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Agenda Item # 7

REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE MEETING OF WEDNESDAY, JULY 23, 2008

SUBJECT Transmittal of the Report of the Facilitator (RGS Amendment)

PURPOSE:

To transmit the report of the Provincially-appointed Facilitator on the Regional Growth Strategy (RGS) amendment, Bylaw No. 3443.

BACKGROUND

The Board accepted the regional context statement from the District of Highlands in March 8, 2006, which set in motion a process to amend the RGS to accommodate the requested change in the urban containment boundary.

The RGS Amendment followed a process similar to that undertaken for the creation of the RGS and outlined in Section 853 (4) of the *Local Government Act*. A consultation process was established in February 2007, culminating in a statutory public hearing on September 13, 2007. The amendment bylaw was then referred to the affected local governments including the member municipalities, the Minister of Community Services and the Cowichan Valley Regional District. For a RGS Amendment to pass third and final reading of the Board, it must be agreed to by all the affected local governments through a formal resolution. If one or more affected parties refuse to accept the amendment, it triggers the dispute resolution process outlined in the *Local Government Act*.

Chronology:

- Aug. 13/03: The CRD Board adopts the Regional Growth Strategy.
- Mar. 8/06: The CRD Board accepts District of Highlands Regional Context Statement
- Jul. 11/07: CRD Board gives 1st and 2nd reading to the amendment bylaw and refers it to public hearing.
- Sep.13/07: Public hearing held on RGS amendment
- Oct. 3/07: Amendment bylaws is referred to affected local governments for 120-day review
- Oct. 30/07: First notice of municipal non-acceptance on the Bylaw received by the CRD
- Nov.19/07: District of Highlands votes to not accept the RGS amendment
- Dec.10/07: Formal request made to Ministry of Community Services to appoint facilitator
- Jan. 24/08: Highlands reconsiders and accepts its amendment request
- Jan. 28/08: Facilitator appointed by Minister of Community Services and the 120-day review period is extended from February 4, 2008 to June 30, 2008 to provide time to review and discuss concerns and explore opportunities for resolution.
- May 6/08: Facilitator concludes interviews with individual municipalities
- Jun.10/08: Facilitator presents options and scenarios to mayors and interested council members
- Jun. 19/08: Report from Facilitator completed.

GROWTH MANAGEMENT IMPLICATIONS

The report of the Facilitator presents options for addressing the District of Highland's request to change the urban containment boundary and makes recommendations for consideration in the 5-year RGS review as outlined in the attached report (*Attachment One*).

INTERGOVERNMENTAL IMPLICATIONS

The Facilitator's report includes a number of procedural options for addressing Highland's amendment request. Many of the options depend on the District of Highland's taking action and/or declaring their interest in proceeding with the dispute resolution process. To date, the District has not declared an interest to the CRD or the Ministry. It is recommended, the CRD, at minimum, write to the Minister of Community Services (now Community Development) to advise that the facilitation has concluded and no resolution was achieved.

FINANCIAL IMPLICATIONS

The cost of the Provincially-appointed Facilitator was co-funded by the CRD and the Province. The Ministry of Community Services has agreed to contribute up to \$10,000. The total invoice was \$20,567.75 which will be paid for from the Regional Planning Growth Strategy consulting budget.

SUMMARY/CONCLUSIONS

The Provincially-appointed Facilitator undertook a comprehensive review of the RGS Amendment process and the issues associated with it. Following meetings with individual municipalities and through facilitated session, the Facilitator (Mr. Gordon Sloan of ADR Education), prepared a report to the CRD and the Ministry of Community Services. The report provides a number of procedural options for addressing Highland's amendment request and makes a number of recommendations for consideration in the RGS review.

RECOMMENDATION

That the Planning & Protective Services Committee recommend to the Board that:

1. The attached Report of the Facilitator be received for information.
2. Staff be directed to notify the Minister that the facilitation process has concluded and no resolution was received.

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Concurrence

COMMENTS: