



Making a difference...together

**REPORT TO SAANICH PENINSULA WASTEWATER COMMISSION  
MEETING OF THURSDAY, 17 SEPTEMBER 2009**

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**SUBJECT**      **BYLAW NO. 3642 – SAANICH PENINSULA STORMWATER QUALITY SERVICE ESTABLISHMENT**

**PURPOSE**

To present Bylaw No. 3642, "Saanich Peninsula Stormwater Quality Service Establishment Bylaw No. 1, 2009" to the Commission for forwarding to the Capital Regional District (CRD) Board.

**BACKGROUND**

The Saanich Peninsula stormwater quality program has operated since 1997 as a component of the Saanich Peninsula Liquid Waste Management Plan (SPLWMP). The CRD Stormwater, Harbours and Watersheds program (SHWP) performs this service in cooperation with the Peninsula municipalities to limit the impacts of stormwater runoff on public health and the environment by conducting stormwater discharge surveys, upstream investigations, technical assistance, major watercourse monitoring and special projects to protect freshwater and nearshore marine ecosystems and resources.

In late 2008, CRD Corporate Services performed a review of CRD program budgets. During that process, there was a new legal interpretation of the service that suggested that the CRD needed to revise the bylaw under which the service had been operating. Staff previously operated under the assumption that the authority for this service was provided in Bylaw No. 2388, "A Bylaw to Convert the Authority for Liquid Waste Management to a Local Service for the Saanich Peninsula". There was not enough time to prepare a new establishing bylaw before completion of the 2009 budget; therefore, as a temporary solution, staff worked with the municipalities to create a one-year agreement to continue the service in 2009.

**Establishing Bylaw**

Bylaw No. 3642, "Saanich Peninsula Stormwater Quality Service Establishment Bylaw No. 1, 2009" has now been developed to meet the CRD's commitments as outlined in the SPLWMP. Attached to this staff report is the bylaw which will establish the Saanich Peninsula stormwater quality service.

**ALTERNATIVES**

1. The Saanich Peninsula Wastewater Commission forwards Bylaw No. 3642, "Saanich Peninsula Stormwater Quality Service Establishment Bylaw No. 1, 2009" to the CRD Board to be given three readings and adopted.
2. The Saanich Peninsula Wastewater Commission does not forward Bylaw No. 3642, "Saanich Peninsula Stormwater Quality Service Establishment Bylaw No. 1, 2009" to the CRD Board.
3. The Saanich Peninsula Wastewater Commission proposes an alternate approach to establish this service.

**FINANCIAL IMPLICATIONS**

This service is included in the Saanich Peninsula stormwater quality program annual budget.

**SUMMARY**

The CRD SHWP has undertaken a stormwater quality service on the Saanich Peninsula since 1997. The service works in cooperation with the Peninsula municipalities to limit the impacts of stormwater runoff on public health and the environment by conducting stormwater discharge surveys, upstream investigations, technical assistance, major watercourse monitoring and special projects to protect freshwater and nearshore marine ecosystems and resources. Bylaw No. 3642, "Saanich Peninsula Stormwater Quality Service Establishment Bylaw No. 1, 2009" has been written to revise the bylaw under which the service had been operating.

**RECOMMENDATION**

That Bylaw No. 3642, "Saanich Peninsula Stormwater Quality Service Establishment Bylaw No. 1, 2009" be introduced and read a first time, read a second time and read a third time.

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Glenn Harris, PhD, RPBio  
Senior Manager, Scientific Programs

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Dan Telford, PEng  
Senior Manager, Engineering Services

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Kelly Daniels  
CAO Concurrence

DG:cam  
Attachment: 1

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3642

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**A BYLAW TO ESTABLISH A SERVICE TO IDENTIFY STORMWATER POLLUTION  
WITHIN THE DISTRICT OF CENTRAL SAANICH, DISTRICT OF NORTH SAANICH  
AND TOWN OF SIDNEY**

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**WHEREAS:**

- A. Under section 796 of the *Local Government Act*, a Regional District may operate any service the Board considers necessary or desirable for all or part of the Regional District;
- B. The Board of the Capital Regional District wishes to establish a service for the purpose of identifying pollution in stormwater run-off from land (the "Service") within the municipalities in the Saanich Peninsula;
- C. The approval of the Inspector of Municipalities has been obtained under section 801 of the *Local Government Act*; and
- D. Participating Area approval has been obtained under section 801.4 of the *Local Government Act*.

**NOW THEREFORE** the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

**1. DEFINITIONS**

In this bylaw:

**"identifying pollution in stormwater run-off from land"** means investigating, monitoring and reporting on stormwater quality, sediment quality, near-shore marine waters and discharges to stormwater; prioritizing areas for investigation; conducting public information exchange and education programs; coordinating stormwater quality management programs; and liaising with other government agencies and other related activities;

**"stormwater run-off"** includes seepage, overland flow and stormwater run-off within ditches, streams, rivers, ponds, lakes and other watercourses and in culverts and drains.

**2. SERVICE**

The Saanich Peninsula Stormwater Quality Service (the "Service") is established by this Bylaw for the purpose of identifying pollution in stormwater run-off from land in the Service Area.

**3. SERVICE AREA BOUNDARIES**

The boundaries of the service area are contiguous with the boundaries of the District of Central Saanich, District of North Saanich and Town of Sidney.

**4. PARTICIPATING AREAS**

The participating areas are the District of Central Saanich, District of North Saanich and Town of Sidney.

## 5. COST RECOVERY

As provided in section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (c) fees and charges imposed under section 363 of the *Local Government Act*;
- (d) revenues raised by other means authorized by the Local Government Act or another Act
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

## 6. COST APPORTIONMENT

- (a) The apportionment of annual operating costs among the participating areas shall be on the basis of one-sixth in proportion to the population of the participating areas, one-sixth in proportion to the land area of the participating areas, one-sixth in proportion to the length of shoreline in each of the participating areas, and one-half in proportion to the number of high and medium priority discharges of stormwater to the environment in the prior year within the boundaries of each of the participating areas, as determined by the Capital Regional District Board.
- (b) The number of high and medium priority discharges shall be determined by the Capital Regional District Board on the basis of monitoring for indicators of fecal contamination or levels of chemical contamination in and around the discharges, in accordance with parameters determined by the Capital Regional District in consultation with a group comprising technical representatives from not less than fifty percent of the participating areas from time to time.

## 7. MAXIMUM REQUISITION

In accordance with section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:

- (a) eighty thousand dollars (\$80,000.00); or
- (b) a property value tax rate of **\$0.0082** per one thousand (\$1,000) dollars that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the service.

**8. CITATION**

This Bylaw may be cited as the “Saanich Peninsula Stormwater Quality Service Establishment Bylaw No. 1, 2009”.

READ A FIRST TIME THIS day of 2009

READ A SECOND TIME THIS day of 2009

READ A THIRD TIME THIS day of 2009

CONSENT ON BEHALF OF THE PARTICIPATING AREAS GIVEN UNDER SECTION 801.4 OF THE LOCAL GOVERNMENT ACT THIS day of 2009

APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS day of 2009

ADOPTED THIS day of 2009

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CHAIR

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SECRETARY

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS day of 2009