

**FINAL PROPOSAL ARBITRATION  
CAPITAL REGIONAL DISTRICT**

*In the matter of:*

**“The amendment of the Regional Growth Strategy (RGS) to extend the Regional Urban Containment and Servicing Policy Area (RUCSPA) within the District of Highlands in order to extend services and accommodate a comprehensive development area.”**

**DATE OF DECISION: DECEMBER 1, 2008**

**PLACE: VANCOUVER, BRITISH COLUMBIA**

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**SOLE ARBITRATOR**

**S. GLENN SIGURDSON, QC**

## **Appointment**

I was appointed by Minister Blair Lekstrom as Arbitrator in this matter pursuant to his authority to do so under the provisions of the *Local Government Act*. Notice of this appointment was given to all interested parties by letter of September 25, 2008 (attached).

## **Joint Statement for the Regional Growth Strategy Arbitration Process**

The Capital Regional District developed and adopted a joint statement of the issue in dispute:

“The amendment of the Regional Growth Strategy (RGS) to extend the Regional Urban Containment and Servicing Policy Area (RUCSPA) within the District of Highlands in order to extend services and accommodate a comprehensive development area.”

This statement was adopted by all of the participating local governments. The Township of Esquimalt and Cowichan Valley Regional District did not participate in the process.

## **Submission of Final Proposals**

The following Final Proposals (listed alphabetically), supported by written documentation were received from the following parties:

**i. The Capital Regional District**

“That no extension of the Regional Urban Containment and Servicing Policy Area (RUCSPA) be considered at this time, and that no changes be made to the Regional Growth Strategy.”

(Resolution: October 29, 2008)

**ii. The Corporation of the District of Central Saanich**

“That with a copy of the correspondence dated December 3, 2007, from the Tsartlip First Nation setting out Tsartlip’s position with respect to this matter be attached to the District’s correspondence noting Council’s support for Tsartlip’s position.

That in connection with the Amendment to the Capital Regional District (CRD) Regional Growth Strategy (Regional Urban Containment and Servicing Policy Area – District of Highlands) Council indicated to both the Arbitrator and to the CRD that the

District of Central Saanich is opposed to any change to the Regional Urban Containment and Servicing Policy Area (RUCSPA) in this area.”

(Resolution: November 3, 2008)

iii. **City of Colwood**

“**That** Council approve Option 4, as follows:

An alternative to the complexity created by having disjointed and non-contiguous service boundaries is to create a solid polygon, with easily defined and understood boundaries. The original Highland’s application to expand the RUCSPA is an example of this approach. The map titled Alternative (Option 4) that although it does not meet the original service area boundary application requirements; it has merit as it partially meets the need and is a compromise; and that the Arbitrator be advised of the City of Colwood’s decision in this matter of trying to resolve the amendment to the Regional Growth Strategy (RGS) to extend the Regional Urban Containment and Service Policy Area (RUCSPA) within the District of Highlands.”

(Resolution: October 27, 2008)

iv. **District of Highlands**

“**THAT** the District of Highlands chooses to participate in the arbitration process submitting a proposal that differs from the Regional Growth Strategy Amendment as written, through discussions and agreement of Council.”

(Resolution: September 29, 2008)

“**THAT** Council submit the entire set of areas in the staff report, that is areas 1-12, as Highlands’ submission to the RGS Amendment Arbitration Process.”

(Resolution: November 3, 2008)

v. **City of Langford**

- “1. The City of Langford proposes that the Regional Growth Strategy be amended as outlined in red in the map dated October 15, 2008 and attached hereto as Schedule “A” [tab 2].
2. Water or Sewer or both be extended to the part of the 267 hectares site remaining outside the RUCSPA, in accordance with zoning described in Schedule “B” [tab 3] and as outlined in

blue in Schedule "A" [tab 2]."

(Resolution: October 29, 2008)

**vi. The District of Metchosin**

"The District of Metchosin is proposing that no changes be made to the Regional Growth Strategy as a result of the final arbitration process. Instead, the District of Metchosin encourages the District of Highlands to propose specific changes to the RUCSPA to be evaluated as part of the five year review process."

(Resolution: November 3, 2008)

**vii. The District of North Saanich**

"That there not be any change to the RUCSPA at this time. Instead, the changes being requested by the District of Highlands be dealt with through the five review process."

(Resolution: October 6, 2008)

**viii. The Corporation of the District of Oak Bay**

"That Map 3 in Schedule "A" attached to and forming part of Capital Regional District Bylaw No. 2952, Capital Regional District Growth Strategy Bylaw No. 1, 2002, remain unchanged as it pertains to the delineation of the Regional Urban Containment and Servicing Policy Area within the District of Highlands."

(Resolution: November 4, 2008)

**ix. The Corporation of the District of Saanich**

"It is proposed by the District of Saanich that the Regional Growth Strategy not be amended to allow for the extension of the Regional Urban Containment and Servicing Policy Area (RUCSPA) within the District of Highlands, as outlined in CRD Bylaw 3443."

(Resolution: October 27, 2008)

**x. Town of Sidney**

"That, notwithstanding the view that dealing with the dispute through the 5-year RGS review may not be regarded as a non-binding process, Council is of the view that this is the preferred method of dealing with the matter."

(Resolution: October 27, 2008)

**xi. District of Sooke**

“To support the proposal identified in Map #2, which was approved by District of Highlands Council at their November 3, 2008 meeting for the District of Sooke submission to the arbitration process. Map #2(a) represents lands east of Millstream Road and Map #2(b) represents lands west of Millstream Road. Twelve areas shown on the maps outline parcels that the District of Highlands would like included in the RUCSPA through the arbitration process. The land area encompasses approximately 86.26 hectares.”

(Resolution: November 10, 2008)

**xii. City of Victoria**

The City of Victoria, although a participant in the arbitration, advised on November 6, 2008 that they would not be submitting a proposal.

**xiii. Town of View Royal**

“The Town of View Royal does not support the proposed amendments to the Regional Urban Containment and Servicing Policy Area (RUCSPA) proposed by the District of Highlands. The Town proposes the District of Highlands works within the RUCSPA as currently defined within the Regional Growth Strategy as adopted in 2002.”

(Resolution: November 10, 2008)

**Decision**

I am directed under 861(2) of the Local Government Act to select one of the proposals and am expressly directed not to provide written reasons.

Accordingly, I say only that upon a careful review of all of the proposals and supporting documentation, I find the submission of the District of Highlands, (in which a revised RUCSPA boundary extension is proposed), to be most persuasive and I hereby select that as my award; namely:

**“THAT** the District of Highlands chooses to participate in the arbitration process submitting a proposal that differs from the Regional Growth Strategy Amendment as written, through discussions and agreement of Council.”

(Resolution: September 29, 2008)

**“THAT** Council submit the entire set of areas in the staff report, that is areas 1-12, as Highlands’ submission to the RGS Amendment Arbitration Process.”

(Resolution: November 3, 2008)

It is not my intention to attach copies of any maps referred to in any of the proposals unless specifically requested to do so by any party. My expectation is that any such maps, or any other supporting documentation, can be conveniently exchanged directly between the parties.

Dated this 1<sup>st</sup> day of December, 2008 in the City of Vancouver, Province of British Columbia.



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S. Glenn Sigurdson, QC  
Arbitrator