



**REPORT TO PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, APRIL 24, 2013**

**SUBJECT AMENDMENT TO THE DEVELOPMENT AND PLANNING ADVISORY
COMMITTEE TERMS OF REFERENCE**

ISSUE

At the February 27, 2013 Planning, Transportation and Protective Services Committee, a staff report PPS/JDF 2013-02 outlined a Juan de Fuca (JdF) Electoral Area (EA) Regional Growth Strategy (RGS) Dispute Resolution Process (Appendix 1). The Committee recommended that the Capital Regional District (CRD) Board adopt the proposed dispute resolution process. At the March 13, 2013 meeting the CRD Board adopted the dispute resolution process and directed that the Terms of Reference (ToR) for the Development and Planning Advisory Committee (DPAC) be amended to accommodate the new consistency dispute resolution process.

At a meeting on March 28, 2013 CRD staff met with members of DPAC and outlined the new consistency dispute resolution process and the proposed changes to the DPAC ToR (Appendix 2). No objections were raised by the DPAC members.

ALTERNATIVES

1. Recommend that the CRD Board approve the amendments to the DPAC ToR as outlined in Appendix 2.
2. That the CRD Board provides alternate direction to staff regarding the motions contained in report PPS/JP 2013-05.

PLANNING ANALYSIS

The Board has undertaken several initiatives with respect to development applications within the JdF EA and consistency with the RGS. The Board has revised the process for considering zoning amendments in the Rural Resource Lands and all EA Official Community Plan (OCP) amendments. Further the Board also adopted the RGS consistency dispute resolution process to deal with those rare instances when the JdF EA Director with the support of the JdF Land Use Committee disagrees with the CRD Board determination of consistency with the RGS. As well, through the ongoing RGS review, an implementation procedure will formalize the role of the Board in determining consistency, provide guidance on staff recommendations on consistency for the Board's consideration, and include an objective process for dealing with RGS consistency disputes with the JdF EA. Additionally the CRD Board Chair has written to the Minister of Community, Sport and Cultural Development requesting consideration of amending the *Local Government Act* to provide a formal RGS consistency dispute resolution process for the JdF EA similar to that provided to municipalities.

This new internal process proposes using a three member sub-committee of DPAC to review the development proposal or OCP amendment and to submit to a joint CRD Chair's Panel an independent RGS consistency recommendation. In order to use DPAC members in this review role the committee ToR must be amended. As outlined in Appendix 2 through tracked changes,

relatively minor edits are required to the DPAC ToR to permit the committee to participate in the dispute resolution process.

CONCLUSION

At the March 13, 2013 meeting, the CRD Board adopted a dispute resolution process for the JdF EA and directed that the ToR for DPAC be amended to accommodate this new process. Proposed amendments to the ToR have been prepared and are shown in Appendix 2. These changes would permit the DPAC members to participate in the RGS consistency dispute resolution process as needed.

RECOMMENDATION

That the Planning, Transportation and Protective Services Committee recommend to the Capital Regional District Board:

1. That the amendments to the Development and Planning Advisory Committee Terms of Reference, as shown in Appendix 2, be approved.

****ORIGINAL SIGNED****

June Klassen, MCIP, RPP
Manager, Local Area Planning

Marg Misek-Evans, MCIP, RPP
Acting General Manager
Planning & Protective Services
Concurrence

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendix 1: Juan de Fuca Electoral Area RGS Dispute Resolution Policy
Appendix 2: DPAC Terms of Reference (tracked changes)

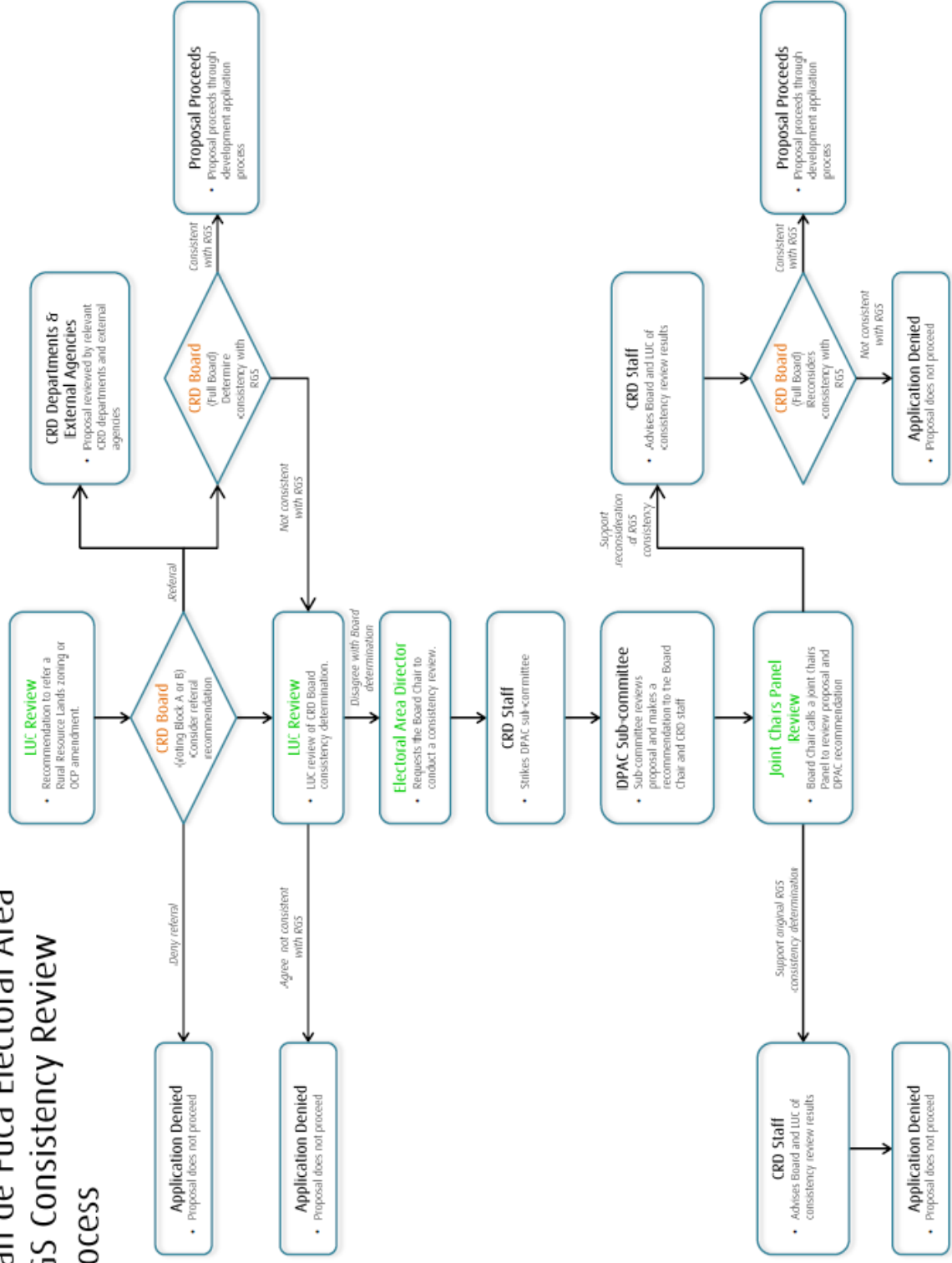
Appendix 1: Proposed Juan de Fuca Electoral Area-Regional Growth Strategy Dispute Resolution Policy

SUBJECT: Juan de Fuca Electoral Area Regional Growth Strategy Dispute Resolution Policy	
EFFECTIVE:	APPROVED: CRD Board
REVISION DATE:	
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Bylaw No. 3110 and the Juan de Fuca (JdF) Development Application Regional Growth Strategy (RGS) Policy (November 2012) provides that zoning amendments within the Rural Resource Lands and all Official Community Plan (OCP) or Comprehensive Community Development Plan amendments be referred to the whole Capital Regional District Board for determination of consistency with the RGS and that a ruling of inconsistency with the RGS will prevent any such application from proceeding further in the process of approval. In rare instances when a rezoning or OCP amendment is brought forward, where the local process has determined that the application is not inconsistent with the RGS but where the Board determines it is not consistent, the Electoral Area (EA) Director may request the consistency decision be reviewed through the process outlined below. The CRD Board agrees to consider the recommendations resulting from this review process.

1. Once the full CRD Board has made a determination that a proposal is inconsistent with the RGS, if the JdF EA Director, with the support of the JdF Land Use Committee (LUC), disagrees with the determination, he/she can request a review be undertaken.
2. The JdF EA Director requests the CRD Board Chair to initiate a review.
3. CRD staff will strike a review sub-committee of three members from the Development Planning Advisory Committee, who will remain anonymous, to review the application and the CRD Board consistency decision.
4. The DPAC sub-committee will submit an independent consistency recommendation to the Board Chair and CRD staff.
5. The Board Chair will convene a joint Chairs Panel with the CRD Board Chair, the Chair of the Planning, Transportation and Protective Services Committee, and the Chair of the Electoral Area Services Committee to review the independent consistency recommendation and advise CRD staff that they:
 - i) agree to support the original Board consistency decision, or
 - ii) recommend the Board reconsider the proposal.
6. In the event that the original Board consistency decision is upheld, CRD staff will inform the Board accordingly through a brief staff report expressing reasons for the decision given by the joint Chairs Panel. This report will be forwarded to the LUC after Board consideration and the matter will be closed to further dispute. The applicant will be notified accordingly.
7. In the event that the joint Chairs Panel recommends that the Board re-consider the proposal, CRD staff will inform the Board accordingly through a brief staff report expressing reasons for the decision given by the joint Chairs Panel and drawing on the independent DPAC advice. The Board agrees to re-consider its original determination of consistency and render its position based on the new information. The Board's determination of consistency arising from the re-consideration will be final and not subject to further dispute. This report will be forwarded to the LUC after Board consideration and the applicant will be notified accordingly.

Juan de Fuca Electoral Area RGS Consistency Review Process



CAPITAL REGIONAL DISTRICT
DEVELOPMENT AND PLANNING ADVISORY COMMITTEE
TERMS OF REFERENCE

PURPOSE

The purpose of the Development and Planning Advisory Committee (DPAC) is threefold:

1. To serve as a forum for senior staff from departments of member municipalities, the regional district and other public and non-government agencies with an interest in regional and inter-municipal planning, transportation and development, where trends can be discussed, information shared, problems and opportunities identified, and solutions defined for issues of common concern;
2. To advise the Capital Regional District on planning, transportation and development issues of regional, inter-municipal, and inter-agency significance; and,
3. To serve as the intergovernmental advisory committee for the Capital Regional District to advise applicable local governments on the development and implementation of the regional growth strategy, and to facilitate coordination of Provincial and local government actions, policies and programs as they relate to the development and implementation of the regional growth strategy.

ESTABLISHMENT & AUTHORITY

The Committee's role is advisory. Advice, comments or recommendations from the Committee shall be forwarded to the Planning, Transportation and Protective Services Committee, ~~or its equivalent,~~ **or other Committee** prior to submission to the Board. The committee receives its authority to serve as the intergovernmental advisory committee for the Capital Regional District from *Local Government Act* Section 867 (1) & (2).

COMPOSITION

The committee shall be composed of a "Core Group" and a "Resource Group".

1. The **Core Group** shall include:
 - a) **From the Capital Regional District:** Senior staff responsible for regional planning, electoral area planning, parks planning, and regional water and environmental services.

- b) **From Member Municipalities:** The director of planning or equivalent or another official with responsibilities related to the mandate of the committee appointed by the applicable council.
 - c) **From the Resource Group:** Members relevant to the specific items scheduled for discussion at a committee meeting, as identified by the Chair or a CRD staff member responsible for the Regional Growth Strategy, or by the agency in question.
2. The **Resource Group** may include senior staff with responsibilities related to the mandate of the committee from the following organizations or others that may be identified and approved by the Planning, Transportation and Protective Services Committee, or its equivalent, over time:
- a) **The Capital Regional District:** Senior staff responsible for corporate administration, health facilities planning and housing.
 - b) **Member Municipalities:** Senior staff responsible for corporate administration, transportation, economic development and housing.
 - c) **Capital Region First Nations:** Senior staff responsible for planning and land use management, or another official appointed by the applicable council.
 - d) **Other Capital Region & Neighbouring Local Authorities:** School Districts 61, 62, and 63; the Cowichan Valley Regional District; and the Islands Trust.
 - e) **Provincial Ministries, Agencies and Corporations:** BC Transit; BC Hydro; BC Ferries; the Provincial Capital Commission; the Agricultural Land Commission; the Ministry of Agriculture; ; the Ministry of Forest, Land and Natural Resource Operations; the Ministry of Jobs, Tourism and Innovation; the Ministry of Health Services; Environment; the Ministry of Energy and Mines the Ministry of Transportation and Infrastructure; and the Ministry of Community, Sport and Cultural Development.
 - f) **Federal Government Departments and Agencies:** Environment Canada; the Department of National Defense (CFB Esquimalt); Canada Mortgage & Housing Corporation; Western Diversification Canada; and, Human Resources Development Canada.
 - g) **Other Corporations, Authorities or Organizations:** The Victoria Airport Authority; the Greater Victoria Harbour Authority; Vancouver Island Health Authority; and, the Community Social Planning Council of Greater Victoria.

ORGANIZATION

The Chair of the Committee shall be the CRDs Senior Manager of Regional Planning or equivalent. The Committee may form task and project oriented sub-committees and working groups to inform specific aspects of regional and inter-municipal planning, transportation and development, and regional growth strategy implementation and dispute resolution.

Sub-committees and working groups will include a-one or more Core Group members of the committee; ~~and~~ relevant representation from the Resource Group; and other stakeholders ~~that~~ may be ~~necessary to accomplish~~ involved depending on the nature of its the task.

PROCEDURES

1. The Core Group of the committee shall meet approximately four times per year, at the call of the Chair, with the number and frequency of meetings varying according to the work plan for each year.
2. An annual general meeting of the entire Core Group and the entire Resource Group shall be conducted to review the achievements and challenges experienced in the implementation of the regional growth strategy, and to discuss the future regional growth strategy work program.
3. The annual general meeting shall be held in July to permit committee discussion and input to the development of the following year's regional growth strategy program work plan and budget.
4. The committee is not a formal decision-making body, but rather a forum for inter-municipal and inter-agency discussion, issue identification and resolution related to regional and inter-municipal planning, transportation and development. As such, the committee will be non-voting and can conduct its business informally without reference to a quorum of the membership.
- 4-5. The Core Group may be tasked with specific RGS-related duties consistent with their advisory role from time to time through CRD Board-approved policy or direction. Such policy or direction will be provided to the Core Group for reference.
- 5-6. The agendas and key actions of the meetings of the Core Group shall be circulated to the Resource Group for information. Members of the Resource Group may attend meetings of the Core Group either on their own volition, or as identified through consultation with the Chair or the CRD staff member responsible for the Regional Growth Strategy.
- 6-7. The key actions of the committee's meetings will be provided to Planning, Transportation and Protective Services Committee or its equivalent for information.

RESOURCES & SUPPORT

CRD Regional Planning Services Department shall provide financial and human resources to support the work of the Committee.