

**Date:** 16/02/2023

**To:** Chair and Directors, Cariboo Regional District Board

**And To:** Brian Carruthers, Interim Chief Administrative Officer

**From:** Gerald Pinchbeck, Manager of Communications

**Date of Meeting:** Cariboo Regional District Board\_Feb24\_2023

**File:** 0360-03-2023

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## Short Summary:

NCLGA Resolution on Public Notification for Rural Subdivision Applications

## Voting:

Corporate Vote - Unweighted

## Memorandum:

At the February 3, 2023, Board of Directors Meeting, the Board adopted the following resolution:

*That the agenda item summary from Alice Johnston, Manager of Corporate Services/Deputy CAO, dated January 24, 2023, regarding resolutions for the 2023 North Central Local Government Association's Annual General Meeting and Convention, be received. Further, that a resolution be drafted for submission requiring the Ministry of Transportation and Infrastructure to advise and consult with neighbourhood residents when a subdivision is being considered in the area.*

A draft resolution has been prepared for the Board's further consideration. Subdivision applications are processed under the provisions of the *Land Titles Act*, specifically Part 7, Division 4 [*Approval of Subdivision Plans*]. Provincially appointed Approving Officers are responsible for exercising statutory decision-making powers under the Act, and are guided by the legislation, best planning practices, and relevant official community plans and zoning bylaws.

The resolution seeks to address how provincial approving officers determine when to exercise their powers to hear from all persons who are affected by the subdivision. This power currently exists as a discretionary power under s. 86(1) of the *Land Titles Act*, where the provincial approving officer is able to determine when to hear from persons they deem to be affected by the subdivision. No further guidance or information is available through provincial policy documents, including the *Guide to Rural Subdivision Approvals* published by the Ministry of Transportation (last revised December 2022).

The proposed resolution is as follows:

WHEREAS the Ministry of Transportation and Infrastructure currently does not provide policy guidance to provincial approving officers regarding criteria for determining when to engage in a process of public notification or consultation on rural subdivision applications;

AND WHEREAS concerns have been expressed about lack of public consultation and consideration for sufficient water supply where a significant subdivision application is being considered by the Provincial Approving Officer in a rural neighbourhood;

THEREFORE BE IT RESOLVED that the North Central Local Government Association and Union of B.C. Municipalities lobby the Ministry of Transportation and Infrastructure to revise its policies, processes, and guidance documents to require the Approving Officer to provide notification to owners and occupiers of land which may potentially be impacted by a subdivision.

#### **Attachments:**

n/a

#### **Financial Implications:**

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#### **Policy Implications:**

Although the resolution would not impact the policies or programs of the Cariboo Regional District, staff advise that the CRD does not approve subdivision applications, and instead acts as a referral agency. At the time of referral, the CRD would identify any restrictions pertaining to zoning, official community plan land use designation, and development permitting requirements, if any. Further, most amendments to zoning and official community plan bylaws require a formal public notice and public hearing process to be engaged prior to adoption being available for consideration.

#### **Alignment with Strategic Plan:**

- ☐ **Communication:** Facilitate communication strategies throughout the entire Cariboo Regional District that meet the needs of residents, community stakeholders, and other levels of government.
- ☒ **Planning:** Intentionally plan services and activities of the CRD to prepare for future needs of residents and community stakeholders.
- ☐ **Economic Sustainability:** Foster an environment to ensure the economic sustainability of CRD communities and the region.
- ☒ **Governance:** Ensure that CRD governance policy and practices are intentional, transparent, and respectful.

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**CAO Comments:**

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**Options:**

1. Adopt the draft resolution and refer to NCLGA;
2. Adopt a revised resolution and refer to NCLGA;
3. Receive this report for information.

**Recommendation:**

That the agenda item summary from Gerald Pinchbeck, Manager of Communications, dated February 16, 2023, regarding a proposed resolution to the North Central Local Government Association regarding public notification for rural subdivision applications, be received. *Further action at the discretion of the Board.*