

DATE: November 26, 2018**FILE:** 7200-20 / BCOB**TO:** Chair and Directors
Black Creek/Oyster Bay Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer***R. Dyson*****RE: Black Creek-Oyster Bay Fire Protection Service – Service Area Amendment****Purpose**

The purpose of this report is to introduce a proposed boundary amendment to the Black Creek-Oyster Bay (BCOB) Fire Protection Service Area to include a property at the request of the owner.

Recommendation from the Chief Administrative Officer:

THAT the board consider three readings and subsequent adoption of Bylaw No. 567 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997, Amendment No. 6” to amend the boundary of the Black Creek Oyster Bay Fire Protection Service Area to include the property located at 7550 Sturgess Road, Black Creek, as outlined in the staff report dated November 26, 2018.

AND FURTHER THAT the Directors for Electoral Area C and Electoral Area D, being the service participants, consent to the amendment of Bylaw No. 1964 being the “Black Creek/Oyster Bay Fire Protection Service Local Service Area Conversion/Establishment Bylaw No. 1964, 1997” in writing.

Executive Summary

The Black Creek - Oyster Bay Fire Protection Service provides fire protection, rescue, motor vehicle extrication, and emergency first responder services. Following the construction of a single family dwelling, the owner of the property at 7550 Sturgess Road, Black Creek has submitted a formal petition to be included in the Black Creek - Oyster Bay Fire Protection Service Area. The property is adjacent to the boundaries of the BCOB Fire Protection Service Area and there exists no natural, physical or other barriers to providing such service to the property.

In order to grant service, the CVRD Board is required to approve an amendment of the boundaries of this service area. The draft amending bylaw, including service area map, is provided as appendix A and includes an administrative adjustment to the service area boundary for a select number of properties not wholly within the service area. This report provides information in support of amending the BCOB Fire Protection Service Area boundary to address the administrative adjustment and include the subject property.

Prepared by:

J. Martens

Jake Martens
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Concurrence:

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General Manager of
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Concurrence:

J. Bast

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Stakeholder Distribution (Upon Agenda Publication)

Chief Green, Oyster River Fire Rescue	✓
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Background/Current Situation

The BCOB Fire Protection Local Service Area is serviced by the Oyster River Fire Department. The subject property approximately 13 acres in size and was undeveloped until recently with the construction of a single family dwelling in 2016. The property is adjacent to the BCOB Fire Protection Service Area and does not currently receive fire protection. The subject property is approximately 10 km from the Oyster River Volunteer Fire Rescue Fire Hall and is legally described as:

- Lot 3, Section 25, Plan V1P87545; Land District 15; Township 7

Policy Analysis

The Comox Valley Regional District (CVRD) delivers fire protection services in the BCOB area by way of Bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997”. The service is provided by the Oyster River Fire Department.

Under section 337 of the Local Government Act (RSBC, 2015, C. 1) and under the Regional District Establishing Bylaw Approval Exemption Regulation, amendments to service establishment bylaws are permitted to add or remove parcels to the service area upon submission of a petition to the regional district to change the boundaries of the service area and with the consent of at least 2/3 of the participants to the amendment. Under section 347 of the *Local Government Act* (RSBC, 2015, C. 1) an Electoral Area Director can provide participating area approval by consenting in writing to adoption of the service establishment bylaw amendment.

In accordance with the requirements of the *Local Government Act* and the Community Charter; the Corporate Legislative Officer has certified the petition from the property owner as sufficient and valid for this purpose.

Options

The committee has the following options:

1. Recommend that the request for inclusion in the service area be rejected.
2. Recommend that the request for inclusion in the fire service be approved.

Financial Factors

The current establishment bylaw authorizes a maximum expenditure of up to \$1.00 per \$1,000 of assessment. If the board proceeds with inclusion of the subject property a tax levy of approximately \$.71/\$1,000 of assessed value is anticipated to be requisitioned to the BCOB Fire Protection Service. In general terms, the addition of a property to the service area tax base will provide for a very minor decrease to the existing individual tax requisitions within the service area.

If the amending bylaw is adopted before January 1, 2019, property taxation will occur in 2019, otherwise it is too late to have BC Assessment add the property to the service assessment roll and taxes would first be collected beginning in 2020.

Legal Factors

The process to amend the service establishment bylaw to include the subject property is being done in accordance with the *Local Government Act* (RSBC, 2015, C. 1) and under the Regional District Establishing Bylaw Approval Exemption Regulation. The amending bylaw may be adopted without inspector approval if the electoral area directors for the service consent to the bylaw amendment and if the owners of parcels to be added submit a petition to the regional district to change the boundaries of the service area. No further approvals are required.

Regional Growth Strategy Implications

Adding the subject property is deemed to assist in delivering on Comox Valley Regional Growth Strategy goals associated with public health and safety (goal 7).

Intergovernmental Factors

None.

Interdepartmental Involvement

Corporate Services and Community Services Branch are working collaboratively on this initiative.

Citizen/Public Relations

The recommendations of this report are the result of the property owner's request. The recommendations only affect the subject property.

Appendix A – Proposed Bylaw No. 567 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997, Amendment No. 6”

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 567

A bylaw to amend the boundaries of the Black Creek - Oyster Bay Fire Protection Service

WHEREAS the Black Creek – Oyster Bay Fire Protection Service was created by the adoption of Bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997” on the 27th day of April 1998; for the purpose of providing fire prevention, suppression and assistance.

AND WHEREAS the board wishes to adjust the service area boundary to reflect the inclusion of the following property:

- Lot 3, Section 25, Plan V1P87545; Land District 15; Township 7

and provide for an administrative adjustment for those properties not wholly within the service area;

AND WHEREAS this amendment is exempt from inspector of municipalities’ approval under regulation where the owner consents to the boundary amendment by petition;

AND WHEREAS the Corporate Legislative Officer has certified the petition as sufficient and valid in accordance with the requirements of the Local Government Act and the Community Charter;

AND WHEREAS participating area approval has been obtained in writing from the directors of Electoral Area ‘C’ (Puntledge – Black Creek) and Electoral Area ‘D’ (Oyster Bay – Buttle Lake);

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Amendment

- (1) Bylaw No. 1964 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997” is hereby amended by:
 - (a) extending the boundaries of the service area to include the property outlined on Schedule ‘B’ attached to and forming an integral part of this bylaw; and
 - (b) Deleting Schedule ‘A’ of Bylaw No. 1964 and substituting the attached Schedule ‘A’ attached to and forming an integral part of this bylaw.

Citation

This Bylaw No. 567 may be cited as “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw No. 1964, 1997, Amendment No. 6”.

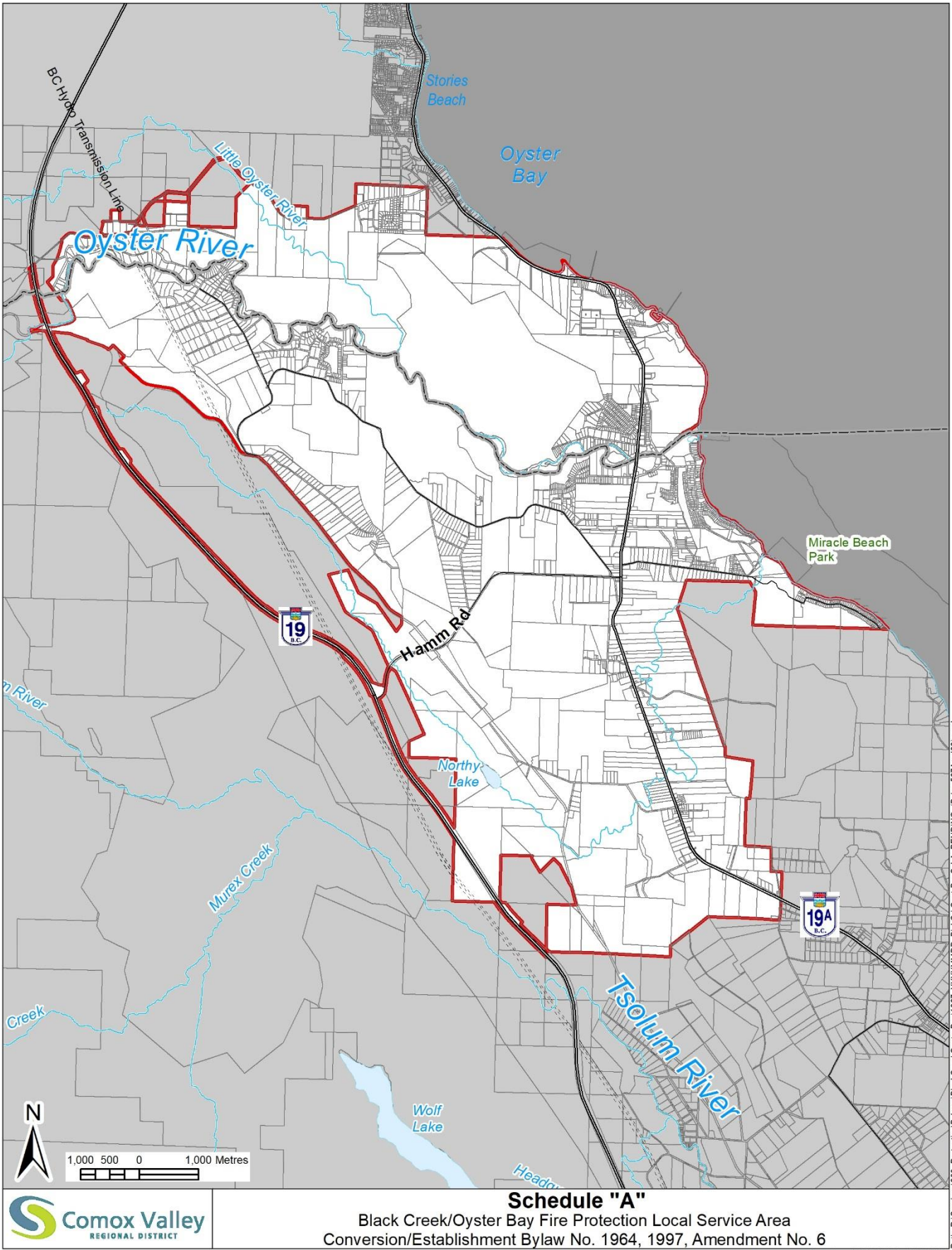
Read a first and second time this	day of	201_.
Read a third time this	day of	201_.
Consented to by petition by the property owner this	day of	201_.
Consented to in writing by the Electoral Area ‘C’ (Puntledge – Black Creek) director this	day of	201_.
Consented to in writing by the Electoral Area ‘D’ (Oyster Bay – Buttle Lake) director this	day of	201_.
Adopted this	day of	201_.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 567 being “Black Creek/Oyster Bay Fire Protection Local Service Area Conversion/Establishment Bylaw Amendment No. 3” as adopted by the board of the Comox Valley Regional District on the _____day of _____ 201_.

Corporate Legislative Officer



Black Creek/Oyster Bay Fire Protection Local Service Area
Conversion/Establishment Bylaw No. 1964, 1997, Amendment No. 6