



The Corporation of the District of Central Saanich

MEMORANDUM

To: Gary C. Nason, Administrator (for Council)
From: Hope V. Burns, Director, Planning and Building Services
Date: June 30th, 2008
Subject: **Regional Context Statement Amendment**

RECOMMENDATION:

It is recommended that Council:

- a) endorse the amendment Bylaw no.1626, 2008 to the Regional Context Statement as an Official Community Plan amendment;
- b) examine that Bylaw in conjunction with the Five Year Financial Plan after first reading;
- c) determine whether separate consultation is required with the CRD, adjacent local, provincial or federal government authorities, First Nations or School District No. 63 pursuant to Section 879 of the Local Government Act with respect to the OCP amending Bylaw or if this consultation may occur at the usual notification at the public hearing stage; and
- d) proceed with the required readings and referral to a public hearing of the amending bylaw.

BACKGROUND:

On June 16th, 2008, Council passed the following motions:

That after further review and due consideration of the various positions and submissions which have been received pertaining to the proposed Mt. Newton / Senanus Waterline Extension project, including the issues and concerns reported in the Administrator's Memorandum of May 14, 2008 and further consultation and review by the Municipal Solicitor:

- a) *The District proceed with the necessary process to amend the Regional Context Statement (July 2005) which is contained in the District's Official Community Plan so as to ensure consistency with the language in the Capital Regional District's Regional Growth Strategy with respect to the extension of urban sewer and water services*

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- beyond the Urban Containment Servicing Areas except to address pressing public health and environmental issues, to provide fire suppression or to service agriculture; and,*
- b) *Council rescind its motion of April 7, 2008, to instruct Staff to proceed with preparation and introduction of the necessary Bylaw(s) to further advance this project, pending the outcome of the aforementioned Regional Context Statement amendment process.*

In August, 2003 the Capital Regional District adopted the Regional Growth Strategy (RGS). *The Local Government Act*, Section 866, requires member municipalities to prepare and adopt a regional context statement (RCS) following the adoption of the regional growth strategy. Our regional context statement was prepared in 2005 and indicates how our Official Community Plan (OCP) conforms to the provisions of the regional growth strategy. The context statement was formally adopted by Bylaw no. 1528 on July 25th, 2005.

It has now come to our attention that in creating our bylaw RCS in 2005, one of the statements may be too rigid with respect to the provision of services to lands outside of the Regional Urban Containment and Servicing Area (RUCS). The wording of our present RCS indicates that urban services will not be provided to any lands outside of the RUCS. The specific statement is as follows:

The District does not extend urban services such as the sewer and water system into the rural or agricultural areas.

The intent of our OCP and ultimately our RCS is the continued endorsement of a strategy to protect and preserve the agricultural and rural lands and to generally not provide urban services to rural or agricultural lands. Such services could then possibly be considered factors that encourage inappropriate urban development outside of the urban containment boundary, such as facilitating subdivision. However, there does need to be the provision for exceptions. Provision of water for bona fide agricultural operations and the allowance for hook-up to municipal sewer if there is a failing septic field has been allowed in the past by Council resolution. It is therefore suggested that the exceptions that are permitted by the CRD in the RGS, should also be incorporated into our RCS so that Council may by resolution, allow the provision of services in terms of allowing either sewer connections or water main extensions to address pressing public health and environmental issues, to provide fire suppression or to service agriculture.

The attached Bylaw no. 1626, 2008, has been drafted to include wording to that effect.

THE PROCESS:

Since the Regional Context Statement (RCS) is an amendment to the OCP, a bylaw that changes the content of the OCP is required. If Council endorses the amendment to the RCS then the attached amending Bylaw no. 1626, 2008 may be given first and second readings. After the second reading, the amending bylaw will be presented at a public hearing. Once the public hearing has been completed, the bylaw is considered by

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Council for third reading and then prior to adoption, the amending RCS bylaw is referred to the CRD for acceptance. If the CRD accepts the amendment to the RCS, then the bylaw will be returned to Council for consideration of fourth (final) reading, adopted and implemented. If the CRD does not accept the RCS it would be referred back to the District for revisions.

The Local Government Act also sets out that any OCP amending bylaws must be examined in conjunction with the Five Year Financial Plan and any waste management plan that is applicable to the District. There is a Saanich Peninsula Liquid Waste Management Plan that the District is in compliance with and this amendment will not change that situation, however, the Council motion has to concur that the Council has been mindful of these two plans.

As this is an amending bylaw to the OCP, the other conditions of approval must be included such as per Section 879 of the Local Government Act, including that Council must determine whether further consultation is required. As to the extent that the bylaw is merely bringing the RCS closer into congruency with the RGS, and that the bylaw must be accepted by the CRD before adoption, staff would suggest that earlier consultation with the CRD and other jurisdictions, is not necessary at this stage. Prior to the public hearing, as always, staff will refer the bylaw to the School District for review as well as to the two First Nations.

Pursuant to Section 882(3) (c) of the Local Government Act, as the servicing policy may apply to land in the ALR, there must be a referral of the bylaw to the Agricultural Land Commission (ALC) which would occur after the public hearing and third reading of the bylaw and prior to consideration of final reading.

DISCUSSION

The Regional Growth Strategy has the following adopted action:

The CRD and member municipalities agree not to further extend urban sewer and water services, or increase servicing capacity to encourage growth beyond designated official community plan limits at the date of the adoption of the Regional Growth Strategy bylaw, outside the Regional Urban Containment and Servicing (RUCS) Policy Area generally described on Map 3, except to address pressing public health and environmental issues, to provide fire suppression or to service agriculture. Where expansion or increased capacity of existing sewer and water services is proposed beyond the RUCS boundary, member municipalities agree to comply with the requirements of the Master Implementation Agreement prepared as required under Implementation measure 2, and to include guidelines for service expansion and extension in their Regional Context Statements, required by Implementation measure 4.

Unfortunately, the CRD has not yet prepared this Master Implementation Agreement and now the CRD staff will be proceeding with review and updating of the RGS in the coming year. In the interim and in discussions at the staff level, the proposed amendment to our

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RCS requires CRD Board review and approval by a majority vote of the Board members, but does not need to have unanimous approval.

The amendment to the RCS is subject to the "acceptance" process described pursuant to Section. 866(4)(b) of the Local Government Act. The legislation does not address when the amendment has to be "accepted" but it refers to the Council submitting a "proposed regional context statement" for acceptance as well as any amendments. An RCS is not a "proposed" RCS after it is adopted; which ours is, but the requirements are still that any amendments to the RCS must be submitted for acceptance before it is adopted. It is our understanding that the bylaw may be submitted to the CRD for acceptance after the required public hearing and third reading, and prior to adoption.

RECOMMENDATION:

It is recommended that Council:

- a) endorse the amendment to the Regional Context Statement as an Official Community Plan amendment;
- b) examine that Bylaw in conjunction with the Five Year Financial Plan after first reading;
- c) determine whether separate consultation is required with the CRD, adjacent local, provincial or federal government authorities, First Nations or School District No. 63 pursuant to Section 879 of the Local Government Act with respect to the OCP amending Bylaw or if this consultation may occur at the usual notification at the public hearing stage; and
- d) proceed with the required readings and referral to a public hearing of the amending bylaw.

Respectfully submitted,

Hope V. Burns, mcip
Director of Planning and Building Services

Attachment:

- Appendix 'A' – Regional Context Statement Amending Bylaw no. 1626, 2008
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