees Lecture,” (February 7, 2002).
- ²⁶⁷ The Land Conservancy of British Columbia., Landmark, (Fall/Winter 1999), p. 12.
- ²⁶⁸ Sierra Club British Columbia, (www.bc.sierraclub.ca/about.html), (November 11, 2001), p. 1.
- ²⁶⁹ Western Canada Wilderness Committee. About Us, (www.wildernesscommittee.org/about/abmission.htm), (January 23, 2002), p. 1.
- ²⁷⁰ Saanich Inlet Protection Society, Letter to University of British Columbia School of Community and Regional Planning, (January 27, 1995).
- ²⁷¹ Luke, p. 42.
- ²⁷² Peg Pyner in Minutes of CRD Minutes General Municipal Services Meeting, (October 28, 1998), p. 9.
- ²⁷³ James D. Proctor, Uncommon Ground. By William Cronon, ed., (New York: Norton and Company Inc., 1996), p. 281.
- ²⁷⁴ *Ibid.*
- ²⁷⁵ Confidential Interview.
- ²⁷⁶ Clarence Bolt, Interview, (October, 1997).

-
- ²⁷⁷ Andrew Petter, at Memorial for Derrick Mallard, (June 16, 2001).
- ²⁷⁸ Cronon., p. 39.
- ²⁷⁹ Gene Miller, Comments at Public Meeting Re: First National Lands, (September, 1993).
- ²⁸⁰ Crow, Dear neighbour, near and far, (May 8, 1997), p. 2.
- ²⁸¹ Charlotte Funston, Letter to Land Use Committee for the Juan de Fuca Electoral District, (November 2, 2000), p. 2.
- ²⁸² Editorial Board, Lets approve Silver Spray, Times Colonist, (November 4, 2000), p. A18.
- ²⁸³ East Sooke Local Area Plan, p. 29.
- ²⁸⁴ Paul Murray, Guide for Approving Officers. Municipal Officers Association of British Columbia, (1999).
- ²⁸⁵ Michael Thornton, Personal Interview, (December 1, 2001).
- ²⁸⁶ Marr, Governance for the Juan de Fuca Electoral Area of the Capital Regional District, p. 13.

BIBLIOGRAPHY

Books and Articles

Bachrach, Peter and Morton S. Baratz. "Decisions and Nondecisions: An analytical Framework." The American Political Science Review. 57 (1963): 641-51.

---. "Two Faces of Power". The American Political Science Review. 56 (December, 1962): 1947-52.

Cronon, William. ed. Uncommon Ground: Rethinking the Human Place in Nature. New York: W.W. Norton and Company, Inc., 1996.

Dahl, Robert A. Who Governs? Democracy and Power in an American City. Yale New Haven: University Press, 1961.

Devall, Bill and George Sessions. Deep Ecology: Living as if Nature Mattered. Salt Lake City: Peregrine Smith Books, 1985.

diZerega, Gus. Deep Ecology and Liberalism: The Greener Implication of Evolutionary Liberal Theory. Review of Politics. Vol. 58 Issue 4. Fall 1996.

Harding, Alan. "Urban Regimes and Growth Machines: Toward a Cross-National Research Agenda." Urban Affairs Quarterly. Vol. 29 No. 3. Thousand Oaks: Sage Publications. 1994.

Judge, David, Gerry Stoker, and Harold Wolman, eds. Theories of Urban Politics. Thousand Oaks: SAGE Publications Inc. 1997.

Klein, Naomi. "The Tourist Trap". Saturday Night. Vol. 114 No. 7. Southam Incorporated. September 1999.

Lasswell, Harold D. Politics: Who Gets What, When, How. New York: Peter Smith, 1950.

Logan, John R. and Harvey L. Molotch. Urban Fortunes: The Political Economy of Place. Berkeley: University of California Press, 1987.

Logan, John R., Rachel Bridges Whaley and Kyle Crowder. "The Character and Consequences of Growth Regimes". Urban Affairs Review. Vol. 32 Issue 5, Sage Publications Inc. May 1997.

Luke, Timothy W. Ecocritique: Contesting the Politics of Nature, Economy, and Culture. Minneapolis: University of Minnesota Press, 1997.

- McMartin, Pete. "Radio firebrand fights muzzle". Vancouver Sun. August 8, 2001.
- Molotch, Harvey. "The City as a Growth Machine: Toward a Political Economy of Place". The American Journal of Sociology. 82 (2), 1976: 309-330.
- Murray, Paul. Guide for Approving Officers. Municipal Officer's Association of British Columbia. 1999.
- Naess, Arne. "Politics and the Ecological Crisis: An Introductory Note". ReVision. Vol. 13 Issue 3. Heldref Publications.
- Parker, Shafer. "Verbal ju-jitsu: a developer infuriates environmentalists by quoting them". British Columbia Report. Volume 9 (33). April 20, 1998.
- Parsons, Wayne. Public Policy: An Introduction to the Theory and Practice of Policy Analysis. Cheltenham: Edward Elgar Publishing Ltd., 1995.
- Putnam, Robert D. Tuning In, Turning Out: The Strange Disappearance of Social Capital in America. 1995 Ithiel de Sola Pool Lecture. Political Science and Politics. December 1995: 664-83.

Government Sources

- BC Ministry of Environment, Lands and Parks. For Water Quality Branch, Environmental Protection Department, Saanich Inlet Study: Public Response Document. October 1996.
- . Minutes of Saanich Inlet Study. November 19, 1994 - September 15, 1995.
- . Synthesis Workshop Summary. April 25/26, 1995.
- Capital Regional District. Capital Regional District Board Minutes. December 9, 1998 – February 2002.
- . East Sooke Advisory Planning Commission Minutes. September 16, 1998 – February 4, 2002.
- . East Sooke Local Area Plan: Bylaw 2426. March 26, 1997.
- . Foundation for our Future (11). March 2002.
- . General Municipal Services Committee A Minutes. February 11, 1998 – October 27, 1999.

---. Preliminary Study of Lands Owned by Fama Holdings Ltd. for Regional Park Purposes (Tod Inlet/Creek). May 8, 1992.

Capital Regional District Water Department. Water Servicing: Proposal for Silver Spray Development in East Sooke. December 24, 1998.

Chee, Yoon. To Bill Jordan, Additional Info re: Silver Spray Rezoning Application. July 5, 2000.

Envirotech. An Assessment of the Potential for Consensus: Toward a Land Use Plan for Properties Owned by Fama Holdings. July 1992.

Goldburn, Chris. To Sharon Froud Re: East Sooke Population. CRD Regional Planning. April 5, 2000.

Marr, B. E. Report on Governance for the Juan de Fuca Electoral Area of the Capital Regional District. July, 2001.

---. Speaking Notes. Presentation to Capital Regional District Board. August 8, 2001.

Ministry of Community Development, Cooperatives and Volunteers. Juan de Fuca Community Profile. N.D. (post April 2000). (www.cdcv.gov.bc.ca)

Ministry of Finance and Corporate Relations. Corporate and Personal Property Registries. Association of B.C. Landowners. October 13, 1999.

Moodie Consultants Inc. For Tod Inlet Political Liaison Committee. Tod Inlet Economic Analysis. December 20, 1993.

Province of British Columbia. Order of the Lieutenant Governor in Council 1347. October 1, 2000.

---. Order of the Lieutenant Governor in Council. 1048. December 7, 2001.

Salasan Associates Inc. A Thematic Summary of the Public Comment from The Public information Meetings hosted by the Tod Inlet Advisory Planning Team. July 16, 1993.

South Island Development. Bamberton Project Summary Submitted to the Environmental Assessment Project of the Province of British Columbia. October 14, 1994.

Staples McDannold Stewart. To Mr. William Jordan. February 2, 2000.

Stewart, Colin. To Mr. William Jordan, CRD, Re: Development Moratorium. Staples McDannold Stewart. May 30, 2000.

Tod Inlet Advisory Planning Team. Report Concerning Land Use of the Property Owned by Fama Holdings. May 19, 1993.

Affidavits

Arbess, Saul. Affidavit of Saul Arbess #2. No. C984094. August 2, 2001.

---. Witness Statement of Dr. Saul Arbess. Gillese and Company. August 2, 2001.

Bauman, Honorable Justice R. J. Reasons for Judgement. Home Equity Development Inc. et al v. Crow et al. 2001 BCSC 849. June 11, 2001.

Smith, Ralph. Telephone Call with Allan Crow January 12, 1999. February 15, 2000.

Letters

Arbess, Dr. Saul on behalf of the Victoria Chapter of the Council of Canadians. To Ms. Ute Schnarr, Chairperson and Members of the East Sooke APC RE: Application from Home Equity and Silver Spray Investments to Rezone Lands. January 4, 2000.

Carnegie, Sheila. To CRD Board. May 22, 2000.

Cornell, Mark. To CRD Board. June 8, 2000.

Corsiglia, John. East Sooke Community Association. To Mrs. Warman, Past President, ESCA. May 20, 1999.

---. East Sooke Community Association. To Mrs. Warman. May 21, 1999.

---. East Sooke Community Association. To Mrs. Warman. June 5, 1999.

Corsiglia, John. on Behalf of East Sooke Community Association. To Mrs. Warman. June 7, 1999.

---. Response to Dear Neighbours. September 1999.

Dixon, Pete. on behalf of Sierra Club, Victoria Group. to CRD Board of Directors. July 18, 2000.

---. To CRD Chair Causton. March 14, 2000.

Engwer, Pam. To Peter Dixon RE: CRD Governance and Accountability, Support Document. March 16, 2000.

Freedman, Liora on behalf of Western Canada Wilderness Committee. Dear Friends and Allies. October 3, 1997.

Gillease, Kevin E. To Roger D. McConchie. Re: Home Equity Development Inc. et al S.C.B.C. No. C984094. August 2, 2001.

Graham, Gloria. Attn: Peter Dixon. April 5, 2000.

---. to Diane Bernard, Regional Director. September 7, 1998.

Grundy, Dr. Stephen, Royal Roads University. To Michael Thornton. May 6, 1997.

LeBlanc, M. A. To Ombudsman of British Columbia. June 15, 2000

---. To Whom it May Concern RE: APC Election. February 26, 2000.

McCue, Angela on behalf of Sierra Legal Defense Fund. Retainer Agreement for Silver Spray v. Rural Association of East Sooke (RAES). September 11, 1998.

---. to Fred and Gloria Graham et al. Re: Home Equity Development et al v. Allan J. Crow et al. July 20, 2001.

---. to Mr. LeDressay RE: RAES – Silver Spray; your File: Home Equity et al v. Crow et al. November 24, 1999.

---. To Staples, McDermott, Stewart. August 7, 2000.

McConchie, Roger D. To Angela McCue. February 7, 2001.

---. Demand for Particulars of the Statement of Defence. March 19, 2001.

McCorkindale, Marilyn. East Sooke Community Association. Attention CRD Board. November 14, 2001.

Mallard, Derrick. To Jones Emery Hargreaves Swan and Hall. February 28, 2000.

---. To CRD Board RE: Silver Spray Shambles. February 28, 2000.

Mitchell, Beverly. Dear Jody. November, 1998.

---. To CRD Board of Directors. January 25, 2000.

---. To Members of CRD Board of Directors. January 10, 2000.

Mitchell, Sister Beverly. To CRD Board: Consequences of Rezoning Silver Spray. June 8, 2000.

Mitchell, Sister Beverly on behalf of SSA. To CRD Chair and Board Members. June 24, 2000.

Moodie, R. J. Moodie Consultants Ltd. To Mr. J. Winsor. RE: Tod Inlet. August 4, 1993.

Philip, Sinclair. MLA Out of Touch. September 15, 1999.

---. To Carol Pickup Re: the Juan de Fuca Regional District and Agricultural Land Problems in Sooke. June 13, 2000.

Schnarr, Ute. To Mayor McGregor and Sooke Council. RE: Meeting of Feb. 7, 2000-GMS Committee. February 5, 2000.

Snively, Dr. Gloria. To CRD Board Re: Conduct of Current APC in Sooke. June 12, 2000.

Spriggs, Alison on behalf of the Western Canada Wilderness Committee. To Honorable Cathy McGregor. October 3, 1997.

Thompson, Lani. To Mayor McGregor and Sooke Council. February 6, 2000.

Thornton, Michael. To Karen Wristen, Sierra Legal Defence Fund, RE: Silver Spray. November 1999.

---. To Michael Petit, Seagrit Water Improvement District. April 10, 2000.

----. A Private Letter to RAES, "anon-e-moose, the ESCA Takeover Group and especially..." September 1999.

---. Silver Spray Response to Sierra Advice. email to Times Colonist. November 28, 1999.

Thornton, Michael and Roxanne. Sierra's False ESCA Claims. email to undisclosed recipients. March 23, 2000.

Warman, Barbara. To Honorable Minister Jenny Kwan. April 18, 1999.

Wehman, Victor. To the Capital Regional District Board. November 11, 2001.

Wristen, Karen on behalf of Sierra Legal Defense Fund. To Fred and Gloria Graham. Re: Home Equity Development et al v. Allan J. Crow et al. September 12, 1998.

---. (to 15) Re: Home Equity Development et al v. Allan J. Crow et al. July 20, 2001.

Newspapers

Business Examiner. Island Publishers. Victoria. May 1997 to February 2002.

Monday Magazine. Monday Publications, Victoria. April 1997 to February 26, 2002.

Sooke News Mirror. News Group Publications, Island Publishers. Sooke, British Columbia. April 23, 1997 to February 26, 2002.

Times Colonist. Victoria Times Colonist Group Inc., Southam Publications, Victoria. May 30, 1997 to February 26, 2002.

Brochures/Pamphlets

All Candidates Meeting. Notations. February 2000.

APC 2000. Supporting the East Sooke Local Area Plan. N.D. (February 2000?)

APC 2000. Vote for your Future! N.D. (February 2000?)

Association of B.C. Landowners. re: Sooke Rural Landowners Association. October 20, 1999.

---. We are not alone... 1999.

Baroszewski, Dorothy. In Court with the Sierra Legal Defence Fund. British Columbia Environmental Network. May 2001. (<http://www.bcen.org>)

Be Aware of Current Land Development Activities. December 1996.

Bernard, Diane. On Local Community Commissions. November 6, 1999.

---. Speaking Notes for Address to Sooke Watershed Forum Public Meeting. April 10, 1999.

Bowman, Jim. East Sooke News. January 1999, September 1999, February 2000.

Brian Henson for CRD Director. N.D. (Fall 1999)

Citizens for Safety First. Critical Fire Trustees Election. Delivered May 28, 1999.

Committee to Elect Diane! Re-elect Diane Bernard. November, 1999.

Confused? It's Simple. September 1999.

Corsiglia, John. East Sooke Community Election Backgrounder. September 19, 1999.

Crow, Allan. Dear Neighbour. May 3, 1997.

---. Dear Neighbour, near and far. May 8, 1997.

---. The Sensitivities and Ecological Importances of the East Sooke Silver Spray Ranch Lands and What They Mean to All of Us. October 6, 1997.

Director Diane Bernard seeking re-election. Fall 1999.

Dixon, Pete. Silver Spray Development Update. Spring Summer 2000. Issue 11. East Sooke Public Affairs.

East Sooke Community Association. Minutes. May 11, 1999.

East Sooke Community News. (www.coastnet.com/) March 28, 2001 latest update.

End Dictatorship! Stop the Red Queen! Recall Bernard. N.D.

ESCA. Membership/Voting Criteria. September 1999.

Fama Group. Tod Inlet: A Resort Community. N.D. (1990-91?)

Funston, Charlotte. If you are thinking of voting in the September 20 ESCA election PLEASE READ THIS. September 1999.

Friday, Joe. Just the Facts Ma'am. received in East Sooke February 18, 2000.

Greater Vancouver Regional District. Electoral Area "A" Administration. June 18, 2001. (<http://gvdev/pp/Electoral/elecA/elecAhome.htm>)

Home Equity. Partner News. Fall/Winter 2000-1.

Home Equity Land Development. Silver Spray. Canada's South Pacific. January 3, 2001, May 6, 2001. (<http://www.held.com>)

Home Equity Land Development Incorporated. How to Profit with the Land Developers. N.D. (post 1994)

Just the Facts From Silver Spray. N.D.

Mitchell, Frank. to Greenlisters. Silver Spray: Action Needed. email February 18, 2002.

Nature Conservancy Canada. Every week we create a nature preserve for you.
Distributed February 7, 2002.

---. About us. (<http://nature.org/aboutus/>) January 23, 2002.

---. Our Action. (<http://www.natureconservancy.ca/templates/template001.asp>) January 23, 2002.

On September 20, Vote to Put People Before Politics. September 1999.

Pogue, Ken and Diana. to Alison Spriggs et al. Silver Spray: Action Needed. email
February 18, 2002.

Rural Association of East Sooke. Attention: Sea to Sea Green/Blue Belt Supporters.
N.D. (1999?)

---. Our Voice. October 1997. Volume 1, Issue 1.

---. Playing Hardball. June 1998 Vol. 2 Issue 2.

---. Troubled Waters at Silver Spray. N.D.

Sierra Club British Columbia. About the Sierra Club. (<http://bc.sierraclub.ca/about.html>)
November 13, 2001.

Silver Spray. Dear Neighbour. April 1997.

---. An Open Letter to CRD Director Diane Bernard and the Sooke Harbour House.
N.D. (approx. September 15, 1999).

Silver Spray Ranch. Application for ALR Exclusion: The Facts. April 23, 1997.

Silver Spray Rezoning Application to the CRD. Supporting Comments. September 9,
1999.

The Land Conservancy of British Columbia. Landmark. Fall/Winter 1999.

Thornton, Michael. An Open Letter to All Citizens of the Sooke Electoral Area. October
8, 1997.

---. Dear Neighbour. N.D. (late April early May 1997?)

---. Lessons Learned Playing Monopoly. Home Equity Land Development Inc. N.D.
(post 1994)

---. Letter to the Editor. June, 1997.

- . Private Letter to RAES, “anon-e-moose”, the ESCA Takeover Group and especially... September, 1999.
- . Silver Spray ... Canada’s South Pacific. Home Equity Land Development Inc., 1997-98
- . Silver Spray ... Canada’s South Pacific. A Special Bulletin by Home Equity Development Inc. N.D. (1997-1998?)
- . 27 Ways to Profit From the coming Land Squeeze. Home Equity Development Inc. N.D. (between 1992 – 1996?)

Thornton, Michael and Roxanne. Hello Friends. February 27, 2002.

- . May we please have your support? January 24, 2002.
- . Neighbourhood Survey. October 2000.
- . Silver Spray Public Hearing 7 PM Wed. March 6th. February 2002.
- . Silver Spray: You Have a Choice – Every Vote Counts. Silver Spray Investments Inc. Vancouver. August 1997.
- . To Our Neighbours in East Sooke. Silver Spray: June, 1997.
- . You’re Invited: Swiftsure Sailing Race at Silver Spray. Silver Spray. May, 1999.

Wanted: Horst Kohne and Ute Schnarr. N.D.

Western Canada Wilderness Committee. (<http://www.wildernesscommittee.org/about/abmission.htm>) November 13, 2001.

Your Candidates. For Your Community. September 1999.

Interviews

Causton, Chris. CBC Radio FM. May 25, 2000. 7:20 a.m.

Coell, Murray. Telephone Interview. May 8, 2001.

Engwer, Pam. CBC FM Radio. November 22, 2000. 6:48 a.m.

Hunter, G. Wayne. Personal Interview. May 8, 2001, June 18, 2001, January 24, 2002.

Mallard, Derrick. Personal Interview. March 8, 2001, May 8, 2001

Mallard, Derrick and Gwen. Personal Interview. September 19, 1999.

Miller, George. CFX Radio. March 17, 2001. 5:00 p.m.

Moore, Thomas. Personal Interview. May 21, 2001, June 18, 2001.

Pickup, Carol. Personal Interview. August 27, 2001.

Thornton, Michael. Personal Interview. December 1, 2001.

---. e-mail October 13, 2001, March 23, 2000, November 28, 1999.

---. Telephone interviews. October 1997, August 20, 1999, January 10, 2002, January 24, 2002

---. Radio Interview. CBC FM. November 15, 2001. 7:45 a.m.

---. Radio Interview. CFX Radio. November 23, 2000. 9:35 a.m.

Meetings Attended.

British Columbia Supreme Court. Thornton vs. Crow et al. February 21, 2002

CRD Board Meeting. June 28, 2000, November 14, 2001, August 8, 2001, February 13, 2002, January 23, 2002.

CRD Public Hearing. November 2, 2000.

East Sooke Advisory Planning Commission. January 14, 2001.

East Sooke Community Association All Candidates Meeting. September 19, 1999.

Land Use Committee A. April 25, 2001, January 10, 2002.

APPENDIX 1

DETAILED CHRONOLOGY

ABBREVIATIONS

ALC	Agricultural Land Commission
ALR	Agricultural Land Reserve
AO	Approving Officer
CRD	Capital Regional District
EIA	Environmental Impact Assessment
ESAPC	East Sooke Advisory Planning Commission
ESCA	East Sooke Community Association
GMSC	General Municipal Services Committee
MoTH	Ministry of Transportation and Highways
PLA	Preliminary Layout Approval
RAES	Rural Association of East Sooke
SLA	Sooke Landowners' Association
SLDF	Sierra Legal Defence Fund
WCWC	Western Canada Wilderness Committee

1996

October	Silver Spray Investments purchased 50 acres
December	Silver Spray Investments purchased 26 acres

1997

April 23	ALR exclusion application presented to ESAPC
April	Silver Spray survey sent to East Sooke residents
May 7	Thornton proposes ALR land swap
May	Thornton offers to sell ALR for \$2 000 000
June 25	ALR exclusion application tabled, Kohne in perceived Conflict of Interest, WCWC enters debate
July 2	ALR exclusion application tabled again, Crow and Genovali urge EIA,
July	ALR exclusion unlikely per Minister Evans, Thornton says will continue with Plan B is ALR not excluded
Aug 13	Environmental coalition begins to oppose Silver Spray
Aug 27	Municipal Affairs says no to East Sooke incorporation
August 29	ESAPC okays ALR swap, wants forwarded to ALC
September 10	CRD staff recommend not sending ALR application to ALC
September	RAES forms
October 3	WCWC letter for support to community/environmental organizations
October 8	RAES calls for EIA, Thornton offers to pay for referendum
October 9	Letter from 40 groups to McGregor re: Park status for Silver Spray

October	Thornton offers to sell 110 acres for \$3 500 000, McGregor says province not interested
October 31	RAES sends out "Our Voice" newsletter
November 12	Bernard denies ALR exclusion application
November 16	Preliminary layout approval for subdivision by MoTH
November 19	RAES endorses joining Metchosin
November	ESCA resurrected
1998	
January	Metchosin explores merger with East Sooke
January 21	ESAPC recommends Henson rezoning application proceed
February	Metchosin urges fast track amalgamation study, East Sooke Governance Study Committee formed
February	ESCA active in community again
March 11	GMSC rejects Henson rezoning application
March 18	Thornton ad in Financial Post extolling virtues of Silver Spray using quotes from WCWC, TC, and Monday magazine.
June	Bernard recommends APC not entertain Silver Rezoning application for 88 homes, ecolodge and marina
July	RAES calls for EIA (to McGregor), receive grant from Westcoast Environmental Law
August 6	Crow's injunction against Thornton granted by BC Supreme Court
September (early)	Thornton files defamation suit against 15, Clark threatens lawsuit against RAES, CRD threatens lawsuit
September 16	ESAPC meeting, recommend approval in principal of Silver Spray rezoning application Z-09-98, Petit threatens BC Human Rights Commission complaint, SLDF represents 15 in defamation suit
October 28	GMSC Silver Spray rezoning application tabled for EIA information, 61 speakers,
November 25	GMSC Bernard recommends Silver Spray application be refused, CRD Board refuses Silver Spray application, Deertrails approved
December 3	Another Silver Spray rezoning application filed
December 9	CRD Board sworn in, Big boot, plaid shirt protest at CRD
1999	
January 13	Mirror removed from East Sooke boxes
January	ESAPC chair investigated for advising Thornton, PI tapes conversation with Crow
February	Private Investigator ad for info re: rejection of Silver Spray, Thornton says will build private water system, Crow vows will fight to limit subdivision, subdivision receives PLA
February 24	Private Investigator Ad runs again
March	4 on 10 debate heating up, RAES meets with AO to challenge subdivision PLA
March 10	Sooke Landowners' Association meet with AO to say RAES does not represent them

May 11	ESCA AGM, new members propose and pass controversial resolutions, executive resigns, new executive elected (anti-Silver Spray)
May 12	GMSC Thornton opposes 4 on 10 bylaw, Bernard announces East Sooke/Metchosin Restructure Committee
May 27	
June	ESCA resigned executive seek court order for special general meeting, new election
June 29	Public hearing for 4 on 10 Bylaw 2708
July 8	Court decision re ESCA, new election to be held, current executive in until then
Aug 4	2 nd Public Hearing for 2708, SLA threaten to take to court if bylaw approved
August 10	Thornton's subdivision approved
Aug 11	GMSC, 4 on 10 Public Hearing record received, recommend proceed to CRD, CRD Board approves Bylaw 2708, effective August 2000, innuendo re: Sooke Harbour House, Crow lawsuit against members of East Sooke Fire Improvement District
September 8	GMSC discussion re Governance of electoral area
September	Sinclair Phillips letter re Sooke Harbour house, Ombudsman investigating --
September 20	ESCA court ordered election held, no anti-Silver Spray elected to executive, many pro-Silver Spray elected
October 13	GMSC FAMA rezoning application for Willis Point refused (Z-13-98)
October 21	ESAPC to discuss Silver Spray and Bylaw 2708, withdrawn pending legal advice re: Kohne and Engwer (Suit defendants)
October 27	CRD Board refuses FAMA rezoning Z-13-98 for Willis Point (Z-13-98)
November 10	GMSC, Deertrails presentation, Bernard supportive, CRD Board denies FAMA rezoning application
November 17	ESAPC recommend Silver Spray Bylaw 2708 error be changed
November 20	Local Election Henson 883 (54%), Bernard 752 (46%)
November 24	GMSC Bernard recommends land used decision committee comprised of directors from Juan de Fuca, Metchosin, Highlands, and Sooke, (and perhaps Outer Gulf Islands, and Saltspring)
December 3	Thornton files revised rezoning application Z-03-00 for Silver Spray, 127 homes, 85 room lodge, 15 cottages, 9 hole golf course, marina on 174 acres.
December 8	CRD Board sworn in
December	Henson says no need for EIA, Thornton hires Hrushrowy as Silver Spray spokesperson, Henson said to be in conflict of interest, Silver Spray opponents ask for Judicial Review of Aug 10 Subdivision approval

2000

- January 5,6 ESAPC meetings re Silver Spray rezoning application, recommend rejection 3-2, Thornton says Engwer and Kohne in conflict of interest (Dixon)
- January Henson says will disregard two of negative votes re APC meeting, sees vote as 2 to 1 in favor
- January 10 Letter to CRD Board re; conflict of interest charges against Henson and alternate, Boehmer
- January 12 CRD Board introduces bylaw for ESAPC election for February 26, Henson has no previous knowledge
- January 25 Request to CRD Board for Attorney General investigation of Silver Spray issue
- January 26 ESAPC terminated
- February CRD Parks calls for Silver Spray impact study to be funded by Thornton, no terms of reference
- February 15 PI signs affidavit of conversation with Crow
- February 26 ESAPC election, no anti-Silver Spray elected, to be appointed to Dec. 31, 2002
- March 14 Dixon (Sierra Club) asks CRD Board for investigation and legal opinion re Henson and Boehmer re: non-pecuniary interest
- April 19 CRD Director Pickup alleges conflict of interest against Director Henson
- April 26, May 3 ESAPC unanimously recommend approval of Silver Spray rezoning application
- May 10 CRD Board, Director Pickup restates belief that Henson in Conflict of Interest, seeks legal opinion on possible conflict of interest of George Miller and others, defeated. Pickup sought review of legal opinion re: Henson and conflict of interest, defeated.
- May 24 CRD Board, Silver Spray dropped from agenda, appeal to Municipal Affairs to provide governance solution, moratorium put in place for Juan de Fuca land use issues, CRD lawyers say should reconsider moratorium
- June 14 CRD Board, 2 ½ hour debate re: governance of Juan de Fuca, Silver Spray rezoning application Z-05-99 received, first reading to 2796/7, moratorium in effect lifted
- June 28 CRD Board, legal opinion re: Henson, issue tabled, Silver Spray bylaws tabled
- July 12 CRD Board, lawyers reaffirm Henson in Conflict of Interest, denied by Henson lawyer, Henson directed not to participate in CRD Silver Spray issue, reaffirmation of Silver Spray bylaws defeated
- August 9 CRD sets 2 land use committees for Juan de Fuca , petition province for definition of set of Directors for Juan de Fuca land use voting, receive letter from Thornton re 2708 and Silver Spray

	inclusion, (said legal complaint registered re 2708), First reading of Silver Spray bylaws 2796, 2797 rescinded, 2812 (to remedy Silver Spray 4 on 10 Bylaw 2708 problem) 1 st reading, new rezoning bylaws 2813,2814 introduced, sent to Land Use Committee A
September	Petit files suit against Henson and Tankink re: road incident allegation
September 13	CRD Board, bylaws 2813, 2814 referred back to Land Use Committee for more fine tuning, draft Order in Council re: Juan de Fuca land use voting received
October 3	Order in Council 1347 in effect re: Juan de Fuca land use voting
October 11	CRD Board Director Pickup moves that Board disqualify Alternate Director Miller from voting or speaking re: Bylaw 2812, defeated. Public Hearing report on 2812 received, referred for 2 nd and 3 rd readings. Motion for Silver Spray rezoning bylaws be prepared passed, proceed to Public hearing
November 2	Silver Spray rezoning Public Hearing, 400 attend, 7 p.m. until 3:20 a.m.
November 8	Bylaw 2812 to revert Silver Spray lands back to 4 on 10 option passed
November 22	CRD Board vote 4-4 on Bylaw 2813, bylaw rescinded, Bylaw 2814 rescinded fails to proceed, Board advised that no like application can be discussed for 12 months without reconsideration”
November 28	Silver Spray rezoning application filed
December 6	CRD Board sworn in
December 18	Thornton withdraws November 28 application and replaces with Silver Spray rezoning application #3 Z-03-00 (1 acre lots, up to 127 homes, 2 parks)
2001	
January 10,14	ESAPC asks CRD Board to “reconsider” 2813/4, want more info from CRD re: old and new proposal, request summary of public input
January 23	Land Use Committee A seeks clarification from Minister Doyle on Order in Council 1347, discuss referendum on Silver Spray, recommend tabling motion for referendum until land use voting questions answered
February	Ministry of Municipal Affairs funds East Sooke Governance Study, Henson wants study looking at East Sooke/Sooke amalgamation, others want study on East Sooke/Metchosin amalgamation, Thornton continues logging property
March 14	Land Use Committee A advise CRD staff to prepare 3 bylaws: non-binding referendum, amendment to Sooke OCP, and rezoning bylaw for original Silver Spray application
April 11	anti SLAPP legislation comes into force (Protection of Public Participation Act)

April 25	Land Use Committee A defeats motion for a non-binding referendum on Silver Spray
May 23	Silver Spray Z-03-00 referred to agencies for comment
June 11	15 defendants try to have SLAPP legislation deemed retroactive, for their case, unsuccessful
August 15	CRD staff completes title search on lands owned by Silver Spray Investments, are registered owners in fee simple
August 22	Land Use Committee A refers amended Z-03-00 to ESAPC
September 12	CRD Board, move that East Sooke land use decisions be made by committee of directors from Juan de Fuca, Colwood, Langford, Metchosin, and Sooke (recommendation to Minister of Community, Aboriginal and Women's Services)
October	103 acres (former Silver Spray property) for sale with REMAX, \$3,750,000.
October 11	Arbess apology in papers as condition of Thornton dropping defamation suit.
October 24	Land Use Committee A recommend rezoning of Silver Spray to allow for 125 homes on 1 acre lots
November 14	CRD Tables Z-03-00 for more information
November 29	Thornton resubmits previous rezoning application (same as Z-05-99)
December 7	Order in Council 1048 repeals 1347 and replaces with voting only by directors of municipalities adjacent to East Sooke EA and J de F Area Director

2002

January 10	Land use Committee A meets to discuss resubmitted application, Z-05-01, recommend forward to CRD without APC review
January 23	CRD Board pass motion to send Silver Spray application to APC for review to avoid process irregularities
February 4	East Sooke APC meets to review Silver Spray application, recommend forwarding to LUC A for approval
February 6	LUC A recommends forwarding Silver Spray application to CRD and to Public Hearing
February 23	LUC A at CRD Board meeting pass motion for Z-05-01 to proceed to Public Hearing March 6, 2002
March 6	Public Hearing for Z-05-01 (Bylaws 2950, 2951)
June 26	Fourth and Final Reading for Bylaws 2950 and 2951

APPENDIX 2

WHO DECIDES

DATE	APC	DIRECTOR @GMSC	LAND USE COMMITTEE A (per OiC 1347)	LAND USE COMMITTEE (per OiC 1048)	CRD BOARD	GOVERNMENT OF BRITISH COLUMBIA
April 23, 1997	ALR Exclusion application <i>denied</i>					
June 25, 1997	ALR Exclusion application <i>tabled</i>					
July 2, 1997	ALR Exclusion application <i>tabled</i>					
August 29, 1997	ALR Exclusion application <i>approved</i>					
September 17, 1997		ALR Exclusion application <i>tabled</i>				
October 1997						McGregor says province not interested in purchasing land for park
November 12, 1997		ALR Exclusion application <i>denied</i>				
November 16, 1997						Preliminary Layout Approval (PLA) for Plan B <i>approved</i>
March 1998						PLA for Plan B extension

DATE	APC	DIRECTOR @GMSC	LAND USE COMMITTEE A (per OiC 1347)	LAND USE COMMITTEE (per OiC 1048)	CRD BOARD	GOVERNMENT OF BRITISH COLUMBIA
September 16, 1998	SS Rezoning application (Z- 09-98) <i>recommended for approval</i>					
October 28, 1998		Z-09-98 <i>tabled</i>				
November 25, 1998		Z-09098 be refused			Z-09-98 <i>refused</i>	
August 10, 1999						Plan B subdivision receives final <i>approval</i>
August 11, 1999		4/10 loophole <i>closed to include SS</i>			4/10 loophole closed to include SS	
November 20, 1999		Local Government election Henson wins				
January 5&6, 2000	SS rezoning application Z-05- 99 <i>recommend rejection (3-2)</i>					
January 2000		Will <i>disregard</i> negative votes of 2 APC members, vote of APC then 2-1 for <i>approval</i>				
January 12, 2000					Pass by-law for APC election for February 6	
January 26, 2000					APC terminated	
February 26, 2000	Election held, no SS opponents elected, some proponents are					

DATE	APC	DIRECTOR @GMSC	LAND USE COMMITTEE A (per OiC 1347)	LAND USE COMMITTEE (per OiC 1048)	CRD BOARD	GOVERNMENT OF BRITISH COLUMBIA
April 26, 2000					CRD Lawyer says Henson not in conflict of interest re: SS	
May 3, 2000	SS rezoning application Z-05- 9, <i>unanimously recommend approval</i>					
May 24, 2000					SS removed from agenda, appeal to Municipal Affairs to provide governance solution, moratorium on land use issues	
June 14, 200					moratorium lifted, Z-05-99 1 st and 2 nd readings	
June 28, 2000					Henson in indirect conflict of interest, Z-05-99 <i>tabled</i>	

DATE	APC	DIRECTOR @GMSC	LAND USE COMMITTEE A (per OiC 1347)	LAND USE COMMITTEE (per OiC 1048)	CRD BOARD	GOVERNMENT OF BRITISH COLUMBIA
July 12, 2000					Reaffirm Henson in conflict of interest, directed not to participate in SS, reaffirmation of Z-05-99 bylaws <i>defeated</i>	
August 9, 2000					Land Use Committees established, petition province for voting direction, rescind bylaws re: Z-05- 99, read new bylaws	
September 13, 2000					Z-05-99 bylaws <i>referred</i> to LUC A	
September 26, 2000			Recommend Z-05- 99 bylaws <i>approved</i> , to Public Hearing			
October 3, 2000						Order in Council 1347 in effect, 8 directors to vote
October 11, 2000			Z-05-99 bylaws to be prepared, to Public Hearing <i>adopted</i>			
November 8, 2000					Bylaw to remove SS from 4/10 closed loophole <i>approved</i>	

DATE	APC	DIRECTOR @GMSC	LAND USE COMMITTEE A (per OiC 1347)	LAND USE COMMITTEE (per OiC 1048)	CRD BOARD	GOVERNMENT OF BRITISH COLUMBIA
November 22, 2000					Z-05-99 <i>defeated</i> , 4-4	
January 10, 14, 2001	<i>recommend</i> CRD to reconsider Z- 05-99, prefer to new Z-03-00					
February 2001						Municipal Affairs funds East Sooke Governance Study
March 14, 2001			<i>recommend non- binding referendum on SS</i>			
April 25, 2001			<i>referendum on SS defeated</i>			
May 16, 2001						Liberal MLA and Government <i>elected</i>
August 22, 2001			<i>refer Z-03-00 to APC</i>			
September 12, 2001					Recommend land use decisions be made by directors from Juan de Fuca, Colwood, Langford, Metchosin, and Sooke (To Ministry of CAWS)	
October 24, 2001			<i>Recommend Z-03- 00 proceed</i>			

DATE	APC	DIRECTOR @GMSC	LAND USE COMMITTEE A (per OiC 1347)	LAND USE COMMITTEE (per OiC 1048)	CRD BOARD	GOVERNMENT OF BRITISH COLUMBIA
November 29, 2001					Z-03-00 tabled for more information	
December 7, 2001						Order in Council <i>repeals</i> 1347, <i>replaces</i> with recommendation from CRD (Sept.)
January 10, 2002	Individual members state <i>do not need to review application, same as Z-05-99, reconfirm support</i>			<i>Recommend</i> Z-05- 01 proceed to bylaws and Public Hearing, bypass APC		
January 23, 2002					<i>remove</i> Z-05-01 from agenda, <i>refer</i> to APC	
February 4, 2002	Unanimous support for application same as Z-05-99					
February 6, 2002				Recommend rezoning application Z-05- 01 proceed to First Reading		
February 23, 2002					First Reading to bylaw s 2950- 2951, recommend proceed to Public Hearing	

June 26, 2002

Fourth and Final
Reading of Bylaws
2950-2951

APPENDIX 3

TOD INLET AND BAMBERTON

In March 1989, the FAMA Group purchased 1207 acres of land around Tod Inlet, a sub-inlet of Saanich Inlet. They planned to build an 18 hole golf course, housing for 1000-1200 residents (single residences, cluster homes, and townhouses), a resort lodge, archival center, and marina. The land purchased fell under three jurisdictions: Central Saanich, the Municipality of Saanich, and the Electoral Area of Langford. The 1989 zoning for the property included rural, rural residential, agricultural, and greenbelt.

In September, 1989, Bamberton Investments purchased 1,560 acres at the abandoned Bamberton townsite adjacent to Saanich Inlet. Their proposal included housing for over 12,000 residents, shopping facilities, schools, a golf course, resort, marina, and other commercial areas. The land purchased is under the jurisdiction of the Cowichan Valley Regional District and was zoned forestry, industrial, and rural.

In each case, conflict arose between the developers and the communities in and adjacent to the proposed developments. The developers needed to rezone their properties for higher density and increased uses in order to proceed with the proposals. Those opposed quickly formed coalitions to strengthen their voices, to increase and share knowledge regarding the issues, and to try to influence the decision making process and the decision itself.

Like Silver Spray, the Tod Inlet and Bamberton proposals were presented to communities as environmentally sensitive. The developer for Tod Inlet promised to consider maintaining and enhancing natural habitat and open space in the proposal. Bamberton was promoted around the world as a sustainable community which would

protect and enhance the environment as well as provide park amenities to the public. Each project, while marketed as environmentally sensitive, rather than attracting environmental support, instead, attracted immediate and sustained environmental opposition which was successful in stalling the development process. Neither of these proposals were developed as planned. Most of the FAMA land was purchased for park under a Government of British Columbia initiative. The Bamberton lands remain as they were in 1989, with the 1989 zoning and no development.

VITA

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Title of Thesis:

Silver Spray: Conflict Between Economic and Environmental Issues in a Rural Municipal Setting (A Case Study)

Author Mona Leone Brash.

Mona Leone Brash

June 25, 2002


July 16, 2002.

RE: Silver Spray: Conflict Between Economic and Environmental Issues in
a Rural Municipal Setting (A Case Study)

by Mona L. Brash

I have included 2 versions of page 10 (Map 2). I prefer to have the color
map included for binding but if you determine that the quality is not suitable,
I have also enclosed a black and white version of the same map.

Thank you,



Mona L. Brash
(652-1383)