



TOWN OF VIEW ROYAL

COUNCIL REPORT

TO: Council

DATE: March 31, 2022

FROM: S. Jones, Corporate Officer

MEETING DATE: April 5, 2022

DISPOSITION OF PARK LAND TO THE CAPITAL REGIONAL DISTRICT THROUGH AN ALTERNATIVE APPROVAL PROCESS

RECOMMENDATION:

THAT Council establish the elector response form as provided as Attachment "B" to the Corporate Officer's March 31, 2022 report entitled "Disposition of Park Land to the Capital Regional District Through An Alternative Approval Process";

AND FURTHER THAT Council establish a deadline of 4:30 p.m., Tuesday, May 24, 2022 for receipt of elector responses;

AND THAT Council confirm 9,655 as the total number of electors of the area to which the approval process applies.

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I concur with the recommendation.

PURPOSE OF REPORT:

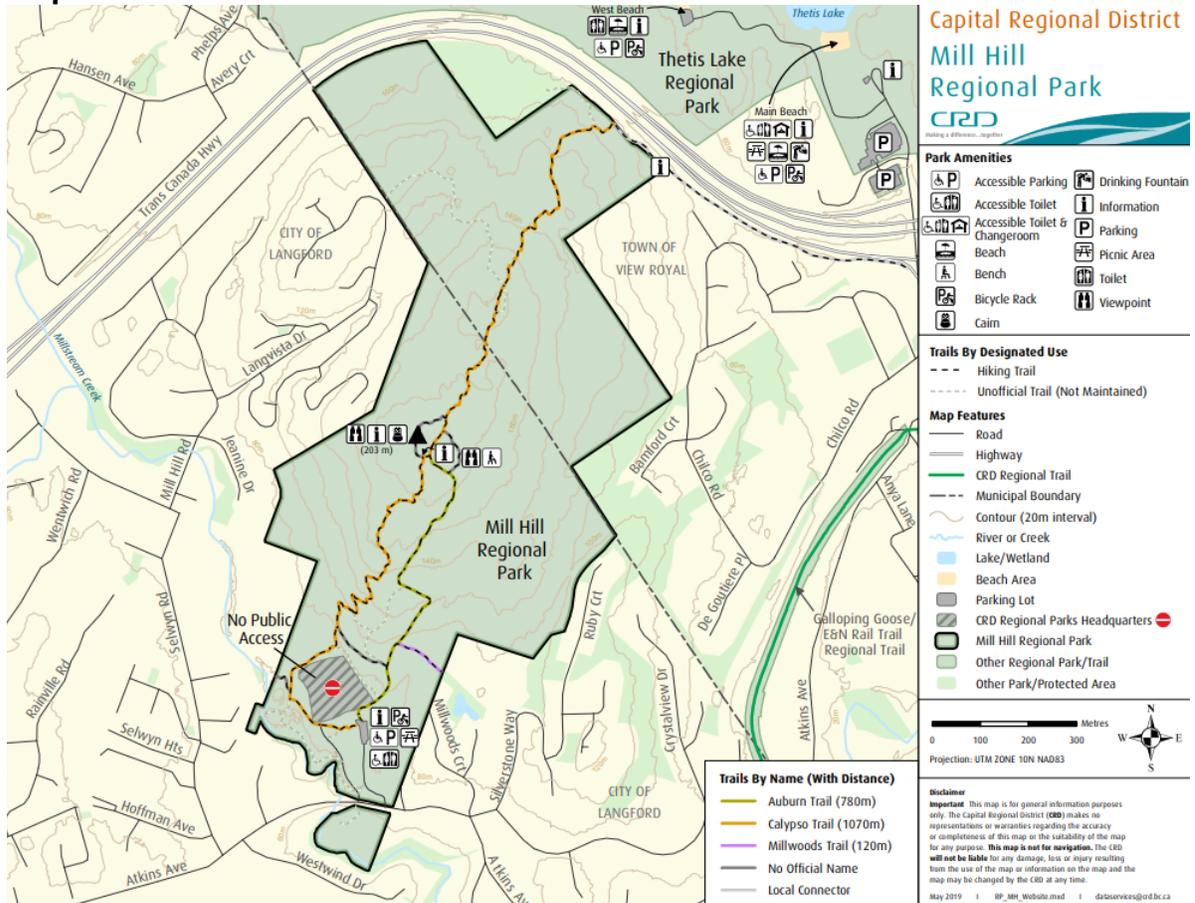
To seek Council approval of the alternate approval process for disposal of park land to the Capital Regional District and provide the required bylaws for readings consideration at the appropriate time on the agenda.

BACKGROUND:

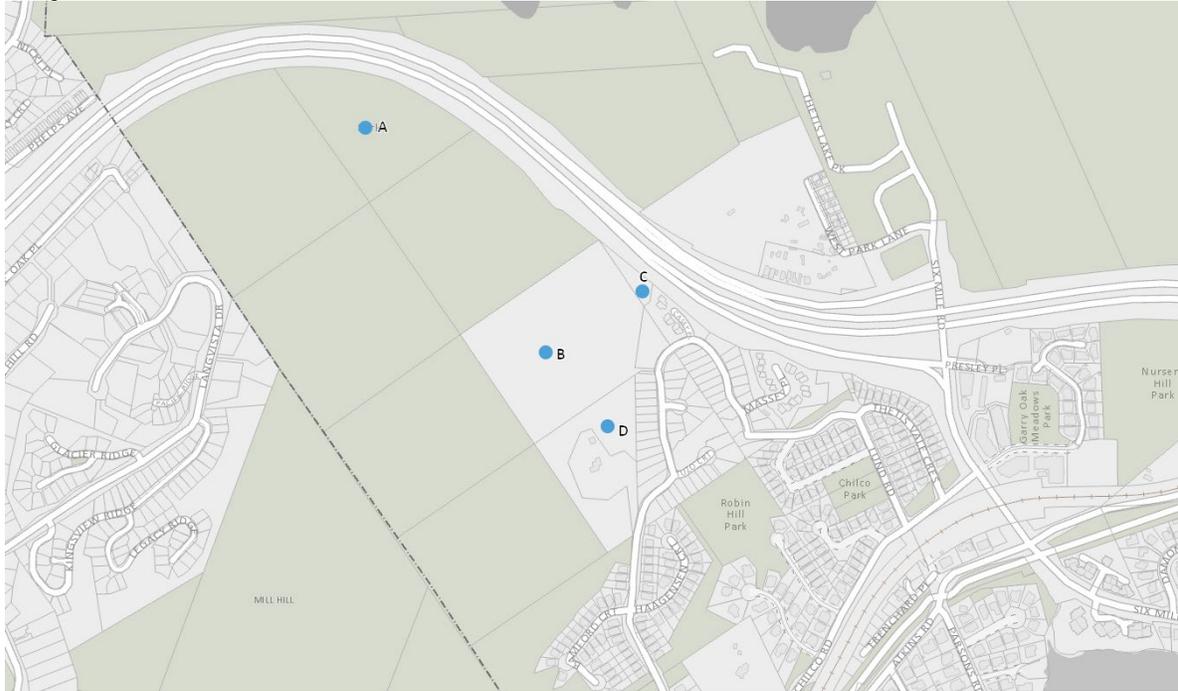
Mill Hill Regional Park is an extensive park (71.33 hectares or 176.25 acres) owned and managed by the Capital Regional District (CRD) (see Map 1 below).

The Town and the CRD have been in discussions about the disposition of four Town-owned properties for \$927,500 to the CRD that are adjacent to Mill Hill Regional Park (see Map 2 below). These properties would be beneficial to officially consolidate under the Mill Hill Regional Park umbrella given that CRD Parks is a well-equipped agency to manage and maintain these large areas of public, undeveloped, forested, and challenging terrain. Through CRD ownership, the land would be retained in perpetuity for public park purposes, under a *Land Title Act* Section 219 covenant.

Map 1



Map 2



Two of the four properties are fee simple titles (A and B on Map 2) while the other two (C and D on Map 2) are currently held as dedicated park land and are the main subject of this report.

DISCUSSION:

The *Community Charter* (sections 26 – 30) regulates how municipalities are to deal with the disposition of property, including park land. The *Community Charter* provisions apply even though the disposition in this case would be to another public body and for the same public park usage to continue.

For any disposition of park land, Council may do so by bylaw adopted with the approval of the electors (section 27(2) of the *Charter*). Approval of the electors can be obtained through either an assent process (voting) or an alternative approval process (section 84 of the *Charter*). The alternative approval process is recommended and is detailed in section 86 of the *Charter* (see Attachment “A”).

The bylaws which are the subject of the alternative approval process for the park land disposition are included on this April 5, 2022 Council meeting agenda and are named Disposition of Park Land Bylaw No. 1090, 2022 and Disposition of Park Land Bylaw No. 1091, 2022. They are on the agenda for consideration of first, second and third readings at the appropriate time on the agenda.

With respect to the alternative approval process, Council is to:

- establish the elector response form developed for this process (see Attachment “B”) – which can be and are combined for the subject bylaws;
- establish a deadline for receipt of elector responses; and
- determine the total number of electors of the area to which the approval process applies.

It is proposed that the deadline for receipt of elector responses be 4:30 p.m. on Tuesday, May 24, 2022 and that 9,655 be the total number of electors of the area to which the approval process applies. This figure represents the Town’s estimated 2022 population minus those under voting age – the subject bylaws are not restricted to a local or neighbourhood service and so the entire Town and thus all of its electors must be considered part of the area to which the approval process applies. If 966 response forms – ten percent of 9,655 electors – are received from electors by the deadline, approval of electors with respect to proceeding with Bylaw No. 1090 and Bylaw No. 1091 will not have been obtained through the alternative approval process.

The required Notice of Elector Alternative Approval Process is provided for information (see Attachment “C”).

A timeline for this process is as follows:

<i>Proposed Activity</i>	<i>Date</i>
1 st , 2 nd and 3 rd readings of Bylaw No. 1090 and 1091 by Council	Consideration at April 5, 2022 Council meeting
Notice of Elector Alternative Approval Process in newspaper	April 13 and 20, 2022
Deadline for receipt of elector responses at least 30 days after 2 ad runs	May 24, 2022 at 4:30 p.m.
Determination & certification of elector approval by Corporate Officer	May 25, 2022
Follow-up report to Council	June 7, 2022
Notice of Disposition in newspaper	June 15 and 22, 2022
Consideration of adoption of Bylaws No. 1090 and 1091 by Council	July 5, 2022

As required by the *Community Charter*, proceeds from the sale of the park land would be placed to the credit of a reserve fund for park land acquisition.

RECOMMENDATION:

THAT Council establish the elector response form as provided as Attachment "B" to the Corporate Officer's March 31, 2022 report entitled "Disposition of Park Land to the Capital Regional District Through An Alternative Approval Process";

AND FURTHER THAT Council establish a deadline of 4:30 p.m., Tuesday, May 24, 2022 for receipt of elector responses;

AND THAT Council confirm 9,655 as the total number of electors of the area to which the approval process applies.

SUBMITTED BY: 
S. Jones, Corporate Officer

REVIEWED BY: 
K. Anema, Chief Administrative Officer

Alternative approval process

86. (1) Approval of the electors by alternative approval process under this section is obtained if
- (a) notice of the approval process is published in accordance with subsection (2),
 - (b) through elector response forms established under subsection (3), electors are provided with an opportunity to indicate that council may not proceed with the bylaw, agreement or other matter unless it is approved by assent of the electors, and
 - (c) at the end of the time for receiving elector responses, as established under subsection (3), the number of elector responses received is less than 10% of the number of electors of the area to which the approval process applies.
- (2) Notice of an alternative approval process must be published in accordance with section 94 [*public notice*] and must include the following:
- (a) a general description of the proposed bylaw, agreement or other matter to which the approval process relates;
 - (b) a description of the area to which the approval process applies;
 - (c) the deadline for elector responses in relation to the approval process;
 - (d) a statement that the council may proceed with the matter unless, by the deadline, at least 10% of the electors of the area indicate that the council must obtain the assent of the electors before proceeding;
 - (e) a statement that
 - (i) elector responses must be given in the form established by the council,
 - (ii) elector response forms are available at the municipal hall, and
 - (iii) the only persons entitled to sign the forms are the electors of the area to which the approval process applies;
 - (f) the number of elector responses required to prevent the council from proceeding without the assent of the electors, determined in accordance with subsection (3);
 - (g) other information required by regulation to be included.
- (3) For each alternative approval process, the council must
- (a) establish the deadline for receiving elector responses, which must be at least 30 days after the second publication of the notice under subsection (2),
 - (b) establish elector response forms, which
 - (i) may be designed to allow for only a single elector response on each form or for multiple elector responses, and
 - (ii) must be available to the public at the municipal hall from the time of first publication until the deadline, and
 - (c) make a fair determination of the total number of electors of the area to which the approval process applies.
- (3.1) If the notice under subsection (2) is published in accordance with a bylaw adopted under section 94.2 [*bylaw to provide for alternative means of publication*], the second publication is considered to occur on the date when the notice has been published by 2 of the means of publication specified in the bylaw.
- (4) The council must make available to the public, on request, a report respecting the basis on which the determination under subsection (3) (c) was made.
- (5) For the purposes of this section, the electors of the area to which an alternative approval process applies are the persons who would meet the qualifications referred to in section 172 (1) (a) [*who may vote at assent voting*] of the *Local Government Act* if assent of the electors were sought in respect of the matter.
- (6) Elector responses may be made on an elector response form obtained under subsection (3) or on an accurate copy of the form.

(ADD)
Feb
28/22

(AM)
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- (7) For an elector's response to be considered for the purposes of this section, the elector must
 - (a) sign an elector response form that includes
 - (i) the person's full name and residential address, and
 - (ii) if applicable, the address of the property in relation to which the person is entitled to register as a non-resident property elector, and
 - (b) submit the elector response form to the corporate officer before the deadline established for the alternative approval process.
- (8) After the deadline for an alternative approval process has passed, the corporate officer must determine and certify, on the basis of the elector response forms received before that deadline, whether elector approval in accordance with this section has been obtained.
- (9) A determination under subsection (8) is final and conclusive.
- (10) A person must not sign more than one elector response form in relation to the same alternative approval process, and a person who is not an elector for the area of the approval process must not sign an elector response form.

2003-26-86; RS2015-1-RevSch (B.C. Reg. 257/2015); 2021-30-2 (B.C. Reg. 17/2022).



**TOWN OF VIEW ROYAL
ALTERNATIVE APPROVAL ELECTOR RESPONSE FORM**

Attachment "B"

Regarding Disposition of Park Land Bylaw No. 1090, 2022 and Disposition of Park Land Bylaw No. 1091, 2022
To authorize the disposition of park land by the Town of View Royal to the Capital Regional District

The Town of View Royal intends to dispose of two properties adjacent to Mill Hill Regional Park that are currently dedicated as park land to the Capital Regional District for \$34,450 for the smaller property (Bylaw No. 1090) and \$206,680 for the larger property (Bylaw No. 1091) (see "Subject Areas" on the map on the reverse side of this sheet). These properties would be placed under a covenant to ensure the properties are used only for park purposes, protected and preserved substantially in their natural state, and managed and maintained as part of the regional park system once they are owned by the Capital Regional District. Proceeds from the sale would be placed to the credit of a reserve fund for future park land acquisition.

A resident elector must:

1. be a Canadian citizen;
2. be an individual who is age 18 or older;
3. have been a resident of British Columbia for at least the past six (6) months
4. be a resident of View Royal in accordance with applicable legislation;
5. not be disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law.

A non-resident property elector must:

1. not be entitled to register as a resident elector;
2. be a Canadian citizen
3. be an individual who is age eighteen (18) or older;
4. have been a resident of BC for at least the past six (6) months;
5. have been a registered owner of property with the Town of View Royal for at least the last thirty (30) days;
6. must not be disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law.

I am an elector of the Town of View Royal. By my signature, I hereby indicate that Council should not proceed with the adoption of Disposition of Park Land Bylaw No. 1090, 2022, a bylaw authorizing the disposition of park land to the Capital Regional District for \$34,450, unless elector approval is provided through assent voting. Bylaw No. 1090, 2022 will be deemed to have received the approval of the electors and Council may proceed with consideration of bylaw adoption unless Alternative Approval Elector Response Forms petitioning against the bylaw have been received from at least ten (10) percent or 966 of the eligible electors (determined to be 9,655) of the Town of View Royal.

Elector's Full Name (print – no initials)	Residential Address	Property Address (for non-resident electors only)	Signature of Elector

I am an elector of the Town of View Royal. By my signature, I hereby indicate that Council should not proceed with the adoption of Disposition of Park Land Bylaw No. 1091, 2022, a bylaw authorizing the disposition of park land to the Capital Regional District for \$206,680, unless elector approval is provided through assent voting. Bylaw No. 1091, 2022 will be deemed to have received the approval of the electors and Council may proceed with consideration of bylaw adoption unless Alternative Approval Elector Response Forms petitioning against the bylaw have been received from at least ten (10) percent or 966 of the eligible electors (determined to be 9,655) of the Town of View Royal.

Elector's Full Name (print – no initials)	Residential Address	Property Address (for non-resident electors only)	Signature of Elector

A person who presents an Alternative Approval Elector Response Form to another person for signing must not knowingly make any false or misleading statements about the proposed bylaw.

Use only one Alternative Approval Elector Response Form for each elector. Family members must submit individual forms – one per person only.

DEADLINE FOR RECEIPT OF SIGNED FORMS is Tuesday, May 24, 2022 at 4:30 p.m. (postmarks not accepted) to:

Town of View Royal, Attention: Corporate Officer

45 View Royal Avenue, Victoria, BC, V9B 1A6

Fax: 250-727-9551 or email: info@viewroyal.ca

Please contact Town Hall at (250)479-6800 if you have any questions about Bylaw No. 1090, 2022, Bylaw No. 1091, 2022, or the alternative approval process.

Note: Personal information on this form will be used for the purpose of the Alternative Approval Process and is collected under the authority of the Community Charter. If you have any questions about the collection or use of this information, contact the Freedom of Information Coordinator at 250-479-6800, Town of View Royal, 45 View Royal Avenue, Victoria, BC, V9B 1A6.

Please turn this sheet over for additional Alternative Approval Elector Response Information...



TOWN OF VIEW ROYAL ALTERNATIVE APPROVAL ELECTOR RESPONSE INFORMATION

For the purposes of signing this elector form (on reverse), the term "elector" means a person who, at the time of signing this form, meets the qualifications of the *Local Government Act* for registration as a resident elector or as a non-resident property elector of the Town of View Royal.

A resident elector must:

1. be a Canadian citizen;
2. be an individual who is age 18 or older;
3. have been a resident of British Columbia for at least the past six (6) months;
4. be a resident of View Royal in accordance with applicable legislation;
5. not be disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law.

A non-resident property elector must:

1. not be entitled to register as a resident elector;
2. be a Canadian citizen;
3. be an individual who is age eighteen (18) or older;
4. have been a resident of British Columbia for at least the past six (6) months;
5. have been a registered owner of property within the Town of View Royal for at least the last thirty (30) days;
6. must not be disqualified by the *Local Government Act* or any other enactment from voting in an election or otherwise disqualified by law.

- Accurate copies of this elector response form may be made and used for signing.
- A person may not sign more than one elector response form related to this bylaw.
- Only one elector per response form. Family members are not to share one form.
- A person who is not an elector of the Town of View Royal must not sign this elector response form.
- A person may not withdraw his or her name from an elector response form after 4:30 p.m. on Tuesday, May 24, 2022.
- The full name and residential address of each person signing must be included on the elector response form and, if applicable, also the address of the property in relation to which the person is entitled to register as a non-resident property elector.
- The two properties shown in cross-hatching and identified as "Subject Areas" in the map below are the subject of Disposition of Park Land Bylaw No. 1090, 2022 and Disposition of Park Land Bylaw No. 1091, 2022:



**DEADLINE FOR RECEIPT OF
SIGNED FORMS is Tuesday, May 24,
2022 at 4:30 p.m. (postmarks not
accepted) to:**

**Town of View Royal
Attention: Corporate Officer
45 View Royal Avenue
VICTORIA BC V9B 1A6
Fax: 250-727-9551 or email:
info@viewroyal.ca**

Please contact Town Hall at (250)479-6800 if you have any questions about Bylaw No. 1090, 2022 or Bylaw No. 1091, 2022, or the alternative approval process.



TOWN OF VIEW ROYAL
Disposition of Park Land Bylaw No. 1090, 2022
& Disposition of Park Land Bylaw No. 1091, 2022
Notice of Alternative Approval Process

The Town of View Royal intends to dispose of two properties adjacent to Mill Hill Regional Park that are currently dedicated as park land to the Capital Regional District for \$34,450 for the smaller property and \$206,680 for the larger property (see "Subject Areas" shown on the map). These properties would be placed under a covenant to ensure the properties are used only for park purposes, protected and preserved substantially in their natural state, and managed and maintained as part of the regional park system once they are owned by the Capital Regional District. Proceeds from the sale would be placed to the credit of a reserve fund for future park land acquisition.

As required by Section 27 of the *Community Charter*, the Town of View Royal has prepared Disposition of Park Land Bylaw No. 1090, 2022 and Disposition of Park Land Bylaw No. 1091, 2022 to bring about this land disposition.

As part of the bylaw approval process, Section 86 of the *Community Charter* requires that electors be notified that an Alternative Approval Process exists for the purpose of permitting electors to petition against the proposed bylaws. The area to which this Alternative Approval Process applies is the whole of the Town of View Royal.

Unless Alternative Approval Elector Response Forms petitioning against the bylaw have been received from at least 10 per cent (966) of eligible electors within the Town of View Royal (determined to be 9,655) by Tuesday, May 24, 2022 at 4:30 p.m., Bylaw No. 1090, 2022 and Bylaw No. 1091, 2022 will be deemed to have received the approval of the electors and Council may proceed with consideration of adoption of the bylaws for disposition. If more than 10 per cent are received and Council wishes to proceed with the adoption of Bylaw No. 1090, 2022 and Bylaw No. 1091, 2022, Council must obtain the assent of electors.

Alternative Approval Elector Response Forms:

Elector responses must be given in the form established by View Royal Council. Alternative Approval Elector Response Forms are available at View Royal Town Hall and also on the Town's website (www.viewroyal.ca). The only persons entitled to sign the Alternative Approval Elector Response Forms are the eligible electors of the Town of View Royal.

For inquiries, please contact the Corporate Officer at Town Hall by telephone at 250-479-6800 or email: info@viewroyal.ca.

Submissions:

Alternative Approval Elector Response Forms must be submitted no later than Tuesday, May 24, 2022 at 4:30 p.m. (postmarks not accepted) to:

Town of View Royal
 Attention: Corporate Officer
 45 View Royal Avenue
 VICTORIA BC V9B 1A6
 Fax: 250-727-9551
 Email: info@viewroyal.ca

