



# REPORT

To: Chair and Directors

Report Number: ADM-BRD-120

From: Tyra Henderson, Corporate Officer

Date: January 14, 2021

**Subject: Rolla Creek Watercourse Dyking Bylaw Amendments**

---

## **RECOMMENDATION #1: [Corporate Unweighted]**

That the Regional Board give Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428, 2021, to increase the maximum allowable annual expenditure for the function from \$1,500 to \$35,000, first, second and third reading.

## **RECOMMENDATION #2: [Corporate Weighted]**

That the Regional Board give Rolla Creek Watercourse Dyking Local Service Area Parcel Tax Bylaw No. 2429, 2021, to impose parcel tax equally on all parcels within the Rolla Creek Dyking Local Service Area, first, second and third reading.

## **RECOMMENDATION #3: [Corporate Weighted]**

That the Regional Board adopt Rolla Creek Watercourse Dyking Local Service Area Parcel Tax Bylaw No. 2429, 2021.

## **BACKGROUND/RATIONALE:**

The Regional Board established a Rolla Creek Watercourse Dyking Service, by bylaw, in 1989. Over the years, costs to maintain and repair the dyke have increased substantially and it is necessary to increase the allowable annual expenditure limit specified in the bylaw. The issue was originally raised in 2019, and at that time, the Area D Director committed to fund the major repair project costs using PRA funds to avoid a drastic increase in parcel tax being imposed on the benefitting properties, of which there are currently only six. The bulk of the major repair work has been completed and there are remaining PRA dollars being carried forward in order to fund the remaining work. While it is not anticipated that the parcel tax will increase immediately from \$250/year (\$1500 max expenditure shared amongst six properties) to \$5,833/yr, (\$35,000 max expenditure shared amongst six properties) the function has incurred expenses at an amount nearing \$35,000, prompting the increase to the max expenditure in the bylaw. The increase is greater than the 25% increase that may be done every five years without Ministry approval.

Rolla Creek Watercourse Dyking Local Service Area Amendment Bylaw No. 2367, 2019 was adopted by the Board to allow the increase to the maximum annual budget, funded by PRA. Going forward, should the function budget continue be near the \$35,000 amount, the responsibility for those costs will be borne by the benefitting parcels, so a new amendment bylaw is proposed that will be sent to the Ministry of Municipal Affairs for approval. It is possible that the Ministry will require the Regional District to seek the assent of the electors in the service area, as the change is quite significant.

Additionally, the parcel tax bylaw that was adopted in 1991, specifies that the cost of the service shall be split equally amongst each parcel in the service area, which is delineated on a map attached to the establishment bylaw as Schedule A. The parcel tax bylaw also specifically states that there are 5 parcels within the service area. Since 1991, one of the parcels has been subdivided, and there are currently six parcels. The new parcel tax bylaw has been reworded to apply to all parcels within the service area, and does not specify the number of parcels, so that any future parcels created within the defined service area will automatically be included and assessed the parcel tax, with no need to amend the parcel tax bylaw. The parcel tax bylaw also previously included a calculation of actual parcels in addition to taxable parcels. This has been removed, as all parcels in the service area are taxable. Finally, the definition of a “group of parcels” and all references thereto has been removed from the bylaw. This will ensure that each parcel is assessed a parcel tax. The previous bylaw included allowance for a “group of parcels” as being parcels where a building or other improvement extended across more than one legal parcel of land. Removal of this definition, and its applicability to the parcel tax imposition, will mean that each legal parcel in the service area will be assessed the parcel tax. Property owners would have the option to amalgamate parcels to create a single larger parcel, should they choose to do so. This is a legal process through the Land Titles Authority of BC that does not involve the Peace River Regional District.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board provide further direction.

**STRATEGIC PLAN RELEVANCE:**

- ☒ Organizational Effectiveness
- ☒ Develop a Corporate Asset Management Program

**FINANCIAL CONSIDERATION(S):**

In 2019, the budget for this function was \$62,475. The proposed 2021 budget includes \$20,170 in operational costs and \$10,254 in repairs and maintenance of minor capital for a total of \$30,424, the majority of the funding will come from the remaining allocation of \$28,924 in PRA funds.

**COMMUNICATIONS CONSIDERATION(S):**

Bylaw 2428, to increase the maximum allowable expenditure for the function, and to allow those costs to be passed onto the benefitting properties, will be forwarded to the Ministry for approval. If approval is obtained, the bylaw will be proposed for adoption and the change will be communicated with the property owners.

**OTHER CONSIDERATION(S):**

Environmental Services staff have explored the option of decommissioning the service. Additional investigation into the process required is needed prior to determining if decommissioning will be possible. Approval from the Inspector of Dykes, under the *Dyke Maintenance Act*, is required.

**Attachments:**

1. Rolla Creek Watercourse Dyking Local Service Area Establishment Amendment Bylaw No. 2428
2. Rolla Creek Watercourse Dyking Local Service Area Parcel Tax Bylaw No. 2429