

Report

Date May 1, 2024
Subject Local Area Sanitary Request – Babine Place and Babine Road

File:

PURPOSE

To reconfirm the 2018 direction given to staff to assist with the inclusion of Babine Place and Babine Road within the Crofton Sewer System Local Area Service.

BACKGROUND

In 2017, the Trawler Way Subdivision applied and received permission to be included within the Crofton Sewer service area. The inclusion allowed for completing a sanitary trunk main along Osborne Bay Road. This trunk main now passes the entrance of Babine Road (see Figure 1 Babine area shown in red, Trawler Way subdivision shown in blue, new sanitary trunk main shown in green).

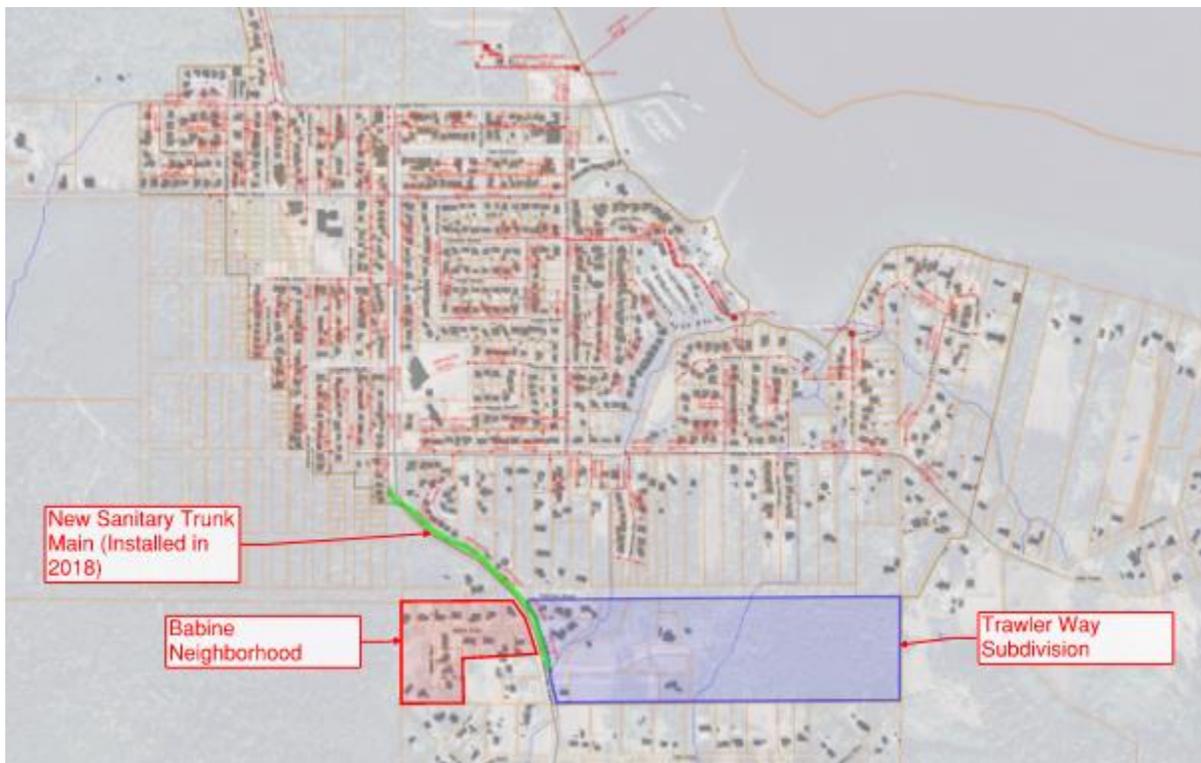


Figure 1 – Location

In 2018, Babine Place and Babine Road (Babine) appeared before Council for inclusion within the Crofton Sewer System Local Area Service (LAS) and the construction of sanitary collection main along with services to the property lines. Construction of the service lines, connection to house plumbing, and decommissioning of septic fields are costs borne by each lot owner. At the time of application, Babine was included within the Urban Containment Boundary (UCB) and is already part of the LAS. The properties are zoned rural (R1).

The request failed to define the boundary for the LAS expansion and an estimate of all the costs associated with the project. These factors led to the petition's rejection. A staff report was provided to Council and the resulting Council resolution is provided below.

Recommendation:

Direct staff to work with the petitioners to assemble the following background information needed for a valid and sufficient petition and bring back to Council if successful (recommended option):

- a) Determine the cost to extend sanitary sewer to their properties as a local area service which includes the value of a latecomer agreement for works on Osborne Bay Road; and*
- b) Include the properties in the Crofton Sewer Local Area Service.*

Resolution (June 20, 2018 regular Council meeting):

8.1 Babine Sewer Extension

That Council direct staff to work with the Babine Road and Babine Place property owners to prepare a petition to establish local area service to fund the cost to connect their properties to the Crofton sewer system.

Due to workload and staffing changes, there was a delay in action on this item. In 2021, staff identified this item as a priority and prepared a cost estimate of \$504,000 that was provided to the neighbourhood representatives. Subsequently, a misunderstanding with the neighbourhood representatives led staff to believe the process was abandoned on the residents' side. However, the residents have expressed a continuing interest in being included in the LAS. Upon determining that there remained interest on the part of the residents to continue this application, the budget was updated to \$644,000 in 2024 to reflect increased construction costs.

DISCUSSION

With the new OCP, the UCB boundary has moved such that Babine is outside the boundary. The OCP also contains Policy 9.2.1 (f), which states that the Municipality will:

Not support the extension of Municipal sanitary sewer service to rural areas.

This LAS inclusion request has raised a potential concern that if the project went forward, it would increase the sewer servicing area outside the UCB set out in the 2022 Official Community Plan (OCP). As such, staff are returning to Council to re-confirm the previous direction received from Council in 2018.

Trunk mains are the indicator of extensions in the collection system. With the construction of the trunk main to Trawler Way in 2018, sanitary sewer service has already been extended past Babine. Babine's collection system would be considered a branch of the collection system and staff are therefore of the opinion that inclusion of Babine in the LAS would not be inconsistent with the OCP. This branch would be approximately 350 m of collection mains, which is insignificant relative to the 18,000 m of collection piping within the LAS.

A review of the lot size and zoning indicates that none of the lots could subdivide due to size requirements except for 7975 Babine Place under the current zoning.

OPTIONS

1. **(Recommended Option)** That Council reconfirm the direction given to staff at the June 20, 2018, regular Council meeting and direct staff to continue to work with the Babine Road and Babine Place property owners to prepare and submit a completed petition to Council for consideration to be included in the Crofton Sanitary Sewer System Local Area Service.
 - The septic fields are nearing the end of their expected useful life and will likely need to be replaced soon (staff believe that at least one of the systems has already failed). By including Babine in the service area, residents can connect to the sanitary system and decommission their septic fields.
 - The Crofton Sewage Treatment Plant can accommodate the loading from Babine.
 - The Crofton sanitary utility has sufficient funds in reserve to cover the municipal portion of the project and fund the owners' share until it is repaid through the LAS charge.
2. That Council:
 1. direct staff to cease all work in relation to the Babine Road and Babine Place request to connect to the Crofton Sanitary Sewer System Local Area Service; and
 2. direct staff to advise the Babine Road and Babine Place property owners that Council does not support these properties being connected to the Crofton Sanitary Sewer System Local Area Service.
 - The budget for this project would remain in the Crofton sanitary utility reserve.
 - Residents will be concerned that despite a previous Council resolution, they will not be allowed into the service area.
 - Potential legal action due to denial of inclusion in the service area.
 - Loss of revenue to the Crofton sewer system.

IMPLICATIONS

Staff received direction in 2018 to work with Babine to include them in the LAS. However, the current Council is not bound by the decisions of a previous Council.

Including Babine is unlikely to result in further development in this area. Babine was established in the 1980s and has not changed since then. The current zoning and lot size do not make subdivision a realistic possibility except for one property. If there were an attempt to rezone Babine, Council would have an opportunity to deny such a request. Despite that, if Council remained concerned about further growth in this area, as a condition of being included in the service area Council could require that a "no subdivision" covenant be registered on each lot. This covenant would have to be registered with the agreement of the Babine residents, but if no such agreement could be implemented, then Council could refuse inclusion and deal with the matter at the time of a rezoning request.

A budget of \$644,000 has been set up for this project. For LAS agreements, North Cowichan contributes 10% towards the project cost. If Babine is not included in the LAS, all the funds budgeted for this project will be returned to the Crofton sanitary utility reserve.

RECOMMENDATION

That Council reaffirm the direction given to staff at the June 20, 2018, regular Council meeting and direct staff to continue to work with the Babine Road and Babine Place property owners to prepare and submit a completed petition to Council for consideration to be included in the Crofton Sanitary Sewer System Local Area Service.

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